



Department
of Health



Llywodraeth Cymru
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Riaghaltas na h-Alba



Department of
Health, Social Services
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Consultation on the introduction of regulations for standardised packaging of tobacco products

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1. Purpose of this consultation

- 1.1 The Government has not yet made a final decision on whether to introduce standardised packaging of tobacco products. This consultation will inform decision-making by the Department of Health and Devolved Administrations on whether to introduce standardised packaging. We want to hear the views of interested people, businesses and organisations. We particularly seek new, or additional, information relevant to standardised packaging that has arisen since the 2012 consultation. We invite your responses to the consultation questions at **appendix A**.
- 1.2 The Department of Health (England), the Chief Medical Officer's Directorate (Scotland), the Health and Social Services and the Department of Health and Social Services (Wales), and the Department of Health, Social Services and Public Safety (Northern Ireland)¹ each have responsibility for improving public health across the UK, including reducing tobacco use through the implementation of comprehensive tobacco control strategies.
- 1.3 In 2012, the Department of Health and Devolved Administrations consulted on a policy proposal that would require the packaging of tobacco products to be standardised, with the aim of improving public health by reducing the use of tobacco.² There were a wide range of responses to this consultation and many respondents provided detailed replies. All responses have been helpful in informing further thinking on proposals for standardised packaging.³ A summary report of the 2012 consultation was published in July 2013.⁴
- 1.4 The Children and Families Act 2014 provides the Secretary of State with powers to regulate the retail packaging of tobacco products.⁵ The primary purpose of standardised packaging is to promote public health. Although public health is a devolved matter, the Children and Families Act 2014 provides the power for the Secretary of State to make regulations for the whole of the UK with the consent of ministers in Scotland, Northern Ireland and Wales, where those regulations have provisions that are within the competence of their devolved Parliament or Assembly.

1 Collectively referred to as the Department of Health and Devolved Administrations in this consultation document.

2 GOV.UK website, *Consultation on standardised packaging of tobacco products*, www.gov.uk/government/consultations/standardised-packaging-of-tobacco-products

3 Standardised packaging of tobacco products is referred to as "standardised packaging" in this consultation document.

4 GOV.UK website, *Consultation on standardised packaging of tobacco products: Summary report*, www.gov.uk/government/uploads/system/uploads/attachment_data/file/212074/Summary_of_responses_to_consultation_-_standardised_packaging_tobacco.pdf

5 GOV.UK website, Section 94 of the Children and Families Act 2014 www.legislation.gov.uk/ukpga/2014/6/contents/enacted

- 1.5 In November 2013, Department of Health ministers asked Sir Cyril Chantler to undertake an independent review of whether the introduction of standardised packaging of tobacco was likely to have an effect on public health, in particular in relation to children.⁶ The report of the Chantler Review, which was published in April 2014, concluded that if standardised packaging was introduced, it would have a positive impact on public health.⁷
- 1.6 The report of the Chantler Review stated that: *“Branded packaging plays an important role in encouraging young people to smoke,”* and that it is *“highly likely that standardised packaging would serve to reduce the rate of children taking up smoking”*. The report further concluded that, *“The introduction of standardised packaging as part of a comprehensive policy of tobacco control measures would be very likely, over time, to contribute to a modest but important reduction in smoking prevalence, especially in children and young adults.”*
- 1.7 To provide maximum clarity, the consultation includes draft regulations at **appendix B**, which set out the proposed requirements for standardised packaging, should it be introduced. An illustration of how a cigarette pack may look if the draft regulations were introduced is included at **appendix C**.

6 Referred to as the “Report of the Chantler Review” in this consultation document.

7 King’s College London website, *Standardised packaging of tobacco: Report of the independent review undertaken by Sir Cyril Chantler*, www.kcl.ac.uk/health/packaging-review.aspx

2. Background to consultation

2012 consultation into standardised packaging

2.1 The *Consultation on standardised packaging of tobacco products*, published in April 2012, sought feedback on whether the introduction of standardised packaging would contribute to improving public health by reducing the use of tobacco. The 2012 consultation proposed the following approach to standardised packaging:

- All internal and external packaging to be in a prescribed colour/s.
- All text on the pack, including brand names, to be in a standard colour and typeface.
- No branding, advertising or promotion to be permitted on the outside or inside of packs, attached to the package or on individual tobacco products themselves. For this purpose 'branding' includes logos, colours or other features associated with a tobacco brand.
- Any foils within a pack to be of a standard format and colour with no text permitted.
- Packs to be of a standard shape and opening and possibly manufactured with particular materials.
- Only the following information or markings are to be permitted on packs:
 - A brand name.
 - A product name.
 - The quantity of product in the packaging.
 - The name and contact details of the manufacturer.
 - One barcode to facilitate sale and stock control.
 - Health warnings, as currently required.
 - Tar, nicotine and carbon monoxide yield information, as currently required.
 - Product identification marking, as currently required.
 - Fiscal mark requirements, as currently required.
 - Markings not visible to the naked eye to assist with the identification of genuine, duty-paid products, or other features to prevent fraud.
- Any wrapper around the pack to be transparent and colourless, without any other markings visible to the naked eye.

- 2.2 A consultation-stage impact assessment was published alongside the 2012 consultation, and a number of consultation questions relating specifically to the impact assessment were asked. In addition, to inform responses to the consultation and any subsequent policy-making, the Department of Health commissioned a systematic review of the evidence on standardised packaging. The review was supported through the Public Health Research Consortium (PHRC), a network of researchers funded by the Department of Health's Policy Research Programme.⁸
- 2.3 The 2012 consultation ran from April to August 2012, and we received over 665,000 responses. In July 2013, the Department of Health published a summary report of the consultation that provided an overview of the consultation responses received and the main themes that arose. The Department of Health has published the substantive consultation responses that were received in response to the 2012 consultation.⁹ Details on the campaign responses received have already been published in the summary report of the consultation.

The Chantler Review

- 2.4 In November 2013, Department of Health ministers requested Sir Cyril Chantler to undertake an independent review of whether the introduction of standardised packaging of tobacco is likely to have an effect on public health, in particular in relation to children.
- 2.5 The Chantler Review considered the evidence relevant to whether the introduction of standardised packaging would be beneficial to public health. The validity of the PHRC systematic review published alongside the 2012 consultation was also considered. The Chantler Review invited interested parties to submit research-based material, and took evidence during two meetings. Sir Cyril also visited Australia to study its experience of implementing standardised packaging. The report of the Chantler Review was published in April 2014.
- 2.6 Under his terms of reference, Sir Cyril was asked to give advice to the Secretary of State for Health, taking into account existing and any fresh evidence, as to whether or not the introduction of standardised packaging would be likely to have an effect on public health, in particular, in relation to the health of children. In the report of the Chantler Review, Sir Cyril came to the following final conclusion:

In conclusion, research cannot prove conclusively that a single intervention such as standardised packaging of tobacco products will reduce smoking prevalence. For various reasons, as cited, it is not possible to carry out a randomised, controlled trial. Even if it was possible, it would be extremely difficult to control for all the various confounding factors which are known to affect smoking. However, after a careful review of all of the relevant evidence before me, I am satisfied there is sufficient evidence derived from independent sources that the introduction of standardised packaging, as part of a comprehensive policy of tobacco control

8 Public Health Research Consortium website, *Plain tobacco packaging: A systematic review*. http://phrc.lshtm.ac.uk/project_2011-2016_006.html

9 Certain responses will not be published, such as those where the respondents asked for their information to be treated as confidential.

measures, would be very likely, over time, to contribute to a modest but important reduction in smoking prevalence, especially in children and young adults. Given the dangers of smoking, the suffering that it causes, the highly addictive nature of nicotine, the fact that most smokers become addicted when they are children or young adults and the overall cost to society, the importance of such a reduction should not be underestimated.

- 2.7 Sir Cyril also provided the following advice on whether there is sufficient evidence to make conclusions as to the potential effects of the standardised packaging of tobacco on public health:

I make it plain at the outset that there are limitations to the evidence currently available as to the likely effect of standardised packaging on tobacco consumption. There has been, as opponents of standardised packaging have rightly pointed out to me in the course of this Review, no randomised, controlled trial carried out to test the impact of standardised packaging on the take up of smoking amongst children. However, I do not consider that these limitations prevent me from reaching a view on the issue, in respect of which my advice has been sought.

