L.N. 302 of 2009

TOBACCO (SMOKING CONTROL) ACT (CAP. 315)

Use of Colour Photographs or Other Illustrations as Health Warnings on Tobacco Packages Regulations, 2009

IN excercise of the powers conferred by article 9(f) of the Tobacco (Smoking Control) Act, the Minister for Social Policy has made the following regulations:

Title and commencement.

1. (1) The title of these regulations is the Use of Colour Photographs or other Illustrations as Health Warnings on Tobacco Packages Regulations, 2009.

(2) For cigarette packages placed on the market the provisions of these regulations shall come into force eighteen months after the date of publication of these regulations.

(3) For any other tobacco products placed on the market the provisions of these regulations shall come into force twenty-four months after the date of publication of these regulations.

Scope.

2. The scope of these regulations is to implement Commission Decision of 5 September 2003 (2003/641/EC) on the use of colour photographs or other illustrations as health warnings on tobacco packages which establishes rules for the use of colour photographs or other illustrations to depict and explain the health consequences of smoking.

Interpretation.

3. In these regulations, unless the context otherwise requires:

"additional warning" means any of the warnings referred in regulation 4(3) and in the Schedule to the Labelling of Tobacco Products Regulations, 2004; L.N. 202 of 2004.

"combined warning" means the warning consisting of a photograph or other illustration and the corresponding text of the additional warning provided for in regulation 4(3) and in the Schedule to the Labelling of Tobacco Products Regulations, 2004, as contained in each source document;

"source document" means any of the electronic files made available by the European Commission and provided by the Superintendent of Public Health, which contains a combined warning, as per Commission Decision of 26 May, 2005 on the library of selected source documents containing colour photographs or other illustrations for each of the additional warnings listed in the Schedule of the Labelling of Tobacco Products Regulations, 2004 in terms of Schedule I to these regulations;

"tobacco package" means any form of unit packet and any outside packaging used in the retail sale of tobacco products, with the exception of additional transparent wrappers.

Use of combined warnings.

4. (1) Tobacco packages shall carry a combined warning taken exclusively from Schedule I to these regulations referred to the source document, without any changes to any of its components.

(2) Only the pictorials in Schedule II to these regulations shall be used in the combined warnings.

(3) The combined warnings shall:

(a) be rotated at least once a year to guarantee the regular appearance of all of the additional warnings;

(b) be printed on the other most visible surface of the tobacco package, respecting the format and proportions of the source document and the graphical integrity of the picture and the text;

(c) occupy the entire area reserved for the additional health warning, and be positioned parallel to the top edge of the package, and in the same direction as the other information on the package;

(d) be reproduced in accordance with the technical specifications for printing as per Schedule I to these regulations;

(e) be surrounded by a black border not less than 3mm and not more than 4mm in width which in no way interferes with any textual or visual element of the combined warning.

(4) The combined warning shall cover not less than 45% of the external area of the other most visible surface of the unit packet of tobacco:

Provided that, in the case of unit packets intended for products other than cigarettes, the most visible surface of which exceeds 75 cm^2, the combined warning shall cover an area of at least 24 cm^2 of the other most visible surface.

(5) In the case of tobacco products other than cigarettes, the combined warnings may be affixed as stickers, provided that such stickers are irremovable. The reproduction of the combined warnings on the stickers shall be in accordance with the technical specifications for printing as per Schedule I to these regulations.

(6) The combined warnings shall not be commented on, paraphrased or referred to in any form on the tobacco package.

Visual integrity of the combined warnings.

5. (1) The combined warnings shall:

