



INFORMATION
FOR RETAILERS

The **complete ban**
on the **display** of
tobacco products

Information for tobacco retailers, covering:

- the new law that bans the display of tobacco products
- complying with the law
- offences and fines
- where you can find more information.

This quick guide for tobacco retailers explains the new tobacco product display requirements and obligations under the Smoke-free Environments (Controls and Enforcement) Amendment Act 2011.

What is the new law, and what does it mean?

The Smoke-free Environments (Controls and Enforcement) Amendment Act 2011 introduces a **complete ban on the display of tobacco products from 23 July 2012.**

The new law means that in everyday retail settings, no members of the public – especially young people and recent ex-smokers – will be exposed to the sight of tobacco products (including packages and cartons). The law covers tobacco product delivery, restocking and sale.

If you break the law, you may be prosecuted.



Complying with the law

What do I need to do?

You need to make sure that tobacco products are not visible to the public, either from the inside or outside of your premises. It's up to you to decide how to change shop fittings and retail practices to comply with new law. Consider:

- how and where you store tobacco products – you could store tobacco products under the counter, install new purpose-built storage cabinets or modify existing cabinets
- how you handle tobacco products during delivery, restocking or while making a sale.

Once a customer has purchased and received a tobacco product, you no longer have to make sure that the product is kept out of sight (for example, if while looking in their bag for their car keys, a customer leaves the purchased tobacco product on your counter in sight of other customers).

Can I advertise that I sell tobacco products?

Yes. Inside your premises you may display a sign to show that tobacco products are available for sale and their location in the store.

From 23 July 2012, any other references to tobacco or smoking will be classified as tobacco product advertisements and cannot be displayed. This includes the current 'Smoking Kills' and 'No Sales to Under 18s' signs. These signs cannot be displayed from 23 July 2012.

Can I display the tobacco product trade or retail names?

No. From 23 July 2012, displays of tobacco product trade or retail names containing trademarks, company names or words or phrases (such as the wording used in tobacco slogans or branding) will be prohibited.

After 23 July 2012, any retailer who continues to display these types of names will be liable for prosecution and a fine of up to \$10,000.

Can I use product identification tags?

Yes. Although they must be stored out of public view, you still need to be able to readily identify and handle tobacco products. As long as the public can't easily read them, you may use tags that help you to find a particular tobacco product in a cabinet.

The tags can be small labels, codes or other marks that only sales staff can see and/or understand. The tags must not be used to display or advertise tobacco products to the public.

Can I show customers a list of tobacco products?

On request, you can give customers over the age of 18 a list that only displays the names of the tobacco products that are available and their prices. When not in use, the list must be kept out of sight – under the counter or in a plain folder.

Any other information about tobacco products could be classified as advertising and so cannot be displayed.

How can I be compliant during tobacco delivery, restocking or sale?

There are exceptions to the law that allow you to receive, restock and sell tobacco products. Tobacco products may be displayed for a **very short period of time**, while they are being delivered:

- to retailers or vending machines
- to customers, from a retailer or vending machine.

Some suggestions to help you avoid unnecessary display of tobacco products during delivery, restocking or sale are below. See the guidelines on the Ministry of Health website for more information (www.health.govt.nz/publication/guidelines-implementing-prohibition-display-tobacco-products).

- Consider restocking when your premises are closed or during quiet times. If you restock during busy times, there is an increased risk that tobacco products will be left in the view of the public.
- If the tobacco cabinets can be seen by the public, only open the cabinets for restocking or to remove the product for sale, and close the cabinets as soon as you have finished.
- Don't leave the restocking process to serve customers or do other tasks unless you remove the tobacco products from their sight and close the cabinets.

Any prolonged display of tobacco products (ie, beyond the extent necessary) may be illegal – and you may be prosecuted.

What if I sell tobacco over the internet?

The display ban includes the sale of tobacco products over the internet. Anyone selling tobacco over the internet in New Zealand must not display tobacco products or any other tobacco-related information on the website or any other electronic document or media.

Offences and fines

The maximum fine for breaching the tobacco product display ban is **\$10,000**.

Further information

This brochure is a guide only. For further information:

- see the Ministry of Health's *Guidelines for Implementing the Prohibition on the Display of Tobacco Products – Information for sellers of tobacco products and Smoke-free Enforcement Officers*, available on the Ministry website (www.health.govt.nz/publication/guidelines-implementing-prohibition-display-tobacco-products)
- contact the Public Health Service at your local District Health Board.

Public Health Service contact details:



New Zealand Government

This resource is available from www.healthed.govt.nz or the Authorised Provider at your local DHB.



MANATŪ HAUORA