- 2.8 The report of the Chantler Review and other relevant documents, including: the terms of reference, method statement, transcribed meeting and briefing notes, submitted evidence, supplementary evidence and a bibliography, have been published.¹⁰

¹⁰ King's College London website, *Plain Packaging Review: Independent Review into standardised packaging of tobacco*, www.kcl.ac.uk/health/packaging-review.aspx

3. Policy objectives

- 3.1 Tobacco use remains one of the most significant challenges to public health in the United Kingdom. Smoking is the primary cause of preventable morbidity and premature death, accounting each year for over 100,000 deaths in the United Kingdom. One out of two long-term smokers will die of a smoking-related disease.¹¹ Due to exposure to secondhand smoke, smoking is harmful not only to smokers, but also to the people around them. Around 20% of adults in the United Kingdom smoke.¹²
- 3.2 The Department of Health and the Devolved Administrations want to take action to reduce the uptake of smoking by young people. Smoking is an addiction largely taken up in childhood and adolescence, so it is crucial to reduce the number of young people taking up smoking in the first place. The report of the Chantler Review stated that, although the number of children taking up smoking has been falling since the 1990s, an estimated 207,000 children aged 11-15 still take up smoking each year in the United Kingdom. A key aspect in deciding whether to introduce standardised packaging will be the potential benefit for the health and wellbeing of young people.
- 3.3 The United Kingdom is a party to the World Health Organization's Framework Convention on Tobacco Control (FCTC). The FCTC is the world's first public health treaty. It places obligations on all parties to meet the treaty objective to "reduce continually and substantially the prevalence of tobacco use and exposure to tobacco smoke" and to implement comprehensive tobacco control strategies.¹³ Since the United Kingdom became a party to the treaty in 2004, the Government has taken its FCTC obligations very seriously. Guidelines for the implementation of the FCTC encourage parties to consider adopting measures for standardised packaging.¹⁴
- 3.4 The Department of Health and the Devolved Administrations each have tobacco control plans in place.¹⁵ If introduced, standardised packaging would form an element

11 Doll, R, Peto, R, Boreham, J., Sutherland, I "Mortality in relation to smoking: 50 years' observations on male British doctors," *British Medical Journal* 2004, vol 328, pp. 1519–27.

12 Office for National Statistics website, *Integrated Household Survey April 2011 to March 2012: Experimental Statistics*, www.ons.gov.uk/ons/dcp171778_280451.pdf

13 World Health Organization's Framework Convention on Tobacco Control website, from Article 3 (objective) and Article 5 (general obligations) of the World Health Organization's Framework Convention on Tobacco Control, www.who.int/fctc

14 GOV.UK website, *Consultation on standardised packaging of tobacco products* (section 4), www.gov.uk/government/uploads/system/uploads/attachment_data/file/170568/dh_133575.pdf

15 The Scottish Government website, *Creating a Tobacco Free Generation: A Tobacco Control Strategy for Scotland* (2013), www.scotland.gov.uk/Resource/0041/00417331.pdf; Department of Health, Social Services and Public Safety website, *Ten-Year Tobacco Control Strategy for Northern Ireland* (2012), www.dhsspsni.gov.uk/tobacco_strategy_-_final.pdf; Welsh Government website, *Tobacco Control Action Plan for Wales* (2012), <http://wales.gov.uk/topics/health/improvement/index/tobaccoplan/?lang=en>; GOV.UK website, *Healthy Lives, Healthy People: A tobacco control plan for England* (2011), www.gov.uk/government/publications/the-tobacco-control-plan-for-england

within these wider comprehensive strategies to contribute to reducing rates of smoking.

3.5 The objectives of a policy for standardised packaging would be to improve public health by:

- discouraging people from starting to use tobacco products
- encouraging people to give up using tobacco products
- helping people who have given up, or are trying to give up, using tobacco products not to start using them again
- reducing the appeal or attractiveness of tobacco products
- reducing the potential for elements of the packaging of tobacco products other than health warnings to detract from the effectiveness of those warnings
- reducing opportunities for the packaging of tobacco products to mislead consumers about the effects of using them
- reducing opportunities for the packaging of tobacco products to create false perceptions about the nature of such products
- having an effect on attitudes, beliefs, intentions and behaviours relating to the reduction in use of tobacco products
- reshaping social norms around tobacco use to promote health and wellbeing.

4. Wider considerations relevant to decision-making

4.1 The Chantler Review concluded that if standardised packaging were introduced it would be very likely to have a positive impact on public health. In deciding whether to make use of the regulation-making powers for standardised packaging in the Children and Families Act 2014, the Government will give consideration to the likely public health benefits, but also the wider issues raised by this policy.

4.2 The Chantler Review specifically considered whether it is likely that standardised packaging would lead to an increase in tobacco consumption by lowering the price of tobacco, as the market is commoditised, or by increasing the consumption of cheap, illicit tobacco products. In the report of the Chantler Review, Sir Cyril concluded:

It is my view that the risks of price effects undermining the objectives of a standardised packaging policy are small and that the impacts could be readily mitigated through taxation if, nevertheless, they were to materialise. I am not convinced by the tobacco industry's argument that standardised packaging would increase the illicit market, especially in counterfeit cigarettes. It seems to me that the solution to illicit use is instead, to have an effective enforcement regime, and the enforcement agencies in the UK have already demonstrated that an effective enforcement regime and appropriate sanctions can keep illicit [tobacco products] to low levels, even in a relatively high tax jurisdiction.

4.3 A variety of information sources will be used to inform decision-making, including responses to consultations. Information on the possible impact of standardised packaging was received in response to the 2012 consultation. We encourage respondents to this consultation to provide new or additional information relevant to standardised packaging that has arisen since the 2012 consultation.

5. Draft Regulations for standardised packaging

- 5.1 The provisions in section 94 of the Children and Families Act 2014 enable the Secretary of State to regulate the retail packaging of tobacco products, if he or she considers that the regulations as a whole may contribute to reducing the risk of harm to, or promoting the health or welfare of, children. In making the decision he or she may also take into account whether the regulations would reduce the risk of harm to adults. Ministers may also specify requirements for the products themselves, for example: the appearance of individual cigarettes.
- 5.2 While the Government has yet to make any final decisions on whether to introduce standardised packaging, draft regulations are included at **appendix B** to make it clear what would be required. The draft regulations set out proposed requirements for the packaging of cigarettes and hand-rolling tobacco, and requirements for the appearance of individual cigarettes should standardised packaging be introduced.

Overview of the draft regulations

- 5.3 The draft regulations would not affect other labelling requirements for tobacco products such as health warnings and fiscal marks or features such as authentication markings and security features. The provisions of the regulations only apply to the areas of the packaging remaining after those requirements have been applied.
- 5.4 The draft regulations would require the use of specified standard colours for all external and internal packaging and would only permit specified text in a standard typeface. The draft regulations would have the following effect for packs of cigarettes and pouches of hand-rolling tobacco:

Pack Colour (Regulations 3 and 7)

- The outside surfaces of packs (external packaging) would be drab brown with a matt finish.
- The inside surfaces of packs (internal packaging) would be white or drab brown.

Permitted text and features (Schedules 1 and 3)

- Text on packaging would be in a grey Helvetica typeface, with a specified maximum size.
- Brand and variant names may appear once on each of the front, top and bottom surfaces of cigarette packs, once on each of the front and back surfaces and on the surface hidden beneath the flap of hand-rolling tobacco pouches.

- A bar code may appear once on a pack or pouch to facilitate sale and stock control.
- A producer’s contact details may appear once on a pack or pouch.
- The pack or pouch may include a measurement mark and a trade description (for example: “20 cigarettes” or “30g hand-rolling tobacco”).
- If a pack of hand-rolling tobacco includes filters or cigarette papers inside the pack, then the pack may have text giving this information (for example: “includes cigarette papers and filters” or “includes cigarette papers”).

Cigarette packets (Regulation 4)

- Cigarette packets must be cuboid and made of either a carton or soft material. If packets can be re-closed or re-sealed, then they must either have a flip-tip lid or be a shoulder box with a hinged lid.
- A pack of cigarettes must contain a minimum of 20 cigarettes.

Packets of Hand-rolling tobacco (Regulation 8)

- Hand-rolling tobacco packets must be cuboid, cylindrical or in the form of a pouch.
- A pack of hand-rolling tobacco must contain at least 30 grams of tobacco.

Other provisions (Schedules 3 and 4 and Regulations 11 and 12)

- Pack surfaces must be smooth, with no embossing or irregularities of texture.
- Wrappers must be completely clear and transparent.
- Inserts or other additional material not integral to the packaging would be prohibited (except for cigarette papers and filters included with packs of hand-rolling tobacco).
- Packaging would not be permitted to include aspects that change after purchase, make noises or produce a smell not normally associated with tobacco packaging.

Individual cigarettes (Regulation 5)

- Cigarettes would be white with a cork effect or white tip and may have text indicating the brand name (in a specified typeface and location).

5.5 An illustration of what a cigarette pack could look like if the draft regulations were to be introduced has also been included as an illustration at **appendix C**.

5.6 At this point, we do not propose requirements relating to the size or length of cigarettes or the size of cigarette packets.

- 5.7 Having considered the research that informed the choice of colour used in the Australian regulations for standardised packaging,¹⁶ the draft regulations specify the same colours as those required in Australia (Pantone 448C for packaging and Pantone Cool Grey 2C for any allowed text). The draft regulations specify that Helvetica be permitted as the only typeface for any allowed text. This is consistent with existing requirements for the text of health warnings on tobacco packaging, so it is a typeface the tobacco industry already works with.
- 5.8 We propose that standardised packaging requirements would apply only to the *retail packaging* of tobacco products; meaning tobacco packaging that will be, or is intended to be, used for the sale of the product to consumers. The draft regulations also extend to the retail packaging of multi-packs such as cartons of 10 cigarette packs. As set out in the 2012 consultation, we do not propose to regulate or place restrictions on packaging that is used only within the tobacco trade, for example for stock management in a warehouse.

