



# TOBACCO PLAIN PACKAGING FREQUENTLY ASKED QUESTIONS

## CIGARETTES AND CIGARETTE PACKAGING

### OVERVIEW

Since 1 December 2012, all tobacco products sold, offered for sale, or otherwise supplied in Australia must be in plain packaging and must display the new and expanded health warnings.

*The Tobacco Plain Packaging Act 2011* (the Act) and the *Tobacco Plain Packaging Regulations 2011* (the Regulations) set out the requirements for the plain packaging of tobacco products, including but not limited to:

- a requirement that the retail packaging of tobacco products is in the colour known as Pantone 448C, and in a matt finish;
- a prohibition on tobacco industry logos, brand imagery, colours and promotional text on tobacco products and retail packaging, other than brand and variant names which must appear in a standard colour, position, font style and size;
- restrictions on the size of tobacco retail packaging; and
- restrictions on the appearance of cigarettes, packaging design and materials used for cigarette retail packaging.

These questions and answers provide guidance on some frequently asked questions in relation to the plain packaging requirements for cigarettes and cigarette packs. You should refer to the Act and Regulations for the full requirements.

### APPEARANCE OF CIGARETTES

#### Q1. CAN CIGARETTE PAPER HAVE LINES ON IT?

No. The Regulations stipulate that the paper casing and lowered permeability band (if any), of cigarettes must be white or white with an imitation cork tip (Regulation 3.1.1). This means that lines, concentric rings or any other marks are not permitted to appear on the cigarette paper (with the exception of an alphanumeric code – see question 3). The term ‘imitation cork tip’ is defined in section 4 of the Act, and the term ‘lowered permeability band’ is defined in regulation 3.1.1.

#### Q2. DOES THE LOWERED PERMEABILITY BAND HAVE TO BE IMITATION CORK?

No, the band can also be white. The Regulations provide that the paper casing and lowered permeability band (if any), of cigarettes must be white or white with an imitation cork tip (Regulation 3.1.1). This means that the band of paper covering the filter tip of the cigarette can be either white or printed brown to resemble cork. No other variations are permitted.

#### Q3. CAN CIGARETTES BE MARKED WITH AN ALPHANUMERIC CODE?

Yes. The Regulations permit an alphanumeric code to be printed on cigarettes, with certain specifications. Regulation 3.1.2 stipulates that the code must only appear once on the cigarette in a specified position close to the non-burning end of the

cigarette. It must be printed in black, in Lucida Sans typeface, no larger than 8 points in size, and in normal weighted regular font.

The alphanumeric code must not constitute, or provide access to, tobacco advertising and promotion, and must not represent, or be related in any way to the brand or variant name of the cigarette.

### APPEARANCE OF CIGARETTE PACKS

#### Q4. IS THERE A MINIMUM OR MAXIMUM SIZE FOR A CIGARETTE PACK?

Yes. The dimensions of a cigarette pack, when the flip-top lid is closed, must not be less than 85mm high, 55mm wide and 20mm deep.

The dimensions of a cigarette pack, when the flip-top lid is closed, must not be more than 125mm high, 82mm wide and 42mm deep.

#### Q5. DOES THE INNER FRAME/INSIDE LIP OF A CIGARETTE PACK HAVE TO BE THE COLOUR KNOWN AS PANTONE 448C?

Yes. Section 4 of the Act defines the ‘inside lip’, also referred to as the ‘inner frame’, of a cigarette pack as *‘the part of the outer surfaces of the pack that is obscured when the flip-top lid is closed.’* The Regulations stipulate that all outer surfaces of primary and secondary packaging must be the colour known as Pantone 448C (Regulation 2.2.1).

The ‘inside lip’ falls within the definition of an outer surface of the pack and is therefore required to be in the colour Pantone 448C.

#### Q6. CAN A CIGARETTE PACK HAVE A LINING?

Yes. A cigarette pack may include a lining which must be silver coloured foil with a white paper backing.

Where a lining is used, the lining may be textured over the entire surface with small dots or squares embossed into the lining for the purpose of the automated manufacture of the packaging, or the packing of the tobacco products into the packaging. If the lining is embossed, the dots or squares embossed into the lining must be of an equal distance from each other, closely spaced, and uniform sized (Regulation 2.1.3).

The embossing of the lining must not form a pattern or image (except as permitted by Regulation 2.1.3), or other symbol, or constitute tobacco advertising and promotion.

### APPEARANCE OF BRAND AND VARIANT NAME ON CIGARETTE PACKS

#### Q7. HOW MANY TIMES CAN THE BRAND AND VARIANT NAMES APPEAR ON A CIGARETTE PACK?

Any brand, business or company name, or any variant name may appear a total of three (3) times on a cigarette pack: once each on the front, top and bottom outer surfaces of the pack. It must not appear more than once on each of these surfaces.

## Q8. DO THE BRAND AND VARIANT NAMES HAVE TO BE IN ENGLISH?

No. The Regulations stipulate that any brand, business, company name, or any variant name must be printed in the typeface known as Lucida Sans. Therefore any brand, business or company name, or any variant name in a language other than English must be capable of being printed in the Lucida Sans typeface (Regulation 2.4.1).

## Q9. CAN THE BRAND AND VARIANT NAMES APPEAR IN MORE THAN ONE LANGUAGE?

Yes. It is possible for the brand and variant name to appear in English and another language, however they cannot both appear on the same surface of a cigarette pack. For example, the brand and variant name may appear once in English and twice in another language, but only once on each surface (see also question 7).

The brand and variant name cannot appear in both English and another language on each of the three specified surfaces, as this would involve the brand and variant names appearing six times on the packaging.

