



Trade Practices (Consumer Product Information Standards) (Tobacco) Regulations 2004

Statutory Rules 2004 No. 264 as amended

made under the

Trade Practices Act 1974

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Regulation 1

Part 1 Preliminary**1 Name of Regulations** [see Note 1]

These Regulations are the *Trade Practices (Consumer Product Information Standards) (Tobacco) Regulations 2004*.

2 Commencement

These Regulations commence on 1 September 2004.

3 Trade Practices (Consumer Product Information Standards) (Tobacco) Regulations — repeal

Statutory Rules 1994 Nos. 83 and 408 are repealed.

3A Purpose

The purpose of these Regulations is to provide for a system of warnings, explanatory messages and graphic images to increase consumer knowledge of health effects relating to smoking, to encourage the cessation of smoking and to discourage uptake or relapse.

4 Application

- (1) These Regulations apply to tobacco that is manufactured in Australia or imported into Australia.
- (2) These Regulations do not apply to tobacco for export or cigars sold singly.

5 Interpretation

- (1) In these Regulations:

bidi means a small, often flavoured, cigar wrapped in tendu leaf or the leaf of another plant.

cigar means a roll of cut tobacco for smoking, enclosed in tobacco leaf or the leaf of another plant.

Regulation 5

cigarette means a roll of cut tobacco for smoking, enclosed in paper.

face, in relation to a retail package of which the outer surface includes 2 or more flat areas that are bounded by edges of the package, means any of those flat areas.

flip-top pack means a retail package of the kind commonly called a flip-top pack or hinge-top pack.

pouch means a retail package that:

- (a) is made from flexible material; and
- (b) takes the form of a rectangular pocket with a flap that covers the opening.

retail package has the meaning given by regulation 6.

seal means the following, as the context requires:

- (a) a decorative adhesive paper or label affixed to the surface of a package to seal the wrapper;
- (b) an adhesive bond.

soft pack means a retail package of the kind commonly called a soft pack or soft cup.

tobacco includes cigarettes and cigars.

- (2) For these Regulations, an opening, gap or edge that is created in a face of a retail package when the package is opened is to be disregarded.
- (3) An area of a surface that bears decorative ridges, embossing, bulges or other irregularities, but is otherwise flat, is taken to be a flat area for these Regulations.
- (4) For these Regulations:
 - (a) a soft pack is taken to be a solid that has all its faces rectangular and that has edges equal in length to the edges of the smallest rectangular cavity inside which the pack would fit if it is not compressed; and
 - (b) a face that has rounded corners but is otherwise square or rectangular is taken to be square or rectangular, as the case requires.

Regulation 6

- (5) For these Regulations, the surface area of a retail package is the area that would be covered by the outer layer of the package if it were opened out and pressed flat.
- (6) A reference in these Regulations to a cylindrical package includes a package that is, in one plane, elliptical, rather than circular, in cross-section.
- (7) For these Regulations, a message that is printed on an adhesive label attached to a retail package in accordance with regulation 16 or 30 is taken to be printed on the package to which the label is attached.

6 Retail package

- (1) A retail package is a package in which tobacco is sold at retail.
Note Under the definition of *tobacco* in subregulation 5 (1), tobacco includes cigarettes and cigars.
- (2) If:
 - (a) one or more packages are contained inside a larger package; or
 - (b) 2 or more packages are combined to form a larger package;
and the whole is offered for retail sale as one unit:
 - (c) the larger package is a retail package; and
 - (d) each smaller package is a retail package.

Example
Packets of cigarettes in a carton.
- (3) However:
 - (a) a display case that is not sold with the tobacco displayed in it is not a retail package; and
 - (b) a wrapper on, or a container containing, a single cigar is not a retail package; and
 - (c) if:
 - (i) a retail package is normally sold wrapped in a wrapper (including, but not limited to, a transparent wrapper) that is normally removed from the package when the package is opened; and

Regulation 6

- (ii) the wrapper is not a larger package described in subregulation (2);
the wrapper is not part of the retail package.

Regulation 7

Part 2 Labelling of retail packages**7 Labelling of retail packages**

- (1) A retail package manufactured in Australia, or imported into Australia, on or after the commencement of this regulation, and before 1 March 2006, must be labelled in accordance with Part 3 or 4.
- (2) A retail package (other than a larger package that complies with regulation 7A) manufactured in Australia, or imported into Australia, on or after 1 March 2006 must be labelled in accordance with Part 4.

Note Under subsection 65D (2) of the *Trade Practices Act 1974* (the *Act*), regulations may prescribe a consumer product information standard for goods of a particular kind. Under subsection 65D (1) of the *Act*, a corporation must not supply goods of that kind unless the corporation has complied with the standard in relation to the goods.

Under section 75AZT of the *Act*, a corporation is guilty of an offence if the corporation supplies goods in respect of which a consumer product information standard has been prescribed by regulations made for the purpose of subsection 65D (2), and the corporation has not complied with the standard in relation to the goods.

7A Fully transparent larger packages — ‘front and back’

- (1) A larger package complies with this regulation if:
 - (a) the wrapper comprising the larger package is totally transparent; and
 - (b) the smaller packages contained within the larger package are:
 - (i) all the same kind of package; and
 - (ii) arranged so that:
 - (A) only the front face of a smaller package or packages is visible at one side of the larger package, and only the back face of a smaller package or packages is visible at the opposite side; or

Regulation 7A

- (B) only the front face of a smaller package or packages is visible at one end of the larger package, and only the back face of a smaller package or packages is visible at the opposite end.

Note 1 A larger package that complies with regulation 7A is exempt from the labelling requirements in Parts 3 and 4 — see subregulation 7 (2).

Note 2 Subparagraph (b) (ii) permits the smaller packages mentioned in that provision to be arranged in ‘ranks’ or in ‘files’.

- (2) A larger package does not fail to comply with subregulation (1) by reason only that it bears any of the following markings:
- (a) bar coding;
 - (b) labelling information required by a law of a State or Territory;
 - (c) calibration marks to assist the operation of an automatic packaging machine.

Part 3 Labelling — retail packages manufactured or imported before 1 March 2006

Division 1 General

8 Definitions for Part 3

In this Part:

corresponding explanatory message, for a warning message, means the explanatory message that appears in the same item of Part 1.1 of Schedule 1 as the warning message.

explanatory message means a message set out in column 3 of Part 1.1 of Schedule 1.

warning message means a message set out in column 2 of Part 1.1 of Schedule 1.

Note This Part sets out the rules that were set out in Part 3 of the Trade Practices (Consumer Product Information Standards) (Tobacco) Regulations that are repealed by regulation 3.

9 Retail package must bear warning message and, in certain cases, explanatory message

Subject to this Division, a retail package of tobacco must bear:

- (a) a warning message and the corresponding explanatory message; or
- (b) if permitted or required by another provision of this Part:
 - (i) a warning message, the same warning message repeated and the corresponding explanatory message; or
 - (ii) a warning message and the same warning message repeated.

Regulation 11

10 Messages on certain smaller packages

- (1) This regulation applies if the largest face of a retail package (other than a retail package of a kind described in item 208 of Schedule 1):
 - (a) has an area of 40 square centimetres or less; and
 - (b) would, but for this subregulation, be required to bear an explanatory message.
- (2) An explanatory message need not be printed on the face mentioned in subregulation (1).
- (3) Both the face mentioned in subregulation (1) and the face on which the warning message is to be printed must bear the same warning message.
- (4) A retail package of a kind described in item 208 of Schedule 1:
 - (a) is not required to bear an explanatory message; and
 - (b) must bear a warning message printed on the package twice.

11 Format of warning and explanatory message

A warning message or an explanatory message must be in the following format:

- (a) the text must be printed:
 - (i) within a black rectangular or square border of which the lines are no wider than an upper-case letter 'I' in the type size used for the text of the message; and
 - (ii) on a white background within the border referred to in subparagraph (i);
- (b) the text must be printed in the type face known as Helvetica, in upper-case and lower-case letters as the text of the message is set out in Part 1.1 of Schedule 1, in type that is:
 - (i) clear and legible; and
 - (ii) subject to paragraph (c), of the same height throughout the message; and

Regulation 12

- (iii) black; and
 - (iv) of normal weight; and
 - (v) of such a size that the text as nearly as possible fills the background on which it is printed; and
- (c) the words ‘Government Health Warning’ must be in type of a point size not greater than 50% of the point size of the type used for the remainder of the message.

12 Position of warning message and explanatory warning

- (1) For a retail package of a kind described in item 201 or 202 of Schedule 1:
- (a) the warning message is to be printed:
 - (i) on the face of the package specified in the relevant item; and
 - (ii) so that the upper edge of the background is no further than 3 millimetres below the upper edge of the face on which the message is printed; and
 - (b) the explanatory message is to be printed:
 - (i) on the face of the package that is opposite to the face on which the warning message is to be printed; and
 - (ii) so that the upper edge of the background is no further than 3 millimetres below the upper edge of the face on which the message is printed.
- (2) For a retail package of a kind described in item 203, 205, 206 or 207 of Schedule 1:
- (a) the warning message is to be printed on the face of the package specified in the relevant item; and
 - (b) the explanatory message is to be printed on the face of the package that is opposite to the face on which the warning message is to be printed.
- (3) For a pouch described in item 204 of Schedule 1, the warning message is to be printed on the face of the pouch specified in the item.

