



Department  
of Health

# Tobacco Packaging Guidance

Guidance for retailers, manufacturers and distributors of tobacco products, enforcement agencies and the public on changes to tobacco packaging from 20 May 2016

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# Tobacco Packaging Guidance

Guidance for retailers and distributors of tobacco products, enforcement agencies and the public on changes to tobacco packaging

**Prepared by the Department of Health**

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# 1. Introduction

## Background and purpose

The law on the packaging of tobacco products is changing in England, Northern Ireland, Scotland and Wales on 20 May 2016.

The purpose of this guidance is to help you identify some of the key new requirements.

## Applicable products

This guidance applies to all tobacco packaging that is, or is intended to be, presented for sale to consumers. This includes, but is not limited to, cigarettes, hand rolling tobacco, water pipe tobacco, cigars, cigarillos, blunts, pipe tobacco and smokeless tobacco.

- *For all tobacco products:*

There are new rules which have been made under a new European Directive called the Tobacco Products Directive ('TPD'). These rules include, for example, minimum sized health warnings.

- *For individual cigarette sticks, cigarette packs and hand rolling tobacco packs:*

There are additional new rules requiring standardised packaging of these products (also known as 'plain packaging'). This is the removal of all promotional aspects except for brand names which must be presented in a standardised way. The packaging must also be in a certain shape and in the required colour scheme. All other colours, trademarks, logos and promotional graphics are prohibited.

This guidance provides information in respect of both the TPD and standardised packaging requirements for tobacco products as applicable.

This guidance also sets out the new TPD packaging requirements for herbal products for smoking. There are no standardised packaging requirements for herbal products for smoking.

This guidance does NOT apply to:

- cigarette papers
- electronic cigarettes

## Importance of tobacco packaging rules

The new packaging rules are important to help to reduce the appeal of tobacco products to consumers (particularly young people), to prevent misleading statements as to benefits of tobacco products, to increase the noticeability of required health warnings and, ultimately, to reduce smoking rates.

## Key dates

The new TPD and standardised packaging rules are required as follows:

- from 20 May 2016: all relevant products branded, manufactured in or imported into the UK after this date must be in the new TPD and standardised packaging (as applicable) if they are intended for consumption in the UK. There is a 1 year period until 21 May 2017 where old stock branded, manufactured, imported into the UK or released for free circulation in the EU before 20 May 2016 may be sold.
- from 21 May 2017: all relevant products which are to be sold or supplied to the UK market must be in the new TPD and standardised packaging (as applicable).

The 1 year sell through period enables retailers to sell old branded stock. For this 1 year period between 20 May 2016 and 20 May 2017 it is likely that there will be both old branded tobacco packs and new TPD-compliant and standardised packs on sale in shops.

## Legislation

- [The Tobacco and Related Products Regulations 2016](#) - these set out requirements mandated under EU law for all tobacco products (under the Tobacco Products Directive (2014/40/EU)), such as the minimum size of health warnings on packaging. The rules come into force on 20 May 2016.
- [The Standardised Packaging of Tobacco Products Regulations 2015](#) - these set out standardised packaging requirements. The rules also come into force on 20 May 2016.

The above legislation should be read in conjunction with following:

- The revised [Tobacco Products Directive 2014/40/EU](#) of 3 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.
- [Commission Implementing Decision \(EU\) 2015/1735](#) of 24 September 2015 on the precise position of the general warning and the information message on roll-your-own tobacco marketed in pouches
- [Commission Implementing Decision \(EU\) 2015/1842](#) of 9 October 2015 on the technical specifications for the layout, design and shape of the combined health warnings for tobacco products for smoking.
- [Proposals and technical specifications for the use of warning messages on tobacco packages](#) - Editing of combined health warnings on smoked tobacco packaging (page 177)

## Disclaimer

This guidance is not intended to be definitive or a substitute for the relevant law. It is a general guide only. For the complete tobacco (and herbal products for smoking) packaging requirements you must refer to the legislation and independent legal advice should be sought where appropriate.

