

THE OFFICIAL GAZETTE 26TH MAY, 2018

LEGAL SUPPLEMENT — B

GUYANA

No. 4 of 2018

REGULATIONS

Made Under
THE TOBACCO CONTROL ACT 2017
(Act No. 17 of 2017)

IN EXERCISE OF THE POWERS CONFERRED UPON ME BY SECTIONS 24, 25
AND 46 OF THE TOBACCO CONTROL ACT 2017, I MAKE THE FOLLOWING
REGULATIONS:-

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PART 1
PRELIMINARY

- Citation. 1. These Regulations may be cited as the Tobacco Products' Packaging and Labelling Regulations 2018.
- Time for compliance. 2. After nine months from the date of entry into force of these regulations, no person shall manufacture, import, distribute, sell or offer for sale any tobacco product or electronic delivery system, other than a tobacco product or electronic delivery system contained in intact packages that meet the packaging and labelling requirements under these regulations.
- Interpretation. 3. In these Regulations, unless the context otherwise requires –
- “carton” means a package used in retail trade containing more than one package of a tobacco product, including a package containing more than one unit package of cigarettes;
- “cigarette” means any roll of tobacco that is manufactured to be ignited and wrapped in –
- (a) paper or any other material; or
- (b) any material made from tobacco or its derivatives;
- “display area” means a side, face or panel of a package;
- “heated tobacco product” means a tobacco product comprised of operating components that heat, but do not ignite, tobacco and any other ingredients and typically produce an aerosol or vapour for inhalation by the user;

“package” includes a unit package, box, carton, canister or any other container in which a tobacco product is sold;

“principal display area” means each main display area of a package that is most likely to be visible to the consumer under normal or customary conditions of sale or use, including the front and back of a unit package and each largest display area of a carton;

“smoked tobacco product” means a tobacco product other than a smokeless tobacco product or a heated tobacco product; and

“smokeless tobacco product” means a tobacco product manufactured for sucking, chewing, or snuffing.

PART II LABELLING

General labelling requirements.

4. Every unit package, carton and any other outside packaging and labelling of a tobacco product or electronic delivery system that is meant for retail sale and that is manufactured, imported into, distributed for sale, or sold in Guyana shall display the following information –
 - (a) on a principal display area –
 - (i) the common name of the goods, together with any trade name or brand;
 - (ii) an accurate statement of the net contents of the package, with respect to the number of cigarettes or other smoked tobacco products sold by units, and with respect to weight in grams for cigarette tobacco, pipe tobacco, smokeless tobacco and other types of loose tobacco;

- (iii) a description of the components contained in the package of a heated tobacco product or electronic delivery system, whether or not the components are being sold separately, including the number or grams of tobacco-containing or nicotine-containing units or refill units;
- (b) on a display area –
- (i) the name and complete address of the manufacturer;
 - (ii) in relation to imported products, the name and complete address of the importer and distributor;
 - (iii) the manufacturing date and batch number in accordance with regulations 10 and 11; and
 - (iv) the words “For sale in Guyana only.”;
- (c) in relation to smoked and smokeless tobacco products, the health warnings in accordance with regulations 5, 6, 7 and 8, as applicable; and
- (d) in relation to smoked tobacco products, the declaration related to constituents and emissions information in accordance with regulation 9.

PART III HEALTH WARNINGS

General health
warning
requirements.

5. (1) Unless prescribed by law, no statement relating to tobacco or health and no health warnings or other health information shall be included in or on any packaging or labelling of a tobacco product or electronic delivery system.

(2) Health warnings shall be printed on the package itself and not on cellophane, detachable outer packaging or on adhesive labels or

attached or affixed by similar means.

First Schedule.
Second Schedule.
Third Schedule.

(3) All health warnings shall be provided by the Minister in the form of electronic files and shall be reproduced and printed with the same quality and clarity to generate the health warnings in the First, Second and Third Schedules.

Requirements for
health warnings on
packages of smoked
and smokeless
tobacco products.
First Schedule.
Second Schedule.

6. (1) The health warnings in the First and Second Schedules shall be displayed on the unit package and any outside packaging and labelling, except cartons, of smoked and smokeless tobacco products, respectively, and shall be –

- (a) permanently displayed on sixty percent of the front and back principal display areas in rectangular format;
- (b) positioned at the top of the front and back principal display areas;
- (c) for conical packages, the health warnings shall cover sixty percent of the surface area, in a rectangular format, and shall read vertically, rising from the bottom or at the wider end, up to two thirds the height of the package and in such a way that the front and back parts of the health warning are placed equally and opposite to each other;
- (d) printed in a framed area with the thickness of the line frame being not more than 0.50 mm, and which shall not account for any part of the sixty percent surface area requirement in paragraphs (a) and (c); and
- (e) depicted for differently shaped packs, in accordance with instructions received with the electronic files provided under regulation 5(3).

