

Public Health (Restrictions on Tobacco Products) Regulations 2022

GN No. 139 of 2022

Government Gazette of Mauritius No. 81 of 10 June 2022

THE PUBLIC HEALTH ACT

Regulations made by the Minister under sections 193 and 194 of the Public Health Act

PART I – PRELIMINARY

1. Citation

These regulations may be cited as the **Public Health (Restrictions on Tobacco Products) Regulations 2022**.

2. Interpretation

In these regulations –

“accessory”, in relation to a tobacco product –

- (a) means a device which may be used to facilitate the consumption of the tobacco product; and
- (b) includes a pipe, a cigarette holder, a cigar clip, a lighter or matches;

“advertise” –

- (a) means to publicise or broadcast any drawn, still or moving picture or pictorial representation, design, device, sign, symbol, colour, trademark, service or other mark, manufacturer’s name, logo, brand name or brand element, other visual image or message in printed, audible or other form; and
- (b) includes any label, depiction, commercial communication to any member of the public, through media or by any other means and in any medium or format;

“brand element” includes a brand name, variant name, manufacturer’s name, trademark, trade name, logo, graphic arrangement, design, colour or combination of colours, motto, slogan or other distinctive feature which is reasonably associated with, or that evokes a product, a service or a brand of a product or service;

“brand name” means the primary name –

- (a) by which a tobacco product is marketed;

- (b) which may be used to market tobacco products belonging to the same brand family; and
- (c) which may be a business or company name;

“broadcast” means the transmission of sounds or images, whether encrypted or not, by means of radio waves or other means of telecommunication, for reception by the public;

“characterising flavour” –

- (a) means a clearly noticeable smell or taste, other than that of tobacco, resulting from an additive or a combination of additives, including, but not limited to, fruit, spice, herbs, alcohol, candy, menthol or vanilla, which is noticeable before or during the consumption of the tobacco product; and
- (b) includes a taste or smell which may be activated by the user at the time of consumption;

“child” means any person under the age of 18;

“cigar” –

- (a) means a tobacco product which comprises a roll of tobacco leaf or cut tobacco enclosed in tobacco leaf or the leaf of another plant; and
- (b) except for the purposes of Part V, includes a cigarillo or little cigar;

“cigarette” means a tobacco product comprising a roll of cut tobacco for smoking, enclosed in paper;

“Electronic Nicotine Delivery System/Electronic Non-Nicotine Delivery System (ENDS/ENNDS)” –

- (a) means a system which produces, upon heating, an aerosol for inhalation from a solution which –
 - (i) may contain nicotine, flavourants, usually dissolved into propylene glycol and/or glycerine; but
 - (ii) does not contain tobacco; and
- (b) includes –
 - (i) products marketed or known as electronic cigarettes or e-cigarettes, vapes, e-cigars, e-pipes and e-shisha; and
 - (ii) any device which produces the aerosol or vapour and any solution used in the device for producing the aerosol whether sold as one system or as separate components;

“enforcement officer” means a public health and food safety inspector or such other officer as the supervising officer may designate;

“green tobacco” has the same meaning as in the National Agricultural Products Regulations 2013;

“heated tobacco product” –

- (a) means a category of tobacco products, including products described, advertised or sold as “heat not burn” products, in which tobacco is heated in an electronic or similar device to produce aerosols containing nicotine and other chemicals, which are inhaled by the user; and
- (b) includes the heating device, any component or part used with the device and any tobacco product intended for use with the device;

“importer” means a person who –

- (a) brings, or causes to be brought, any tobacco product into Mauritius for the purpose of sale or distribution; or
- (b) otherwise causes tobacco products to be placed on the market in Mauritius;

“indoor area”–

- (a) means any space covered by roof or enclosed by one or more walls, whether temporary or permanent; and
- (b) includes any area within 10 metres of a door, openable window or other opening into such a space;

“ingredients” mean tobacco and any other component of the tobacco product, including paper, filter, ink, capsules, adhesives, additives, processing aids, any chemical or other substance, including residual substances from manufacture or packaging, which may be found in a tobacco product;

“inner flap of a cigarette packet” means the part of the outer surface which is not visible when the lid is closed;

“inner surface” means the part of the tobacco package which is not covered by outer surfaces;