## 2. Requirements applicable to all tobacco products

There are new rules applicable to all tobacco products which are, or are intended to be, presented for sale to consumers (including, but not limited to cigarette packs and hand rolling tobacco packs, cigars, cigarillos, pipe tobacco, blunts and water pipe tobacco). The rules prohibit the packaging of tobacco products from misleading consumers.

### Prohibited packaging features

These are things that applicable tobacco packaging must NOT have:

- information about the tar, nicotine or carbon monoxide content
- discounts, 2-for-1 offers, price reductions or similar offers
- indication that the product is less harmful than other products
- indication that the product has health or lifestyle benefits
- indication that the product has vitalising, energising, healing, rejuvenating, natural or organic properties
- indication that the product has environmental benefits
- indication of tastes, smells or flavours (whilst cigarettes are permitted to have menthol flavour until 2020 and flavours are permitted in tobacco products other than cigarettes and hand rolling tobacco, these are not permitted to be depicted on the packets)
- appearance of a food or cosmetic product

### General conditions applicable to health warnings

These are important conditions applicable to all health warnings on tobacco products:

- the health warning must cover the entire area that is reserved for it
- the exact wording prescribed must be used (warnings must not be commented on or paraphrased)
- the dimensions of a health warning must be calculated in relation to the area of the surface concerned when the pack is closed
- the health warning must remain intact when the pack is open (see overleaf for exemptions)
- in the case of a unit pack with a flip-top lid, the combined health warning may be split when the pack is opened, but only in a manner which ensures the graphical integrity and visibility of the text, photograph and smoking cessation information

*A health warning must be:*

- in English
- fully visible
- permanent
- irremovably printed
- printed on the pack (note: in the case of a unit pack of a tobacco product other than cigarettes and hand rolling tobacco in a pouch, the warning may be printed on a sticker affixed to the pack, provided that the sticker is irremovable)
- surrounded by a black border of a width of 1mm inside the area reserved for it

*A health warning must not:*

- be partially or totally hidden or interrupted by wrappers, jackets or boxes (except for the case of a unit pack presented inside a container pack)
- be partially or totally hidden or interrupted by any other item (such as a tax stamp, price mark or security feature)
- partially hide or interrupt any tax stamp, price mark, tracking or tracing mark, security feature or any other marking which is required under or by virtue of any enactment



### 3. Cigarette pack

All cigarette packs for retail must now be in standardised packaging. Packs must be a cuboid shape and a non-shiny drab dark brown. Brand names are allowed but must be in a set position, font and maximum size. Required health warnings and other permitted features must be presented in a standardised way. There are also internal packaging requirements. All other trademarks, logos, colour schemes and promotional images are prohibited.

This Chapter sets out the new requirements for cigarette packs. The image below is a mock-up of a pack which is fully compliant with both standardised packaging regulations and the TPD.



#### Things cigarette packs MUST have:

- external packet colour Pantone 448C (a drab dark brown) with a matt finish
- cuboid shape (rounded edges allowed)
- a minimum of 20 cigarettes in each pack
- packet made of carton or soft material
- smooth surface with no texture or embossing
- specified picture and text health warnings
- UK Duty Paid mark
- compliance with the general conditions applicable to all tobacco (see Chapter 2)

#### Things cigarette packs must NOT have:

- any other colours or markings
- promotional images or logos
- inserts
- onserts
- slim packets (but slim individual cigarette sticks are allowed)
- indication of flavour of cigarette (e.g. menthol - see Chapter 2)
- non-standard noises or smells
- features which change after sale

## (A) Front and one side of cigarette packs

This section sets out requirements for the front and side of cigarette packs. The image below is a mock-up of the front and side of a pack which is fully compliant with both standardised packaging regulations and the TPD.