(2) Each health warning in the First and Second Schedules consists

of two parts, with the part designated for the front principal display area being referred to as “front” and the part designated for the back principal display area being referred to as “back”, and these shall be placed on the front and back principal display areas accordingly.

Requirements for
health warnings on
cartons of smoked
tobacco products.
Third Schedule.

7. (1) The health warnings in the Third Schedule shall be displayed on cartons of smoked tobacco products.

(2) Pursuant to sub-regulation (1), each carton shall display a health warning –

(a) in accordance with the Third Schedule which contains illustrations in order from top to bottom, of three variations of each health warning to be placed on cartons as follows –

- (i) variation 1, on the principal display areas,
- (ii) variation 2, on one secondary display area; and
- (iii) variation 3, on remaining display areas;

(b) in rectangular format on sixty percent of all display areas;

(c) positioned on the left side of each display area; and

(d) printed in a framed area with the thickness of the line frame being not more than 0.50 mm, and which shall not account for any part of the sixty percent requirement in paragraph (b).

(3) For the purposes of this regulation, the two largest display areas of a carton are the principal display areas, and the next two largest display areas are the secondary display areas.

Rotation of health
warnings.
First Schedule.
Second Schedule.
Third Schedule.
Fourth Schedule.

8. (1) The health warnings in Set A and Set B in the First, Second and Third Schedules shall be rotated, as illustrated in the Fourth Schedule, as follows -

- (a) Set A shall be used exclusively for a period of eight calendar months beginning on the 1st day of January of every calendar year ending with an odd number;
- (b) the 1st day of September of each calendar year ending with an odd number shall mark the beginning of a transition period from Set A to Set B, during which period Set B health warnings shall become more prominent on the market while Set A health warnings shall be phased out;
- (c) Set A shall be completely removed from the market by the 31st day of August of every calendar year ending with an odd number;
- (d) Set B shall be used exclusively for a period of eight calendar months beginning on the 1st day of January of every calendar year ending with an even number;
- (e) the 1st day of September of each calendar year ending with an even number shall mark a transition period from Set B to Set A, during which period Set A health warnings shall become more prominent on the market while Set B health warnings shall be phased out; and
- (f) Set B shall be completely removed from the market by 31st day of August of every calendar year ending with an even number.

(2) The health warnings within each Set in the First, Second and Third Schedules shall be evenly distributed within each brand within each brand family for each package size and type that is manufactured, imported or distributed.

PART IV
DECLARATION RELATED TO CONSTITUENTS AND
EMISSIONS INFORMATION

Declaration for
smoked tobacco
products.
Fifth Schedule.

9. The declaration related to constituents and emissions information as set out in the Fifth Schedule shall appear on the unit package, carton and any other outside packaging and labelling of all smoked tobacco products, printed –
- (a) on one of the side display areas on rectangular packages, and adjacent to the health warning on packages of other shapes;
 - (b) on rectangular packages, on the full side display area, except that for flip-top packages, the declaration shall appear on the portion of the side display area lower than the flip-top opening;
 - (c) on cartons, the declaration shall appear on the secondary display area not occupied by a health warning pursuant to regulation 7(2)(a)(ii); and
 - (d) in Avant Garde font, Medium BT, upper and lower case type or in an equivalent type with letters being at least 2 mm high in black on a yellow or white background, and in such a manner as to completely fill the display area.

PART V
DATES AND BATCH NUMBERS

Format for
manufacturing dates.

10. Every manufacturing date shall be printed in the format of 'mm (or mmm) yyyy', where –
- (a) 'mm' is the month expressed in Arabic numerals;
 - (b) 'mmm' is the month expressed as the first three letters of the name of the month; and'

(c) 'yyyy' is the year expressed in Arabic numerals.

Font and other details
for manufacturing
dates and batch
numbers.

11. Every manufacturing date and batch number shall be printed in black on a white background or by means of contrasting colours surrounded by a 0.5mm thick black border and in a type size of no more than 2mm.

Expiration dates.

12. Notwithstanding any other law, no package containing tobacco products shall be labelled with a valid till date, sell-by date, expiration date or similar date.

PART VI SAMPLES

Submission of
samples.

13. (1) Every manufacturer, wholesale distributor or importer of smoked and smokeless tobacco products shall submit samples of their products' packages to the Minister not later than three months prior to the beginning of each rotation period prescribed under regulation 8.

