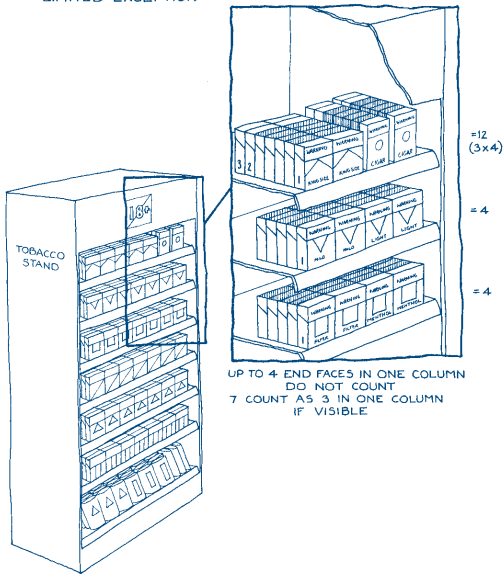


FACINGS TO COUNT IN LIMIT OF 100 PACKAGES LIMITED EXCEPTION



In determining the 100-package limit, the following formula is to be applied to 'tobacco packages in a visible stack':

- if there are 4 or fewer other packages behind a front package, then only the front package is to be counted
- if there are 5 or more other packages behind a front package, the first 4 of the other packages behind the front package must not be counted.

OFFENCES AND FINES

From March 2004 designated Enforcement Officers will have limited enforcement powers to investigate complaints against tobacco sellers, for example, to:

- enter and inspect premises at a reasonable time
- take photographs
- inspect advertising or display material.

OBSTRUCTION

The maximum fine for obstructing an Enforcement Officer exercising their powers or failing to provide the information required is **\$1,000**.

RETAIL DISPLAY

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

FURTHER INFORMATION

This information is a guide only, and may not be accurate for all situations. It should not be used as a substitute for legal or other expert advice.

Please refer to the other two information sheets about display restrictions:

- #1: Display restrictions in retail premises: an overview
- #3: Display provisions for cigars and specialist tobacconists.

Please refer to separate pamphlets for information on the sale and supply of smoking products to under-18s.

For further information on tobacco, health and the Smoke-free Environments Act 1990 contact:

www.smokefreelaw.co.nz

www.moh.govt.nz

www.healthed.govt.nz

Public Health Service at your local District Health Board.

Public Health Service contact details:



INFORMATION
FOR RETAILERS

Counting tobacco packages and cartons for display

INFORMATION SHEET 2 OF 3
ON DISPLAY RESTRICTIONS



INFORMATION FOR RETAILERS COVERING:

- tobacco packages to count
- tobacco cartons to count
- facings to count
- offences and fines.

The Smoke-free Environments Amendment Act 2003 aims to reduce the harm caused to individuals by their smoking (to themselves and others), and impose controls on the promotion of tobacco products. The intention is to send a positive message about a smoke-free/auahi kore lifestyle being both desirable and the norm. This includes reducing the visibility of tobacco products in retail stores.

KEY AREAS FOR RETAILERS

From 10 December 2004 a number of new provisions will restrict the display and sale of tobacco products. (See *information sheet #1 for an overview of all the changes.*)

This information sheet gives details about the restriction on the number of tobacco products that may be displayed.

RESTRICTED NUMBER OF DISPLAYED TOBACCO PRODUCTS

From 10 December 2004 the display of tobacco products at each 'point of sale' will be limited to a maximum of 100 packages and 40 cartons,

unless the retailer's place of business is a specialist tobacconist (see *information sheet #3 for details about a specialist tobacconist*).

- A 'point of sale' means a till or checkout where tobacco products may be sold.

TOBACCO PACKAGES TO COUNT

The limit of 100 tobacco packages includes:

- packages of cigarettes
- pouch packs of loose tobacco
- single wrapped cigars
- packs of unwrapped cigars (see *information sheet #3 on cigars*).

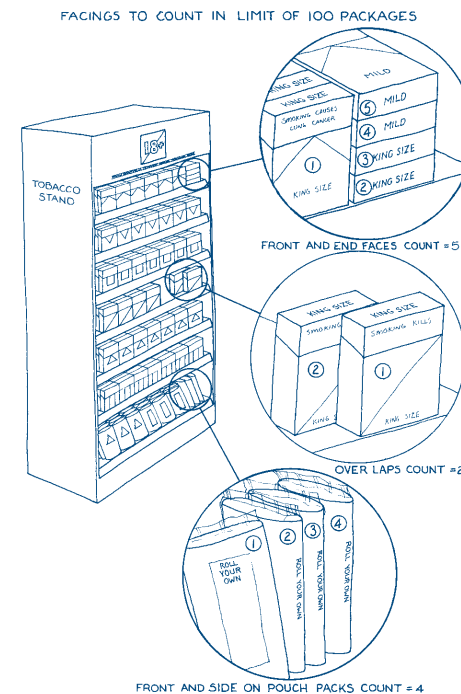
TOBACCO CARTONS TO COUNT

The limit of 40 tobacco cartons includes:

- cartons or twinpacks of cigarettes (that are intended to be sold as a single unit)
- packs or cylinders of cigars individually wrapped in cellophane, where the pack or cylinder is intended to be sold as a single unit (see *information sheet #3 on cigars*).

FACES TO COUNT

A package is counted in the 100-limit or a carton is counted in the 40-limit, if **any** part or face of it is visible (unless the exception below applies).



There is no limit on the number of tobacco products that may be stored out of sight, for example, under the counter or in an overhead unit. This can include packages and cartons over the 100-package and 40-carton limit, as long as they are not visible to the public.

EXCEPTION: COUNTING TOBACCO PACKAGES IN A 'VISIBLE STACK'

Tobacco packages may not need to be counted in the 100-package limit if they are in a 'visible stack', that is:

- one is in front of, but does not completely obscure any other tobacco package behind it; and
- at least 88 percent of every package behind the front package is obscured (ie, only an 'end' face is visible).