

S.I. 2017 No.

Health Services Act

CAP. 44

HEALTH SERVICES (PACKAGING AND LABELLING OF TOBACCO PRODUCTS) REGULATIONS, 2017

The Minister, in exercise of the powers conferred on him by section 10(1) (aa) of the *Health Services Act*, makes the following Regulations:

1. These Regulations may be cited as the *Health Services (Packaging and Labelling of Tobacco Products) Regulations, 2017*.

2. In these Regulations,

“carton” means a collective unit of packages of tobacco products that is designed to be sold in the retail trade;

“graphic” means any emblem, design, image, logo, mark, pattern, picture, sign, symbol, trademark or any other indicium;

“health warning” means any of the written or pictorial messages set out in the First Schedule which appear on packages of tobacco products for the purpose of enhancing public awareness of the harmful effects of smoking;

“package” means any confining band, container, receptacle or other enclosure in which tobacco products are sold;

“principal display panel” means the front and back of a package or such other area that is most likely to be examined, displayed or seen under normal conditions of sale or use; and

“tobacco products” has the meaning assigned to it by section 2 of the *Health Services Act*, Cap. 44.

3. A person who manufactures, distributes or sells tobacco products shall ensure that there is displayed on

- (a)* the principal display panel of a carton or package,
 - (i)* the proper name of the product;
 - (ii)* a correct statement of the net weight and contents of the package;
 - (iii)* a health warning in accordance with regulation 4; and
- (b)* the label of a carton or package,
 - (i)* the name and address of the manufacturer or distributor of the product;
 - (ii)* a declaration in accordance with regulation 5; and
 - (iii)* the batch number and the date on which the product was manufactured.

4.(1) A person who manufactures, distributes or sells tobacco products shall ensure that health warnings, in accordance with the warnings set out in the First Schedule, are depicted on the principal display panel of every carton and package produced for sale.

(2) The Barbados National Standard Institution shall approve 40 health warnings of which

- (a)* 16 shall be used on packages of smoked tobacco products;
- (b)* 8 shall be used on packages of smokeless tobacco products; and
- (c)* 16 shall be used on cartons of smoked tobacco products

in accordance with the rotation periods set out in the Second Schedule.

(3) No carton or package shall display any other warning in the form of a statement or graphic that is not approved by the Barbados National Standards Institution.

- (4) A package shall have displayed on it, a health warning in accordance with the health warnings set out in the First Schedule, and that warning shall
- (a) be printed in English;
 - (b) be enclosed in a frame with a maximum thickness of 0.5mm; and
 - (c) be placed on the package in a manner that ensures that it will not be damaged, removed or obscured by any other message or graphic on the display panel, when the package is opened.
- (5) The health warnings on a rectangular package with a flip-top shall cover 60 percent of the principal display panel and be in accordance with the health warnings for use on packages of smoked tobacco products set out in the First Schedule.
- (6) The “back of package” health warnings for use on packages of smoked and smokeless tobacco products set out in the First Schedule shall cover 60 percent of the principal display panel and be used on both the front and back of a rectangular package without a flip-top.
- (7) The health warnings on a conical package shall
- (a) be printed to cover 60 percent of the surface area;
 - (b) be in a rectangular format;
 - (c) be read vertically from the bottom or at the wider end of the package to two-thirds of the height of the package; and
 - (d) be printed with the warnings designated for the front and back of the package on equal and opposite sides.
- (8) The health warnings on a package of any other shape shall be printed in a rectangular format to cover 60 percent of the principal display panel.
- (9) A carton of tobacco products shall have displayed on it, no less than 3 of the relevant health warnings set out in the First Schedule which shall
- (a) be printed to cover 60 percent of each side of the carton;

- (b) be depicted on opposite sides to each other; and
- (c) be subject to the requirements for health warnings referred to in paragraph (4).

5.(1) A person who manufactures, distributes or sells tobacco products shall ensure that a declaration is printed on every carton or package produced for sale.

(2) The declaration referred to in paragraph (1) shall

- (a) state as follows:

“Smoke from this product contains extremely addictive nicotine and toxic substances such as tar and carbon monoxide. No safe level of consumption exists for this product”;

- (b) be printed in black letters on a yellow or white background, and in the case of
 - (i) a carton, on any side of the carton in an area with a minimum size of 2cm x 3cm;
 - (ii) a rectangular package, on the entire side panel or where the package has a flip top, on that portion of the side panel that is below the flip-top opening; and
 - (iii) a package that is not rectangular, in an area that is adjacent to the health warning.

