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No. S 264

TOBACCO (CONTROL OF ADVERTISEMENTS AND SALE) ACT 1993

TOBACCO (CONTROL OF ADVERTISEMENTS AND SALE) (TAX FREE WORLD ASSOCIATION ASIA PACIFIC EXHIBITION AND CONFERENCE 2023) (EXEMPTION) ORDER 2023

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In exercise of the powers conferred by section 22 of the Tobacco (Control of Advertisements and Sale) Act 1993, the Minister for Health makes the following Order:

Citation

1. This Order is the Tobacco (Control of Advertisements and Sale) (Tax Free World Association Asia Pacific Exhibition and Conference 2023) (Exemption) Order 2023.

Definitions

2. In this Order —

“2023 exhibition” means the Tax Free World Association Asia Pacific Exhibition and Conference 2023 held in Singapore during the exhibition period;

“exhibition mobile application” means a software application that operates on mobile devices such as smartphones and tablet computers, and is owned by the Tax Free World Association and developed for the Association’s exhibitions;

“exhibition period”, in relation to the 2023 exhibition, means the period starting on 9 May 2023 and ending on 11 May 2023;

“exhibition venue” means the Sands Expo and Convention Centre, Marina Bay Sands, at which the 2023 exhibition is held;

“exhibitor” means a participant in the 2023 exhibition specified in the First Schedule;

“organiser” means the Tax Free World Association and includes the Association’s members, agents and managers involved in the organisation and conduct of the 2023 exhibition on the Association’s behalf;

“prohibited imitation tobacco product” means an imitation tobacco product prohibited under section 16 of the Act;

“prohibited tobacco product” means a tobacco product prohibited under section 15 of the Act;

“registered trade visitor” means a person who is registered to participate in or visit the 2023 exhibition;

“Tax Free World Association” or “Association” means the international association known as the Tax Free World Association;

“TFWA website” means the website of the Tax Free World Association at www.tfwa.com.

Exemption from section 3 of Act in respect of online 2023 exhibition directory

3. Section 3 of the Act does not apply to prohibit an exhibitor or organiser from publishing, causing to be published, or taking part in the publication of, any advertisement described in section 3(1)(a), (c) or (d) of the Act that is contained in the online 2023 exhibition directory on the TFWA website during the period starting on 3 May 2023 and ending on 31 December 2024 if, and only if —

- (a) the advertisement does not pertain to any prohibited tobacco product or any prohibited imitation tobacco product;
- (b) the online 2023 exhibition directory is accessible to the following persons only:
 - (i) an exhibitor;
 - (ii) an organiser;
 - (iii) a registered trade visitor;
 - (iv) an officer or employee of the Tax Free World Association;
 - (v) a registered member of the Tax Free World Association; and
- (c) the TFWA website states that the online 2023 exhibition directory is meant only for the persons mentioned in sub-paragraph (b).

Exemption from section 3 of Act in respect of exhibition mobile application

4. Section 3 of the Act does not apply to prohibit an exhibitor or organiser from publishing, causing to be published, or taking part in the publication of, any advertisement described in section 3(1)(a), (c) or (d) of the Act that is contained in the exhibition mobile application during the period starting on 3 May 2023 and ending on 31 December 2024 if, and only if —

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- (a) the advertisement does not pertain to any prohibited tobacco product or any prohibited imitation tobacco product;
 - (b) the exhibition mobile application is accessible to the following persons only:
 - (i) an exhibitor;
 - (ii) an organiser;
 - (iii) a registered trade visitor;
 - (iv) an officer or employee of the Tax Free World Association;
 - (v) a registered member of the Tax Free World Association;
 - (c) the exhibition mobile application states that it is meant only for the persons mentioned in sub-paragraph (b);
 - (d) the exhibition mobile application does not send, through push technology, any advertisement that pertains to any tobacco product or imitation tobacco product; and
 - (e) the exhibition mobile application does not sell or offer for sale any tobacco product or imitation tobacco product.

Exemption for exhibitor from section 3 of Act

5. Section 3 of the Act does not apply to prohibit an exhibitor from publishing any advertisement described in section 3(1)(a), (c) or (d) of the Act if, and only if —

- (a) the advertisement does not pertain to any prohibited tobacco product or any prohibited imitation tobacco product;
- (b) the advertisement is approved by the Authority before it is published; and
- (c) the advertisement is published, during the exhibition period —

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- (i) within the booth or booths allocated to that exhibitor at the exhibition venue, and nowhere else, for the purposes of the 2023 exhibition; or
 - (ii) in the hard copy 2023 exhibition directory, which is to be distributed only to exhibitors and registered trade visitors at the exhibition venue.

