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

The Parliament of Australia enacts:

1 Short title

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

2 Commencement

This Act commences on the day on which it receives the Royal Assent.
3 Object

Noting:

the tobacco industry’s use of colour, novelty packaging and
other imagery enables it to target particular market segments
and convey brand character; and
that colour and imagery are also used to misleadingly convey
relative brand strength and quality;

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

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

(b) enhance the effectiveness of package warnings; and

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

4 Schedule(s)

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Schedule to this Act is amended or repealed as set out in the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

(2) The amendment of any regulation under subsection (1) does not
prevent the regulation, as so amended, from being amended or
repealed by the Governor-General.
Schedule 1—Amendment of the Trade Practices Act 1974

1 After section 65D

Insert:

65DA Tobacco packaging and product information standards

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

1 After subregulation 7(2)
   Insert:

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

2 After Part 4
   Insert:

Part 5 Labelling and packaging — additional requirements

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

54 Definition
   In this Part:
   insert means any material that contains any communication that is included inside an individual package in which cigarettes are sold at retail or retail packaging purchased at retail by consumers and includes leaflets and brochures.
Amendment of the Trade Practices (Consumer Product Information Standards) (Tobacco) Regulations 2004  Schedule 2

55 Requirements for labelling of remaining package area

(1) Subject to subregulation (2), the remaining package area:
   (a) must be matt brown, without illustration or decoration; and
   (b) must not bear any decorative ridges, embossing, bulges, or other irregularities.

(2) The remaining package area may contain the information specified in subregulation (3), provided that information is:
   (a) in black text; and
   (b) in the type face known as Helvetica, in normal weight.

(3) The remaining package area must not contain any words, trademarks or logos other than the following information:
   (a) on the bottom of the front of the package, in 12 point size — the brand name of the product;
   (b) on one side of the package, in 12 point size — a number representing the number of cigarettes in the package, or a number and weight representing the amount of tobacco in the package, as the case may be;
   (c) on the other side of the package, in 8 point size — the name, address and a contact phone number of the manufacturer or importer of the package, as the case may be.
56 Additional requirements for individual packages of cigarettes

Each individual package in which cigarettes are sold at retail must:
(a) contain 25 cigarettes;
(b) be rectangular in shape and have the following dimensions:
(c) 69-72 millimetres in width;
(d) 87-90 millimetres in height;
(e) 21-24 millimetres in depth;
(f) be made of matt and rigid cardboard;
(g) be a flip top pack;
(h) not be enclosed in any form of wrapper unless such wrapper is completely transparent or complies with subregulation 29(1); and
(i) not bear or contain perfuming or audio chips.

57 Additional requirements for retail packaging of tobacco

Packages of tobacco must not:
(a) contain any inserts or bear any onserts;
(b) be covered or surrounded by any material, or have any material attached or affixed to them with the exception of a completely transparent wrapper.