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TOBACCO CONTROL DECREE 2010
(DECREE No. 63 OF 2010)

Tobacco Control Regulations 2012

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TOBACCO CONTROL DECREE 2010
(DECREE NO. 63 OF 2010)

TOBACCO CONTROL REGULATIONS 2012

IN exercise of the powers conferred on me by section 40 of the Tobacco Control Decree 2010, I hereby make these Regulations—

PART 1—PRELIMINARY

Short title and commencement

1. These Regulations may be cited as the Tobacco Control Regulations 2012 and shall come into force on 1st July, 2013.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“Central Board of Health” means the Board established by section 3 of the Public Health Act (Cap. 111);

“cigar” means a roll of cut tobacco for smoking enclosed in a tobacco leaf or the leaf of another plant;

“cylindrical cylinder” includes a container that is in one plane elliptical, rather than circular, in cross-section;

“Decree” means the Tobacco Control Decree 2010;

“face” in relation to a tobacco retail container means—

(a) a flat area of the surface of the retail container bounded by its edges;
and

(b) in the case of a pouch pack, includes a curved area of the surface of the package between two faces;

“flip-top pack” means a retail container of the kind commonly called a flip-top pack or hinge-top pack;

“health warning” means one of the warning messages specified in the English, *Taukei* and Hindi language under section 9 of the Decree;

“image” means any image and includes any representation or illustration, whether or not of any actual thing or word;

“manufacturer, distributor or retailer of tobacco products” includes a reference to a person who manufactures, distributes or sells a range of products, some of which are tobacco products;

“Minister” means the Minister for Health;

“Permanent Secretary” means the Permanent Secretary for Health;

“pouch” means a retail container that—

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

“retail container” means—

- (a) a container including a tin, pouch or packet, but does not include any outer wrapper, cellophane, box, carton or other transparent material; and
- (b) if several containers are contained inside a larger container, for example packets of cigarettes in a carton, and the whole is offered for retail sale as one unit, includes the larger container and each smaller container therein;

but does not include—

- (i) a display case that is sold with the tobacco product displayed in it;
- (ii) a wrapper on, or a container containing a single cigar; or
- (iii) a larger container which is formed by an outer wrapper of cellophane or other transparent material;

“retail outlet” includes a kiosk, cart or any other structure if a tobacco product is offered for retail sale to the public from that kiosk, cart or any other structure;

“soft-pack” means a retail container of that kind commonly called a soft pack or soft cup;

“statement as to tar and nicotine content” means the statement required by section 10 of the Decree as set out in regulations 36 to 39;

“surface” in relation to a retail container of which the outer surface includes two or more flat areas that are bounded by edges of the container, means any of the flat areas;

“tobacco products” means any tobacco, cigarette, cigar, piped tobacco, cigarillos or any other product which has as its main ingredient, tobacco and which is designed for human consumption by smoking;

“Tobacco Registration Certificate” means a certificate issued by the Ministry of Health to registered wholesalers, distributors and retailers of tobacco products; and

“Regulations” means any regulation made under section 40 of the Decree and includes these Regulations.

(2) For the purpose of the Decree and the Regulations, unless the contrary intention appears—

- (a) openings, gaps or edges that are created on a surface of a retail container when the container is opened are to be disregarded;
- (b) an area of a surface that bears decorative ridges, bulges or other irregularities but is otherwise flat, is taken to be a flat area;
- (c) a soft pack is taken to be a solid that has all its surfaces rectangular and edges equal in length to the edges of the smallest rectangular solid inside, which the soft pack will fit when it is not compressed;
- (d) a surface that has rounded corners but is otherwise square or rectangular is taken to be a square or rectangle, as the case requires;
- (e) the total surface area of a retail container is the area that is covered by the outer layer of the container if it were opened out and pressed flat; and
- (f) if a retail container is normally sold wrapped, including but not limited to a transparent wrapper normally removed from the retail container when opened, the wrapper is not part of the retail container.

(3) Any sign or notice required to be placed in any area or place under these Regulations shall be in the English, *Taukei* and Hindi language or any other language commonly understood in an area or place.

PART 2—CONDITIONS FOR DISPLAY AND SALE OF TOBACCO PRODUCTS IN REGISTERED RETAIL OUTLETS

Advertisement of tobacco products – Product display

3.—(1) A retailer shall not display—

- (a) any tobacco product advertisement including header cards or tobacco branded printed materials within the vicinity of the licensed retail shop; or
- (b) any tobacco product for sale on any counter top or similar surface.

(2) A retailer shall ensure—

- (a) a maximum of one tobacco display unit per checkout counter;
- (b) the message “SMOKING KILLS” is printed in the English language on a rectangular sign with Black text (Helvetica) on white background, with the longer sides horizontal (30 cm) and the shorter sides vertical (10 cm), placed appropriately around the tobacco product display area; and
- (c) a maximum of 15 Price cards (90mm x 55mm) is included and attached to the display unit which shall only contain the name and price of the tobacco product in black fonts against a white background.

(3) A person who fails to comply with sub-regulation (1) commits an offence and is liable upon conviction to a fine not exceeding \$1000.00 and in the case of a body corporate, to a fine not exceeding \$5000.00.

Sale of tobacco products with non-tobacco products prohibited

4.—(1) This regulation applies to a tobacco product if it is packed, distributed or

supplied together with a product that is not a tobacco product, and sold at a single price.

- (2) A manufacturer, distributor, importer, or retailer of tobacco products shall not—
- (a) distribute a tobacco product to which sub-regulation (1) applies;
 - (b) supply a tobacco product to which sub-regulation (1) applies to another person for later distribution; or
 - (c) in the case of a retailer, supply a tobacco product to which sub-regulation (1) applies to another retailer for the purpose of that retailer's business.

(3) A person who fails to comply with sub-regulation (1) commits an offence and is liable upon conviction to a fine not exceeding \$1000.00 and in the case of a body corporate, to a fine not exceeding \$5000.00

PART 3—REGISTRATION CONDITIONS FOR WHOLESALERS, DISTRIBUTORS AND RETAILERS OF CIGARETTES AND TOBACCO PRODUCTS

Application for registration

5.—(1) A wholesaler, distributor or retailer who sells or distributes tobacco products must make an application to be registered before 31 January each year.

(2) All applications for registration shall be made to the Permanent Secretary and shall—

- (a) be in the prescribed form as set out in Schedule 5 of the Decree;
- (b) include registration certificate number for renewal purposes and nature of business of the applicant stipulated under the business licence;
- (c) be accompanied by a certified copy of Tax Identification Number (TIN) and company registration;
- (d) be accompanied by a valid business licence from local authority or municipal council for the same location;
- (e) be accompanied by the prescribed fees under Schedule 5 of the Regulations; and
- (f) signature of applicant affirming contents of the application to be complete, true and correct.

(3) An applicant who owns or controls more than one retail outlet shall obtain a separate Tobacco Registration Certificate for each retail location.

(4) Any person who signs a statement pursuant to sub-regulation (2) (f) asserting the truth of any matter that he or she knows to be false, commits an offence and is liable upon conviction to a fine not exceeding \$1000.00 or imprisonment for a term not exceeding three months or both.

Issuance of Tobacco Registration Certificate

6. The Permanent Secretary shall issue a Tobacco Registration Certificate to a tobacco wholesaler, distributor or retailer if satisfied that registration conforms to the provisions of the Decree and these Regulations, and where the wholesaler, distributor or retailer has not been issued with a notice of suspension or revocation of registration on grounds of violation of the Decree or these Regulations.

Display of Tobacco Registration Certificate at registered retail outlets

7.—(1) A Tobacco Registration Certificate—

- (a) shall be conspicuously displayed at each retail outlet in a manner visible to

- the public;
- (b) is valid for a period of one (1) year; and
- (c) is not assignable or transferable.

(2) Subject to sub-regulation (1), any registered wholesaler, distributor or retailer who intentionally fails or neglects to display the Tobacco Registration Certificate as required under these Regulations, commits an offence and is liable upon conviction to a fine not exceeding \$100.00.

Letter of notification to be issued

8.—(1) If the Permanent Secretary suspends, revokes or refuses to grant registration, a letter of notification shall be issued immediately to the applicant in writing of the decision, including reasons for refusal, suspension or revocation.

