

## TOBACCO PRODUCTS LABELLING REGULATIONS (CIGARETTES AND LITTLE CIGARS)

## INTERPRETATION

## Definitions

**1.** The following definitions apply in these Regulations.

“box”  
« boîte »

“box” means a package that has rectangular sides and a lid.

“brand”  
« marque »

“brand” means all of the brand elements that as a whole are used by a manufacturer to identify to a consumer a tobacco product made by the manufacturer.

“carton”  
« cartouche »

“carton” means a package that contains two or more packages of a tobacco product.

“cigarette”  
« cigarette »

“cigarette” includes any roll or tubular construction that contains tobacco and is intended for smoking, other than a bidi, cigar, kretek, little cigar or tobacco stick.

“component”  
« composante »

“component” means, with respect to a labelling element,

(a) in the case of a health warning, the image, the title, the explanatory text or related information;

(b) in the case of a toxic emissions statement, the text;

(c) in the case of a health information message, the image or the text; and

(d) the attribution of a labelling element to its source as provided for in subsection 6(1) if the attribution appears in a display area or on a leaflet, even though the attribution is not a labelling element.

“display area”  
« zone  
d’application »

“display area” means a side, or part of a side, of a package specified as a display area in accordance with sections 12, 17 and 22.

“exterior surface  
of the slide”  
« surface  
extérieure du  
 tiroir »

“exterior surface of the slide” means, in respect of a slide and shell package, the exterior surface of the slide, other than the flaps of the slide, when the package is used in the customary manner to gain access to the tobacco product.

“health  
information  
message”  
« message  
d’information  
sur la santé »

“health information message” means the following messages, but does not include the attribution of those messages to their source as provided for in subsection 6(1):

(a) in respect of cigarettes, the messages set out in Part 3 of Division A of the source document; and

(b) in respect of little cigars, the messages set out in Part 3 of Division B of the source document.

“health  
warning”  
« mise en  
garde »

“health warning” means the following warnings, but does not include the attribution of those warnings to their source as provided for in subsection 6(1):

(a) in respect of cigarettes, the warnings set out in Part 1 of Division A of the source document; and

	(b) in respect of little cigars, the warnings set out in Part 1 of Division B of the source document.
“labelling element” « élément d’étiquetage »	“labelling element” means a health warning, toxic emissions statement or health information message.
“manufacturer” « fabricant »	“manufacturer” does not include an individual or entity that only packages or only distributes tobacco products on behalf of a manufacturer.
“slide” « tiroir »	“slide” means the sliding portion of a slide and shell package.
“source document” « document source »	“source document” means the document entitled <i>Labelling Elements for Tobacco Products (Cigarettes and Little Cigars)</i> , published by the Department of Health, dated May 27, 2011.
“tobacco product” « produit du tabac »	“tobacco product” means a cigarette or little cigar.
“top edge” « arête supérieure »	<p>“top edge” means</p> <p>(a) in respect of a cylindrical package, the edge that is in the horizontal plane and that forms the upper limit of the side of the package, which side excludes the top of the package but includes the side of the lid when the side forms part of the side of the package;</p> <p>(b) in respect of a package other than a cylindrical package, the edge that is in the horizontal plane and that forms the upper limit of the package when the package is used in the customary manner to gain access to the tobacco product; and</p> <p>(c) in respect of an exterior surface of a slide, the edge that is in the horizontal plane and that forms the upper limit of that surface when the package is used in the customary manner to gain access to the tobacco product.</p>
“toxic emissions statement” « énoncé sur les émissions toxiques »	<p>“toxic emissions statement” means the following statements, but does not include the attribution of those statements to their source as provided for in subsection 6(1):</p> <p>(a) in respect of cigarettes, the statements set out in Part 2 of Division A of the source document; and</p> <p>(b) in respect of little cigars, the statements set out in Part 2 of Division B of the source document.</p>
“upper slide-flap” « rabat supérieur »	“upper slide-flap” means, in respect of a slide and shell package, the extremity of the slide that can be folded and is concealed by the shell when the package is closed and that is visible when the package is used in the customary manner to gain access to the tobacco product.

