



Regulation on the prohibition of tobacco advertising etc.

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Abbreviated title	Regulation on prohibition of tobacco advertising etc.

Section overview

Chapter 1. Introductory provisions (§§ 1 - 4)

Chapter II. Provisions on tobacco advertisements and packaging of tobacco products (§§ 5 - 7b)

Chapter III. Provisions on exemption (§§ 8 - 9)

Chapter IV. Administrative provisions (§§ 10 - 15)

Legal basis: Established through resolution of December 15, 1995 based on the Act of March 09, 1973 no. 14 on protection against the harmful effects of tobacco § 2, paragraph 6, § 4, § 9, § 10, § 17 paragraph 3, § 22 paragraph 5, § 24 paragraph 4 and § 43. Advanced by the Ministry of Health and Social Welfare (now the Ministry of Health and Care Services).

Amendments: Amended through regulations of September 18, 1998 no. 874, December 21, 2001 no. 1484, June 06, 2003 no. 693, February 18, 2005 no. 167, May 15, 2009 no. 515, June 21, 2013 no. 727, June 16, 2017 no. 771, April 20, 2020 no. 848.

Chapter 1. Introductory provisions

§ 1. Purpose

The purpose of this regulation is to limit the harmful effects on health caused by use of tobacco, and to prevent children and young people from beginning to use tobacco.

§ 2. *Area of application*

The regulation applies to all forms of advertising for tobacco products, tobacco substitutes, tobacco imitations, and tobacco accessories, including indirect advertisements.

The regulation applies for packaging of tobacco products.

0 Amended through regulations of May 15, 2009 no. 515 (effective July 01, 2009), June 16, 2017 no. 771 (effective July 01, 2017).

§ 3. *Geographic area of effect*

The regulation also applies on Svalbard and Jan Mayen.

§ 4. *Definitions*

Terms used in this regulation are defined as follows:

- a) *Tobacco products*: products that can be smoked, sniffed, sucked or chewed if they are comprised in whole or in part of tobacco.
- b) *Advertising*: Mass communication for marketing purposes, including depictions of tobacco products, smoking accessories, tobacco imitations and tobacco substitutes, depictions of trademarks (logos, symbols, names, or similar), posters, signs, and similar arrangements, displays, discount advertisement, and the distribution to consumers of printed matter, sample goods, etc.
- c) *Indirect advertising of tobacco products*:
 1. Use of a brand that is primarily known as a brand for tobacco products in advertising for other goods and services.
 2. Launch of tobacco products with the help of a trademark that is known as or in use as trademarks for other goods or services.
 3. Use of specific colors and layout/design associated with specific tobacco products.
 4. Use of tobacco products and smoking situations in advertisement for other goods and services.

0 Amended through regulations of May 15, 2009 no. 515 (effective July 01, 2009), June 21, 2013 no. 727 (effective July 01, 2013).

Chapter II. Provisions on tobacco advertising and packaging of tobacco products

§ 5. *Ban on tobacco advertising*

All forms of advertising for tobacco products, including indirect tobacco advertising, are prohibited. This ban also applies for tobacco accessories.

0 Amended through regulations of May 15, 2009 no. 515 (effective July 01, 2009), June 16, 2017 no. 771 (effective July 01, 2017).

§ 6. (Abrogated)

0 Amended through regulation of September 18, 1998 no. 874, abrogated through regulation of June 16, 2017 no. 771 (effective July 01, 2017).

§ 7. Duty to remove unlawful advertising

The party that owns or presides over the business in question is required to remove unlawful advertising.

§ 7a. Price and product information

At points of sale for tobacco products and smoking accessories, price and product information can be presented in neutral lists with black text on a white sheet without the use of illustrations, colors, logos etc. The design and use of lists is permissible only to the extent appropriate for effective sale.

It is not permitted to promote any types of tobacco, brand names, or prices over others.

Lists of price and product information can be posted at the cash register or shown to the customer upon request. Only one list per cash register is permitted.

This provision does not apply in specialty stores and points of sales for duty-free sales to airline passengers.

0 Added through regulation of June 21, 2013 no. 727 (effective July 01, 2013).

§ 7b. Exception from prohibition on display and age restriction

The age restrictions in § 17 and the ban on display in § 24 of the Tobacco Control Act do not apply for tobacco imitations in the form of candy. Such products may not use trademarks or design recognized as or that can be confused with a trademark or design for tobacco products.

The exception in the first paragraph does not apply to realistic imitations that can be mistaken for tobacco products or that are specifically directed at children and young people.