### COMBINED HEALTH WARNING PART 1: text warning and picture

- health warning (consisting of a photo and text) on the top edge of the front and back of the pack
- printed in black Neue Frutiger condensed bold type

### COMBINED HEALTH WARNING PART 2: smoking cessation information

- "Get help to stop smoking at [www.nhs.uk/quit](http://www.nhs.uk/quit)"
- printed in black Neue Frutiger condensed bold type on a warm yellow background

### Information message

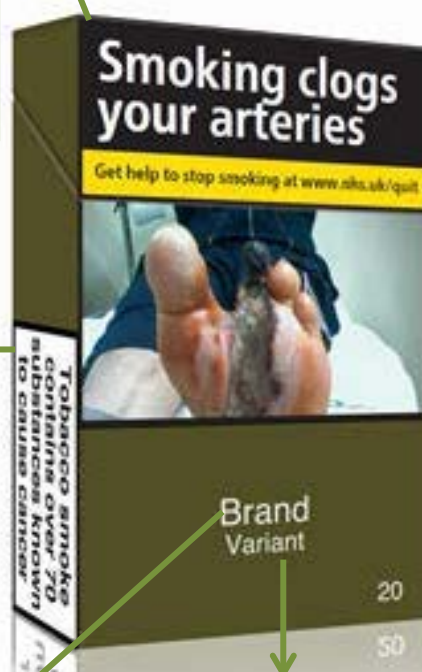
- "Tobacco smoke contains over 70 substances known to cause cancer"
- printed on one side (covering 50% of the surface area)
- black Helvetica bold type on white background

### Brand name

- permitted once each on front, top and bottom of pack
- in Pantone Cool Gray 2 C
- matt finish
- centred
- Helvetica font
- size 14 point or less
- capitalisation of first letter only

### Variant name

- permitted once each on front, top and bottom of pack
- Pantone Cool Grey 2 C
- matt finish
- immediately below brand
- centred
- Helvetica font
- size 10 point or less
- capitalisation of first letter only



## (B) Back and other side of cigarette packs

This section sets out requirements for the back and side of cigarette packs. The images below are mock-ups of the back and side of a pack which is fully compliant with both standardised packaging regulations and the TPD.

### COMBINED HEALTH WARNING PART 1: Text warning and picture

- health warning (consisting of a photo and text) on the top edge of the back and front of the pack
- printed in black Neue Frutiger condensed bold type

### COMBINED HEALTH WARNING PART 2: Smoking cessation information

- "Get help to stop smoking at                     "
- printed in black Neue Frutiger condensed bold type on a warm yellow background

### General health warning

- "Smoking kills - quit now"
- on one side of pack (covering 50% of the surface area)

### Optional once on pack:

- barcode (not on front) - if black/Pantone 448C and white
- calibration mark
- alphanumeric code (such as Codentify)



### UK Duty Paid mark

### Number of cigarettes

- may appear once anywhere on pack
- the number must be figures
- may be followed by the word 'Cigarettes'
- colour must be a matt Pantone Cool Gray
- font must be Helvetic font (size 10 or less for unit packs and size 14 or less for container packs)



## (C) Combined health warnings (CHW) required on cigarette packs

Combined Health Warnings ('CHW') is the name given to the combination of the text warning, picture and smoking cessation information. This section sets out further information about the CHWs as seen in section (A) and (B) of this Chapter. Legislation allows different orientations of the layout of the CHW depending on the size and dimension of the pack.

CHWs must:

- cover 65% of the front and back of pack (the same CHW on both sides)
- appear at the top edge of the surface
- be positioned in the same direction as any other information on that surface
- have minimum dimensions of 52mm wide and 44mm high
- have a picture from the set of photographs for that production year - see the Annex for the full range of images. Each of the photographs listed in the Annex must appear on between 1/24 and 1/12 of the total number of packs under each brand name produced by that producer within that production year.

Full specifications for the combined health warning are set out in [Commission Implementing Decision \(EU\) 2015/1842](#).