Regulation 13

- (4) If the flap of a pouch described in item 204 of Schedule 1 is, in area, less than 33 $\frac{1}{3}$ % of the area of the face on which the warning message is to be printed, the explanatory message is to be printed:
 - (a) on the face that is partly covered by the flap when the package is closed; and
 - (b) not in the area that is covered by the flap when the package is closed.
- (5) If the flap of a pouch described in item 204 of Schedule 1 is, in area, at least 33 $\frac{1}{3}$ % of the area of the face on which the warning message is to be printed, the explanatory message is to be printed on the outside of the flap.
- (6) For a retail package of a kind described in item 208 of Schedule 1, the 2 warning messages are to be printed on the package as far apart as possible.
- (7) For a retail package of a kind described in item 209 of Schedule 1:
 - (a) the warning message is to be printed on the face of the package specified in the item; and
 - (b) the explanatory message is to be printed as far as possible from the warning message on the package.

13 Area to be covered by warning message and explanatory message

A message of a kind described in an item of the following table that is printed on a retail package mentioned in the item must cover the area mentioned in the item.

Item	Message	Retail package described in	Area
1	Warning message	Items 201 to 207 of Schedule 1	At least 25% of the area of the face on which it is printed
2	Explanatory message	Items 201 to 207 of Schedule 1	At least 33 $\frac{1}{3}$ % of the area of the face on which it is printed
3	Warning message	Item 208 or 209 of Schedule 1	At least 15% of the total surface area of the package

17 Messages to appear in rotation

- (1) Each warning message and, if required by this Part, the corresponding explanatory message, must be printed in rotation on retail packages of tobacco, so that, during the period of 12 months beginning on 1 January in each year, each message appears as nearly as possible on an equal number of retail packages of each kind of tobacco.
- (2) Tobacco is of different kinds for subregulation (1) if:
 - (a) it is sold under different brand names; or
 - (b) it is sold under one brand name but is distinguished in one or more of the following ways:
 - (i) containing or not containing menthol;
 - (ii) being otherwise differently flavoured;
 - (iii) having different contents of tar;
 - (iv) allegedly differing in 'mildness';
 - (v) having or not having filter tips or cork tips;
 - (vi) being sold in retail packages containing different numbers of pieces;
 - (vii) being of different length or mass.

Division 2 Retail packages containing cigarettes

18 Application of Division 2

This Division applies to a retail package containing cigarettes.

19 Message to be printed on side of retail packages of cigarettes

- (1) For this regulation, a reference to the sides of a retail package containing cigarettes is a reference:
 - (a) in the case of a cylindrical retail package — to those parts of the curved surface of the package that, if the vertical centre-line of the largest brand-name on the curved surface of the package is taken to be at 0 °, extend:
 - (i) from 60 ° to 120 °; and

Regulation 19

- (ii) from 240 ° to 300 °;
around the circumference of a flat face of the package;
and
 - (b) in the case of a package that has 2 faces that are hexagonal or octagonal, and of which all the other faces are square or rectangular — to the square or rectangular faces of the package, other than the front and the back; and
 - (c) in the case of a carton — to the larger 2 of the 4 faces other than the front and the back;
 - (d) in any other case — to the surfaces of the package, other than the back and the front, that are vertical when the package is held so that the axis of the cigarettes within it is vertical.
- (2) For subregulation (1):
 - (a) the front of a retail package (other than a retail package of a kind described in item 208 or 209 of Schedule 1) is that face of the package on which the warning message is required to be printed; and
 - (b) the back of a retail package (other than a retail package of a kind described in item 208 or 209 of Schedule 1) is the face:
 - (i) on which the explanatory message is required to be printed; or
 - (ii) on which the explanatory message would, but for subregulation 10 (2), be required to be printed.
- (3) The following message must be printed on a retail package of cigarettes:

The smoke from each cigarette contains, on average:

 - (xx) milligrams or less of tar — condensed smoke containing many chemicals, including some that cause cancer;
 - (yy) milligrams or less of nicotine — a poisonous and addictive drug;
 - (zz) milligrams or less of carbon monoxide — a deadly gas which reduces the ability of blood to carry oxygen.

Regulation 19

- (4) The message required by subregulation (3) must be printed on a retail package of a kind described in item 201, 202, 203, 205 or 207 of Schedule 1:
 - (a) if both or all of the sides of the package are the same in area — on one side of the package; or
 - (b) if one side of the package is larger than the other or others — on the larger or largest side; or
 - (c) if 2 or more sides of the package are larger than the other or others — on one of those larger sides.
- (5) The message required by subregulation (3) must be printed on a retail package of a kind described in item 208 or 209 of Schedule 1 anywhere on the package.
- (6) The message required by subregulation (3) must be printed:
 - (a) in the type face known as Helvetica, and in type that is:
 - (i) clear and legible; and
 - (ii) black; and
 - (iii) of normal weight; and
 - (iv) of such a size that the text as nearly as possible fills the background on which it is printed; and
 - (b) in upper and lower case, as the text of the message is set out in subregulation (3); and
 - (c) if the message is required to appear on the side of the package, oriented so that the lines of type making up the message are parallel to the longest edges of the face on which the message is printed; and
 - (d) on a rectangular or square background of the kind set out in subregulation (7).
- (7) The background referred to in paragraph (6) (d):
 - (a) must be white; and
 - (b) must occupy:
 - (i) in the case of a retail package other than a flip-top pack, a carton or an irregular package — the whole of one side; or
 - (ii) in the case of a flip-top pack — the whole of one side except the part of that side that forms part of the top; or

Regulation 20

- (iii) in the case of a carton — at least 25% of the side on which the message is printed; or
 - (iv) in the case of a retail package of a kind described in item 208 or 209 of Schedule 1 — at least 9% of the total surface area of the package.
- (8) When the message required by subregulation (3) is printed on a retail package, ‘(xx)’, ‘(yy)’ and ‘(zz)’ are to be replaced by:
- (a) the average amount of tar, nicotine or carbon monoxide, respectively, produced by a cigarette of the kind contained in the retail package, when cigarettes of that kind are tested according to the testing methods specified in regulation 20; or
 - (b) if, when cigarettes of that kind are tested according to those testing methods:
 - (i) the average amount of tar produced by a cigarette does not exceed 16 milligrams; and
 - (ii) the average amount of nicotine produced by a cigarette does not exceed 1.5 milligrams; and
 - (iii) the average amount of carbon monoxide produced by a cigarette does not exceed 20 milligrams;

a figure worked out by taking from the column of Part 1.3 of Schedule 1 that relates respectively to tar, nicotine, or carbon monoxide the lowest figure that is greater than the average amount of tar, nicotine, or carbon monoxide, respectively, produced by a cigarette of that kind.

20 Testing methods

- (1) The testing methods to be used for the purposes of subregulation 19 (8) to determine the average amount of tar, nicotine and carbon monoxide produced by a cigarette are the following standard methods published by the International Standards Organisation:
- (a) tar — ISO 4387 (Determination of total and nicotine-free dry particulate matter using a routine analytical smoking machine);
 - (b) nicotine — ISO 10315 (Cigarettes – determination of nicotine in smoke condensates – gas chromatographic method);

- (c) carbon monoxide — ISO 8454 (Cigarettes – determination of carbon monoxide in the vapour phase of smoke (NDIR method)).
- (2) The testing methods specified in subregulation (1) are to be used in accordance with the following standards published by the International Standards Organisation:
 - (a) ISO 3308 (Routine analytical cigarette-smoking machine – definitions and standard conditions);
 - (b) ISO 8243 (Cigarettes – sampling);
 - (c) ISO 3402 (Tobacco and tobacco products – atmosphere for conditioning and testing).

Division 3 Retail packages containing cigars

21 Application of Division 3

This Division applies to a retail package containing cigars.

22 Packages of cigars must bear certain messages

A retail package containing cigars must bear:

- (a) a warning message, and the corresponding explanatory message, in accordance with Division 1; or
- (b) a warning message, the warning message repeated, and the corresponding explanatory message, in accordance with regulation 23; or
- (c) a warning message, and the corresponding explanatory message, in accordance with regulation 24.

23 Messages on package with hinged lid

- (1) A warning message and explanatory message may be printed on a retail package in accordance with this regulation only if the package has a hinged lid formed by one face of the package.

Regulation 24

- (2) A retail package containing cigars bears a warning message and the corresponding explanatory message in accordance with this subregulation if:
- (a) the warning message is printed on both the outside of the lid and the base of the package; and
 - (b) each warning message occupies at least 25% of the area of the face on which it is printed; and
 - (c) the explanatory message is printed on the inside surface of the lid; and
 - (d) the explanatory message occupies at least 33% of the area of the inside surface of the lid; and
 - (e) the warning message and the explanatory message are otherwise in accordance with Division 1.

24 Messages on other packages of cigars

A retail package containing cigars bears a warning message and the corresponding explanatory message in accordance with this regulation if:

- (a) the warning message is printed on the face of the package that is specified in Part 1.2 of Schedule 1 for a package of that kind; and
- (b) the corresponding explanatory message is printed on the face of the package that is opposite to the face on which the warning message is, under paragraph (a), to be printed; and
- (c) the areas occupied by the warning message and the explanatory message are as set out in the item of Part 1.4 of Schedule 1 that applies to that package; and
- (d) the warning message and the explanatory message are otherwise in accordance with Division 1.

