

THE STATUTES OF THE REPUBLIC OF SINGAPORE

**SMOKING (PROHIBITION ON ADVERTISEMENTS) ACT
(CHAPTER 309)**

**Act
57 of 1970**

**Amended by
36 of 1989**

REVISED EDITION 1990

Smoking (Prohibition on Advertisements) Act

ARRANGEMENT OF SECTIONS

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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 — Interpre-
tation.
 “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;

- (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;
- (d) by means of any writing on any vehicle, ash-tray, calendar, cigarette-lighter, clock or any other object or thing; or
- (e) in any other manner whatsoever;

“advertisement relating to smoking” means any advertisement referred to in section 3 (1) which has not been approved under section 3 (2);

“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 painting, inscription, printing, lithography, typewriting, photography and other modes of representing or reproducing words or figures in visible form.

Prohibition on advertisements relating to smoking.

3.—(1) Except as provided in subsection (2) or section 10, 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;
- (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; or
- (c) which mentions, illustrates or depicts —
 - (i) the name or trade name of any person associated or concerned with the manufacture, distribution or marketing of cigarettes, cigars or any other form of tobacco;
 - (ii) a brand name of or trade mark relating to cigarettes, cigars or any other form of tobacco; or
 - (iii) any pictorial device commonly associated with a brand name of or trade mark relating to cigarettes, cigars or any other form of tobacco,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 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 \$20,000 or to imprisonment for a term not exceeding one year or to both.

(2) The Minister may, in his discretion, approve, for such time and upon such conditions as he may think fit, the publication of an advertisement or class of advertisements which mentions or refers to the brand name associated with or the name or trade name of a person associated or concerned with the manufacture, distribution or marketing of cigarettes, cigars or any other form of tobacco —

- (a) as the sponsor of an event or as congratulating another person or thing on an achievement of or event relating to such person or thing; or
- (b) for the purpose of promoting or identifying any goods or services unconnected with cigarettes, cigars or any other form of tobacco and which

are manufactured, distributed, marketed or provided by that person:

Provided that the advertisement shall not, directly or indirectly, lead to, induce, urge, promote or encourage the use of cigarettes, cigars or any other form of tobacco.

(3) Where any person fails to comply with any condition imposed by the Minister under this section, the Minister may cancel the approval in relation to which that condition was imposed.

(4) Any application for approval under subsection (2) shall be made in such form and with such particulars as may be prescribed.

Prohibition
on sales
promotion of
cigarettes,
cigars and
any other
form of
tobacco.

4.—(1) No person shall sell or offer for sale —

- (a) any goods with any cigarette, cigar or any other form of tobacco as a free gift;
- (b) any cigarette, cigar or any other form of tobacco with any other goods as a free gift; or
- (c) any cigarette, cigar or any other form of tobacco packaged or labelled together or otherwise in conjunction with any other goods.

(2) No person shall distribute or give or cause to be distributed or given or assist in the distribution or giving of any free sample of cigarettes, cigars or any other form of tobacco to the public or any section of the public other than to persons who are associated or concerned with the manufacture, distribution or sale of cigarettes, cigars or any other form of tobacco.

(3) No person shall offer or give any cigarettes, cigars or any other form of tobacco as a prize in any lottery, raffle, draw, game or competition.

(4) Any person who contravenes subsection (1), (2) or (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 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 \$20,000 or to imprisonment for a term not exceeding one year or to both.

[3A

5. Any person being the owner or occupier of any premises or place to which the public or any section of the public has access, on payment or otherwise, who knowingly permits or suffers such premises or place or any part thereof to be kept or used for the publication of any advertisement in contravention of section 3 (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 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 \$10,000 or to imprisonment for a term not exceeding one year or to both. [3B

Offences by owner and occupier.

6. Where more than 10 copies of a notice, pamphlet, brochure or other printed document, containing an advertisement relating to smoking which has been published, are found in the possession of or in premises occupied by a person who is associated or concerned with the manufacture, distribution or marketing of the cigarettes, cigars or any other form of tobacco associated with or related to the brand name, trade name or trade mark mentioned or depicted in the advertisement, that person shall be presumed, until the contrary is proved, to have knowingly taken part in the publication of the advertisement in contravention of section 3 (1). [3C

Presumption relating to printed documents.

7. Where an offence under this Act or any regulations made thereunder 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. [4

Offences by bodies corporate or unincorporate.

8. 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. [5

Defence.

Immunity
from suit.

9. 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 or any Act amending this Act, but nothing in this section shall affect the operation of the Frustrated Contracts Act.

Cap. 115.

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Exemptions.

10.—(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.

(2) This Act shall not apply to 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.

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

11.—(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 \$10,000 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 \$20,000 or to imprisonment for a term not exceeding one year or to both. [8

12. Nothing in this Act shall be construed 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. [9

Advertisements not exempted.

13. Any offence under this Act may be tried by a District Court or a Magistrate's Court and that Court shall, notwithstanding any other written law, have jurisdiction to impose the maximum penalty provided for by this Act. [9A

Jurisdiction of District and Magistrate's Courts.

14.—(1) The Minister or any person authorised by him in writing may, in his discretion, compound any offence under this Act or any regulations made thereunder which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding \$1,000.

Composition of offences.

(2) The Minister may make regulations to prescribe the offences which may be compound. [9B

15.—(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.

Regulations.

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