## (D) Further cigarette pack features

This section sets out further permitted features of cigarette packs. Whilst permitted they must still meet certain requirements under the new standardised packaging rules.

### Producer details

Producer details may appear once either on the external packaging (not on the front) or on the internal packaging, but not both. It may only be in size 10 or less Helvetica font with a matt finish. If it is on the internal packaging it may be in Pantone Cool Gray 2C, Pantone 448C (a drab dark brown) or black. If on the external packaging it may only be in Pantone Cool Gray 2C.

### Internal packaging

Any internal packaging must be:

- white or Pantone 448 C (a drab dark brown) with a matt finish
- smooth and flat with no ridges, embossing or unusual shape or texture

### Lining

Any lining must be a silver coloured foil with a white paper backing. A textured pattern on the foil is permitted if required for manufacture or packing.

### Wrapper

Any wrapper used must be:

- transparent
- uncoloured and unmarked (except for any black marks required to cover a barcode)
- smooth and flat with no non-standard ridges or texture

Wrappers must not have anything attached but they may have a tear tape (either clear or black) and 1 barcode.

### Inserts and additional material

Inserts and additional materials are prohibited.

## 4. Cigarette sticks

All individual cigarette sticks for retail must now be in standardised packaging. They must be completely white, or white with a cork tip. Brand names are allowed if they have a certain position, size and font. All other trademarks, logos, colour schemes and graphics are prohibited.

This Chapter sets out the new requirements for individual cigarette sticks. The image below is a mock-up of a fully compliant cigarette stick.

There are no restrictions on the size of individual cigarette sticks. Super king size and 'slim' cigarettes are allowed under the new legislation (although slim cigarette packs themselves are not allowed i.e. packs which are less than 52mm wide and 42mm high - the minimum size of the combined health warning).



### Filter tip

- white
- matt finish

### Optional brand and variant name

- black
- parallel to, and no more than 38mm from, non-lighting end
- Helvetica font
- capitalisation of first letter only
- size 8 point or less
- no numbers or symbols (other than '&')

### Paper over filter tip

- imitation cork colour or white
- matt finish

### Paper casing

- white
- matt finish



## 5. Hand rolling tobacco (HRT)

Standardised packaging applies to all hand rolling tobacco ('HRT') products for retail purposes. All packs must be a non-shiny drab dark brown, a certain shape and only have certain text and internal packaging. Brand names are allowed but they must be in a set position, size and font. Required health warnings and other permitted features must also be presented in a required way. All other trademarks, logos, colour schemes and promotional graphics are prohibited.

This Chapter sets out the new standardised packaging and TPD requirements for HRT packs. HRT packs must also meet the general rules applicable to all tobacco products (see Chapter 2).

### (A) HRT external packaging

#### Shape

The pack must be:

- either a pouch, cylindrical or cuboid shape (rounded edges are allowed)
- smooth (and flat if a cuboid) with no ridges, embossing or unusual shape or texture

#### Health warnings

The pack must have:

- a combined health warning (*as for cigarette packs, see Chapter 3(A)-(C)*)
- a general warning - 'Smoking kills - quit now' (*as for cigarette packs, see Chapter 3(B)*)
- an information message - 'Tobacco smoke contains over 70 substances known to cause cancer' (*as for cigarette packs, see Chapter 3(A)*)

**NOTE:** if the unit or container pack is cylindrical in shape, the front and back surfaces are the two opposite halves of the curved surface of the pack that is visible before the pack is opened, if the curved surface is divided equally along a vertical plane.

Further specifications on the precise positioning of the general warning and information message are outlined in [Commission Implementing Decision \(EU\) 2015/1735](#).

