



Jersey

RESTRICTION ON SMOKING (WARNING NOTICES) (JERSEY) REGULATIONS 2011

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Made

18th January 2011

Coming into force

25th January 2011

THE STATES, in pursuance of Articles 1, 1G and 2 of the Restriction on Smoking (Jersey) Law 1973¹, have made the following Regulations –

1 Interpretation

In these Regulations, unless the context otherwise requires –

“back”, in relation to a packet of tobacco, refers to the external surface opposite the front;

“EEA state” means any of the following –

- (a) a member State of the European Union;
- (b) a Contracting Party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993;

“front”, in relation to a packet of tobacco, means the external surface of the packet which is, or is equal in area to, the largest surface and either –

- (a) faces a person opening that packet; or
- (b) where no surface faces a person opening the packet, carries most prominently the name, trademark or other distinguishing mark of the brand of tobacco;

“Law” means the Restriction on Smoking (Jersey) Law 1973²;

“packet”, in relation to tobacco, means any box, package, container, wrapping or other receptacle which contains the tobacco, and in which the tobacco is, or is intended to be, presented for retail supply, excluding any additional transparent outer wrapping which may be discarded on opening and excluding any wrapping of individual cigars or cigarillos, and where any receptacle is or is to be contained in another receptacle (excluding such outer wrapping), includes each such receptacle;

“picture warning notice” means the warning consisting of the photograph, illustration or other graphic under each heading in paragraphs 1 and 2 of Schedule 1;

“producer”, in relation to a packet of tobacco, means a person who in the course of a business –

- (a) manufactures it;
- (b) puts a name, trademark or other distinguishing mark on it, by which he or she holds himself out to be its manufacturer or originator; or
- (c) imports it into Jersey,

with a view to the tobacco that the packet contains being supplied for consumption in Jersey or through the travel retail sector, and “produce” shall be construed accordingly;

“tobacco for oral use” means any product made wholly or partly of tobacco which is –

- (a) intended for oral use, unless intended for smoking or chewing; and
- (b) either –
 - (i) in powder or particulate form or any combination of these forms, whether presented in sachet portions or porous sachets or in any other way, or
 - (ii) presented in a form resembling a food product;

“travel retail sector” means retail outlets in Jersey at which duty free packets of tobacco may be purchased only by people who are travelling on journeys to destinations outside Jersey.

2 Requirements for warning notices

- (1) A producer of packets of tobacco other than tobacco for oral use and smokeless tobacco shall ensure that each packet produced by him or her carries –
 - (a) on its front the following written warning notice –
 - (i) “Smoking kills”, or
 - (ii) “Smoking seriously harms you and others around you”; and
 - (b) on its back a picture warning notice from the list of picture warning notices in paragraph 1 of Schedule 1 or, where it applies, paragraph 2 of Schedule 1, printed in accordance with the technical specifications set out in paragraph 3 of that Schedule.
- (2) A producer of a packet of tobacco intended only for supply in the travel retail sector may use the picture warning notice in paragraph 2 of Schedule 1 instead of the picture warning notice set out in paragraph 1(14) of that Schedule.
- (3) A producer of a packet of a brand of tobacco other than tobacco for oral use and smokeless tobacco shall ensure that –
 - (a) the text of each notice set out in paragraph (1)(a) appears on between 47.5% and 52.5% of the total number of the packets of

tobacco of that brand that the producer produces over any period of 12 months; and

- (b) each picture warning notice described in paragraph (1)(b) appears on between 4.16% and 8.33% of the total number of the packets of tobacco of that brand that the producer produces over any period of 12 months.
- (4) In the case of packets of tobacco other than packets which immediately enclose the tobacco, the period for measuring the frequency of the picture warning notices as described in paragraph (3)(b) shall be 3 years instead of 12 months.
- (5) A producer of packets of smokeless tobacco shall ensure that each packet carries on its front the warning notice “This tobacco product can damage your health and is addictive”.

3 Size of warnings

- (1) A producer of a packet of tobacco shall ensure that, subject to paragraph (2), in relation to each packet of tobacco produced by him or her –
 - (a) the text specified in Regulation 2(1)(a) or in Regulation 2(5) covers an area amounting to at least 30% of the front of the packet; and
 - (b) the picture warning notice referred to in Regulation 2(1)(b) covers an area amounting to at least 40% of the back of the packet.
- (2) Where the front of the packet of a tobacco, other than the front of a packet of cigarettes, exceeds 75 cm², the areas specified in paragraph (1) shall not apply and instead the text or picture warning notice, as the case requires, must each cover an area of at least 22.5 cm².

