

All the display restrictions apply to a specialist tobacconist (see below) **except** for the maximum limit of 100 tobacco packages and 40 cartons at a point of sale.

### IN-STORE SMOKING BANNED

It is noted that smoking to test smoking products in-store is not permitted if the tobacconist's shop is an indoor workplace or licensed premises (as defined in the Smoke-free Environments Act 1990).

### ADDITIONAL RETAIL DISPLAY RESTRICTIONS

Please refer to *information sheet #1* for additional retail display restrictions that apply to cigars and specialist tobacconists, including:

- limit of 100 packages and 40 cartons being displayed – details and exception in fact sheet #2
- limit of two packages 'of the same kind'
- no counter-top display – including humidors and display cases of cigars
- no co-packaging
- no tobacco display within one metre of children's products, including confectionery
- display of a prominent 'Smoking Kills' sign.

### 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**
- #2: **Counting** tobacco packages and cartons for display.

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

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

[www.smokefreelaw.co.nz](http://www.smokefreelaw.co.nz)

[www.moh.govt.nz](http://www.moh.govt.nz)

[www.healthed.govt.nz](http://www.healthed.govt.nz)

Public Health Service at your local District Health Board.

Public Health Service contact details:



INFORMATION  
FOR RETAILERS

**Display provisions for  
cigars and specialist  
tobacconists**

INFORMATION SHEET 3 OF 3  
ON DISPLAY RESTRICTIONS



## INFORMATION FOR RETAILERS COVERING:

- provisions for cigars
- provisions for specialist tobacconists
- 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 (EFFECTIVE FROM 10 DECEMBER 2004)

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 restrictions on cigar products that may be displayed, and conditions for specialist tobacconists.

#### CIGARS

Unlike cigarettes, cigars may be sold individually, or in packages of less than 20.

The Smoke-free Environments Amendment Act 2003 also treats cigars differently in some of its legislative and regulatory provisions.

#### RESTRICTED NUMBER OF DISPLAYED CIGAR PACKS

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 *section below for details about a specialist tobacconist*).

A cigar pack is counted in the 100-limit or the 40-limit if any part or face of it is visible (unless the exception for packs in a 'visible stack' applies). (See *information sheet #2 for details about the exception.*)

#### COUNTING CIGAR PACKS AS 'PACKAGES' OR 'CARTONS'

Cigar packs are counted differently from cigarettes because some are counted as 'packages' and some are counted as 'cartons'. For the purposes of the 'point of sale' limit of 100 packages and 40 cartons, the following guide determines whether a cigar pack is a 'package' or a 'carton':

- package: a cigar pack that contains unwrapped cigars, or a single wrapped cigar that is sold individually
- carton: a cigar pack that contains cigars wrapped individually in cellophane.

Individually sold cigars may be displayed in a vessel or display equipment (such as a humidor or hinged wooden cigar box), but the vessel or equipment must comply with health message requirements. From 10 December 2004 display equipment must not be placed on a counter-top, including a back counter.

#### MAXIMUM FACE DIMENSIONS

From 10 December 2004 the maximum face size of any displayed tobacco product (including cigars) may not exceed the following dimensions:

Package	66 cm <sup>2</sup>
Pouch pack	105 cm <sup>2</sup>
Carton	266 cm <sup>2</sup>

These dimensions are based on current sizes of the biggest cigarette package, pouch pack and (most) cartons. The aim is to prevent future 'super-sizing'.

Approximately 30 of the 580 cigar packs on the market in 2003 exceed the maximum face dimensions and so from 10 December 2004 they may not be displayed. However:

- oversize cigar packs may still be sold; and
- price notices may be displayed to indicate the availability of oversize cigar packs to consumers. (Price notices are about the size of a business card.)

#### SPECIALIST TOBACCONISTS

The smoke-free law defines a 'tobacconist's shop' as a retailer that is:

- held out as a specialist retail seller of tobacco products (even if it is also held out as a specialist retail seller of other products such as newspapers and magazines, or it also provides services such as hairdressing, or both), and
- who obtains at least 60 percent of the gross revenue from its retail sale of tobacco products.
- A specialist tobacconist's shop does not include any retail shop on premises that sell petrol to motorists.