



TOBACCO ORDER, 2005

(S 49/05)

TOBACCO (LABELLING) REGULATIONS, 2007

ARRANGEMENT OF REGULATIONS

Regulation

1. Citation and commencement.
2. Interpretation.
3. Warnings on smoked tobacco products.
4. Warnings on small containers of smoked tobacco products.
5. Warnings on smokeless tobacco products.
6. Health and sales restriction information on cigarette containers.
7. Messages not to be obscured etc.
8. Prohibition of import for distribution etc.

FIRST SCHEDULE - WARNINGS ON SMOKED TOBACCO PRODUCTS

SECOND SCHEDULE - WARNINGS ON SMALL CONTAINERS OF SMOKED TOBACCO PRODUCTS

THIRD SCHEDULE - WARNINGS ON SMOKELESS TOBACCO PRODUCTS



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In exercise of the power conferred by section 13 of the Tobacco Order, 2005, the Minister for Health, with the approval of His Majesty the Sultan and Yang Di-Pertuan, hereby makes the following Regulations –

Citation and commencement.

1. These Regulations may be cited as the Tobacco (Labelling) Regulations, 2007 and shall commence on the same date as the Tobacco Order, 2005.

Interpretation.

2. In these Regulations, unless the context otherwise requires –

“cigarette” means any product which consists in whole or in part of cut, shredded or manufactured tobacco, or any tobacco derivative or substitute, rolled up in paper and which is in such form as to be capable of immediate use for smoking;

“container” includes a box, tin or packet, but does not include any outer wrapper;

“health warning” means any of the warnings required to be printed on containers of tobacco products under regulations 3, 4 or 5;

“smoked tobacco product” means any tobacco product other than a smokeless tobacco product;

“smokeless tobacco product” means any tobacco product intended, labelled or described as suitable for inhaling or any oral use other than smoking;

“soft pack” means a container which is not rigid, has a tab sealing the container where it is to be opened in the normal way and is of the kind commonly known as a soft pack.

Warnings on smoked tobacco products.

3. (1) Except as provided in regulation 4, there shall be clearly and conspicuously printed on every container of smoked tobacco products one of the warnings set out in the First Schedule.

(2) The warning referred to in sub-regulation (1) -

(a) shall be printed, in the English language on one surface and in the Malay language on the other surface -

(i) on the external surface of any spherical container of the tobacco product;

(ii) on the largest external surface of any cylindrical or conical container of the tobacco product;

(iii) on the 2 largest external surfaces of any other kind of container of the tobacco product;

(b) shall be of an area not less than 50 per cent of the total area of the surface of the container on which the warning is printed;

(c) shall conform to the specifications set out in the First Schedule;

(d) shall, in the case of any container (other than a soft pack), be positioned -

(i) parallel to the top edge of the container, towards the top part of the container as much as possible while satisfying the requirements of paragraph (f); and

(ii) in the same direction as the other information that is on the container;

- (e) shall, in the case of a soft pack, be positioned –
 - (i) parallel to the bottom edge of the soft pack, towards the bottom part of the soft pack as much as possible while satisfying the requirements of paragraph (f); and
 - (ii) in the same direction as the other information that is on the soft pack; and
- (f) shall be printed in a manner that ensures that, when the container is opened or closed in the normal way –
 - (i) no portion of the warning is obliterated or becomes unreadable; and
 - (ii) the warning is not severed or is severed only at the conjunction between Parts I and II of the warning.

(3) Each of the warnings set out in the First Schedule shall be printed in rotation on the containers of each kind of smoked tobacco products so that, during the period of 2 years beginning on the date of commencement of these Regulations and every subsequent period of 2 years, each warning appears as far as possible on an equal number of containers of each kind of tobacco product.

(4) Where a container referred to in sub-regulation (1) is made of wood or any kind of flexible plastic material, the warning required to be printed on the container under this regulation –

- (a) may be printed on a mirror-coated adhesive label that is firmly affixed to the container so as not to be easily removable; and
- (b) shall conform with these Regulations in all other respects.

Warnings on small containers of smoked tobacco products.

4. (1) Where the external surface of a container of any smoked tobacco product has an area of 9,000 square millimetres or less, there shall be clearly and conspicuously printed on the container one of the warnings set out in the Second Schedule.

