

THE PUBLIC HEALTH ACT

Regulations made by the Minister under sections 193 and 194 of the Public Health Act

1. These regulations may be cited as the Public Health (Restrictions on Tobacco Products) Regulations 2007.

2. In these regulations-

“cigar” includes cigarillo;

“indoor area” means any space covered by a roof or enclosed by one or more walls, whether temporary or permanent;

“package” means any container, receptacle or wrapper in which tobacco is sold or distributed;

“public conveyance” means any means of transport carrying passengers for hire or reward;

“public place” means –

(a) any indoor area which is open to the public or any part of the public;

(b) an indoor workplace or a public conveyance; or

(c) any place specified in the First Schedule.

“workplace” means any place where more than one person works.

3. No person shall –

(a) import or sell -

(i) a tobacco product used for sucking, chewing or snuffing;

(ii) smokeless or flavoured tobacco products;

(b) in any manner be involved in –

(i) any advertisement for the sale or consumption of tobacco products

- (ii) the promotion of any trade name or brand name associated with a tobacco product;
- (c) offer any form of sponsorship in relation to a tobacco product or a trade name or brand or manufacturer's name associated with a tobacco product;
- (d) display tobacco product for sale;
- (e) smoke any tobacco product –
 - (i) in a public place;
 - (ii) while engaged in the preparation, in the serving or in the sale, of food on any premises to which the public has access;
 - (iii) while driving a vehicle carrying minors;
- (f) sell -
 - (i) a tobacco product to a minor or allow a minor to sell a tobacco product;
 - (ii) cigarettes other than in a package containing 20 cigarettes;
 - (iii) cigarettes in a package which is obscured in whole or in part;
 - (iv) cigarettes other than in a package which carries-
 - (A) the written health warnings as specified in the Second Schedule; and
 - (B) the health warnings consisting of texts and pictures or pictograms as per the Third Schedule;
 - (v) cigars and pipe tobacco other than in a package which displays the health warnings as specified in the Fourth Schedule;
 - (vi) tobacco products in a package which carries a misleading or deceptive messages containing words such as "mild", "low tar", "light" or using any term, description, trademark, figurative or other sign that directly or indirectly creates a

false impression that a particular tobacco product is less harmful than others;

(vii) tobacco products by means of an automatic vending machine;

(viii) sweets, snacks, toys or any other object in the form of cigarettes;

(ix) cigarettes in a package unless the package indicates the country of origin in French and English, and carries the following statement –

“Sale allowed in Mauritius only”.

(g) offer or supply any tobacco product free of charge, at a discounted price, as a prize, pursuant to a lottery or otherwise.

4. (a) A seller of tobacco products may request a buyer to produce proof of his age prior to any sale of a tobacco product.

(b) For the purpose of paragraph (a), proof of age shall be made by the production of -

(i) a national identity card;

(ii) a passport; or

(iii) a driving licence.

5. Every seller of a tobacco product shall conspicuously post inside the point of sale a message in the form specified in the Fifth Schedule informing the public that the sale of tobacco is prohibited to minors.

6. (a) Every owner or person responsible of a public place who fails to take a reasonable steps to prevent a person from smoking in that public place shall commit an offence.

(b) For the purposes of paragraph (a), the reasonable steps to be taken by a person responsible of that public place in relation to a person who is smoking shall be -

(i) to ask the person to stop smoking;

(ii) where the person does not stop smoking, to ask him to leave the public place; and

(iii) where the person refuses, to either stop smoking or to leave the public place, to call the police

7. Every owner or person responsible of a public place shall cause a notice in the form specified in the Sixth Schedule to be conspicuously displayed in the public place.

8. Any person who contravenes these regulations shall commit an offence and shall be liable -

- (a) to a fine of not less than 5000 rupees and not more than 8000 rupees, on first conviction;
- (b) to a fine of not less than 8000 rupees and not more than 10,000 on second conviction; and
- (c) to imprisonment for a term not exceeding 12 months, on subsequent conviction.

8. The Public Health (Restriction on Tobacco Products) Regulations 1999 are revoked.

These regulations shall come into operation on

Made by the Minister on.....