- (2) Subject to sub-regulation (1), a letter of notification shall include—
- (a) instructions for appealing the registration refusal, suspension or revocation; and
 - (b) state a—
 - (i) 3 month suspension of authorisation for the first conviction;
 - (ii) 6 months suspension of authorisation if there are two convictions; or
 - (iii) 12 months suspension or revocation of authorisation if there are 3 or more convictions from the same business location,

relating to an offence committed under section 3, 4, 13, 16, 17 and 18 of the Decree.

Suspension or revocation of registration

9. The Permanent Secretary may suspend or revoke registration if a registered wholesaler, distributor or retailer has received one or more convictions with respect to the same registered business entity.

Surrender of Tobacco Registration Certificate

10.—(1) Any wholesaler, distributor or retailer registered under this Part but does not commence or ceases to do business in the manner specified or designated in the Tobacco Registration Certificate or is notified that the registration has been suspended or revoked, shall immediately return the original Tobacco Registration Certificate to the Permanent Secretary or authorised officer.

(2) A person who fails to comply with sub-regulation (1) commits an offence and is liable upon conviction to a fine not exceeding \$1000.00 and in the case of a body corporate, to a fine not exceeding \$5000.00.

Appeals

11.—(1) The decision to suspend or revoke may be appealed 30 (thirty) days from the date the letter of notification made pursuant to regulation 8 (1), was issued.

- (2) All appeals shall be submitted in writing to the Minister.

Notice indicating suspension or revocation to sell tobacco products from registered retail outlets

12.—(1) If a letter of notification has been issued under regulation 8 (1), there shall be displayed a notice in accordance with Schedule 6 and in a conspicuous manner visible to

the public until the date as specified in the letter of notification.

(2) The notice shall—

- (a) be posted at each public entrance of the retail outlet and by each cash register;
- (b) directly face any person entering the retail outlet;
- (c) be posted between 4 to 9 feet from the floor for the entire period required; and
- (d) not be tampered, altered or removed before the end of the required posting period.

(3) The notice shall also indicate or state that authorisation to sell tobacco products has been suspended for that business location and shall include any other information required by the Regulations.

(4) Any person who fails to post a notice as required under sub-regulation (1) commits an offence and shall be liable upon conviction to a fine of \$1000.00 and in the case of a body corporate, to a fine not exceeding \$5000.00.

Condition on sales

13.—(1) A wholesaler or distributor shall not sell tobacco products to any unregistered retailer, partnership, corporation or other business entity.

(2) Any wholesaler or distributor who fails to comply with this regulation commits an offence and is liable upon conviction to a fine not exceeding \$50,000.00.

Condition on purchases

14.—(1) A wholesaler, distributor or retailer shall not purchase tobacco products from any unregistered wholesaler, distributor or unlicensed manufacturer.

(2) Any wholesaler, distributor or retailer who fails to comply with this regulation commits an offence and is liable upon conviction to a fine not exceeding \$50,000.00.

Sale and purchase records to be kept

15.—(1) Wholesalers, distributors and retailers of tobacco products shall retain all sale and purchase records for cigarette or tobacco products.

(2) The records shall be maintained for a period of two (2) years from the date of sale or purchase on the wholesaler's, distributor's or retailer's premises as identified on the Tobacco Registration Certificate for inspection by authorised officers.

(3) Any wholesaler, distributor or retailer who fails to comply with this regulation commits an offence and is liable upon conviction to a fine not exceeding \$1000.00 and in the case of a body corporate, to a fine not exceeding \$5000.00.

PART 4—LICENSING CONDITIONS FOR SUKI VENDORS, MANUFACTURERS, DISTRIBUTORS AND IMPORTERS OF TOBACCO PRODUCTS

Application for licensing of manufacturers, distributors and importers of tobacco products

16.—(1) Pursuant to section 25 (2) of the Decree, an application for a licence by a manufacturer or an importer of tobacco products shall be made 3 months prior to commencement of business, importation or distribution in the prescribed form as set out in Schedule 4 of the Decree and shall include the following—

- (a) name, address and telephone number of the applicant;
- (b) Tax registration number and business registration number;
- (c) valid business licence from the local authority or municipal council for the same location;
- (d) in the case of renewal of licence, the licence number then in effect;
- (e) in the case of a new manufacturer, a certified copy of the Foreign Investment Registration certificate, and shall use at least 75% locally grown and processed tobacco in all domestic cigarette production;
- (f) for a new manufacturer or importer, a certified copy of General bonded Warehouse or Excise Warehouse Bond Certificate, issued by Fiji Revenue and Customs Authority;
- (g) a list of all brands of tobacco products manufactured or imported; and
- (h) a signed application form by the applicant affirming the content of the application to be complete, true and correct.

(2) A manufacturer or importer shall update the list of all brands of tobacco products manufactured or imported by them whenever a new or additional brand is manufactured or imported or if a listed brand is no longer manufactured or imported.

(3) A licence issued under this regulation is only valid with respect to the manufacturer, distributor or importer designated on the licence, and may not be transferred or assigned to another person, manufacturer or importer.

(4) Pursuant to section 25 (5) of the Decree, any person or corporation that operates without a licence commits an offence and is liable upon conviction to a fine not exceeding \$50,000.00.

Licensing conditions for suki vendors

17.—(1) Pursuant to section 26 (2) of the Decree, an application for a suki vendor licence shall be made in the prescribed form as set out in Schedule 4 of the Decree and shall include the following—

- (a) name, address and telephone number of the applicant;
- (b) Tax Registration Number and business registration number;
- (c) valid business licence from the local authority or municipal council for that same location;
- (d) in case of renewal of licence, the licence number then in effect; and
- (e) a signed application form affirming the contents of the application to be complete, true and correct.

(2) Pursuant to section 26 (4) of the Decree, any person who operates without a licence commits an offence and is liable upon conviction to a fine of \$5,000.00.

Renewal of licence

18. An application for renewal of licence shall be—

- (a) filed within 2 months before expiry of the current licence; and
- (b) accompanied by the prescribed fee as set out in Schedule 5 of these Regulations.

Issuance of licence

19. The decision as signified under the hand of the Permanent Secretary to grant a licence or renewal thereof, shall be sufficient authority to the licensing officer to issue

or renew the licence, as the case may be, upon payment of the prescribed fee set out in Schedule 5 of these Regulations.

Objection to renewal of licence

20.—(1) Any interested person or group may object to the renewal of a suki vendor licence upon filing a written submission to the Permanent Secretary.

(2) The objection shall be filed within 14 days of lodgment of the application for a licence under regulations 16, 17 and 18, and shall be made in relation to the following matters—

- (a) the suitability of the licence applicant;
- (b) prior breaches to any section of the Decree or Regulations; and
- (c) selling to persons under the age of 18 years.

(3) Pursuant to regulation (2), the Permanent Secretary shall inform the licence applicant of the objection and shall provide the licence applicant an opportunity to rebut such grounds of objection to renewal of licence.

Surrender of licence

21.—(1) Any manufacturer or importer issued with a licence under this Part but does not commence or ceases to do business in the manner specified or designated in the licence or is notified that the licence has been suspended or revoked, shall immediately return the original licence to the Permanent Secretary.

(2) A person who fails to comply with sub-regulation (1) commits an offence and is liable upon conviction to a fine not exceeding \$1000.00 and in the case of a body corporate, to a fine not exceeding \$5000.00.

Purchase records by importers only

22.—(1) All licensed importers under these Regulations shall retain purchase records for all tobacco products purchased.

(2) The records shall be maintained and be made available for a period of two (2) years from the date of purchase, on the importer's premises as identified on the Tobacco Registration Certificate, for inspection by authorised officers.

(3) Any person or body corporate who fails to comply with this regulation commits an offence and is liable upon conviction to a fine not exceeding \$50,000.00.

Sale records

23.—(1) All manufacturers or importers of cigarette or tobacco products licensed under these Regulations shall maintain accurate and complete records including but not limited to receipts and invoices relating to the sale of tobacco products as may be required by the Permanent Secretary or Minister.