6. No carton or package shall have displayed on it

- (a) any information that promotes tobacco products in a manner that is false or misleading;
- (b) any description of the contents of that carton or package which uses such terms including “light”, “mild”, “low tar”, “ultra”, “extra” or “slim”; or

- (c) any other text or graphic that is likely to create an erroneous impression about the characteristics or effects of tobacco products.

7.(1) A person who manufactures tobacco products may attribute the declaration or health warnings which are displayed on the products to the Chief Medical Officer.

(2) Where an attribution pursuant to paragraph (1) is used, it shall be printed immediately after the health warning or declaration, in Avant Garde, Medium BT, 7 point, upper and lower case type or an equivalent type.

8.(1) A person who manufactures, distributes or sells a carton or package which

- (a) fails to comply with the labelling requirements referred to in regulation 3, 4 or 5; or
- (b) displays a label referred to in regulation 6,

is guilty of an offence and is liable on summary conviction to a fine of \$5 000 or to imprisonment for a term of 12 months or to both.

(2) Where a person convicted of an offence fails to comply with these Regulations, that person shall be liable to a further fine of \$200 for each day or part thereof during which that failure to comply continues.

FIRST SCHEDULE

(Regulations 2 and 4(1), (4), (5), (6) and (9))

Health Services Act
Cap. 44

Graphic Health Warnings for Use on Packages of Smoked Tobacco Products

Set A graphic health warnings

Front of Package



Back of Package



Set A graphic health warning – 1

Front of Package



Back of Package

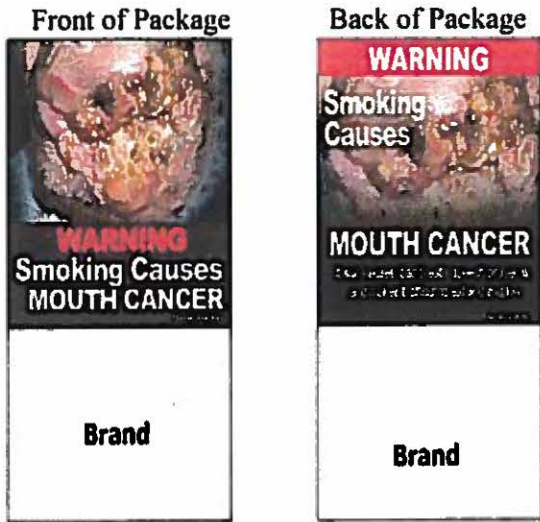


Set A graphic health warning – 2

First Schedule – Cont'd



Set A graphic health warning – 3

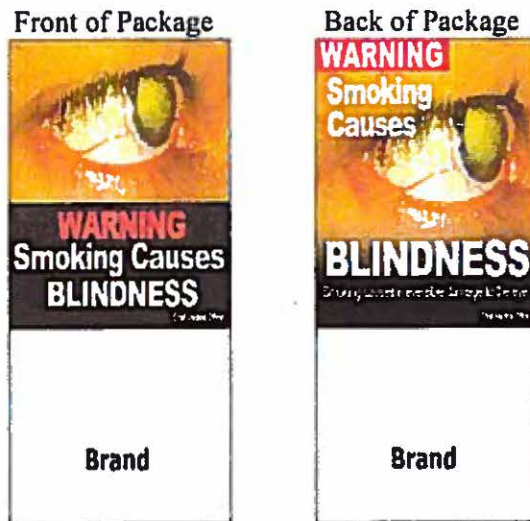


Set A graphic health warning – 4

First Schedule – Cont'd

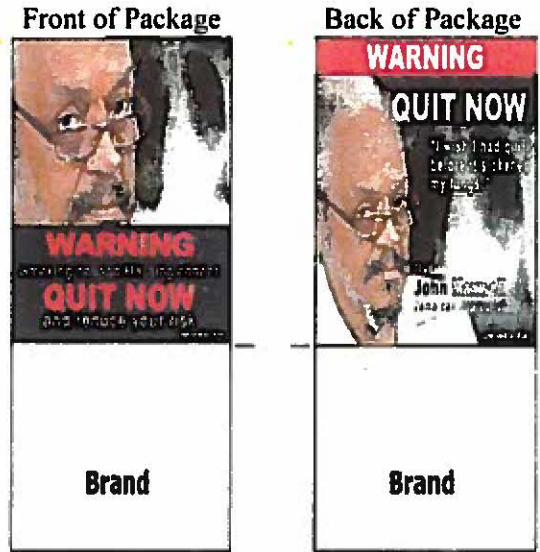


Set A graphic health warning – 5

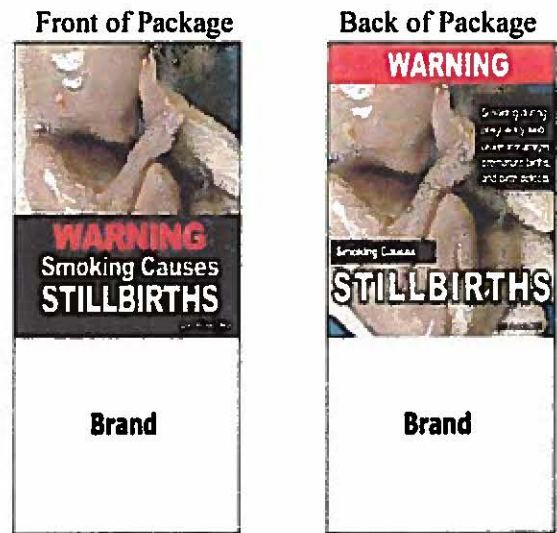


Set A graphic health warning – 6

First Schedule – Cont'd



Set A graphic health warning – 7



Set A graphic health warning – 8

First Schedule – Cont'd

Set B graphic health warnings



Set B graphic health warning – 1



Set B graphic health warning – 2

First Schedule – Cont'd

Front of Package



Back of Package

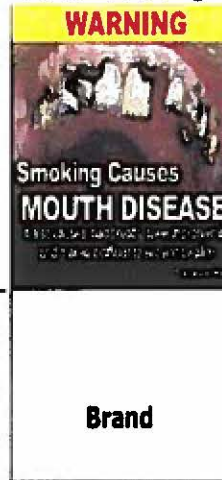


Set B graphic health warning – 3

Front of Package

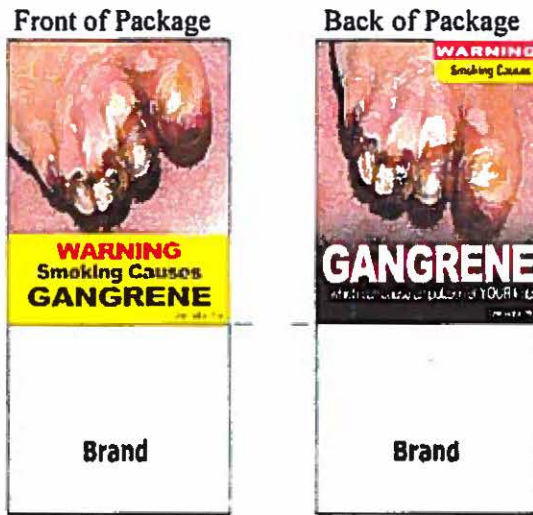