“leaf tobacco” has the same meaning as in the National Agricultural Products Regulatory Office Act;

“manufacturer” means any person who manufactures, fabricates, produces, processes, packs or labels tobacco products for the purpose of sale or distribution;

“Ministry” means the Ministry responsible for the subject of health;

“outdoor” means any space that is not an indoor area ;

“outer packaging” –

- (a) means any package of tobacco products sold to the consumer; and
- (b) includes one or more unit packages; but
- (c) does not include transparent package;

“outer surface” means, in respect of –

- (a) unit packages and outer packaging of tobacco products; and
- (b) tobacco products in pouch packaging,

any visible surface and any surface covered by the flap, before the package is opened;

“package” –

- (a) means any covering, wrapper, container, pack, pouch, tin or other enclosure that contains a tobacco product, or cartons, containers or other enclosures which contain tobacco products and in which tobacco products are customarily sold in retail; and
- (b) includes any label, sticker and other written or graphic information on or in it;

“pipe tobacco” means loose tobacco prepared for smoking in a pipe;

“pouch” means a unit package for pipe tobacco, either in the form of a rectangular pocket with a flap covering the opening or standing pouch;

“pouch packaging” means a package from which the surface which is visible before the package is opened;

“presentation” means any element or feature placed on a tobacco package with the exception of the lining;

“promote” –

- (a) means any act intended to or likely to encourage, directly or indirectly, the purchase or use, or to create an awareness, of tobacco products; and
- (b) includes –
 - (i) the use in any advertisement or commercial communication to the public, or any member of the public, in any medium, of a tobacco product, manufacturer’s company name, brand, logo or mark or other brand element, in whole or in part;

- (ii) actions such as the offer or supply of a tobacco product free of charge, at a discounted price, as a prize, pursuant to a lottery or otherwise, price promotions, provision of gifts or discounted products in connection with a purchase;
- (iii) payments or other contributions to retailers to encourage or induce them to sell tobacco products, including any incentive programmes; and sale, supply, placement, or display of a tobacco product;

“public conveyance” means any means of transport carrying passengers for hire or reward;

“public place” means –

- (a) an indoor area or a part of an indoor area which is open to the public;
- (b) a public conveyance;
- (c) a workplace; and
- (d) such other place as specified in the First Schedule;

“Roll-Your-Own tobacco” means loose tobacco prepared for smoking in hand-rolled cigarettes;

“smoke” means –

- (a) to inhale, exhale, or be in possession or control of, an ignited or heated tobacco product or a tobacco product producing emissions for inhalation;
- (b) emissions, such as an aerosol, produced by an ignited or heated tobacco product, or a tobacco product producing emissions by any means, as the context may require;

“smokeless tobacco” means a tobacco product used without combustion, heating or pyrolysis, at the time of use, such as chewing tobacco, snus and snuff and dissolvable products;

“sponsorship” means any form of contribution to any event, activity or individual, or publication of such a contribution, with the aim, effect or likely effect of promoting a tobacco product or tobacco use, directly or indirectly, including corporate social responsibility or similar activities;

“supervising officer” means the supervising officer of the Ministry;

“tobacco” means a plant belonging to the species of *nicotiana tabacum* or *nicotiana rustica*;

“tobacco product”–

- (a) means any product composed, in whole or in part, of –

- (i) tobacco, including tobacco leaves or any extract; or
 - (ii) any mixture containing tobacco; and
- (b) includes –
- (i) cigarettes, bidis, cigars, cigarillos, little cigars, smokeless tobacco, Roll-Your-Own tobacco, pipe tobacco, waterpipe tobacco, green tobacco, leaf tobacco, heated tobacco products, cigarette papers, tubes or filters; and
 - (ii) electronic nicotine delivery systems, electronic non-nicotine delivery systems and other products containing nicotine and devices used for their consumption that may be used manufactured or marketed to replace or imitate tobacco products; but
- (c) does not include any product authorised for marketing and sale in Mauritius as a nicotine replacement therapy;

“unit package” means the smallest package of a tobacco product available for retail sale;

“variant name” means the name used to distinguish different tobacco products belonging to the same brand family;

“waterpipe” –

- (a) means a device from which the smoke of a tobacco product is drawn through water and a long tube; and
- (b) includes a hookah or shisha;

“workplace” –

- (a) means an indoor area where a person performs his duties of employment or work, whether for remuneration or on a voluntary basis; and
- (b) includes any common area which is generally used by such a person during the course of his employment or work;

“wrappers” means cellophane or plastic sleeves or other transparent material used to package a unit package or outer packaging of tobacco products.