Part 4 **Labelling — retail packages (including retail packages manufactured or imported on or after 1 March 2006)**

Division 1 **General**

25 **Definitions for Division 1**

In this Division:

explanatory message means an explanatory message under Division 2 or 3.

information message means the message set out in Part 2.5 of Schedule 2.

warning message means a warning message under Division 2 or 3.

26 **Format of warning and explanatory messages**

- (1) A warning message on the front face of a retail package, and an explanatory message on the back face of a retail package, must be in the following format:
 - (a) the text must be printed on a black background;
 - (b) the text must be printed in the type face known as Helvetica, in upper-case and lower-case letters as the text of the message is set out in Part 2.2 of Schedule 2, in type that is:
 - (i) clear and legible; and
 - (ii) subject to paragraph (c), of the same point size throughout the message; and
 - (iii) white; and
 - (iv) for a warning message — as follows:
 - (A) for the words ‘Health Authority Warning’ — normal weight;

Regulation 27

- (B) in any other case — normal weight or bold weight; and
 - (v) for an explanatory message — of normal and bold weight as the text of the message is set out in Part 2.2 of Schedule 2 ; and
 - (vi) of such a size that the text as nearly as possible fills the background on which it is printed; and
 - (c) for a warning message, the words ‘Health Authority Warning’ must be in type of a point size not greater than 50% of the point size of the type used for the remainder of the message.
- (2) A warning message on the back face of a retail package must be in the following format:
 - (a) the text must be printed on a red background;
 - (b) the text must be printed in the type face known as Helvetica, in upper-case and lower-case letters as the text of the message is set out in Part 2.2 of Schedule 2, in type that is:
 - (i) clear and legible; and
 - (ii) subject to paragraph (c), of the same point size throughout the message; and
 - (iii) white; and
 - (iv) of normal weight or bold weight, as follows:
 - (A) for the words ‘Health Authority Warning’ — normal weight;
 - (B) in any other case — normal weight or bold weight; and
 - (v) of such a size that the text as nearly as possible fills the background on which it is printed; and
 - (c) the words ‘Health Authority Warning’ must be in type of a point size not greater than 50% of the point size of the type used for the remainder of the message.

27 Format of information message

For a retail package, the information message must:

- (a) be clear and legible; and

- (b) be in the type face known as Helvetica, and in bold type; and
- (c) be printed in white text on a black background; and
- (d) be in upper and lower case, as shown in Part 2.5 of Schedule 2; and
- (e) be of such a size that the text fills, as nearly as possible, the background on which it is printed.

29 Messages and graphics not to be obscured etc

- (1) If a message or graphic that is required by this Part to be printed on a retail package is likely to be obscured or obliterated by a wrapper on the package, the message or graphic must be printed on both the wrapper and the package.
- (2) A message or graphic (other than a message or graphic on a carton) must not be likely to be obliterated, removed or rendered permanently unreadable when the retail package on which it is printed is opened in the normal way.

30 Use of adhesive labels

- (1) A message or graphic that is required by this Part to be printed on a retail package (other than a flip-top pack, soft pack or carton containing cigarettes) may be printed on an adhesive label that is affixed to the retail package.
- (2) An adhesive label must:
 - (a) comply with this Part in all respects other than as specifically set out in this regulation; and
 - (b) be affixed to the face of the package on which the message that it bears is required to be printed; and
 - (c) be fastened firmly to the retail package so as not to be easily removable.
- (3) For paragraph (2) (c), in determining whether a label can easily be removed, regard must be had to:
 - (a) the expected life-span of the package; and
 - (b) whether the label can be removed without damaging either the label or the packaging.

Regulation 31

31 Graphics not to be distorted

Subject to regulation 32, a graphic that is required by this Part to be printed on a retail package must not be distorted.

32 Graphics — permitted variations

- (1) A graphic that is required by this Part to be printed on a retail package may be cropped only if:
 - (a) it is necessary to do so to fit the graphic on to the retail package; and
 - (b) the overall effect of the graphic is not affected by the cropping.
- (2) If a graphic that is required by this Part to be printed on a retail package contains a horizontal, vertical, diagonal or similar division that divides the graphic into parts (*old parts*), the graphic may be printed with a different division only if:
 - (a) the different division divides the graphic into equal parts (*new parts*); and
 - (b) the old parts are cropped and placed within the new parts; and
 - (c) the overall effect of the graphic is not affected by the new division.
- (3) If a graphic that is required by this Part to be printed on a retail package contains an overlay of a message in text, the overlay may be placed in a different position only if:
 - (a) the overlay is completely contained within the graphic; and
 - (b) the overall effect of the graphic is not affected by the new position of the overlay.

Division 2 Cigarettes and loose or pipe tobacco

Subdivision 1 General

33 Application of Division 2

This Division applies to a retail package containing cigarettes or loose or pipe tobacco.

34 Interpretation

- (1) In this Division and in Divisions 2.1.1, 2.1.2, 2.2.1 and 2.2.2 of Schedule 2:

corresponding explanatory message, for a warning message, means:

- (a) for a relevant retail package — the explanatory message that appears in the same item of Division 2.2.1 of Schedule 2 as the warning message; and
- (b) for a retail package mentioned in item 111, 112 or 113 of Schedule 2 — the explanatory message that appears in the same item of Division 2.2.2 of Schedule 2 as the warning message; and

corresponding graphic, for a warning message for a relevant retail package, means the graphic that appears in the same item of Division 2.2.1 of Schedule 2 as the warning message.

explanatory message means:

- (a) for a relevant retail package — a message set out in column 3 of Division 2.2.1 of Schedule 2; and
- (b) for a retail package mentioned in item 111, 112 or 113 of Schedule 2 — a message set out in column 3 of Division 2.2.2 of Schedule 2.

graphic means a colour graphic set out in column 4 of Division 2.2.1 of Schedule 2.

information message means the message set out in Part 2.5 of Schedule 2.

Quitline logo means the logo set out in Part 2.6 of Schedule 2.

Regulation 35

relevant retail package means a retail package mentioned in items 101 to 110 of Schedule 2.

warning message means:

- (a) for a relevant retail package — a message set out in column 2 of Division 2.2.1 of Schedule 2; and
- (b) for a retail package mentioned in item 111, 112 or 113 of Schedule 2 — a message set out in column 2 of Division 2.2.2 of Schedule 2.

- (2) A face of a retail package has *portrait orientation* if, when the largest brand name on the face is read, the longest edge of the face is vertical.
- (3) A face of a retail package has *landscape orientation* if, when the largest brand name on the face is read, the longest edge of the face is horizontal.

35 Labelling of retail packages of cigarettes and loose or pipe tobacco

- (1) A retail package containing cigarettes must be labelled in accordance with Division 2.1.1 of Schedule 2.
- (2) A retail package containing loose or pipe tobacco must be labelled in accordance with Division 2.1.2 of Schedule 2.

35A Retail package to bear messages and graphics

A relevant retail package must bear a warning message, corresponding explanatory message and, if required, the corresponding graphic, mentioned in items 201 to 214 of Schedule 2.

36 Alternation and rotation of messages and graphics

- (1) For regulation 35A, if a retail package is required to bear a message or graphic mentioned in items 201 to 214 of Schedule 2, the manufacturer or importer of the package must:
 - (a) print the appropriate message or graphic on the package, or ensure that it is printed on the package, in relation to the period mentioned in subregulation (2); and

- (b) ensure that, during the period, each message appears as nearly as practicable on an equal number of packages of each different kind of cigarette and of loose or pipe tobacco.

Note For paragraph (b), regulation 39 sets out what constitutes different kinds of cigarettes or tobacco.

- (2) For subregulation (1), the messages, graphics and periods are:
- (a) the warning message, corresponding explanatory message and, if required, the corresponding graphic, mentioned in items 201 to 207 of Schedule 2, for:
- (i) the period beginning on the commencement of this regulation and ending on 28 February 2006; and
- (ii) the period of 8 months beginning on 1 March in a year ending with an even number; and
- (b) the warning message, corresponding explanatory message and, if required, the corresponding graphic, mentioned in items 208 to 214 of Schedule 2, for the period of 8 months beginning on 1 March in a year ending with an odd number.
- (3) For the avoidance of doubt, a year ending with a zero is taken to be a year ending with an even number.

37 Changeover arrangements — relevant retail packages

In a period of 4 months beginning on 1 November in a year, a relevant retail package must bear a warning message, corresponding explanatory message and, if required, the corresponding graphic, mentioned in Division 2.2.1 of Schedule 2.

Regulation 38

38 Rotation of messages — loose or pipe tobacco in retail packages mentioned in items 111, 112 and 113 of Schedule 2

Each warning message and corresponding explanatory message mentioned in Division 2.2.2 of Schedule 2 must be printed in rotation on retail packages of loose or pipe tobacco mentioned in items 111, 112 and 113 of Schedule 2, so that, in any period of 24 months beginning on or after 1 March 2006, each message appears as nearly as practicable on an equal number of those retail packages of each brand of loose or pipe tobacco.