Back of Package



Set B graphic health warning – 4

First Schedule – Cont'd



Set B graphic health warning – 5



Set B graphic health warning - 6

First Schedule – Cont'd

Front of Package

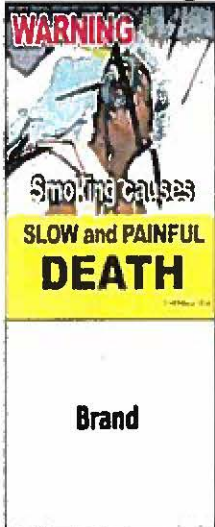


Back of Package

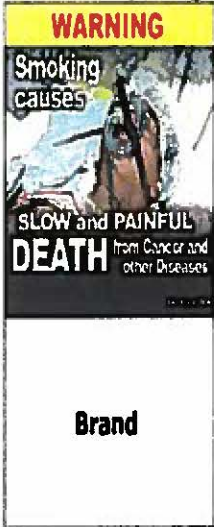


Set B graphic health warning – 7

Front of Package



Back of Package



Set B graphic health warning – 8

First Schedule – Cont'd

Graphic Health Warnings for Use on Packages of Smokeless Tobacco Products

Set A graphic health warnings

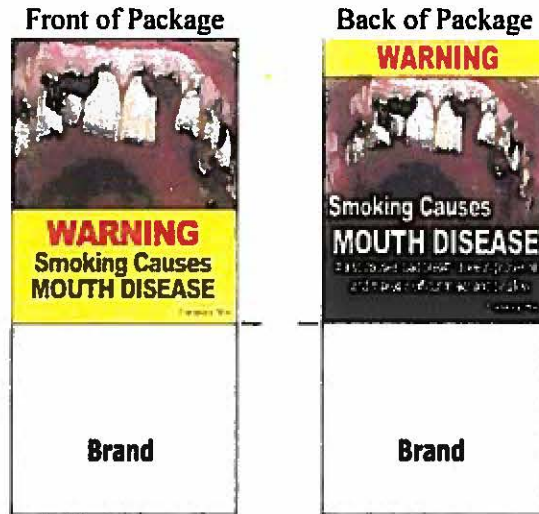


Set A graphic health warning – 1



Set A graphic health warning – 2

First Schedule – Cont'd



Set A graphic health warning – 3



Set A graphic health warning – 4

First Schedule – Cont'd

Set B graphic health warnings

Front of Package



Back of Package

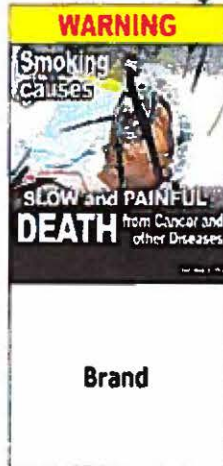


Set B graphic health warning – 1

Front of Package



Back of Package

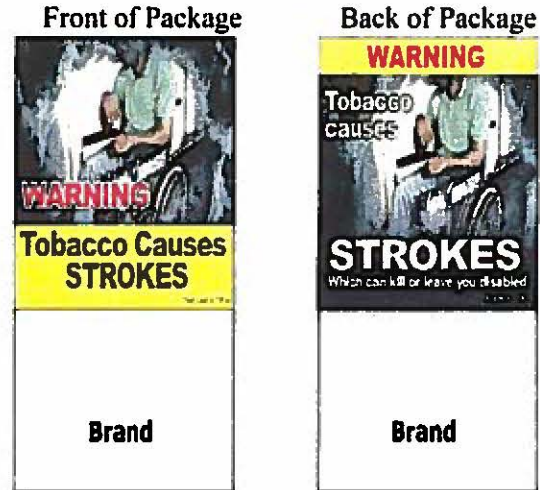


Set B graphic health warning – 2

First Schedule – Cont'd



Set B graphic health warning – 3



Set B graphic health warning – 4

First Schedule – Cont'd

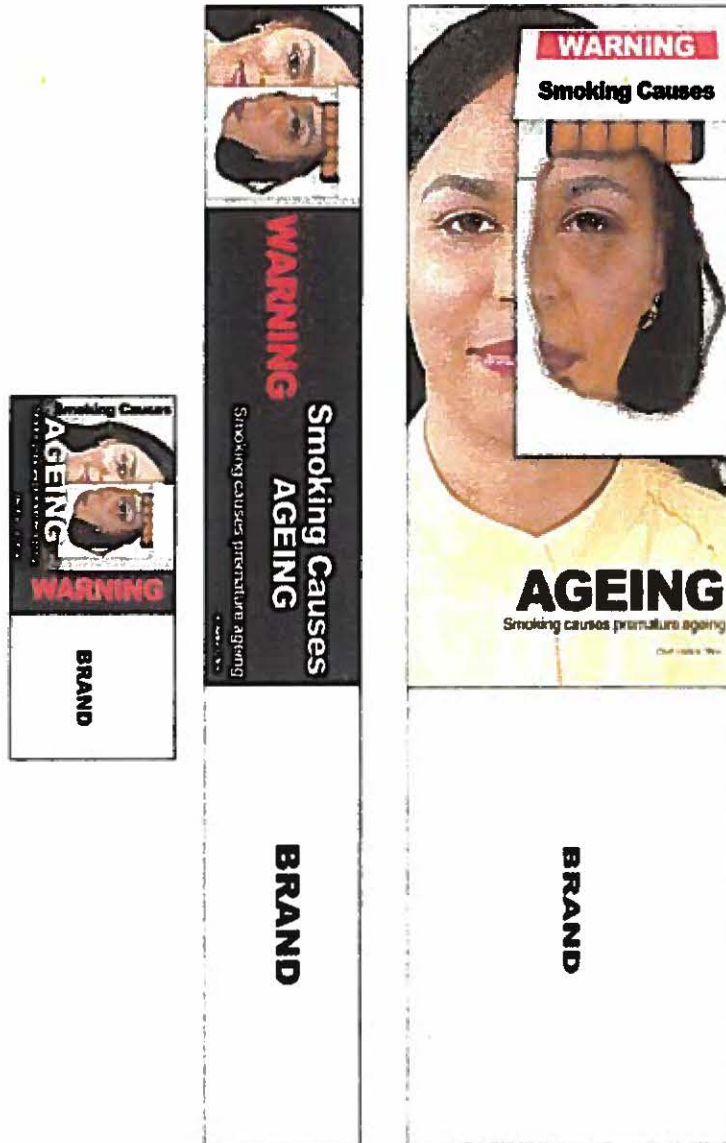
Graphic Health Warnings for Use on Cartons of Smoked Tobacco Products

