FOOD ACT 1983

CONTROL OF TOBACCO PRODUCT (AMENDMENT) REGULATIONS 2008

IN exercise of the powers conferred by section 36 of the Food Act 1983 [*Act 281*], the Minister makes the following regulations:

Citation and commencement

1. (1) These regulations may be cited as the **Control of Tobacco Product (Amendment) Regulations 2008.**

(2) Except for regulations 4, 5 and 8**,** these Regulations come into operation on 15 September 2008.

(3) Regulations 4, 5 and 8 come into operation on 1 January 2009.

Amendment of regulation 2

2. The Control of Tobacco Product Regulations 2004 [*P.U. (A) 324/2004*], which are referred to as the "principal Regulations" in these Regulations, are amended in regulation 2–

(a) by inserting after the definition of "higher educational institution" the following definition:

' "carton" means a box which is rectangular in shape that contains two or more packets of cigarette;';

(b) by inserting after the definition of “manufacturer” the following definition:

‘ “importer” means any person who, whether as owner, consignor, consignee, agent or broker, is in possession of, or is otherwise entitled to the custody or control, of the imported tobacco products;’; and

(c) by inserting after the definition of “theatre” the following definition:

‘ “place of national service training” means any place as may be determined by the National Service Training Council by notification in the *Gazette* under subsection 17(1) of the National Service Training Act 2003 [*Act 628*];’.

Amendment of regulation 11

3. Subregulation 11(1) of the principal Regulations is amended-

(a) in paragraph *(n)*, by inserting after the words “in any” the words “area in a”;

(b) in paragraph *(r)*, by deleting the word “or’ at the end of that paragraph;

(c) in paragraph *(s)*, by substituting for the full stop the words “; or”; and

(d) by inserting after paragraph *(s)* the following paragraph:

“*(t)* in any area in a place of national service training.”.

Amendment of regulation 15

4. The principal Regulations are amended by substituting for regulation 15 the following regulations:

"**Health warning on cigarette packaging**

15. (1) There shall be clearly and conspicuously printed in a prominent position a health warning–

(a) on each unit packet of cigarette supplied or offered to be supplied in the course of any trade or business–

(i) with any of the set texts and images as specified in the Fifth Schedule;

(ii) with forty percent coverage area to be positioned from the top on the front panel; and

(iii) with sixty percent coverage area to be positioned from the top on the back panel; and

(b) on each unit carton of cigarette supplied or offered to be supplied in the course of any trade or business–

(i) with any of the set texts and images as specified in the Sixth Schedule;

(ii) with forty percent coverage area to be positioned from the side edge of the top panel; and

(iii) with sixty percent coverage area to be positioned from the side edge of the ground panel.

(2) For the purpose of subregulation (1)–

(a) the resolution for all images on the packaging of a cigarette shall be not less than of 300 dpi (“dpi” or “dots per inch” means the degree of resolution of printing images expressed in terms of number of printed dots per linear inch); and

(b) all texts and images shall be printed using not less than 4 colour printing.

(3) Each of the health warning set out in the Fifth and Sixth Schedules shall be printed in rotation on the packaging of each brand and type of cigarette in order that each health warning shall appear as far as possible on an equal number of packaging of each brand and type of cigarette.

(4) Every manufacturer and importer of cigarette shall declare to the Director, a report on the frequency of appearance of each health warning on each brand and types of cigarette packaging manufactured or imported on a six month interval beginning from the date of commencement of these Regulations.

(5) Any person who contravenes this regulation commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years or to both.”.

New regulations 15A, 15B and 15C

5. The principal Regulations are amended by inserting after regulation 15 the following regulations:

"**Health information, sale restriction and other particulars on cigarette packaging**

15A. (1) In addition to the health warning referred to in subregulation 15(1), there shall be clearly and conspicuously printed in a prominent position on every packet and carton of cigarette health information, sale restrictions and other particulars on its panels as specified in the Seventh and Eighth Schedules.

(2) For the purpose of subregulation (1), a telegraphic address or an address at a post office shall not be used as an address of the manufacturer or the importer.

(3) Any person who contravenes this regulation commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years or to both.

Type, size and colour of letters

15B. (1) Subject to subregulation (3), the set texts referred to in subregulation 15(1) shall be printed in lettering of Arial of 10 points for each unit packet and 26 points for each unit carton.

