

THE STATUTES OF THE REPUBLIC OF SINGAPORE

SMOKING (PROHIBITION ON ADVERTISEMENTS) ACT

(CHAPTER 309)

**Act
57 of 1970**

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Smoking (Prohibition on Advertisements) Act

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An Act to prohibit advertisements relating to smoking.

[1st March 1971]

1. This Act may be cited as the Smoking (Prohibition on Advertisements) Act. Short title.

2. In this Act, unless the context otherwise requires — Interpretation.
- “advertisement” includes any notice, circular, pamphlet, brochure, programme, price-list, label, wrapper or other document, and any announcement, notification or intimation to the public or any section thereof or to any person or persons, made —
- (a) orally or in writing;

(Prohibition on Advertisements)

(b) by means of any poster, placard, notice or other document affixed, posted up or displayed on any wall, billboard or hoarding or on any other object or thing;

(c) by means of producing or transmitting sound or light and whether for aural or visual reception or both; or

(d) in any other manner whatsoever;

“newspaper” includes any magazine, journal or periodical, or any other publication containing news, intelligence, information or reports of occurrences, or any remarks, observations or comments in relation either to such news, intelligence, information or occurrences or to any other matter of interest to the public or any section thereof, issued in any language at regular or irregular intervals;

“publish”, with its grammatical variations, in relation to an advertisement, includes issuing, showing, displaying, exhibiting or making known an advertisement in any manner whatsoever;

“smoking”, with its grammatical variations, means inhaling and expelling the smoke of cigarettes, cigars or tobacco in any form whatsoever;

“vehicle” means any vehicle, whether mechanically propelled or otherwise;

“writing” includes printing, lithography, typewriting, photography and other modes of representing or reproducing words or figures in visible form.

Prohibition on advertisements relating to smoking.

3. Except as provided in section 7, any person who publishes or causes to be published or takes part in the publication of any advertisement —

(a) containing any express or implied inducement, suggestion or request to purchase or to smoke cigarettes, cigars or any other form of tobacco; or

(b) relating to smoking in terms which are calculated, expressly or impliedly, to lead to, or to induce, urge, promote or encourage the use of cigarettes, cigars or any other form of tobacco for the purpose of smoking,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both, and in the case of a second or subsequent conviction to a fine not exceeding \$4,000 or to imprisonment for a term not exceeding one year or to both.

4. Where an offence under section 3 or 8 or any regulations made under section 10 has been committed by any company or association or body of persons, corporate or unincorporate, any person who at the time of the commission of the offence was a director, manager, secretary or other similar officer thereof or was purporting to act in that capacity shall be guilty of that offence unless he satisfies the court that the offence was committed without his knowledge or consent.

Offences
by bodies
corporate
or unincor-
porate.

5. In any proceedings for a contravention of section 3, it shall be a defence for the person charged to prove that the advertisement to which the proceedings relate was published in such circumstances that he did not know and had no reason to believe that he was taking part in the publication of the advertisement.

Defence.

6. No action, suit or other proceeding shall be brought or instituted in any court against any party to a contract for failing, neglecting or refusing to publish any advertisement relating to smoking, the subject-matter of such contract, where such failure, neglect or refusal is solely attributable to, or occasioned by, the coming into operation of this Act, but nothing in this section shall affect the operation of the Frustrated Contracts Act.

Immunity
from suit.

Cap. 115.

7.—(1) The Minister may, in his discretion, either generally or in any particular case, and either permanently or for such period or periods as he may think fit, exempt any person or class of persons, or any place or type of place, or any event or occasion or class of event or occasion, or any object or thing or type of object or thing, from all or any of the provisions of this Act or any regulations made thereunder; and in granting such exemption the Minister may impose such conditions as he may think fit.

Exemptions.

(2) This Act shall not apply to —

- (a) any advertisement relating to smoking contained in a newspaper (other than a newspaper specified by the Minister by notification in the *Gazette*) which is printed or published outside Singapore and is brought into Singapore for sale, free distribution or personal use;
- (b) any advertisement relating to smoking appearing on, upon or within any diary, calendar, ash-tray, cigarette-lighter, pencil or other object or thing distributed or given free of charge as a souvenir, memento or gift by any person who is associated, concerned or connected with the distribution or sale, whether wholesale or retail, of cigarettes, cigars or any other form of tobacco;
- (c) any advertisement relating to smoking appearing on, upon, within or attached to any part of a vehicle which is used by any person who is associated, concerned or connected with the distribution or sale, whether wholesale or retail, of cigarettes, cigars or any other form of tobacco for the purpose of that person's business or for the transport of his employees or such others as he may permit;
- (d) any notice in, or in the vicinity of, any premises or place where cigarettes, cigars or other forms of tobacco are sold, which states, for the information of the public, only the name or names of the brand or brands thereof that are sold therein or thereat:

Provided that no such notice shall contain any word, picture, drawing or representation inducing, urging, promoting or encouraging the use of cigarettes, cigars or any other form of tobacco for the purpose of smoking.

(3) For the purposes of subsection (2) (d), the notice referred to therein shall be deemed to comply with the requirements of that subsection if it states "..... Sold Here";

Name(s) of brand(s) of cigarettes, etc.

but, subject to compliance with those requirements, nothing in this section shall be construed as precluding the use in any

such notice of other words or of any other format or mode of expression.

8.—(1) Notwithstanding any other provision of this Act, no person shall distribute or supply or cause to be distributed or supplied, whether free of charge or otherwise, any newspaper or printed matter containing any advertisement relating to smoking which is printed or published outside Singapore and is brought into Singapore, if such newspaper or printed matter —

- (a) forms part of, or is supplemental to, any newspaper that is printed or published in Singapore; and
- (b) is supplied or distributed to any purchaser or subscriber of any newspaper that is printed or published in Singapore, whether or not the first-mentioned newspaper or printed matter is supplied or distributed at the same time as, or together with, the newspaper printed or published in Singapore.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both, and in the case of a second or subsequent conviction to a fine not exceeding \$4,000 or to imprisonment for a term not exceeding one year or to both.

9. Nothing in this Act shall be construed —

- (a) as exempting from the provisions of this Act any advertisement relating to smoking contained in any notice, circular, pamphlet, brochure or other printed matter or document which is not a newspaper within the meaning of this Act and which is printed or published outside Singapore and brought into Singapore for distribution solely or mainly for the purpose of announcing or commending the qualities of any brand of cigarettes, cigars or other forms of tobacco;
- (b) as permitting the display of any advertisement relating to smoking on, upon, within or by attachment to any part of a vehicle which is not used in the manner described in section 7(2)(c); or

Newspapers published outside Singapore containing advertisements relating to smoking not to be distributed with newspapers published in Singapore.

Types of advertisements, etc., not exempted.

- (c) as permitting the distribution or giving of free samples of cigarettes, cigars or any other form of tobacco.

Regulations.

10.—(1) The Minister may make such regulations as seem to him necessary or expedient for the purpose of carrying out the provisions of this Act.

(2) All such regulations shall be published in the *Gazette* and shall be presented to Parliament as soon as possible after publication.