
Public Health (Control of Tobacco) Regulations, 2002

ARRANGEMENT OF SECTIONS

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IT is hereby notified that the Minister of Health and Child Welfare has, in terms of section 94 of the Public Health Act (Chapter 15:09), made the following regulations—

Title and date of commencement

1. (1) These regulations may be cited as Public Health (Control of Tobacco) Regulations, 2002.

(2) These regulations shall come into operation on the 31st of October, 2002.
Interpretation

2. In these regulations—
   “adult” means a person who has attained the age of 18;
   “advertising” includes any communication by or on behalf of a tobacco company to consumers which has the aim of encouraging them to select one brand of tobacco over another;
   “cigarette” means any product that consists wholly or in part of cut, shredded or manufactured tobacco or any tobacco derivative and rolled in a single wrap of paper that is capable of being smoked without further fabrication or processing;
   “consumer” when used in connection with “advertisement” it refers to the person to whom the advertisement is directed as well as to any other person who reasonably can be expected to be reached by the advertisement and, when used in connection with sponsored activities, it refers to those who are permitted to attend the particular event;
   “designated area” means an area designated in terms of section 3 or 4 as an area in which smoking is not permitted;
   “food premises” means any premises licensed in terms of the Shop Licences Act [Chapter 14:17] where food is prepared or sold for consumption on or off the premises with or without any further preparation;
   “minor” refers to any person under the age of 18;
   “public premises” means any premises whatsoever, other than private residential premises, to which any person or class of persons has access or is entitled to be;
   “person” refers to an individual or other entity, including a corporation, association, society, trust or other such organization;
   “point-of-sale advertising” refers to advertising that is located within or attached physically to a retail outlet for cigarettes;

Control of smoking in public premises

3. (1) No person shall smoke in—
   (a) any educational or health care facility, theatre, cinema, museum, youth centre, library or place of worship or public meeting hall;
   (b) subject to subsection (2), any other public premises or food premises.
   (2) The manager or person in control of any public premises or food premises may designate an area within the premises as an area in which smoking is permitted.
   (3) The area designated in terms of subsection (2) shall—
   (a) not exceed twenty per centum of the total floor area in which it is situated; and
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(b) be so situated as to ensure that the principal area is not contaminated by any smoking in the designated area.

Control of smoking on public transport
4. No person shall smoke on any—
   (a) passenger aircraft; or
   (b) passenger train; or
   (c) vehicle for the conveyance of passengers for hire or reward.

No smoking signs
5. The manager, owner or person in charge of—
   (a) any public premises referred to in section 3; or
   (b) aircraft, train or vehicle referred to in section 4;
shall prominently display clearly legible visible signs indicating areas in which smoking is prohibited or permitted.

Trading of tobacco to or by minors prohibited
6. (1) No person shall sell or give or make as a prize or promotion any tobacco product or tobacco promoting product to a person who has not attained the age of eighteen years.

   (2) Every person who sells tobacco or tobacco products by retail shall prominently display, in the vicinity of the tobacco or tobacco products and at the cash sales point, a notice to the effect that the sale of tobacco or tobacco products to a person who has not attained the age of eighteen years is prohibited and the sign shall also carry the prescribed health message.

   (3) No person shall permit or cause any person who has not attained the age of eighteen years to sell or give away tobacco or tobacco products or participate in any form of advertising or promotion of any tobacco or tobacco-related product.

Health message on use of tobacco and product ingredients
7. (1) No person shall sell or distribute any tobacco or tobacco products to any person except in a container on which is prominently displayed the messages—

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(a) "Smoking is harmful to health"—for cigarettes, cigars, loose tobacco; or
(b) "Smoking causes cancer"—for nasal and oral snuff; or
(c) "Tobacco is addictive"—for snus.

2. No person shall in any way whatsoever advertise, promote or commend the use of tobacco without the accompanying message and—
   (a) in the case of an auditory advertisement, the warnings shall be clearly audible; or
   (b) the warning label should have the following font sizes for the following sizes—
      (i) 16 point if the container is less than 37 cm²; or
      (ii) 21 point if the container is greater than 37 cm² and less than 85 cm²; or
      (iii) 33 point if the container is greater than 85 cm².