(2) The health information, sale restrictions and other particulars referred to in subregulation 15A(1) shall be printed in lettering of Arial of not less than 8 points for each unit packet and of not less than 26 points for each unit carton.

(3) The words “AMARAN” and “WARNING” in the set texts referred to in subregulation 15(1) shall be printed–

(a) in bold–faced lettering of Arial of 12 points for each unit packet and 28 points for each unit carton; and

(b) in yellow on a Matt Black background.

(4) Subject to subregulation (3), the colour of all letters in the set texts referred to in subregulation 15(1) shall be printed in pure white on a Matt Black background.

(5) The colour of all letters for the health information, sale restrictions and other particulars referred to in subregulation 15A(1) shall be printed in a colour most conspicuous against the background of the cigarette packet or carton.

(6) Any person who contravenes this regulation commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years or to both.

Health warning and information not to be obstructed, *etc.*

15C. (1) Where the health warning or other information that are required to be printed under these Regulations are likely to be obstructed visually or obscured by an outer packaging containing the packet or carton of cigarette other than transparent poly-wrap, the health warning or other information, as the case may be, shall be printed on the outer packaging.

(2) For the purpose of subregulation (1), the size and placement of the health warning or other information, as the case may be, required to be printed on the outer packaging shall be subject to any condition which may be imposed by the Director.

(3) Where cigarette is displayed, or offered for sale, the health warning referred to in subregulation 15(1) shall not be obstructed visually or obscured by any device or any means.

(4) Any person who contravenes this regulation commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years or to both.".

New regulation 16A

6. The principal Regulations are amended by inserting after regulation 16 the following regulation:

"**Matters forbidden on tobacco product packaging or label**

16A. (1) No tobacco product packaging or label shall contain any information that are false, misleading or deceptive or that is likely or intended to create an erroneous or false impression about the characteristics, health effect, other hazards or emissions of the tobacco product.

(2) For the purpose of subregulation (1), the prohibition includes, but not limited to the use of any term, word or descriptor such as "light", "ultra light", "mild", "cool", "extra", "low tar", "special", "full flavour", "premium", "rich", "famous", "slim", "grade A" or any term, word or descriptor or any other words of similar meaning that directly or indirectly create an erroneous or false impression that a particular tobacco product is less harmful than the other tobacco products.

(3) Any person who contravenes this regulation commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years or to both.".

New regulation 21A

7. The principal Regulations are amended by inserting after regulation 21 the following regulation:

"**Emission standard for cigarette**

21A. (1) No person shall manufacture, import, sell or offer for sale cigarette with nicotine or tar emission above the maximum allowable level.

(2) For the purpose of subregulation (1), the maximum allowable level for nicotine shall be 1.5 mg per cigarette and the maximum allowable level for tar shall be 20 mg per cigarette.

(3) Any person who contravenes this regulation commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or imprisonment for a term not exceeding two years or to both.".

New Schedules Fifth, Sixth, Seventh and Eight

8. The principle Regulations are amended by inserting after the Forth Schedule the following Schedules:

FIFTH SCHEDULE

[Paragraph 15(1)*(a)*]

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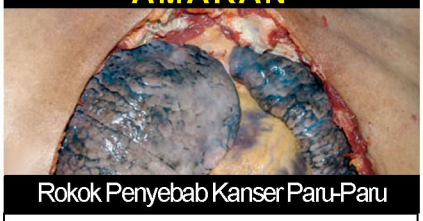
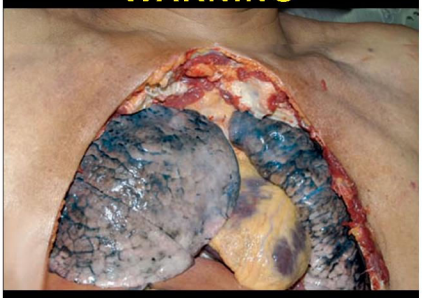
HEALTH WARNING ON CIGARETTE PACKET

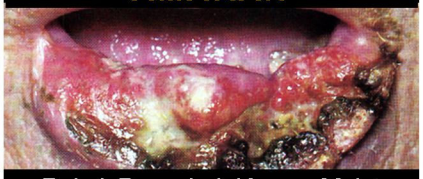
HEALTH WARNING 1

FRONT PANEL	BACK PANEL
 JENAMA	 BRAND

HEALTH WARNING 2

FRONT PANEL	BACK PANEL
AMARAN  Rokok Penyebab Kanser Paru-Paru JENAMA	WARNING  Cigarette Causes Lung Cancer Infoline : 03-8883 4400 BRAND