PART II – RESTRICTIONS ON USE, SALE, IMPORTATION, MANUFACTURE AND DISTRIBUTION OF TOBACCO PRODUCTS

3. Restricted use of tobacco products

- (1) No person shall smoke a tobacco product –

- (a) in a public place;
- (b) while preparing, serving or selling food in any premises to which the public has access; or
- (c) while driving, or travelling in, a vehicle carrying passengers, or whilst being in a stationary vehicle carrying passengers.

(2) Every owner or person responsible of a public place shall take all reasonable steps to prevent a person from smoking in that public place.

(3) For the purpose of paragraph (2), the owner or person responsible for the public place shall—

- (a) request that person to stop smoking;
- (b) where a person, upon request, does not stop smoking, request him to leave the public place;
- (c) where a person refuses to stop smoking or leave the public place, call the police;
- (d) ensure that no ash tray or such other item intended for the use or consumption of tobacco products is provided in that public place; and
- (e) take such other reasonable steps as may be necessary to supervise observance of a smoke free environment.

(4) Every owner or person responsible for a public place shall cause a notice to be conspicuously displayed in the public place in the manner specified in the Second Schedule.

(5) No owner or other person shall display, or cause to be displayed, any notice prohibiting smoking that does not comply with the Second Schedule.

4. Restrictions on sale, importation, manufacture and distribution of tobacco products

(1) No person shall sell, offer to sell, import, manufacture or distribute —

- (a) cigarettes, unless the following are complied with —
 - (i) each unit package shall contain 20 cigarettes;
 - (ii) each unit package shall display, on each lateral side, the health warning in the manner specified in Part IV;
 - (iii) each unit package shall display, on the front and back display area, a combined health warning as specified in Part IV and

the Third Schedule, or replacement health warnings the Ministry may determine;

- (iv) each unit package used for retail and wholesale sale shall display the following words printed in Pantone Cool Gray 2C letter in Helvetica type of font not less than 10 –

Sale allowed in Mauritius only

- (v) each unit package used for retail and wholesale sale shall display, in the English and French language, the name of the country where the cigarettes have been manufactured, printed in Pantone Cool Gray 2C letter in Helvetica type of font not more than 10;

- (vi) every packaging shall comply with the requirements of Part IV;

- (vii) the manufacturer or importer shall comply with the requirements specified in the Fifth Schedule;

- (viii) cigarettes shall not have –

- (A) a tar yield exceeding 10 milligrammes per cigarette;

- (B) nicotine yield exceeding 10 milligrammes per cigarette;
or

- (C) carbon monoxide yield exceeding 10 milligrams per cigarette;

- (ix) each unit package shall not display the tar or nicotine content or the carbon monoxide yield;

- (b) any tobacco product –

- (i) that does not comply with these regulations, or

- (ii) in a package that does not comply with these regulations;

- (c) tobacco products in a package containing 2 or more unit packages, unless the packaging is clear or transparent so as not to obscure the packaging of the unit package, other than to the extent strictly necessary to display any information required under these regulations or any other information required under any enactment;

- (d) any tobacco product by means of an automatic vending machine;

- (e) any confectionery or other food product or any toy or other article –

- (i) that is designed to resemble a tobacco product;

- (ii) the packaging of which –
 - (A) is designed to resemble the packaging commonly associated with tobacco products; or
 - (B) is likely to create an association with or resemble a tobacco product;
- (f) any tobacco product at retail through any remote method of purchase and delivery, including through the post, telecommunications, Internet, electronic communications, a computer network or any other technology-based mode of sale where –
 - (i) either the customer or the seller is located in Mauritius at the time of purchase or delivery;
 - (ii) any part of the transaction occurs or is deemed to occur in the territory of Mauritius; or
 - (iii) the transaction involves any server, network or technology located or deemed to be located in the territory of Mauritius.