(2) In relation to any tobacco product not covered under sub-regulation (1) and any electronic delivery system, every manufacturer, importer or distributor shall submit samples of their product packages to the Minister at least three months before these products are placed on the market for the first time, and, for products already on the market, within three months from the date of commencement of these Regulations.

(3) Samples submitted pursuant to sub-regulations (1) and (2) shall include at least three samples of each unit package, carton and any other outside packaging and labelling for each brand within each

brand family for each package size and type.

PART VII
OFFENCES

Offences.

14. A natural person who contravenes any of the provisions of regulations 4 to 12 (inclusive) commits an offence and is liable on summary conviction to a fine of two hundred thousand dollars and imprisonment for three months and in the case of a body corporate to a fine of nine million dollars.

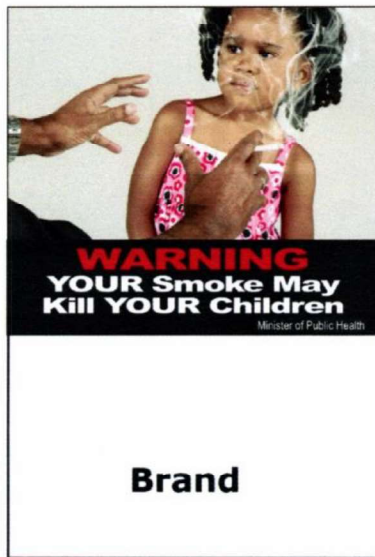
FIRST SCHEDULE

(regs 5, 6 and 8)

