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TOBACCO
(CONTROL OF ADVERTISEMENTS AND SALE) ACT
(CHAPTER 309)

TOBACCO
(CONTROL OF ADVERTISEMENTS AND SALE)
(TAX FREE WORLD ASSOCIATION ASIA PACIFIC
EXHIBITION AND CONFERENCE 2019)
(EXEMPTION) ORDER 2019

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In exercise of the powers conferred by section 22 of the Tobacco (Control of Advertisements and Sale) Act, 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 2019) (Exemption) Order 2019.

Definitions

2. In this Order —

“2019 exhibition” means the Tax Free World Association Asia Pacific Exhibition and Conference 2019 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 2019 exhibition, means the period starting on 14 May 2019 and ending on 16 May 2019;

“exhibition venue” means the Sands Expo and Convention Centre, Marina Bay Sands, at which the 2019 exhibition is held;

“exhibitor” means a participant in the 2019 exhibition specified in the Schedule;

“Labelling Regulations” means the Tobacco (Control of Advertisements and Sale) (Labelling) Regulations 2012 (G.N. No. S 419/2012);

“organiser” means the Tax Free World Association and includes the Association’s members, agents and managers involved in the organisation and conduct of the 2019 exhibition on the Association’s behalf;

“registered trade visitor” means a person who is registered to participate in or visit the 2019 exhibition;

“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 2019 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 2019 exhibition

directory on the TFWA website during the period starting on 14 April 2019 and ending on 31 December 2020 if, and only if —

- (a) the online 2019 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
- (b) the TFWA website states that the online 2019 exhibition directory is meant only for the persons mentioned in sub-paragraph (a).

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 14 April 2019 and ending on 31 December 2020 if, and only if —

- (a) 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;

- (b) the exhibition mobile application states that it is meant only for the persons mentioned in sub-paragraph (a);
- (c) the exhibition mobile application must not send through push technology any advertisement that pertains to a tobacco product; and
- (d) the exhibition mobile application must not sell or offer for sale any 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 tobacco product prohibited under section 15 of the Act or any imitation tobacco product prohibited under section 16 of the Act;
- (b) the advertisement is approved by the Authority before it is published; and
- (c) the advertisement is published, during the exhibition period —
 - (i) within the booth or booths allocated to that exhibitor at the exhibition venue, and nowhere else, for the purposes of the 2019 exhibition; or
 - (ii) in the hard copy 2019 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 under section 15 of the Act and are not imitation tobacco products prohibited under section 16 of the Act; 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 2019 exhibition.

Exemption for exhibitor from sections 17(1) and 17A(1) of Act

7.—(1) Sections 17(1) and 17A(1) of the Act, read with regulations 4, 5, 7, 8, 10 and 11 of the Labelling Regulations, do 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 prohibited under section 15 of the Act and is not an imitation tobacco product prohibited under section 16 of the Act;
- (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:
 - (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 warnings set out in the First Schedule to the Labelling Regulations;
- (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 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 attached;
- (e) must conform with the specifications set out in the First Schedule to the Labelling Regulations;
- (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

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- (ii) the health warning is not severed or is severed only at the conjunction between Parts I and II of the warning set out in the First Schedule to the Labelling Regulations.

(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 warnings set out in the Second Schedule to the Labelling Regulations;
- (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 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 attached;
- (e) must conform with the specifications set out in the Second Schedule to the Labelling Regulations;
- (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 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 attached to the packaging, be printed on or attached to the outer wrapper or other item attached to the packaging.

(6) In this paragraph, “packaging” —

(a) means any box, carton, tin, packet or other container in which tobacco products are supplied; and

(b) includes, in the case where the package is, or several packages are, contained inside one or more larger packages, the smaller package or each of the smaller packages, as the case may be.

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

8.—(1) 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 2019 exhibition if, and only if, both the conditions in sub-paragraph (2) 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 owner or occupier of the exhibition venue, permitting the exhibition venue or any part of it to be kept or used for —
- (i) the publication of any advertisement described in section 3(1)(a), (c) or (d) of the Act; or
 - (ii) the display of tobacco products.
- (2) The conditions mentioned in sub-paragraph (1) are as follows:
- (a) the organiser, before the start of the exhibition period, gives to each exhibitor sufficient written notice of the requirements in paragraphs 3 to 7 for the exemption of an exhibitor from sections 3, 12A, 17(1) and 17A(1) of the Act;
 - (b) no exhibitor breaches any of the requirements mentioned in sub-paragraph (a).

THE SCHEDULE

Paragraph 2

EXHIBITORS

1. Agio Cigars
2. Alishan Group Limited
3. Arnold André GmbH & Co. KG
4. British American Tobacco Global Travel Retail Ltd
5. British American Tobacco International Services Pte Ltd
6. China Tobacco International (HK) Ltd
7. China Tobacco Zhejiang Industrial Co. Ltd
8. Ever Fortune Tobacco Limited
9. Imperial Tobacco (Asia) Pte Ltd
10. Joh. Wilh. von Eicken GmbH
11. JT International S.A.
12. Karelia Tobacco Company Inc
13. KT & G Corporation
14. KT International S.A.

THE SCHEDULE — *continued*

15. Landewyck Tobacco S.A.
16. MAC Baren Tobacco Company A/S
17. Manifatture Sigaro Toscano SpA
18. Nanyang Brothers Tobacco Co., Ltd
19. Oriental General Trading Inc.
20. Scandinavian Tobacco Group A/S
21. Silver Base International Development Co Ltd
22. Swisher International & Drew Estate LLC
23. Yunnan Tobacco International Co., Ltd

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CHAN HENG KEE
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