## APPLICATION

Retail sale      **2.** (1) These Regulations apply to packages of tobacco products that are intended for retail sale.

Overwraps (2) These Regulations also apply to overwraps used as cartons that are intended for retail sale.

### GENERAL PROVISIONS

Electronic files **3.** A manufacturer must obtain from the Minister, in the form of electronic files, the labelling elements set out in the source document, including the attribution of the labelling elements to their source, and display them on packages or leaflets in accordance with these Regulations.

Printing **4.** A labelling element and any attribution of its source that is displayed on a package or leaflet must be printed

(a) in colours that are as close as possible to the colours in which the labelling element and source attribution are set out in the source document; and

(b) with the greatest clarity possible taking into consideration the printing method used.

Legibility and official languages **5.** Text contained in a labelling element must be legible and displayed in both official languages in the same manner.

Retention of attribution **6.** (1) If a manufacturer chooses to display the attribution contained in the electronic files, they must display it in the same manner as it is presented in the source document or in accordance with section 10.

Removal of attribution (2) If a manufacturer chooses to remove the attribution contained in the electronic files, they must only remove the phrases “Health Canada” and “Santé Canada”.

Visibility **7.** A labelling element, or a component of a labelling element, must not be concealed or obscured, except partially

(a) by an excise stamp in accordance with subsection 11(2); or

(b) by a tear tape required under provincial legislation.

Integrity **8.** (1) The customary method of opening the package must not damage the labelling element or make it illegible.

Severed package (2) If the customary method of opening the package severs the labelling element,  
 (a) the integrity of the labelling element must be restored when the package is closed; and  
 (b) two lines of text within the labelling element may be separated, but no letter, numeral or other character may be severed.

Non-application (3) Subsection (1) does not apply to a package that is ordinarily torn or discarded after opening.

Permanence **9.** A labelling element that is displayed on a package or a leaflet must be irremovable.

Adaptation **10.** If a labelling element does not fit the portion of the display area that it must occupy or does not fit the dimensions of a leaflet that are determined in accordance with subsections 29(1) and (2), the labelling element must be adapted in accordance with the following requirements:

- (a) its components must, to the extent possible, maintain the scale of the components in the source document;
- (b) the positions of the components must, to the extent possible, be maintained relative to each other;
- (c) the text may only be displaced to meet the requirements of section 8 or subsection 11(2); and
- (d) the number of lines of text may only be adapted to avoid distortion of a component.

Stamp **11.** (1) A labelling element must not be applied on an excise stamp that is required under the *Stamping and Marking of Tobacco Products Regulations*.

Coverage (2) A labelling element may be concealed only by an excise stamp but to the least extent possible and to a maximum surface area of 180 mm<sup>2</sup>. In that case, the labelling element must be adapted in accordance with section 10 so that no component is concealed by the excise stamp.

#### HEALTH WARNINGS

Display areas **12.** (1) Subject to subsection (2), health warnings must be displayed in respect of each type of package set out in column 1 of Schedule 1 on the display areas set out in column 2.

Other packages (2) In respect of a type of package that is not set out in Schedule 1, health warnings must be displayed on the following display areas:

(a) in the case of a package that has at least two equal-sized sides, other than the top and bottom of the package, two of those sides that are opposite sides of the package and one of which is visible when the package is used in the customary manner to gain access to the tobacco product, including the sides of any lid if those sides are part of the sides of the package; and

(b) in the case of any other package, the largest side that is visible when the package is used in the customary manner to gain access to the tobacco product.

Portion of display area **13.** (1) The portion of a display area of a package on which a health warning must be displayed is at least 75% of each display area referred to in section 12.

Determination of portion of display area (2) The portion of a display area of a soft package is determined in accordance with subsection (3), the portion of a display area of a three-sided package is determined in accordance with subsection (4), the portion of a display area of a cylindrical package is determined in accordance with subsection (5) and the portion of a display area of all other types of packages is determined in accordance with subsections (6) and (7).

