

# FCTC Reporting Instrument New Zealand

## Supporting Information and Explanatory Notes

Much of the information below relates to the Smoke-free Environments Act (1990), a full version of which is available online at [www.legislation.govt.nz/browse\\_vw.asp?content-set=pal\\_statutes](http://www.legislation.govt.nz/browse_vw.asp?content-set=pal_statutes) and the Smoke-free Environments Regulations (1999) [http://www.legislation.govt.nz/browse\\_vw.asp?content-set=pal\\_regs](http://www.legislation.govt.nz/browse_vw.asp?content-set=pal_regs)

Section	Brief Summary Information		
<b>2</b>	<b>Demographics</b>		
2 (b)	This data is from the 2006 New Zealand census. People can choose to identify with more one than one ethnicity so the figures do not add to 100%. See <a href="http://www.stats.govt.nz/census/2006-census-data/national-highlights/2006-census-quickstats-national-highlights.htm?page=para006Master">www.stats.govt.nz/census/2006-census-data/national-highlights/2006-census-quickstats-national-highlights.htm?page=para006Master</a>		
<b>3</b>	<p><b>Tobacco Use</b></p> <p><u>Footnotes:</u> The definition of <b>daily smoker</b> is someone who smokes one or more cigarettes per day</p> <p>The definition of <b>occasional smoker</b> is someone who smokes less than one cigarette per day</p> <p>The definition of a (male or female) <b>smoker</b> is</p>		
3 (b)	Very little snus or chewing tobacco is used in New Zealand. It can be imported for personal use but it is an offence to import for sale, pack or distribute any tobacco products labelled as suitable for chewing or any other oral use (other than smoking).		
<b>3 ii)</b>	<b>Supply</b>		
	<p>There were three significant individual cases whereby cigarettes were imported [smuggled] undeclared into New Zealand totalling around 400,000 cigarettes.</p> <p>There were nil records in respect of cut smoking tobacco.</p>		
<b>4</b>	<b>Taxation</b>		
	<p>Excise duty</p> <table border="1" data-bbox="384 1977 1350 2016"> <tr> <td data-bbox="384 1977 871 2016">Cigars, cheroots, and cigarillos</td> <td data-bbox="871 1977 1350 2016">\$361.45 per kilo of tobacco</td> </tr> </table>	Cigars, cheroots, and cigarillos	\$361.45 per kilo of tobacco
Cigars, cheroots, and cigarillos	\$361.45 per kilo of tobacco		

		content
	Cigarettes (exceeding in weight 0.8 kg actual tobacco content per 1,000 cigarettes)	\$361.45/kilo
	Cigarettes (not exceeding in weight 0.8 kg actual tobacco content per 1,000 cigarettes)	\$289.16 per 1,000
	Smoking tobacco, "homogenised" or "reconstituted" tobacco, snuff	\$361.45 per kilo of tobacco content
	At the point of sale all products are subject to an additional Goods and Services tax (GST) of 12.5%	
<b>5</b>	<b>Legislative, executive, administrative and other measures</b>	
<b>5 i</b>	<b>Core questions</b>	
	<b>Price and tax measures to reduce the demand for tobacco</b>	
6.2 (b)	Customs allowance (on entering New Zealand) - 200 cigarettes or 250 grams of tobacco or 50 cigars or a combination weighing not more than 250 grams for each passenger aged 17 years and over.	
	<b>Protection from exposure to tobacco smoke</b>	
8.2	<p>On 3 December 2003, an amendment to the Smoke-free Environments Act 1990 was passed. The amendment (the Smoke-free Environments Amendment Act 2003) required, among other things, that:</p> <ul style="list-style-type: none"> <li>• the buildings and grounds of schools and early childhood centres became smokefree from 1 January 2004</li> <li>• licensed premises (bars, restaurants, cafes, sports clubs, casinos) became smokefree indoors from 10 December 2004</li> <li>• all other workplaces became smokefree indoors from 10 December 2004 – including offices, factories, warehouses, work canteens.</li> </ul> <p>For full details please see Part 1 of the Smoke-free Environments Act 1990, sections 4 – 20A.</p>	
	<b>Regulation of tobacco product disclosures</b>	
10	New Zealand requires disclosure of tar, nicotine and carbon monoxide (measured using the ISO method) for manufactured cigarettes by brand variant and disclosure of additives to tobacco products.	