(2) The records shall be maintained for a period of two (2) years from the date of purchase, on the importer's premises as identified on the Tobacco Registration Certificate and be made available for inspection by the authorised officers.

(3) A manufacturer or importer who fails to comply with this regulation commits an offence and is liable upon conviction to a fine not exceeding \$50,000.00.

Manufacturers and importers to report quarterly

24.—(1) A licensed manufacturer or importer of tobacco products shall submit a written report to the Permanent Secretary, in relation to each brand of tobacco product manufactured or imported by the person or business entity during the preceding quarter of the year.

(2) A report shall be—

- (a) made in respect of each quarter of the calendar year;
- (b) in the form prescribed as set out in Schedule 7; and
- (c) delivered to the Permanent Secretary within one calendar month at the end of the quarter.

(3) Pursuant to regulation 24 (1), a report shall state the following—

- (a) total number of retail containers of each brand of tobacco product that has been manufactured and imported during the preceding quarter;
- (b) total number of retail containers of each brand of tobacco product during the preceding quarter on which each of the different health warnings has been placed;
- (c) total number of retail containers of each brand of tobacco product that has been sold or distributed;
- (d) total number of retail containers of each brand of tobacco sold or distributed on which each of the different health warnings has been placed;
- (e) how the person or business entity intends to comply with the requirements of section 9 (4) of the Decree during the remaining part of the calendar year; and
- (f) any other information relating to the labelling of retail containers of tobacco products that the Minister may, from time to time, specify in writing.

(4) Failure to submit a report under this regulation within the time specified is an offence and the manufacturer or importer shall be liable upon conviction to a—

- (a) fine not exceeding \$20,000.00 and a warning letter for a first offence;
- (b) fine not exceeding \$40,000.00 and 30 days suspension for a second offence; or
- (c) suspension or revocation of licence for a subsequent offence.

Offence to give false or misleading information

25. Subject to regulation 24 and section 29 (5) of the Decree, a person who intentionally makes a false statement or omits to state a matter so as to mislead the Minister, commits an offence and is liable upon conviction to a—

- (a) fine not exceeding \$5,000.00 and a warning letter for a first offence;
- (b) fine not exceeding \$10,000.00 and 30 days suspension for a second offence; or
- (c) suspension or revocation of licence for a subsequent offence.

Information to be confidential

26.—(1) The Permanent Secretary or any person acting under the Permanent Secretary's direction shall not, without the permission of the author of the report, disclose

any information obtained under regulation 24 in a form or manner that discloses the trading performance of the author, except as is necessary for the performance of the Permanent Secretary's functions under the Decree, Regulations or any other law, or for the purposes of prosecution for an offence under the Decree or these Regulations.

(2) Nothing contained in this regulation is to be taken as preventing the Permanent Secretary or Minister or any person acting under the Minister's direction from referring generally to the levels of manufacture, importation, distribution, sales or consumption of tobacco products or to any matter concerning a person's compliance with the requirements of the Decree or Regulations.

Suspension or revocation of licensed manufacturers, distributors or importers of tobacco products

27.—(1) In addition to penalties provided by the Regulations for a manufacturer or importer who has violated any regulation—

- (a) a first offence of violation of any of the following provisions shall result in the issuance of a warning letter to the licensed or unlicensed person or business entity on the—
 - (i) importer's failure to retain purchase records on premises under regulation 22;
 - (ii) misleading information on the application form;
 - (iii) failure to retain sale records on premises under regulation 23; and
 - (iv) failure to comply with the reporting requirement under regulation 24; and
- (b) a second or subsequent offence for a violation of the following provisions shall result in a thirty (30) day suspension or revocation of the licence, and a fine—
 - (i) failing to comply with the labelling requirement under Part 6 of these Regulations;
 - (ii) sale by a manufacturer or an importer to an unregistered wholesaler, distributor or retailer; and
 - (iii) sale by a manufacturer or an importer to a registered retailer, wholesaler or distributor with a suspended or revoked licence.

(2) Once a licence has been suspended or revoked, a letter of notification shall be issued to the manufacturer, distributor, importer or suki vendor, delineating the circumstances of the suspension or the revocation of licence and the duration of the suspended licence.

(3) The decision to suspend or revoke a licence under regulations 16, 17 and 18 may be appealed 30 (thirty) days from the date the letter of notification made pursuant to sub-regulation (2), was issued.

(4) All appeals shall be submitted in writing to the Minister.

Appeals procedure for re-determination of denied licence

28.—(1) Any manufacturer or importer denied a licence may apply to the Minister for re-determination of a denied licence within thirty (30) days of service of notice of a denied licence to the manufacturer or importer taking into consideration—

- (a) if an application for re-determination is not filed within the thirty (30) day period, the denied licence becomes final at the expiration of the thirty (30)

- day period;
- (b) every application for re-determination shall be in writing, addressed to the Minister and shall state the specific grounds upon which the application is made; and
 - (c) the application may be amended to state additional grounds at any time prior to the date on which the Minister issues his or her decision on the application for re-determination of a denied licence.

(2) If an applicant has requested in the application, the Minister may grant an oral hearing and give the manufacturer, distributor, importer or suki vendor at least ten (10) days' notice of the time and place of hearing.

PART 5—PROHIBITED SCHEMES

Free gifts promoting tobacco products or smoking prohibited

29. For the purpose of section 6 (1) (b) of the Decree, the offer, supply or distribution to the public of a free sample of a product which is not a tobacco product, but which is intended to promote the sale of a tobacco product or smoking generally, is a scheme for that purpose.

PART 6—LABELLING OF TOBACCO PRODUCT CONTAINERS IN DOMESTIC RETAIL AND DUTY FREE OUTLETS

Fiji Government Health Warning

30.—(1) For the purpose of section 9 (2) of the Decree, this regulation applies to the warning message that shall be displayed on the front or back face of a retail container containing cigarettes, loose or pipe tobacco or cigars and other tobacco products.

(2) The health warning shall include the attribution “Fiji Government Health Warning” printed below the rest of the warning message typed in font size not greater than 40% of that used for the remainder of the message.

(3) The attribution “Fiji Government Health Warning” included in a health warning is part of the text of the message and provisions relating to health warnings shall apply accordingly.

Labelling of retail containers

31.—(1) For the purpose of section 9 (1) of the Decree, a retail tobacco container with cigarettes shall be labelled in accordance with—

- (a) Part 1 of Schedule 1;
- (b) Schedule 2; and
- (c) Part 1 of Schedule 3.

(2) For the purpose of section 9 (1) of the Decree a retail container with loose or pipe tobacco shall be labelled in accordance with—

- (a) Part 2 of Schedule 1;
- (b) Schedule 2; and

(c) Part 1 of Schedule 3.

(3) A retail container with cigars and other tobacco products shall be labelled in accordance with—

- (a) Part 3 of Schedule 1;
- (b) Schedule 2; and
- (c) Part 2 of Schedule 3.

Format of textual warning message – cigarettes and loose or pipe tobacco

32.—(1) The text of the warning message in English to be displayed on the upper front face of a retail container shall be printed in—

- (a) black on a white background;
- (b) type face known as Helvetica;
- (c) bold type and in upper and lower-case letters as set out in Schedule 2 which is to be clear, legible and fills the background on which it is printed; and
- (d) if required, within a black rectangular border (up to 1.0 mm wide) to prevent printing colour bleeds.

(2) The text of the warning message in *i*Taukei and Hindi language to be displayed on the back face of a retail package shall be printed—

- (a) in black on a white background;
- (b) in the type face known as Helvetica; and
- (c) in bold type and in upper and lower-case letters as set out in Schedule 2 which is to be clear, legible and fills the background on which it is printed.

(3) For the purposes of sub-regulation (2)—

- (a) the textual *i*Taukei element of the warning message shall comprise the top 20% out of 90% of the total back surface for the warning message; and
- (b) the textual Hindi element of the warning message shall comprise the 20% out of 90% of the warning message, immediately below the textual *i*Taukei element.