- (2) The warning referred to in sub-regulation (1) –
 - (a) shall be printed, in the English language on one surface and in the Malay language on the other surface –

- (i) on the external surface of any spherical container of the tobacco product;
 - (ii) on the largest external surface of any cylindrical or conical container of the tobacco product;
 - (iii) on the 2 largest external surfaces of any other kind of container of the tobacco product;
- (b) shall be of an area not less than 50 per cent of the total area of the surface of the container on which the warning is printed;
- (c) shall conform to the specifications set out in the Second Schedule;
- (d) shall be positioned –
- (i) parallel to the top edge of the container, towards the top part of the container as much as possible while satisfying the requirements of paragraph (e); and
 - (ii) in the same direction as the other information that is on the container; and
- (e) shall be printed in a manner that ensures that, when the container is opened or closed in the normal way, no portion of the warning is severed, obliterated or becomes unreadable.

(3) Each of the warnings set out in the Second Schedule shall be printed in rotation on the containers of each kind of smoked tobacco products referred to in sub-regulation (1) so that, during the period of 2 years beginning on the date of commencement of these Regulations and every subsequent period of 2 years, each warning appears as far as possible on an equal number of containers of each kind of tobacco product.

Warnings on smokeless tobacco products.

5. (1) There shall be clearly and conspicuously printed on every container of smokeless tobacco products one of the warnings set out in the Third Schedule.

- (2) The warning referred to in sub-regulation (1) –
- (a) shall be printed, in the English language on one surface and in the Malay language on the other surface –
 - (i) on the external surface of any spherical container of the tobacco product;

- (ii) on the largest external surface of any cylindrical or conical container of the tobacco product;
- (iii) on the 2 largest external surfaces of any other kind of container of the tobacco product;
- (b) shall be of an area not less than 50 per cent of the total area of the surface of the container on which the warning is printed;
- (c) shall conform to the specifications set out in the Third Schedule;
- (d) shall be positioned –
 - (i) parallel to the top edge of the container, towards the top part of the container as much as possible while satisfying the requirements of paragraph (e); and
 - (ii) in the same direction as the other information that is on the container; and
- (e) shall be printed in a manner that ensures that, when the container is opened or closed in the normal way, no portion of the warning is severed, obliterated or becomes unreadable.

(3) Each of the warnings set out in the Third Schedule shall be printed in rotation on the containers of each kind of smokeless tobacco products so that, during the period of 2 years beginning on the date of commencement of these Regulations and every subsequent period of 2 years, each warning appears as far as possible on an equal number of containers of each kind of tobacco product.

Health and sales restriction information on cigarette containers.

6. (1) In addition to the warning referred to in regulation 3(1), there shall be clearly and conspicuously printed on every container of cigarettes –

- (a) the nicotine level expressed in tenths of a milligram per cigarette;
- (b) the tar content expressed in milligrams per cigarette; and
- (c) the words “NO SALE TO PERSONS UNDER 18” and “TIDAK DIJUAL KEPADA ORANG-ORANG DI BAWAH 18 TAHUN”.

(2) The nicotine level and tar content of the cigarettes referred to respectively in sub-regulation (1)(a) and (b) –

- (a) shall be in block letters not less than 2 millimetres in height;

(b) shall be in a colour conspicuously contrasting with the colour of the background of the container; and

(c) shall not be printed on the same side of the container on which the warning referred to in regulation 3(1) is printed.

(3) The words referred to in sub-regulation (1)(c) -

(a) shall be in block letters not less than 2 millimetres in height;

(b) shall be in a colour conspicuously contrasting with the colour of the background of the container; and

(c) shall not be printed on the same side of the container on which the warning referred to in regulation 3(1) is printed.

Messages not to be obscured etc.

7. Where the health warning, information or words that are required to be printed under these Regulations are likely to be obscured or obliterated by an outer wrapper on the container, the health warning, information or words, as the case may be, shall be printed on both the wrapper and the container.

Prohibition of import for distribution etc.

8. (1) Subject to sub-regulation (2), no person shall supply any tobacco product in Brunei Darussalam which fails to conform with any of the requirements under these Regulations.

(2) Any person may supply tobacco products in Brunei Darussalam which do not conform with the requirements of these Regulations if -

(a) the tobacco products are to be exported;

(b) the tobacco products are not to be offered for sale, sold or consumed in Brunei Darussalam; and

(c) he complies with such requirements and satisfies such conditions as the Director-General may impose.