Specialist tobacco products

- 5.9 The Secretary of State's regulation-making powers in the Children and Families Act 2014 allow for standardised packaging requirements to be introduced for all or any tobacco products. Except for Regulation 10, which applies to all tobacco products and implements – a requirement under the new EU Tobacco Products Directive (see 5.14 – 5.17 below) – the remaining regulations are intended to cover only the packaging of cigarettes and hand-rolling tobacco at this stage and not specialist tobacco products, such as cigars.
- 5.10 Data show that the prevalence of cigar and pipe smoking in England is much lower than cigarette and hand-rolling tobacco smoking and that a very small number of children and young people use this type of tobacco. In 2011, 18% of people aged 16-19 years smoked cigarettes, but 0.2% of this age group smoked cigars and 0.1% smoked pipes. Today, almost all cigar smokers are male and over 25 years of age. Pipe smokers tend to be male and over 20 years of age.¹⁷
- 5.11 By contrast, hand-rolling tobacco is very popular among smokers, including younger smokers. In 2011, some 30% of smokers in the 16-19 age bracket in England said that they mainly smoked hand-rolled cigarettes.¹⁷ Among children aged 11-15 years who say they are current smokers in England, 39% smoked manufactured cigarettes, 24% smoked hand-rolled cigarettes and 37% smoked both.¹⁸
- 5.12 We propose that standardised packaging not apply to specialist tobacco products at this point, given their low rates of use, particularly by young people. Regulations for standardised packaging could be extended to specialist tobacco products in the

16 Australian Government Department of Health and Ageing website, *Market Research Reports on tobacco plain packaging and graphic health warnings*, www.yourhealth.gov.au/internet/yourhealth/publishing.nsf/content/mr-plainpack

17 Office for National Statistics website (2013), *Opinions and Lifestyle Survey, Smoking Habits Amongst Adults, 2012*, www.ons.gov.uk/ons/rel/ghs/opinions-and-lifestyle-survey/smoking-habits-amongst-adults--2012/rpt-opinions-and-lifestyle-survey---smoking-habits-amongst-adults--2012.html

18 Health and Social Care Information website, *Smoking, drinking and drug use among young people in England in 2012*, <http://www.hscic.gov.uk/catalogue/PUB11334>

future, if necessary. For example, if the tobacco market changes and young people become increasingly attracted to these types of tobacco.

Territorial scope of the regulations

5.13 The Secretary of State's regulation-making powers extend across the United Kingdom and regulations can be made that are applicable in Scotland, Wales and Northern Ireland with the consent of ministers in Scotland, Northern Ireland and Wales, where those regulations have provisions that are within the competence of their devolved Parliament or Assembly.

European Tobacco Products Directive (TPD)

5.14 The new European Tobacco Products Directive (TPD) has been adopted and it will need to be transposed into UK law by 20 May 2016.¹⁹ The TPD sets out a number of new requirements that will apply to all tobacco and related products across the EU, including:

- Larger picture health warnings to cover 65% of the front and back of packets of all tobacco products, with specified minimum dimensions for the size of the warnings on packets of cigarettes.²⁰
- Requirements for the ingredients that can be included in tobacco products, including a prohibition on characterising flavours (although menthol flavoured tobacco will be permitted on the market until 2020).
- Tracking and tracing requirements for tobacco products and the requirement for security features to tackle illicit trade.
- New requirements for electronic cigarettes and herbal smoking products.

5.15 Articles 13 and 14 of the TPD also include several requirements that relate to the presentation and appearance of products and their packaging, including:

- The shape of cigarette packets must be cuboid and consist of carton or soft material.
- A cigarette packet, other than a soft pack, can only have a flip-top lid hinged at the back (the most common form of pack opening in the UK) or be in the form of a shoulder box with a hinged lid (which are less common in the UK but common in some EU countries).
- Packets of hand-rolling tobacco must be cuboid or cylindrical in shape, or have the form of a pouch.
- A packet of cigarettes must include at least 20 cigarettes and a packet of hand-rolling tobacco must contain at least 30 grams of tobacco.

19 European Commission website, *Revision of the Tobacco Products Directive*, http://ec.europa.eu/health/tobacco/products/index_en.htm

20 Due to the new positioning of the picture warning on the back of packs, the current location of the fiscal mark will need to change. Arrangements will be made in due course to specify the new position of the fiscal mark on tobacco products.

- For all tobacco products, the labelling on the packaging and the tobacco product itself shall not include any element or feature that:
 - promotes a tobacco product or encourages its consumption by creating an erroneous impression about its characteristics, health effects, risks or emissions
 - includes any information about the nicotine, tar or carbon monoxide content of the tobacco product
 - suggests that: a particular tobacco product is less harmful than others, aims to reduce the effect of some harmful components of smoke, has vitalising, energetic, healing, rejuvenating, natural, organic properties or has other health or lifestyle benefits
 - refers to taste, smell, any flavourings or other additives or the absence thereof
 - resembles a food or a cosmetic product
 - suggests that a certain tobacco product has improved biodegradability or other environmental advantage
- Discounts, vouchers, free distribution and two for one type offers are prohibited for all tobacco products.

5.16 Should a final decision be made to proceed with standardised packaging:

- The regulations that will be made for standardised packaging will also implement Articles 13 and 14 of the TPD (see Regulations 4, 8 and 10 of the draft regulations at **appendix B**).
- We propose implementing requirements for standardised packaging in May 2016 to coincide with the transposition deadline for the TPD to minimise burdens on business.
- We propose allowing a 12-month sell-through period for old stock that was manufactured before May 2016.

5.17 If it is decided not to proceed with standardised packaging, the related aspects of the TPD in Articles 13 and 14 would be implemented, together with the other requirements of the TPD in other regulations that will be made in the future.

Enforcement

5.18 If the ministers decide to proceed, the draft regulations would make it an offence to produce or supply tobacco products that have retail packaging that does not meet the provisions set out in the regulations. We propose that a person who produces or supplies tobacco products in breach of the regulations would be liable, on summary conviction, to imprisonment for a term not exceeding three months, or a fine of any amount, or both, and, if convicted on indictment, would be liable to imprisonment for two years or a fine or both.

- 5.19 As with many existing tobacco control laws, local authority trading standards officers would be responsible for enforcement (or environmental health officers in Northern Ireland). The appropriate minister in England or in each of the Devolved Administrations would also be able to enforce the regulations. Enforcement officers and the appropriate ministers would have available to them the range of powers already in place to enforce safety regulations under the Consumer Protection Act 1987.
- 5.20 The draft regulations also provide for a defence for someone who supplies tobacco products (for instance a small shop keeper), if they neither knew nor had reasonable grounds for suspecting that the tobacco packaging was in breach of the regulations.
- 5.21 We welcome comments on the draft regulations and how these provisions would work in practice, as well as any points of detail that you wish to bring to our attention.

6. Impact assessment

- 6.1 A consultation-stage impact assessment was published alongside the 2012 consultation document. This consultation included 12 questions specifically relating to the impact assessment, seeking information to enable us to further understand the likely costs and benefits, if standardised packaging was introduced.
- 6.2 The impact assessment has been further developed and a revised version is published alongside this consultation document. This revised version draws upon the information received in the 2012 consultation, specific meetings with representatives of tobacco companies, the wider tobacco manufacturing industry and the Chantler Review. We welcome views on this impact assessment.
- 6.3 We have also revised the assessment of the impact on equality, which is also published alongside this consultation document. We welcome any additional information in relation to the potential impact on any group with a protected characteristic under the Equality Act 2010, or issues that should be considered under the public sector duties.²¹

21 Bodies subject to the equality duty must, when delivering their services and performing their functions, have due regard to the need to:

- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act 2010
- advance equality of opportunity between people who share a particular protected characteristic and people who do not share it
- foster good relations between people who share a particular protected characteristic and people who do not share it.

The public sector equality duty covers the “protected characteristics” of age, disability, gender reassignment, pregnancy and maternity, race (includes ethnic or national origins, colour or nationality), religion or belief (includes lack of belief), sex and sexual orientation. It also applies to marriage and civil partnership status, but only in respect of the requirement to have due regard to the need to eliminate discrimination.

7. Territorial scope of this consultation

- 7.1 This consultation is being run by the Department of Health with the agreement of the Devolved Administrations across the United Kingdom. All consultation responses will be made available by the Department of Health for consideration by the ministers responsible for public health in the three Devolved Administrations. We may also share some responses with other Government Departments.

8. How to get involved in the consultation

- 8.1 The consultation questions are set out at **appendix A**. The consultation will run for six weeks, from 26/06/14 to 07/08/14. We welcome responses from any interested person, business or organisation.
- 8.2 Respondents are encouraged to provide their views online, but responses can be made in any of the following ways, by:
- Completing the online form at: <http://consultations.dh.gov.uk/tobacco/standardised-packaging-of-tobacco-products-1>.
 - Filling in the response form by downloading it at:
 - <https://www.gov.uk/government/consultations>. Emailing your response to:
 - TobaccoPackaging@dh.gsi.gov.uk.
 - Posting your response to:
Department of Health Standardised Tobacco Packaging Consultation
PO Box 1126
CANTERBURY CT1 9NB

- 8.3 The purpose of this consultation is to seek the views of interested people, businesses and organisations, with a focus on gaining any new or additional information relevant to standardised packaging that has arisen since the 2012 consultation. If your response includes information that has already been made available, we ask that you highlight the parts of your response which relate to information that was not available at the time of the first consultation from April to August 2012.
- 8.4 We ask that you provide references to research, or other evidence with your responses. If your response is lengthy, please also provide a summary of no more than three sides of paper.
- 8.5 This consultation has been published in the following alternative languages: Welsh, Urdu, Gujarati, Punjabi and Tamil. These translated documents are available in electronic format at <https://www.gov.uk/government/consultations>.
- 8.6 If you wish to get a copy of this consultation document in an alternative format, or need to respond in an alternative format for accessibility reasons, please contact us using the email or postal addresses given in paragraph 7.2.
- 8.7 The Department of Health and Devolved Administrations will not be able to respond specifically to individual consultation responses.