Exemption for exhibitor from section 12A of Act

6. Section 12A of the Act does not apply to prohibit an exhibitor from displaying tobacco products if, and only if —

- (a) the tobacco products are not prohibited tobacco products; and
- (b) the tobacco products are displayed, during the exhibition period, within the booth or booths allocated to that exhibitor at the exhibition venue, and nowhere else, for the purposes of the 2023 exhibition.

Exemption for exhibitor from section 17(1) of Act

7.—(1) Section 17(1) of the Act, read with section 17(3)(a) and (b)(i) of the Act, does not apply to prohibit an exhibitor from distributing or giving, or causing to be distributed or given, during the exhibition period, any free sample of a tobacco product if, and only if —

- (a) the tobacco product is not a prohibited tobacco product;
- (b) the distribution or giving takes place at the exhibition venue, and nowhere else;
- (c) the free sample is distributed or given to a registered trade visitor who is associated or concerned with the manufacture, distribution or sale of tobacco products, and no other person;
- (d) each free sample must have clearly and conspicuously printed on, or firmly attached to, its packaging the following notices:

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- (i) a health warning that satisfies the requirements in sub-paragraph (2) or (3), as the case may be;
 - (ii) a label stating the text “Trade samples — for registered trade visitors only. Not for distribution to the general public.”; and
 - (e) the notices mentioned in sub-paragraph (d) are printed or firmly attached in a manner which ensures that —
 - (i) the notices do not obscure each other; and
 - (ii) when the packaging is opened or closed in the normal way, no portion of either notice is severed, obliterated or becomes unreadable.
- (2) For the purposes of sub-paragraph (1)(d)(i), where the external surface area of the packaging of the free sample is or exceeds 9,000 square millimetres, the health warning printed on, or firmly attached to, the packaging of each free sample —
- (a) must be one of the health warnings set out in the Second Schedule;
 - (b) must be printed on, or firmly attached to —
 - (i) any part of the external surface of any spherical packaging;
 - (ii) the largest external surface of any cylindrical or conical packaging; or
 - (iii) the 2 largest external surfaces of any other kind of packaging;
 - (c) must not be printed on or firmly attached to any bevelled or rounded edges adjacent to the surfaces mentioned in sub-paragraph (b);
 - (d) must occupy not less than 50% of the total area of the surface of the packaging on or to which the health warning is printed or firmly attached;
 - (e) must conform to the specifications set out in the Second Schedule;

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- (f) must be positioned —
- (i) parallel to the top edge of the packaging, and as much as possible towards the top part of the packaging while satisfying the requirements of sub-paragraph (g); and
 - (ii) in the same direction as how the packaging is to be ordinarily displayed; and
- (g) must be printed or firmly attached in a manner which ensures that when the packaging is opened or closed in the normal way —
- (i) no portion of the health warning is obliterated or becomes unreadable; and
 - (ii) the health warning is not severed or is severed only at the conjunction between Parts I and II of the health warning set out in the Second Schedule.

(3) For the purposes of sub-paragraph (1)(d)(i), where the external surface area of the packaging of the free sample does not exceed 9,000 square millimetres, the health warning printed on, or firmly attached to, the packaging of each free sample —

- (a) must be one of the health warnings set out in the Third Schedule;
- (b) must be printed on, or firmly attached to —
 - (i) any part of the external surface of any spherical packaging;
 - (ii) the largest external surface of any cylindrical or conical packaging; or
 - (iii) the 2 largest external surfaces of any other kind of packaging;
- (c) must not be printed on or firmly attached to any bevelled or rounded edges adjacent to the surfaces mentioned in sub-paragraph (b);

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- (d) must occupy not less than 50% of the total area of the surface of the packaging on or to which the health warning is printed or firmly attached;
 - (e) must conform to the specifications set out in the Third Schedule;
 - (f) must be positioned —
 - (i) parallel to the top edge of the packaging, and as much as possible towards the top part of the packaging while satisfying the requirements of sub-paragraph (g); and
 - (ii) in the same direction as how the packaging is to be ordinarily displayed; and
 - (g) must be printed or firmly attached in a manner which ensures that when the packaging is opened or closed in the normal way, no portion of the health warning is severed, obliterated or becomes unreadable.

(4) For the purposes of sub-paragraph (1)(d) and (e), if the packaging of the free sample has a cellophane or other clear outer wrapping, the notices are taken to be firmly attached to the packaging only if the notices are firmly attached to the packaging underneath the cellophane or other clear outer wrapping.

(5) Where the notices mentioned in sub-paragraph (1)(d) are likely to be obscured or obliterated by an outer wrapper or other item attached to the packaging of the free sample, the notices must, in addition to being printed on or firmly attached to the packaging, be printed on or firmly attached to the outer wrapper or other item attached to the packaging.

