

Regulation on Packaging and Labeling Tobacco Products

Introduction and Name	1.	(a)	This Regulation is formulated by the Tobacco Control Board pursuant to Subsection 37 (a) (2) of Act Number 15/2010 (Tobacco Control Act).
		(b)	This Regulation shall be cited as the “Regulation on Packaging and Labeling Tobacco Products”.
Purpose	2.		Key purposes of this Regulation are stated below.
		(a)	Obligate concerned authorities to inform the risks of smoking to smokers, potential smokers, especially to youth, and take appropriate measures for their protection in the sale and purchase of tobacco.
		(b)	Determine procedures to print warning notice with pictures and photographs illustrating real dangers of tobacco on the package and carton of a product containing tobacco.
		(c)	Endeavor to reduce the number of new smokers.
		(d)	Prohibit the sale of single cigarettes.
Enforcement Authority	3.		This Regulation shall be enforced by the Health Protection Agency.
Commencement Date	4.		This Regulation shall commence on 31 st May 2019.

**Importing,
Packaging and
Selling Tobacco
Products**

5. Tobacco products imported to the Maldives, tobacco products made in the Maldives and products sold in the Maldives containing tobacco shall be packaged as specified below.
- (a) Each cigarette pack should be packaged with a minimum of 20 (twenty) cigarettes.
 - (b) Each rolled cigarette pack should be packaged with a minimum of 50 (fifty) rolled cigarettes.
 - (c) Rolling paper used for rolling cigarettes should not have any printing or writing and must be clean.
 - (d) Except for products specified in Subsection (a) and (b) hereof, other tobacco products shall be packaged with each pack weighing a minimum of 30 (thirty) grams.
 - (e) It is prohibited to import and sell tobacco products in the Maldives and package tobacco products made in the Maldives in violation of the provisions under Subsection (a), (b), (c) and (d) hereof.

**Minimum Quantity
for Selling Tobacco
Products**

6. (a) The minimum quantity to sell tobacco products are as specified under Subsection 5 (a), (b) and (d) of this Regulation.
- (b) From the commencement date of this Regulation, it is prohibited to sell a single cigarette and rolled cigarette, and sell less than 30 (thirty) grams of other tobacco products except for cigarette and rolled cigarette.

**Printing Warning
Notice**

7. (a) From the commencement date of this Regulation, warning notice publicized by the Ministry should be added to the cover of the pack and carton of tobacco products imported to the Maldives, tobacco products made in the Maldives and products sold in the Maldives containing tobacco. It will not be deemed as acting in accordance with this Regulation where

a warning notice containing a different statement or picture is printed.

- (b) Warning notices specified in Subsection (a) hereof shall be publicized at least 3 (three) months prior to the commencement of this Regulation.
- (c) Even if a product containing tobacco is newly imported to the Maldives as a sample for commercial use, such samples shall not be exempted from the mandatory provisions under this Section.

**Labelling
Precautions**

8. In addition to the matters specified under Section 12 of Act Number 15/2010 (Tobacco Control Act) on labeling products containing tobacco, precautions should be taken for the following standards and act in a manner that does not contradict with those standards.

- (a) Products containing tobacco should not be labeled in a way that promotes interest in smoking or increases advertising.
- (b) Labeling should not be made in a way that misleads about any tobacco product.
- (c) Should not include any label or drawing or writing or any other such thing that purports to reduce health risk if that product is used.
- (d) Should not include any phrasing or drawing or writing or any other such thing when labeling a product containing tobacco that profess to reduce health risk compared to a different tobacco product.

Form of Notice

9. (a) Warning statement should be written in a manner that is easy to read. Further, photographs of the warning should be easily visible. A different name, logo or drawing or any writing or any other such thing should not be found

above the warning statement or photograph. Furthermore, unless the Ministry decides otherwise, warning statement should be written or photograph should be printed above the warning notice of the pack or carton.

- (b) Both sides or “major” sides (example, front and back) of any pack or carton containing a tobacco product should have warning notice print in accordance with the sample and procedure publicized by the Ministry. If the pack design has more than two sides, warning notice should be added based on size (surface area), to the largest two sides.
- (c) Warning notice should be printed in such a way that the warning statement is not easily damaged or erased when a pack or carton of a product containing tobacco is opened and closed.
- (d) Individuals who make rolled cigarettes, cigars, tobacco packets and ground tobacco in the Maldives for commercial purposes shall label such products in accordance with this Regulation.
- (e) Notwithstanding the provisions under Subsection (a), (b), (c), and (d) hereof, this Regulation does not prevent determining and publicizing additional requirements.

Size of Warning Notice

- 10. (a) Warning photograph and writing on a pack or carton of a product containing tobacco should not be less than 90% (ninety percent) of the surface area of each part of the pack where warning notice is required.
- (b) Warning statement should be inside the 90% (ninety percent) of the pack or carton where warning notice is required, proportionate to the size of the pack.
- (c) Warning photograph and statement should be in accordance with the sample and information publicized by the Ministry pursuant to this Regulation.

