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Regulations on amending the regulation on contents in and labelling of tobacco products

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Brief Title	Amendments to the regulation of the contents in and the labelling of tobacco products

Legal Basis: Established by the Ministry of Health and Care Services on 22 June 2017, with legal basis pursuant to § 30 and § 43 of Act No. 14 of 09 March 1973, on the Protection Against Tobacco (Tobacco Control Act).

I

The following amendments are made to Regulation No. 141 on the content in and labelling of tobacco products on 06 February 2003:
The title of the regulation should read:

Regulation on the content in and labelling and design of tobacco products, etc.

§ 1 should read:

The purpose of this regulation is to limit the health damage caused by tobacco use. The purpose of the regulation is to prevent the use of tobacco products by regulating them so that they do not appeal to children and adolescents by ensuring that the health warnings are getting the best possible attention and effect, and by minimising the risk that the design may be misleading.

§ 3 first paragraph, new items 5 – 15 should read:

5. *Presentation:* any elements or features placed on a tobacco packet with the exception of the lining.
6. *Trademark:* Characteristics of goods or services in commercial activities pursuant to the provisions of the Norwegian Trademarks Act.
7. *Brand:* Name of the tobacco products belonging to the same brand family.
8. *Variant Name:* Name used to distinguish different tobacco products belonging to the same brand family.
9. *Pouch:* a single packet for hand-rolling tobacco, either in the form of a rectangular pocket with a flap covering the opening or in the form of a standing pouch.
10. *Single Packet:* The smallest unit packet of a tobacco product sold to the consumer.
11. *Outer Packaging:* Any package of tobacco products is sold to the consumer and contains one, or more, unit packets. Transparent wrappers are not considered as outer packaging.

Unofficial Translation

12. *Wrappers*: Cellophane or plastic sleeves or other transparent material used to package a single packet or outer packaging of tobacco products.
13. *Outer Surfaces*:
 - *for unit packets and outer packaging of tobacco products, with the exception of tobacco products in pouch packaging*: Any surface that is visible before the package is opened.
 - *for tobacco products in pouch packaging*: Any surface that is visible before the package is opened, as well as the surface covered by the flap before it is opened.
14. *Inner Surfaces*: The part of the tobacco packet that is not covered by outer surfaces.
15. *Inner flap of a cigarette packet*: The part of the outer surface which is not visible when the lid is closed.

§ 4 Second paragraph repealed.

Chapter III's heading should read:

Chapter III. Labelling of tobacco packets with health warnings, etc.

§ 9 should read:

§ 9. *General provisions on the mandatory labelling of tobacco products, etc.*

It is illegal to operate in Norway, selling or otherwise transferring tobacco products if the packet/packaging is not labelled and designed in accordance with this regulation.

The first paragraph does not apply to the trade quota, as travellers to Norway can legally import duty-free or lesser quantities of tobacco products that are taken into the country for their own use as goods.

§ 12 should read:

§ 12. *Quitting Information*

A reference to "Quit? See Slutt.no" must be placed in conjunction with the warnings under § 10 and § 11, however, outside of the area reserved for the warning label.

§ 17 Repealed.

New Chapters IV – VII should read:

Chapter IV. Requirements for colour and other packaging elements or features of tobacco packets

§ 17. *Product categories which should have a standardised design*

The Order on standardised design in the Tobacco Control Act § 30, first paragraph, and the provisions of Chapters IV – VII of this regulation apply only to cigarettes, hand-rolling tobacco and snus, with the exception of § 25, § 26, § 31, § 34 and § 36 of the Regulation.

§ 18. *Colour and gloss level for the tobacco packets*

All outer surfaces of the outer packages and unit packets must be coloured with Pantone 448 C with a matte finish, unless otherwise specified by law or regulation.

All inner surfaces of the outer packages and unit packets for cigarettes and hand-rolling tobacco must be coloured with white or Pantone 448 C, both with a matte finish.

All inner surfaces of the outer packages and unit packets for snus must be coloured with white with a matte finish, Pantone 448 C with a matte finish, or the natural colour of the material in question.

§ 19. *Surfaces*

All outer and inner surfaces of the outer packaging and unit packets must be flat and smooth and have no irregularities such as embossing, protrusions, etc., in shape or texture.

The first paragraph does not apply to pouch packets if certain elements or features are required to close the pouch. The first paragraph does not apply to cylindrical packets that have elements or features necessary for securing the bottom or for opening and closing the lid.

The first paragraph does not apply to batch numbers, cf. § 16. The batch number cannot be placed on the front of the unit packet.

§ 20. *Presentation and Adhesive Tape*

It is prohibited to have inserts or additional material in a unit packet or outer packaging.

The first paragraph does not prevent hand-rolling tobacco packets from being sold with a filter and cigarette paper, cf. § 36. These should not be visible before the packet is opened.