0 Added through regulation of June 16, 2017 no. 771 (effective July 01, 2017).

Chapter III. Provisions on exemption**§ 8. Exemptions from the ban on tobacco advertisements**

To the extent that a condition shall be effected by the prohibition on advertising in § 22 of the Tobacco Control Act, including the provisions in this regulation, the following exemptions are made:

1. Advertising or other printed information on the establishment of new specialty shops for tobacco products, indicating the shop's name, location, and business hours along with range of products, limited to the following designations: Cigarettes, cigars, smoking tobacco, chewing tobacco, tobacco, snuff, pipe tobacco, rolling paper, cigarette rolling machines, pipes. This information can only be presented in standard text and colors, otherwise in the advertisement in question or in print and without illustrations. The same applies upon change in ownership of the point of sale.
2. Outdoor signage of the customary size and equipment, of neutral typographic design that has only an informative function, such as "Tobacco" in conjunction with specialty shops for tobacco. This exception does not include lighted signs or moving signs.
3. Pure product information directly to resellers, in neutral typographic design with black text on a white background without the use of illustrations.
4. Advertisement of job openings in tobacco production, specialty shops for tobacco products or similar that only contain information necessary to make it known what the position entails.

5. Arrangement of tobacco products and smoking accessories in specialty shops to the extent that such placement is appropriate for effective sale. This exception does not apply for placement of products that because of their size or design will exert an advertising effect.
6. Advertisements in foreign print matter imported into Norway when the primary purpose of the advertisement, periodical or import is not to advertise tobacco products in Norway.
7. Indirect advertisement of limited scope in foreign programs broadcast on Norwegian television and Norwegian cable networks, and in foreign production films.

0 Amended through regulations of May 15, 2009 no. 515 (effective January 01, 2010), June 21, 2013 no. 727 (effective July 01, 2013), April 20, 2020 no. 848.

§ 9. *Special information on advertising for other goods and services*

In shops/businesses it is permitted to display products and services other than tobacco products that use a brand primarily recognized as a brand for tobacco products. Posters or signs in association with the sale are only permitted for informational purposes. The provisions in § 8 of the regulation similarly apply.

0 Amended through regulation of May 15, 2009 no. 515 (effective January 01, 2010).

Chapter IV. Administrative provisions

§ 10. *Oversight*

The ministry bears overall responsibility for ensuring compliance with these regulations. The Directorate conducts oversight to ensure that the rules in this regulation are upheld.

0 Amended through regulations of December 21, 2001 no. 1484 (effective January 01, 2002), February 18, 2005 no. 167, May 15, 2009 no. 515 (effective July 01, 2009).

§ 11. *Orders for corrective measures and coercive fines*

The Directorate can order corrective measures and set coercive fines according to the provisions in § 36 of the Tobacco Control Act. Such decisions can be appealed to the Marketing Council.

0 Added through regulation of June 06, 2003 no. 693 (effective July 01, 2003), amended through regulations of May 15, 2009 no. 515 (effective July 01, 2009), June 21, 2013 no. 727 (effective July 01, 2013).

§ 12. *Exemption*

The Directorate can in certain instances grant exemptions from this regulation.

0 Amended through regulations of December 21, 2001 no. 1484 (effective January 01, 2002), June 06, 2003 no. 693 (effective July 01, 2003, formerly § 11), May 15, 2009 no. 515 (effective July 01, 2009).

§ 13. *Penalty*

Any party that deliberately or negligently violates provisions given in, or pursuant to, this regulation shall be subject to fines. Contributory negligence is subject to the same penalty. Attempts are handled as completed misdemeanors.

0 Amended through regulation of 6 Jun 2003 no. 693 (effective 1 Jul 2003, formerly § 12).

§ 14. Transitional rules

Use of a brand that is primarily recognized as a brand for tobacco products in advertisements for other goods and services, and use of specific colors and layout/design associated with specific tobacco products, cf. § 4 no. 3 letters a and c, cf. § 5, is permitted until January 01, 1997.

Already produced tobacco product package that are prohibited for sale per § 6 of the regulation, are permitted for sale until January 01, 1997.

0 Amended through regulation of June 06, 2003 no. 693 (effective July 01, 2003, formerly § 13).

§ 15. Entry into force etc.

This regulation enters into force as of January 01, 1996. At the same time regulation of October 25, 1974 no. 1 on prohibition of tobacco advertisement, regulation of October 25, 1974 no. 9 on exemptions from the prohibition on advertisement and regulation of November 29, 1977 no. 2 on conditions for exemption from the prohibition on advertisement for window display of tobacco products are abrogated.

0 Amended through regulation of June 06, 2003 no. 693 (effective July 01, 2003, formerly § 14).