Exemption for owner from sections 5 and 12A of Act

8.—(1) This paragraph applies to the owner of the exhibition venue.

(2) Sections 5 and 12A of the Act do not apply to prohibit the person mentioned in sub-paragraph (1) from doing any of the following, during the exhibition period, for the purposes of the 2023 exhibition if, and only if, both the conditions in sub-paragraph (3) are satisfied:

- (a) permitting the exhibition venue or any part of it to be kept or used for the publication of any advertisement described in section 3(1)(a), (c) or (d) of the Act;
 - (b) displaying or causing to be displayed any tobacco products on the exhibition venue.
- (3) The conditions mentioned in sub-paragraph (2) are as follows:
- (a) an advertisement mentioned in sub-paragraph (2)(a) does not pertain to any prohibited tobacco product or any prohibited imitation tobacco product;
 - (b) the tobacco products mentioned in sub-paragraph (2)(b) are not prohibited tobacco products.

Exemption for organiser from sections 3, 5 and 12A of Act

9.—(1) This paragraph applies to any organiser that is not the person mentioned in paragraph 8(1).

(2) Sections 3, 5 and 12A of the Act do not apply to prohibit the organiser from doing any of the following, during the exhibition period, for the purposes of the 2023 exhibition if, and only if, all the conditions in sub-paragraph (3) are satisfied:

- (a) causing to be published, or taking part in the publication of, any advertisement described in section 3(1)(a), (c) or (d) of the Act at the exhibition venue;
- (b) causing to be displayed, or taking part in the display of, tobacco products at the exhibition venue;

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- (c) as occupier of the exhibition venue —
- (i) permitting the exhibition venue or any part of it to be kept or used for the publication of any advertisement described in section 3(1)(a), (c) or (d) of the Act; or
 - (ii) displaying or causing to be displayed any tobacco products at the exhibition venue.
- (3) The conditions mentioned in sub-paragraph (2) are as follows:
- (a) the organiser, before the start of the exhibition period, gives to each exhibitor sufficient written notice of the exemptions from sections 3, 12A and 17(1) of the Act in paragraphs 3 to 7 that are applicable to an exhibitor and the conditions of those exemptions;
 - (b) the organiser takes all reasonable steps to ensure that every exhibitor complies with the conditions for the exemptions mentioned in sub-paragraph (a) —
 - (i) during the period before the exhibition period when this Order is in force, if any of those conditions apply during the firstmentioned period; and
 - (ii) during the exhibition period;
 - (c) an advertisement mentioned in sub-paragraph (2)(a) and (c)(i) does not pertain to any prohibited tobacco product or any prohibited imitation tobacco product;
 - (d) the tobacco products mentioned in sub-paragraph (2)(b) and (c)(ii) are not prohibited tobacco products.

FIRST SCHEDULE

Paragraph 2

EXHIBITORS

1. Alishan Group Limited
2. British American Tobacco Global Travel Retail Ltd
3. British American Tobacco Int'l Services Pte Ltd
4. China Tobacco International (HK) Ltd
5. China Tobacco Zhejiang Industrial Co. Ltd
6. Ever Fortune Tobacco Limited
7. IKT Company, Inc
8. Imperial Tobacco
9. Joh. Wilh. von Eicken GmbH
10. JT International S.A.
11. Karelia Tobacco Company Inc
12. KT & G Corporation
13. KT International SA
14. Landewyck Tobacco S.A.
15. MAC Baren Tobacco Company
16. Manifatture Sigaro Toscano SpA
17. Nanyang Brothers Tobacco Co. Ltd
18. Oriental General Trading Inc.
19. Scandinavian Tobacco Group A/S
20. Silver Base International Development Co Ltd
21. Swisher International & Drew Estate LLC
22. Yunnan Tobacco International Co., Ltd

SECOND SCHEDULE

Paragraph 7(2)