Adhesive tape for pouch packets must be transparent and without colour.

§ 21. *Lining in cigarette packets*

The lining in a unit packet of cigarettes must be uniform silver-coloured foil with a white paper backing. The lining must not be removed from the unit packet.

If required, for the sake of production or wrapping, the lining can contain small dots or squares in the texture. In such case, these must be equally spaced, equal in size, and not images, symbols or the like.

§ 22. *Wrappers*

Unit packets and outer packaging can be covered with wrappers if they are transparent and colourless. The wrapper must also be flat and smooth and not contain any marking or texture that is not necessary for the production process. Elements or features cannot be attached to the wrappers.

Wrappers can be marked with black squares/marks to cover the barcode, if necessary.

The tear tape should either be transparent or black. It should not be wider than 3 millimetres and must be parallel to the upper edge of the packaging. The strip can further have a maximum of 15-millimetre-long continuous black line indicating where the strip begins.

§ 23. *Barcode*

Wrappers, outer packaging and unit packets can be marked with a barcode if:

- a) It is used for sale, distribution or inventory control,
- b) It is either black and white, or Pantone 448 C and white, and
- c) It does not constitute an image, pattern, or symbol which mimics anything other than a barcode.

The barcode can only be printed once and not on the front of the unit packet or outer packaging. The barcode can be a self-adhesive mark.

§ 24. *Calibration Mark*

The outer surface of a unit packet, and the outer surface of the outer packaging can contain a calibration mark, if

this is necessary for the production. The mark must be as inconspicuous as possible.

§ 25. *Prohibition of packaging that emits sounds or odours*

Tobacco packets that emit sounds or odours are prohibited, except for odours that are naturally emitted from the tobacco product.

§ 26. *Prohibition of packaging elements or features which change after sale*

It is prohibited to have packaging elements or features which change after sale, including:

- a) Heat activated inks,
- b) Inks or elements/features which become visible over time,
- c) Inks that appear fluorescent in certain light,
- d) Parts of the packaging that can be scraped or manipulated to display image(s) or text,
- e) Removable labels/tabs, and
- f) Surfaces that can be unfolded.

§ 27. *Requirements for material, size, shape and opening mechanisms for cigarette packets*

Unit packets for cigarettes must be made of carton or other soft material and must be cuboid in shape.

Unit packets must not have an opening that can be closed or sealed after opening, except for folding lids (flip-top) and folding boxes with a hinged lid, which must be hinged on the back of the packet.

For folding boxes with hinged lids, the height of the side surface, measured between the front and the back of the packet, must be at least 16 millimetres.

§ 28. *Requirements for the shape and size of hand-rolling tobacco packets*

Unit packets for hand-rolling tobacco must be cuboid, cylindrical or take the form of a pouch.

For folding boxes with hinged lids, the height of the side surface, measured between the front and the back, must be at least 16 millimetres.

Chapter V. Labelling of tobacco packets with brand and variant names and manufacturer information

§ 29. *Design of the packaging's brand and variant name*

The outer packaging and unit packets with tobacco products can be labelled with a brand name and variant name, provided that the following requirements are met:

- a) The font must only consist of characters which are alphabetical, numeric or the symbol “&”.
- b) The first letter of a word is either uppercase or lowercase, the rest of the word is lowercase.
- c) Helvetica typeface is the font used.
- d) The font colour must be Pantone Cool Grey 2 C, with a matte finish.
- e) The font-weight must be normal.
- f) The brand name must be written on a maximum of one line and no larger than 14 points.
- g) The variant name must be placed just below the brand name, written on a maximum of one line and no larger than 10 points.

§ 30. *Labelling with information about the manufacturer*

The unit packets or outer packaging for tobacco products can be labelled once on either the outer or inner surfaces, with the following information; company name, address, email addresses and telephone number.

The label must:

- a) Only consist of characters that are alphabetic, numeric, or the symbol “&”, and the “@” sign for email addresses,
- b) Be typed with an upper or lowercase letter, the rest of the words must be lowercase,
- c) Be printed with Helvetica typeface,
- d) On the outer surfaces of the outer packaging and unit packets, be coloured with Pantone Cool Grey 2 C with a matte finish,
- e) On the inner surfaces of the outer packaging and unit packets, either be coloured with Pantone Cool Grey 2 C with a matte finish, Pantone 448 C with a matte finish, or black with a matte finish,
- f) Have a normal font-weight and a font that is no larger than 10 points, and
- g) Have nothing printed on the front of the unit packet or outer packaging.

Chapter VI. Minimum size and labelling of the contents and weight

§ 31. *Minimum size and weight for tobacco products*

Only unit packets containing a minimum of 20 cigarettes can be sold to consumers. These cannot contain smaller packets or could be divided into smaller packages.