#### Brand and variant name

The brand and variant name may be printed on the pack. If so they must be:

- in Pantone Cool Gray 2 C with a matt finish
- in Helvetica font (size 14 or less for brand name and size 10 or less for variant name)
- in letters (with no numbers or symbols other than '&' and capitalisation of first letter only)
- in a centred position with the variant name below the brand name and a maximum of 1 line for each

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- in a limited number of places - i.e. at most:
  - if pouch - once on front, once on back and, if a flap, once on the hidden surface
  - if cylindrical - once on front, once on back and once on lid
  - if cuboid - once on front and once on each of the 2 smallest sides

### Weight of tobacco

A unit pack must contain a minimum of 30g of tobacco. The weight may be printed once on the external packaging (and may be followed by the words 'Rolling Tobacco' or 'Hand Rolling Tobacco') if:

- the weight is in figures not letters and is followed by 'g' (e.g. '20g' not 'twenty grams')
- in Helvetica font (size 10 or less for unit pack and size 14 or less for container pack)
- Pantone Cool Gray 2 C with a matt finish

### Further permitted features

The following are also permitted:

- the producer details may appear once on either the external packaging (not the front) or the internal packaging, but not both
- a barcode may appear once so long as not on the front of the pack
- a calibration mark may appear once if necessary for manufacture and if discreet
- an alphanumeric code may appear (such as Codentify)

Requirements from other legislation are also permitted on HRT packs. This is, for example, any text, image, symbol or marking which is required by law such as the 'e' marks under weights and measures legislation.



## (B) HRT internal packaging and other features

### Internal packaging

Any internal packaging must be:

- white or Pantone 448 C (a drab dark brown) with a matt finish
- smooth and flat with no ridges, embossing or unusual shape or texture

### Inserts and additional material

Inserts and additional materials are prohibited.

### Tab

Any tab for resealing the packet the tab must be transparent, uncoloured and unmarked.

### Seal

Any seal must be silver coloured with no variants in tone or shade (textures which cover the entire surface are permitted if they are uniform small dots or squares).

### Wrapper

Any wrapper used must be transparent, uncoloured and unmarked (except for any black marks required to cover a barcode), smooth (and flat if cuboid shape), not have non-standard ridges or texture and not have anything attached. Wrappers may have one barcode and a tear tape if it is clear or black.

### Cigarette papers and filters

The external packaging of a unit packet of hand rolling tobacco, and of any container packet in which it is contained, may include one of the following texts if it meets the colour, location and size requirements as applicable:

*'includes cigarette papers and filters'*

*'includes cigarette papers'*

*'includes filters'*

The text must:

- be in colour Pantone Cool Gray 2 C with a matt finish
- only appear once (below any variant name or below the brand name if no variant)
- be in lower case Helvetica font (size 10 or less)

The new legislation covered by this guidance does not apply to cigarette papers which can still feature branding. This will, however, still be subject to the current Tobacco Advertising and Promotion (Brandsharing) Regulations 2004 which prohibit advertisements which have the purpose or effect of promoting a tobacco product.

## 6. Other tobacco products (OTP)

Pipe tobacco, water pipe tobacco, blunts and some cigars and cigarillos are classified, for the purpose of this document, as 'other tobacco products' ('OTPs'). OTPs are not subject to standardised packaging but are subject, under the revised TPD, to a number of separate packaging requirements.

### Combined health warnings ('CHW')

Unit packs and any container pack of an OTP must carry a CHW. This is a photo and accompanying text warning and a smoking cessation information message with the text 'Get help to stop smoking at [www.nhs.uk/quit](http://www.nhs.uk/quit)'.

*The CHWs must:*

- appear at the top edge of both the front and back of the unit pack and any container pack (the same CHW on both sides)
- cover 65% of each surface area
- be positioned in the same direction as any other information on that surface
- be rotated annually, using a photograph from the set required in any given production year (see the Annex for more information)

*In addition, the CHWs must:*

- comply with the layout, design and proportions specified in [Commission Implementing Decision \(EU\) 2015/1842](#)
- comply with the general conditions applicable to all health warnings on tobacco products (see Chapter 2)

**NOTE:** if the unit or container pack is cylindrical in shape, the front and back surfaces are the two opposite halves of the curved surface of the pack that is visible before the pack is opened, if the curved surface is divided equally along a vertical plane.