(2) No tobacco product shall transit through Mauritius, unless it complies with the following conditions –

- (a) the tobacco product shall be packed;
- (b) the packaging shall display information relating to –
 - (i) the shipment route and date;
 - (ii) the shipment destination;
 - (iii) the final destination for sale;
 - (iv) the point of departure and consignee; and
 - (v) a batch or serial number;
- (c) the tobacco product shall be accompanied by a consignment note or any similar document containing the information specified in paragraph (b); and
- (d) the tobacco product shall not be used in, imported into, or sold, supplied or offered for sale in Mauritius, including the free port area.

(3) No person shall import any consignment of tobacco products unless the unit packages of the tobacco products in the consignment display in equal proportion, the pictorial health warnings, as applicable to the tobacco products, as specified in the Third Schedule.

(4) No person shall manufacture, import, distribute, sell or offer for sale in Mauritius –

- (a) a waterpipe;
- (b) a tobacco product for use in connection with a waterpipe;
- (c) ENDS or ENNDS;
- (d) e-liquids, devices and accessories sold or marketed for use in or with ENDS/ENNDS;
- (e) any other product containing nicotine and any device used for its consumption, that may be manufactured or marketed to replace or imitate a tobacco product, other than such product as a medical practitioner may prescribe as nicotine replacement therapy;
- (f) a tobacco product with a characterising flavour;
- (g) a smokeless tobacco product;
- (h) a heated tobacco product, including a device, a tobacco product and an accessory sold or marketed for use in a heated tobacco product;
- (i) Roll-Your-Own tobacco product and any paper, filter or any other accessory designed for use with Roll-Your-Own tobacco;
- (j) an accessory, device, pouch or such other product that is manufactured or sold to be used to cover, obscure, mask, alter, or otherwise detract from the standardised packaging or display of specified health warnings and messages, including pictures and pictograms under these regulations.

5. Prohibition to give or sell tobacco products

(1) No person shall, directly or indirectly –

- (a) give, sell or offer to sell a tobacco product to a child;
- (b) allow a child to sell or distribute a tobacco product;
- (c) buy or acquire a tobacco product for the purpose of giving it, whether or not for a consideration, to a child.

(2) A seller of a tobacco product may request a buyer to produce proof of his age before selling any tobacco product to him.

(3) For the purpose of paragraph (2), proof of age shall be made by the production of –

- (a) the National Identity Card;

- (b) a passport; or
- (c) a driving licence.

(4) Every seller of a tobacco product shall conspicuously post at the point of sale inside his shop a notice in the manner specified in the Fourth Schedule, informing the public that the sale of tobacco products to a child is prohibited.

(5) No retail seller of a tobacco product shall display a tobacco product for sale except in duty free shops at the airports of Mauritius and Rodrigues.

(6) (a) A retail seller shall display only a single notice in his premises providing details of all tobacco products available for sale.

(b) The size of the notice shall be not more than A4 size.

(c) The notice shall, in relation to every tobacco product available at the shop, contain the following information –

- (i) the brand name;
- (i) the variant name; and
- (ii) the price,

(d) The notice under subparagraph (c) shall –

- (i) be in the English and French languages;
- (ii) be in black letters on a white background;
- (iii) be in normal weight Helvetica font with a maximum font size of 20; and
- (iv) not display –

(A) any colours, images logos brand element or mark; or

(B) any advertising or promotion of any tobacco product.

(7) No person shall sell, or offer to sell, a tobacco product within a radius of 200 metres of an educational institution or a sports and leisure facility, including a playground.

(8) Paragraph (7) shall not apply to any premises operating before the coming into operation of these regulations.

(9) No form of advertising or promotion of tobacco products at the point of sale or within any shop or retail setting shall be authorised.