9. Declaration of direct or indirect links to the tobacco industry by respondents

- 9.1 As a party to the World Health Organization's Framework Convention on Tobacco Control (FCTC), the United Kingdom has an obligation to protect the development of public health policy from the vested interests of the tobacco industry. To meet this obligation, **we ask all respondents to disclose whether they have any direct or indirect links to, or receive funding from, the tobacco industry.** We will still carefully consider all consultation responses from the tobacco industry and from those with links to the tobacco industry and include them in the published summary of consultation responses.

10. Next steps

- 10.1 All responses received by the closing date of 07/08/14 will be carefully considered. A summary report of consultation responses will be published on the Department of Health website in due course, once the consultation has been completed.
- 10.2 A final decision on standardised packaging will be made in due course, taking into account all relevant considerations.

11. Consultation process

- 11.1 If you have concerns or comments which you would like to make relating specifically to the consultation process itself please contact:

Consultations Co-ordinator
Department of Health
2E26 Quarry House
Leeds
LS2 7UE

Email: consultations.co-ordinator@dh.gsi.gov.uk

Please do not send consultation responses to this address.

12. Confidentiality of information

- 12.1 We manage the information you provide in response to this consultation in accordance with the Department of Health's information charter.²²
- 12.2 Information we receive, including personal information, may be published or disclosed in accordance with the access to information regimes (primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).
- 12.3 If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.
- 12.4 The Department will process your personal data in accordance with the DPA and in most circumstances this will mean that your personal data will not be disclosed to third parties.

22 <https://www.gov.uk/government/organisations/department-of-health/about/personal-information-charter>

Appendix A

Consultation questions

1. Do you have any observations about the report of the Chantler Review that you wish to bring to our attention?
2. Do you have any information, in particular any new or additional information since the 2012 consultation, relating to the wider aspects of standardised packaging, that you wish to bring to our attention?
3. Do you have any comments on the draft regulations, including anything you want to draw to our attention on the practicalities of implementing the regulations, as drafted?
4. Are you aware of any further evidence or information which would improve the assumptions or estimates we have made in the consultation-stage impact assessment?

Appendix B Draft Regulations

Draft Regulations laid before Parliament under section 135(6) of the Children and Families Act 2014 and paragraph 2(2) of Schedule 2 to the European Communities Act 1972 for approval by resolution of each House of Parliament.

D R A F T S T A T U T O R Y I N S T R U M E N T S

No.

PUBLIC HEALTH

The Standardised Packaging of Tobacco Products Regulations ...

<i>Made</i>	- - - -	***
<i>Coming into force</i>	- -	***

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972^(a) in relation to measures relating to the sale, packaging, labelling and sampling of tobacco products^(b).

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 94 and 135(2) and (3) of the Children and Families Act 2014^(c) and section 2(2) of the European Communities Act 1972.

A draft of these Regulations has been laid before and approved by resolution of each House of Parliament in accordance with section 135(6) of the Children and Families Act 2014 and paragraph 2(2) of Schedule 2 to the European Communities Act 1972.

PART 1

Introduction

Citation and commencement

1.—(1) These Regulations may be cited as the Standardised Packaging of Tobacco Products Regulations ...

(2) These Regulations come into force.....

Interpretation

2.—(1) In these Regulations—

“appropriate minister”—

(a) in relation to England, means the Secretary of State,

(a) 1972 c. 68.
(b) S.I. 1991/755.
(c) 2014 c. 6.

(b) in relation to Wales, means the Welsh Ministers,

(c) in relation to Northern Ireland, means the Department of Health, Social Services and Public Safety, and

(d) in relation to Scotland, means the Scottish Ministers;

“brand name”, in relation to a particular tobacco product, means the primary name by which the product is known;

“calibration mark” means a mark that is used only for the purpose of the automated manufacture of any packaging;

“cigarette” means a roll of tobacco consumed by means of a combustion process and further defined in Article 3(1) of Council Directive 2011/64/EU of 21st June 2011 on the structure and rates of excise duty applied to manufactured tobacco;

“consumer” means an individual who is acting for purposes which are outside the individual’s trade, business, craft or profession;

“cross-border distance sale”, in relation to a tobacco product, means a distance sale to a consumer where, at the time the consumer orders the product from a retail outlet, the consumer is located in a Member State other than the Member State or the third country where that retail outlet is established; and for the purposes of this definition a retail outlet is deemed to be established in a Member State—

(a) in the case of an individual, if the individual has his or her place of business in that Member State, and

(b) in any other case, if the retail outlet has its statutory seat, central administration or place of business, including a branch, agency or any other establishment, in that Member State;

“enactment” means an enactment contained in, or in an instrument made under—

(a) an Act of Parliament,

(b) an Act of the Scottish Parliament,

(c) a Measure or Act of the National Assembly for Wales, or

(d) Northern Ireland legislation, within the meaning of the Interpretation Act 1978(a);

“external packaging” —

(a) in relation to a unit packet of a tobacco product, means every surface of the packet that is visible before the packet is opened (but this is subject to paragraph (b)),

(b) in relation to a unit packet of hand rolling tobacco in the form of a pouch, means every surface of the pouch that is visible before the pouch is opened, together with the hidden surface of the pouch in a case where the pouch takes the form of a rectangular pocket with a flap that covers the opening, and

(c) in relation to an outside packet of a tobacco product, means every surface of the packet that is visible before the packaging is opened;

and for the purposes of this definition “visible” includes visible through any wrapper permitted by paragraph 5 of Schedule 2 or 4 or any tab which complies with paragraph 3(1) of Schedule 4;

“hand rolling tobacco” means tobacco which can be used after retail sale for making cigarettes;

“hidden surface”, in relation to a pouch of hand rolling tobacco in the form of a rectangular pocket with a flap that covers the opening, means the surface of the pouch which—

(a) 1978 c. 30.

(a) becomes visible when the flap is opened, but

(b) is not the underside surface of the flap or any surface of the inside of the pocket;

“internal packaging”, in relation to a unit packet or outside packet of a tobacco product, means so much of that packet as does not comprise the external packaging of that packet;

“outside packet”, in relation to a tobacco product, means any packaging—

(a) which contains a unit packet of that product, or an aggregation of such unit packets, and

(b) in which that product is, or is intended to be, presented for retail sale,

but does not include any wrapper;

“packaging”, in relation to a tobacco product, has its ordinary meaning and (without limiting that meaning) includes any material that is—

(a) an integral part of the packaging of the product,

(b) required as part of the packaging process, or

(c) required to protect the product;

“pouch” means a unit packet of hand rolling tobacco in the form of—

(a) a rectangular pocket with a flap that covers the opening, or

(b) a standing pouch;

“retail sale” means sale otherwise than to a person who is acting in the course of a business which is part of the tobacco trade;

“tobacco” means leaves and other natural, processed or unprocessed parts of tobacco plants, including expanded and reconstituted tobacco;

“tobacco product” means a product that can be consumed and consists, even partly, of tobacco, whether genetically modified or not;

“travel retail sector” means retail outlets in the United Kingdom at which tobacco products may be purchased only by people travelling on journeys to destinations outside the United Kingdom;

“unit packet”, in relation to a tobacco product, means the smallest individual packaging in which that product is, or is intended to be, presented for retail sale, but does not include any wrapper;

“variant name”, in relation to a particular tobacco product, means any name by which that product is distinguished from other tobacco products under the same brand name;

“wrapper”, in relation a tobacco product, means a cellophane or plastic wrapper—

(a) which encloses—

(i) a unit packet of that product,

(ii) an aggregation of such unit packets which is not contained in an outside packet, or

(iii) an outside packet of that product, and

(b) in which that product is, or is intended to be, presented for retail sale;

(2) Expressions used in these Regulations and in the Trade Marks Act 1994^(a) have the same meaning as in that Act.

(3) References in these Regulations to the front and back surfaces of a unit packet or outside packet of a tobacco product are to the two largest surfaces of the external packaging of the packet, but—

(a) in relation to a unit packet of hand rolling tobacco in the form of a pouch, the hidden surface is to be disregarded for the purposes of this paragraph, and

(a) 1994 c. 26.

(b) this paragraph is subject to paragraph (4).

(4) References in these Regulations to the front and back surfaces of a unit packet or outside packet of hand rolling tobacco which is cylindrical in shape are to the two opposite halves of the curved surface of the external packaging of the packet on the assumption that the curved surface is divided equally along a vertical plane.

(5) For the purposes of these Regulations a person produces a tobacco product if, in the course of a business and with a view to the product being supplied for consumption in the United Kingdom or through the travel retail sector, the person—

- (a) manufactures the product,
- (b) puts a name, trade mark or other distinguishing mark on it by which the person is held out to be its manufacturer or originator, or
- (c) imports it into the United Kingdom,

and “producer” is to be construed accordingly.