Soft packages (3) In the case of a soft package, the portion of the display area runs along a line that is parallel to and not more than 12 mm below the top edge of the package and extends from the left edge to the right edge of the display area.

- Three-sided packages (4) In the case of a three-sided package, the portion of the display area runs along a line that is parallel to the top edge of the package and not more than 12 mm below the tear line and extends from the left edge to the right edge of the display area.
- Cylindrical packages (5) In the case of a cylindrical package, the portion of the display area runs along the line of separation between the lid and the side of the package, extends towards the bottom of the package and is bounded by the left and right limits of the display area.
- Vertical (6) If, in relation to the top edge of a package, the height to width ratio of the display area is greater than or equal to 0.5, then the portion of the display area runs along that top edge and extends from the left edge to the right edge of the display area.
- Horizontal (7) If, in relation to the top edge of a package, the height to width ratio of the display area is less than 0.5, then the portion of the display area runs along the left edge of the display area and extends from the bottom edge to the top edge of the package.
- Space occupied and orientation of text (8) A health warning must completely occupy the portion of the display area and must be oriented in such a manner that its text is readable from left to right when the package is used in the customary manner to gain access to the tobacco product.
- Package — two display areas **14.** (1) If a package has two display areas, the English version of a health warning set out in Set 1 of Part 1 of the source document must be displayed on one display area and the French version must be displayed on the other.
- Package — one display area (2) If a package has one display area, a health warning in English and French set out in Set 2 of Part 1 of the source document must be displayed on the display area.
- Package — cartons (3) In the case of a carton, the English version of a health warning set out in Set 1 of Part 1 of the source document must be displayed on one of the primary display areas set out in column 2 of item 10 of Schedule 1 and the French version must be displayed on the other. The English version of a different health warning set out in that Set 1 must be displayed on one of the two secondary display areas set out in the same column of the same item and the French version must be displayed on the other.
- Proportional display **15.** A manufacturer must, in respect of each type of package of each brand of tobacco product that they package in a year, display each health warning on between 3.25% and 9.25% of the packages of those products.
- Formats **16.** The format of a health warning set out in the source document that must be displayed on a package is the following:
- (a) if the height to width ratio of the portion of the display area is less than 0.5, the “Elongated Landscape” format;
  - (b) if the height to width ratio of the portion of the display area is greater than or equal to 0.5 but less than or equal to 1.0, the “Landscape” format;
  - (c) if the height to width ratio of the portion of the display area is greater than 1.0 but less than or equal to 2, the “Portrait” format; and

(d) if the height to width ratio of the portion of the display area is greater than 2, the “Elongated Portrait” format.

### TOXIC EMISSIONS STATEMENTS

- 17.** (1) Subject to subsection (2), a toxic emissions statement must be displayed in respect of each type of package set out in column 1 of Schedule 2 on the display areas set out in column 2.
- (2) In the case of a type of package that is not referred to in Schedule 2, a toxic emissions statement must be displayed on the display area that is the largest side of the package, other than the side or sides on which a health warning is displayed.
- 18.** (1) If the display area on which the toxic emissions statement is required to be displayed is less than 10 cm<sup>2</sup>, the statement must completely occupy the display area.
- (2) In any other case except for cartons, if the display area on which the toxic emissions statement is required to be displayed is equal to or greater than 10 cm<sup>2</sup>, the statement must occupy the greater of 60% of the display area and 10 cm<sup>2</sup>.
- (3) Except in the case of cartons, the portion of the display area on which the toxic emissions statement is required to be displayed does not have to exceed a surface area of 30 cm<sup>2</sup>.
- (4) In the case of a carton, the portion of the display area on which the toxic emissions statement must be displayed is at least 50% of the display area.
- (5) In the case of a soft package, the portion of the display area runs along a line that is parallel to and not more than 12 mm below the top edge of the package and extends from the left edge to the right edge of the display area.
- (6) In the case of a cylindrical package, the portion of the display area runs along the line of separation between the lid and the side of the package, extends towards the bottom of the package and is bounded by the left and right limits of the display area.
- (7) For the purposes of subsections (2) to (6), the toxic emissions statement must completely occupy the portion of the display area.
- 19.** A toxic emissions statement must be displayed in English and French in the display area or the portion of the display area, as the case may be.
- 20.** A manufacturer must, in respect of each type of package of each brand of tobacco product that they package in a year, display each toxic emissions statement on between 22% and 28% of those products.
- 21.** The format of a toxic emissions statement set out in the source document that must be displayed on a package is the following:
- (a) if the surface area of the display area or the portion of the display area, as the case may be, is less than or equal to 10 cm<sup>2</sup>, the “Landscape” format; and

