Standardised Packaging of Tobacco Products

Guidance for retailers, manufacturers and distributors of tobacco products, enforcement agencies and the public
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Prepared by the Department of Health

29 March, 2017

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1. Introduction

The purpose of this guidance document is to help you identify the new requirements of the Public Health (Standardised Packaging of Tobacco) Act 2015 and the regulations made under that Act. This guidance applies to all tobacco packaging that is intended to be presented for retail sale to consumers. Therefore, wholesale packaging which is not intended for view by consumers does not need to have standardised packaging.

Standardised packaging means the removal of all promotional aspects except for brand names which must be presented in a standardised way. The packaging must also be a certain shape and a required colour scheme. All other colours, Trademarks, logos and promotional graphics are prohibited under the legislation.

The purpose of standardised packaging is:

1. To decrease the appeal of tobacco products
2. To increase the effectiveness of health warnings on tobacco packaging
3. To reduce the ability of the packaging of tobacco products to mislead consumers about the harmful effects of smoking.

This guidance and the relevant legislation relates only to the provisions set out in the Public Health (Standardised Packaging of Tobacco) Act 2015 as amended by the Health (Miscellaneous Provisions) Act 2017 and the draft Public Health (Standardised Packaging of Tobacco) Regulations 2017.

It should also be read in conjunction with the European Union (Manufacture, Presentation and Sale of Tobacco and Related Products) Regulations 2016 (S.I. 271 of 2016). These Regulations give effect to Directive 2014/40/EU of the European Parliament and of the Council of 3 April 2014, on the approximation of the laws, regulations and administrative provision of the Member States concerning the manufacture, presentation and sale of tobacco and related products and repealing Directive 2001/37/EC.

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This guidance note does not apply to e-cigarettes or Electronic Nicotine Delivery Systems (ENDs).

The Public Health (Standardised Packaging of Tobacco) Act 2015 can be found at:


The Health (Miscellaneous Provisions) Act 2017 can be found at:


The draft Public Health (Standardised Packaging of Tobacco) Regulations 2017 can be found attached at Appendix B.

Please note: These Regulations will be signed by the Minister in September 2017 to come into force on 30th September, 2017. The Regulations will not be subject to change in this intervening time.

Any queries relating to this Guidance Note can be emailed to Tobacco@health.gov.ie.

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2. Timeframes

Tobacco products manufactured for retail sale in Ireland must comply with the standardised packaging requirements from 30th September, 2017.

Tobacco products manufactured and placed for sale prior to 30th September, 2017 which do not comply with the standardised packaging requirements can continue to be sold until 30th September 2018.

3. Responsibilities and stock management

It is your responsibility to ensure that the tobacco products that you buy, sell or otherwise supply for retail sale in Ireland complies with the Standardised Packaging legislation. It is also your responsibility to manage stock to ensure that non-compliant products produced before 30th September, 2017 are not available to consumers after 30th September, 2018.

You are encouraged, therefore, to contact your suppliers and make arrangements with them in order to successfully comply with the legislation. You should discuss arrangements in relation to non-compliant stock on hand after 30th September, 2018.

Non-compliance with the legislation is an offence and you will be prosecuted accordingly.
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Note: All boxes referred to in the following pages can be found in Appendix A
4. Cigarette packs

What cigarette packs MUST have:

- External surface of packaging colour Pantone 448 C with a matt finish
- Internal surface of packaging colour Pantone 448 C or white
- Packs to be cuboid in shape (rounded edges permitted)
- Packs to be made of carton or soft material
- The lid must be flip top hinged at the back of packet or shoulder-box hinged-lid
- Other items provided for by law e.g. tax stamp

What cigarettes packs MUST NOT have:

- Any marks or trademarks
- Any decorative ridges or embossing
- Any coloured or non-transparent adhesives
- Any inserts or onserts

What cigarette packs are PERMITTED to have:

- Brand name and a variant name (see Box 1)
- Bar-code (see Box 2)
- The number of cigarettes (see Box 3)
- The text “Cigarettes” (see Box 3)
- Contact details of the manufacturer (see Box 4)
- Calibration mark (see Box 5)
- Wrapper (see Box 6)

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Lining (See Box 8)

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5. Cigarette Sticks

What cigarette sticks MUST have:

- Paper covering the cigarette to be white with either an imitation cork tip or white tip