(6) For the purposes of these Regulations a person supplies a tobacco product if, in the course of a business, the person—

- (a) supplies the product—
 - (i) with a view to the product being supplied for consumption in the United Kingdom or through the travel retail sector, or
 - (ii) for consumption in the United Kingdom or through the travel retail sector,
- (b) offers or agrees to so supply it, or
- (c) exposes or possesses it for such supply.

(7) In the case of a cross-border distance sale of a tobacco product where the consumer is located in the United Kingdom, the tobacco product is to be treated for the purposes of these Regulations as supplied, and presented for retail sale, in the United Kingdom.

PART 2

Provisions which apply to cigarettes only

Permitted colour or shade of packaging of cigarettes

3.—(1) No person may produce or supply any cigarettes in breach of any of the provisions of this regulation or Schedule 1 (exceptions to paragraphs (2) and (3)).

(2) The only colour or shade permitted on or for the external packaging of a unit packet or outside packet of cigarettes is Pantone 448 C with a matt finish, but this is subject to paragraph (4) and Schedule 1.

(3) The only colour or shade permitted on or for the internal packaging of a unit packet or outside packet of cigarettes, is either—

- (a) white, or
- (b) Pantone 448 C with a matt finish,

but this is subject to paragraph (4), Schedule 1 and paragraph 3(1) of Schedule 2.

(4) Nothing in paragraph (2) or (3) prohibits any warning, statement, text, picture, image, symbol or marking which is required by any enactment (whenever passed or made) other than these Regulations; but see paragraph 3 of Schedule 1 which imposes conditions in relation to any text required in accordance with regulation 7(4)(a)(i) of the General Product Safety Regulations 2005(a) (name and address of producer).

(a) S.I. 2005/1803.

Material, shape, opening and contents of unit packet of cigarettes

4.—(1) No person may produce or supply any cigarettes in breach of any of the provisions of this regulation.

(2) A unit packet of cigarettes must be made of carton or soft material.

(3) A unit packet of cigarettes must be cuboid in shape, although any such cuboid may have bevelled or rounded edges.

(4) A unit packet of cigarettes may contain an opening that can be re-closed or re-sealed after it is first opened but only if that opening is a flip top lid or a shoulder box hinged lid.

(5) A flip-top lid may be hinged only at the back of the packet.

(6) A shoulder box hinged lid may be hinged only along one of the two smallest sides of the packet.

(7) A unit packet of cigarettes must contain a minimum of 20 cigarettes.

Appearance of cigarettes

5.—(1) No person may produce or supply any cigarettes in breach of any of the following provisions.

(2) The only colour or shade permitted on or for the paper, casing, filter or other material forming part of a cigarette (apart from the tobacco contained in it) is plain white with a matt finish, but this is subject to the following provisions.

(3) Any paper or casing that surrounds the end of a cigarette that is not designed to be lit may be coloured in such a way as to imitate cork.

(4) A cigarette may have text printed on it to identify the brand name and variant name of the cigarette but only if each of the following conditions is met.

(5) Those conditions are—

- (a) that the text appears parallel to, and not more than 38 millimetres from, the end of the cigarette that is not designed to be lit,
- (b) that the text does not contain any character which is not alphabetic, numeric or an ampersand,
- (c) that the first letter of any word is in upper-case type or lower-case type,
- (d) that the rest of any word is in lower-case type,
- (e) that the text is printed in Helvetica type,
- (f) that the colour of the text is black,
- (g) that the text is in a normal, weighted, regular typeface, and
- (h) that the size of the text is no larger than 8 point.

Further provisions about the packaging of cigarettes

6. No person may produce or supply any cigarettes in breach of any of the provisions of Schedule 2 (further provisions about the packaging of cigarettes).

PART 3

Provisions which apply to hand rolling tobacco only

Permitted colour or shade of packaging of hand rolling tobacco

7.—(1) No person may produce or supply any hand rolling tobacco in breach of any of the provisions of this regulation or Schedule 3 (exceptions to paragraphs (2) and (3)).

(2) The only colour or shade permitted on or for the external packaging of a unit packet or outside packet of hand rolling tobacco is Pantone 448 C with a matt finish, but this is subject to paragraph (4), Schedule 3 and paragraph 3(1) of Schedule 4.

(3) The only colour or shade permitted on or for the internal packaging of a unit packet or outside packet of such tobacco is either—

- (a) white, or
- (b) Pantone 448 C with a matt finish,

but this is subject to paragraph (4), Schedule 3 and paragraph 3(2) of Schedule 4.

(4) Nothing in paragraph (2) or (3) prohibits any warning, statement, text, picture, image, symbol or marking which is required by any enactment (whenever passed or made) other than these Regulations; but see paragraph 3 of Schedule 3 which imposes conditions in relation to any text required in accordance with regulation 7(4)(a)(i) of the General Product Safety Regulations 2005(a) (name and address of producer).

Form of, and weight of tobacco in, unit packet of hand rolling tobacco

8.—(1) No person may produce or supply any hand rolling tobacco in breach of any of the provisions of this regulation.

(2) A unit packet of hand rolling tobacco may take only one of the following forms—

- (a) it may be cuboid in shape, although any such cuboid may have bevelled or rounded edges,
- (b) it may be cylindrical in shape, or
- (c) it may take the form of a pouch.

(3) A unit packet of hand rolling tobacco must contain at least 30 grams of tobacco.

Further provisions about the packaging of hand rolling tobacco

9.— No person may produce or supply any hand rolling tobacco in breach of any of the provisions of Schedule 4 (further provisions about the packaging of hand rolling tobacco).

PART 4

Provisions which apply to all tobacco products or to both cigarettes and hand rolling tobacco

Product presentation

10.—(1) No person may produce or supply a tobacco product in breach of any of the following provisions.

(2) The labelling of—

- (a) the packaging in which a tobacco product is, or is intended to be, presented for retail sale, or
- (b) the product itself,

may not contain any element or feature falling within paragraph (3).

(3) An element or feature falls within this paragraph if it—

- (a) promotes a tobacco product or encourages its consumption by creating an erroneous impression about its characteristics, health effects, risks or emissions,

- (b) includes any information about the nicotine, tar or carbon monoxide content of a tobacco product,
- (c) suggests that a particular tobacco product—
 - (a) is less harmful than others,
 - (b) aims to reduce the effect of some harmful components of smoke,
 - (c) has vitalising, energizing, healing, rejuvenating, natural or organic properties, or
 - (d) has other health or lifestyle benefits,
- (d) refers to taste, smell or any flavourings or other additives, or the absence of any such thing,
- (e) resembles a food or cosmetic product, or
- (f) suggests that a particular tobacco product has improved biodegradability or other environmental advantages.

(4) The packaging in which a tobacco product is, or is intended to be, presented for retail sale may not suggest economic advantage by including printed vouchers or offering discounts, free distribution, two-for-one or other similar offers.

(5) For the purposes of this regulation, prohibited elements and features include (but are not limited to) texts, symbols, names, trade marks, figurative signs and other types of sign.

(6) Nothing in this regulation affects or is affected by any of the other provision of these Regulations.

Packaging of cigarettes or hand rolling tobacco not to produce noise or scent

11.—(1) No person may produce or supply any cigarettes or hand rolling tobacco if any part of the packaging in which the product is, or is intended to be, presented for retail sale—

- (a) makes a noise, or
- (b) contains or produces a smell,

that is not normally associated with the packaging of cigarettes or, as the case may be, hand rolling tobacco.

(2) Paragraph (1) does not prohibit any smell in the packaging of cigarettes or hand rolling tobacco which results from any permitted additive which is designed to give the cigarettes or hand rolling tobacco a smell or flavour other than that of tobacco.

Packaging of cigarettes or hand rolling tobacco not to change after retail sale

12.—(1) No person may produce or supply any cigarettes or hand rolling tobacco if the packaging in which the product is, or is intended to be, presented for retail sale includes any features which are designed to change the packaging after retail sale.

(2) Such features include (but are not limited to)—

- (a) heat activated inks,
- (b) inks or embellishments designed to appear gradually over time,
- (c) inks that appear fluorescent in certain light,
- (d) panels designed to be scratched or rubbed to reveal an image or text,
- (e) removable tabs, and
- (f) fold-out panels.

PART 5

Miscellaneous provisions

Review

Review

13.—(1) The Secretary of State must from time to time—

- (a) carry out a review of these Regulations,
- (b) set out the conclusions of the review in a report, and
- (c) publish the report.

(2) In carrying out the review, the Secretary of State must, so far as is reasonable, have regard to how Directive 2014/40/EU of 3rd April 2014 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products and repealing Directive 2001/37/EC (Articles 13 and 14 of which are implemented by regulations 4, 8 and 10 of these Regulations) is implemented in other member States.

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations,
- (b) assess the extent to which those objectives are achieved, and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4) The first report under this regulation must be published before the end of the period of five years beginning with...

(5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.

Trade marks and registered designs

Regulations not to affect registrability of trade marks for tobacco products

14.—(1) For the purposes of the Trade Marks Act 1994^(a) and regulations made under that Act, an applicant for the registration of a trade mark in relation to goods or services which are or include tobacco products is to be taken as having a *bona fide* intention that the trade mark should be used by the applicant, or with the applicant's consent, in relation to those goods or services if the applicant would have such an intention but for the operation of these Regulations.