HEALTH WARNINGS FOR USE ON PACKAGES OF SMOKED TOBACCO PRODUCTS

Set A Health Warnings

Front



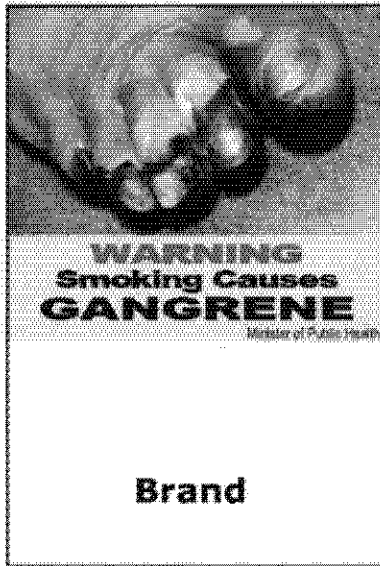
Back



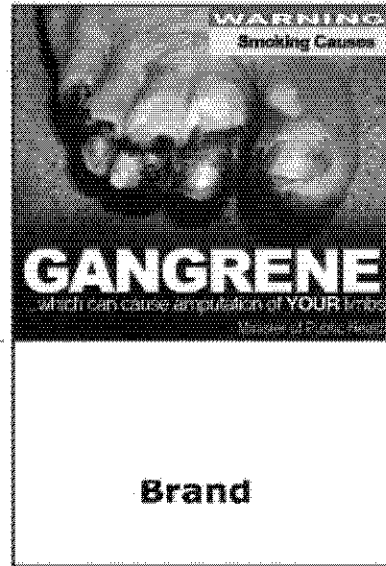
Health Warning 1



Front



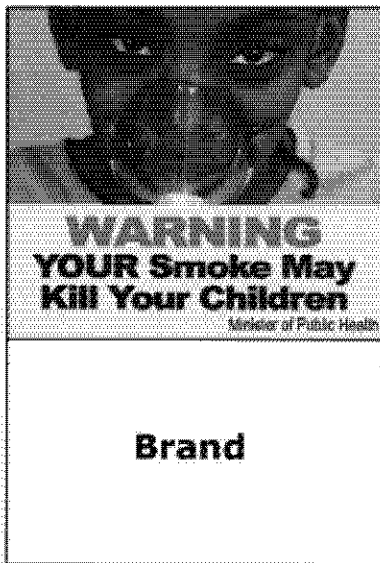
Back



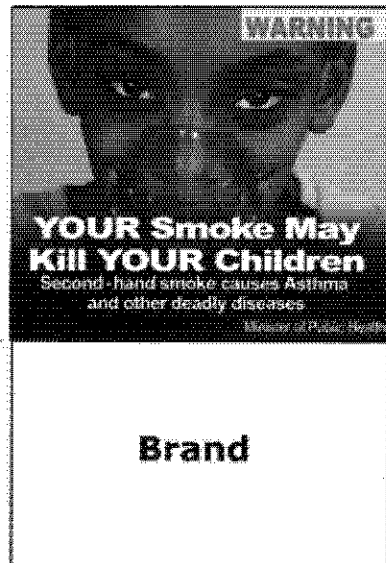
Health Warning 4

Set B Health Warnings

Front

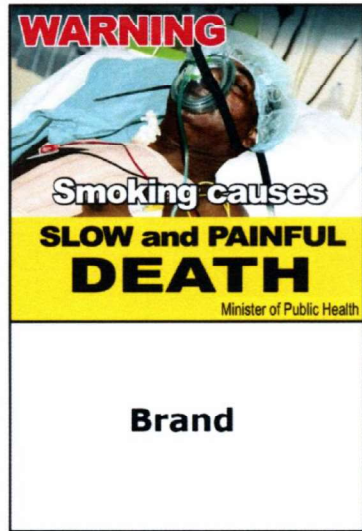


Back



Health Warning 1

Front



Back



Health Warning 4

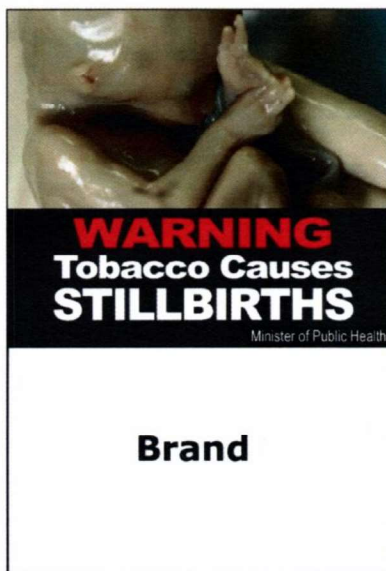
SECOND SCHEDULE

(regs 5, 6 and 8)