39 Different kinds of cigarettes or tobacco

A cigarette or loose or pipe tobacco is of a different kind for regulation 36 if:

- (a) it is sold under different brand names; or
- (b) it is sold under one brand name but is distinguished in one or more of the following ways:
 - (i) containing or not containing menthol;
 - (ii) being otherwise differently flavoured;
 - (iii) having different contents of tar;
 - (iv) allegedly differing in ‘mildness’;
 - (v) having or not having filter tips or cork tips;
 - (vi) being sold in retail packages containing different numbers of pieces;
 - (vii) being of different length or mass.

Division 3 Cigars

40 Application of Division 3

- (1) This Division applies to a retail package containing cigars.
- (2) This Division does not apply to a retail package containing bidis.

Note Division 4 applies to retail packages containing bidis.

41 Definitions for Division 3

In this Division and in Divisions 2.1.3 and 2.2.3 of Schedule 2: *corresponding explanatory message*, for a warning message, means the explanatory message that appears in the same item of Division 2.2.3 of Schedule 2 as the warning message.

corresponding graphic, for a warning message, means the graphic that appears in the same item of Division 2.2.3 of Schedule 2 as the warning message.

explanatory message means a message set out in column 3 of Division 2.2.3 of Schedule 2.

graphic means a colour graphic set out in column 4 of Division 2.2.3 of Schedule 2.

Quitline logo means the logo set out in Part 2.6 of Schedule 2.

warning message means a message set out in column 2 of Division 2.2.3 of Schedule 2.

42 Labelling of retail packages of cigars

A retail package containing cigars must be labelled in accordance with Division 2.1.3 of Schedule 2.

Note Examples of layouts for the warning message, corresponding explanatory message (if required) and corresponding graphic for a retail package containing cigars are shown in Part 2.4 of Schedule 2.

43 Area to be occupied by warning message etc — large retail packages of cigars

- (1) This regulation applies to a retail package containing cigars if the area of the largest face of the package is at least 250 cm².
- (2) A reference in column 2 of Division 2.1.3 of Schedule 2 to 25% of the front face of a retail package is to be read as a reference to 63 cm² of the front face.
- (3) A reference in column 3 of Division 2.1.3 of Schedule 2 to 33% of the back face of a retail package is to be read as a reference to 84 cm² of the back face.

Regulation 44

44 Rotation of messages

Each warning message, corresponding explanatory message (if required) and corresponding graphic must be printed in rotation on retail packages of cigars so that, in any period of 24 months beginning on or after 1 March 2006, each message appears as nearly as practicable on an equal number of retail packages of each brand of cigar.

Division 4 Bidis

45 Application of Division 4

This Division applies to a retail package containing bidis.

46 Labelling of retail packages of bidis

A retail package containing bidis must bear a warning message set out in Part 2.7 of Schedule 2.

47 Format of warning message

A warning message must be:

- (a) printed in black text on a white rectangle measuring at least 50 mm by 20 mm and that is positioned lengthwise along the package; and
- (b) clear and legible; and
- (c) in the type face known as Helvetica, and in bold type; and
- (d) in upper case; and
- (e) of such a size that the text fills, as nearly as possible, the background on which it is printed.

48 Rotation of warning messages

Each warning message must be printed in rotation on retail packages of bidis so that, in any period of 24 months beginning on or after 1 March 2006, each message appears as nearly as practicable on an equal number of retail packages of each brand of bidis.

Division 5 Nasal snuff

49 Application of Division 5

This Division applies to a retail package containing nasal snuff.

50 Labelling of retail packages of nasal snuff

A retail package containing nasal snuff must bear a warning message set out in Part 2.8 of Schedule 2.

51 Format of warning message

A warning message must:

- (a) cover at least 25% of the total area of the face of the lid of the package; and
- (b) be in black text on a white background; and
- (c) be in the type face known as Helvetica, and in bold type; and
- (d) be in upper case; and
- (e) be of such a size that the text fills, as nearly as possible, the background on which it is printed.

52 Rotation of warning messages

Each warning message must be printed in rotation on retail packages of nasal snuff so that, in any period of 24 months beginning on or after 1 March 2006, each message appears as nearly as practicable on an equal number of retail packages of each brand of nasal snuff.

Schedule 1 Requirements for tobacco labelling for Part 3

(Part 3)

Part 1.1 Warning messages and explanatory messages

Item	Warning message	Explanatory message
101	SMOKING CAUSES LUNG CANCER Government Health Warning	SMOKING CAUSES LUNG CANCER Tobacco smoke contains many cancer-causing chemicals including tar. When you breathe the smoke in, these chemicals can damage the lungs, and can cause cancer. Lung cancer is the most common cancer caused by smoking. Lung cancer can grow and spread before it is noticed. It can kill rapidly. For more information, call 13 2130. Government Health Warning
102	SMOKING IS ADDICTIVE Government Health Warning	SMOKING IS ADDICTIVE Nicotine, a drug in tobacco, makes smokers feel they need to smoke. The more you smoke, the more your body will depend on getting nicotine and you may find yourself hooked. It may be difficult to give up smoking once you are hooked on nicotine. For more information, call 13 2130. Government Health Warning
103	SMOKING KILLS Government Health Warning	SMOKING KILLS In Australia, tobacco smoking causes more illness and early death than using any other drug. Tobacco smoking causes more than four times the number of deaths caused by car accidents. For more information, call 13 2130. Government Health Warning

Item	Warning message	Explanatory message
104	SMOKING CAUSES HEART DISEASE Government Health Warning	SMOKING CAUSES HEART DISEASE Tobacco smoking is a major cause of heart disease. It can cause blockages in the body's arteries. These blockages can lead to chest pain and heart attacks. Heart attack is the most common cause of death in Australia. Smokers run a far greater risk of having a heart attack than people who don't smoke. For more information, call 13 2130. Government Health Warning
105	SMOKING WHEN PREGNANT HARMS YOUR BABY Government Health Warning	SMOKING WHEN PREGNANT HARMS YOUR BABY Poisons in tobacco smoke reach your baby through the bloodstream. If you smoke when you are pregnant, you greatly increase the chance of having a baby of low birth-weight. Smoking may lead to serious complications which could harm your baby. For more information, call 13 2130. Government Health Warning
106	YOUR SMOKING CAN HARM OTHERS Government Health Warning	YOUR SMOKING CAN HARM OTHERS Tobacco smoke causes cancer and poisons people. People who breathe in your tobacco smoke can be seriously harmed. Your smoking can increase their risk of lung cancer and heart disease. Children who breathe your smoke may suffer asthma attacks and chest illnesses. For more information, call 13 2130. Government Health Warning

Part 1.2 Positions on retail packages where warning message is to be printed

Item	Type of retail package	Face of the package on which warning message is to be printed
201	Flip-top pack	That face that includes the front face of the flip-top
202	Soft pack	If the brand name is printed on only one of the largest faces, or is printed in larger type on one of those faces, that face; otherwise, either of the largest faces

Item	Type of retail package	Face of the package on which warning message is to be printed
203	Any other retail package (except a pouch) all the faces of which are rectangular or square	<p>(a) If one of the largest faces of the package forms, or forms part of, a lid — that face</p> <p>(b) In the case of a carton referred to in paragraph 6 (2) (a) — any of the largest faces of the carton</p> <p>(c) In any other case — that one of the largest faces of the package that is towards a person who holds the package correctly for the purpose of removing its contents</p>
204	Pouch	That one of the largest faces of the folded package that is not overlapped by the flap of the package
205	Cylindrical package containing cigarettes or cigars	That part of the curved surface of the package that extends one-twelfth of the circumference of the package each side of the vertical centre line of the brand name label on that surface (or, if that label appears more than once on that surface, the larger or largest of those labels)
206	Cylindrical package containing tobacco	That one of the circular faces that forms, or forms part of, the lid
207	Package in the shape of a hexagonal or octagonal prism, containing cigarettes or cigars	That one of the rectangular faces of the package that bears the brand name label; or, if that label appears on more than one of those faces, the face on which the larger or largest of those labels appears
208	A retail package: <ul style="list-style-type: none"> (a) the shape of which is not described in items 201 to 207 (inclusive); and (b) the total surface area of which is less than 145 cm² 	<p>The package must bear 2 warning messages, printed as far apart as possible.</p> <p>The messages must be printed on the face, or faces, of the package that allow this result to be achieved</p>

Item	Type of retail package	Face of the package on which warning message is to be printed
209	A retail package: (a) the shape of which is not described in items 201 to 207 (inclusive); and (b) the total surface area of which is at least 145 cm ²	Any face of the package

Part 1.3 Figures for describing average amounts of tar, nicotine and carbon monoxide

Item	Tar (mg)	Nicotine (mg)	Carbon monoxide (mg)
301	1	0.2	2
302	2	0.3	3
303	4	0.4	5
304	8	0.8	10
305	12	1.2	15
306	16	1.5	20

Part 1.4 Areas to be occupied by messages on certain retail packages of cigars

Item	Area of front and back face of package (cm ²)	Area to be occupied by warning message (cm ²)	Area to be occupied by explanatory message (cm ²)
401	less than 70	15	20
402	not less than 70 but less than 90	20	27
403	not less than 90 but less than 110	25	33
404	not less than 110 but less than 130	30	40
405	not less than 130 but less than 150	35	46
406	not less than 150 but less than 170	40	53