4 Requirement for yield statement on packets of cigarettes

- (1) A producer of a packet of cigarette shall ensure that each packet he or she produces carries a statement of the nicotine, tar and carbon monoxide yields of the cigarettes contained in it.
- (2) The statement –
 - (a) as to the tar yield, shall be shown as a figure rounded to the nearest whole number and expressed in the form “x mg tar”;
 - (b) as to the nicotine yield, shall be shown as a figure rounded to one decimal place and expressed in milligrams in the form “x.y mg nicotine”;
 - (c) as to the carbon monoxide yield, shall be shown as a figure rounded to the nearest whole number and expressed in the form “x mg carbon monoxide”.
- (3) The statement of the yields shall –
 - (a) be printed on one side of the packet; and
 - (b) cover an area amounting to at least 10% of that side of the packet.

5 Appearance of written warning notices and yield statements

A producer of a packet of tobacco shall ensure, in relation to each packet of tobacco produced by him or her, that the written warning notice required under Regulation 2(1)(a) and any statement required under Regulation 4 comply with the requirements of Schedule 2.

6 Descriptions on packets

No person shall produce or supply a packet of tobacco the packaging of which carries any name, brand name, text, trademark or pictorial or any other representation or sign which suggests that the tobacco it contains is less harmful to health than other tobacco.

7 Imports from EEA states

A person who imports into Jersey any packet of tobacco from an EEA State with a view to that tobacco being supplied for consumption in Jersey shall be regarded as complying with Regulations 3, 4 and 5 or any of them, if the packet complies with Article 5 of Directive 2001/37/EC of the European Parliament and of the Council of 5th June 2001 on the approximation of the laws, regulations and administrative provisions of the member States concerning the manufacture, presentation and sale of tobacco products (O.J. No. L 194 18.7.2001, p.26) as amended up to 7th August 2009³ and with any requirements imposed by that EEA State pursuant to that Directive.

8 Offences

Any person who contravenes Regulation 2, 3, 4, 5 or 6 shall be guilty of an offence and liable to a fine of level 4 on the standard scale.

9 Transitional provisions

These Regulations shall not apply to any producer or supplier in respect of a packet of tobacco in existence before the date that these Regulations come into force, such packet –

- (a) in the case of a packet of cigarettes, being supplied to an end user before the date that is 12 months after the date that these Regulations come into force; and
- (b) in the case of any other packet of tobacco, being supplied to an end user before the date that is 24 months after the date that these Regulations come into force.

10 Citation and commencement

- (1) These Regulations may be cited as the Restriction on Smoking (Warning Notices) (Jersey) Regulations 2011.

- (2) These Regulations shall come into force 7 days after they are made.

M.N. DE LA HAYE

Greffier of the States

SCHEDULE 1

(Regulation 2)

PICTURE WARNING NOTICES

Note

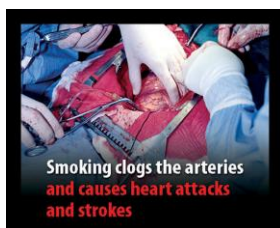
- (1) All photographs, images and textual illustrations (© European Community) in this Schedule have been developed for use on tobacco packets in accordance with Commission Decision of 5th September 2003 (2003/641/EC) on the use of colour photographs or other illustrations as health warnings on tobacco packages⁴ (O.J. No. L 226 10.9.2003, p.24).
- (2) A CD with the required images and a European Commission guidance document on editing the images is available from the Department of Health and Social Services and is available by e-mailing health.promotion@health.gov.je or writing to the Head of Health Improvement, Public Health Department, Le Bas Centre, St. Saviour's Road, St. Helier, Jersey, JE1 4HR.

1 List of picture warning notices

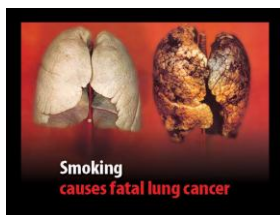
- (1) Smokers die younger



- (2) Smoking clogs the arteries and causes heart attacks and strokes



- (3) Smoking causes fatal lung cancer



- (4) Smoking is highly addictive, don't start



- (5) Stopping smoking reduces the risk of fatal heart and lung diseases



- (6) Smoking can cause a slow and painful death



- (7) Smoking causes ageing of the skin



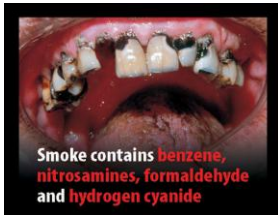
- (8) Smoking can damage the sperm and decreases fertility



- (9) Smoking may reduce the blood flow and cause impotence



- (10) Smoking contains benzene, nitrosamines, formaldehyde and hydrogen cyanide



- (11) Smoking when pregnant harms your baby



- (12) Protect children: don't make them breathe your smoke



- (13) Your doctor or your pharmacist can help you stop smoking



- (14) Get help to stop smoking



2 Alternative picture warning notice for travel retail sector

Your doctor or your pharmacist can help you stop smoking.



