

1. DRAFT AMENDMENTS TO THE TOBACCO CONTROL ACT

The following amendments are made to the Act of 9 March 1973, no. 14 relating to Prevention of the Harmful Effects of Tobacco (amendments in italics):

Section first Paragraph shall read:

This Act shall apply to the import, export, sale, design and use of tobacco products *and tobacco packaging*, smoking accessories, tobacco substitutes and imitation tobacco products.

The heading for Section 30 shall read:

Requirements concerning *design and* labelling of *packaging*, tobacco products and smoking accessories

Section 30 new first Paragraph shall read:

It is unlawful import to Norway, sell or distribute tobacco packaging and tobacco products that are not of standardised design in accordance with detailed provisions established by the Ministry in regulations. The standardisation may apply to shape, size, appearance, colour, material and texture, labelling, including a ban on misleading labelling, opening mechanisms and other design elements, including use of brand names, logos and other elements tied to branding in addition to other functions used to distinguish tobacco brands from one another. The Ministry can issue regulations with respect to similar standardisation of labelling and design of packaging for smoking accessories and tobacco substitutes.

The current first Paragraph will be the new second Paragraph.

The current second and third Paragraphs are repealed.

Section 30 new third Paragraph shall read:

The requirements in the first and second Paragraphs do not apply to the legal duty-free goods quota for travellers entering Norway, or lesser quantities that are purchased abroad brought into the country for personal use or as gifts.

Section 31 shall read:

It is prohibited to import, sell or distribute boxes, cases, covers and any other product that is intended to fully or partially conceal or disguise *tobacco packaging or* the health warnings in *Section 30 second paragraph*.

The heading for Section 33 shall read:

Regulation of minimum size and weight of tobacco products

Section 33 shall read:

The Ministry may issue regulations regarding the minimum number of units and weight of tobacco products per package that may be sold in retail trade.

New Section 41A shall read:

Seizure and destruction of illegally imported tobacco products, tobacco substitutes and smoking accessories

Tobacco products, tobacco substitutes and smoking accessories that are imported in violation of Sections 30 and 31 with regulations may be withheld, seized and destroyed.

In the event of withholding, the recipient shall be notified that the product will be considered for seizure and destruction. The recipient shall be given the opportunity to make a statement in the case within a specified deadline.

If the recipient does not provide a statement within the deadline, the product may be seized and destroyed. The Public Administration Act Sections 23, 24, 25 and 27 are not applicable when the recipient has not provided a statement within the deadline.

The King may issue regulations concerning implementation of this provision, including establishing deadlines for submitting a response to a notice issued in accordance with the second paragraph.

The King may by regulations issue exceptions from the right of appeal of the decision made in accordance with this provision.

2. DRAFT AMENDMENTS TO THE LABELLING REGULATIONS

The following amendments shall be made to regulations no. 141 of 6 February 2003 on the contents and labelling of tobacco products:

The title of the regulations shall read:

Regulations no. 141 of 6 February 2003 on the contents and *standardisation of labelling and design* of tobacco products

Section 1 shall read:

The object of these regulations is to limit the damage to health caused by the use of tobacco *by reducing the consumption of tobacco products. The regulations also have the objective of preventing consumption of tobacco products by regulating them so that they do not appeal to children and youth, by the increased attention to and impact of health warnings, and by minimising the risk that the design is misleading with regard to the harmful effects to health of tobacco use.*

Section 3 new no. 5 to 15 shall read:

5. *“insert” refers to any element that is placed in a tobacco packaging with the exception of the lining.*
6. *“trademark” refers to characteristics of products or services in business activities in accordance with the Trademarks Act.*
7. *“brand name” refers to the primary name of tobacco products belonging to the same brand family.*
8. *“variant name” refers to any name by which the product is distinguished from other tobacco products under the same brand name.*
9. *“pouch” refers to a unit packet of hand-rolling tobacco, either in the form of a rectangular pocket with a flap that covers the opening or in the form of a standing pouch;*
10. *“unit packet” refers to the smallest individual packaging of a tobacco or related product intended for retail sale;*
11. *“external packaging” refers to any packaging containing tobacco products or tobacco substitutes intended for retail sale.*
12. *“wrapping” refers to cellophane or plastic wrapper, or other transparent material used to contain an individual packet or external packaging of tobacco products or tobacco substitutes.*
13. *“outer surfaces” refers to:*
 - *any surface that is visible before the packaging is opened to reveal unit packets and outside packaging of tobacco products, with the exception of tobacco products in pouch packaging*

- *any surface that is visible before the packaging is opened, in addition to the surface that is covered by the flap before it is opened for tobacco products in pouch packaging*
- 14. *“inner surfaces” refers to the part of the tobacco packet that is not encompassed by outer surfaces.*
- 15. *“inside lip” of a cigarette pack means the part of the outer surfaces of the pack that is obscured when the flip-top lid is closed.*

The current Section 17 is repealed.

