

Minister Wallace announces date for removal of all point-of-sale advertising for tobacco products

9 July 2008

Ms Mary Wallace T.D., Minister of State at the Department of Health and Children with special responsibility for Health Promotion and Food Safety, today (Wednesday, 9th July 2008) announced that further provisions of the Public Health (Tobacco) Acts 2002 and 2004 are to be commenced on 1 July 2009. The key provisions being commenced are:

- ban on all in-store/point-of-sale advertising of tobacco products,
- ban on the display of tobacco products in retail premises,
- introduction of a closed container / dispenser provision,
- tighter controls on the location and operation of tobacco vending machines,
- introduction of a retail register for tobacco retailers.

From 1 July 2009, no advertising or display of tobacco products will be permitted in retail outlets. The location of prominent tobacco displays in retail outlets plays a role in promoting tobacco consumption. Its placement in proximity to everyday consumer goods such as newspapers and sweets helps tobacco to be seen as another benign consumer product. Research shows that tobacco advertising at the point of sale is a key factor in a young person starting and continuing to smoke. If young people can be prevented from purchasing tobacco products there is less chance they will become addicted and suffer a smoking related illness. Restricting advertising will also support adults who are trying to quit.

Self-service vending machines will be permitted in licensed premises or registered clubs only. They must be token activated and located within the view of a responsible member of staff.

The Minister said **“Tobacco use continues to be the leading cause of preventable death in Ireland. Each year almost 7,000 people die prematurely from the effects of tobacco and thousands of others become ill because of tobacco-related diseases. Commencement of these provisions will further de-normalise tobacco and protect both children and adults from the dangers of tobacco consumption. The Smoke Free at Work initiative is a positive example of how a policy intervention can achieve its public health goals while achieving a high level of acceptance among smokers and the aim is to build on this.”**

What Sections are to be commenced?

- Section 33 (as amended) - Prohibition of advertising of tobacco products (linked to 2003 Directive)
- Section 35 (as amended) - Exemption from general advertising prohibition for trade and non-EU publications
- Section 36 (as amended) – Prohibition of sponsorship (linked to the 2003 Directive)
- Section 37 (as amended) – Retail Register.
- Section 38 (as amended)-
 - 38(2) Prohibition on oral smokeless products.
 - 38(4) Health warnings.
 - 38(6) Regulations under Directive 2001/37/EC. SI425/2003 the European Communities (Manufacture, Presentation and Sale of Tobacco Products) Regulations 2003 gave effect to the measures under the Directive. This regulation will merely re-enact them.
 - 38(7) Prohibition of the supply of tobacco products free of charge.
 - 38(8) Prohibition of supply of vouchers/coupons to be exchanged for a tobacco product.

- 38(9) Prohibition on sale or supply of tobacco products where part of the consideration given to purchaser is gift, token, trading stamp, voucher.
 - 38(10) Regulating the prices of tobacco products so that they do not constitute a sales promotion device.
 - 38(11) Creates an offence for breach of 38(10).
- Section 39 (as amended) – Provides for regulations under Article 3 of Directive 2001/37/EC in relation to the maximum tar, nicotine and carbon monoxide yields of cigarettes.
 - Section 42 (as amended) - Prohibition on certain assertions re tobacco products.
 - Section 43 (as amended) - Offences relating to sale by retail of tobacco products (Closed container, vending machine & POS advertising ban).
 - Section 44 – exemption from Section 43 (specialist shops).

Sections of the Public Health (Tobacco) Acts 2002 and 2004 as set out above will come into force on 1 July 2009.

Ban on Point of Sale Advertising

No in-store advertising or promotional material for tobacco products will be permitted from 1/7/09. This includes gantries change mats, mouse pads, till covers, decals etc.

Advertisement includes every form of recommendation of the product to the public and in particular a statement of –

- the name of a manufacturer, importer or brand of tobacco product
- any trade description, designation, display or other publication of a trademark, emblem, marketing image or logo, (this includes the use of colour),
- the properties of the product on a label, container, wrapper or package used for the product or in a leaflet, circular, pamphlet or brochure issued to the public or given to a purchaser of the product.

No display of tobacco products will be permitted.

Retail Register

The Office of Tobacco Control (OTC) will be responsible for the establishment and maintenance of the Retail Register

- Anyone who wishes to sell tobacco products must register with the OTC
- Each applicant must pay a registration fee of €50
- New retailers must register before they can sell tobacco products
- Existing retailers must register within three months of commencement i.e. by 01/10/09
- In relation to vending machines, both the vending machine operator and licensed premises or registered club will be required to register.

Provision of Product Information

On request, retailers may show:

- the member of the public one packet only of each tobacco product sold, or
- a menu board with one image (no greater than the size of the packet concerned) of each tobacco product sold, with the mandatory health warnings on each image.
- Separate menu boards for roll your own tobacco, cigars and vending machine stock are permitted
- A menu board may be provided to the customer if required, it cannot be on display

Self-Service Vending Machines

- Self-service vending machines will be permitted in licensed premises or registered clubs only
- A self-service vending machine must be located within the view of a responsible member of staff
- All self-service vending machines must be token activated
- No tobacco advertising will be permitted on self-service vending machines
- A black and white text only information ticket will inform the customer of the tobacco products available
- If necessary, a menu board (as above) may also be provided to the customer to inform them of the brands stocked
- A menu board cannot to be on display

Closed Container

- All tobacco products must be out of view and stored within a closed container or dispenser only accessible by the retailer
- The location of the container is a matter for the retailer
- The container is not required to be under the counter, it is the tobacco product rather than the container itself that has to be out of sight.

Enforcement

The legislation will be enforced by the Environmental Health Officers of the Health Service Executive.