What cigarette sticks are PERMITTED to have:

- Brand name and a variant name (see Box 7)
6. Roll-your-own tobacco products

What roll-your-own packs MUST have:

- External surface of packaging colour Pantone 448 C with a matt finish
- Internal surface of packaging colour Pantone 448 C or white
- Packs to be:
  - Cuboid (rounded edges permitted) or
  - Cylindrical or
  - Pouch form
- Other items provided for by law e.g. tax stamp

What roll-your-own MUST NOT have:

- Any marks or trademarks
- Any decorative ridges or embossing
- Any coloured or non-transparent adhesives
- Any inserts or onserts other than tobacco products

What roll-your-own packs are PERMITTED to have:

- Brand name and a variant name (see Box 1)
- Bar-code (see Box 2)
- The weight of roll-your-own tobacco (see Box 9)

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1 Tobacco products include cigarette papers, tubes or filters manufactured for use in the smoking of tobacco.

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- The text “roll-your-own tobacco” (see Box 9)
- Contact details of the manufacturer (see Box 4)
- Calibration mark (see Box 5)
- Wrapper (see Box 6)
- Lining (See Box 8)
- Re-sealing Tab (see Box 11)
7. All other tobacco products (includes cigars, cigarillos, pipe tobacco etc.)

What packs MUST have:

- External surface of packaging colour Pantone 448 C with a matt finish
- Internal surface of packaging colour Pantone 448 C or white
- Other items provided for by law e.g. tax stamp

What packs MUST NOT have:

- Any marks or trademarks
- Any decorative ridges or embossing
- Any coloured or non-transparent adhesives
- Any inserts or onserts

What packs are PERMITTED to have:

- Brand name and a variant name (see Box 1)
- Bar-code (see Box 2)
- Weight or number of tobacco products (see Box 10)
- Text “cigars” or “cigarillos” or “pipe tobacco” as appropriate (see Box 10)
- Contact details of the manufacturer (see Box 4)
- Calibration mark (see Box 5)
- Wrapper (see Box 6)
- Lining (See Box 8)
- Re-sealing Tab (see Box 11)

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8. Cigar bands

In addition to the requirements set out for retail packaging of all other tobacco products on page 12, cigar bands are permitted to have the following:

- A standardised cigar band which covers the non-compliant band (see box 12)

- Country of origin (see box 12)
9. General requirements for all tobacco retail packaging

- Cannot have names, marks, elements or features which:
  - Create a mistaken impression regarding its characteristic, health effects, hazards or emissions
  - Indicate that the product is less harmful than other products
  - Indicate that the products has vitalising, energetic, healing, rejuvenating, natural or organic properties or lifestyle benefits
  - Indicate tastes, smell and flavours
  - Resemble a food or cosmetic product
  - Indicate that the product has improved biodegradability or environmental advantages

- Cannot have tar, nicotine and carbon monoxide content printed on the packaging

- Cannot have audio effects or scents

- Cannot have features that change after sale including:
  - Heat activated inks
  - Inks which appear over time
  - Inks which appear fluorescent in certain light
  - Panels to be scratched to reveal image
  - Removable tabs
  - Fold out panels
10. Offences

It is an offence to package, manufacture, import or sell tobacco products with retail packaging that does not comply with the Public Health (Standardised Packaging of Tobacco) Act 2015 and the Public Health (Standardised Packaging of Tobacco) Regulations 2017.

Defence

It is a defence to the above offence to show that a person made all reasonable efforts to ensure compliance with the legislation.

Penalties

A person who is guilty of an offence under the Public Health (Standardised Packaging of Tobacco) Act 2015 is liable:

- on summary conviction for a first offence, to a class B fine or to a term of imprisonment not exceeding 6 months or both

- on summary conviction for subsequent offences, to a class A fine or to a term of imprisonment not exceeding 12 months or both

- on conviction on indictment, to a fine or term of imprisonment not exceeding 8 years or both

Proceedings

Summary proceedings for an offence under the Public Health (Standardised Packaging of Tobacco) Act 2015 may be brought and prosecuted by the Health Service Executive (HSE).
Appendix A