Schedule 1 Requirements for tobacco labelling for Part 3
Part 1.4 Areas to be occupied by messages on certain retail packages of cigars

Item	Area of front and back face of package (cm²)	Area to be occupied by warning message (cm²)	Area to be occupied by explanatory message (cm²)
407	not less than 170 but less than 250	53	70
408	not less than 250 but less than 330	73	96
409	330 or greater	73	96

Schedule 2 Requirements for tobacco labelling for Part 4

(Part 4)

Part 2.1 Labelling requirements

Division 2.1.1 Cigarettes

Item 101	Flip top pack		
Face	Front	Back	Side
Content	Warning message and corresponding graphic	Warning message, corresponding graphic and corresponding explanatory message with Quitline logo and number	Information message

Specifications	The warning message and the corresponding graphic must: <ul style="list-style-type: none"> (a) cover at least 30% of the total area of the front face; and (b) be positioned parallel to, and as close as possible to, the top edge of the front face; and (c) extend as close as possible to the side edges of the front face 	The warning message, corresponding graphic and corresponding explanatory message must: <ul style="list-style-type: none"> (a) cover at least 90% of the total area of the back face; and (b) be positioned parallel to, and as close as possible to, the top edge of the back face; and (c) extend as close as possible to the side edges of the back face 	The information message must cover the total area of 1 side of the pack, other than: <ul style="list-style-type: none"> (a) the area that forms part of the flip-top; and (b) the space required for the 'tidy man' symbol
Layout	Front layout 1 — see Division 2.3.2	Back layout 1 — see Division 2.3.3	—
Item 102	Soft pack with a seal that is not clear		
Face	Front	Back	Side
Content	Warning message and corresponding graphic	Warning message, corresponding graphic and corresponding explanatory message with Quitline logo and number	Information message

Specifications	<p>The warning message and the corresponding graphic must:</p> <ul style="list-style-type: none"> (a) cover at least 30% of the total area of the front face; and (b) be positioned immediately below the seal, parallel to, and as close as possible to, the top edge of the front face so that the warning message and the graphic will not be obscured, severed or obliterated when the pack is opened; and (c) extend as close as possible to the side edges of the front face 	<p>The warning message, corresponding graphic and corresponding explanatory message must:</p> <ul style="list-style-type: none"> (a) cover the total area of the back face that is below the seal; and (b) be positioned immediately below the seal, parallel to, and as close as possible to, the top edge of the back face so that the warning message, corresponding graphic and corresponding explanatory message will not be obscured, severed or obliterated when the pack is opened; and (c) extend as close as possible to the side edges of the back face 	<p>The information message must cover the total area of 1 side of the pack, other than the space required for the ‘tidy man’ symbol</p>
Layout	Front layout 1 — see Division 2.3.2	Back layout 1 — see Division 2.3.3	—

Item 102A		Soft pack with a clear seal	
Face	Front	Back	Side
Content	Warning message and corresponding graphic	Warning message, corresponding graphic and corresponding explanatory message with Quitline logo and number	Information message
Specifications	<p>The warning message and the corresponding graphic must:</p> <ul style="list-style-type: none"> (a) cover at least 30% of the total area of the front face; and (b) be positioned parallel to, and as close as possible to, the top edge of the front face; and (c) extend as close as possible to the side edges of the front face; and (d) be positioned so that the warning message and the graphic will not be obscured, severed or obliterated when the pack is opened 	<p>The warning message, corresponding graphic and corresponding explanatory message must:</p> <ul style="list-style-type: none"> (a) cover at least 90% of the total area of the back face; and (b) be positioned parallel to, and as close as possible to, the top edge of the back face; and (c) extend as close as possible to the side edges of the back face; and (d) be positioned so that the warning message, corresponding graphic and corresponding explanatory message will not be obscured, severed or obliterated when the 	<p>The information message must cover the total area of 1 side of the pack, other than the space required for the 'tidy man' symbol</p>

		pack is opened	
Layout	Front layout 1 — see Division 2.3.2	Back layout 1 — see Division 2.3.3	—
Item 103	Vertical carton — semi-transparent and non-transparent		
Face	Front	Back	Side
Content	Warning message and corresponding graphic	Warning message, corresponding graphic and corresponding explanatory message with Quitline logo and number	Information message
Specifications	<p>The warning message and the corresponding graphic must:</p> <ul style="list-style-type: none"> (a) cover at least 30% of the total area of the front face; and (b) be positioned parallel to, and as close as possible to, the top edge of the front face; and (c) extend as close as possible to the side edges of the front face 	<p>The warning message, corresponding graphic and corresponding explanatory message must:</p> <ul style="list-style-type: none"> (a) if the back face is partially obscured by a seal: <ul style="list-style-type: none"> (i) cover as much of the remainder of the back face as practicable; and (ii) in any case cover at least 90% of remaining area of the back face; and 	<p>The information message must cover 25% of the total area of 1 side of the carton</p>

Layout	Front layout 1 — see Division 2.3.2	<ul style="list-style-type: none">(b) in any other case — cover at least 90% of the total area of the back face; and(c) be positioned parallel to, and as close as possible to, the longest edge of the back face; and(d) extend as close as possible to the side edges of the back face <p>(a) if the back face is partially obscured by a seal — Back Layout 4 or Back Layout 5 as appropriate, according to the position of the seal on the back face, including compliance with any conditions mentioned in the Layout;</p> <ul style="list-style-type: none">(b) in any other case — Back Layout 1 <p>Back Layouts 1, 4 and 5 — see Division 2.3.3</p>
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Item 104 Horizontal carton — semi-transparent and non-transparent			
Face	Front	Back	Side
Content	Warning message and corresponding graphic	Warning message, corresponding graphic and corresponding explanatory message with Quitline logo and number	Information message
Specifications	<p>The warning message and the corresponding graphic must:</p> <ul style="list-style-type: none"> (a) cover at least 30% of the total area of the front face; and (b) be positioned parallel to, and as close as possible to, the top edge of the front face; and (c) be positioned as close as possible to the left hand edge of the front face 	<p>The warning message, corresponding graphic and corresponding explanatory message must:</p> <ul style="list-style-type: none"> (a) if the back face is partially obscured by a seal: <ul style="list-style-type: none"> (i) cover as much of the remainder of the back face as practicable; and (ii) in any case cover at least 90% of remaining area of the back face; and 	<p>The information message must cover 25% of the total area of 1 side of the carton</p>

Layout	Front layout 2 — see Division 2.3.2	(b) in any other case — cover at least 90% of the total area of the back face; and
		(c) be positioned parallel to, and as close as possible to, the longest edge of the back face; and
		(d) extend as close as possible to the side edges of the back face
		(a) if the back face is partially obscured by a seal — Back Layout 4 or Back Layout 5 as appropriate, according to the position of the seal on the back face, including compliance with any conditions mentioned in the Layout;
		(b) in any other case — Back Layout 2
		Back Layouts 2, 4 and 5 — see Division 2.3.3

Item 105 Rectangular or square shaped pack (other than a carton)			
Face	Front	Back	Side
Content	Warning message and corresponding graphic	Warning message, corresponding graphic and corresponding explanatory message with Quitline logo and number	Information message
Specifications	<p>The warning message and the corresponding graphic must:</p> <ul style="list-style-type: none"> (a) cover at least 30% of the total area of the front face; and (b) be positioned parallel to, and as close as possible to, the top edge of the front face so that the warning message and the graphic will not be obscured, severed or obliterated when the pack is opened; and (c) extend as close as possible to the side edges of the front face 	<p>The warning message, corresponding graphic and corresponding explanatory message must:</p> <ul style="list-style-type: none"> (a) cover at least 90% of the total area of the back face; and (b) be positioned parallel to, and as close as possible to, the top edge of the back face, so that the warning message, corresponding graphic and corresponding explanatory message will not be obscured, severed or obliterated when the pack is opened; and (c) extend as close as possible to the side edges of the back face 	<p>The information message must cover the total area of 1 side of the pack, other than:</p> <ul style="list-style-type: none"> (a) any area that forms part of the lid; and (b) the space required for the 'tidy man' symbol

Layout	Front layout 1 — see Division 2.3.2	Back layout 1 — see Division 2.3.3	—
Item 106	Hexagonal or octagonal prism-shaped packs other than flip top packs		
Face	Front (the rectangular face of the pack on which the largest brand name appears)	Back (the face opposite to the front face)	Side (one of the rectangular or square faces of the pack, except the front and back faces)
Content	Warning message and corresponding graphic	Warning message, corresponding graphic and corresponding explanatory message with Quitline logo and number	Information message
Specifications	<p>The warning message and the corresponding graphic must:</p> <ul style="list-style-type: none"> (a) cover at least 30% of the total area of the front face; and (b) be positioned parallel to, and as close as possible to, the top edge of the front face so that the warning message and the graphic will not be obscured, severed or obliterated when the pack is opened; and 	<p>The warning message, corresponding graphic and corresponding explanatory message must:</p> <ul style="list-style-type: none"> (a) cover at least 90% of the total area of the back face; and (b) be positioned parallel to, and as close as possible to, the top edge of the back face so that the warning message, corresponding graphic and corresponding explanatory message 	<p>The information message must cover the total area of 1 side of the pack</p>