PART III – RESTRICTIONS ON ADVERTISING

6. Restrictions on advertising

- (1) No person shall –
 - (a) advertise or cause to be advertised –
 - (i) a trade mark, manufacturer's name, logo, brand name or other brand element associated with a tobacco product;
 - (ii) the sale or consumption of a tobacco product;
 - (iii) such other thing as may be associated with a tobacco product;
 - (b) promote or cause to be promoted –
 - (i) a trade mark, manufacturer's name, logo, brand name or other brand element associated with a tobacco product;
 - (ii) the sale or consumption of a tobacco product;
 - (iii) such other thing as may be associated with a tobacco product;
 - (c) offer, provide or facilitate any scholarship or any form of sponsorship in relation to –
 - (i) a tobacco product;
 - (ii) a trade mark, manufacturer's name, logo, brand name or other brand element associated with a tobacco product;
 - (iii) such other thing as may be associated with a tobacco product.
- (2) No person shall –
 - (a) cause or permit the name of a manufacturer, tobacco product-related brand name, or such other brand element as may be associated with a tobacco product, to appear on a permanent facility, a vehicle or an equipment, unless such facility is owned or leased and used by the manufacturer;
 - (b) import, manufacture, distribute or sell an accessory that displays a tobacco product-related brand name or such other brand element as may be associated with a tobacco product or the name of the manufacturer;
 - (c) display a tobacco brand element on a non-tobacco product;
 - (d) furnish or promote non-tobacco products bearing tobacco-related brand names or such other brand element as may be associated with a tobacco product;

- (e) sell, offer for sale, supply, place, or display a tobacco product at an educational establishment, a health institution, sporting, entertainment, music, dance or social venue or event; or
- (f) directly or indirectly, include, place, or refer to, a tobacco product or brand element in the context of any commercial communication, including any film, video, social media or other medium in return for payment or any other consideration.

PART IV – HEALTH WARNINGS ON TOBACCO PRODUCTS

7. Health warnings on each lateral side of a package of cigarettes

The health warning on every lateral side of a unit package of cigarettes shall –

- (a) be displayed in English on a lateral side of the package in the following words –

Smoking kills

- (b) be displayed in French on the other lateral side of the package in the following words –

La cigarette tue

- (c) occupy 70 per cent of the surface area of every lateral side of the package;
- (d) be displayed in such manner that no word of the health warning is severed when the package is opened;
- (e) be displayed legibly and conspicuously on a Pantone Yellow EC label with black text characters in Helvetica type of font not less than 10; or
- (f) be displayed in such manner and in such template as the Minister may approve.

8. Health warnings on front and back of package of tobacco product

(1) Every unit package of a tobacco product shall display a combined health warning consisting of written and pictorial warnings and corresponding text as specified in this regulation.

(2) (a) Subject to paragraph (b), there shall be 8 different combined health warnings consisting of text and pictorial warnings and corresponding text.

(b) The combined health warnings shall be as set out in the Third Schedule, or such other combined warnings as the Minister may determine.

(3) The combined health warning shall be displayed on the front and back of a unit package of a tobacco product and shall –

- (a) consist of a warning in combination with a picture or pictogram as specified in the Third Schedule;
- (b) be displayed legibly and conspicuously in –
- (i) French black text characters on a Pantone Yellow EC label in Helvetica type, of font of not less than 10, on the front principal display area of the package; and

- (ii) English black text characters on a Pantone Yellow EC label in Helvetica type of font of not less than 10, on the back principal display area of the package;
 - (c) occupy 90 per cent of the front principal display area of the package and 100 per cent of the back principal display area of the package;
 - (d) be displayed in such manner that any word of the health warning is not severed when the package is opened; and
 - (e) be displayed in such manner and in such template as the Minister may approve.
- (4) (a) Every unit package of cigarettes shall, in accordance with paragraph (3), display one combined health warning at a time.
- (b) (i) Every brand or brand variant shall consecutively display the combined health warnings specified in the Third Schedule on a rotational basis during a period of 12 months.
- (ii) Every brand or brand variant shall, at a time, display one combined health warning specified in the Third Schedule.
- (5) Every importer, or manufacturer where a tobacco product is produced in Mauritius, shall bear any associated costs that may arise in the display of health warnings on a tobacco package, including any costs of resizing or rotation of images and any administrative cost incurred, or fees applied by, a Government department or agency in relation to such health warnings as may be required.

PART V – REQUIREMENTS FOR PLAIN PACKAGING OF TOBACCO PRODUCT

9. Application of Part V

This Part –

- (a) shall apply to every tobacco product manufactured, imported, sold, offered for sale or supplied in Mauritius, except for green tobacco;
- (b) shall apply to the territory of Mauritius, including duty free shops and the freeport areas; but
- (c) shall not apply to a tobacco product coming into the freeport area for the purpose of transit.

