

Regulations for Tobacco Business Act Implementation (excerpt)

[Warning display]

Article 36: The tobacco products stipulated in Paragraph 1 of the Tobacco Business Act Article 39 and specified by Ordinance of the Ministry of Finance are: cigarettes, cigars, pipe tobacco, shredded tobacco, chewing tobacco, and snuffs (hereinafter cigarettes and other tobacco products).

Paragraph 2: The statements stipulated in Paragraph 1 of the Tobacco Business Act Article 39 and specified by Ordinance of the Ministry of Finance refer to statements that are displayed in order to avoid any misunderstandings among consumers and are in accordance with descriptions listed in Appended Tables I to III and pursuant to the provisions of the succeeding Article.

Paragraph 3: Companies and specified distributors must display one or more statements listed in Appended Tables I and II on each container or package listed below (i.e. a container or package used solely for the purpose of selling cigarettes and other tobacco products; applicable hereinafter) :

- i. Smallest containers or packages
- ii. Containers or packages that include one or more of the smallest containers or packages (excluding transparent or near-transparent containers or packages made of plastic or other materials; also applicable to Item iii)
- iii. Containers or packages that include one or more containers or packages stipulated in Item ii (including containers or packages that include one or more containers or packages described in Item iii)

Paragraph 4: One of the statements listed in Appended Tables I and II must be printed or affixed as a label in one area clearly segregated from the main area of a container or a package using borders or other methods. The statement must be displayed largely and clearly in an area sized more than 30 percent of the main area and in a way that is easy to read for consumers before and after opening of the container or package.

Paragraph 5: The one area dedicated to statement display described in Paragraph 4 must not include any statements that are not in Appended Tables I and II.

Paragraph 6: The main area described in Paragraph 4 refers to either of the areas of a pre-opened container or package (excluding the bottom area) explained below:

- i. Largest surface area
- ii. Area considered as front of the container or the package excluding the largest surface area specified in Item i

Paragraph 7: In cases where a container or a package has only one main area, where the main area is hard to determine, or where it is difficult to display statements listed in Appended Tables I and II, the conditions in Paragraphs 3, 4 and 6 must be applied in accordance with stipulations prescribed separately by the Minister of Finance.

Paragraph 8: In cases where two or more of the statements listed in Appended Table I or II are displayed on a single container or package, companies and specified distributors must not use the same statement twice or more.

Paragraph 9: Companies or specified distributors must ensure that the number of available containers or packages showing statements in Appended Tables I and II are almost evenly distributed throughout the year for all cigarettes or other tobacco product items and container or package types listed in Paragraph 3.

Paragraph 10: Companies or specified distributors must ensure that the statements listed in Appended Table III are printed or affixed as a label in a way that is easy to read before and after opening of each container or package listed in Paragraph 3 (excluding containers or packages for cigarettes or other tobacco products specified by the Minister of Finance as ones for which tar and nicotine contents are difficult to measure due to widely-variable product quality).

Paragraph 11: In applying provisions in Paragraphs 2 to 9 to cigars, pipe tobacco, shredded tobacco, chewing tobacco, snuffs and other product substitutes stipulated in Paragraph 2 of the Tobacco Business Act Article 38, companies and specified distributors may replace the statements listed in Appended Tables I and II with other statements specified by the Minister of Finance and display these in accordance with provisions set by the Minister.

Paragraph 12: The provision in Paragraph 1 of the Tobacco Business Act Article 39 and specified by Ordinance of the Ministry of Finance applies to tobacco products that are imported to be displayed and sold on site during product exhibitions or similar events and for which the Minister of Finance determines no warning display is necessary.

[Statements for preventing misunderstandings]

Article 36-2

In cases where statements or terms such as "low tar", "light", "ultra light", and "mild" that are likely to cause misunderstandings among consumers with regard to consumption of cigarettes and other tobacco products and health are displayed on containers or packages, companies and specified distributors must display a notice on the container or package that clearly indicates that such statements or terms do not mean that the health impacts of these products are smaller than those of other products.

Paragraph 2: The notice specified in the preceding paragraph must be printed or affixed as a label in a way that is easy to read before and after opening of each container or package listed in Paragraph 3 of Article 36.