

No. 43 of 1972

AN ORDINANCE

Relating to the Labelling of Cigarette Containers and for other purposes.

I THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the Seat of Government (Administration) Act 1910-1972.

Dated this nineteenth day of December, 1972.

PAUL HASLUCK
Governor-General.

By His Excellency's Command,

LANCE BARNARD
Minister of State for Health, acting for and on behalf of the Minister of State for the Interior.

CIGARETTE CONTAINERS (LABELLING) ORDINANCE 1972

- 1. This Ordinance may be cited as the Cigarette Containers (Labelling) Ordinance 1972.*
2. This Ordinance shall come into operation on the first day of January, 1973.
3. This Ordinance shall be administered by the Minister of State for Health.
4. In this Ordinance, unless the contrary intention appears—
5.—(1.) A person shall not sell, or expose for sale, cigarettes otherwise than in a container on which the statement "WARNING—SMOKING IS A HEALTH HAZARD" appears, as provided by this section, in two positions on the exterior of the container.
Penalty: Two hundred dollars.

* Notified in the Commonwealth Gazette on 21 December 1972.

(2.) In each case, the statement shall be—

- (a) in bold face capitals;
- (b) in letters the height of each of which is not less than one-sixteenth of an inch; and
- (c) in a colour that makes a distinct contrast with the colour of the background on which it appears.

(3.) If the faces of the container are, or are approximately, rectangular in shape and two of the faces of the container are greater in area than the other faces, the statement shall appear on the exterior of each of those two faces in a position that is—

- (a) if the brand name of the cigarettes appears only in one position on the exterior of each of those two faces—equally as prominent as the position in which the brand name of the cigarettes so appears;
- (b) if the brand name of the cigarettes appears in two or more positions on the exterior of each of those two faces and the height of the letters in which the brand name so appears in one position is greater than the height of the letters in which the brand name appears in the other position or the other positions—equally as prominent as the position in which the brand name appears in the letters of the greater height; or
- (c) if the brand name of the cigarettes does not appear on the exterior of one or both of those two faces—at right angles to one of the edges of that face or each of those faces and as near to the middle of that face or of each of those faces as is practicable.

(4.) If the container containing cigarettes is of a kind other than that referred to in sub-section (3.) of this section, the statement shall appear once in a position that is—

- (a) if the brand name of the cigarettes appears only once on the exterior of the container—equally as prominent as the position in which the brand name of the cigarettes appears;
- (b) if the brand name of the cigarettes appears in two or more positions on the exterior of the container and the height of the letters in which the brand name so appears in one position is greater than the height of the letters in which the brand name appears in the other position or other positions—equally as prominent as the position in which the brand name appears in letters of the greater height; or
- (c) if the brand name of the cigarettes does not appear anywhere on the exterior of the container—on the exterior of the container,

and the second position in which the statement is to appear is a position on the opposite side of the container that is directly opposite to the other position in which the statement is to appear.

(5.) Where, on a container containing cigarettes, the brand name of the cigarettes appears in any two or more positions in letters the height of which is the same, the height of the letters in which the brand name of the cigarettes appears in one of those positions shall, for the purposes of this section, be deemed to be of a greater height than the height of the letters in which the brand name appears in the other position or positions.

6.—(1.) A person shall not sell a container containing cigarettes on which—

Warning statement not to be qualified.

- (a) the words “Non-injurious” appear;
- (b) the words “Non-hazardous” appear; or
- (c) words that convey, or tend to convey, an indication that smoking is not a hazard to health appear.

Penalty: Two hundred dollars.

(2.) The last preceding sub-section applies whether or not the statement referred to in sub-section (1.) of the last preceding section appears on the container.

7.—(1.) A carton to which this section applies is a carton or other wrapping in which two or more containers containing cigarettes are packed.

Multiple containers.

(2.) A carton to which this section applies shall, for the purposes of this Ordinance, be deemed to be a container containing cigarettes and, subject to the next succeeding sub-section, this Ordinance applies to and in relation to the carton in the same manner as it applies to and in relation to a container containing cigarettes.

(3.) If—

- (a) the carton to which this section applies consists of a wrapping that is sealed by means of a label or labels affixed to the wrapping; and
- (b) the brand name of the cigarettes appears on one or more of those labels,

a person who sells, or exposes for sale, the carton is not guilty of an offence against this Ordinance—

- (c) in a case where the brand name appears on two or more of those labels—if the statement referred to in sub-section (1.) of section 5 of this Ordinance appears, as provided by sub-section (2.) of that section, on two of those labels in a position that is equally as prominent as the position in which the brand name of the cigarettes so appears; or
- (d) in a case where the brand name appears on only one of those labels—if the statement referred to in sub-section (1.) of section 5 of this Ordinance appears, as provided by sub-section (2.) of that section, on the label on which the brand name appears in a position that is equally as prominent as the position in which the brand name of the

cigarettes so appears and the statement also appears in a position on the opposite side of the carton that is directly opposite to the other position in which the statement appears.

(4.) This Ordinance does not apply to a container or other wrapping in which two or more cartons to which this section applies are packed.

Transparent
wrappings
not to be
regarded as
part of
container.

8. Where a container containing cigarettes is in a transparent outer wrapping, the transparent outer wrapping shall, for the purposes of this Ordinance, be deemed not to form part of the container.