Set A graphic health warnings



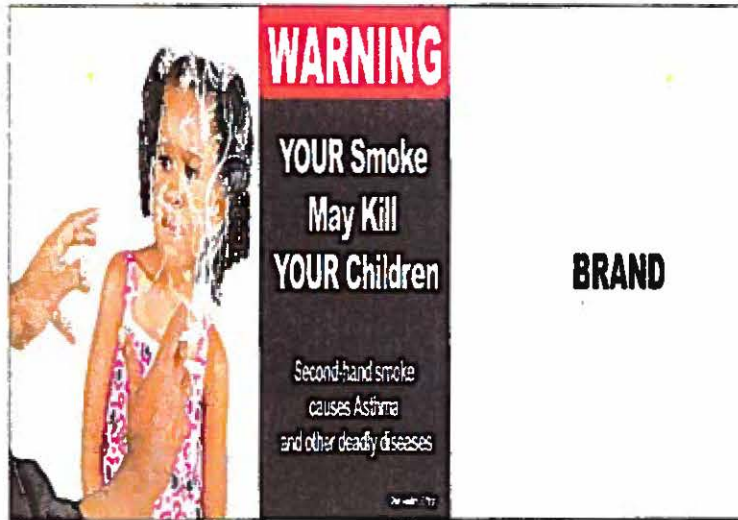
Set A graphic health warning – 1

First Schedule – Cont'd



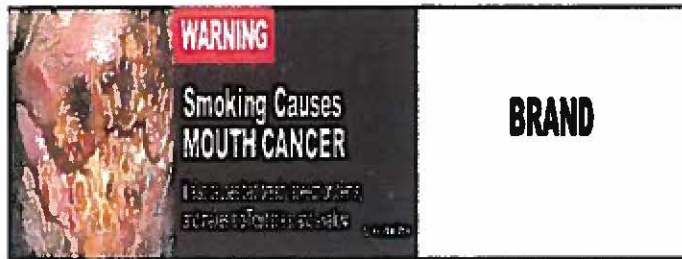
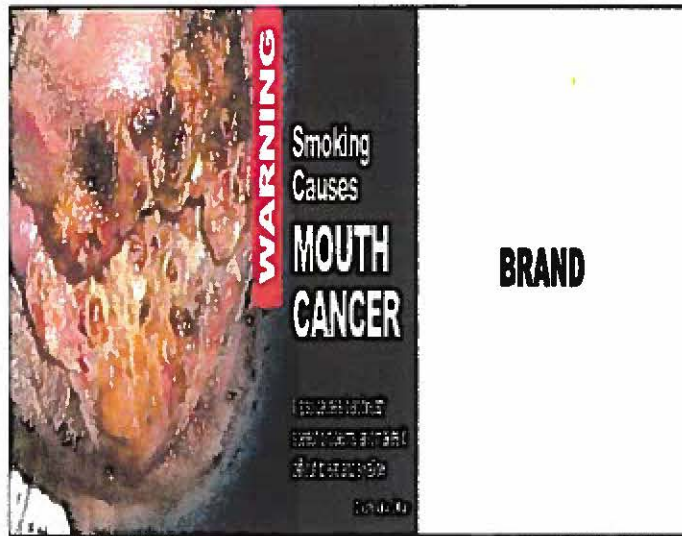
Set A graphic health warning – 2

First Schedule – Cont'd



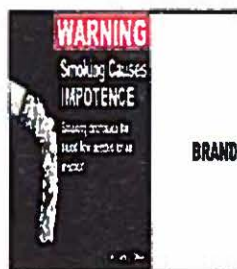
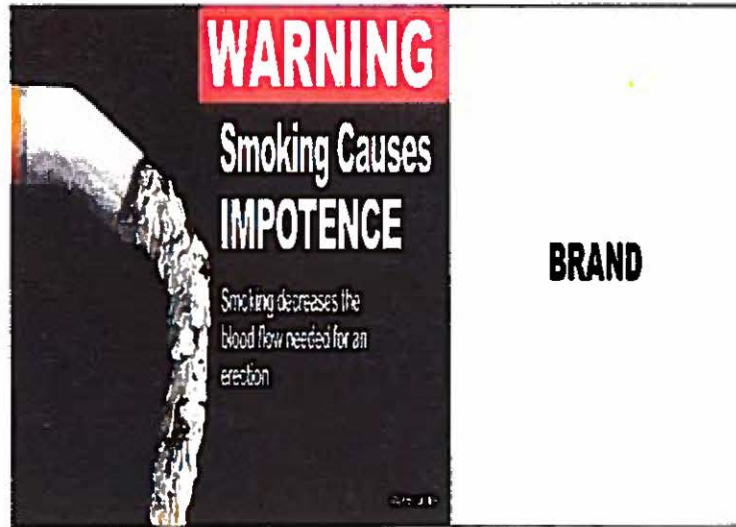
Set A graphic health warning – 3