(2) For the purposes of the Trade Marks Act 1994 and regulations made under that Act, an applicant for the registration of a trade mark in relation to goods or services which are or include tobacco products is to be taken as not having made the application in bad faith if the applicant would be taken as not having made the application in bad faith were these Regulations not in force.

(3) For the avoidance of doubt, nothing in these Regulations has the effect that a trade mark is not eligible for registration under the Trade Marks Act 1994 by reason only of the fact that the goods or services in relation to which registration is sought are or include tobacco products.

(4) For the avoidance of doubt, these Regulations—

(a) 1994 c. 26.

- (a) do not cause any trade mark to be contrary to public policy or to accepted principles of morality for the purposes of section 3(3)(a) of the Trade Marks Act 1994,
- (b) do not amount to an enactment or rule of law which prohibits the use of a trade mark for the purposes of section 3(4) of that Act, and
- (c) do not amount to a rule of law by which the use in the United Kingdom of any trade mark is liable to be prevented for the purposes of section 5(4) of that Act.

Regulations not to affect oppositions based on trade marks for tobacco products

15.—(1) For the purposes of section 6(3) of the Trade Marks Act 1994, a *bona fide* use of a trade mark falling within subsection 6(1)(a) or (b) of that Act is to be taken to exist if there would have been such use of the trade mark during the period of two years mentioned in section 6(3) but for the operation of these Regulations.

(2) For the purposes of section 6A of the Trade Marks Act 1994, in opposition proceedings the use conditions are to be taken as met in relation to an earlier trade mark falling within subsection (1)(b) of that section if—

- (a) the earlier trade mark is registered in relation to goods or services which are or include tobacco products, and
- (b) the use conditions would have been met in relation to the earlier trade mark because it would have been put to such genuine use as is mentioned in subsection (3)(a) of that section but for the operation of these Regulations.

Proper reasons for non-use of trade marks for tobacco products

16.—(1) If or to the extent that any provision of these Regulations causes the non-use of a registered trade mark, such provision is to be considered to be a proper reason for the non-use of the trade mark for the purposes of section 46(1) of the Trade Marks Act 1994, provided that—

- (a) the trade mark would have been put to genuine use in the United Kingdom by the proprietor or with his consent during the relevant period but for the operation of these Regulations,
- (b) such genuine use would have been in relation to the goods or services for which the trade mark is registered, and
- (c) the trade mark was not already liable to be revoked or declared invalid for any reason at the date these Regulations came into force.

(2) For the avoidance of doubt, a registered trade mark is not liable to be declared invalid under section 47(1) of the Trade Marks Act 1994 if or to the extent that—

- (a) the trade mark would not have been liable to be declared invalid under section 47(1) of that Act but for the operation of these Regulations, and
- (b) the trade mark was not already liable to be revoked or declared invalid for any reason at the date these Regulations came into force.

(3) For the avoidance of doubt, when determining whether the use conditions are met for the purposes of section 47(2B) of the Trade Marks Act 1994, if or to the extent that any provision of these Regulations causes the non-use of the earlier trade mark mentioned in section 47(2B), such provision is to be considered to be a proper reason for non-use of the earlier trade mark.

Regulations not to affect certain dealings with trade marks for tobacco products

17. For the avoidance of doubt, nothing in these Regulations affects the enforceability of any agreement relating to—

- (a) the assignment of a registered trade mark,
- (b) the grant of a licence under a registered trade mark, or
- (c) any other transaction concerning a registered trade mark,

to the extent that the trade mark is registered in relation to goods or services which are or include tobacco products.

Regulations not to affect registrability of designs for tobacco products

18.—(1) For the avoidance of doubt, nothing in these Regulations has the effect that a design is to be refused registration under the Registered Designs Act 1949^(a) by reason only of the fact that—

- (a) the design concerns features of appearance of a tobacco product or its packaging,
- (b) the design involves the use of features whose use in relation to tobacco products or their packaging would be prohibited, restricted or limited under these Regulations, or
- (c) the design is not visible during normal use of a tobacco product or its packaging by reason of a prohibition, restriction or limitation under these Regulations.

(2) For the avoidance of doubt, nothing in these Regulations causes any design concerning features of appearance of a tobacco product or its packaging to be contrary to public policy or to accepted principles of morality for the purposes of section 1D of the Registered Designs Act 1949.

(3) For the avoidance of doubt, nothing in these Regulations creates any new rights of Crown use in respect of registered designs concerning tobacco products or their packaging.

(4) Expressions used in this regulation and in the Registered Designs Act 1949 have the same meaning as in that Act.

Revocation

Revocation

19. Regulation 4 of the Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002^(b) (statements of yields on packets of cigarettes) is revoked.

Offences and enforcement

Offences

20.—(1) A person who produces or supplies a tobacco product in breach of any provision of these Regulations is guilty of an offence.

(2) A person guilty of an offence under this regulation—

- (a) is liable on summary conviction to imprisonment for a term not exceeding three months, or a fine, or both, or
- (b) on conviction on indictment to imprisonment for a term not exceeding 2 years, or a fine, or both.

Offences by bodies corporate and Scottish partnerships

21.—(1) If an offence under these Regulations committed by a body corporate is proved—

- (a) to have been committed with the consent or connivance of an officer, or
- (b) to be attributable to any neglect on his part,

the officer as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.

(a) 1949 c. 88.

(b) S.I. 2002/3041.

(2) In paragraph (1) “officer”, in relation to a body corporate, means a director, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity.

(3) If the affairs of a body corporate are managed by its members, paragraph (1) applies in relation to the acts and defaults of a member in connection with the member’s functions of management as if that person were a director of the body corporate.

(4) If an offence under these Regulations committed by a partnership in Scotland is proved—

- (a) to have been committed with the consent or connivance of a partner, or
- (b) to be attributable to any neglect on the partner’s part,

the partner as well as the partnership is guilty of the offence and liable to be proceeded against and punished accordingly.

(5) In paragraph (4) “partner” includes a person purporting to act as a partner

Defence

22. In any proceedings for an offence under these Regulations against a person who supplies any tobacco product in breach of any provision of these Regulations, it is a defence that the person neither knew nor had reasonable grounds for suspecting that the tobacco product was supplied in breach of that provision.

Enforcement

23.—(1) For the purpose of enforcement, the provisions of the Consumer Protection Act 1987(a) (apart from sections 12 and 13) are to apply to these Regulations as if these Regulations were safety regulations within the meaning of that Act.

(2) The reference to six months in section 14(6) of the Consumer Protection Act 1987 (imprisonment on summary conviction not to exceed six months), as that section has effect by virtue of paragraph (1), is to be read as a reference to three months.

(3) The appropriate minister may direct, in relation to cases of a particular description or a particular case, that any duty imposed on—

- (a) a local weights and measures authority in Great Britain, or
- (b) a district council in Northern Ireland,

under section 27 of the Consumer Protection Act 1987 (as that section has effect by virtue of paragraph (1)) is to be discharged instead by the appropriate minister.

Transitional provision

Transitional provision

24.—(1) These Regulations do not apply to the supply before 21st March 2017 of a tobacco product produced before 20th May 2016 if, but only if, the product complies with the Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002(b) at the date of supply.

(2) For the purposes of paragraph (1), those Regulations are to continue to apply notwithstanding the revocation of any those Regulations by any enactment (whenever passed or made), including regulation 19 of these Regulations.

Signatory text

(a) 1987 c. 43.
 (b) S.I. 2002/3041.

Address
Date

Name
Parliamentary Under Secretary of State
Department

SCHEDULES

SCHEDULE 1

Regulation 3

Exceptions to regulation 3(2) and (3) (colour and shade of packaging of cigarettes)

Text which states brand name and variant name

1.—(1) The external packaging of a unit packet or outside packet of cigarettes may have text printed on it which states the brand name and variant name of the cigarettes but only if each of the following conditions is met.

(2) Those conditions are—

- (a) that the text does not contain any character which is not alphabetic, numeric or an ampersand,
- (b) that the first letter of any word is in upper-case type or lower-case type,
- (c) that the rest of any word is in lower-case type,
- (d) that the text is printed in Helvetica type,
- (e) that the colour of the text is Pantone Cool Gray 2 C with a matt finish,
- (f) that the text is in a normal, weighted, regular typeface,
- (g) that the brand name does not take up more one line,
- (h) that the variant name does not take up more than one line,
- (i) that the variant name appears immediately below the brand name and has the same orientation as it,
- (j) that the size of the brand name is no larger than 14 point,
- (k) that the size of the variant name is no larger than 10 point,
- (l) that the brand name and variant name may appear only, and not more than once, on each of the following surfaces—
 - (i) the front surface of the unit packet or outside packet,
 - (ii) one of the smallest surfaces of the packet, and
 - (iii) the other smallest surface of the packet,
- (m) that the brand name and variant name are located at the centre of any such surface or, where such a surface contains a health warning, at the centre of the area of the surface not taken up by the health warning, and
- (n) that the text on any surface which contains a health warning is orientated in accordance with the warning.

Text which states the number of cigarettes.

2.—(1) The external packaging of a unit packet or outside packet of cigarettes may have text printed on it—

- (a) which states the number of cigarettes contained in the packet, and

- (b) which may be followed by the word “Cigarettes”,

but only if each of the following conditions is met.