Only unit packets containing a minimum of 30 grams of hand-rolling tobacco can be sold to consumers. These cannot contain smaller packets or could be divided into smaller packages.

Cigars can be sold individually with warning labels on the package.

§ 32. *Labelling of content, number of units or weight*

The outer packaging and unit packets can be labelled once with “Cigarettes” and the number of units in the packet, or “Hand-Rolling Tobacco” or “Snus”, as well as an indication of the weight, provided the following requirements are met:

- a) The number must be numeric and the weight must be entered numerically followed by the letter “g”.
- b) The outer packaging can either be labelled with the total number of cigarettes in all unit packets or the number of unit packets multiplied by the number of cigarettes in each unit packet using the sign “x”.
- c) The outer packaging can be labelled with either the total weight in all the unit packets or the number of unit packets multiplied by the weight of tobacco in each unit packet using the symbol “x”.
- d) The label must be printed with the Helvetica typeface.
- e) The font must be coloured with Pantone Cool Grey 2 C with a matte finish.
- f) The font-weight must be normal.
- g) The writing on unit packets must not exceed 10 points.
- h) The writing on the outer packaging must not exceed 14 points.
- i) The labelling must be written in the same direction as the health warning.

Outer packaging and unit packets for snus can be labelled, correspondingly, once with “loose snus”, “portion snus”, “dry snus” or “pre-baked snus”, “refrigerated product”, the production date and the “best before” date. Furthermore, the number of snus portions can be numerically stated followed by “pcs.”.

§ 33. *Labelling on cigarette paper and filters in the hand-rolling tobacco packet*

If a unit packet of hand-rolling tobacco contains cigarette paper and/or a filter, the packaging can be labelled once with “cigarette paper and filter included”, “cigarette paper included” or “filter included”.

The label must:

- a) Written in lowercase letters,
- b) Be printed in the Helvetica typeface,
- c) Be coloured with Pantone Cool Grey 2 C with a matte finish,
- d) Have a normal font-weight and not be larger than 10 points, and
- e) Placed directly under the variant name or brand name if there is no variation name.

Chapter VII. Requirements for the design of the tobacco products

§ 34. *Prohibition of sound, odours and elements or features changing after sale*

The prohibitions in § 26 against sound and unnatural odours and § 27 against elements or features that change after sale apply correspondingly to the tobacco product itself.

§ 35. *Requirements for the design of the cigarettes*

Cigarettes must be designed as follows: Paper, filter, casing outside of the filter and or other material forming part of a cigarette, with the exception of tobacco, must be uniformly white with a matte finish. The casing on the end of the cigarette can be coloured in such a way that it imitates the cork.

Cigarettes can be labelled with text to identify the brand name and variant name if the following requirements are met:

- a) The writing is parallel to, and not more than 38 millimetres from the end that should not be lit.
- b) The writing should not contain characters that are not alphabetical, numeric or the symbol “&”.
- c) The first letter of a word should either be in uppercase or lowercase, the rest of the word is written in lowercase letters.
- d) The writing is in the Helvetica typeface.
- e) The writing must be black with a matte finish.
- f) The font-weight must be normal.
- g) The font size must not be greater than 8 points.

§ 36. *Requirements for paper, filters and sheaths for hand-rolling tobacco*

Paper, filters and sheaths for use with hand-rolling tobacco must be white, with a matte finish.

Current Chapter IV becomes the new Chapter VIII.

Current § 18 and § 19 shall become the new § 37 and § 38.

New § 39 should read:

§ 39. *Detention, seizure and destruction*

Tobacco products, tobacco surrogates and tobacco devices imported in violation of the provisions of the Tobacco Control Act and regulations issued pursuant thereto, can be detained, seized and destroyed by the customs authorities.

Shipping and customs clearance/processing companies must notify the person who has imported the goods that they have been detained, the reason for said goods being detained and the possibility that the goods can be seized and destroyed.

The person who has imported the goods can comment within 10 days after the notice has been sent.

If the shipping and customs clearance/processing company has provided an electronic address for receipt of electronic feedback, it is deemed to be timely submitted if this address has been reached within the deadline. If the correspondence is sent via postal operator, it is sufficient that the correspondence has been given to the postal operator, before the expiry of the deadline, who will ensure that the reply is sent to the business which sent notification in accordance with the second paragraph.

Unofficial Translation

If the person who has imported the goods does not arrive within the deadline, the goods can be seized and destroyed; § 23, § 24, § 25 and § 27 of the Public Administration Act shall not apply in such cases.

If the person who has imported the goods gives a statement, himself, on the matter within the time limit referred to in the third paragraph, the Directorate of Health shall make individual decisions as to whether the goods shall be delivered or seized and destroyed.

Current § 20 to § 24 shall become the new § 40 to § 44.



The Regulation shall enter into force on 01 July 2017.