### **Important:**

Each of the photographs listed in the Annex must appear on between 1/24 and 1/12 of the total number of packs under each brand name produced by that producer within that production year.

## General warning and information message

Unit packs and any container pack of OTPs must also carry:

- a general warning consisting of the text: 'Smoking kills – quit now'
- an information warning consisting of the text: 'Tobacco smoke contains over 70 substances known to cause cancer'

Each of these warnings must:

- cover 50% of the area of the surface on which it appears
- be in black Helvetica bold type on a white background
- be in a font size which ensures that the text occupies the greatest possible proportion of the surface area reserved for it
- appear at the centre of the area reserved for it
- in the case of a cuboid shaped unit pack and any container pack, be oriented in parallel to the longest edge of the surface on which it appears
- comply with the general conditions applicable to all health warnings on tobacco products (see Chapter 2)

## General conditions

OTPs must comply with the general conditions applicable to all tobacco products (see Chapter 2).

## 7. Cigars and cigarillos

Large cigars and individually wrapped cigars and cigarillos are not subject to standardised packaging, but are subject to distinct rules under the TPD. The packaging requirements set out in this Chapter apply to any unit pack or container pack which contains a single cigar or cigarillo, or 2 or more cigars each with a unit weight of more than 3g.

A unit pack or container pack which falls under this category must carry a general health warning and a text warning. It must also comply with the general conditions for tobacco products (see Chapter 2).

Cigars and cigarillos which do not fall in this category are subject to the same rules as all other tobacco products (OTPs) (see Chapter 6).

### General health warning

All unit packs and container packs must carry a general health warning: 'Smoking kills - quit now' together with the smoking cessation information: 'Get help to stop smoking at [www.nhs.uk/quit](http://www.nhs.uk/quit)'.

*The general health warning must:*

- appear on the most visible surface of the pack
- cover 30% of the area of the surface on which it appears

### Text warning

All unit packs and container packs must carry one of the text warnings (but not the accompanying photo) listed in the Annex, selected based on the specified rotation requirements as set out in the Annex.

*The text warning must:*

- appear on the next most visible surface of the pack or, if the pack has a hinged lid, the surface that appears when the pack is opened
- cover 40% of the area of the surface on which it appears.

### Important:

Each of the text warnings listed in the Annex must appear on between 1/24 and 1/12 of the total number of packs under each brand name produced by that producer within that production year.

### General requirements

Where one of the warnings (either the general health warning or the text warning) is to appear on a surface with an area which is greater than 150 square centimetres, the health warning must cover at least 45 square centimetres of that surface.

*Both the general health warning and the text warning must:*

- be in black Helvetica bold type on a white background

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- be in a font size which ensures that the text occupies the greatest possible proportion of the surface area reserved for it
- appear at the centre of that area
- be parallel to the main text on the surface concerned
- comply with the general conditions applicable to all health warnings on tobacco products (see Chapter 2)

## 8. Smokeless tobacco products

A smokeless tobacco product is a tobacco product that is consumed in a way which does not involve a combustion process, including chewing tobacco and nasal tobacco.

### Health warning

Any unit pack and any container pack of a smokeless tobacco product must carry a health warning consisting of the text: 'This tobacco product damages your health and is addictive'.

*The health warning must:*

- appear on both the front and back surfaces of the pack
- cover 30% of the area of each of those surfaces
- be in black Helvetica bold type on a white background
- be in a font size which ensures that the text occupies the greatest possible proportion of the surface area reserved for it
- appear at the centre of that area
- be parallel to the main text on the surface concerned
- comply with the general conditions applicable to all health warnings on tobacco products (see Chapter 2)

### General conditions

Any unit pack and any container pack of a smokeless tobacco product must also comply with the general conditions applicable to all tobacco products (see Chapter 2).