(2) Those conditions are—

- (a) that the number is expressed in numeric characters,
- (b) in the case of the outside packet of an aggregation of unit packets, that the number so expressed is either—
 - (i) the total number of cigarettes in the outside packet, or
 - (ii) the number of unit packets in the outside packet multiplied by the number of cigarettes in each unit packet, with the multiplication symbol being expressed as an “x”,
- (c) that the first letter of the word “Cigarettes” is in upper-case type or lower-case type,
- (d) that the rest of that word is in lower-case type,
- (e) that the text is printed in Helvetica type,
- (f) that the colour of the text is Pantone Cool Gray 2 C with a matt finish,
- (g) that the text is in a normal, weighted, regular typeface,
- (h) in the case of a unit packet, that the size of the text is no larger than 10 point,
- (i) in the case of an outside packet, that the size of the text is no larger than 14 point,
- (j) that the text appears only once, and
- (k) that the text on any surface which contains a health warning is orientated in accordance with the warning.

Text which gives details about producer

3.—(1) A unit packet or outside packet of cigarettes may have text printed on its external or internal packaging (but not on both its external and internal packaging) which states all or any of the following—

- (a) the name of the producer,
- (b) the address of the producer,
- (c) the email address of the producer, and
- (d) the telephone number of the producer,

but only if each of the following conditions is met.

(2) Those conditions are—

- (a) that the text does not contain any character which is not alphabetic, numeric or an ampersand or, in the case of an email address, an @ sign,
- (b) that the first letter of any word is in upper-case type or lower-case type,
- (c) that the rest of any word is in lower-case type,
- (d) that the text is printed in Helvetica type,
- (e) that the colour of the text—
 - (i) if it appears on the external packaging, is Pantone Cool Gray 2 C with a matt finish, or
 - (ii) if it appears on the internal packaging, is one of the following, namely Pantone Cool Gray 2 C with a matt finish, Pantone 448 C with a matt finish or black with a matt finish,
- (f) that the text is in a normal, weighted, regular typeface,
- (g) that the size of the text is no larger than 10 point,
- (h) that the text appears only once, and

- (i) that the text does not appear on the front surface of the unit packet or outside packet.

4.—(1) The external packaging of a unit packet or outside packet of cigarettes may contain a barcode but only if each of the following conditions is met.

(2) Those conditions are—

- (a) that the sole purpose of the barcode is to facilitate the sale, distribution and stock control of the tobacco product,
- (b) that the colour of the barcode is either—
 - (i) black and white, or
 - (ii) Pantone 448 C and white,
- (c) that the barcode does not form a picture, pattern, image or symbol that is recognisable as anything other than a barcode,
- (d) that the barcode appears only once, and
- (e) that the barcode does not appear on the front surface of the unit packet or outside packet.

Calibration mark

5.—(1) The external packaging of a unit packet or outside packet of cigarettes may contain a calibration mark but only if both of the following conditions are met.

(2) Those conditions are—

- (a) that the calibration mark appears only so far as it is necessary for the automated manufacture of the packaging of the cigarettes, and
- (b) that the calibration mark, if visible or otherwise detectable, is as inconspicuous as possible so far as is consistent with its function in connection with that automated manufacture.

SCHEDULE 2

Regulation 6

Further provisions about the packaging of cigarettes

Surfaces

1.—(1) Any surface of the external or internal packaging of a unit packet or outside packet of cigarettes—

- (a) must be flat and smooth, and
- (b) must contain no ridges, embossing or other irregularities of shape or texture.

(2) Sub-paragraph (1) is subject to—

- (a) paragraph 3(2), and
- (b) any provision made by any enactment (whenever passed or made) other than these Regulations.

Inserts etc

2.—(1) No insert or additional material may be attached to or included with the packaging of a unit packet or outside packet of cigarettes.

(2) Sub-paragraph (1) does not prohibit a barcode from taking the form of an adhesive label but only if each of the conditions in paragraph 4(2) of Schedule 1 is met.

Lining

3.—(1) If a unit packet of cigarettes contains a lining as part of its internal packaging—

- (a) the lining must be a silver coloured foil with a white paper backing, and
- (b) there must be no variation in the tone or shade of the foil.

(2) Paragraph 1 does not prohibit such a lining from being textured over any entire surface with small dots or squares embossed on the lining if, but only if—

- (a) that texture is required for the purpose of—
 - (i) the automated manufacture of the lining, or
 - (ii) the packing of cigarettes into the packet, and
- (b) the dots or squares—
 - (i) are equidistant from each other,
 - (ii) are of uniform size, and
 - (iii) do not form a picture, pattern, image or symbol that is recognisable as anything other than a lining.

Wrappers

4.—(1) The following, namely—

- (a) a unit packet of cigarettes,
- (b) an aggregation of such unit packets which is not contained in an outside packet, and
- (c) an outside packet of cigarettes,

may be enclosed by a wrapper but only if each of the following conditions is met.

(2) Those conditions are—

- (a) that the wrapper is clear and transparent,
- (b) that the wrapper is not coloured or marked,
- (c) that any surface of the wrapper—
 - (i) is flat and smooth, and
 - (ii) does not contain any ridge, embossing or other irregularity of shape or texture that is not a necessary result of the manufacturing process, and
- (d) that there is nothing attached to the wrapper,

but this is subject to the following provisions.

(3) A wrapper which encloses an aggregation of unit packets within sub-paragraph (1)(b) may have solid, black rectangles or squares but only so far as they are necessary, and of the minimum size necessary, to cover any barcode on the unit packets enclosed within the wrapper.

(4) A wrapper may have a tear tape if each of the conditions in sub-paragraph (5) is met.

(5) Those conditions are—

- (a) that the tear tape is either—
 - (i) clear and transparent and not coloured or marked, or
 - (ii) black in colour,
- (b) that the tear tape forms a continuous straight line which is of a constant width not exceeding 3 millimetres, and
- (c) that the tear tape is parallel to any straight edge of the packet enclosed by the wrapper.

(6) Sub-paragraph (5)(a)(i) does not prohibit the tear tape from including a single, solid black line which—

- (a) is not more than 15 millimetres long, and

(b) indicates where the tear strip begins.

(7) A wrapper may have a barcode (and that barcode may take the form of an adhesive label) but only if each of the following conditions is met.

(8) Those conditions are—

- (a) that the sole purpose of the barcode is to facilitate the sale, distribution and stock control of the tobacco product,
- (b) that the colour of the barcode is either—
 - (i) black and white, or
 - (ii) Pantone 448 C and white,
- (c) that the barcode does not form a picture, pattern, image or symbol that is recognisable as anything other than a barcode,
- (d) that the barcode appears only once, and
- (e) that the barcode does not appear on the front of the wrapper.

SCHEDULE 3

Regulation 7

Exceptions to regulation 7(2) and (3)) (colour and shade of packaging of hand rolling tobacco)

Text which states brand name and variant name

1.—(1) The external packaging of a unit packet or outside packet of hand rolling tobacco may have text printed on it which states the brand name and variant name of that product but only if each of the following conditions is met.

(2) Those conditions are—

- (a) that the text does not contain any character which is not alphabetic, numeric or an ampersand,
- (b) that the first letter of any word is in upper-case type or lower-case type,
- (c) that the rest of any word is in lower-case type,
- (d) that the text is printed in Helvetica type,
- (e) that the colour of the text is Pantone Cool Gray 2 C with a matt finish,
- (f) that the text is in a normal, weighted, regular typeface,
- (g) that the brand name does not take up more than one line,
- (h) that the variant name does not take up more than one line,
- (i) that the variant name appears immediately below the brand name and has the same orientation as it,
- (j) that the size of the brand name is no larger than 14 point,
- (k) that the size of the variant name is no larger than 10 point,
- (l) in the case of a unit packet which is cuboid in shape or an outside packet which is not cylindrical in shape, that the brand name and variant name may appear only, and not more than once, on each of the following surfaces—
 - (i) the front surface of the packet,
 - (ii) one of the smallest surfaces of the packet, and
 - (iii) the other smallest surface of the packet,
- (m) in the case of a unit packet or outside packet which is cylindrical in shape, that the brand name and variant name may appear only, and not more than once, on each of the following surfaces—

- (i) the front surface of the packet,
 - (ii) the back surface of the packet, and
 - (iii) the lid of the packet,
- (n) in the case of a unit packet which takes the form of a pouch, that the brand name and variant name may appear only, and not more than once, on each of the following surfaces—
- (i) the front surface of the packet,
 - (ii) the back surface of the packet and
 - (iii) if the pouch takes the form of a rectangular pocket with a flap that covers the opening, the hidden surface of the packet,
- (o) that the brand name and variant name are located at the centre of any such surface or, where such a surface contains a health warning, at the centre of the area of the surface not taken up by the health warning, and
- (p) that the text on any surface which contains a health warning is orientated in accordance with the warning.

Text which states the weight of tobacco

2.—(1) The external packaging of a unit packet or outside packet of hand rolling tobacco may have text printed on it—

- (a) which states the weight of tobacco in grams contained in the packet, and
- (b) which may be followed by the word “Rolling Tobacco” or “Hand Rolling Tobacco.

but only if each of the following conditions is met.