- Revising the Statement or Photograph** 11. From the photograph and statement included in the warning notice required by the Ministry on the cover of a product containing tobacco, where the Ministry has specified more than 1 (one) warning for that product, warning photograph and statement on the product should be revised once in every 12 (twelve) months.
- Submitting Sample** 12. Sample of every pack, carton, kit or other such packaging used by tobacco product manufacturers to package all the products should be submitted to the Ministry prior to being released and sold in the market.
- Penalties for Violating this Regulation** 13. Action should be taken against violators of this Regulation as specified below.
- (a) If this Regulation is violated, then a fine of 10 (ten) times will be levied on the total amount including price, tax and other fees of the product used to commit the offence.
- (b) If this offence is repeated then following action will be taken.
1. In addition to the fine specified in Subsection (a) hereof, additional 5000/- (five thousand) Maldivian Rufiyaa will be levied as fine on the second time.
 2. In addition to the fine specified in Subsection (a) hereof, additional 10000/- (ten thousand) Maldivian Rufiyaa will be levied as fine on the third time.
 3. In addition to the fine specified in Subsection (a) hereof, additional 20000/- (twenty thousand) Maldivian Rufiyaa will be levied as fine on the fourth time.
 4. In addition to the fine specified in Subsection (a) hereof, the highest amount of fine prescribed under the Act will be levied on the fifth time.

- (c) If fines calculated under Subsection (a) and (b) hereof is less than 500/- (five hundred) Maldivian Rufiyaa, then fine amount shall be 500/- (five hundred) Maldivian Rufiyaa. Where fine amount exceeds 100000/- (one hundred thousand) Maldivian Rufiyaa, then fine amount shall be 100000/- (one hundred thousand) Maldivian Rufiyaa.
- (d) In addition to the fines prescribed under Subsection (a) and (b) hereof, this Section does not prevent temporary suspension of the license to trade tobacco, terminating the license and withholding particular aspects of the license.
- (e) Fines levied under Subsection (a) and (b) hereof, should be paid to the authority specified in the fine chit within 14 (fourteen) working days from the date of penalizing.

**Destroying Items
Used in Violation
of this Regulation**

- 14. Items used to violate this Regulation can be destroyed in a way that does not harm the environment following seizure by the concerned authority. Such items include,
 - (a) Any item in possession or machine or writing that may be used to package and label tobacco products or to violate a provision of this Regulation intentionally or unintentionally in contravention of the provisions on packaging and labeling.
 - (b) Tobacco products manufactured in contravention to the standard stipulated under this Regulation and fake tobacco products left anywhere in the Maldives by individuals intentionally or in any other manner.

**Failure to Pay the
Fine**

- 15. This Regulation does not prevent referring the matter to court where parties penalized pursuant to Section 13 of this Regulation fails to pay the fine.

**Ensuring
Compliance with
the Regulation**

16. (a) Under Section 35 of Act Number 15/2010 (Tobacco Control Act), it is the responsibility of the respective Minister of the Ministry with the relevant mandate to ensure that everyone complies with the provisions specified under this Regulation.
- (b) Action should be taken against violators of this Regulation based on reports or information received by the Health Ministry or other concerned authorities of the state, under an arrangement made between the Health Protection Agency responsible for enforcing this Regulation and other concerned enforcement authorities of the state.

**Whistleblower
Protection**

17. If any person reports to the concerned authority a violation of this Regulation, information of such person should not be publicized by any individual or employee or owner of the establishment. Further, no action shall be taken or should not retaliate against the whistleblower.

Definitions

18. (a) “Ministry” is referred to as the government Ministry with the mandate for health affairs.
- (b) “Act” is referred to Act Number 15/2010 (Tobacco Control Act).
- (c) “Carton” is referred to any package with 5 units of cigarette or other tobacco product.
- (d) “Board” is referred to the Board formulated under subsection 36 (a) of Act Number 15/2010 (Tobacco Control Act).
- (e) “Pack” is referred to any package of tobacco product used in retailing.
- (f) “Product containing tobacco” is referred to any product that is made using or including any amount of tobacco. However, for the purposes of this regulation, Nicotine Replacement Therapy (NRT) that includes chewing gum patch or other

such products and medicines approved by the concerned government authority or is generally permitted as part of medical treatment to stop smoking or to use in a cessation program or prescribed under such a program, even if tobacco is included in such products, it is not considered as a “product containing tobacco”.

(g) “Product used to commit the offence” is referred to as,

1. If during the importing stage to the Maldives, then all tobacco products in violation of the Regulation contained in the consignment.
2. If during the wholesaling stage, then all wholesaled tobacco products in violation of the Regulation.
3. If during the retailing stage, then all tobacco products retailed in violation of the Regulation.
4. If the amount retailed is less than 20 (twenty) cigarettes or 50 (fifty) rolled cigarettes, then product used to commit the offence will be deemed as 1 (one) pack of 20 (twenty) cigarettes or one pack of 50 (fifty) rolled cigarettes.
5. If a tobacco product in violation of this Regulation is found in a place of business or a warehouse or transporting vehicle following an inspection carried out by a concerned authority of the state, then all the products in violation of this Regulation found in that place or vehicle will be deemed as products used to commit the offence.

(h) “Price” is referred to as,

1. If during the importing stage to the Maldives, “customs value” determined by the Maldives Customs Service.

2. If during the wholesaling stage, then wholesale price determined and publicly displayed by the seller.
3. If during the retailing stage, then retail price determined and publicly displayed by the seller.
4. If the amount retailed is less than 20 (twenty) cigarettes or 50 (fifty) rolled cigarettes, then the price will be deemed as the price determined and publicly displayed by the seller for 1 (one) pack of 20 (twenty) cigarettes or one pack of 50 (fifty) rolled cigarettes.
5. If the tobacco product is found following an inspection carried out by a concerned authority of the state, then the retail price of all the products in violation of this Regulation found in that place or vehicle. Where tobacco product is found following an inspection in a warehouse or a vehicle, then the price will be deemed as the price determined and publicly displayed in the place operated by the owner or the general retail price of such products in the market.