First Schedule – Cont'd



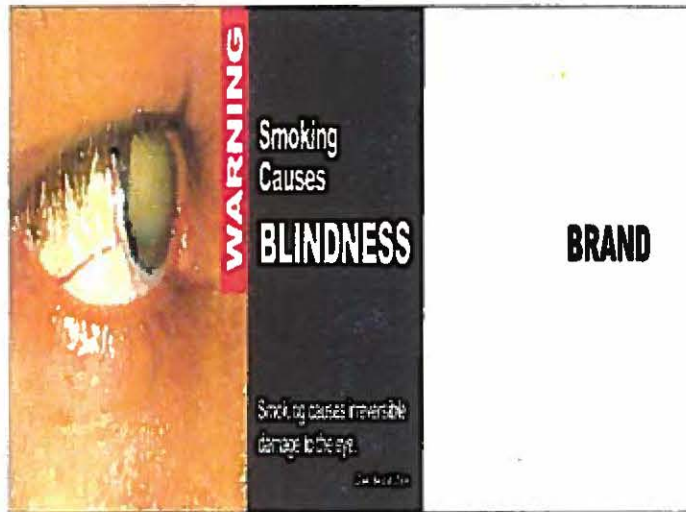
Set A graphic health warning – 4

First Schedule – Cont'd



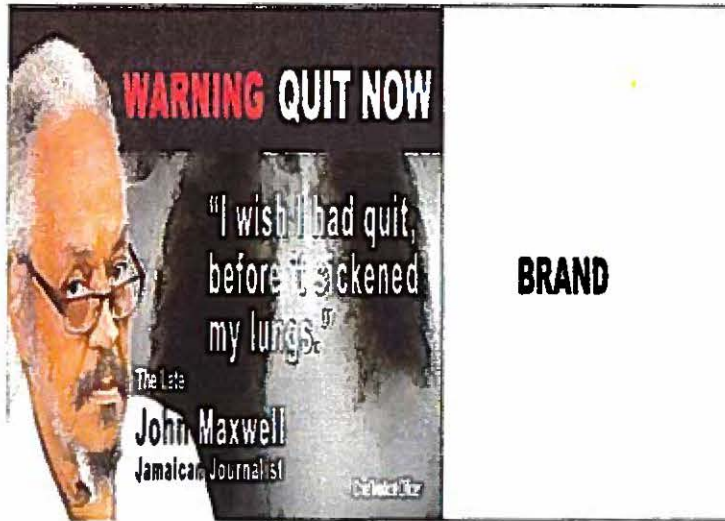
Set A graphic health warning – 5

First Schedule – Cont'd



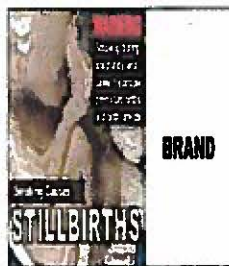
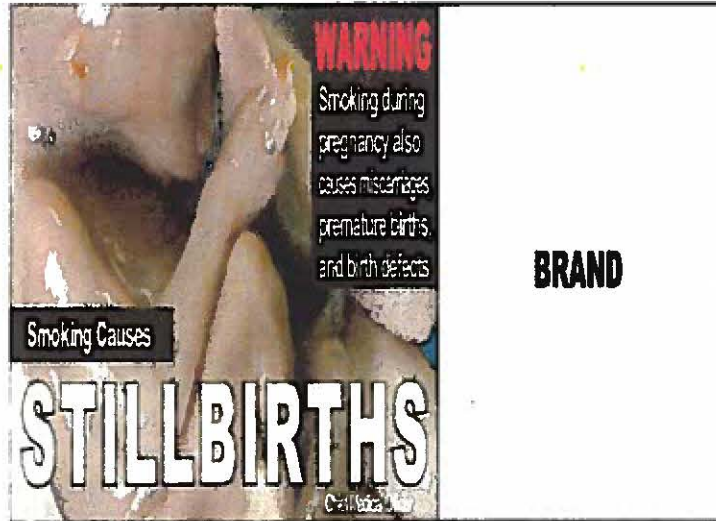
Set A graphic health warning – 6