New chapter IV shall read:

Chapter IV: Standardisation of colour and other packaging elements for tobacco packaging

Section 17. Colour and finish for tobacco packaging

The colour of all outer surfaces of external packaging and unit packets shall be Pantone 448 C with a matt finish, unless otherwise stipulated by act or regulation.

All inner surfaces of external packaging and unit packets for cigarettes shall be white or Pantone 448 C, with a matt finish.

All inner surfaces of external packaging and unit packets for packaging other than cigarettes shall be:

- a) white or*
- b) the natural colour of the respective material*

Section 18. Surfaces

All outer and inner surfaces of external packaging and unit packets shall:

- a) be flat and smooth, and*
- b) not contain irregular elements such as embossing, ridges etc. in shape or texture*

The first paragraph does not apply to pouch and bag packaging if certain elements are necessary to close the pouch or bag. The first paragraph also does not apply to hand-rolled tobacco in cylindrical packaging, which has elements that are necessary for fastening the base of the package or in opening and closing the lid.

The first paragraph also does not apply to batch number, cf. Section 16. This cannot be placed on the front of unit packets.

Section 19. Inserts and tab and seal

Inserts in or additional elements to a unit packet or an outside packaging.

The first paragraph does not prohibit the sale of hand-rolled tobacco with filters and cigarette paper provided these are not visible before the packaging is opened.

Tab and seal for pouch and bag packaging shall be transparent and without colours.

Section 20. Lining

The lining for unit packets for tobacco products shall be uniform silver foil with white paper on the back.

If it is necessary with regard to manufacturing or packaging, the lining may contain small dots or squares in the texture, in which case these shall be placed an equal distance apart, have a uniform size and shall not form an image or symbol, etc.

Section 21. Wrapping material

Unit packets and external packaging may be covered by wrapping material if this is transparent and colourless. Furthermore, the wrapping material must be flat and smooth, and not contain labelling or texture that is unnecessary to the manufacturing process. No elements may be fastened to the wrapping material.

The wrapping material may be labelled with black squares to cover the barcode if this is necessary.

Tear strips shall be either transparent or black. They may not be wider than 3 millimetres and must be parallel with the upper edge of the packaging. Furthermore, the strip may have a long black line which is no more than 15 millimetres in length to indicate where the strip begins.

Section 22. Barcode

The wrapping material, external packaging and unit packets may be marked with a barcode if:

- a) it is used for sales purposes, distribution or warehouse management,*
- b) it is either black or white, or Pantone 448 C and white, and*
- c) it does not constitute an image, pattern or symbol that imitates anything other than a barcode.*

The barcode may only be printed once, and cannot be printed on the front of the unit packet or the external packaging.

The barcode may be a self-adhesive label.

Section 23. Calibration mark

The outer surface of a unit packet and outer surface of external packaging may contain a calibration mark if this is necessary for the manufacturing. The mark shall be as inconspicuous as possible without limiting its function.

Section 24. Product presentation

Unit packets and external packaging shall not contain elements that:

- a) promote a tobacco product or encourage its use by giving a misleading impression of the product's characteristics, its effect on health, risks or emissions,*
- b) create the impression that a specific tobacco product is less harmful than another*
- c) create the impression that a tobacco product is associated with energy and vitality, that it has rejuvenating and healing qualities, or that it contains natural or organic ingredients or that it has other positive effects on health and lifestyle*
- d) create the impression that its purpose is to reduce the effect of certain harmful elements in the tobacco smoke*

- e) *refer to taste, smell or any flavourings or other , additives, or the absence of any such thing make the tobacco product resemble a food product or cosmetic product*
- f) *create the impression that a certain tobacco product has improved biodegradability or other environmental advantages*

Elements that are prohibited in accordance with the first paragraph can include, but not be limited to, text, symbols, names, trademarks, shapes or other signs.