## Q10. CAN THE BRAND AND VARIANT NAMES APPEAR IN BOLD AND/OR IN ALL CAPITAL LETTERS?

No. The Regulations stipulate that brand and variant names must be printed in a normal weighted regular font. This means they cannot be printed in bold.

In addition, the Regulations stipulate that only the first letter in each word may be capitalised, with no other upper case letters (Regulation 2.4.1). This means that names that are fully capitalised are not permitted.

## APPEARANCE OF OTHER MARKS ON CIGARETTE PACKS

### Q11. CAN THE ALPHANUMERIC CODE ON A CIGARETTE PACK BE EMBOSSED?

No. The Act prohibits any embossing of tobacco product packaging other than as permitted by the Regulations (Paragraph 18(1)(a)). The Regulations allows one or more origin marks to appear on the packaging in the form of an alphanumeric code or a covert mark that is not visible to the naked eye (Regulation 2.3.1). The Regulations require that if the origin mark is an alphanumeric code, it must be **printed** (Regulation 2.3.2).

In addition, the Regulations also require that the alphanumeric code must be printed in the typeface known as Lucida Sans and in a normal weighted regular font (Regulation 2.3.2). This means it cannot be printed in bold font or in 'dot matrix' style.

### Q12. WHAT ADDRESS CAN BE INCLUDED ON A CIGARETTE PACK?

The Regulations permit (in certain circumstances) the packaging of a tobacco product to include the name and address of the person who packed the product **or** on whose behalf it was packed (Regulation 2.3.8). This may be the manufacturer or the importer. Only one name and address may appear on the pack. This means it is not permitted to include the names and addresses of the manufacturer and the importer if they are not the same.

In addition, the address **must be a place in Australia** where a document may be served personally on the person. This cannot be a post office box address.

## Q13. ARE TAX STAMPS AND DUTY PAID MARKS PERMITTED TO APPEAR ON CIGARETTE PACKS AND CARTONS?

No. The Act prohibits the appearance of all trade marks and marks on tobacco packaging except any brand, business or company name, any variant name, the relevant legislative requirements (i.e. health warnings, fire risk statement, trade description, and measurement marks), and any other mark permitted by the Regulations (section 20).

The Regulations stipulate the marks that are permitted to appear on cigarette packs (Regulation 2.3.1). Tax stamps and duty paid marks are not permitted by the Regulations.

## FURTHER INFORMATION

### Q14. WHERE CAN I FIND FURTHER INFORMATION ON THE PLAIN PACKAGING REQUIREMENTS FOR CIGARETTES AND CIGARETTE PACKAGING?

For further information on the packaging requirements refer to sections 18 to 26 of the *Tobacco Plain Packaging Act 2011* and to Part 2 of the *Tobacco Plain Packaging Regulations 2011*, available at [www.comlaw.gov.au](http://www.comlaw.gov.au). You can also find further information on tobacco plain packaging at [www.health.gov.au/tobaccopp](http://www.health.gov.au/tobaccopp). The materials at this website have been translated into several languages.

### Q15. WHERE CAN I FIND FURTHER INFORMATION ON THE GRAPHIC HEALTH WARNING REQUIREMENTS FOR CIGARETTES AND CIGARETTE PACKAGING?

For further information on health warnings refer to the *Competition and Consumer (Tobacco) Information Standard 2011*, available at [www.comlaw.gov.au](http://www.comlaw.gov.au). You can also find further information on health warnings at [www.productsafety.gov.au](http://www.productsafety.gov.au)

### Q16. ENGLISH IS NOT MY PREFERRED LANGUAGE – CAN I GET TRANSLATIONS OF THIS INFORMATION?

Yes. Translations of these questions and answers and other resources on plain packaging of tobacco products are available at [www.health.gov.au/tobaccopp](http://www.health.gov.au/tobaccopp).

## INFORMATION FOR TOBACCO SUPPLIERS

As a supplier of tobacco products, it is your responsibility to gain and maintain an understanding of what is required of you under the relevant legislation. Further information is available from:

- Websites: [www.health.gov.au/tobaccopp](http://www.health.gov.au/tobaccopp) and [www.productsafety.gov.au](http://www.productsafety.gov.au)
- The *Tobacco Plain Packaging Act 2011*, available at [www.comlaw.gov.au/Details/C2013C00190](http://www.comlaw.gov.au/Details/C2013C00190)
- The *Tobacco Plain Packaging Regulations 2011*, available at [www.comlaw.gov.au/Details/F2013C00801](http://www.comlaw.gov.au/Details/F2013C00801)
- The *Competition and Consumer (Tobacco) Information Standard 2011*, available at [www.comlaw.gov.au/Details/F2013C00598](http://www.comlaw.gov.au/Details/F2013C00598)
- For enquiries specific to plain packaging (other than graphics and health warnings) - the Tobacco Plain Packaging complaints line - 1800 062 971 or by email at [ppcomplaints@health.gov.au](mailto:ppcomplaints@health.gov.au)
- For enquiries specific to graphics and health warnings - the Australian Competition and Consumer (ACCC) Info Centre - 1300 302 502

**[www.health.gov.au/tobaccopp](http://www.health.gov.au/tobaccopp)**

NOTE: This information has been provided as a guide only, and should not be relied upon as a source of legal advice. It is not a complete summary of the tobacco plain packaging and health warning requirements. You should obtain your own professional and legal advice in relation to the plain packaging and health warning requirements. All information in this publication is correct as at October 2015.

The content in this publication is copyright. Apart from any use as permitted under the *Copyright Act 1968* no part may be reproduced without prior written permission from the Commonwealth.