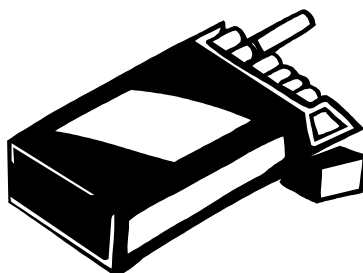


Tobacco Advertising at the Point of Sale

A Guide for Retailers



This guide has been prepared to assist retailers and other interested parties to meet the requirements of the Tobacco Advertising and Promotion (Point of Sale) Regulations. It is not an exhaustive document, but does try to cover most aspects of the Regulations. In particular, advice is given on:-

- The type of advertising permitted for tobacco products,
- Its content, size and required position,
- Requirements to give necessary health warnings and health information,
- The meaning of point of sale,
- Where to get further information

The Regulations, made under the Tobacco Advertising and Promotion Act 2002, come into force on 21st December 2004.



This is one of a series of leaflets prepared by the Wales Heads of Trading Standards Group. For details of other leaflets in the series, please contact your local Trading Standards Department - contact details are provided at the end of this leaflet.

Introduction

Under the Tobacco Advertising and Promotion Act, the advertising of tobacco on billboards, newspapers and magazines has been banned for some time. The new 'Point of Sale' Regulations will now control strictly the amount of advertising permitted where tobacco products are sold.

Separate requirements apply to Specialist Tobacconists – please refer to the separate leaflet PSG/9.

What advertising can retailers display?

Tobacco advertising is not permitted on the premises, other than at the point of sale, where it is restricted in size to A5 (i.e. 148mm x 210mm, or half the size of this leaflet). The advertisement must be in a two-dimensional format, and may comprise a single advert, or more than one, provided that the total surface area does not exceed A5 size.

The restriction to this one A5 notice at the point of sale means that all other forms of advertising, for example posters in shop windows, sandwich boards and signs outside, and any awning carrying a tobacco advertisement are prohibited.

What is the point of sale?

The point of sale is defined as a point within any fixed or moveable premises at which a gantry or display unit is fixed.

Remember that if there is more than one point of sale on the premises, then the advertisement can only be displayed at one of them. However, if the premises are occupied by more than one business, then each business within the premises may have one point of sale.

What can the advertisement include?

The advertisement **must include** the following, to comprise not less than *30% of the total surface area of the advertisement*, and to be displayed parallel to the floor:-

- The health warning '**Smoking kills**', or
- The health warning '**Smoking seriously harms you and others around you**', and
- The information '**NHS Smoking Helpline 0800 1690169**'

The above health warning and information must be:-

- Indelible, legible, and irremovably printed on the advertisement
- Printed in black Helvetica bold type on a white background. (*This leaflet has been printed in Helvetica type*)
- Centred in the area in which it is printed
- In the same font size throughout, large enough to ensure that the text occupies the greatest possible proportion of the 30% surface area required, and
- Surrounded by a black border between 3mm and 4mm in width, which does not interfere with the text.

The advertisement **may also include**:-

- The name, emblem or other feature of the tobacco product being advertised, for example a symbol, motto, print, colour, picture or artwork associated with the identity of the product
- The price of a packet of the product advertised, and the size of the packet to which the price relates

Are there any other restrictions?

Yes. Advertisements displayed electronically on a screen or which are lit by flashing lights, or contain an image or background that moves or changes colour, are prohibited.

What about tobacco vending machines?

Where it is not possible to see the products inside a tobacco vending machine, an advertisement may be displayed provided that it:-

- Consists only of a picture of the packet which is for sale from the machine
- Is no larger than the largest face of the packet in question, and
- Includes one of the health warnings '**Smoking kills**' or '**Smoking seriously harms you and others around you**'

The health warning must occupy at least 30% of the surface area of the advertisement and be surrounded by a black border between 3 and 4 mm thick, which does not interfere with the text.

Note: If more than one different tobacco product is for sale from the machine, a picture of some or all of the products may be published.

Getting it Right

It is essential that all tobacco advertising be removed from the premises if it is no longer permitted. Failure to comply with the above requirements is a criminal offence carrying maximum penalties of a £5000 fine, or six months imprisonment, or both.

Only limited defences are available to the retailer, for example, he may seek to prove that he did not know, and had no reason to expect that the purpose of an advertisement was to promote a tobacco product.

Where Can I get More Information?

- The Trading Standards Service of your local council should be able to help with most of your queries. Contact details are given below:



Trading Standards

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County Hall

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