	<b>Illicit trade in tobacco products</b>
15.2 (a)	The Māori language health warning, the New Zealand 0800 Quitline telephone number (both required under legislation) and the manufacturer's batch number all assist authorities to determine that the tobacco in question was destined for, or otherwise legally for sale in, New Zealand.
15.3	Markings of health warnings are required to be legible and appear in English and include a te reo Māori health message.
15.4 (b)	Current legislation is sufficiently robust to not require strengthening or extra legislation to be enacted.
15.4 (e)	The Proceeds of Crimes Act allows for the confiscation of resources associated with serious criminal offending.
	<b>Sales to and by minors</b>
16.1	Sections 30 and 30AA prohibit the sale and supply of tobacco products and herbal smoking products to people under 18 years of age.
16.2	Section 28 of the Smoke-free Environments Act prohibits any free distribution of tobacco products or rewards for purchasing tobacco (such as discounts, gifts or cash rebates).
16.3	Section 30A prohibits the sale of cigarettes in amounts fewer than 20 cigarettes and the sale of loose tobacco in a package that contains less than 30 grams.
16.6	Section 30AB outlines penalties for repeat offenders convicted if offences involving sales of tobacco products to minors.
16.7	Any employee can sell cigarettes or other tobacco products, provided that the person in question is employed in accordance with New Zealand labour laws.
	<b>Liability</b>
19.1	Consideration of legislative action or promotion of existing to deal with criminal and civil liability issues is ongoing.
<b>5 ii)</b>	<b>Optional questions</b>
	<b>Regulation of the contents of tobacco products</b>
9	Testing of the contents and emissions of cigarettes has been done by the Institute of Environmental Science and Research Limited and is also covered in the Smoke-free Environments Regulations. The legislation allows for regulations to be made to regulate the

	<p>contents of tobacco products, New Zealand is awaiting WHO guidelines before further consideration is given to enacting these provisions. Section 33 of the Smoke-free Environments Act requires annual testing of the constituents of tobacco, and Section 34 contains provisions for the Director-General of Health to require extra testing.</p>
	<p><b>Packaging and labelling of tobacco products</b></p>
11.1 (a)	<p>The Fair Trading Act (1986) requires that products are not promoted by means that are false, misleading, deceptive or likely to create an erroneous impression. The New Zealand Commerce Commission is currently investigating whether the use of terms such as 'light' and 'mild' on cigarette packets is misleading.</p>
11.1 (b)	<p>Tobacco packaging currently requires rotating text health warnings relating to the health effects of tobacco. The warnings are laid out in the Smoke-free Environments Regulations 1999. They must contain:</p> <ul style="list-style-type: none"> <li>• a warning message (prescribed in regulations) must be displayed on the front of the pack, and an explanatory message (prescribed in regulations) must also appear on the rear of the pack</li> <li>• a health message in both English and Māori and be of the prescribed format, colour and size.</li> </ul>
11.1 (b)(i)	<p>The Government has passed regulations governing the health warnings on tobacco products, see the Smoke-free Environments Regulations 1999. Tobacco products must comply with these in order to be sold in New Zealand.</p>
11.1 (b)(ii)	<p>Six warnings are required to appear in equal numbers over the course of each year.</p>
11.1 (b)(iii)	<p>Font size, colour and formatting requirements are all specified in the Smoke-free Environments Regulations 1999.</p>
11.1 (b)(iv)	<p>Health warnings in New Zealand currently cover 29.17% of the principal display areas. NZ is at present in the process of updating the regulations regarding health warnings to comply with the FTC. These new regulations will be in force by 28 February 2008 :</p> <ul style="list-style-type: none"> <li>• Pictorial warnings will be required on the front of all packets of cigarettes, cigars and loose and pipe tobacco.</li> <li>• The size of the health warnings will be increased to exceed FTC requirements, for example, on cigarette packs, the warning will cover 30% of the front and 90% of the back.</li> <li>• The warnings on cigarette products will rotate yearly (there are fourteen warnings in total, seven must appear in each</li> </ul>