FIRST SCHEDULE
(regulation 2)

1. Outdoor premises of a health institution.
 2. Outdoor premises of an educational institution.
 3. Outdoor premises used for the practice of sports and to which the Public has access.
 4. Recreational places other than public beaches, including gardens to which the public has access.
 5. Outdoor cafés, bars and restaurants.
 6. Bus stands, bus stations and taxi stands.
-

SECOND SCHEDULE
(regulation 3(f)(iv)(A))

The health warning shall-

- a) be displayed in French on one side of the package and in Creole on the other side of the package
- b) occupy 65 per cent of each side surface area of the package;
- c) read as follows in French:

« Fumer provoque le cancer, les maladies du coeur, la bronchite, et la mort prématurée»;
- d) read as follows in Creole –

« Fimer faire gagne cancer, malade leker, bronchite ek la mort avant ler»;
- e) be displayed in a manner that ensures that none of the words of the warning will be severed when the package is opened;
- f) be reproduced in such colours, sizes and positions of letters as approved by the Permanent Secretary.

THIRD SCHEDULE
(regulation 3(f)(iv)(B))

1. Eight health warnings shall be displayed on packages of tobacco products.
2. Each package shall carry one health warning at a time.
3. Each health warning shall consist of a text and a picture or pictogram.
4. The texts of the health warnings shall be as follows in Creole –
 - a) Cigaret ene la drogue;
 - b) La fime cigarette fer zenfant du tort;
 - c) Fimer donne malade leker;
 - d) Fimer faire gagne attaque;
 - e) Fimer donne cancer poumon;
 - f) Fimer donne cancer la bouche;
 - g) Fimer faire gagne impuissance sexuel;
 - h) Cigaret touye ou ticou ticou.
5. The texts of the health warnings shall be as follows in French –
 - a) La cigarette crée une forte dependance;
 - b) La fumée du tabac nuit aux enfants;
 - c) Fumer provoque les maladies du coeur;
 - d) Fumer provoque l'attaque cérébrale;
 - e) Fumer provoque le cancer du poumon;
 - f) Fumer cause le cancer de la bouche;
 - g) L'usage du tabac provoque l'impuissance sexuelle;

- h) Fumer cause une mort lente et douloureuse.
6. The manufacturer or importer of tobacco products shall print the health warnings consisting of a text and a picture or pictogram as approved by Senior Chief Executive.
 7. Each health warning shall be displayed in French on the upper part of the front principal display area and in Creole on the upper part of the back principal display area of the package.
 8. Each health warning shall occupy 65 per cent of each of the principal display area of the package.
 9. The eight health warnings shall as far as possible be evenly printed on packages of tobacco products manufactured or imported.

FOURTH SCHEDULE
(regulation 3(f)(v))

The health warning -

- a) shall be displayed in French and in Creole on the package
- b) read as follows in French –
“Fumer provoque le cancer, les maladies du coeur, la bronchite et la mort prématurée”;
- c) read as follows in Creole –
“Fimer faire gagne cancer, malade leker, bronchite ek la mort avant ler”;
- d) be displayed in such a manner as approved by the Senior Chief Executive

FIFTH SCHEDULE
(regulation 5)

The sign prohibiting sales of tobacco products to minors shall –

- a) be not less than 210 mm x 297 mm (A4) in size.
- b) carry the following text in French :

“ Il est interdit de vendre des produits du tabac aux personnes agées de moins de 18 ans. *Public Health (Restrictions on Tobacco Products) Regulations 2007*”
- c) carry the following text in Creole –

“Pas gagne droit vendre produits tabac a ban mineurs. *Public Health (Restrictions on Tobacco Products) Regulations 2007*”;
- d) be reproduced in the colours, size and position of letters as approved by the Senior Chief Executive;
- e) posted permanently, hanged or glued at the payment counter

SIXTH SCHEDULE
(regulation 7)

The notice shall -

- (a) carry the following text in French –
“Défense de fumer”;
- (b) carry the following text in Creole –
“Pas gagne droit fimer”;
- (c) carry the following warning in French
“ Les contrevenants seront passibles d’une amende ne dépassant pas 10,000 roupies et d’une peine de prison de 12 mois.”
- (d) carry the following warning in Creole -
“Ce qui fimer capav paye lamende jusqua 10,000 roupies ek faire prison jusqua 12 mois”;
- (e) carry the following words at the bottom -
« Public Health (Restrictions on Tobacco Products) Regulations 2007»;
- (f) be of the following size -
 - (i) indoor areas: 210 mm x 297 mm (A4);
 - (ii) workplaces: 210 mm x 297 mm (A4);
 - (iii) car and van used as public conveyance: 100 mm x 70 mm;
 - (iv) all other vehicles used as public conveyance: 148 mm x 210 mm (A5);
 - (v) places specified in the First Schedule: 400 mm x 300 mm .
- (g) be reproduced in the colours, size and position of letters and picture as approved by the Senior Chief Executive.

