





Tobacco Plain Packaging Act 2011
Centre of Space Interpretation
July 2018

The Department of Health (the Department) is aware of potential non-compliance relating to the application of requirements in s 21(3) of the [Tobacco Plain Packaging Act 2011](#) (the Act) to cigarette packs and cartons. That provision specifies requirements for the placement of brand, business, company and variant names in cases where those names appear on cigarette packs and cartons. For example, if a brand name appears on the front surface of a cigarette pack, item 1 of the table in s 21(3) requires that the cigarette brand name must be ‘in the centre of the space remaining on the front outer surface beneath the health warning’, and item 4 requires that the variant name must appear ‘horizontally and immediately below the brand, business or company name’.

The ordinary meaning of the words ‘in the centre’ in items 1, 2 and 3 of the table in s 21(3) requires the brand name, if present, to be centred both vertically and horizontally in the space beneath the health warning. That means that the brand name itself must be in the centre; equidistant from the bottom of the health warning and the bottom of the pack for cigarettes. It must also be centred in relation to the sides of the pack.

The Department is aware that some cigarette packs have the brand name and variant name centred as one combined element, rather than having the brand name centred. That placement does not comply with s 21(3) of the Act. The requirements for the position of the names applies to cigarette packs (Item 1, 3 and 4) and cigarette cartons (Item 2, 3 and 4). For clarity, the diagram below shows a comparison of an example of a non-compliant pack with an example of a compliant pack.

	
<p>Non-compliant example. Brand and variant names <u>together</u> are placed in the ‘centre of the space remaining’ below the Graphic Health Warning. Distances marked <i>A</i> and <i>B</i> are different, therefore the <i>Brand</i> name is not equidistant from the top and bottom of the space remaining.</p>	<p>Compliant example. Brand name is in the ‘centre of the space remaining’ below the Graphic Health Warning. Distances marked <i>C</i> are equal, and the Brand name is equidistant from the top and bottom of the space remaining.</p>

The Department is addressing this matter as a general compliance measure across the tobacco sector. A number of tobacco product importers have already been informed of this issue and have taken immediate steps to amend the placement of the brand and variant names on their product range. The Department encourages all importers to make the amendment to their layout in order to ensure compliance with the Act.

For further information, please email ppinfo@health.gov.au or call 1800 062 971.

Disclaimer: This information is provided for general informational purposes only; it does not constitute legal advice. Please seek independent legal advice before relying on the information provided. The Department of Health does not certify compliance with the *Tobacco Plain Packaging Act 2011*.