	<p>year). Rotating warnings will also be required on other tobacco products.</p> <ul style="list-style-type: none"> <li>Warnings must contain the Quitline number and a Māori language warning.</li> </ul>
11.1 (b)(v)	See above requirements for new health warnings.
11.2	The Smoke-free Environments Regulations 1999 require levels of tar, nicotine and carbon monoxide (measured using the ISO method) for manufactured cigarettes to be displayed on cigarette packets.
11.3	Health warnings must appear in both English and te reo Māori.
	<b>Tobacco advertising, promotion and sponsorship</b>
13.2	<p>Since 1990 NZ has had a comprehensive ban on tobacco advertising. See Part 2 S 22, 24 and 25 of the Smoke-free Environments Act. Some exemptions are made for international sporting events, see sections 26 and 26A. These exceptions comply with the comprehensive ban required by the FCTC, as they require approval by the Minister of Health, and would only be exercised having regard to New Zealand's international obligations, including the obligations arising under the FCTC. No exemptions have been granted for such events since 1997.</p> <p>Advertisements for tobacco are permitted in imported overseas publications, provided the purpose of the publication is not to promote tobacco products and it is not intended primarily for sale or distribution in New Zealand.</p>
13.3	Not applicable due to New Zealand's comprehensive ban on tobacco advertising, promotion and sponsorship.
13.4 (a)	Not applicable due to New Zealand's comprehensive ban on tobacco advertising, promotion and sponsorship.
13.4 (b)	Not applicable due to New Zealand's comprehensive ban on tobacco advertising, promotion and sponsorship.
13.4 (c)	Section 28 of the Smoke-free Environments Act prohibits any free distribution of tobacco products or rewards for purchasing tobacco (such as discounts, gifts or cash rebates). Also, no co-packaging of tobacco products (tobacco products sold or offered in conjunction with any other good) is allowed, see section 29 A.
13.4 (d)	Not applicable due to New Zealand's comprehensive ban on tobacco advertising, promotion and sponsorship.
13.4 (e)	See section 22 'no person shall publish, or arrange for any other

	person to publish, any tobacco product advertisement in New Zealand'. However, exceptions are permitted for advertisements contained within overseas publications, provided the purpose of the publication is not to promote tobacco products and they are not intended primarily for sale or distribution in New Zealand.
13.4 (f)	Approval for sponsorship of certain events is allowed under sections 26 and 26A of the Act. However, these exceptions comply with the comprehensive ban required by the FCTC, as they require approval by the Minister of Health, and would only be exercised having regard to New Zealand's international obligations, including the obligations arising under the FCTC. The last approval was granted in 1997.
<b>6</b>	<b>Programmes and plans</b> <b>Core questions</b>
5.1	New Zealand tobacco control policies and priority work areas are outlined in <i>Clearing the Smoke: A 5 year plan for tobacco control (2004-2009)</i> . This document outlines five key objectives: Objective One: Prevent smoking initiation Objective Two: Promote smoking cessation Objective Three: Prevent harm to non-smokers from second hand smoke Objective Four: Improve support for monitoring, surveillance and evaluation Objective Five: Improve infrastructural support and co-ordination for tobacco control activities.
	<b>General obligations</b>
5.2 (a)	The New Zealand Ministry of Health is the national co-ordinating mechanism for tobacco control.
5.3	In New Zealand proposals to make significant changes to policy involve wide ranging consultation. This consultation process involves stakeholders, including the tobacco industry where appropriate. However, the Ministry of Health reserves the right to act in a manner that is best for public health and is not subject to any undue influence.
	<b>Education, communication, training and public awareness</b>
12 (a)	There are a number of different cessation services available in New Zealand. The national Quitline service operates mainly through an 0800 (free) telephone number (see <a href="http://www.quit.org.nz">www.quit.org.nz</a> ). Once potential quitters contact the Quitline they are able to access subsidized Nicotine Replacement Therapy and telephone counselling. Also, many health workers, such as Doctors, nurses, Māori health workers, can train to provide cessation support and