(b) if the surface area of the display area or the portion of the display area, as the case may be, is greater than 10 cm<sup>2</sup>, the “Elongated Landscape” format.

### HEALTH INFORMATION MESSAGES

- 22.** (1) Subject to subsections (3) and (4), in the case of a slide and shell package, other than a slide and shell package with a lateral slide, a health information message must be displayed on either the two display areas of the package which are the upper slide-flap and the exterior surface of the slide or on a leaflet inserted in the package.
- (2) When the package is used in the customary manner to gain access to the tobacco product, the health information message on the upper slide-flap and on the exterior surface of the slide must be oriented in the same direction as the health warning displayed on the package.
- (3) If the surface area of the exterior surface of the slide is less than 55 cm<sup>2</sup>, a health information message must be displayed on a leaflet inserted in the package.
- (4) If, in relation to the top edge of the exterior surface of the slide, the height to width ratio of the exterior surface of the slide is greater than one, a health information message must be displayed on a leaflet inserted in the package.
- 23.** Subject to section 22, a health information message must be displayed on a leaflet inserted in the package except in the case of cylindrical packages, soft packages, two-sided packages, three-sided packages and cartons other than cartons containing soft packages. In the case of cartons containing soft packages the health information message must be displayed on a leaflet inserted in the carton.
- 24.** A health information message must completely occupy the two display areas of a slide and shell package or the two sides of a leaflet.
- 25.** (1) The health information message required to be displayed on a slide and shell package must be one of those set out in section A of Part 3 of the source document.
- (2) The health information message required to be displayed on a leaflet must be one of those set out in section B of Part 3 of the source document.
- 26.** A manufacturer must, in respect of each type of package of each brand of tobacco product that they package in a year, display each health information message on between 9.5% and 15.5% of the packages or leaflets, as the case may be.
- 27.** The format of a health information message set out in the source document that must be displayed on a slide and shell package is the following:
- (a) if the height to width ratio of the exterior surface of the slide is less than 0.5, the “Elongated Landscape” format;
- (b) if the height to width ratio of the exterior surface of the slide is greater than or equal to 0.5 but less than 1.0, the “Landscape” format; and

- (c) if the height to width ratio of the exterior surface of the slide is greater than or equal to 1.0, the “Portrait” format.
- Bilingual health information messages — slide and shell package      **28.** A health information message must be displayed in English and French in the display areas of a slide and shell package.
- Size of leaflet      **29.** (1) A leaflet on which a health information message is displayed must be the largest possible size that the dimensions of the package will allow without the leaflet being folded, and must be at least 65 mm high and 43 mm wide. If the dimensions of a package will not allow the insertion of a leaflet that is at least 65 mm high and 43 mm wide, the leaflet may be folded once lengthwise to allow it to be inserted in the package and, if necessary, folded a second time.
- Surface area      (2) A leaflet does not have to exceed a surface area of 224 cm<sup>2</sup> as calculated on the basis of the height and width of one side of the leaflet.
- Visibility and readability      (3) A leaflet must be readily visible when the package is used in the customary manner to gain access to the tobacco product, be easily removable and be placed in the package in a manner that makes the text of the message, or some portion of the text, readable without further manipulation.
- Formats      **30.** The format of a health information message that must be displayed on a leaflet is the following:
- (a) if the height to width ratio of the leaflet is less than or equal to 2, the “Portrait” format; and
- (b) if the height to width ratio of the leaflet is greater than 2, the “Elongated Portrait” format.
- Bilingual health information messages — leaflets      **31.** The English version of a health information message must be displayed on one side of the leaflet and the French version on the other.

