

Regulations no. 141 of 6 February 2003 on the contents and labelling of tobacco products

Statutory authority: Laid down by the Ministry of Health and Care Services in pursuance of sections 9, 10, 15 and 19 of Act no. 14 of 9 March 1973 relating to prevention of the harmful effects of tobacco (the Tobacco Act) and section 15, cf. section 4, of Act No. 79 of 11 June 1976 relating to the Control of Products and Consumer Services

EEA references: EEA Agreement, Annex II chap. XXV no. 3 and 4 (Directive 2001/37/EC).

Chapter I. Introductory provisions

Section 1. *Object*

The object of these regulations is to limit the damage to health caused by the use of tobacco.

Section 2. *Geographical application*

These regulations also apply on Svalbard and Jan Mayen.

Section 3. *Definitions*

For the purpose of these regulations:

1. *Tobacco products* shall mean products intended for smoking, sniffing, sucking or chewing inasmuch as they are made wholly or partly of tobacco, whether genetically modified or not.
2. *Tar* shall mean raw anhydrous nicotine-free condensate of smoke.
3. *Nicotine* shall mean nicotinic alkaloids.
4. *Ingredient* shall mean any substance or constituent except for tobacco leaf or other natural or unprocessed parts of the tobacco plant used in the manufacture or preparation of a tobacco product and still present in the finished product. This applies to substances and constituents in both altered and unaltered form, including paper, filter, inks and adhesives.

Chapter II. Contents of tobacco products

Section 4. *Permitted tar, nicotine and carbon monoxide yield in cigarette smoke*

Smoke from cigarettes which are imported into Norway, produced, sold or transferred in other manner shall contain no more than

1. 10 mg of tar per cigarette;
2. 1 mg of nicotine per cigarette;
3. 10 mg of carbon monoxide per cigarette.

This provision does not apply to the duty-free quota travellers to Norway may legally bring into the country. Nor does it apply to small quantities of tobacco that are brought into the country for personal use as luggage or gift parcels.

Section 5. *Methods for measuring tar, nicotine and carbon monoxide yields in cigarettes*

Tar, nicotine and carbon monoxide yields shall be measured in accordance with ISO standards 4387 for tar, 10315 for nicotine and 8454 for carbon monoxide. The accuracy of measurements of nicotine and tar shall be verified with the aid of ISO standard 8243.

Section 6. *Reporting measurements of tar, nicotine and carbon monoxide*

The Directorate may require the measurement of tar, nicotine and carbon monoxide in cigarette smoke to be carried out or verified by laboratories approved and monitored by the Directorate.

The Directorate may also require manufacturers and importers of tobacco products to carry out tests to assess the yield of other substances produced by their tobacco products by brand name and type. The main objective of such tests is to assess the adverse effects of these substances on health, including their addictiveness. The Directorate may also require the tests to be verified by approved laboratories.

The results of the tests shall be submitted to the Directorate each year. The yearly reporting interval may be lengthened if no alteration is made in the product specifications.

The Directorate is responsible for the publication of the information obtained in pursuance of this provision, insofar as publication is not prevented by statutory duty of confidentiality; cf. section 13, first paragraph (2) of the Public Administration Act.

Section 7. *Duty to provide information etc.*

The Directorate shall instruct manufacturers and importers of tobacco products to submit lists containing information about the contents of tobacco products. This list shall contain information about all the ingredients, with an exact specification of the quantities of the ingredients that are used in the manufacture of tobacco products, by brand name and type. The list shall be accompanied by a declaration stating the reason for using these ingredients in the tobacco products in question. The declaration shall explain the function and category of the ingredients. The list shall also include all the toxicological data available to the manufacture or importer on the ingredients in question, both before and after burning. The purpose of this information is to clarify the effect of the ingredients on health, with particular emphasis on their addictiveness. All of the ingredients in the tobacco products in question shall be listed in descending order of weight. Information shall be provided in pursuance of this provision on a yearly basis.