Rotation of messages and graphics—cigarettes, loose or pipe tobacco, cigars and other tobacco products

33. The manufacturer and importer of retail containers of cigarettes, loose or pipe tobacco, cigars and other tobacco products shall—

- (a) print the relevant warning messages and corresponding graphics on the retail packages (or ensure that they are printed on the retail containers of cigarettes, loose or pipe tobacco, cigars and other tobacco products as the case may be); and
- (b) ensure that each warning message and corresponding graphic appears on as nearly as possible on equal number of retail containers of each different brand of cigarette, loose or pipe tobacco, cigars and other tobacco products on an annual basis.

Messages and corresponding graphics not to be obscured or obliterated

34.—(1) A warning message or corresponding graphic must not be likely to be obliterated, removed, or rendered permanently unreadable when the retail container on which it is printed is opened in the normal way.

(2) If a warning message or corresponding graphic required by this Part to be printed on a retail container is likely to be obscured or obliterated by a wrapper on the retail container, the message or graphic shall be printed on both the wrapper and the retail container.

Corresponding graphics—permitted variations

35.—(1) A corresponding graphic that is required by this Part to be printed on a retail container may be cropped only if—

- (a) it is necessary to do so in so as to fit the graphic onto the retail container; and
- (b) the overall effect of the graphic is not affected by the cropping.

(2) If a corresponding graphic required by this Part to be printed on a retail container contains an overlay of a message in the 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.

Statement of tar and nicotine content—general

36. The following statement shall be printed on a retail container of cigarettes—

“The smoke from each cigarette contains, on average:

- (yy) milligrams or less of tar
- (zz) milligrams or less of nicotine”

where “(yy)” or “(zz)” are to be replaced by—

- (a) the average amount of tar and nicotine respectively produced by a cigarette of the kind contained in the retail container;
- (b) the average amount of tar produced by a cigarette does that not exceed 15 milligrams; or
- (c) the average amount of nicotine produced by a cigarette that does not exceed 1.5 milligrams, a figure worked out by taking from the column of Schedule 4 that relates respectively to tar or nicotine, the lowest figure that is greater than the average amount of tar and nicotine, respectively, produced by a cigarette of that kind,

where cigarettes are of the kind tested according to the testing methods specified in regulation 42.

Position of statement of tar and nicotine content

37.—(1) For the purpose of section 10 (2) of the Decree, if a retail container contains cigarettes and is a—

- (a) flip-top pack;
- (b) soft pack;
- (c) retail container (except a pouch), all the surfaces of which are rectangular or square; or
- (d) cylindrical container

the statement required by section 10 of the Decree shall be printed—

- (i) if both or all of the sides of the container are the same in area, on one

- side of the container;
- (ii) if one side of the container is larger than the other or others, on the larger or largest side;
- (iii) if 2 or more sides of the container are larger than the other or others, on one of those larger sides.

(2) If a retail container containing cigarettes is not a kind described in sub-regulation (1), the statement required by regulation 36 may be printed or marked anywhere on the container.

Format of statement of tar and nicotine content

38. For the purpose of section 10 (2) of the Decree, the statement of tar and nicotine content required by regulation 36 shall be—

- (a) clear and legible;
- (b) black in color;
- (c) of a size that the text as nearly as possible fills the background on which it is printed; and
- (d) if the statement is required to appear on the side of the container, oriented so that the lines making up the statement are parallel to the longest edges of the surface on which the statement is printed.

Area of statement of tar and nicotine content

39. The statement of tar and nicotine content shall occupy—

- (a) in the case of a flip-top pack, at least 60% of one side not including the part of the side that forms part of the top;
- (b) in the case of a carton, at least 25% of the side on which the statement is printed;
- (c) in the case of a retail container which is not of a kind described in regulation 37 (1), at least 9% of the total surface area of the container; and
- (d) in the case of a retail container other than a flip-top pack, carton or an irregular container, the whole of one side.

Meaning of side of a retail container of cigarettes

40.—(1) For the purpose of these Regulations, a reference to the sides of a retail container containing cigarettes is a reference—

- (a) in the case of a cylindrical retail container, to those parts of the curved surface of the container that, if the vertical center-line of the largest brand-name of the curved surface of the container is taken to be at 0 degrees, extend—
 - (i) from 60 degrees to 120 degrees; and
 - (ii) from 240 degrees to 300 degrees, around the circumference of a flat surface of the container;
- (b) in the case of a container that has 2 surfaces that are hexagonal or octagonal, and of which all the other surfaces are square or rectangular, to the square or rectangular surfaces of the container, other than the front and the back;
- (c) in the case of a carton, to the larger 2 of the 4 surfaces other than the front and back; and
- (d) in any other case, to the surfaces of the container, other than the back and front, that are vertical when the container is held so that the axis of the cigarettes

within it is vertical.

(2) For the purpose of sub-regulation (1)—

- (a) the front of a retail container (other than a pouch) which is a rectangular block in shape is the surface of the container on which the health warning in English is required to be printed; and
- (b) the back of a retail container of a kind described in regulation 37 (1) is the surface of the container on which the health warning in *i*Taukei and Hindi language is required to be printed.

Warnings not to be obscured or obliterated.

41.—(1) A health warning and the statement as to tar and nicotine content must not be likely to be obliterated, removed or rendered permanently unreadable when the retail container on which it is printed is opened in the normal way.

(2) If a health warning or the statement as to tar and nicotine content is likely to be obscured or obliterated by a wrapper on the container, the warning or statement shall be printed on both the wrapper and the container.

Testing methods

42.—(1) For the purpose of section 10 of the Decree and these Regulations, the testing methods to be used to determine the average amount of tar and nicotine produced by a cigarette are the following standard methods published by the International Standards Organization—

- (a) tar—ISO 4387 (Determination of total and nicotine-free dry particulate matter using a routine analytical smoking machine); and
- (b) nicotine—ISO 10315 (Cigarettes—determination of nicotine in smoke condensates—gas chromatographic method).

(2) The testing methods specified in sub-regulation (1) are to be used in accordance with the following standards published by the International Standards Organization—

- (a) ISO 3380 (Routine analytical cigarette-smoking machine – definitions and standard conditions);
- (b) ISO 8243 (Cigarettes – sampling); and
- (c) ISO-3402 (Tobacco and tobacco products – atmosphere for conditioning and testing).

PART 7—SMOKE-FREE AREAS.

Prescribed smoke-free areas

43.—(1) For the purpose of section 20 (1) of the Decree, the following areas are prescribed as smoke-free areas—

- (a) any workplace to which the public has access;
- (b) any enclosed entranceway, foyer, lobby, stairway, passageway, elevator or toilet to which the public have, or more than one worker has, access;
- (c) any room in which educational instruction is being given;
- (d) any area of a shop or other retail place to which the public has access;
- (e) eating houses to which the public has access; and
- (f) designated no smoking areas in taverns, bars and night clubs to which the

public has access.

(2) Sub-regulation (1) (a) does not apply to any work place which is—

- (a) a room wholly enclosed and independently ventilated;
- (b) occupied for the time being by only one worker; and
- (c) not a place the public normally has access to.

(3) The proprietor and the person in charge of any tavern, bar or night club shall ensure that a smoking zone is separated, well ventilated and fully enclosed from areas where smoking is prohibited.

(4) In this regulation—

- (a) ‘worker’ includes an employee and a private contractor; and
- (b) ‘workplace’ means any premises, whether owned or occupied by the Government or private sector or where workers are employed.

(5) Any person or business who fails to comply with this regulation commits an offence and is liable to a fixed penalty in Schedule 7 of the Decree.

Signage at smoke-free buildings, eating houses and smoke-free areas

44.—(1) The occupier and person in charge of any eating house shall display on each table, a wall or other surface of an eating house a sign clearly visible from all seats in the eating house, prohibiting smoking.

(2) The owner and the person in charge of any—

- (a) amusement center, theatre or sports stand;
- (b) hospital or clinic;
- (c) elevator;
- (d) airport terminal building;
- (e) prescribed smoke-free building; or
- (f) other prescribed smoke-free area

shall at the entrance to such a place clearly and prominently display a sign prohibiting smoking in the area or premises.

(3) A person who fails to comply with this regulation commits an offence and is liable to a fixed penalty in Schedule 7 of the Decree.