HEALTH WARNINGS ON TOBACCO PRODUCTS



Warning 1



Warning 2



Warning 3



Warning 4



Warning 5




Warning 6

SECOND SCHEDULE — *continued**Specifications*

1. Part I must be of an area not less than 50% of the total area of the health warning.
2. Part II must be of an area not less than 35% of the total area of the health warning.
- 3.—(1) Part I must, except as otherwise provided in sub-paragraph (2), be positioned immediately above Part II.
(2) In the case of a flip-top or hinge-top package, if the area of the external face of the flip-top or hinge-top on or to which the health warning is required to be printed or firmly attached does not allow Part I to conform to paragraph 1 —
 - (a) Part I must be positioned immediately below Part II; and
 - (b) Part II must be displayed on the external face of the flip-top or hinge-top.
4. The background colour of the boxed text in Part II must be 100k black.
5. The perimeter of the area containing the health warning must have a one-millimetre wide white border.
6. For the text “WARNING”, the following typeface and colour must be used:
 - (a) typeface Arial Bold;
 - (b) red colour R: 229, G: 53, B: 44 / C: 0%, M: 90%, Y: 86%, K: 0%.
7. For the following text —
 - (a) “SMOKING CAUSES BLINDNESS”;
 - (b) “SMOKING CAUSES CANCER”;
 - (c) “SMOKING CAUSES HEART DISEASE”;
 - (d) “SMOKING CAUSES LUNG DISEASE”;
 - (e) “SMOKING INCREASES THE RISK OF MISCARRIAGE”;
 - (f) “WHEN YOU’RE HOOKED, YOUR CHILD SUFFERS TOO”;
 - (g) “You CAN Quit.”;the following typeface and colour must be used:
 - (h) typeface Arial Bold;
 - (i) white colour R: 255, G: 255, B: 255 / C: 0%, M: 0%, Y: 0%, K: 0%.

SECOND SCHEDULE — *continued*

8. For the logo “”, the following colours must be used:
- (a) red colour R: 229, G: 53, B: 44 / C: 0%, M: 90%, Y: 86%, K: 0%;
 - (b) white colour R: 255, G: 255, B: 255 / C: 0%, M: 0%, Y: 0%, K: 0%.
9. The image and text layout must —
- (a) closely resemble the approved sample provided by the Chief Executive;
 - (b) adhere to the proportions of the approved sample;
 - (c) not be distorted by the shape or size of the retail packaging, or in any other way; and
 - (d) not be edited.
10. The font size of the smallest text must be of a minimum of 2 millimetres in height and the text must be aligned to the left.
11. The resolution for all images on the retail packaging of the tobacco product must be a minimum of 300dpi.
12. All images and text must be printed using 4-process colour printing or spot colour and a minimum colour gamut using RGB and must be reproduced —
- (a) in a colour that is as close as possible to the colour in the approved sample provided by the Chief Executive; and
 - (b) as clearly as possible taking into consideration the method of printing.

THIRD SCHEDULE

Paragraph 7(3)

HEALTH WARNINGS ON
SMALL PACKAGES OF TOBACCO PRODUCTS

Warning 1



Warning 2



Warning 3



Warning 4



Warning 5



Warning 6

Specifications

1. The background colour of the boxed text must be 100k black, and the perimeter of the area containing the health warning must have a one-millimetre wide white border.
2. For the text “WARNING”, the following typeface and colour must be used:
 - (a) typeface Arial Bold;
 - (b) red colour R: 229, G: 53, B: 44 / C: 0%, M: 90%, Y: 86%, K: 0%.
3. For the following text —
 - (a) “SMOKING CAUSES BLINDNESS”;

THIRD SCHEDULE — *continued*

- (b) “SMOKING CAUSES CANCER”;
- (c) “SMOKING CAUSES HEART DISEASE”;
- (d) “SMOKING CAUSES LUNG DISEASE”;
- (e) “SMOKING INCREASES THE RISK OF MISCARRIAGE”;
- (f) “WHEN YOU’RE HOOKED, YOUR CHILD SUFFERS TOO”;
- (g) “You CAN Quit.”,

the following typeface and colour must be used:

- (h) typeface Arial Bold;
- (i) white colour R: 255, G: 255, B: 255 / C: 0%, M: 0%, Y: 0%, K: 0%.

4. For the logo “”, the following colours must be used:

- (a) red colour R: 229, G: 53, B: 44 / C: 0%, M: 90%, Y: 86%, K: 0%;
- (b) white colour R: 255, G: 255, B: 255 / C: 0%, M: 0%, Y: 0%, K: 0%.

5. The image and text layout must —

- (a) closely resemble the approved sample provided by the Chief Executive;
- (b) adhere to the proportions of the approved sample;
- (c) not be distorted by the shape or size of the retail package, or in any other way; and
- (d) not be edited.

6. The font size of the smallest text must be of a minimum of 2 millimetres in height and the text must be aligned to the left.

7. All images and text must be printed using 4-process colour printing or spot colour and a minimum colour gamut using RGB and must be reproduced —

- (a) in a colour that is as close as possible to the colour in the approved sample provided by the Chief Executive; and
- (b) as clearly as possible taking into consideration the method of printing.

Made on 26 April 2023.

CHAN YENG KIT
*Permanent Secretary,
Ministry of Health,
Singapore.*

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