	<p>Quit Cards to smokers.</p> <p>The Quitline can also refer people to a face-to-face cessation service. For example, they may make a referral to a culturally specific programme, such as Aukati Kai Paipa, which targets Māori smokers.</p> <p>There is also information about smoking and associated health risks available through youth services and through websites, such as <a href="http://www.urge.org.nz">www.urge.org.nz</a>.</p>
12 (b)	<p>New Zealand has run several successful mass media campaigns, designed to inform the public about the dangers of smoking and secondhand smoke, for example see <a href="http://www.secondhandsmoke.co.nz">www.secondhandsmoke.co.nz</a>. There have also been mass media campaigns, including television advertising, aimed at making homes and cars smokefree, see <a href="http://www.smokefreehomes.co.nz">www.smokefreehomes.co.nz</a>.</p>
12 (c)	<p>New Zealanders are able to access information about the tobacco industry from a wide range of sources, including non-governmental organisations such as the Smoke-free Coalition. A number of these NGOs are supported and/or funded by the Ministry of Health.</p>
12 (e)	<p>Before any major policy changes are implemented the Ministry of Health consults widely with all interested parties, including non-governmental organisations.</p>
	<p><b>Demand reduction measures concerning tobacco dependence and cessation</b></p>
14.1	<p>A revised version of the New Zealand Smoking Cessation Guidelines will shortly be available. These Guidelines are based on a comprehensive literature review that summarises the most recent evidence nationally and internationally on best practice in smoking cessation. Their aim is to provide updated guidance for health workers in their contacts with people who smoke tobacco. They reflect the full range of stop smoking services now available in New Zealand. They address their use of evidence-based interventions in priority population groups, in particular Māori, Pacific people, pregnant women and people who use mental health and addiction services.</p>
14.2 (d)	<p>New Zealand has a national Quitline service. The Quitline provides smokers who want to quit with Quit cards that can be exchanged for subsidised NRT gum and patches. Quitters are only required to make a \$5 co-payment, the rest is paid for by the Government through the Quitline. The Quitline also provides telephone counseling services and can refer smokers to another appropriate cessation service provider if required.</p>
	<p><b>Provision of support for economically viable alternative</b></p>

	<b>activities</b>
17	There is no intention to provide active support for moving to alternative livelihoods. There are very few growers in New Zealand, there is almost no tobacco grown in New Zealand (estimated to be about 10 acres).
	<b>Research, surveillance and exchange of information</b>
20.1 (a)	Research into the effects of smoking and secondhand smoke has been conducted by various Universities and research institutions in New Zealand, some of which has been partly funded by the Ministry of Health, for example by the University of Otago, Wellington School of Medicine. Alternative crop research is not relevant to New Zealand as there is almost no tobacco grown in New Zealand (estimated to be about 10 acres).
20.4 (b)	<i>Tobacco Trends – Monitoring Tobacco use in New Zealand</i> (formerly Tobacco Facts) is published annually. See <a href="http://www.moh.govt.nz/moh.nsf/pagesmh/5658?Open">www.moh.govt.nz/moh.nsf/pagesmh/5658?Open</a> for the 2006 report. The report includes information on: prevalence and smoking history, consumption and supply, tobacco use and youth, and cessation programmes and services.
<b>6 (ii)</b>	<b>Optional questions</b>
	<b>Education, communication, training and public awareness</b>
12 (d)	New Zealand has a number of training and awareness programmes. For example, there are regular workshops and training for Smoke-free officers on monitoring and compliance with tobacco legislation. The Health Sponsorship Council regularly runs Smoke-free Conferences for health workers, researchers and policy analysts. Health promotion officers are available to visit schools and workplaces to provide information about smoking related harm.
12 (f)	The Ministry of Health and various non-governmental organisations, such as the Cancer Society and the Smoke-free Coalition, provide access to information about the adverse health and economic consequences of tobacco consumption. There is a wide variety of information available, including information for specific population groups, such as Māori, Pacific people, pregnant women and youth. There are also mass media campaigns, including television advertising, which inform the public about the harms of smoking and secondhand smoke, see <a href="http://www.secondhandsmoke.co.nz">www.secondhandsmoke.co.nz</a> and <a href="http://www.smokefreehomes.co.nz">www.smokefreehomes.co.nz</a> .
14.2 (a)	Health promotion officers are available to go into workplaces, educational institutions and sporting environments and may provide information about Quitline services. All hospitals are smokefree, including the grounds. The Health Sponsorship Council also