First Schedule – Cont'd



Set A graphic health warning – 7

First Schedule – Cont'd



Set A graphic health warning – 8

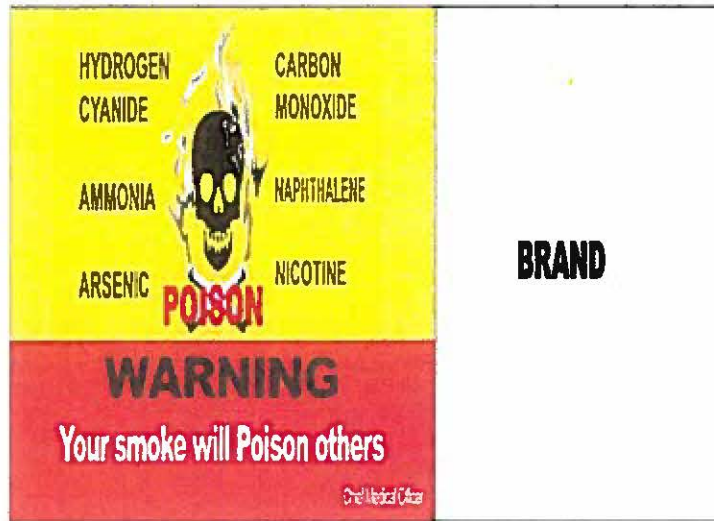
First Schedule – Cont'd

Set B graphic health warnings



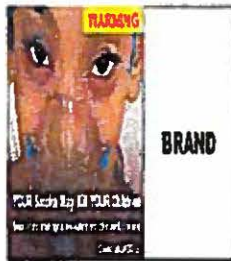
Set B graphic health warning – 1

First Schedule – Cont'd



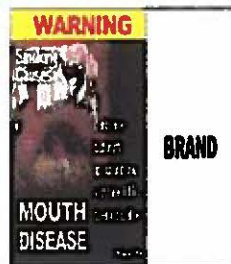
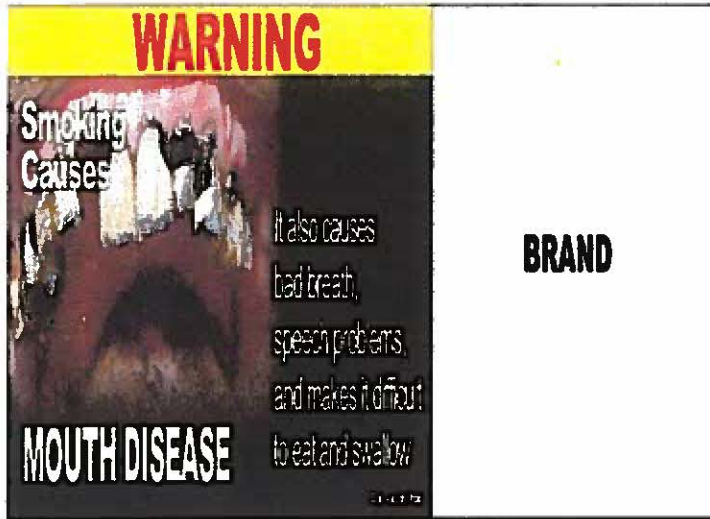
Set B graphic health warning – 2

