L.N. 302 of 2009

TOBACCO (SMOKING CONTROL) ACT
(CAP. 315)

Use of Colour Photographs or Other Illustrations as Health Warnings on Tobacco Packages Regulations, 2009

IN exercise of the powers conferred by article 9(f) of the Tobacco (Smoking Control) Act, the Minister for Social Policy has made the following regulations:

1. (1) The title of these regulations is the Use of Colour Photographs or other Illustrations as Health Warnings on Tobacco Packages Regulations, 2009.

   (2) For cigarette packages placed on the market the provisions of these regulations shall come into force eighteen months after the date of publication of these regulations.

   (3) For any other tobacco products placed on the market the provisions of these regulations shall come into force twenty-four months after the date of publication of these regulations.

2. The scope of these regulations is to implement Commission Decision of 5 September 2003 (2003/641/EC) on the use of colour photographs or other illustrations as health warnings on tobacco packages which establishes rules for the use of colour photographs or other illustrations to depict and explain the health consequences of smoking.

3. In these regulations, unless the context otherwise requires:

   “additional warning” means any of the warnings referred in regulation 4(3) and in the Schedule to the Labelling of Tobacco Products Regulations, 2004;

   “combined warning” means the warning consisting of a photograph or other illustration and the corresponding text of the additional warning provided for in regulation 4(3) and in the Schedule to the Labelling of Tobacco Products Regulations, 2004, as contained in each source document;
“source document” means any of the electronic files made available by the European Commission and provided by the Superintendent of Public Health, which contains a combined warning, as per Commission Decision of 26 May, 2005 on the library of selected source documents containing colour photographs or other illustrations for each of the additional warnings listed in the Schedule of the Labelling of Tobacco Products Regulations, 2004 in terms of Schedule I to these regulations;

“tobacco package” means any form of unit packet and any outside packaging used in the retail sale of tobacco products, with the exception of additional transparent wrappers.

4. (1) Tobacco packages shall carry a combined warning taken exclusively from Schedule I to these regulations referred to the source document, without any changes to any of its components.

(2) Only the pictorials in Schedule II to these regulations shall be used in the combined warnings.

(3) The combined warnings shall:

(a) be rotated at least once a year to guarantee the regular appearance of all of the additional warnings;

(b) be printed on the other most visible surface of the tobacco package, respecting the format and proportions of the source document and the graphical integrity of the picture and the text;

(c) occupy the entire area reserved for the additional health warning, and be positioned parallel to the top edge of the package, and in the same direction as the other information on the package;

(d) be reproduced in accordance with the technical specifications for printing as per Schedule I to these regulations;
(e) be surrounded by a black border not less than 3mm and not more than 4mm in width which in no way interferes with any textual or visual element of the combined warning.

(4) The combined warning shall cover not less than 45% of the external area of the other most visible surface of the unit packet of tobacco:

Provided that, in the case of unit packets intended for products other than cigarettes, the most visible surface of which exceeds 75 cm\(^2\), the combined warning shall cover an area of at least 24 cm\(^2\) of the other most visible surface.

(5) In the case of tobacco products other than cigarettes, the combined warnings may be affixed as stickers, provided that such stickers are irremovable. The reproduction of the combined warnings on the stickers shall be in accordance with the technical specifications for printing as per Schedule I to these regulations.

(6) The combined warnings shall not be commented on, paraphrased or referred to in any form on the tobacco package.

5. (1) The combined warnings shall:

(a) be irremovably printed, indelible and in no way hidden or interrupted by other written or pictorial matter or by the opening of the packet, provided that the printing of the combined warnings on the tax stamps or price marks of unit packets shall be prohibited;

(b) be displayed in a manner that ensures that none of the textual or visual elements of the combined warnings will be severed when the package is opened.

(2) The use of any type of wrapper, pouch, jacket, box or other device that partially or entirely hides or interrupts the combined warnings or any of their elements is prohibited.

(3) Tax stamps or price marks shall not be placed in a way that partially or entirely hides or interrupts the combined warnings or any of their elements.
Malta

It-twissijiet maghquda

Combined warnings

Smokers die younger
Smoking clogs the arteries and causes heart attacks and strokes.

The risk of having a stroke is approximately 50% higher for smokers than in non-smokers.

Smoking causes fatal lung cancer.

Smoking is highly addictive, don't start.
Stopping smoking reduces the risk of fatal heart and lung diseases

Smoking can cause a slow and painful death

Smoking causes ageing of the skin
Smoking can damage the sperm and decreases fertility

Smoking may reduce the blood flow and causes impotence

Smoke contains benzene, nitrosamines, formaldehyde and hydrogen cyanide
Smoking when pregnant harms your baby

Protect children: don't make them breathe your smoke

Your doctor or your pharmacist can help you stop smoking
Itlob l-ghajnuna blok tieqar tpiejep
Get help to stop smoking

<table>
<thead>
<tr>
<th>Phone</th>
<th>Call to action</th>
</tr>
</thead>
<tbody>
<tr>
<td>0803 00 00 00</td>
<td>Kun Nieles, allna se nghinuk</td>
</tr>
<tr>
<td>0803 00 00 00</td>
<td>Choose freedom, we'll help you</td>
</tr>
<tr>
<td>0803 00 00 00</td>
<td>Hudk nghajna blok tieqar pejep</td>
</tr>
</tbody>
</table>

Specifikażjonijiet tekniċi ghall-istampar

- Ittubijiet magħqada għandhom jsir riprodużi minhajr edda bidla fil-proportjonijiet jew fil-ħarab tagħhom.
- Ittubijiet magħqada juma mhalsan体量 akafa juma u mghandhom jigu amandati.
- Ittubijiet magħqada għandhom jsir stampat ħex-cōlores CMYK / sweeta.
- 120 lina kull pożizz: Hula fitrta ħemara għall-ħalari.

Technical specifications for printing

- The combined warnings must be reproduced without any changes to their proportions or colours.
- The combined warnings are conceived as a whole image and must not be amended.
- The combined warnings must be printed in four colours - CMYK -
  screen 133 lines per inch, as a minimum requirement.
The photographs, images and textual illustrations contained on this CD have been developed for use on tobacco product packages in accordance with:

> Commission Decision of 3 September 2003 on the use of colour photographs or other illustrations as health warnings on tobacco packages (2003/647/EC)
> Commission Decision of 25 May 2005 on the library of selected source documents containing colour photographs or other illustrations for each of the additional warnings listed in annex I to Directive 2001/37/EC of the European Parliament and of the Council (C2005) 1452 final

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SCHEDULE II