3. Every tobacco product shall bear accurate information on the percentage of the tar and nicotine content and any other ingredients of the brand of the tobacco product concerned clearly visible on the package or container and all advertising shall be in line with the guidelines set out in the Schedule.

Promotions for tobacco products
8. (1) Participation in promotional offers and competitions by the general public will be conditional upon evidence of age eligibility.

   (2) Only adults shall be permitted access to promotional events.

   (3) Sample tobacco products may not be offered to a person who has not attained the age of eighteen years.

   (4) Warning message as set out for tobacco products must be prominently included on any promotional material and at any venue where a promotion is staged.

   (5) Trade marks, logos or other identifiable associated features of tobacco product packaging may not be used except where the product itself is identified and promoted, with the appropriate health warnings.
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(6) No promotion shall take place at any educational establishment, health facility or any religious facility.

(7) No person shall sell any unpackaged tobacco product.

Imported tobacco products

9. All imported tobacco products shall carry appropriate health messages in English.

Exemptions

10. (1) The Minister may, on application being made to him in writing, exempt any person from complying with section 3 or 4 if he is satisfied that the exemption is not likely to result in—

(a) the creation of a condition which is offensive, injurious or dangerous to the health of any person or class of persons due to smoking; or

(b) the contamination of any thing intended for human consumption.

(2) An application referred to in subsection (1) shall specify the grounds upon which it is made.

Inspection and enforcement

11. It shall be the duty of—

(a) medical officers, environmental health officers and environmental technicians employed in the Ministry of Health and Child Welfare or by any local authority; or

(b) any police officer; or

(c) any other person generally or specifically authorized by the Minister or by the local authority concerned, to conduct any inspections and ensure that the provisions of these regulations are complied with.

Establishment of Tobacco Control Committee

12. (1) There shall be a Committee to be known as the Tobacco Control Committee, consisting of twelve members appointed by the Minister of whom—

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(a) there shall be appointed to represent health workers employed by the State, mission and or local authority health facilities; and

(b) one shall be appointed to represent health workers in private practice; and

(c) one shall be appointed to represent voluntary associations engaged in activities associated with the tobacco industry; and

(d) three shall be appointed to represent manufacturers and distributors of tobacco products; and

(e) one shall be appointed to represent the tobacco growers; and

(f) one shall be appointed to represent the Ministry of Industry and International Trade; and

(g) one shall be appointed to represent the Ministry of Lands, Agriculture and Rural Resettlement; and

(h) one shall be appointed to represent the Consumer Council of Zimbabwe.

(2) Members of the Committee shall be appointed for a period of three years and on such conditions as the Minister may fix at the time of their appointment.

Functions of the Committee

13. The functions of the Committee shall be—

(a) to advise the Minister on policies for the protection of youth from smoking;

(b) to advise the Minister on the development of informational and educational materials and programmes for the protection of youth from smoking;

(c) to advise the Minister on the general policy to be adopted in relation to the control of tobacco management and curricula for students in the health professions;

(d) to advise and report to the minister on matters relating to the enforcement of these regulations;

(e) to review reports of contraventions or other matters concerning these regulations and to report to the Minister;
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(f) to advise the Minister on action to be taken in terms of these regulations against any person found to be contravening these regulations;

(g) to monitor the enforcement of these regulations;

(h) to cause the conducting of any research on matters relating to tobacco control;

(i) to examine and screen informational and educational materials and warnings in terms of sections 7, 8 and 11 so as to recommend appropriate action to be taken in relation thereto;

(j) to perform any other function in relation to tobacco control imposed on the Committee by the Minister.

Vacation of office by Committee members

14. A member of the Committee shall cease to be a member—

(a) after giving the Minister such notice of his intention to resign as may be fixed in his conditions of appointment or after giving such other period of notice as he and the Minister may agree; or

(b) upon the Minister requiring him to vacate his office on the ground that—

(i) he has conducted himself in a manner that renders him unsuitable as a member; or

(ii) he has failed to comply with condition of his office fixed on his appointment as member; or

(iii) he has ceased to represent the interests he was appointed to represent; or

(iv) he has become physically or mentally incapable of efficiently performing his functions as a member; or

(v) he has been absent for three consecutive meetings without a valid excuse; or

(vi) he has a criminal record.

