

2008-2009

The Parliament of the
Commonwealth of Australia

THE SENATE

Presented and read a first time

**Plain Tobacco Packaging (Removing
Branding from Cigarette Packs) Bill
2009**

No. , 2009

(Senator Fielding)

**A Bill for an Act to amend product information
standards to remove brands, trademarks and logos
from tobacco packaging, and for related purposes**

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1 **A Bill for an Act to amend product information**
2 **standards to remove brands, trademarks and logos**
3 **from tobacco packaging, and for related purposes**

4 The Parliament of Australia enacts:

5 **1 Short title**

6 This Act may be cited as the *Plain Tobacco Packaging (Removing*
7 *Branding from Cigarette Packs) Act 2009*.

8 **2 Commencement**

9 This Act commences on the day on which it receives the Royal
10 Assent.

1 **3 Object**

2 Noting:

3 the tobacco industry’s use of colour, novelty packaging and
4 other imagery enables it to target particular market segments
5 and convey brand character; and

6 that colour and imagery are also used to misleadingly convey
7 relative brand strength and quality;

8 the object of this Act is to regulate tobacco packaging, in order to:

9 (a) reduce initiation of tobacco use, tobacco consumption and
10 quitting relapse;

11 (b) enhance the effectiveness of package warnings; and

12 (c) remove the package’s ability to mislead and deceive
13 consumers.

14 **4 Schedule(s)**

15 (1) Each Act, and each set of regulations, that is specified in a
16 Schedule to this Act is amended or repealed as set out in the
17 applicable items in the Schedule concerned, and any other item in a
18 Schedule to this Act has effect according to its terms.

19 (2) The amendment of any regulation under subsection (1) does not
20 prevent the regulation, as so amended, from being amended or
21 repealed by the Governor-General.

1 **Schedule 1—Amendment of the Trade**
2 **Practices Act 1974**
3

4 **1 After section 65D**

5 Insert:

6 **65DA Tobacco packaging and product information standards**

7 Regulations made for the purposes of subsection 65D(2) in respect
8 of tobacco and tobacco products manufactured in Australia or
9 imported into Australia may prescribe matters relating to the
10 colour, design, size and shape of tobacco packaging in order to
11 reduce the distinctiveness of packaging and emphasise consumer
12 product information.
13

1 **Schedule 2—Amendment of the Trade**
2 **Practices (Consumer Product**
3 **Information Standards) (Tobacco)**
4 **Regulations 2004**
5

6 **1 After subregulation 7(2)**

7 Insert:

- 8 (3) A retail package (other than a larger package that complies with
9 regulation 7A):
- 10 (a) manufactured in Australia, or imported into Australia, on or
11 after 1 July 2010; or
- 12 (b) sold in Australia on or after 1 January 2011;
- 13 must be labelled in accordance with Part 4 and Part 5.

14 **2 After Part 4**

15 Insert:

16 **Part 5 Labelling and packaging — additional**
17 **requirements**

18 **53 Application**

19 This Part applies in relation to all retail packages (other than a larger
20 package that complies with regulation 7A) and all individual
21 packages in which cigarettes are sold at retail that are manufactured
22 in Australia, or imported into Australia, on or after 1 July 2010, or
23 sold in Australia on or after 1 January 2011.

24 **54 Definition**

25 In this Part:

26 *insert* means any material that contains any communication that is
27 included inside an individual package in which cigarettes are sold at
28 retail or retail packaging purchased at retail by consumers and
29 includes leaflets and brochures.

1 ***matt brown*** means the colour identified as PMS 154 on the Pantone
2 Matching System, reproduced with a non-gloss finish.

3 ***onsert*** means any material that contains any communication that is
4 affixed to an individual package in which cigarettes are sold at retail
5 or to retail packaging purchased at retail by consumers and includes
6 leaflets and brochures.

7 ***remaining package area*** means any part of a retail package,
8 including the interior of the package, that does not carry an
9 explanatory message, information message or warning message or
10 graphic required under Part 4.

11 **55 Requirements for labelling of remaining package area**

- 12 (1) Subject to subregulation (2), the remaining package area:
- 13 (a) must be matt brown, without illustration or decoration; and
- 14 (b) must not bear any decorative ridges, embossing, bulges, or other
15 irregularities.
- 16 (2) The remaining package area may contain the information specified in
17 subregulation (3), provided that information is:
- 18 (a) in black text; and
- 19 (b) in the type face known as Helvetica, in normal weight.
- 20 (3) The remaining package area must not contain any words, trademarks
21 or logos other than the following information:
- 22 (a) on the bottom of the front of the package, in 12 point size — the
23 brand name of the product;
- 24 (b) on one side of the package, in 12 point size — a number
25 representing the number of cigarettes in the package, or a
26 number and weight representing the amount of tobacco in the
27 package, as the case may be;
- 28 (c) on the other side of the package, in 8 point size — the name,
29 address and a contact phone number of the manufacturer or
30 importer of the package, as the case may be.

- 1 **56 Additional requirements for individual packages of**
2 **cigarettes**
- 3 Each individual package in which cigarettes are sold at retail must:
- 4 (a) contain 25 cigarettes;
- 5 (b) be rectangular in shape and have the following dimensions:
- 6 (c) 69-72 millimetres in width;
- 7 (d) 87-90 millimetres in height;
- 8 (e) 21-24 millimetres in depth;
- 9 (f) be made of matt and rigid cardboard;
- 10 (g) be a flip top pack;
- 11 (h) not be enclosed in any form of wrapper unless such wrapper is
- 12 completely transparent or complies with subregulation 29(1);
- 13 and
- 14 (i) not bear or contain perfuming or audio chips.

- 15 **57 Additional requirements for retail packaging of**
16 **tobacco**
- 17 Packages of tobacco must not:
- 18 (a) contain any inserts or bear any onserts;
- 19 (b) be covered or surrounded by any material, or have any material
- 20 attached or affixed to them with the exception of a completely
- 21 transparent wrapper.