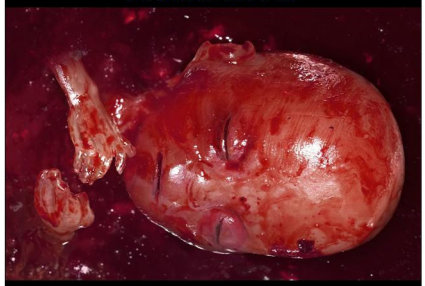
HEALTH WARNING 3

FRONT PANEL	BACK PANEL
AMARAN  Rokok Penyebab Kanser Mulut JENAMA	WARNING Cigarette Causes Mouth Cancer Infoline : 03-8883 4400 BRAND

HEALTH WARNING 4

FRONT PANEL	BACK PANEL
AMARAN Rokok Penyebab Penyakit Gangren JENAMA	WARNING Cigarette Causes Gangrene Infoline : 03-8883 4400 BRAND

HEALTH WARNING 5

FRONT PANEL	BACK PANEL
AMARAN Rokok Penyebab Keguguran Janin JENAMA	WARNING  Cigarette Causes Miscarriage Infoline : 03-8883 4400 BRAND

HEALTH WARNING 6

FRONT PANEL	BACK PANEL
AMARAN Rokok Penyebab Kelahiran Bayi Pra-Matang JENAMA	WARNING Cigarette Causes Premature Birth Infoline : 03-8883 4400 BRAND

SIXTH SCHEDULE

[Paragraph 15(1)*(b)*]

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CONTROL OF TOBACCO PRODUCT REGULATIONS 2004

HEALTH WARNING ON CIGARETTE CARTON

HEALTH WARNING 1

TOP PANEL	GROUND PANEL
AMARAN Rokok Penyebab Kanser Leher JENAMA	WARNING Cigarette Causes Neck Cancer Infoline : 03-8883 4400 BRAND

HEALTH WARNING 2

TOP PANEL	GROUND PANEL
AMARAN Rokok Penyebab Kanser Paru-Paru JENAMA	WARNING Cigarette Causes Lung Cancer Infoline : 03-8883 4400 BRAND

HEALTH WARNING 3

TOP PANEL	GROUND PANEL
AMARAN Rokok Penyebab Kanser Mulut JENAMA	WARNING Cigarette Causes Mouth Cancer Infoline : 03-8883 4400 BRAND

HEALTH WARNING 4

TOP PANEL	GROUND PANEL
AMARAN Rokok Penyebab Penyakit Gangren JENAMA	WARNING Cigarette Causes Gangrene Infoline : 03-8883 4400 BRAND

HEALTH WARNING 5

TOP PANEL

GROUND PANEL

HEALTH WARNING 6

TOP PANEL

GROUND PANEL

SEVENTH SCHEDULE

[Subregulation 15A(1)]

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CIGARETTE PACKET PANEL

RIGHT OR LEFT PANEL	RIGHT OR LEFT PANEL	GROUND PANEL
___ batang rokok **Produk ini mengandungi lebih 4,000 bahan kimia termasuk tar, nikotina dan karbon monoksida yang membahayakan kesihatan**	**Nama dan alamat Pengilang : /** **Nama dan alamat Pengimport :** **Dilarang Jual Kepada Orang Bawah Umur 18 Tahun**	**Tarikh Dikilang : Date/Month/Year**

EIGHTH SCHEDULE

[Subregulation 15A(1)]

FOOD ACT 1983

CONTROL OF TOBACCO PRODUCT REGULATIONS 2004

CIGARETTE CARTON PANEL

FRONT OR BACK PANEL	**Produk ini mengandungi lebih 4,000 bahan kimia termasuk tar, nikotina dan karbon monoksida yang membahayakan kesihatan**	**___ paket rokok**
FRONT OR BACK PANEL	**Dilarang Jual Kepada Orang Bawah Umur 18 Tahun**	**Nama dan alamat Pengilang : / Nama dan alamat Pengimport :**
RIGHT OR LEFT PANEL	**Tarikh Dikilang : Hari/Bulan/Tahun**	

Made 8 September 2008

[K.K.(s) 280/5/7; PN(PU2) 418/XI]

Dato' Liow Tiong Lai
Minister of Health