	(c) extend as close as possible to the side edges of the front face	will not be obscured, severed or obliterated when the pack is opened; and (c) extend as close as possible to the side edges of the back face	
Layout	Front layout 1 — see Division 2.3.2	Back layout 1 — see Division 2.3.3	—
Item 107	Cylindrical shaped pack		
Face	Front (the curved surface of the cylinder that extends one-twelfth of the circumference of the package each side of the vertical centre line of the largest brand name appearing on that surface)	Back (the surface of the cylinder that is opposite to the front face)	Outer surface of base of pack
Content	Warning message and corresponding graphic	Warning message, corresponding graphic and corresponding explanatory message with Quitline logo and number	Information message

Specifications	The warning message and the corresponding graphic must: <ul style="list-style-type: none"> (a) cover at least 30% of the total area of the front face; and (b) be positioned parallel to, and as close as possible to, the top edge of the front face so that the warning message and the graphic will not be obscured, severed or obliterated when the pack is opened 	The warning message, corresponding graphic and corresponding explanatory message must: <ul style="list-style-type: none"> (a) cover at least 90% of the total area of the back face; and (b) be positioned parallel to, and as close as possible to, the top edge of the back face so that the warning message, graphic and explanatory message will not be obscured, severed or obliterated when the pack is opened 	The information message must cover 25% of the total area of the outer surface of the base of the pack
Layout	Front layout 1 — see Division 2.3.2	Back layout 1 — see Division 2.3.3	—
Item 108	Pack of a shape or size not mentioned in items 101 to 107		
Face	Front (face of the pack on which the largest brand name appears)	Back (face opposite to the front face)	Side
Content	Warning message and corresponding graphic	Warning message, corresponding graphic and corresponding explanatory message with Quitline logo and number	Information message

Specifications	<p>The warning message and the corresponding graphic must:</p> <ul style="list-style-type: none"> (a) cover at least 30% of the total area of the front face; and (b) be positioned parallel to, and as close as possible to, the top edge of the front face so that the warning message and the graphic will not be obscured, severed or obliterated when the pack is opened; and (c) extend as close as possible to the side edges of the front face 	<p>The warning message, corresponding graphic and corresponding explanatory message must:</p> <ul style="list-style-type: none"> (a) cover at least 90% of the total area of the back face; and (b) be positioned parallel to, and as close as possible to, the top edge of the back face, so that the warning message, corresponding graphic and corresponding explanatory message will not be obscured, severed or obliterated when the pack is opened; and (c) extend as close as possible to the side edges of the back face 	<p>The information message must cover the total area of 1 side of the pack, other than the space required for the ‘tidy man’ symbol</p>
Layout	Front layout 1 — see Division 2.3.2	Back layout 1 — see Division 2.3.3	—

Division 2.1.2 Loose or pipe tobacco

Item 109	Pouch		
Face	Front (the largest face of the pouch that is not overlapped by the flap of the pouch)	Back (the face, comprising the flap, opposite to the front face)	Inside flap
Content	Warning message and corresponding graphic	Warning message, corresponding graphic and corresponding explanatory message with Quitline logo and number	Information message

Specifications	<p>For a front face with portrait orientation, the warning message and the corresponding graphic must:</p> <ul style="list-style-type: none"> (a) cover at least 30% of the total area of the front face; and (b) be positioned parallel to, and as close as possible to, the top edge of the front face; and (c) extend as close as possible to the side edges of the front face 	<p>The warning message, corresponding graphic and corresponding explanatory message must:</p> <ul style="list-style-type: none"> (a) cover at least 50% of the total area of the back face; and (b) be positioned parallel to, and as close as possible to, the top edge of the back face; and (c) extend as close as possible to the side edges of the back face 	<p>The information message must be printed within a rectangle measuring at least 80 mm by 25 mm that is positioned:</p> <ul style="list-style-type: none"> (a) in the centre of the inside of the pouch, under the flap, and as close as possible to the top edge of the sealed inner pouch; or (b) in the centre of the inside surface of the flap that folds over the back face
	<p>For a front face with landscape orientation, the warning message and the corresponding graphic must:</p> <ul style="list-style-type: none"> (a) cover at least 30% of the total area of the front face; and (b) be positioned parallel to, and as close as possible to, the top and left hand sides of the front face 		

Layout	For a front face with portrait orientation — front layout 1 — see Division 2.3.2 For a front face with landscape orientation — front layout 2 — see Division 2.3.2	Back layout 3 — see Division 2.3.3	—
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Item 110 Cylindrical shaped package with a height of at least 41 mm

Face	Front (the curved surface of the cylinder that extends one-twelfth of the circumference of the package each side of the vertical centre line of the largest brand name appearing on that surface)	Back (the surface of the cylinder that is opposite to the front face)	Outer surface of the base of the package
Content	Warning message and corresponding graphic	Warning message, corresponding graphic and corresponding explanatory message with Quitline logo and number	Information message

Specifications	The warning message and corresponding graphic must: <ul style="list-style-type: none"> (a) cover at least 30% of the total area of the front face; and (b) be positioned parallel to, and as close as possible to, the top edge of the front face so that the warning message and the graphic will not be obscured, severed or obliterated when the package is opened 	The warning message, corresponding graphic and corresponding explanatory message must: <ul style="list-style-type: none"> (a) cover at least 50% of the total area of the back face; and (b) be positioned parallel to, and as close as possible to, the top edge of the back face so that the warning message, graphic and explanatory message will not be obscured, severed or obliterated when the package is opened 	The information message must cover at least 25% of the total area of the outer surface of the base of the package
Layout	Front layout 1 — see Division 2.3.2	Back layout 1 — see Division 2.3.3	—
Item 111	Cylindrical shaped package or tin with a height of less than 41 mm		
Face	Front (the outer surface of the lid of the package or tin)	Back (the outer surface of the base of the package or tin)	
Content	Warning message	Corresponding explanatory message	

Specifications	The warning message must: (a) cover at least 30% of the total area of the front face; and (b) be positioned parallel to the largest brand name on the front face	The corresponding explanatory message must cover at least 50% of the total area of the back face
Item 112	Rectangular or square tin or package	
Face	Front (the outer surface of the lid of the tin or the front of the package)	Back (the outer surface of the base of the tin or the back of the package)
Content	Warning message	Corresponding explanatory message
Specifications	The warning message must: (a) cover at least 30% of the total area of the front face; and (b) be positioned parallel to the largest brand name on the front face	The corresponding explanatory message must cover at least 50% of the total area of the back face

Item 113 Pack of a shape or size not mentioned in items 109 to 112			
Face	Front (the face of the package on which the largest brand name appears)	Back (the face opposite the front face)	Side
Content	Warning message	Corresponding explanatory message	Information message
Specifications	The warning message must: <ul style="list-style-type: none"> (a) cover at least 30% of the total area of the front face; and (b) be positioned parallel to the largest brand name on the front face 	The corresponding explanatory message must cover at least 50% of the total area of the back face	The information message must cover at least 25% of the total area of 1 side of the pack

Division 2.1.3 Cigars

Item 114 Package with hinged lid			
Face	Front (outer surface of lid)	Back (outer surface of base)	
Content	Warning message and corresponding graphic with Quitline logo and number	Warning message and corresponding explanatory message	
Specifications	The warning message and the corresponding graphic must cover at least 25% of the total area of the front face	The warning message and corresponding explanatory message must cover at least 33% of the total area of the	

		back face
Item 115	Flip top pack	
Face	Front	Back
Content	Warning message and corresponding graphic with Quitline logo and number	Warning message and corresponding explanatory message
Specifications	The warning message and the corresponding graphic must cover at least 25% of the total area of the front face	The warning message and corresponding explanatory message must cover at least 33% of the total area of the back face
Item 116	Soft pack	
Face	Front	Back
Content	Warning message and corresponding graphic with Quitline logo and number	Warning message and corresponding explanatory message
Specifications	The warning message and the corresponding graphic must cover at least 25% of the total area of the front face	The warning message and corresponding explanatory message must cover at least 33% of the total area of the back face


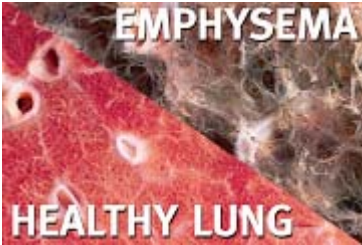
Item 117		
Rectangular or square shaped pack or tin the front face of which has a width of at least 61 mm		
Face	Front	Back
Content	Warning message and corresponding graphic with Quitline logo and number	Warning message and corresponding explanatory message
Specifications	The warning message and the corresponding graphic must cover at least 25% of the total area of the front face	The warning message and corresponding explanatory message must cover at least 33% of the total area of the back face
Item 118		
Rectangular or square shaped pack or tin the front face of which has a width of less than 61 mm		
Face	Front	Back
Content	Corresponding graphic with Quitline logo and number	Warning message
Specifications	The graphic must cover at least 25% of the total area of the front face	The warning message must cover at least 33% of the total area of the back face



