

CIGARETTES (LABELLING) ACT.

New South Wales



ANNO VICESIMO PRIMO

ELIZABETHÆ II REGINÆ

Act No. 51, 1972.

An Act to prohibit the sale of cigarettes except in packages marked with the prescribed health warning; and for purposes connected therewith. [Assented to, 17th October, 1972.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title. **1.** This Act may be cited as the "Cigarettes (Labelling) Act, 1972".

2.

Cigarettes (Labelling).

2. This Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

No. 51, 1972
Commence-
ment.

3. In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

Interpreta-
tion.

“cigarette” means a cigarette containing cut or sliced tobacco;

“package” includes an inner and an outer package but does not include—

(a) an outer package that consists entirely of transparent material on which there is no printed or embossed lettering and no pictorial matter and through which the prescribed health warning marked on an inner package is clearly visible; or

(b) a package—

(i) that consists of lining paper or lining foil on which there is no printed or embossed lettering and no pictorial matter; and

(ii) that is enclosed in an outer package;

“prescribed health warning” means the words or symbols, or the words and symbols, specified in the regulations as comprising the prescribed health warning;

“regulations” means regulations made under this Act;

“sell” includes offer for sale and keep or have in possession for sale.

4.

Cigarettes (Labelling).

No. 51, 1972 **4.** (1) A person shall not sell cigarettes unless they are in a package and each package, whether an inner or outer package, in which they are enclosed is marked in the prescribed manner with the prescribed health warning.

Cigarette packages to be marked with prescribed health warning.

Penalty : \$100.

(2) For the purposes of subsection (1), a package belonging to any class, type or description specified for the purposes of this subsection in the regulations shall be deemed to be marked in the prescribed manner with the prescribed health warning if it has firmly affixed to it, in the manner specified in the regulations in relation to packages of that class, type or description, a label marked in the prescribed manner with the prescribed health warning.

Regulations. **5.** (1) The Governor may make regulations for or with respect to—

(a) specifying the words or symbols, or the words and symbols, that comprise the prescribed health warning;

(b) the manner of marking, whether by printing or in any other manner, the prescribed health warning on packages of cigarettes or on labels affixed to any such packages, including regulations for or with respect to—

(i) the size or type face of the words or symbols, or the words and symbols, that comprise the prescribed health warning to be marked on packages of cigarettes or on labels affixed to any such packages of any class, type or description specified in the regulations;

(ii) the colour or colours in which the prescribed health warning shall be marked;

(iii) the place or places on any package of cigarettes or label affixed to any such package on which the prescribed health warning shall be marked;

(c)

Cigarettes (Labelling).

(c) prohibiting the sale of cigarettes in a package ^{No. 51, 1972} (whether inner or outer) on which, or with which is given to the purchaser any material on which, is printed or marked in any other manner, any words or symbols, or words and symbols, specified in the regulations;

(d) all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient for carrying out or giving effect to this Act.

(2) A regulation made pursuant to subsection (1)

(b) may make different provisions with respect to different classes, types or descriptions of packages of cigarettes.

(3) The regulations may impose a penalty not exceeding \$100 for any offence against the regulations.

6. Proceedings for an offence against this Act or the regulations may be taken before a court of petty sessions. ^{Proceedings for offences.}