Chairman, vice-chairman and secretary to Committee

15. (1) The Minister shall designate one member of the Committee to be the chairman of the Committee and another member to be vice-chairman.
shall be shall be incorporated into the minutes of the next succeeding
meeting of the Committee:

Provided that, if any member requires that the proposal be
placed before a meeting of the Committee, this subsection shall not
apply to the proposal.

Offences

17. Any person who contravenes section 3, 4, 5, 6 or 7 shall be
guilty of an offence and liable to a fine not exceeding five hundred
dollars or imprisonment for a period not exceeding six months or to
both such fine and such imprisonment.

SCHEDULE (Section 7)

<table>
<thead>
<tr>
<th>COLUMN A</th>
<th>COLUMN B</th>
<th>COLUMN C</th>
<th>COLUMN D</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type of package or advertisement</td>
<td>Position of warning referred to in Part A of Annexure 1 and area to be occupied by it</td>
<td>Position of warning referred to in Part B and area to be occupied by it</td>
<td>Position of information referred to in Annexure 2 and area to be occupied by it</td>
</tr>
<tr>
<td>Package containing cigarettes, cigars or loose tobacco</td>
<td>Position: On the front of the top across the full width of the package</td>
<td>Position: On the back of the top across the full width of the package</td>
<td>Only manufactured cigarettes.</td>
</tr>
<tr>
<td>Area: 15% of the front of the package</td>
<td>Area: 25% of the back package</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Package containing a single cigar</td>
<td>Position: On the package</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Area: 15% of the surface area of the package</td>
<td></td>
<td></td>
<td></td>
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</tbody>
</table>

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<thead>
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<td>Position of information referred to in Annexure 2 and area to be occupied by it</td>
</tr>
<tr>
<td>Container or package for snuff or chewing tobacco</td>
<td>Position: Special warning embossed or printed at the top across the full width of the container or package</td>
<td>Area: 15% of the lid or the surface area of the container or package</td>
<td></td>
</tr>
<tr>
<td>Written, pictorial or visual advertisement</td>
<td>Position: At the top across the full width of the advertisement</td>
<td>Area: 10% of the advertisement</td>
<td></td>
</tr>
<tr>
<td>Film, video or cinema advertisement</td>
<td>Position: At the bottom across the full width of the screen</td>
<td>Area: 80% of the screen</td>
<td></td>
</tr>
<tr>
<td>Duration: At the beginning of the advertisement for at least 10 seconds or if in tobacco product is shown for at least 5 seconds and at the end for at least 15 seconds.</td>
<td>Duration: At the end of the advertisement simultaneously with Part A of the warning for at least 15 seconds.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Radio and spoken advertisement</td>
<td>Position: At the end of the advertisement after the information</td>
<td>Area: 2% of the screen</td>
<td></td>
</tr>
<tr>
<td>Duration: Of sufficient duration for the warning to be clearly understood in the same voice and speed as the rest of the advertisement</td>
<td>Duration: As set out in Column B.</td>
<td></td>
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</tr>
</tbody>
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ANNEXURE 1
MESSAGES

PART A

PART B

Danger: Smoking is harmful to health
Tobacco smoke contains many harmful chemicals such as carbon monoxide, cyanide, nicotine and tar, which can cause disease and death. Non-smokers and ex-smokers, on average, live longer and are healthier than smokers.

Tobacco is addictive
Nicotine in tobacco is a drug which acts on the brain and nerves. Most smokers are dependent on nicotine that is why they feel uncomfortable and get cravings when they go without smoking for a while.

Causes cancer (special warning on snuff and chewing tobacco)

ANNEXURE 2
INFORMATION

For packages containing manufactured cigarettes the following shall be the information:

 customary mg tar
 customary mg nicotine

As per Government agreement method.

The amount of tar and nicotine in the smoke of a cigarette shall for the purposes of this Annexure be determined in accordance with the International Standards Organisation's methods.

- ISO 4387: 1991
- ISO 3308: 1991
- 7210: 1983
- 3400: 1991
- 10362-1: 1991
- 2971: 1987
- 6486: 1991
- 6565: 1993
- 8243: 1991
- 10362-2: 1994
- 10362: 1991
- 110315: 1991

The tests shall be carried out at any reputable laboratory at the expense of the manufacturer or importer.