Box 1 – Brand and variant names

- Alphabetic, numeric or an ampersand
- Permitted once on front, top and bottom of pack for cuboid packs
- Permitted twice on pack for other shaped packs but only once on each surface
- No larger than 14 point for Brand Name
- No larger than 10 point for Variant Name
- Helvetica type
- Pantone Cool Gray 2C with matt finish
- Capitalisation of first letter only
- Centred and does not exceed one line
- Variant appears immediately below brand name

Box 2 – Bar-code

- Black and white or Pantone 448C and white
- Appear once
- Not on front of pack
- Not form a picture or pattern
- Not convey information to the consumer
- May take to form of adhesive label
Box 3 – Number of cigarettes and text “cigarettes”

- Numeric (in respect of number)
- Capitalisation of first letter only
- Appear once
- Helvetica type
- Pantone Cool Gray 2C
- Matt finish
- No larger than 10 point for cigarette pack
- No larger than 14 point for multi packs

Box 4 - Contact details of the manufacturer

- Alphabetic, numeric or an ampersand or in case of e-mail @ sign
- Appear once
- Not on front of pack
- Name, address, e-mail, telephone number permitted
- Capitalisation of first letter only
- Helvetica type
- Pantone Cool Gray 2C with matt finish
- No larger than 10 point
Box 5 – Calibration mark

- Not be visible or be as inconspicuous as possible
- Does not convey any information to the consumer

Box 6 – Wrapper

- Be transparent and not coloured
- No decorative ridges or embossing
- No marks or trademarks
- No affixed items
- May have a tear-strip which must:
  - Be transparent and not coloured or be black
  - Be continuous, straight and not exceed 3mm in width
  - Be parallel to the edge of the packet
  - May include a single solid black line no more than 15 mm long
Box 7 – Name on cigarette stick

- Alphabetic, numeric or an ampersand
- Appear once
- No larger than 8 point
- Helvetica type
- Black with matt finish
- Capitalisation of first letter only
- Be parallel and not more than 38 mm away from the non-lighting end of cigarette

Box 8 – Linings

- Silver coloured foil with a white backing for cigarettes
- White or the colour of the packaging in its natural state for other tobacco products
- No variation in tone
- May be textured where necessary with dots or squares the same size which do not form an image and are equidistant from each other.
Box 9 – Weight of Roll-your-own and text “roll-your-own”

- Numeric, followed by “g” (in respect of weight)
- “e” mark is permitted as provided for by Packaged Goods (Quantity Control) Regulations, 1981 (SI No. 39 of 1981)
- Capitalisation of first letter only
- Appear once
- Helvetica type
- Pantone Cool Gray 2C
- Matt finish
- No larger than 10 point for pack
- No larger than 14 point for multi packs

Box 10 – Number or weight of products and text “cigars”, “cigarillos” or “pipe tobacco”

- Numeric (in respect of weight or number)
- Followed by “g” (in respect of weight)
- Capitalisation of first letter only
- Appear once
- Helvetica type
- Pantone Cool Gray 2C
- Matt finish
- No larger than 10 point for pack
- No larger than 14 point for multi packs

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Box 11 – Re-sealing tab

- Transparent
- Not coloured
- No decorative ridges or embossing
- No marks

Box 12 – Cigar bands

Standardised Band may be adhesive if:

- Covers the existing band completely
- Fastened firmly

Country of Origin:

- Alphabetic, numeric or an ampersand
- Capitalisation of first letter only
- Appear once
- Helvetica type
- Pantone Cool Gray 2C
- Matt finish
- No larger than 10 point

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Appendix B

Draft of

REGULATIONS

entitled

Public Health (Standardised Packaging of Tobacco) Regulations 2017

To be made by the Minister of State at the Department of Health
I, ___________________________, Minister of State at the Department of Health, in exercise of the powers conferred on me by section 3 of the Public Health (Standardised Packaging of Tobacco) Act 2015 (No. 4 of 2015) and the Health (Delegation of Ministerial Functions) Order 2017 (S.I. No. XX of 2017), hereby make the following regulations:

1. These Regulations may be cited as the Public Health (Standardised Packaging of Tobacco) Regulations 2017.

2. These Regulations shall come into operation on 30 September 2017.

3. Subject to section 6 of the Act of 2015, these Regulations shall apply to tobacco products that are intended for sale by retail in the State.