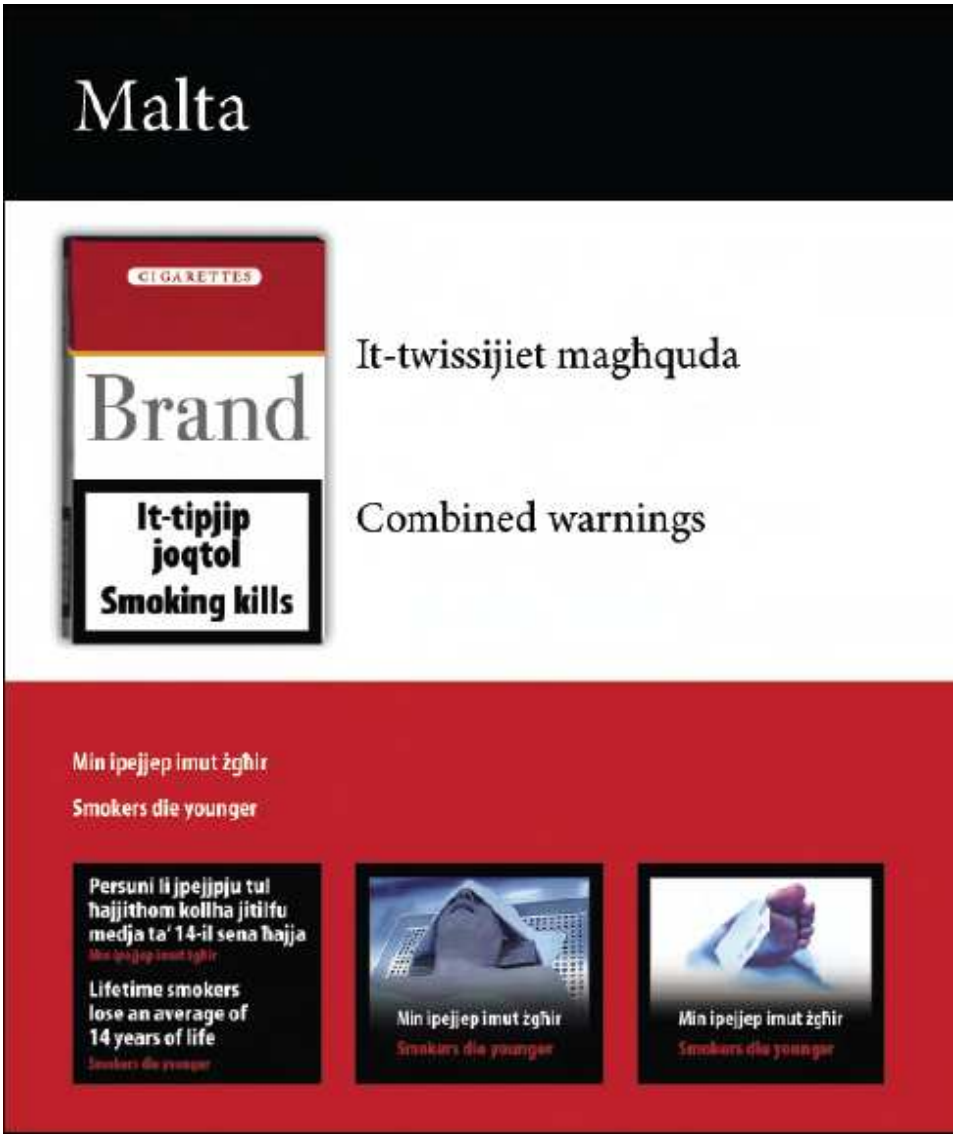
(a) be irremovably printed, indelible and in no way hidden or interrupted by other written or pictorial matter or by the opening of the packet, provided that the printing of the combined warnings on the tax stamps or price marks of unit packets shall be prohibited;

(b) be displayed in a manner that ensures that none of the textual or visual elements of the combined warnings will be severed when the package is opened.

(2) The use of any type of wrapper, pouch, jacket, box or other device that partially or entirely hides or interrupts the combined warnings or any of their elements is prohibited.

(3) Tax stamps or price marks shall not be placed in a way that partially or entirely hides or interrupts the combined warnings or any of their elements.

SCHEDULE I


Malta
CIGARETTES
Brand
It-tipjip joqtol
Smoking kills
It-twissijiet magħquda
Combined warnings
Min ipejjep imut żgħir
Smokers die younger
Persuni li jpejjpju tul ħajjithom kollha jitilfu medja ta' 14-il sena ħajja
Lifetime smokers lose an average of 14 years of life
Min ipejjep imut żgħir
Smokers die younger
Min ipejjep imut żgħir
Smokers die younger

It-tipjip isodd l-arterji u jgib attakki ta'-qalb u puplesiji
Smoking clogs the arteries and causes heart attacks and strokes
The risk of having a stroke is approximately50% higher in smokers than in non-smokers
It-tipjip jaghmel kanċer fil-pulmun
Smoking causes fatal lung cancer
It-tipjip huwa vizzju, tibdiex tpejjep
Smoking is higly addictive, don't start

Jekk tieqaf tpejjep tnaqqas ir-riskju ta' attakki tal-qalb u mard tal-pulmun
Stopping smoking reduces the risk of fatal heart and lung diseases
Ir-riskju ta' Mard Koronarju tal-Qalb jitnaqqas b'50% wara sena ta' waqfien mit-tipjip
The risk of Coronary Heart Disease is reduced by 50% after 1 year of smoking abstinence
It-tipjip jista' jwassal ghal agunija fit-tul u hafna ugigh
Smoking can cause a slow and painful death
It-tipjip ikemmixlek il-gilda
Smoking causes ageing of the skin

It-tipjip jaghmel hsara lill-isperma u jnaqqas il -fertilita'
Smoking can damage the sperm and decreases fertility
It-tipjip inaqqas iċ-ċirkulazzjoni tad-demm u jista' jwassal għal impotenza·
Smoking may reduce the blood flow and causes impotence
Id-duħħan fih benzene, formaldehyde u hydrogen cyanide
Smoke contains benzene, nitrosamines, formaldehyde and hydrogen cyanide