PART 8—EXEMPTIONS

Application for exemption of person, advertisement or event

45.—(1) A person may apply to the Minister to have a particular person, advertisement or event exempted by an order made under section 34 (2) of the Decree.

(2) An application shall be made at least 3 months before the day or first day, as the case requires, on which the event is to be held or the exemption is otherwise required.

(3) The Minister may exercise discretion in considering an application received after the due date pursuant to sub-regulation (1).

(4) The application shall be in writing and shall set out the grounds on which the application is being made.

(5) Subject to sub-regulation (4), the Minister may ask for further information for the

purposes of deciding on an application if the Minister considers it necessary.

Extension of application period

46.—(1) The Minister shall decide on an application made under these Regulations within 30 (thirty) days from the date of receipt of an application but may extend the period up to 30 (thirty) days if the Minister thinks necessary.

(2) A written notice shall be issued to the applicant within 30 (thirty) days from the date of receipt of the application concerned, informing the applicant of an extended period whereby the Minister shall make a decision within the extended time.

(3) Subject to sub-regulations (1) and (2), if an application has not been decided upon within the required time, the application is deemed to have been withdrawn without prejudice to the right to re-apply.

(4) Nothing in this regulation limits the power of the Minister to make a decision under section 34 (1) or 34 (2) of the Decree other than an application under this regulation.

Legal obligations

47. Any requirement as prescribed by any other written law shall not constitute a tobacco product advertisement under the Decree or these Regulations.

Management advertisements and certain advertisements as to availability or recall of products

48. The following are exempt from the operation of section 3 (1) of the Decree and do not constitute tobacco product advertisements for the purposes of the Decree or the Regulations—

- (a) an advertisement relating to the internal management of the business of a manufacturer, distributor or retailer of tobacco products, that does not promote a tobacco product or smoking;
- (b) an advertisement by a manufacturer or distributor of tobacco products indicating that tobacco products, or tobacco products of a particular kind, are available from the manufacturer or distributor, as the case may be, if the advertisement does not—
 - (i) state the brand name of any individual product;
 - (ii) contain any other matter that enables any individual product to be identified;
 - (iii) promote, or give publicity to any individual product; or
 - (iv) offer a tobacco product for sale by retail; and
- (c) the taking of any action to prevent a product from causing injury to anyone, including action to—
 - (i) seize a product;
 - (ii) disclose a defect in, or a dangerous characteristic of a product;
 - (iii) disclose circumstances in which the use of a product is or may be dangerous;
 - (iv) disclose procedures for disposing of a product; or
 - (v) inform persons who have bought a product that the product shall be repaired or replaced, or that the price of the product shall be refunded.

Trade Communications

49. For the purposes of the Decree and the Regulations, information that is or includes a

tobacco product advertisement communicated to a group of people, all of whom are involved in the manufacture, distribution or sale of tobacco products, is exempt from the operation of section 3 (1) of the Decree and its communication does not, of itself, amount to the display, distribution, exhibition, announcement or publication of a tobacco product advertisement.

Advertisements in telephone directories

50. The publication of the name of a manufacturer, distributor or retailer of tobacco products in a telephone directory or other trade directory is exempt from the operation of sections 3 (1) and 5 of the Decree and does not, of itself, amount to the display, distribution, exhibition, announcement or publication of a tobacco product advertisement for the purposes of the Decree and the Regulations.

PART 9—ENFORCEMENT

Authorised officers

51.—(1) For the purposes of section 27 (1) of the Decree, the following are prescribed as authorised officers for the purposes of the Decree and the Regulations—

- (a) a police officer;
- (b) a health inspector or sanitary inspector in the service of the Government, the Central Board of Health, the council of a municipality or any local authority;
- (c) a labour inspector or labour officer within the meaning of section 2 of the Employment Relations Promulgation 2007;
- (d) an inspector within the meaning of section 5 of the Health and Safety at Work Act 1996;
- (e) an inspector within the meaning of section 4 of the Fair Trading Decree 1992;
- (f) an officer designated by the Minister responsible for *i*Taukei Affairs; and
- (g) a gazetted customs officer under section 27 (1) of the Decree as employed by the Fiji Revenue and Customs Authority.

Council or local authority may bring proceedings

52.—(1) Any proceeding for an offence or for the recovery of a fine under the Decree or these Regulations may be brought by or on behalf of—

- (a) the council of a municipality, if the offence was committed within the boundaries of that municipality;
- (b) a local authority, if the offence was committed within the district for which that authority is responsible; or
- (c) the Central Board of Health.

(2) The Central Board of Health, the Council of a municipality or local authority may appear before any court or in any legal proceedings under the Decree or these Regulations by an officer or member authorized generally or specifically to appear on its behalf which the Central Board of Health, the Council of municipality or local authority is authorised to institute or carry out.

(3) Nothing in this regulation makes any person liable to be prosecuted twice for the same offence.

Repeals

53. The provisions of the Tobacco Control Regulations 2000 that are specified under section 41 of the Decree are hereby repealed.

SCHEDULE 1
(Regulation 31)

REQUIREMENTS FOR LABELLING OF RETAIL CONTAINERS

Part 1—Cigarettes

Item 1	Flip top pack		
Face	Front	Back	Side
Content	Warning message in English with corresponding graphic.	Warning message in <i>ī</i> Taukei and Hindi with corresponding graphic.	Statement of tar and nicotine content.
Specifications	<p>The warning message in English and corresponding graphic shall—</p> <p>(a) cover at least 30% of the total area of the front face;</p> <p>(b) be positioned parallel to, and as close as possible to, the top edge of the front face; and</p> <p>(c) extend as close as possible to the side edges of the front face.</p>	<p>The warning message in Hindi and <i>ī</i>Taukei and corresponding graphic shall—</p> <p>(a) cover at least 90% of the total area of the back face;</p> <p>(b) be positioned parallel to, and as close as possible to, the top edge of the back face; and</p> <p>(c) extend as close as possible to the side edges of the back face.</p>	The statement of tar and nicotine shall cover the total area of one (1) side of the pack (right side of the principal display area –front), except the area that forms part of the flip-top.
Layout	Front layout 1 specified in Part 1 of Schedule 3.	Back layout 1 specified in Part 1 of Schedule 3.	
Item 2	Soft pack with seal that is not clear		
Face	Front	Back	Side
Content	Warning message in English with corresponding graphic.	Warning message in <i>ī</i> Taukei and Hindi with corresponding graphic.	Statement of tar & nicotine content.

Specifications	<p>The warning message in English and corresponding graphic shall—</p> <p>(a) cover at least 30% of the total area of the front face;</p> <p>(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 in English and the corresponding graphic will not be obscured, severed or obliterated when the pack is opened; and</p> <p>(c) extend as close as possible to the side edges of the front face.</p>	<p>The warning message in <i>i</i>Taukei and Hindi and corresponding graphic shall—</p> <p>(a) cover the total area of the back face that is below seal, not exceeding 90% of the area of the back face;</p> <p>(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, and corresponding graphic will not be obscured, severed or obliterated when the pack is opened; and</p> <p>(c) extend as close as possible to the side edges of the back face.</p>	<p>The statement of tar and nicotine shall cover the total area of one (1) side of the pack.</p>
Layout	Front layout 1 specified in Part 1 of Schedule 3	Back layout 1 specified in Part 1 of Schedule 3.	
Item 3	Soft-pack with clear seal		
Face	Front	Back	Side
Content	Warning message in English with corresponding graphic	Warning message in <i>i</i> Taukei and Hindi with corresponding graphic.	The statement of tar and nicotine shall cover the total area of one (1) side of the pack.