## 9. Herbal products for smoking

Herbal products for smoking are not subject to standardised packaging requirements but are subject to new requirements under the revised TPD. Herbal products for smoking are defined as a product based on plants, herbs or fruits which contains no tobacco and which can be consumed via a combustion process.

### Health warning

Each unit pack and any container pack of a herbal product for smoking must carry a health warning consisting of the text: 'Smoking this product damages your health'.

*The health warning must:*

- appear on both the front and back surfaces of the unit pack and any container pack
- cover 30% of the area of each of those surfaces (as calculated when the pack is closed)
- be in black Helvetica bold type on a white background
- be in a font size which ensures that the text occupies the greatest possible proportion of the surface area reserved for it
- appear at the centre of that area

*Unit packs and any container packs of herbal products for smoking must not:*

- state that the product is free of additives or flavourings
- include any element or feature that:
  - promotes a herbal product for smoking 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 a herbal product for smoking
  - resembles a food or a cosmetic product
  - suggests that a particular herbal product for smoking:
    - is less harmful than other herbal products for smoking
    - aims to reduce the effect of some harmful components of smoke
    - has vitalising, energising, healing, rejuvenating, natural or organic properties
    - has other health or lifestyle benefits

The prohibited elements and features referred to above include (but are not limited to) texts, symbols, names, trademarks, figurative signs or other types of signs.

## 10. Purchasing products from abroad

### Cross-border distance retail

Retailers from outside the UK that sell tobacco (or herbal products for smoking) to smokers in the UK (for example over the internet) must only sell products to UK based customers which meet the new TPD and standardised packaging rules, as applicable.

Businesses which supply tobacco products or e-cigarettes via cross border sales must also be registered with the UK Government if the business:

- is established in any country and supplies the products to UK consumers
- is established in the UK and supplies the products to consumers in another EEA state

See [Tobacco products and e-cigarette cross-border sales registration](#) for further information.

### Personal use

Provided they are only for personal use, an individual may personally bring tobacco products (and herbal products for smoking) which are not in packaging which meets the new TPD and standardised packaging rules, as applicable, into the UK from outside the UK. For example an individual may buy tobacco in non-compliant packaging when on holiday in another country and bring it back home to the UK for their own use. This exception does not apply if the individual buys the product from out-with the UK whilst in the UK.



## 11. Wholesale

The packaging requirements only apply to retail packaging (i.e. packaging that is, or is intended to be, presented for sale to consumers).

Wholesale packaging which is not intended for view by consumers, for example boxes used for transport and storage of cigarette packs, does not need to have standardised packaging.

## 12.Key points for retailers and suppliers

### Sell through period

There is a sell through period of 1 year. This means that tobacco products (and herbal products for smoking) which do not meet the new TPD and standardised packaging rules, as applicable, can be sold before 21 May 2017 if the products are branded, manufactured, imported into the UK or released for free circulation in the EU before 20 May 2016. This is to allow retailers to get through existing stock. From 21 May 2017, however, all relevant products sold to retail customers in the UK must have TPD-compliant and standardised packaging as applicable.

### Managing stock

To effectively manage stock during the transition it might be helpful to:

- find out from your supplier when they will be supplying you with products which meet the applicable TPD and standardised packaging requirements
- think about how much product which does not meet the new TPD and standardised packaging rules (as applicable) that you hold and continue to purchase in order to minimise the quantity of stock you may have which will be illegal to supply or sell after 20 May 2017
- find out from your supplier what will happen to any non-compliant stock you have after 21 May 2017. For example, can you return that stock to the supplier?

### Your responsibility

It is your responsibility to ensure that all tobacco products (and herbal products for smoking), including imports, that you offer for supply or sale in the UK meet the TPD and standardised packaging requirements as applicable. It is your responsibility to understand all of the requirements so that you can meet your obligation under the law.