HEALTH WARNINGS FOR USE ON PACKAGES OF SMOKELESS TOBACCO PRODUCTS

Set A Health Warnings

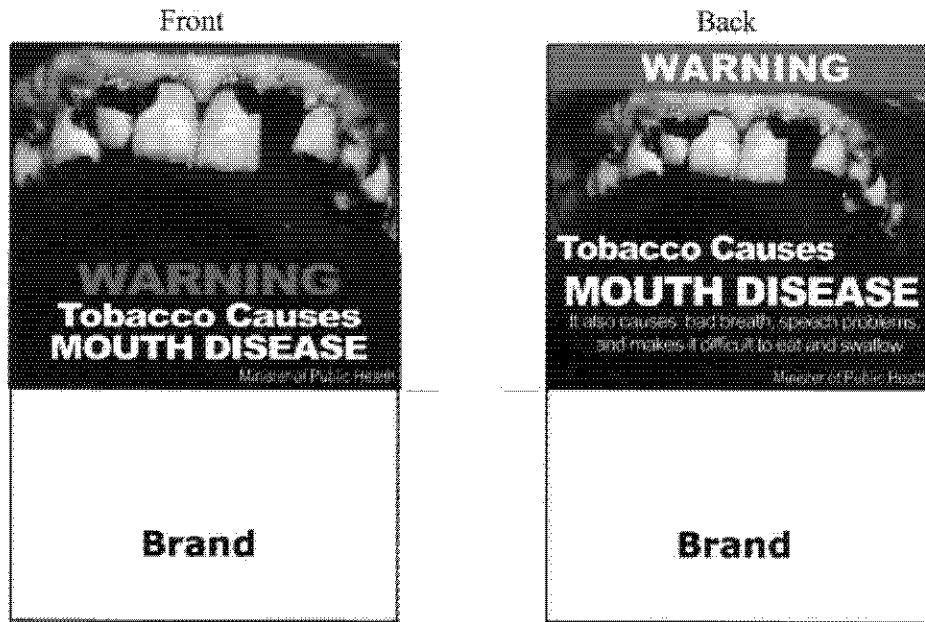
Front



Back

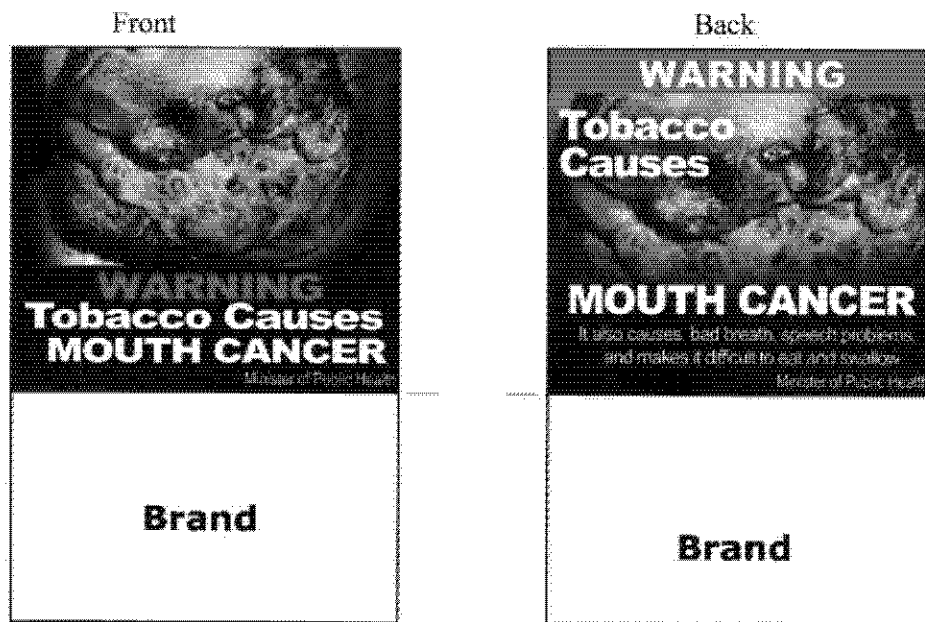


Health Warning 1



Health Warning 2

Set B Health Warnings



Health Warning 1



Health Warning 2

THIRD SCHEDULE **(regs 5, 7 and 8)**
HEALTH WARNINGS FOR USE ON CARTONS OF SMOKED TOBACCO PRODUCTS

Set A Health Warnings

Variation 1 -



Variation2 -



Variation 3 -



Health Warning 1

Variation 1 -



Variation2 -



Variation 3 -



Health Warning 2

Variation 1 -



Variation2 -

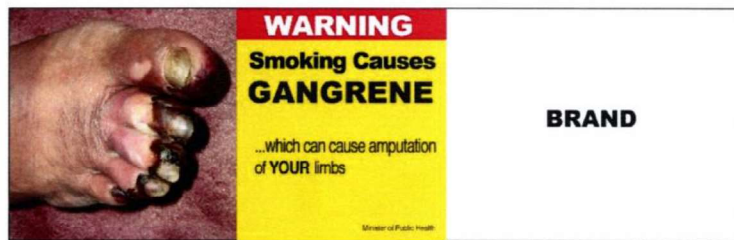


Variation 3 -

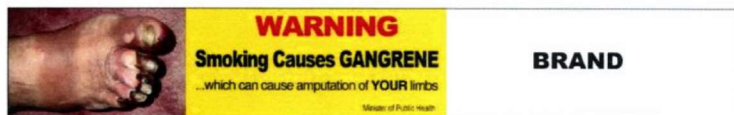


Health Warning 3

Variation 1 -



Variation2 -



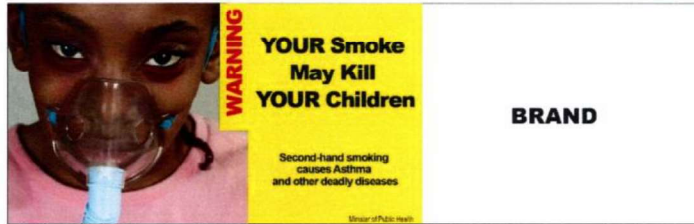
Variation 3 -



Health Warning 4

Set B Health Warnings

Variation 1 -



Variation 2 -



Variation 3 -

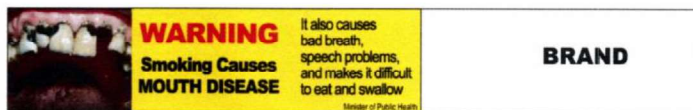


Health Warning 1

Variation 1 -



Variation 2 -



Variation 3 -



Health Warning 2

Variation 1 -



Variation 2 -



Variation 3 -



Health Warning 3

Variation 1 -



Variation 2 -



Variation 3 -



Health Warning 4

FOURTH SCHEDULE **(reg 8)**
ROTATION OF HEALTH WARNINGS

Year ending with odd number (example 2019)	Month	Year ending with even number (example 2020)
Set A exclusively	January - August	Set B exclusively
Introduce Set B, phase out Set A	September - December	Introduce Set A, phase out Set B

FIFTH SCHEDULE**(reg 9)****DECLARATION RELATED TO CONSTITUENTS AND EMISSIONS INFORMATION**

The following text shall be the declaration related to constituents and emissions information –

“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.”

Made this ¹⁸ day of May, 2018.



Hon. Volda Lawrence M.P.

Minister of Public Health