The Directorate shall ensure that information obtained in pursuance of this section is made public. The Directorate shall draw up an annual report and ensure that this is made known to the general public. It is the responsibility of the Directorate to make public the information obtained in pursuance of this provision, insofar as publication is not prevented by statutory duty of confidentiality, cf. section 13, first paragraph (2) of the Public Administration Act.

Section 8. *Prohibition of the use of addictive ingredients*

The Directorate may prohibit the use of ingredients which increase the addictiveness of tobacco products.

Chapter III. Labelling of tobacco products

Section 9. *General provisions relating to the obligation to label tobacco products*

It is prohibited to import into Norway, sell or in other manner transfer tobacco products if the tobacco product packet is not labelled in accordance with these regulations. The obligation to label tobacco products does not apply to the duty-free quota travellers to Norway may legally

bring into Norway. Nor does the labelling obligation apply to small quantities of tobacco which are brought into the country for personal use as luggage or gift parcels.

Section 10. Health warning

Each tobacco product packet, with the exception of packets for smokeless tobacco, shall be labelled with

- a) a general health warning: “Smoking kills” or “Smoking seriously harms you and others around you”, and
- b) one of the combined health warnings included in appendix 1 to these Regulations.

The general warning shall cover at least thirty percent of the packet’s most visible side. The combined health warning shall cover at least forty percent of the packet’s other broad side. If the outer packaging is not transparent, the warning shall also be printed on any outer packaging for retail sale.

In the case of packets intended for tobacco products other than cigarettes where the surface of the side of the packet is larger than 75 cm², the area for each of the warnings shall be at least 22.5 cm².

All the warnings shall be rotated in such a way as to ensure the regular appearance of each of the warnings.

Section 11. Health warnings for smokeless tobacco products

Smokeless tobacco shall be marked with the following warning [in Norwegian]:

“This tobacco product can damage your health and is addictive.”

The warning shall be printed on the packet’s most visible side and cover not less than thirty percent of that side.

For retail sales, the warning shall also be printed on any outer packaging, though not if the outer packaging is transparent.

In the case of packets where the most visible side is larger than 75 cm², the area for the warning text shall be not less than 22.5 cm².

Section 12. Reference to issuing authorityA reference to the Smokers’ Quitline – 800 400 85 shall be printed in connection with the health warnings pursuant to sections 10 and 11, but not within the area reserved for the health warnings. The reference shall appear on both broad sides of the packaging.

Section 13. Restrictions on own labellingThe manufacturer, importer or vendor of tobacco products may not by means of symbols or text on the packets supply their own information about the health-related consequences of smoking or amend the combined health warnings by adding or adapting the text or similar.

Section 14. Declaration of contents on cigarette packets

A declaration of the tar, nicotine and carbon monoxide yields in the smoke from one cigarette shall be printed on cigarette packets. The declaration shall be printed on one of the sides of the cigarette packet in such a way that it covers no less than ten percent of the surface of that side.

Section 15. *Design of the warning labelling and declaration of contents* The labelling pursuant to section 10 first paragraph litra a, section 11 and section 14 shall be:

- a) clear and easy to read, and the text shall be in Norwegian,
- b) in black Helvetica bold on a white background,
- c) printed in a font size that ensures that the warning text covers as much as possible of the area reserved for it,
- d) printed in lowercase letters except where uppercase letters are required for grammatical reasons,
- e) centred on the reserved area of the surface of the packet,
- f) parallel to the top edge of the packet, and
- g) surrounded by a black border no less than 3 mm and no more than 4 mm in width, outside the area reserved for the warning text and the declaration of content.

The requirements pursuant to litras f and g do not apply to labelling as stipulated in section 11.

The combined health warnings pursuant to section 10 first paragraph litra b shall be surrounded by a black border no less than 3 mm and no more than 4 mm in width, outside the area reserved for the warning text, and shall be designed in such a way that the border does not obstruct the text or images in the health warning.