Specifications	<p>The warning message in English and corresponding graphic shall –</p> <p>(a) cover at least 30% of the total area of the front face;</p> <p>(b) be positioned parallel to, and as close as possible to, the top edge of the front face;</p> <p>(c) extend as close as possible to the side edges of the front face; and</p> <p>(d) be positioned so that the warning message in English and the corresponding graphic will not be obscured, severed, or obliterated when the pack is opened.</p>	<p>The warning message in <i>i</i>Taukei and Hindi and corresponding graphic shall –</p> <p>(a) cover at least 90% of the total area of the back face;</p> <p>(b) be positioned parallel to, and as close as possible to, the top edge of the back face;</p> <p>(c) extend as close as possible to the side edges of the back face; and</p> <p>(d) be positioned so that the warning message and corresponding graphic will not be obscured, severed, or obliterated when the pack is opened.</p>	<p>The statement of tar & nicotine content shall cover the total area of one (1) side of the pack.</p>
Layout	Front layout 1 specified in Part 1 of Schedule 3.	Back layout 1 specified in Part 1 of Schedule 3.	
Item 4	Vertical carton: semi-transparent and non-transparent		
Face	Front	Back	Side
Content	Warning message in English with corresponding graphic.	Warning message in <i>i</i> Taukei and Hindi with corresponding graphic.	Statement of tar & nicotine content.

Specifications	<p>The warning message in English and corresponding graphic shall –</p> <ul style="list-style-type: none"> (a) cover at least 30% of the total area of the front face; (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 in iTaukei and Hindi and corresponding graphic shall –</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 the remaining area of the back face; (b) in any other case, cover at least 90% of the total area of the back face; (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>The statement of tar and nicotine content shall cover the total area of one (1) side of the pack.</p>
Layout	<p>Front layout 1 specified in Part 1 of Schedule 3.</p>	<ul style="list-style-type: none"> (a) If the back face is partially obscured by a seal, back layout 4 or back layout 5 specified in Part 1 of Schedule 3 as appropriate, according to the position of the seal on the back face, including compliance with any conditions mentioned in the layout; and (b) in any other case, back layout 1 specified in Part 1 of Schedule 3. 	

Item 5	Horizontal carton: semi-transparent and non-transparent		
Face	Front	Back	Side
Content	Warning message in English with corresponding graphic.	Warning message in iTaukei and Hindi with corresponding graphic.	Statement of tar and nicotine content.
Specifications	<p>The warning message in English and corresponding graphic shall –</p> <p>(a) cover at least 30% of the total area of the front face;</p> <p>(b) be positioned parallel to, and as close as possible to, the top edge of the front face; and</p> <p>(c) be positioned as close as possible to the left-hand edge of the front face.</p>	<p>The warning message in iTaukei and Hindi and the corresponding graphic shall –</p> <p>(a) if the back face is partially obscured by a seal, cover as much as practicable the remainder of the back face;</p> <p>(b) in any other case, cover at least 90% of the total area of the back face;</p> <p>(c) be positioned parallel to, and as close as possible to, the longest edge of the back face; and</p> <p>(d) extend as close as possible to the side edges of the back face.</p>	<p>The statement of tar and nicotine content shall cover the total area of one (1) side of the pack.</p>
Layout	Front layout 2 specified in Part 1 of Schedule 3.	<p>(a) If the back face is partially obscured by a seal, back layout 4 or back layout 5 specified in Part 1 of Schedule 3 as appropriate, according to the position of the seal on the back face, including compliance with any conditions mentioned in the layout; and</p> <p>(b) in any other case, back layout 2 specified in Part 1 of Schedule 3.</p>	

Item 6	Rectangular or square-shaped pack, other than a carton		
Face	Front	Back	Side
Content	Warning message in English with corresponding graphic.	Warning message in <i>i</i> Taukei and Hindi with corresponding graphic.	Statement of tar and nicotine content.
Specifications	<p>The warning message in English and corresponding graphic shall –</p> <p>(a) cover at least 30% of the total area of the front face;</p> <p>(b) be positioned parallel to, and as close as possible to, the top edge of the front face so that the warning message in English and the corresponding graphic will not be obscured, severed or obliterated when the pack is opened; and</p> <p>(c) extend as close as possible to the side edges of the front face.</p>	<p>The warning message in <i>i</i>Taukei and Hindi and corresponding graphic shall –</p> <p>(a) cover at least 90% of the total area of the back face;</p> <p>(b) be positioned parallel to, and as close as possible to, the top edge of the back face so that the warning message, corresponding explanatory message and corresponding graphic will not be obscured, severed or obliterated when the pack is opened; and</p> <p>(c) extend as close as possible to the side edges of the back face.</p>	The statement of tar and nicotine content shall cover the total area of one (1) side of the pack, except any area that forms part of the lid.
Layout	Front layout 1 specified in Part 1 of Schedule 3.	Back layout 1 specified in Part 1 of Schedule 3.	
Item 7	Hexagonal or octagonal prism-shaped pack, other than a flip-top pack		
Face	Front – rectangular face of pack on which the largest brand name appears.	Back – face opposite front face.	Side – one of the rectangular or square faces of the pack, except the front and back faces.

Content	Warning message in English with corresponding graphic.	Warning message in <i>i</i> Taukei and Hindi with corresponding graphic.	Statement of tar and nicotine content.
Specifications	<p>The warning message in English and corresponding graphic shall –</p> <p>(a) cover at least 30% of the total area of the front face; and</p> <p>(b) be positioned parallel to, and as close as possible to, the top edge of the front face so that the warning message in English and the corresponding graphic will not be obscured, severed or obliterated when the pack is opened.</p>	<p>The warning message in <i>i</i>Taukei and Hindi and corresponding graphic shall –</p> <p>(a) cover at least 90% of the total area of the back face;</p> <p>(b) be positioned parallel to, and as close as possible to, the top edge of the back face so that the warning message and corresponding graphic will not be obscured, severed or obliterated when the pack is opened; and</p> <p>(c) extend as close as possible to the side edges of the back face.</p>	The statement of tar and nicotine content shall cover the total area of one (1) side of the pack.
Layout	Front layout 1 specified in Part 1 of Schedule 3.	Back layout 1 specified in Part 1 of Schedule 3.	
Item 8	Cylindrical-shaped pack		
Face	Front – curved surface of 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 – face of cylinder opposite front face.	Outer surface of base of pack.
Content	Warning message in English and corresponding graphic.	Warning message in <i>i</i> Taukei and Hindi and corresponding graphic.	Statement of tar and nicotine.

Specifications	The warning message in English and corresponding graphic shall – (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 in English and the corresponding graphic will not be obscured, severed or obliterated when the pack is opened.	The warning message in <i>ī</i> Taukei and Hindi and corresponding graphic shall – (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 and corresponding graphic will not be obscured, severed or obliterated when the pack is opened.	The statement of tar and nicotine shall cover 25% of the total area of the outer surface of the base of the pack.
Layout	Front layout 1 specified in Part 1 of Schedule 3.	Back layout 1 specified in Part 1 of Schedule 3.	
Item 9	Pack of shape or size not mentioned in items 1-8		
Face	Front – face of pack on which the largest brand name appears.	Back – face opposite to the front face.	Side
Content	Warning message in English with corresponding graphic.	Warning message in <i>ī</i> Taukei and Hindi with corresponding graphic.	Statement of tar and nicotine content.
Specifications	The warning message in English and the corresponding graphic shall – (a) cover at least 30% of the total area of the front face; (b) be positioned parallel, and as close as possible to, the top edge of the front face so that the warning in English and the corresponding 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.	The warning message in <i>ī</i> Taukei and Hindi and corresponding graphic shall – (a) cover at least 90% of the total area of the back face; (b) be positioned parallel to, and as close as possible to, the top edge of the back face, so that the warning message and corresponding 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 back face.	The statement of tar and nicotine content shall cover the total area of one (1) side of the pack.

Layout	Front layout 1 specified in Part 1 of Schedule 3.	Back layout 1 specified in Part 1 of Schedule 3.	
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Part 2
Loose or pipe tobacco

Item 1	Pouch		
Face	Front – largest face of the pouch that is not overlapped by the flap of the pouch.	Back – face comprising the flap, opposite the front face.	
Content	Warning message in English with corresponding graphic.	Warning message in <i>i</i> Taukei and Hindi with corresponding graphic.	
Specifications	<p>For a front face with portrait orientation, the warning message in English and corresponding graphic shall –</p> <ul style="list-style-type: none"> (a) cover at least 30% of the total area of the front face; (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>For a front face with landscape orientation, the warning message in English and corresponding graphic shall –</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. 	<p>The warning message in <i>i</i>Taukei and Hindi and corresponding graphic shall –</p> <ul style="list-style-type: none"> (a) cover at least 50% of the total area of the back face; (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. 	