4. In these Regulations –

“Act of 2015” means the Public Health (Standardised Packaging of Tobacco) Act 2015 (No. 4 of 2015);


Prescribed colours

5. Pantone reference 448C is prescribed as the colour for the purposes of sections 7(1)(a), 9(1)(a) and 10(1)(a) of the Act of 2015.

6. Pantone reference 448C or white with a matt finish is prescribed as a colour for the purposes of sections 7(1)(b), 9(1)(b) and 10(1)(b) of the Act of 2015.

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Brand name, business name, company name or variant name

7. A name referred to in sections 7(3) (amended by section 13 of the Act of 2017), 9(3) (amended by section 14 of the Act of 2017) and 10(3) (amended by section 15 of the Act of 2017) of the Act of 2015 shall-

(a) be alphabetic, numeric or an ampersand,

(b) appear as text such that the first letter of any word is in upper-case or lower-case type,

(c) appear as text such that the rest of any word is in lower case-type,

(d) be printed in Helvetica type,

(e) be printed in normal, weighted, regular typeface,

(f) be in colour Pantone reference Cool Gray 2C with a matt finish,

(g) be such that the brand name, business name or company name does not exceed one line,

(h) be such that the variant name does not exceed one line,

(i) be such that the variant name appears immediately below the brand name, business name or company name and has the same orientation as such name,

(j) be no larger than 14 point as regards the size of the brand name, business name or company name,
(k) be no larger than 10 point as regards the variant name,

(l) have the brand name, business name or company name and variant name located at the centre of any surface of the cigarette packet or, where such a surface contains a health warning, at the centre of the area of surface not taken up by the health warning, and

(m) have text located on any surface which contains a health warning orientated in accordance with that warning.

**Brand name, business name, company name or variant name on cigarettes**

8. A name referred to in section 8(2) of the Act of 2015 shall-

(a) be alphabetic, numeric or an ampersand,

(b) appear as text such that the first letter of any word is in upper-case or lower-case type,

(c) appear as text such that the rest of any word is in lower case-type,

(d) be parallel to and not more than 38 millimetres from the end of the cigarette that is not intended to be lit,

(e) be printed in Helvetica type,

(f) be printed in normal, weighted, regular typeface,
(g) be in colour black with a matt finish,

(h) be no larger than 8 point, and

(i) appear once.

Text which states number of cigarettes and text which states “cigarettes”


(a) express the number in numeric characters,

(b) have the first letter of the text “cigarettes” in upper-case or lower-case type,

(c) have the rest of the text in lower-case type,

(d) be printed in Helvetica type,

(e) be printed in normal, weighted, regular typeface,

(f) be in colour Pantone reference Cool Gray 2C with a matt finish,

(g) in the case of a cigarette packet, be no larger than 10 point,
Text which states weight of tobacco and text which states “roll-your-own tobacco”


(a) express the weight of tobacco in numeric characters followed by the letter “g”,

(b) have the first letter of any of the text “roll-your-own tobacco” in upper-case or lower-case type,

(c) have the rest of any text in lower-case type,

(d) be printed in Helvetica type,

(e) be printed in normal, weighted, regular typeface,

(f) be in colour Pantone reference Cool Gray 2C with a matt finish,
(g) in the case of a unit packet, be no larger than 10 point,

(h) in the case of any other form of outside packaging of roll-your-own tobacco, be no larger than 14 point,

(i) appear once, and

(j) if located on any surface which contains a health warning, be orientated in accordance with that warning.

Text which states number or weight of the tobacco product and text which states “cigars”, “cigarillos” or “pipe tobacco”

11. The text which states the number of, or weight in grams of, the tobacco product, referred to in section 10(3)(c) (amended by section 15 of the Act of 2017) of the Act of 2015, and the text “cigars”, “cigarillos” or “pipe tobacco”, referred to in section 10(3)(d) (amended by section 15 of the Act of 2017) of the Act of 2015, shall –

(a) express the weight of tobacco in numeric characters followed by the letter “g”,

(b) express the number of tobacco products in numeric characters,

(c) have the first letter of any of the text “cigars”, “cigarillos” or “pipe tobacco” in upper-case or lower-case type,

(d) have the rest of any text in lower-case type,

(e) be printed in Helvetica type,
be printed in normal, weighted, regular typeface,

be in colour Pantone reference Cool Gray 2C with a matt finish,

in the case of a unit packet, be no larger than 10 point,

in the case of any other form of outside packaging, be no larger than 14 point,

appear once, and

if located on any surface which contains a health warning, be orientated in accordance with that warning.

