

Act governing the amendment to the Tobacco Act (1993:581);

issued on 17 June 2010.

According to Parliamentary decision¹ it is prescribed that Sections 14, 14 a and 14 b of the Tobacco Act² (1993:581) shall be worded as follows.

Section 14 A businessperson who markets tobacco products to consumers may not use commercial advertisements in

1. periodical publications or other comparable publications to which the Freedom of the Press Act applies,
2. sound-broadcasting or television programmes or television broadcasts via satellite covered by the Radio and Television Act (2010:696), or
3. other transmissions or technical recordings to which the Fundamental Law on Freedom of Expression applies.

The marketing of tobacco products to consumers other than those referred to in the first paragraph is also banned. This however does not apply to

1. printed publications to which the Freedom of the Press Act applies or to transmissions or technical recordings to which the Fundamental Law on Freedom of Expression applies,
2. marketing which consists only of the supply of tobacco products for sale, or
3. commercial messages inside the point of sale which are not insistent, forceful or which encourage the use of tobacco.

Commercial messages as referred to in the second paragraph, point 3 shall, to the extent possible, be placed such that they are not visible from outside the point of sale.

Section 14 a A businessperson who markets either a product other than a tobacco product or a service to consumers may not use a product logo which is wholly or partly used for a tobacco product or which, in accordance with the applicable provisions governing trademarks, is registered or established for such a product, if the marketing takes place in commercial advertisements in

1. periodical publications or in other comparable publications to which the Freedom of the Press Act applies,
2. sound-broadcasting or television programmes or in television broadcasts via satellite covered by the Radio and Television Act (2010:696), or

¹ Government Bill 2009/10:115, report 2009/10:KU25, circular letter 2009/10:331.

² Act reprinted 2005:369.

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3. other transmissions or technical recordings to which the Fundamental Law on Freedom of Expression applies.

If a businessperson uses such a product logo as referred to in the first paragraph for marketing to consumers in a manner other than stated therein, the businessman shall have regard for the moderation the basis for which permits the logo to be associated with the tobacco product.

The provisions set out in the first and second paragraphs do not apply

1. if a product logo appears in the marketing of tobacco products to only a limited extent,
2. if a product logo appears in a format which is clearly distinct from the appearance of the tobacco product's logo, or
3. in other cases if it is unreasonable.

Section 14 b Manufacturers, wholesale dealers and importers of tobacco products may not sponsor an event nor an activity accessible by the public or which may be considered to have a boundary-crossing effect, if the sponsoring can be considered to promote the sale of tobacco products.

The provisions governing the ban on sponsoring programmes on radio and television and on product placement on television are set out in the Radio and Television Act (2010:696).

This Act comes into force on 1 August 2010.

On behalf of the Government

MARIA LARSSON

Lars Hedengran
(Ministry of Health and Social Affairs)