3 Technical specifications

- (1) Each picture warning notice shall be surrounded by a black border outside the area specified in Regulation 3 which shall –
 - (a) be not less than 3 mm and more than 4 mm in width; and
 - (b) not interfere with the picture warning notice.
- (2) In the case of packets of cigarettes, each picture warning notice shall be irremovably printed on the packet.
- (3) In the case of packets of tobacco other than packets of cigarettes, each picture warning notice may be either irremovably printed on the packet or affixed to the packet by means of an irremovable sticker.
- (4) Subject to sub-paragraph (5), each picture warning notice shall –
 - (a) be in the format and proportions of the pictures and text set out in paragraph 1 or 2, as the case requires, and adopt the graphical integrity of those pictures and text;
 - (b) occupy the entire area reserved for the picture warning notice;
 - (c) be positioned parallel to the top edge of the packet, and in the same direction as the other information on the packet; and
 - (d) be printed in four-colour/-CMYK-/screen 133 lines per inch, as a minimum requirement.
- (5) Where the size of the packet so requires, the picture warning notice can be modified according to the following rules –
 - (a) the graphical editing of the textual elements shall be done by varying the font size and line breaks to ensure high readability;
 - (b) for picture warning notices where the illustration is a text, the graphical editing shall be done by varying font size and line breaks, however the relative surfaces occupied by text as an illustration and the corresponding text of the picture warning notice must be respected;
 - (c) for picture warning notices where a photograph or other illustration is an image, the graphical editing shall be done by proportionate scaling of the photograph or other illustration and varying of the relative surfaces occupied by the photograph or other illustration and the corresponding text of the picture warning notice;

- (d) when the proportion between the height and the width of the picture warning notice is lower than 0.8, the corresponding text of the picture warning notice, if placed under the photograph or other illustration in paragraph 1 or 2, may be moved to the right of the photograph or other illustration; and
 - (e) when the proportion between the height and the width of the picture warning notice exceeds 1.2, the corresponding text of the picture warning notice, if placed to the side of the photograph or other illustration in paragraph 1 or 2, may be moved under the photograph or illustration.
- (6) A picture warning notice must not –
- (a) be printed on the tax stamps on any packet of tobacco;
 - (b) be hidden, obscured or interrupted by –
 - (i) other written or pictorial matter, or
 - (ii) the opening of the packet.

SCHEDULE 2

(Regulation 5)

**APPEARANCE OF WRITTEN WARNING NOTICE AND YIELD
STATEMENT**

1 Requirements

- (1) The written warning notice required under Regulation 2(1)(a) and the yield statement required under Regulation 4 shall be –
 - (a) indelible;
 - (b) legible;
 - (c) printed in black Helvetica bold type on a white background;
 - (d) in a font size consistent throughout the text which ensures that the text occupies the greatest possible proportion of the area specified in Regulation 3(1)(a) or Regulation 4(3)(b);
 - (e) in lower case type, except for the first letter of the text;
 - (f) centred in the area in which the text is required to be printed, parallel to the top edge of the packet;
 - (g) surrounded by a black border outside the area specified in Regulation 3(1)(a) or Regulation 4(3)(b) being a border which shall –
 - (i) be not less than 3 mm and not more than 4 mm in width, and
 - (ii) not interfere with the text of the written warning notice or the yield statement, as the case requires; and
 - (h) subject to paragraph 2, be irremovably printed on the packet.
- (2) In the case of packets of tobacco other than cigarettes, the written warning notice required under Regulation 2(1)(a) and the yield statement required under Regulation 4 may be affixed to the packet by means of an irremovable sticker.
- (3) The written warning notice and yield statement must not –
 - (a) be printed on the tax stamps on any packet of tobacco; or
 - (b) be hidden, obscured or interrupted by –
 - (i) other written or pictorial matter, or
 - (ii) the opening of the packet.

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- ¹ *chapter 20.825*
² *chapter 20.825*
³ [EUR-Lex - 32001L0037R\(01\) – EN](#)
⁴ [EUR-Lex - 32003D0641 – EN](#)