	provides smokefree sponsorship to events to promote cessation.
14.2(b)	Any New Zealand health practitioner (doctor, practice nurse, occupational health nurse, Māori health worker), who would like to help their patients or clients quit smoking, may be eligible to become a Quit Cards provider. This means they can distribute nicotine replacement exchange cards for subsidised nicotine patches and gum to people who want to quit smoking. To be a Quit Cards provider they must be smokefree and provide a minimum of three follow-ups to each client. Any health provider in New Zealand who has trained in smoking cessation may apply to become a Quit Cards provider. Free national smoking cessation training is available from <a href="#">The National Heart Foundation</a> and <a href="#">Te Hotu Manawa Māori</a>
14.2 (c)	People who are in health care facilities and rehabilitation centres are able to access a range of cessation services, these can range from generic cessation services to services provided specifically for mental health and addiction treatment service users. These can take various forms including face to face counselling sessions, fully subsidized cessation medication and hospital based cessation services.
	<b>Protection of the environment and the health of persons</b>
18	This is not applicable in New Zealand. There is almost no tobacco grown in New Zealand (estimated to be about 10 acres).
	<b>Research, surveillance and exchange of information</b>
20.1 (b)	There is regular training for Smokefree Officers and free training is available to any health worker (such as doctor, practice nurse, occupational health nurse, Māori health worker) that would like to become a Quit Card provider. Also, the Health Sponsorship Council runs regular Smoke-free Conferences for anyone involved in tobacco control, including researchers, health workers and policy analysts.
20.2	There are a number of different surveys that capture New Zealand smoking related data. These include: New Zealand Tobacco Use Survey (NJTUS) (conducted two years out of three) New Zealand Health Behaviour Survey (conducted once every three years) Year 10 ASH Smoking Survey (conducted every year) New Zealand Census (conducted every 5 years, with smoking questions every second Census).
20.3 (a)	Tobacco Trends, an annual publication by the Ministry of Health, draws together data from various sources, to get a picture of tobacco consumption and related social, economic and health indicators. Sources used include: New Zealand Tobacco Use

	Survey (NZTUS), Year 10 ASH Smoking Survey, ACNielsen omnibus survey and Statistics New Zealand data. Further periodic work is undertaken by independent researchers and the Ministry of Health.
20.4	New Zealanders are able to access information about the tobacco industry from a wide range of sources, including non-governmental organisations such as the Smoke-free Coalition. A number of these NGOs are supported and/or funded by the Ministry of Health. The Ministry of Health also publishes any research that it commissions related to tobacco.
20.4 (a)	All legal information is available online, as well as supporting information about requirements under the law and advice on how to comply with laws and regulations. See <a href="http://www.smokefreelaw.co.nz">www.smokefreelaw.co.nz</a>

## Attachment A

### Overseas Trade Exports and Imports – Trade, Merchandise

Source: Statistics New Zealand, Overseas Trade

Period	HS6 Item	Description	Unit	Exports			Imports		
				Quantity	Gross Weight (KG)	FOB (\$NZ)	Quantity	Gross Weight (KG)	CIF (\$NZ)
2006	2401.10	Tobacco, (not stemmed or stripped)	KGM						
2006	2401.20	Tobacco; partly or wholly stemmed or stripped	KGM	33,230	45,914	324,001	1,426,685	1,527,249	8,657,405
2006	2401.30	Tobacco refuse	KGM	44,000	81,850	71,280	90,335	108,338	118,343
2006	2402.10	Cigars, cheroots and cigarillos; containing tobacco including the weight of every band, wrapper or attachment thereto	KTC	380	766	130,681	15,912	36,498	4,628,201
2006	2402.20	Cigarettes; containing tobacco	...	758,114	1,149,333	12,660,251	1,195,156	1,709,599	30,242,938
2006	2402.90	Cigars, cigarillos and cheroots; containing tobacco substitutes including the weight of every band, wrapper or attachment thereto	...	90	90	2,549	234	380	15,152
2006	2403.10	Tobacco, smoking; whether or not containing tobacco substitutes in any proportion	KTC	646,611	771,619	9,302,970	667,543	947,884	16,462,648
2006	2403.91	Tobacco; homogenised or reconstituted	KTC				29,352	32,538	139,086
2006	2403.99	Tobacco; other than homogenised or reconstituted or smoking	...				841	959	55,555