(2) Those conditions are—

- (a) that the weight of tobacco is expressed in numeric characters followed by the letter “g”,
- (b) in the case of the outside packet of an aggregation of unit packets, that the weight so expressed is either—
 - (i) the total weight of tobacco in the outside packet, or
 - (ii) the number of unit packets in the outside packet multiplied by the weight of tobacco in each unit packet, with the multiplication symbol being expressed as an “x”,
- (c) that the first letter of any word is in upper-case type or lower-case type,
- (d) that the rest of any word is in lower-case type,
- (e) that the text is printed in Helvetica type,
- (f) that the colour of the text is Pantone Cool Gray 2 C with a matt finish,
- (g) that the text is in a normal, weighted, regular typeface,
- (h) in the case of a unit packet, that the size of the text is no larger than 10 point,
- (i) in the case of an outside packet, that the size of the text is no larger than 14 point,
- (j) that the text appears only once, and
- (k) that the text on any surface which contains a health warning is orientated in accordance with the warning.

Text which gives details about producer

3.—(1) A unit packet or outside packet of hand rolling tobacco may have text printed on its external or internal packaging (but not on both its external and internal packaging) which states all or any of the following—

- (a) the name of the producer,
- (b) the address of the producer,

- (c) the email address of the producer, and
- (d) the telephone number of the producer,

but only if each of the following conditions is met.

(2) Those conditions are—

- (a) that the text does not contain any character which is not alphabetic, numeric or an ampersand or, in the case of an email address, an @ sign,
- (b) that the first letter of any word is in upper-case type or lower-case type,
- (c) that the rest of any word is in lower-case type,
- (d) that the text is printed in Helvetica type,
- (e) that the colour of the text—
 - (i) if it appears on the external packaging, is Pantone Cool Gray 2 C with a matt finish, or
 - (ii) if it appears on the internal packaging, is one of the following, namely Pantone Cool Gray 2 C with a matt finish, Pantone 448 C with a matt finish or black with a matt finish,
- (f) that the text is in a normal, weighted, regular typeface,
- (g) that the size of the text is no larger than 10 point,
- (h) that the text appears only once, and
- (i) that the text does not appear on the front surface of the unit packet or outside packet.

Text about cigarette papers and filters

4.—(1) If, in accordance with paragraph 2(2) of Schedule 4, a unit packet of hand rolling tobacco includes both cigarette papers and filters or either cigarette papers or filters, the external packaging of the unit packet, and of any outside packet in which it is contained, may have printed on it such of the following texts as is applicable—

- (a) “includes cigarette papers and filters”,
- (b) “includes cigarette papers”, or
- (c) “includes filters”,

but only if each of the conditions in sub-paragraph (3) is met.

(2) If, in accordance with paragraph 2(2) of Schedule 4, an outside packet of hand rolling tobacco includes both cigarette papers and filters or either cigarette papers or filters, the external packaging of the outside packet may have printed on it such of the following texts as is applicable—

- (a) “includes cigarette papers and filters”,
- (b) “includes cigarette papers”, or
- (c) “includes filters”,

but only if each of the conditions in sub-paragraph (3) is met.

(3) Those conditions are—

- (a) that the text is in lower-case type,
- (b) that the text is printed in Helvetica type,
- (c) that the colour of the text is Pantone Cool Gray 2 C with a matt finish,
- (d) that the text is in a normal, weighted, regular typeface,
- (e) that the text appears below any variant name (or, if there is no variant name, below any brand name),
- (f) that the size of the text is no larger than 10 point, and

- (g) that the text appears only once.

Barcode

5.—(1) The external packaging of a unit packet or outside packet of hand rolling tobacco may contain a barcode but only if each of the following conditions is met.

(2) Those conditions are—

- (a) that the sole purpose of the barcode is to facilitate the sale, distribution and stock control of the tobacco product,
- (b) that the colour of the barcode is either—
 - (i) black and white, or
 - (ii) Pantone 448 C and white,
- (c) that the barcode does not form a picture, pattern, image or symbol that is recognisable as anything other than a barcode,
- (d) that the barcode appears only once, and
- (e) that the barcode does not appear on the front surface of the unit packet or outside packet.

Calibration mark

6.—(1) The external packaging of a unit packet or outside packet of hand rolling tobacco may contain a calibration mark but only if both of the following conditions are met.

(2) Those conditions are—

- (a) that the calibration mark appears only so far as it is necessary for the automated manufacture of the packaging of the hand rolling tobacco, and
- (b) that the calibration mark, if visible or otherwise detectable, is as inconspicuous as possible so far as is consistent with its function in connection with that automated manufacture.

SCHEDULE 4

Regulation 9

Further provisions about the packaging of hand rolling tobacco

Surfaces

1.—(1) Any surface of the external or internal packaging of a unit packet or outside packet of hand rolling tobacco—

- (a) must be smooth and, in the case of a unit packet or outside packet which is cuboid in shape, flat, and
- (b) must contain no ridges, embossing or other irregularities of shape or texture,

but this is subject to the following provisions.

(2) Sub-paragraph (1) does not prohibit the inclusion—

- (a) in the case of a unit packet of hand rolling tobacco in the form of a pouch, of any feature which occurs as a necessary part of the process of sealing the pouch during its manufacture, or
- (b) in the case of a unit packet or outside packet of hand rolling tobacco which is cylindrical in shape, of any feature which is necessary to affix the bottom of the cylinder or to enable the lid of the cylinder to be opened and closed.

(3) This paragraph is subject to—

- (a) paragraph 3(3), and

- (b) any provision made by any enactment (whenever passed or made) other than these Regulations.

Inserts etc

2.—(1) No insert or additional material may be attached to or included with the packaging of a unit packet or outside packet of hand rolling tobacco.

(2) Sub-paragraph (1) does not prohibit the inclusion in a unit packet or outside packet of hand rolling tobacco of—

- (a) cigarette papers, or
- (b) filters,

provided they are not visible before the packet is opened; but nothing in the rest of these Regulations applies to cigarette papers or filters included in a unit packet or outside packet of hand rolling tobacco in accordance with this sub-paragraph.

(3) Sub-paragraph (1) does not prohibit a barcode from taking the form of an adhesive label but only if each of the conditions in paragraph 5(2) of Schedule 3 is met.

Tab and seal

3.—(1) If a unit packet of hand rolling tobacco has a tab for resealing the packet, the tab must be clear and transparent and not coloured or marked.

(2) If a unit packet of hand rolling tobacco which is cylindrical in shape contain a foil seal as part of its internal packaging, the foil seal must be silver coloured with no variation in tone or shade.

(3) Paragraph 1 does not prohibit such a foil seal from being textured over any entire surface with small dots or squares embossed on the seal if, but only if, the dots or squares —

- (a) are equidistant from each other,
- (b) are of uniform size, and
- (c) do not form a picture, pattern, image or symbol that is recognisable as anything other than a foil seal.

Wrappers

4.—(1) The following, namely—

- (a) a unit packet of hand rolling tobacco,
- (b) an aggregation of such unit packets which is not contained in an outside packet, and
- (c) an outside packet of such tobacco,

may be enclosed by a wrapper but only if each of the following conditions is met.

(2) Those conditions are—

- (a) that the wrapper is clear and transparent,
- (b) that the wrapper is not coloured or marked,
- (c) that any surface of the wrapper—
 - (i) is smooth and, in the case of a unit packet or outside packet which is cuboid in shape, flat, and
 - (ii) does not contain any ridge, embossing or other irregularity of shape or texture that is not a necessary result of the packaging process, and
- (d) that there is nothing attached to the wrapper,

but this is subject to the following provisions.

(3) A wrapper which encloses an aggregation of unit packets within sub-paragraph (1)(b) may have solid, black rectangles or squares but only so far as they are necessary, and of a minimum size necessary, to cover any barcode on the unit packets enclosed within the wrapper.

(4) A wrapper may have a tear tape if each of the conditions in sub-paragraph (5) is met.

(5) Those conditions are—

(a) that the tear tape is either—

- (i) clear and transparent and not coloured or marked, or
- (ii) black in colour,

(b) that the tear tape forms a continuous straight line which is of constant width not exceeding 3 millimetres, and

(c) that the tear tape is parallel to any straight edge of the packet enclosed by the wrapper.

(6) Sub-paragraph (5)(a)(i) does not prohibit the tear tape from including a single, solid black line—

(a) that is not more than 15 millimetres long, and

(b) that indicates where the tear strip begins.

(7) A wrapper may have a barcode (and that barcode may take the form of an adhesive label) but only if each of the following conditions is met.

(8) Those conditions are—

(a) that the sole purpose of the barcode is to facilitate the sale, distribution and stock control of the tobacco product,

(b) that the colour of the barcode is either—

- (i) black and white, or
- (ii) Pantone 448 C and white,

(c) that the barcode does not form a picture, pattern, image or symbol that is recognisable as anything other than a barcode,

(d) that the barcode appears only once, and

(e) that the barcode does not appear on the front of the wrapper.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Appendix C

Illustrative cigarette packs

This illustration is provided as a general guide as to how a standardised packet of cigarettes may look if standardised packaging of tobacco products were introduced and is not intended to be a comprehensive or final image of a standardised packet.

This illustration does not contain all permissible or required features of standardised packets of cigarettes. For example, the features not shown on the illustration include: duty paid fiscal mark, barcode or text which states the email address and telephone number of the producer.

This illustration has been designed using an image of a cigarette packet following the implementation of the TPD which is contained in the EU guidance available at: http://europa.eu/rapid/press-release_MEMO-14-134_en.htm

The EU library of combined picture warnings has not yet been finalised. The picture warning shown is for illustrative purposes only.