Item 119 Cylindrical packs		
Face	Front (the curved surface of the cylinder that extends one-twelfth of the circumference of the cylinder each side of the vertical centre line of the largest brand name appearing on that surface)	Back (the surface opposite to the front face)
Content	Warning message and corresponding graphic with Quitline logo and number	Warning message and corresponding explanatory message
Specifications	The warning message and the corresponding graphic must cover at least 25% of the total area of the front face	The warning message and corresponding explanatory message must cover at least 33% of the total area of the back face
Item 120 Hexagonal or octagonal prism shaped pack		
Face	Front (the rectangular face of the package on which the largest brand name appears)	Back (the face opposite to the front face)
Content	Warning message and corresponding graphic with Quitline logo and number	Warning message and corresponding explanatory message
Specifications	The warning message and the corresponding graphic must cover at least 25% of the total area of the front face	The warning message and corresponding explanatory message must cover at least 33% of the total area of the back face



Item 121	Pack of a shape or size not mentioned in items 114 to 120	
Face	Front (the face of the package on which the largest brand name appears)	Back (the face opposite to the front face)
Content	Warning message and corresponding graphic with Quitline logo and number	Warning message and corresponding explanatory message
Specifications	The warning message and the corresponding graphic must cover at least 25% of the total area of the front face	The warning message and corresponding explanatory message must cover at least 33% of the total area of the back face



Part 2.2 Warning messages, explanatory messages and graphics


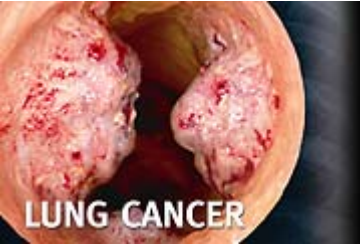
Division 2.2.1 Cigarettes and loose or pipe tobacco — relevant retail packages



Item	Warning message	Explanatory message	Graphic
201	<p>SMOKING CAUSES PERIPHERAL VASCULAR DISEASE</p> <p>Health Authority Warning</p>	<p>Smoking damages your blood vessels, which can prevent blood circulation, particularly to your legs or feet. This can result in blood clots, infection, gangrene, even amputation.</p> <p>You CAN quit smoking. Call Quitline 131 848, talk to your doctor or pharmacist, or visit www.quitnow.info.au</p>	
202	<p>SMOKING CAUSES EMPHYSEMA</p> <p>Health Authority Warning</p>	<p>Emphysema is a disease where the airsacs in the lungs are gradually destroyed, making it hard to breathe. Sufferers describe it as a living, breathing hell. Nearly all emphysema is caused by tobacco smoking.</p> <p>You CAN quit smoking. Call Quitline 131 848, talk to your doctor or pharmacist, or visit www.quitnow.info.au</p>	



Item	Warning message	Explanatory message	Graphic
203	<p>SMOKING CAUSES MOUTH AND THROAT CANCER</p> <p>Health Authority Warning</p>	<p>Smoking is the major cause of cancers affecting the mouth and throat. These cancers can result in extensive surgery, problems in eating and swallowing, speech problems and permanent disfigurement.</p> <p>You CAN quit smoking. Call Quitline 131 848, talk to your doctor or pharmacist, or visit www.quitnow.info.au</p>	
204	<p>SMOKING CLOGS YOUR ARTERIES</p> <p>Health Authority Warning</p>	<p>Smoking narrows your arteries, causing them to become clogged, and can lead to heart attack, stroke, peripheral vascular disease, gangrene of the feet and impotence.</p> <p>You CAN quit smoking. Call Quitline 131 848, talk to your doctor or pharmacist, or visit www.quitnow.info.au</p>	

Item	Warning message	Explanatory message	Graphic										
205	<p>DON'T LET CHILDREN BREATHE YOUR SMOKE</p> <p>Health Authority Warning</p>	<p>Children exposed to passive smoking experience more serious illnesses such as pneumonia, middle ear infections and asthma attacks. Babies exposed to passive smoking are at greater risk of SIDS (Sudden Infant Death Syndrome).</p> <p>You CAN quit smoking. Call Quitline 131 848, talk to your doctor or pharmacist, or visit www.quitnow.info.au</p>											
206	<p>SMOKING – A LEADING CAUSE OF DEATH</p> <p>Health Authority Warning</p>	<p>Smoking causes more deaths than murder, illegal drugs, motor vehicle accidents and alcohol combined. Smokers not only live shorter lives, they also live more years with disabling health problems.</p> <p>You CAN quit smoking. Call Quitline 131 848, talk to your doctor or pharmacist, or visit www.quitnow.info.au</p> <p>* Source: AIHW Quantification of drug caused mortality and morbidity in Australia, 1998 and ABS Causes of Death, 1998.</p>	 <table border="1"> <caption>CAUSES OF DEATH IN AUSTRALIA*</caption> <tr> <td>TOBACCO</td> <td>19,019</td> </tr> <tr> <td>Alcohol</td> <td>2,831</td> </tr> <tr> <td>Motor Vehicle Accidents</td> <td>1,731</td> </tr> <tr> <td>Illegal Drugs</td> <td>863</td> </tr> <tr> <td>Murders</td> <td>203</td> </tr> </table>	TOBACCO	19,019	Alcohol	2,831	Motor Vehicle Accidents	1,731	Illegal Drugs	863	Murders	203
TOBACCO	19,019												
Alcohol	2,831												
Motor Vehicle Accidents	1,731												
Illegal Drugs	863												
Murders	203												

Item	Warning message	Explanatory message	Graphic
207	<p>QUITTING WILL IMPROVE YOUR HEALTH</p> <p>Health Authority Warning</p>	<p>Quitting smoking at any age benefits your health and fitness. Quitting reduces your risk of developing diseases such as cancer, heart attack and stroke. In the case of heart attack, the risk is halved one year after quitting.</p> <p>You CAN quit smoking. Call Quitline 131 848, talk to your doctor or pharmacist, or visit www.quitnow.info.au</p>	
208	<p>SMOKING HARMS UNBORN BABIES</p> <p>Health Authority Warning</p>	<p>Smoking during pregnancy reduces the flow of blood in the placenta and limits the oxygen and nutrients that reach the growing baby. This increases the risk of miscarriage, stillbirth, premature birth, complications during birth or the baby having a smaller brain and body.</p> <p>You CAN quit smoking. Call Quitline 131 848, talk to your doctor or pharmacist, or visit www.quitnow.info.au</p>	

Item	Warning message	Explanatory message	Graphic
209	SMOKING CAUSES BLINDNESS Health Authority Warning	Smoking causes irreversible damage to the back of the eye. This is known as macular degeneration. Central vision is lost, blindness may follow. You CAN quit smoking. Call Quitline 131 848 , talk to your doctor or pharmacist, or visit www.quitnow.info.au	
210	SMOKING CAUSES LUNG CANCER Health Authority Warning	9 out of 10 lung cancers are caused by smoking. Every cigarette you smoke increases your risk of lung cancer. Most people who get lung cancer, die from it. You CAN quit smoking. Call Quitline 131 848 , talk to your doctor or pharmacist, or visit www.quitnow.info.au	

Item	Warning message	Explanatory message	Graphic
211	<p>SMOKING CAUSES HEART DISEASE</p> <p>Health Authority Warning</p>	<p>Smoking narrows the arteries to your heart, causing them to become blocked. This can cause heart attacks and death. Smoking can double your risk of dying from a heart attack.</p> <p>You CAN quit smoking. Call Quitline 131 848, talk to your doctor or pharmacist, or visit www.quitnow.info.au</p>	 <p>HEART BYPASS OPERATION</p>
212	<p>SMOKING DOUBLES YOUR RISK OF STROKE</p> <p>Health Authority Warning</p>	<p>Smoking narrows the arteries to your brain, causing them to become blocked. This causes a stroke that can result in permanent paralysis, inability to speak, disability or death.</p> <p>You CAN quit smoking. Call Quitline 131 848, talk to your doctor or pharmacist, or visit www.quitnow.info.au</p>	 <p>MINOR STROKE</p>



Item	Warning message	Explanatory message	Graphic
213	<p>SMOKING IS ADDICTIVE</p> <p>Health Authority Warning</p>	<p>When you smoke you inhale the drug nicotine. In a short time you can find it difficult to control how much you smoke or to quit smoking. Many people don't realise they are dependent on tobacco until they try to quit. Even lifelong smokers CAN and do quit.</p> <p>You CAN quit smoking. Call Quitline 131 848, talk to your doctor or pharmacist, or visit www.quitnow.info.au</p>	
214	<p>TOBACCO SMOKE IS TOXIC</p> <p>Health Authority Warning</p>	<p>Tobacco smoke is a complex mixture of toxic chemicals such as nitrosamines and benzopyrenes (which contribute directly to the formation of cancer in smokers), and carbon monoxide (which reduces the ability of blood to carry oxygen). These harmful substances can reach your brain, heart and other organs within 10 seconds of the first puff.</p> <p>You CAN quit smoking. Call Quitline 131 848, talk to your doctor or pharmacist, or visit www.quitnow.info.au</p>	



Division 2.2.2 Loose or pipe tobacco in retail packages mentioned in items 111, 112 or 113


Item	Warning message	Explanatory message
215	SMOKING DOUBLES YOUR RISK OF STROKE	Smoking narrows the arteries to your brain causing them to become blocked. This causes a stroke that can result in permanent paralysis, inability to speak, disability or death. You CAN quit smoking. Call Quitline 131 848 , talk to your doctor or pharmacist, or visit www.quitnow.info.au
216	SMOKING CAUSES PERIPHERAL VASCULAR DISEASE	Smoking damages your blood vessels, which can prevent blood circulation, particularly to your legs and feet. This can result in blood clots, infection, gangrene, even amputation. You CAN quit smoking. Call Quitline 131 848 , talk to your doctor or pharmacist, or visit www.quitnow.info.au
217	SMOKING CAUSES BLINDNESS	Smoking causes irreversible damage to the back of the eye. This is known as macular degeneration. Central vision is lost, blindness may follow. You CAN quit smoking. Call Quitline 131 848 , talk to your doctor or pharmacist, or visit www.quitnow.info.au