Jekk tpejjep waqt it-tqala tagħmel ħsara lit-tarbija tiegħek
Smoking when pregnant harms your baby
Ipproteġi t-tfal. Thallihomx jibilgħu d-duħħan tas-sigaretti tiegħek
Protect children: don't make them breathe your smoke
It-tabib jew l-ispiżjar jgħinuk biex tieqaf tpejjep
Your doctor or your pharmacist can help you stop smoking
Smoking is a serious nicotine addiction, don't be afraid to ask for help
You can do it, we can help

Itlob l-għajnuna biex tieqaf tpejjep
Get help to stop smoking
0803 00 00 00
Kun hieles,
aħna se ngħinuk
0803 00 00 00
Choose freedom,
we'll help you
Specifikazzjonijiet tekniċi għall-istampar
> It-twissijiet magħquda għandhom jiġu riprodotti mingħajr ebda bidla fil-proporzjonijiet jew fil-kulari tagħhom.
> It-twissijiet magħquda huma maħsuba bħala sbiħa shiħa u m'għandhomx jiġu emendati.
> It-twissijiet magħquda għandhom jiġu stampati four-colour/-CMYK-/ screen 133 linja kull pulzier, bħala ħtieġa minima għall-kuluri.
Technical specifications for printing
> The combined warnings must be reproduced without any changes to their proportions or colours.
> The combined warnings are conceived as a whole image and must not be amended.
> The combined warnings must be printed in four-colour/-CMYK-/ screen 133 lines per inch, as a minimum requirement.

Ir-ritratti, ix-xbihat u l-illustrazzjonijiet testwali li jinsabu f'dan id-CD ġew żviluppati għall-użu fuq pakketti tal-prodotti tat-tabakk skond:

> id-Direttiva tal-Parlament Ewropew u tal-Kunsill tal-5 ta' Ġunju 2001 dwar l-approssimazzjoni tal-liġijiet, regolamenti u dispożizzjonijiet amministrattivi ta' l-Istati Membri li jirrelataw mal-manifattura, preżentazzjoni u l-bejgħ ta' prodotti tat-tabakk (2001/37/KE)

> id-Deċiżjoni tal-Kummissjoni tal-5 ta' Settembru 2003 dwar l-użu ta' ritratti tal-kulur jew illustrazzjonijiet oħra bħala twissijiet fuq il-pakketti tat-tabakk (2003/641/KE)

> id-Deċiżjoni tal-Kummissjoni tas-26 ta' Mejju 2005 dwar il-librerija ta' dokumenti ta' sors magħżula li fihom ritratti jew illustrazzjonijiet oħra għal kull waħda mit-twissijiet addizzjonali muniżżla fl-Anness I tad-Direttiva 2001/37/KE tal-Parlament Ewropew u tal-Kunsill (C(2005) 1452 finali)

Kull użu ieħor huwa soġġett għall-permess mill-Kummissjoni.

The photographs, images and textual illustrations contained on this CD have been developed for use on tobacco product packages in accordance with:

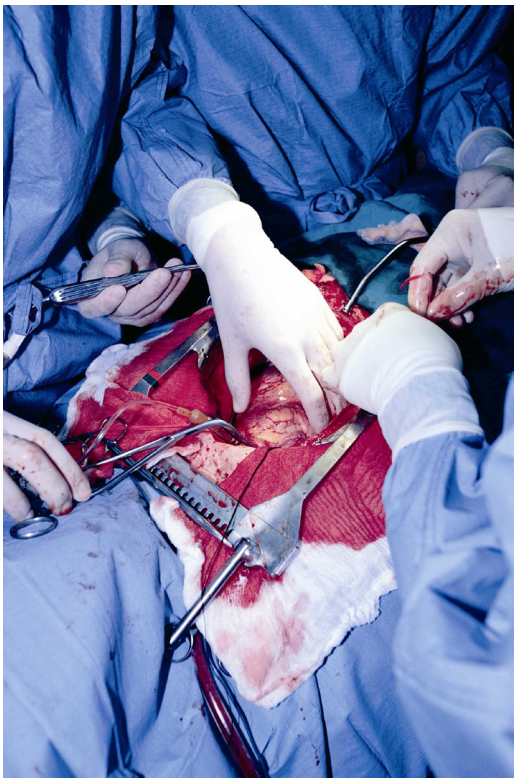
> Directive of the European Parliament and of the Council of 5 June 2001 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco products (2001/37/EC)

> Commission Decision of 5 September 2003 on the use of colour photographs or other illustrations as health warnings on tobacco packages (2003/641/EC)

> Commission Decision of 26 May 2005 on the library of selected source documents containing colour photographs or other illustrations for each of the additional warnings listed in annex I to Directive 2001/37/EC of the European Parliament and of the Council (C(2005) 1452 final)

All other uses are subject to the permission of the European Commission.

SCHEDULE II



B 3330

Brand
Smoking kills

B 3332

B 3334

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