Section 25. *Ban on packaging elements which change after sale*

Packaging elements which change in some form after purchase are prohibited. These include:

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

The new Chapter V shall read:

Chapter V. Regulations regarding material, size, shape and opening mechanisms for tobacco packets

Section 26. *Regulations regarding material, size, shape and opening mechanisms for cigarette packets*

Unit packets for cigarettes shall be:

- a) *made of either cardboard or a soft material*
- b) *have a cuboid shape*

Unit packets of cigarettes must not have an opening that can be re-closed or re-sealed after being opened, with the exception of a foldable lid (flip-tip), and shoulder boxes with hinged lids, which must be hinged on the back of the packet.

For shoulder boxes with hinged lids, the height of box's side, measured between the front and the back of the packet, must be at least 16 millimetres.

Section 27. *Regulations regarding shape and size of packets for hand-rolling tobacco*

Unit packets of hand-rolling tobacco packets must be cuboid, cylindrical or in the form of a pouch.

For shoulder boxes with hinged lids, the height of box's side, measured between the front and the back of the packet, must be at least 16 millimetres.

Section 28. *Regulations on shape and material for snus packs*

Unit packets of snus must be shaped as cylindrical cans or tins, with uniform lids and uniformly flat bases.

Snus packs may be made from either hard plastic, cardboard or metal.

The new Chapter VI shall read:

Chapter VI. Marking of tobacco packets with brand and variant names, and manufacturer information

Section 29. General provisions regarding brand and variant names on tobacco packaging

External packaging and unit packets of tobacco products may have text printed on it which states the brand name and variant name, but only if the following requirements are met:

- a) the text cannot contain any characters which are not alphabetical, numerical or an ampersand*
- b) the first letter of any word is in uppercase type or lowercase type, but the rest of the word must be in lowercase type*
- c) the text is printed in Helvetica typeface*
- d) the colour of the text is Pantone Cool Gray 2 C with a matt finish*
- e) the text is in a normal, weighted, regular typeface*
- f) the brand name does not take up more than one line, and is no larger than 14 point*
- g) the variant name appears immediately below the brand name, does not take up more than one line, and its size is no larger than 10 point*

Section 30. Labelling of brand and variant names on cigarette packets

On cigarette packets, brand and variant names may be printed in the following manner: Brand and variant names may appear only once on the front surface of the unit packet, or external packaging, and once on each of the two smallest surfaces of the packet.

The brand and variant name must be located at the centre of any such surface outside the designated area for health warnings, and must be orientated in accordance with the warning.

Section 31. Labelling of brand and variant names on other tobacco packaging

On the following types of packaging, the brand and variant names must be printed in the following manner:

- a) For cuboid or other non-cylindrical packet shapes: the brand and variant name can be printed only once on the front surface of the unit packet or external packaging, and only once on each of the two smallest surfaces of the packet. On packages that do not have room for text, the brand and variant name can be printed only once on the front surface of the packet and only once on the back surface.*
- b) For cylindrical packaging: The brand and variant name can be printed only once on the side of the unit packet or external packaging, and only once on the lid.*
- c) For packet in the form of a pouch: The brand and variant name can be printed only once on the front surface of the unit packet or external packaging and only once on the back surface. If the pouch has a pocket with a rectangular flap that covers the opening, the brand and variant name may be printed on the surface covered by the flap.*
- d) Cigar tubes: The brand and variant name can be printed only once, just below the health warning, and must be orientated in the same direction as the warning.*

The brand and variant name must be located on the centre of the surface outside the designated area for health warnings, and must be oriented in accordance with the warning.

Section 32. Labelling with information about the manufacturer

Unit packets or external packaging for tobacco products may only be marked only once, either on outer or inner surfaces with the following information:

- a) the name of the manufacturer*
- b) the address of the manufacturer*
- c) the e-mail address of the manufacturer*
- d) the telephone number of the manufacturer*

These markings must:

- a) include characters which are alphabetical, numerical or ampersands. E-mail addresses may include the sign “@”*
- b) be printed such that the first letter of any word is in uppercase type or lowercase type, while the rest of the word is in lowercase type*
- c) be printed with typeface Helvetica*
- d) use the colour Pantone Cool Gray 2 C or black, with a matt finish, on all text on inner surfaces of external packaging, and on unit packets.*
- e) use normal, weighted, regular typeface no larger than 10 point for text*
- f) not be printed on the front surface of unit packets or external packaging*

The new Chapter VII shall read:

Chapter VII. Minimum size and marking of content and weight

Section 33. Minimum size and weight for tobacco products

Unit packets sold to the consumer must contain no less than 20 cigarettes. These are not permitted to contain smaller packets, or to enable the product to be divided into smaller packets.