### Interaction with the display ban

Standardised packaging and the covering of displays are separate issues. The display ban prevents promotion at the point of sale. The restrictions on the display of tobacco in shops continue to apply and you must comply with these requirements.

Tobacco packaging, however, acts as a promotional tool at any point when it is exposed during use and the brand imagery can act as an advertisement. Ending open displays of tobacco in shops does not affect the exposure of young people to cigarette brand imagery at other times, such as when friends and family members who smoke take out their cigarette packets or leave them lying around. You must, therefore, comply with standardised packaging rules too.

### Labelling of gantries

Further to legislation made under the Tobacco Advertising and Promotion Act 2002, tobacco advertising and promotion is prohibited. For staff to be able to easily find products in their shop, however, one price label is permitted for each tobacco product either on the covered shelf where the product is stored or on the front of the storage unit if it meets the requirements of the tobacco advertising and promotion legislation.

## 13. Offences

It is an offence to produce or supply a tobacco product (or herbal products for smoking) in breach of the requirements under the Standardised Packaging of Tobacco Products Regulations 2015 or the Tobacco and Related Products Regulations 2016.

### Body corporate

A director, manager, secretary or other similar officer (or someone acting as such) of a body corporate also commits an offence if there is consent, connivance or neglect by such officer in respect of the body corporate's offence.

### Scottish partnership

A partner (or someone acting as such) in a Scottish partnership also commits an offence if there is consent, connivance or neglect by such partner in respect of the Scottish partnership's offence.

### Defences

It is a defence that a person supplying the tobacco product did not know, and did not have reasonable grounds for suspecting, that the tobacco product was supplied in breach of the Regulations.

### Penalties

A person guilty of an offence under the Standardised Packaging of Tobacco Regulations:

- is liable on summary conviction to imprisonment for a term not exceeding 3 months, or a fine, or both; or
- is liable on conviction on indictment to imprisonment for a term not exceeding 2 years, or a fine, or both.

A person guilty of an offence under the Tobacco and Related Products Regulations is liable:

- on summary conviction in England or Wales to imprisonment for a term not exceeding 3 months, or a fine, or both;
- on summary conviction in Scotland to imprisonment for a term not exceeding 12 months, or a fine not exceeding level 5 on the standard scale, or both;
- on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 3 months, or a fine not exceeding level 5 on the standards scale, or both; or
- on conviction on indictment to imprisonment for a term not exceeding 2 years, or a fine, or both.

## 14. Further information

### Contact

If tobacco packaging (or packaging of herbal products for smoking) does not comply with the relevant requirements under the TPD or standardised packaging, as applicable, you should contact your local authority Trading Standards Department.

### More information

For more information on background to the policy visit:

- <https://www.gov.uk/government/consultations/standardised-packaging-of-tobacco-products-draft-regulations>
- <https://www.gov.uk/government/consultations/draft-regulations-on-the-sale-and-manufacture-of-tobacco-products>

## ANNEX - Rotation of graphic health warnings

This is the Annex referred to in the body of the Guidance.

### Which warnings should be on which packs?

The graphic health warnings should be rotated annually and a different set of pictures must be used in each production year:

- one of the graphical health warnings from Set 1 below should appear on all packs in production year May 2016 – May 2017 and every third production year thereafter (2019-2020; 2022-2023 etc.)
- one of the graphical health warnings from Set 2 below should appear on all packs in production year May 2017 – May 2018 and every third production year thereafter (2020-2021; 2023-2024 etc.)
- one of the graphical health warnings from Set 3 below should appear on all packs in production year May 2018 – May 2019 and every third production year thereafter (2021-2022; 2024-2025 etc.)

### Important

Each of the warnings listed in this Annex must appear on between 1/24 and 1/12 of the total number of packs under each brand name produced by that producer within that production year.

### Graphical health warning library

The library of the 3 sets of graphic health warnings are set out in the following pages.

SET 1





SET 2



SET 3