Layout	For a front face with portrait orientation, front layout 1 specified in Part 1 of Schedule 3. For a front face with landscape orientation, front layout 2 specified in Part 1 of Schedule 3.	Back layout 1 specified in Part 1 of Schedule 3.	
Item 2	Cylindrical-shaped package with minimum height of 41 mm		
Face	Front – 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 – face of the cylinder opposite the front face.	Outer surface of base package.
Content	Warning message in English with corresponding graphic.	Warning message in <i>i</i> Taukei and Hindi with corresponding graphic.	Statement of tar & nicotine content.
Specifications	The warning message in English and corresponding graphic shall – (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 in English will not be obscured, severed or obliterated when the package is opened.	The warning message in <i>i</i> Taukei and Hindi and corresponding graphic shall – (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 and corresponding graphic will not be obscured, severed or obliterated when the package is opened.	The statement of tar and nicotine shall cover at least 25% of the total area of the outer surface of the base of the package.
Layout	Front layout 1 specified in Part 1 of Schedule 3.	Back layout 1 specified in Part 1 of Schedule 3.	
Item 3	Cylindrical-shaped package or tin with height less than 41mm		
Face	Front – outer surface of the lid of package or tin.	Back – outer surface of the base of the package or tin.	Outer surface of the base of package.
Content	Warning message in English with corresponding graphic.	Warning message in <i>i</i> Taukei and Hindi with corresponding graphic.	The statement of tar and nicotine content.

Specifications	The warning message in English and corresponding graphic shall – (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 warning message in <i>i</i> Taukei and Hindi and corresponding graphic shall cover at least 50% of the total area of the back face.	The statement of tar & nicotine content shall cover at least 25% of the total area of the outer surface of the base of the package.
Item 4	Rectangular or square tin or package		
Face	Front – outer surface of the lid of the tin or the front of the package.	Back – outer face of the base of the tin or the back of the package.	Side
Content	Warning message in English with corresponding graphic.	Warning message in <i>i</i> Taukei and Hindi with corresponding graphic.	Statement of tar & nicotine content.
Specifications	The warning message in English and corresponding graphic shall – (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 largest brand name on the front face.	The warning message in <i>i</i> Taukei and Hindi and corresponding graphic shall cover at least 50% of the total area of the back face.	The statement of tar and nicotine content shall cover at least 25% of the total area of the outer surface of the base of the package.
Item 5	Pack of shape or size not mentioned in items 1-4		
Face	Front – face of the package on which the largest brand name appears.	Back – face opposite the front face.	Side
Content	Warning message in English with corresponding graphic.	Warning message in <i>i</i> Taukei and Hindi with corresponding graphic.	Statement of tar and nicotine content.

Specifications	The warning message in English and corresponding graphic shall – (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 warning message in <i>i</i> Taukei and Hindi and the corresponding graphic shall cover at least 50% of the total area of the back face.	The statement of tar and nicotine content shall cover at least 25% the total area of the outer surface of the base of the package.
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Part 3
Cigars

Item 1	Package with hinged lid	
Face	Front – outer surface of lid	Back – outer face of base
Content	Warning message in English and <i>i</i> Taukei with corresponding graphic.	Warning message in Hindi with corresponding graphic.
Specifications	The warning message in English and <i>i</i> Taukei and corresponding graphic shall cover at least 30% of the total area of the back face.	The warning message in <i>i</i> Taukei and Hindi and corresponding graphic shall cover at least 35% of the total area of the back face.
Item 2	Flip-top pack	
Face	Front	Back
Content	Warning message in English and <i>i</i> Taukei with corresponding graphic.	Warning message in Hindi with corresponding graphic.
Specifications	The warning message in English and <i>i</i> Taukei and corresponding graphic shall cover at least 30% of the total area of the front face.	The warning message in Hindi and corresponding graphic shall cover at least 35% of the total area of the back face.
Item 3	Soft-pack	
Face	Front	Back
Content	Warning message in English and <i>i</i> Taukei with corresponding graphic.	Warning message in Hindi with corresponding graphic.







Specifications	The warning message in English and <i>iTaukei</i> and corresponding graphic shall cover at least 30% of the total area of the front face.	The warning message in Hindi and the corresponding graphic shall cover at least 35% of the total area of the back face.
Item 4	Rectangular or square-shaped pack or tin with minimum front face width of 61mm	
Face	Front	Back
Content	Warning message in English and <i>iTaukei</i> with corresponding graphic.	Warning message in Hindi with corresponding graphic.
Specifications	The warning message in English and <i>iTaukei</i> and corresponding graphic shall cover at least 30% of the total area of the front face.	The warning message in Hindi and the corresponding graphic shall cover at least 35% of the total area of the back face.
Item 5	Rectangular or square-shaped pack or tin with front face width less than 61mm	
Face	Front	Back
Content	Warning message in English and <i>iTaukei</i> with corresponding graphic.	Warning message in Hindi with corresponding graphic.
Specifications	The warning message in English and corresponding graphic shall cover at least 30% of the total area of the front face.	The warning message in Hindi and the corresponding graphic shall cover at least 35% of the total area of the back face.
Item 6	Cylindrical-shaped pack	
Face	Front – 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 – face opposite the front face
Content	Warning message in English and <i>iTaukei</i> with corresponding graphic.	Warning message in Hindi with corresponding graphic.





Specifications	The warning message in English and <i>i</i> Taukei and the corresponding graphic shall cover at least 30% of the total area of the front face.	The warning message in Hindi and the corresponding graphic shall cover at least 35% of the total area of the back face.
Item 7	Hexagonal or octagonal prism-shaped pack	
Face	Front – rectangular face of pack of the package on which the largest brand name appears.	Back – face opposite front face
Content	Warning message in English and <i>i</i> Taukei with corresponding graphic.	Warning message in Hindi with corresponding graphic.
Specifications	The warning message in English and the corresponding graphic shall cover at least 30% of the total area of the front face.	The warning message in Hindi and the corresponding graphic shall cover at least 35% of the total area of the back face.
Item 8	Pack of shape or size not mentioned in items 1-7	
Face	Front—face of package on which the largest brand name appears.	Back—face opposite front face
Content	Warning message in English and <i>i</i> Taukei with corresponding graphic.	Warning message in Hindi and corresponding graphic.
Specifications	The warning message in English and <i>i</i> Taukei and the corresponding graphic shall cover at least 30% of the total area of the front face.	The warning message in Hindi and the corresponding graphic shall cover at least 35% of the total area of the back face.

SCHEDULE 2
(Regulation 31)

WARNING MESSAGES AND CORRESPONDING GRAPHICS

Cigarettes, cigars, loose or pipe tobacco

Item	Warning message	Graphic	
		Front of pack	Back of pack
1	<p>SMOKING HARMS UNBORN BABIES</p> <p>Na vakatavako e rawa ni vakaleqa na gone e kunekunetaki tiko</p> <p>धूम्रपान करने से गर्भास्थि में शिशु को हानि होती है</p> <p>FIJI GOVERNMENT HEALTH WARNING</p>		
2	<p>SMOKING CAUSES LUNG CANCER</p> <p>Na vakatavako e vakavuna na kenisa ni yatevuso</p> <p>धूम्रपान से फेफड़े का कैंसर होता है</p> <p>FIJI GOVERNMENT HEALTH WARNING</p>		
3	<p>SMOKING CAUSES HEART ATTACKS</p> <p>Na vakatavako e vakavuna na mate ni uto</p> <p>धूम्रपान से हार्ट अटैक होता है</p> <p>FIJI GOVERNMENT HEALTH WARNING</p>		

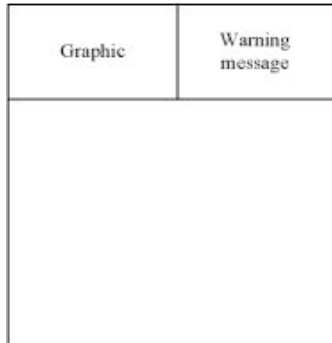
<p>4</p>	<p>SMOKING INCREASES YOUR RISK OF STROKE</p> <p>E rawarawa sara ni tauvi iko na paralase ni yago ke ko dau vakatavako</p> <p>धूम्रपान से लकवा के शिकार होने का खतरा बढ़ता है</p> <p>FIJI GOVERNMENT HEALTH WARNING</p>		
<p>5</p>	<p>SMOKING IS HIGHLY ADDICTIVE</p> <p>Na vakatavako e vesuka na noda bula</p> <p>धूम्रपान का जल्द आदी होना सम्भव है</p> <p>FIJI GOVERNMENT HEALTH WARNING</p>		