### TRANSITIONAL PROVISIONS

**32. (1) In this section, “former Regulations” means the *Tobacco Products Information Regulations* as they read immediately before the day on which these Regulations come into force.**

**(2) Despite these Regulations, if a package of a tobacco product or any accompanying leaflet displays information in accordance with the former Regulations and the product is sold or distributed by a manufacturer, the former Regulations continue to apply to the package or the leaflet during the period of 180 days after the coming into force of these Regulations.**

**(3) Despite these Regulations, if a package of a tobacco product or any accompanying leaflet displays information in accordance with the former Regulations and the product is sold by a retailer, the former Regulations continue to apply to the**

**package or the leaflet during the period of 270 days after the coming into force of these Regulations.**

**COMING INTO FORCE**

**33. These Regulations come into force on the day on which they are registered.**

**SCHEDULE 1**  
*(Section 12 and subsection 14(3))*

**DISPLAY AREAS FOR HEALTH WARNINGS**

Item	<b>Column 1</b> TYPE OF PACKAGE	<b>Column 2</b> DISPLAY AREAS
1.	Slide and shell package	The two largest sides of the package
2.	Slide and shell package with a lateral slide	The two largest sides of the package
3.	Flip-top package	The two largest sides of the package
4.	Soft package	The two largest sides of the package
5.	Flip-top package with bevelled sides	The two largest sides of the package, including the two contiguous bevelled sides
6.	Two-sided package	One of the two sides of the package
7.	Three-sided package	The two largest sides excluding the bottom
8.	Box that is not a carton	If the two largest sides, excluding the top and bottom of the package, have a total surface area greater than the surface area of the top, the two largest sides If the two largest sides, excluding the top and bottom of the package, have a total surface area less than or equal to the surface area of the top, the top
9.	Cylindrical package	Excluding the top and bottom of the cylindrical package, any two areas each of which occupy 40% of the side and which extend from the top edge of the package to the bottom edge and which form rectangles when projected onto a flat plane
10.	Carton	The two largest sides of the package are the two primary display areas and the next two largest remaining sides are the two secondary display areas

SCHEDULE 2  
(Section 17)

DISPLAY AREA FOR TOXIC EMISSIONS STATEMENTS

Item	Column 1 TYPE OF PACKAGE	Column 2 DISPLAY AREA
1.	Slide and shell package	A side, other than that on which a health warning is displayed, excluding the top and bottom of the package
2.	Slide and shell package with a lateral slide	A side, other than that on which a health warning is displayed, excluding the top and bottom of the package
3.	Soft package	A side, other than that on which a health warning is displayed, excluding the top and bottom of the package
4.	Flip-top package	A side, other than that on which a health warning is displayed, excluding the top and bottom of the package and the portion of that side that is part of the flip-top
5.	Flip-top package with bevelled sides	A side, other than that on which a health warning is displayed, excluding the top and bottom of the package and the portion of that side that is part of the flip-top
6.	Two-sided package	The side on which no health warning is displayed
7.	Three-sided package	The side on which no health warning is displayed
8.	Box that is not a carton	If the health warnings are displayed on sides other than the top of the package, one of the largest remaining sides, excluding the bottom If the health warning is displayed on the top of the package, one of the largest remaining sides, excluding the bottom
9.	Cylindrical package	Excluding the top and bottom of the package and the display areas on which a health warning is displayed, any area that occupies at least 10% of the side and which extends from the top edge of the package to the bottom edge and which forms a rectangle when projected onto a flat plane
10.	Carton	The remaining sides, other than the sides on which the health warnings are displayed