

DISPLAY OF A PROMINENT 'SMOKING KILLS' SIGN

From 10 December 2004, if tobacco products are displayed within two metres of a point of sale, a 'Smoking Kills' sign must be displayed in clear view of the customer at the point of sale, to warn them of the risks associated with their purchase.

If more than one point of sale is within two metres of the same tobacco display, each point of sale should display a 'Smoking Kills' sign, including if they are separated by something such as an aisle or structure. In some cases the sign may be displayed on the tobacco display unit, depending on whether it is part of the 'point of sale' or not.

The Ministry of Health will provide free signage that ensures you comply with the law.

MAXIMUM FACE DIMENSIONS

The following restrictions apply to the display or sale of tobacco products anywhere in a retail store.

From 10 December 2004 the maximum face size of any displayed tobacco product may not exceed the following dimensions:

Package	66 cm ²
Pouch pack	105 cm ²
Carton	266 cm ²

These dimensions are based on current sizes of the biggest cigarette package, pouch pack and (most) cartons. The aim is to prevent future 'super-sizing'.

Approximately 30 of the 580 cigar packs on the market in 2003 exceed these dimensions and so from 10 December 2004 they may not be displayed. However:

- oversize cigar packs may still be sold, and
- price notices may be displayed to indicate the availability of oversize cigar packs.

(See information sheet #3 for provisions relating to cigars).

VISIBILITY FROM OUTSIDE THE RETAILER'S PLACE OF BUSINESS

Tobacco products may not be visible from outside the retailer's place of business, eg, from the footpath looking inside.

SMOKING ACCESSORIES

The display restrictions in this fact sheet do **not** apply to **smoking accessories** such as lighters, matches and so on (but these accessories are included in the ban on co-packaging with tobacco products).

OFFENCES AND FINES

From March 2004 designated Enforcement Officers will have limited enforcement powers to investigate complaints against tobacco sellers, for example, to:

- enter and inspect premises at a reasonable time
- take photographs
- inspect advertising or display material.

OBSTRUCTION

The maximum fine for obstructing an Enforcement Officer exercising their powers or failing to provide the information required is **\$1,000**.

RETAIL DISPLAY

The maximum fine for breaching the product display restrictions is **\$10,000**.

FURTHER INFORMATION

This information is a guide only, and may not be accurate for all situations. It should not be used as a substitute for legal or other expert advice.

Please refer to the other two information sheets about display restrictions:

- #2: **Counting** tobacco packages and cartons for display.
- #3: Display provisions for **cigars** and **specialist tobacconists**.

Please refer to separate pamphlets for information on the sale and supply of smoking products to under-18s.

For further information on tobacco, health and the Smoke-free Environments Act 1990 contact:

www.smokefreelaw.co.nz

www.moh.govt.nz

www.health.govt.nz

Public Health Service at your local District Health Board.

Public Health Service contact details:



INFORMATION
FOR RETAILERS

**Display restrictions
in retail premises:
an overview**

INFORMATION SHEET 1 OF 3
ON DISPLAY RESTRICTIONS



INFORMATION FOR RETAILERS COVERING:

- overview of retail display restrictions
- offences and fines.

The Smoke-free Environments Amendment Act 2003 aims to reduce the harm caused to individuals by their smoking (to themselves and others), and impose controls on the promotion of tobacco products. The intention is to send a positive message about a smoke-free/auahi kore lifestyle being both desirable and the norm. This includes reducing the visibility of tobacco products in retail stores.

KEY AREAS FOR RETAILERS

RESTRICTIONS FOR TOBACCO DISPLAY AT A POINT OF SALE

From 10 December 2004 the display of tobacco products at each 'point of sale' will be limited to a maximum of 100 packages and 40 cartons, unless the retailer's place of business is a specialist tobacconist. (See information sheet #3 for details about a specialist tobacconist.)

- A 'point of sale' means a till or checkout where tobacco products may be sold.

LIMIT OF 100 PACKAGES AND 40 CARTONS BEING DISPLAYED

The limit of 100 tobacco packages includes:

- packages of cigarettes
- pouch packs of loose tobacco
- single wrapped cigars
- packs of unwrapped cigars (see information sheet #3 on cigars).

(See information sheet #2 for the exception for packages in a 'visible stack'.)

The limit of 40 tobacco cartons includes:

- cartons or twin packs of cigarettes (that are intended to be sold as a single unit)
- packs or cylinders of cigars individually wrapped in cellophane, where the pack is intended to be sold as a single unit (see information sheet #3 for details about cigars).

LIMIT OF TWO PACKAGES OF THE SAME KIND (NO BLOCK DISPLAYS)

From 10 December 2004 only two products 'of the same kind' may be displayed at a point of sale, eg, 2 Portmans 20's, not 10 Portmans 20's in a row. This is to prevent 'block' displays.

- A tobacco product is of the same kind if it is the same brand or brand variant.

If the actual contents of the package, pouch pack, or carton are the same, then they are counted as being 'of the same kind'. For example, if the same contents have a slightly different 'name', SKU, or outer packaging (soft or hard packaging).

- A tobacco product is not of the same kind if it is the same brand, but differs in one or more of the following ways: menthol, different flavours, tar, mildness, filter tips, cork tips, different lengths or masses, or different numbers.

For example, a Portmans Mild 20 is different from a Portmans Mild 25, or a Portmans Mild Filter 20.

NO CO-PACKAGING

From 10 December 2004 the smoke-free law bans the packaging and sale of tobacco products with other products at a single price, or a reduced price. For example, you may not sell a tobacco product together with a lighter, CD or radio, or have a tin cover around the packaged product.

Tobacco products may not be made available free of charge, or with some kind of inducement or 'reward', or at a reduced rate other than at a normal trade discount.

NO COUNTER-TOP DISPLAY

From 10 December 2004 tobacco products may not be displayed on a counter-top or similar surface, whether at a point of sale or not. This includes front counters, counters behind a till or on a back wall, and humidors or cigar display cases on a counter-top. It does not include large permanent display units on back walls.



NO TOBACCO DISPLAY WITHIN ONE METRE OF CHILDREN'S PRODUCTS

From 10 December 2004 tobacco products may not be displayed within one metre of 'children's products'.

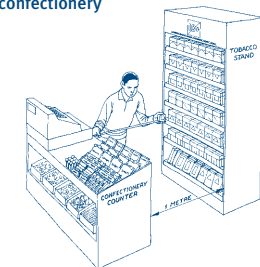
The definition of 'children's product' includes:

- all confectionery and ice-cream
- all soft drinks (carbonated and flavoured/ sugared drinks)
- products that are marketed primarily for children, for example, comics, games and toys.

HOW YOU CAN COMPLY

- Screen tobacco products that are on adjacent shelves to children's products, to ensure a minimum of one metre distance from children's products.
- Ensure a minimum one metre gap between confectionery on a front counter and tobacco products displayed on a back wall unit (a common layout scenario in dairies, see diagram below).

Example: No tobacco display within one metre of confectionery



A limited exception applies in cases where it is not 'reasonably practicable' to create a one metre gap between tobacco products and children's products, because of the small size of the retail premises, for example, a kiosk.