**Cigar bands**

12. (1) A cigar band referred to in section 10(9)(b) (amended by section 15 of the Act of 2017) of the Act of 2015 may be adhesive only if it covers the existing cigar band completely and is fastened firmly so as not to be easily removed.

(2) A cigar band referred to in paragraph (1) may contain text indicating the country of origin if-

   (a) the text is alphabetic, numeric or an ampersand,

   (b) the first letter of any text is in upper-case or lower-case type,

   (c) the rest of any text is in lower case-type,
(d) the text is printed in Helvetica type,

(e) the text is printed in normal, weighted, regular typeface,

(f) the colour of the text is Pantone reference Cool Gray 2C with a matt finish,

(g) the size of the text is no larger than 10 point, and

(h) the text appears once.

Contact details of manufacturer

13. (1) Subject to paragraph (2), text indicating the contact details of the manufacturer under sections 7(3)(e) (amended by section 13 of the Act of 2017), 9(3)(e) (amended by section 14 of the Act of 2017) and 10(3)(e) (amended by section 15 of the Act of 2017) of the Act of 2015 may appear once on the inner or outer surface of the retail packaging and may include:

(a) the name of the manufacturer;

(b) the address of the manufacturer;

(c) the e-mail address of the manufacturer;

(d) the telephone number of the manufacturer.

(2) The contact details referred to in paragraph (1), in relation to the text –
(a) shall be alphabetic, numeric or an ampersand or, in the case of an e-mail address, an “@” sign,
(b) shall be such that the first letter of any text is in upper-case or lower-case type,
(c) shall be such that the rest of any text is in lower case-type,
(d) shall be printed in Helvetica type,
(e) shall be printed in normal, weighted, regular typeface,
(f) shall be in colour Pantone reference Cool Gray 2C with a matt finish,
(g) shall be such that the size of the text is no larger than 10 point,
(h) if located on any surface which contains a health warning, shall be orientated in accordance with that warning,
(i) shall not appear on the front surface of the unit packet or outside packaging, and
(j) shall appear once.

Bar-code or other similar identification mark

14. (1) A bar-code or other similar identification mark referred to in sections 7(5), 9(5) and 10(5) of the Act of 2015 -
(a) shall be either –

(i) black and white, or

(ii) Pantone reference 448C and white,

(b) shall not form a picture, pattern, image or symbol that could be construed as anything other than a bar-code or other similar identification mark,

(c) shall appear once, and

(d) shall not appear on the front outer surface of the retail packaging of the tobacco products.

(2) A bar-code or other similar identification mark referred to in paragraph (1) may take the form of an adhesive label if it does not obscure the health warnings or such other items as are provided for by law.

_Tear-strip_

15. (1) A tear-strip contained in a wrapper and referred to in sections 7(8)(d), 9(8)(d) and 10(7)(d) of the Act of 2015 shall be -

(a) either –

 (i) clear and transparent, unmarked and not coloured, or

(ii) black,
(b) a continuous, straight line of constant width which does not exceed 3 millimetres, and

(c) parallel to any straight edge of the packet enclosed by the wrapper.

(2) A tear-strip referred to in paragraph (1) may include a single, solid, black line which is no more than 15 millimetres in length with the sole purpose of indicating where the tear-strip begins.

Lining

16. (1) Where a unit packet of cigarettes, roll-your-own tobacco or any other tobacco product contains a lining referred to in section 11 of the Act of 2015, that lining shall be –

(a) silver coloured foil with a white backing in respect of retail packaging of cigarettes, or

(b) white or the colour of the packaging material in its natural state in respect of retail packaging of tobacco products other than cigarettes.

(2) There shall be no variation in the tone or shade of the lining referred to in paragraph (1).

(3) The lining referred to in paragraph (1) may be textured with small embossed dots or squares where the texture is required for the purpose of the automated manufacture of the lining or the packing of cigarettes into the packet.

(4) If the lining contains dots and squares as referred to in paragraph (3), those dots or squares shall -
(a) be equidistant from each other,

(b) be uniform in size, and

(c) not form an image, picture, pattern or symbol.

GIVEN under my hand,

______________2017.

_____________________

Minister of State at the
Department of Health.
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