

S.I. No. 408 of 1996.
TOBACCO PRODUCTS (CONTROL OF ADVERTISING, SPONSORSHIP AND SALES PROMOTION) (AMENDMENT) REGULATIONS, 1996.

In exercise of the powers conferred on the Minister for Health by Section 2 of the Tobacco (Control of Advertising, Sponsorship and Sales Promotion) Act, 1978 (No. 27 of 1978), which said powers are delegated to me by the Health (Delegation of Ministerial Functions) Order, 1996 I, Brian O'Shea, Minister of State at the Department of Health, hereby make the following Regulations:—

1. These Regulations may be cited as the Tobacco Products (Control of Advertising, Sponsorship and Sales Promotion) (Amendment) Regulations, 1996.
2. These Regulations shall come into operation on the 1st day of January 1997.
3. The Tobacco Products (Control of Advertising, Sponsorship and Sales Promotion) Regulations, 1991 (S.I. No. 326 of 1991) are hereby amended by: —
 - (i) the substitution of the following Article for Article 15 of the Regulations : —

" (15) Reference to or representations of tobacco products or smoking utensils shall not be included in any advertisement (other than an advertisement of tobacco products in accordance with these Regulations) or in any article or feature in any magazine, newspaper or other similar publication, where such reference or representation is intended or is likely to promote the sales of tobacco products."
 - (ii) the substitution of the following Article for Article 19 of the Regulations : —

"19(1) A person shall not incur expenditure on advertising of tobacco products unless such expenditure has been approved by the Minister and shall not exceed an amount as determined, from time to time, by the Minister.

(2) A person engaged in the manufacture, importation, marketing, advertising, distribution or sale of tobacco products in respect of which, in the twelve months prior to the date of coming into operation of this sub-Article, expenditure on the advertising of tobacco products had not been incurred in the State shall not commence or cause to be commenced advertising in the State, without the prior approval of the Minister who may, at the same time, determine the expenditure which such person may expend or cause to be expended on such advertising during a specified period.

(3) Expenditure for the purposes of this Article means the total expenditure incurred in the preparation and display of advertisements as permitted under sub-Articles 8(2) (a) and 8(2) (b), but does not include expenditure on the design and production of packages.

(4) A decision by the Minister in pursuance of sub-Articles (1) and (2) shall be communicated in writing to the person."
 - (iii) the substitution of the following Article for Article 21 of the Regulations :—

"21(1) A person engaged in the manufacture, importation, marketing, advertising, distribution or sale of tobacco products shall not incur expenditure on sponsorship unless such expenditure has been approved by the Minister and shall not exceed an amount as determined, from time to time, by the Minister.

(2) A person engaged in the manufacture, importation, marketing, advertising, distribution, or sale of tobacco products who has not, in the twelve months prior to the date of coming into operation of this sub-Article, engaged in sponsorship in the State, shall not commence any sponsorship in the State without the prior approval of the Minister who may, at the same time, determine the expenditure which such person may expend on such sponsorship during a specified period.

- (3) A person engaged in the manufacture, importation, marketing, advertising, distribution or sale of tobacco products shall not commence sponsorship of any event or activity in the State which was not sponsored in the State in the twelve months prior to the 1st day of May, 1986, without the prior approval of the Minister who may, at the same time, determine the expenditure which such person may expend on such sponsorship during a specified period.
- (4) Expenditure for the purposes of this Article means the amount of money allocated to sponsorship annually without regard to any receipts accruing as a result of such sponsorship.
- (5) A decision by the Minister in pursuance of the provisions of sub-Articles (1), (2) or (3) of this Article shall be communicated in writing to the person concerned."

Dated this 21st day of December 1996

Brian O'Shea

Minister of State at the Department of Health

Explanatory Note

The effect of these Regulations is to provide for restrictions on expenditure on advertising and sponsorship of tobacco products

The Regulations shall come into effect on 1st January, 1997.

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