

Tobacco Retailers Fact Sheet

June 2011

Reforms effective 1 January 2012

1. What are the new regulations regarding displaying tobacco products?

From 1 January 2012, the display of tobacco products will be prohibited in retail outlets in South Australia.

Under the new regulations, tobacco products must not be visible from anywhere inside or outside a retail outlet. Tobacco products include cigarettes, cigars and any non-tobacco product that is designed for smoking. This includes cigarette packets, cartons, single cigars, loose tobacco, cigarette papers and filters.

Matches and cigarette lighters are not considered to be tobacco products and therefore can be displayed.

The ban also applies to vending machines and duty free shops. Pictures of tobacco products are not permitted to be shown.

A temporary exemption applies to **prescribed specialist tobacconists** (see 11 for a definition) until 31 December 2014.

2. What are the changes to the regulations?

Under variations to the Tobacco Products Regulations 2004, the display of all tobacco products at points of sale is prohibited from 1 January 2012. These variations can be found in the Tobacco Products Variation Regulations 2011 which can be accessed via www.tobaccolaws.sa.gov.au.

3. Can I still sell tobacco products even though I can't display them?

Yes. You can still sell tobacco products, but they must be kept out of sight such as in covered storage units or under the counter.

4. Why does the Government want to put tobacco products out of sight?

This regulation has been brought in to reduce childrens' exposure to tobacco products and to help smokers who are trying to quit. Research shows that displays provide a visual cue that can trigger impulse purchasing by smokers, including those who are trying to quit.

5. How can I prevent people from seeing tobacco products in my retail outlet?

There are a number of ways to cover or remove tobacco products completely out of view. For example, a simple non-transparent curtain; drawers with a non-transparent front; shelves covered with an opaque flap; or cupboards with sliding doors.

6. How will people know that I sell tobacco products?

You may display one prescribed tobacco notice inside your premises which shows that you sell tobacco.

A prescribed tobacco notice must consist only of black text on a white background. The text must be no larger than 40mm in height, with the words "Tobacco products sold here" or "Cigarette cartons sold here" or "Cigarettes sold here".



7. How will people know what tobacco products I have and how much they cost?

Price tickets are still permitted. Price tickets must be compliant with the regulations; these regulations cover the size, colour and information that can be displayed on the tickets. Advertising of discounted tobacco products using 'Special' price tickets or other means is prohibited.

Price boards:

One prescribed price board is permitted. The total surface area of the board (including, in the case of a sandwich board, the combined surface area of both sides) must not be larger than 0.5m², or 1m² in specialist tobacconists. It must have black text in a standard font not exceeding 20mm in height on a white background. The information allowed on the price board is the same as for price tickets.

Price lists such as loose sheets of paper that can be handed to customers **are not permitted**.

8. How do I manage incidental viewing of tobacco products?

Retailers are expected to take all reasonable measures to prevent the visibility of tobacco products. For example, if cigarettes are stored in a cupboard, the cupboard doors must be closed as soon as the tobacco product has been removed.

The genuine restocking of tobacco products during business hours is permitted, however retailers should take every care to ensure that exposure to tobacco products by the public is kept to a minimum.

Incidental viewing of a tobacco product during the sale or delivery of a tobacco product is permitted.

A tobacco product can only be displayed to a customer at his or her direct request.

9. Will I still need to display the graphic health warning poster?

A graphic health warning poster is only required to be displayed at specialist tobacconist stores if they have tobacco products on display, and with all vending machines.

All retailers are still required to display the prescribed notice 'Sale of Tobacco Products' and their current Retail Tobacco Merchant's Licence.

10. What are the penalties for breaching the ban?

If a tobacco retailer displays tobacco products, other than incidental viewing, the maximum penalty is \$5,000 with an expiation fee of \$315.

11. What is a prescribed specialist tobacconist?

A **specialist tobacconist** is a person who sells tobacco products by retail and the gross turnover of all tobacco products sold constitutes 80% or more of the gross turnover of all products sold.

Further details of the requirements of specialist tobacconists can be found in the regulations.

A **prescribed specialist tobacconist** is defined as a person who was, immediately prior to the commencement of the new regulations, carrying on a business as a specialist tobacconist. The premises of a prescribed specialist tobacconist does not include premises if, at any time after 1 January 2012, the person:

- > ceases, temporarily or permanently, to be a specialist tobacconist; or
- > ceases to hold a current licence for the premises; or
- > transfers or assigns the licence to the premises of another person.

Once a premises ceases to be the premises of a prescribed specialist tobacconist, it can not be regained.

Disclaimer

This information is provided for guidance only and is not to be taken as an expression of the law. It should be read in conjunction with the *Tobacco Products Regulation Act 1997*. The State of South Australia, its agents, instrumentalities, officers and employees, will not be responsible for any loss, however arising, from the use of, or reliance on, this information.

For more information

Health Protection Branch, SA Health
GPO Box 6 Rundle Mall, Adelaide SA 5000
Telephone: 1300 363 703 or (08) 8226 7142
Fax (08) 8226 7102
www.tobaccolaws.sa.gov.au

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