First Schedule – Cont'd



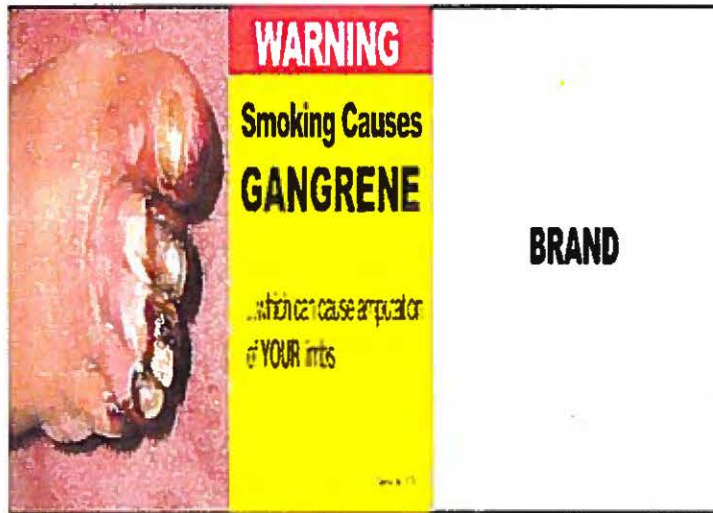
Set B graphic health warning – 3

First Schedule – Cont'd



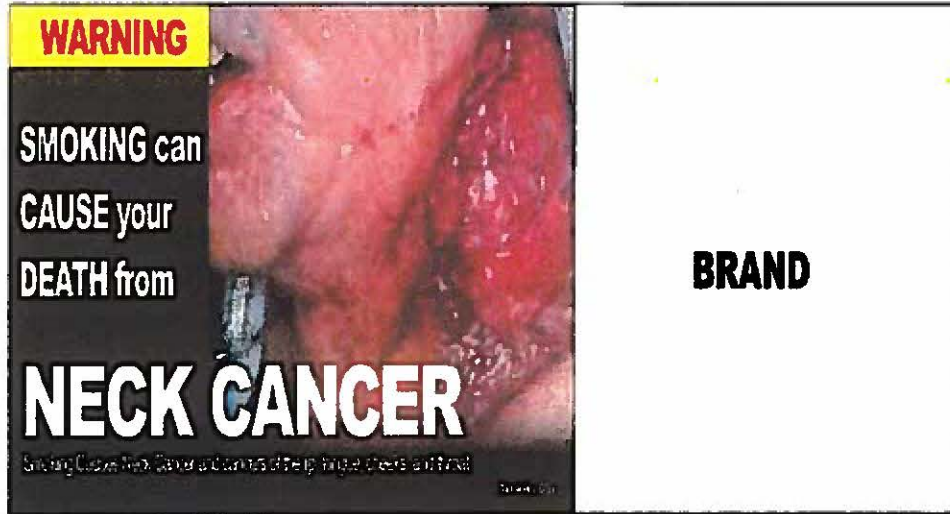
Set B graphic health warning – 4

First Schedule – Cont'd



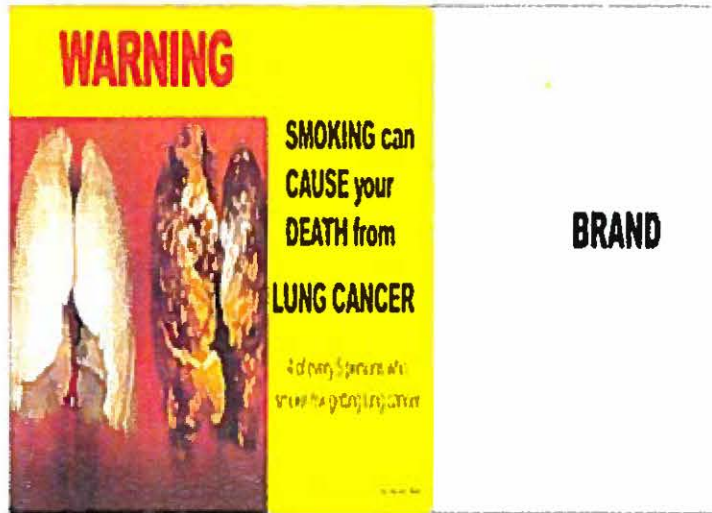
Set B graphic health warning – 5

First Schedule – Cont'd



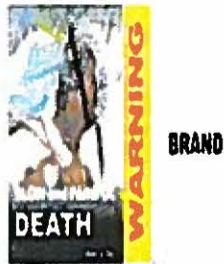
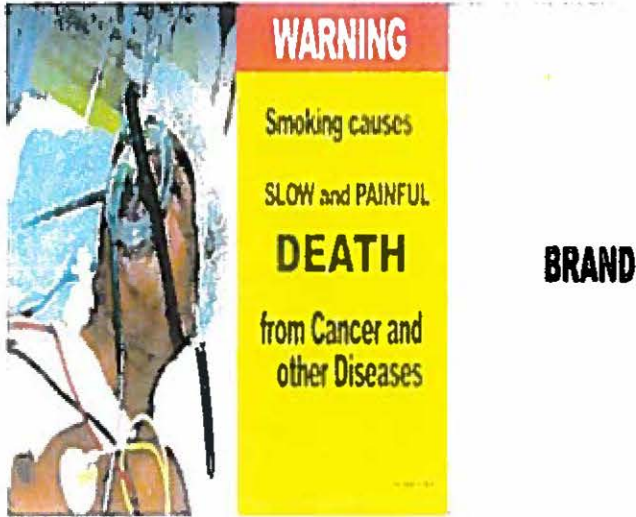
Set B graphic health warning – 6

First Schedule – Cont'd



Set B graphic health warning – 7

First Schedule – Concl'd



Set B graphic health warning – 8

SECOND SCHEDULE*(Regulation 4(2))**Rotation of Health Warnings Periods***Rotation of Health Warnings**

Even Year (e.g. 2008)	Month	Odd Year (e.g. 2009)
Set B exclusively	January	Set A exclusively
Introduce Set A, phase out set B	February	Introduce Set B, phase out Set A
Introduce Set A, phase out set B	March	Introduce Set B, phase out Set A
Introduce Set A, phase out set B	April	Introduce Set B, phase out Set A
Introduce Set A, phase out set B	May	Introduce Set B, phase out Set A
Set A exclusively	June	Set B exclusively
Set A exclusively	July	Set B exclusively
Set A exclusively	August	Set B exclusively
Set A exclusively	September	Set B exclusively
Set A exclusively	October	Set B exclusively
Set A exclusively	November	Set B exclusively
Set A exclusively	December	Set B exclusively

Made by the Minister this *24th* day of *January*, 2017.



Minister responsible for Health