

# **Government Gazette**

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## **GOVERNMENT NOTICE**

### **DEPARTMENT OF HEALTH**

#### **REGULATIONS RELATING TO PROVISION FOR EXEMPTION FOR UNINTENDED CONSEQUENCES AND THE PHASING OUT OF EXISTING SPONSORSHIP OR CONTRACTUAL OBLIGATIONS**

The Minister of Health has, in terms of sections 3 (5) and 6 (1) of the Tobacco Products Control Act, 1993 (Act No. 83 of 1993), as amended, made the regulations in the Schedule.

#### **SCHEDULE**

##### **Definitions**

1. In these regulations, "the Act" means the Tobacco Products Control Amendment Act, 1999 (Act No. 12 of 1999).

##### **Existing contracts**

2. Contracts, undertakings or agreements for the advertising of tobacco products, and for the organisation, sponsorship or promotion of any organised activity in the Republic by any manufacturer, importer, distributor or retailer of any tobacco product, which existed and were binding on 23 April 1999 (the date of the publication of the Act), may continue for a period not exceeding two years from that date, but subject to the conditions set out in regulation 4.
3. The parties to the contracts referred to in regulation 2 must, within one month of the date on which the Act comes into operation, submit to the Director-General of Health:
  - a. copies of such contracts; or
  - b. where such contracts are not in writing, sworn statements, by both parties, to the effect that they have entered into a contract, and setting out the terms of the contract.
4. All advertising and promotional material that relates to any organised activity must display one of the health messages contained in Annexure A of these

regulations. The space devoted to the health message must be at least one eighth of the total size of the advertisement or promotional item.

### **Exemptions for unintended consequences**

5. Advertisements, including the use of tobacco trade marks, logos, brand names or company names used on tobacco products, which appear in any -
  - a. book, magazine or newspaper printed; or
  - b. film or video transmission made outside the Republic are exempted from the provisions of section 3 of the Act.
6. The exemption referred to in clause 5 does not apply in an instance where -
  - a. the primary purpose of such a book, magazine, newspaper, film or video is the promotion of the use of tobacco or tobacco products;
  - b. such a book, magazine or newspaper is intended for sale, distribution or exhibition primarily in the Republic; or
  - c. such an advertisement in any radio or television or any other electronic transmission is targeted primarily at people living in the Republic.
7. Persons who import and distribute in South Africa books, magazines, newspapers, pamphlets, videos and/or films that contain tobacco advertisements must submit to the Director-General of Health, annually, a list of the names of all such books, magazines, newspapers, pamphlets, videos and/or films, together with their countries of origin, and the numbers of copies imported and distributed by them.

### **Commencement of these regulations**

8. These regulations come into operation three months after the date on which the Act comes into operation.

**METSHABALALA-MSIMANG**  
**MINISTER OF HEALTH**

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## **ANNEXURE A**

### **HEALTH MESSAGES**

- DANGER: SMOKING CAN KILL YOU
- DANGER: SMOKING CAUSES CANCER
- DANGER: SMOKING CAUSES HEART DISEASE

- DANGER: SMOKING DAMAGES YOUR LUNGS WARNING: SMOKING IS DANGEROUS TO YOUR HEALTH AND TO THE HEALTH OF CHILDREN, PREGNANT OR BREASTFEEDING WOMEN AND NON-SMOKERS.
- DANGER: TOBACCO IS ADDICTIVE
- DANGER: TOBACCO SMOKE CAUSES DISEASE