Unless otherwise stated in the fourth paragraph, the combined health warnings shall be

- a) reproduced without any changes to their format and proportions and in accordance with the images in appendix 1 to the Regulations,
- b) cover the area reserved for the combined health warning,
- c) positioned parallel to the top edge of the packet and in the same direction as the other information on the packaging, and
- d) printed in four-colour (CMYK) screen, 133 lines per inch, as a minimum requirement.

If the size of the packaging so necessitates, the combined health warnings may be amended in accordance with the following:

- a) The text may be edited graphically by changing the font size and line spacing to render the text easy to read.
- b) If the combined health warning is in text form, the font size and line spacing may be altered. The ratio between the area covered by illustrative text and the additional health warning in text form must not be altered.
- c) Graphical editing of combined health warnings that contain photographs or some other illustration shall ensure proportional scaling of the illustration or may change the ratio between the area used for the illustration and the additional warning in text format as follows:
 1. If the ratio between the height and the width of the combined health warning is less than 0:8, the additional warning in text format may, if it is below the illustration, be moved to the right of the illustration.
 2. If the ratio between the height and the width of the combined health warning is greater than 1:2, the additional warning in text format may, if it is beside the illustration, be moved to below the illustration.

Labelling pursuant to sections 10, 11 and 14 shall not be:

- a) printed on the packet's tax stamp or similar
- b) printed on transparent outer packaging
- c) printed in such a way that it can be removed or destroyed
- d) concealed, obscured or obstructed by other graphics, text or similar
- e) destroyed when the packet is opened.

On tobacco products other than cigarettes, the health warnings and the declaration of content may be affixed to the packaging by means of self-adhesive stickers, provided that these stickers are not removable.

Section 16. *Identification and traceability of tobacco products*

To ensure that all tobacco products may be identified and traced, each individual packet shall be marked with the batch number or equivalent. The time and place of manufacture shall be clear from the marking.

Section 17. *Misleading product descriptions*

To ensure that consumers are not misled with regard to the damage to health caused by using tobacco products, it is prohibited to import into Norway, process, sell or transfer tobacco products which imply by text, name, trade mark, illustrations or other signs that a particular tobacco product is less harmful to health than others.

Chapter IV. Administrative provisions

Section 18. *Supervision*

The Directorate supervises compliance with the rules in these regulations.

Section 19. *Orders for corrective action and coercive fines*

The Directorate may order corrective action and set coercive fines pursuant to the provisions in section 16 of the Act relating to Prevention of Harmful Effects of Tobacco. Such decisions may be appealed to the Market Council.

Section 20. *Dispensation*

The Directorate may in special cases grant dispensation from these regulations. Such decisions must not conflict with obligations following from the EEA Agreement.

Section 21. *Appeal*

Decisions reached by the Directorate pursuant to these regulations may be appealed to the Ministry in accordance with chapter VI of the Public Administration Act.

Section 22. *Penalties*

Any person who wilfully or negligently contravenes provisions laid down in or in pursuance of these regulations is punishable by fines. Complicity is punishable in the same manner. An attempt is punishable as a completed offence.

Section 23. *Transitional rules*

Cigarette packets must be labelled with a combined health warning for sale to retailers in Norway from 1 January 2011 and for sale to consumers from 1 July 2011.

Tobacco products other than cigarettes and outer packaging must be labelled with a combined health warning for sale to retailers in Norway from 1 July 2011 and for sale to consumers from 1 January 2012.

During the transitional period, the labelling provisions as they were before entry into force of Regulation no. 1245 of 24 September 2009 to amend Regulation no. 141 of 6 February shall apply.

Section 24. *Entry into force etc.*

These regulations enter into force immediately. As of the same time, regulations No. 1035 of 15 December 1995 on the labelling of tobacco products and on tar and nicotine yield of cigarettes are repealed.

Appendix 1 to Regulation no. 141 of 6 February 2003 on the contents and labelling of tobacco products