Only unit packets with hand rolling tobacco which contains at least 30 grams of tobacco may be sold to the consumer.

Cigars which are to be sold individually must be sold in a cigar tube.

Section 34. Marking of the number of units in packages for cigarettes, cigarillos and cigars

External packaging and unit packets may be marked with the words: “Cigarettes”, “Cigarillos”, or “Cigars”, as well as the number of units in the packet, if the following conditions are met:

- a) The number of units must be provided numerically*
- b) The surface of the external packaging is marked with either the total number of units in the unit packets, or the number of unit packets multiplied by the number of units in each unit packet, using the sign “x”*
- c) The text must be printed in Helvetica typeface*
- d) The colour of the text must be Pantone Cool Gray 2 C with a matt finish*

- e) *The text must be a normal, weighted typeface*
- f) *The text on unit packets must not be larger than 10 point*
- g) *The text on external packaging must not be larger than 14 point*
- h) *The text may only be printed once*
- i) *Markings must be printed in the same direction as the health warning*

Section 35. *Marking of weight and contents in hand rolling tobacco, snus, chewing tobacco and pipe tobacco*

External packaging and unit packets may be marked with the words “Rolling tobacco”, “Snus”, “Chewing tobacco” or “Pipe tobacco”, and may specify weight, if the following conditions are met:

- a) *Weight is specified numerically, following by the letter “g”*
- b) *External packaging may be marked with either the total weight of all unit packets, or the total number of unit packets multiplied by the weight of the tobacco in each unit packet, by using the sign “x”*
- c) *The text is printed in Helvetica typeface*
- d) *The colour of the text is Pantone Cool Gray 2 C with a matt finish*
- e) *The text is a normal, weighted typeface*
- f) *The text on unit packets must not be larger than 10 point*
- g) *The text on external packaging is not larger than 14 point*
- h) *The text is only printed once*
- i) *Markings is printed in the same direction as the health warning.*

The new Chapter VIII shall read:

Chapter VIII. Regulations regarding the design of tobacco products

Section 36. *Prohibition of misleading labelling and elements that may change after sale*

Prohibitions listed under regulations in Section 24 and 25 regarding misleading labelling and elements that may change after sale also apply to the labelling of the tobacco products themselves.

Section 37. *Regulations regarding cigarette design*

Cigarettes shall be designed in the following manner:

All papers, filters, casings on the outside of the filters, as well as other material used in the cigarettes, with the exception of tobacco, must be white with a matt finish. The casing at the end of the cigarette may be coloured in such a way as to resemble cork.

Cigarettes may be marked with text that identifies the brand name and variant name if the following conditions are met:

- a) *the text is parallel to, and no more than 38 millimetres from, the end which will not be lit*
- b) *the text does not contain any character which is not alphabetic, numeric or an ampersand*

- c) the first letter of any word is in uppercase or lowercase type, and the rest of any word is in lowercase type*
- d) the text is printed in Helvetica typeface*
- e) the colour of the text is black*
- f) the text is in a normal, weighted typeface*
- g) the size of the text is no larger than 8 point*

Section 38. Regulations on the design of cigars

Cigars may have a single cigar band using the colour Pantone Cool Gray 2 C.

The cigar band may be self-adhesive.

The cigar band may be marked with the brand name and variant name, and the manufacturer name. These must be placed horizontally along the length of the band.

Furthermore, the band can be marked with the country of origin and alphanumeric code.

Marking according to the second paragraph must meet the following conditions:

- a) the text can only be written once on the band*
- b) the text is printed in Helvetica typeface*
- c) the text is no larger than 10 point*
- d) the text is in a normal, weighted typeface*
- e) the colour of the text is Pantone Cool Gray 2 C.*

Section 39. Regulations regarding papers, filters and sheaths for hand rolling tobacco

Papers, filters and sheaths for use with hand rolling tobacco must be white

Section 40. Regulations regarding the design of snus portions

The material used for wrapping individual snus portions must be white

The existing Chapter IV will become Chapter IX.

Section 20 is repealed.

The existing Sections 18 through 24 will become Sections 41 through 46.