SCHEDULE 3
(Regulation 30, 31)

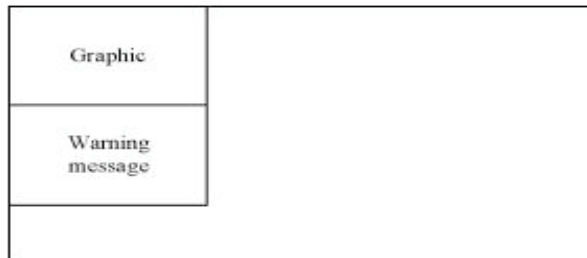
LAYOUT FOR LABELLING OF RETAIL CONTAINERS

Part 1—Layout for labelling of cigarettes and loose or pipe tobacco

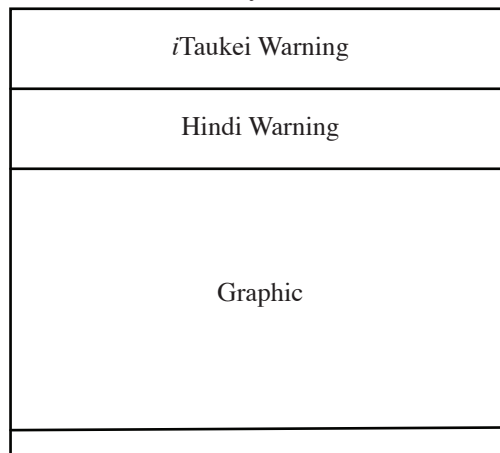
Front layout—1



Front layout—2



Back layout—1



Back Layout 2

<p><i>i</i>Taukei Warning</p>	<p>Graphic Warning</p>
<p>Hindi Warning</p>	

<p>Graphic Warning</p>	<p><i>i</i>Taukei Warning</p>
	<p>Hindi Warning</p>

SEAL

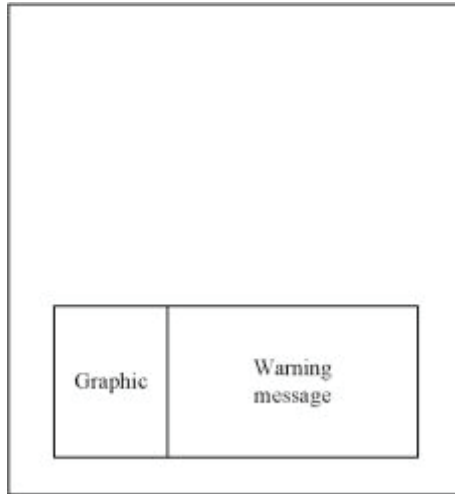
<p>Graphic Warning</p>	<p><i>i</i>Taukei Warning</p>
	<p>Hindi Warning</p>

<p>Graphic Warning</p>	<p><i>i</i>Taukei Warning</p>
	<p>Hindi Warning</p>

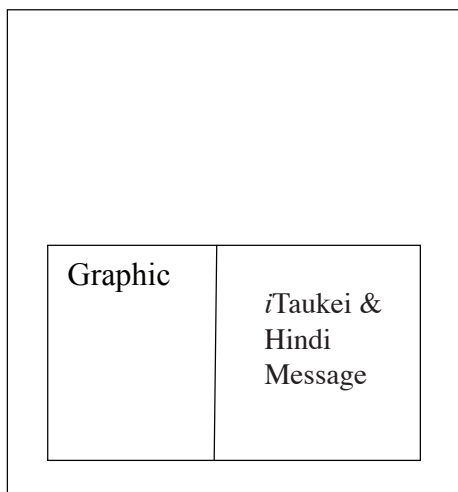
SEAL

Part 2—Layout for labelling of cigars

Front Layout



Back layout



SCHEDULE 4
(Regulation 36)

FIGURES FOR DESCRIBING AVERAGE AMOUNT OF TAR AND NICOTINE

<i>Tar</i> (milligrams)	<i>Nicotine</i> (milligrams)
1	0.2
2	0.3
3	0.4
8	0.8
12	1.2
15	1.5

SCHEDULE 5
(Regulation 5 (2) (e))

REGISTRATION FEES

Regulation	Registration category	Fees Payable (VIP)
5 (2) (e)	Retail Shop	\$7.00
	Dairy Shop	\$5.00
	Canteen	\$5.00
	Hawker	\$5.00
	Hotels (including boarding houses and back packers)	\$20.00
	Night clubs, bars, taverns, and clubs	\$20.00
	Service station	\$15.00
	Restaurant, café and milkbars	\$15.00
	Supermarket	\$25.00
	Suki vendors only	\$15.00
	Others not listed	\$15.00

SCHEDULE 6
(Regulation 12 (1))

NOTICE OF SUSPENSION/ REVOCATION



NOTICE OF SUSPENSION/REVOCATION

Cigarette and Tobacco Products Retailer/Wholesaler/Distributor
Registration Number:

The Ministry of Health hereby gives notice that the above Cigarette and
Tobacco Products wholesaler/distributor/retailer licence issued to

Business Name:

is suspended/ revoked for violation of : (state violation
and section/regulation)

DATE OF SUSPENSION: to

This notice must be posted at the retail location subject to the suspension/
revocation for the duration of the suspension.

Any person who fails to post a notice as required under regulation 9
commits an offence and shall be liable on conviction to a fine of \$1,000
and in the case of a body corporate, to a fine not exceeding \$5000.00.

SCHEDULE 7
(Regulation 24 (2) (b))

MANUFACTURER AND IMPORTER QUARTERLY REPORT FORM

Part 1 – Importer Report Form

Importer: _____ Date submitted: _____

Address: _____ Phone/Fax/email: _____

Nature of business: Duty Free Sales Ship Stores

Period of Reporting: _____

1. DUTY FREE SALES

<i>Name of brand(s) Imported</i>	<i>Actual import (pkts) for the Quarter</i>	<i>Balance of sale (pkts) from previous quarter</i>	<i>Actual sales of brands for the quarter being reported with Health Warnings</i>

2. SHIP STORES

<i>Name of brand(s) imported</i>	<i>Actual Import (pkts) for the reported quarter</i>	<i>Balance of sale (pkts) from previous quarter</i>	<i>Actual sales of brand(s) for the reported quarter with Health Warnings</i>

3. SUPPLIER DETAILS

<i>Name of brand(s) imported</i>	<i>Name of supplier</i>	<i>Country of Origin</i>

Name of reporting officer: _____ Position: _____

Signature: _____ Date: _____

Company stamp:

Part 2- Manufacturer Report Form
(Including importation & distribution of tobacco products)

Manufacturer: _____ Date submitted: _____

Address: _____ Phone/Fax/email: _____

Nature of business: Duty Free Sales Ship Stores

Local Manufacturer & Sales

Period of Reporting: _____

1. DUTY FREE SALES

<i>Name of brand(s) imported</i>	<i>Actual import (pkts) for the Quarter</i>	<i>Balance of sale (pkts) from previous quarter</i>	<i>Actual sales of brands for the quarter being reported</i>	<i>Health Warnings</i>

2. SUPPLIER DETAILS

<i>Name of brand(s) imported</i>	<i>Name of supplier</i>	<i>Country of origin</i>

3. LOCAL MANUFACTURE AND SALES

<i>Name of brand(s) manufacturer</i>	<i>Actual manufactured (pkts) for the reported quarter</i>	<i>Balance of sale (pkts) from previous quarter</i>	<i>Actual sale of brand(s) (pkts) for the reported quarter</i>	<i>Health Warnings</i>

Name of reporting officer: _____

Position: _____

Signature: _____

Date: _____

Company stamp:

Made this 8th day of January 2013.

N. SHARMA
Minister for Health