Item	Warning message	Explanatory message
218	SMOKING CAUSES MOUTH AND THROAT CANCER	<p>Smoking is the major cause of cancers affecting the mouth and throat. These cancers can result in extensive surgery, problems in eating and swallowing, speech problems and permanent disfigurement.</p> <p>You CAN quit smoking. Call Quitline 131 848, talk to your doctor or pharmacist, or visit www.quitnow.info.au</p>
219	DON'T LET CHILDREN BREATHE YOUR SMOKE	<p>Children exposed to passive smoking experience more serious illnesses such as pneumonia, middle ear infections and asthma attacks. Babies exposed to passive smoking are at a greater risk of SIDS (Sudden Infant Death Syndrome).</p> <p>You CAN quit smoking. Call Quitline 131 848, talk to your doctor or pharmacist, or visit www.quitnow.info.au</p>

Division 2.2.3 Cigars

Item	Warning message	Explanatory message	Graphic
220	<p>CIGARS ARE NOT A SAFE ALTERNATIVE TO CIGARETTES</p> <p>Health Authority Warning</p>	<p>Cigar smoking, particularly if you inhale, increases your risk of mouth and throat cancer, heart disease and lung cancer.</p> <p>You CAN quit smoking. Call Quitline 131 848, talk to your doctor or pharmacist, or visit www.quitnow.info.au</p>	
221	<p>CIGAR SMOKING CAUSES MOUTH AND THROAT CANCER</p> <p>Health Authority Warning</p>	<p>Cigar smoking increases your risk of developing cancer of the lip, mouth, throat and voicebox.</p> <p>You CAN quit smoking. Call Quitline 131 848, talk to your doctor or pharmacist, or visit www.quitnow.info.au</p>	

Item	Warning message	Explanatory message	Graphic
222	CIGAR SMOKING CAUSES LUNG CANCER Health Authority Warning	Cigar smoking increases your risk of lung cancer, even if you do not inhale. Your lung cancer risk increases greatly if you inhale the smoke. You CAN quit smoking. Call Quitline 131 848 , talk to your doctor or pharmacist, or visit www.quitnow.info.au	
223	DON'T LET CHILDREN BREATHE YOUR SMOKE Health Authority Warning	Children exposed to passive smoking experience more serious illnesses such as pneumonia, middle ear infections and asthma attacks. Babies exposed to passive smoking are at greater risk of SIDS (Sudden Infant Death Syndrome). You CAN quit smoking. Call Quitline 131 848 , talk to your doctor or pharmacist, or visit www.quitnow.info.au	

Item	Warning message	Explanatory message	Graphic
224	CIGAR SMOKE IS TOXIC Health Authority Warning	Cigar smoke contains high concentrations of toxins and irritants. Taking in this toxic mix can damage the body's cells, resulting in many diseases including cancer, heart disease and respiratory disease. You CAN quit smoking. Call Quitline 131 848 , talk to your doctor or pharmacist, or visit www.quitnow.info.au	

Note The warning messages, explanatory messages and graphics mentioned in this Part will be supplied to manufacturers and importers by the Department of Health and Ageing.

Part 2.3 Layouts for retail packages of cigarettes and loose or pipe tobacco

Division 2.3.1 Definitions

For Part 2.1, a reference in that Part to *layout* is a reference to the layout of a package described in this Part.

Division 2.3.2 Layouts — front of pack

Front layout 1

Graphic	Warning message

Front layout 2

Graphic	
Warning message	

Division 2.3.3 Layouts — back of pack

Back layout 1

Warning message
Graphic
Explanatory message

Back layout 2

Graphic	Warning message
	Explanatory message

Back layout 3

Graphic	Warning message
	Explanatory message

Back layout 4

Warning message	
(Seal)	
Graphic and Quitline logo	Explanatory message

Conditions for Back Layout 4

- (a) Layout may only be used if the warning message occupies the lesser portion of the remainder of the face, having regard to the division made by the seal; and
- (b) The warning message must be not less than 20 mm in height.

Back layout 5

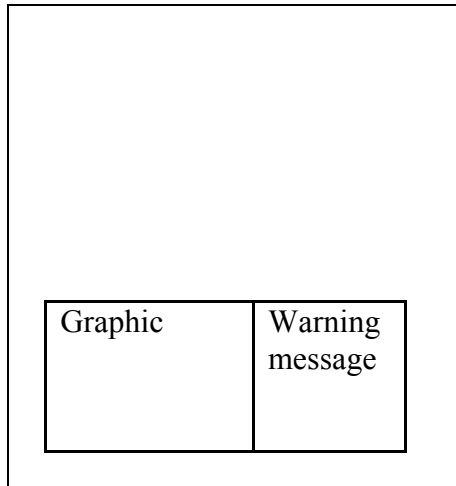
Graphic and Quitline logo	Explanatory message
(Seal)	
Warning message	

Conditions for Back Layout 5

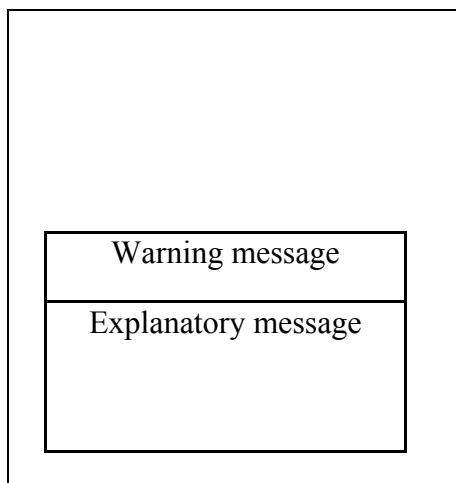
- (a) Layout may only be used if the warning message occupies the lesser portion of the remainder of the face, having regard to the division made by the seal; and
- (b) The warning message must be not less than 20 mm in height.

Part 2.4 Examples of layouts for warning message, corresponding graphic and corresponding explanatory message (if required) for retail packages of cigars

Front of pack



Back of pack



Part 2.5 Information message

- Smoking exposes you to more than 40 harmful chemicals.
- These chemicals damage blood vessels, body cells and the immune system.
- QUIT NOW to reduce your risk of chronic illness or premature death.

Part 2.6 Quitline logo



Part 2.7 Warning messages – bidis

Item	Warning message
601	SMOKING DOUBLES YOUR RISK OF STROKE
602	SMOKING CAUSES PERIPHERAL VASCULAR DISEASE
603	SMOKING CAUSES BLINDNESS
604	SMOKING CAUSES MOUTH AND THROAT CANCER
605	DON'T LET CHILDREN BREATHE YOUR SMOKE

Part 2.8 Warning messages — nasal snuff

Item	Warning message
701	THIS PRODUCT CONTAINS CANCER CAUSING AGENTS
702	THIS PRODUCT MAY BE HARMFUL TO YOUR HEALTH

Table of Instruments

Notes to the *Trade Practices (Consumer Product Information Standards) (Tobacco) Regulations 2004*

Note 1

The *Trade Practices (Consumer Product Information Standards) (Tobacco) Regulations 2004* (in force under the *Trade Practices Act 1974*) as shown in this compilation comprise Statutory Rules 2004 No. 264 is amended as indicated in the Tables below.

Under the *Legislative Instruments Act 2003*, which came into force on 1 January 2005, it is a requirement for all non-exempt legislative instruments to be registered on the Federal Register of Legislative Instruments. From 1 January 2005 the Statutory Rules series ceased to exist and was replaced with Select Legislative Instruments (SLI series). Numbering conventions remain the same, ie Year and Number.

Table of Instruments

Title	Date of notification in <i>Gazette</i> or FRLI registration	Date of commencement	Application, saving or transitional provisions
2004 No. 264	26 Aug 2004	1 Sept 2004	
2005 No. 229	10 Oct 2005 (<i>see</i> F2005L02919)	11 Oct 2005	—
2007 No. 20	16 Feb 2007 (<i>see</i> F2007L00233)	17 Feb 2007	—

Table of Amendments

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Part 1	
R. 3A.....	ad. 2007 No. 20
R. 5.....	am. 2005 No. 229
R. 6.....	am. 2007 No. 20
Part 2	
R. 7.....	am. 2005 No. 229
R. 7A.....	ad. 2005 No. 229`
Part 3	
Division 1	
R. 14.....	rep. 2005 No. 229
R. 16.....	am. 2007 No. 20
Part 4	
Division 1	
R. 26.....	am. 2005 No. 229
R. 28.....	rep. 2005 No. 229
R. 30.....	am. 2007 No. 20
R. 31.....	am. 2005 No. 229
R. 32.....	rs. 2005 No. 229
Division 2	
R. 35A.....	ad. 2005 No. 229
R. 36.....	rs. 2005 No. 229
R. 39.....	am. 2005 No. 229
Schedule 2	
Schedule 2.....	am. 2005 No. 229