10. General prohibitions

- (1) No person shall import, sell, offer to sell or distribute a tobacco product in a package –

- (a) on which any written or combined health warning or any other labelling required under these regulations is obscured in whole or in part;
- (b) which displays any wording such as “mild”, “low tar”, “light”, “slim”, “ultra-light”, “smooth”, “natural”, “flavoured”, “menthol”, “extra”, “ultra”, or any other written term, descriptor, figurative, symbol, colour, number, or other sign that directly or indirectly creates the impression that a particular tobacco product is less harmful than other tobacco products or that is in any way false, misleading, deceptive or likely to create an erroneous impression of the characteristics, health effects, hazards or emissions of that product;
- (c) which displays figures for the emissions yields or the tar, nicotine and carbon monoxide content of a tobacco product;
- (d) which conveys such information as may be in contravention with these regulations;
- (e) which contains such labelling, trademarks or any other mark, text, colour or other brand element as may be in contravention with these regulations.

11. Requirements for colour and other packaging elements or features of packages

(1) Every outer surface and outer packaging of a unit package shall have a matt finish and be coloured with Pantone 448C.

(2) (a) Every inner surface of a unit package shall have a matt finish and be coloured with Pantone 448C.

(b) Where a tobacco product is packed in a tin, the inner surface may be the natural colour of the metal of which the tin is made.

(c) Where tobacco products are sold to consumers in outer packaging containing at least 2 unit packages, such as in a carton, the outer packaging shall be clear or transparent so as not to obscure the outer packaging of the unit package, other than to the extent strictly necessary to display any information required under these regulations.

(3) Every outer and inner surface of the outer packaging and unit packages of a tobacco product shall –

- (a) be flat and smooth; and
- (b) not have any window or irregularity in shape or texture such as embossing, protrusions, ridges or indentations, except for –
 - (i) pouch packages to the extent that any element or feature is closed in the pouch; and

- (ii) cigar tubes to the extent that any element or feature is for securing the bottom or for opening and closing the lid.
- (4) (a) No person shall insert any additional material in a unit package or outer packaging of a tobacco product.
- (b) Adhesive tape or glue used on or in a package shall be transparent and colourless.
- (5) (a) A unit package of cigarettes may contain a lining which shall be a single sheet of uniform silver-coloured foil with a white paper backing.
- (b) Any lining of any product, other than the tobacco product referred to, shall have a matt finish and be coloured white or Pantone 448C.
 - (c) The lining of a unit package of cigarettes shall not –
 - (i) constitute a separate removable container; and
 - (ii) be capable of sealing or re-sealing the unit package.
 - (d) The lining shall not be removed from the unit packet prior to retail sale.
 - (e) The lining may, for the purpose of production or wrapping, contain small dots or squares in the texture.
 - (f)
 - (i) Every texture shall be of equal size.
 - (ii) No texture shall constitute of an image or symbol.
- (6) (a) A unit package may be covered with a transparent and colourless wrapper.
- (b) A wrapper shall –
 - (i) be flat and smooth; and
 - (ii) not contain any marking or texture that is not necessary for the production process; but
 - (iii) may be marked with black squares or marks to cover the barcode.
 - (c) The tear tape of a wrapper shall be –
 - (i) transparent or black;
 - (ii) of a width not exceeding 3 millimetres;

- (iii) parallel to the upper edge of the packaging.
 - (d) The strip shall be of a continuous black line of a length not exceeding 15 millimetres.
 - (7) (a) A wrapper , outer packaging or a unit packet may be marked with a barcode where –
 - (i) it is for the sole purpose of sale, distribution or inventory control;
 - (ii) it is either black and white, or Pantone 448C and white;
 - (iii) it appears on the portion of a surface of the package that does not display any part of a required message; and
 - (iv) it does not –
 - (A) constitute an image, pattern or symbol which mimics anything other than a barcode; and
 - (B) convey any other information.
 - (b) A barcode –
 - (i) shall be printed only once;
 - (ii) shall not be on the front or back of the unit packet or outer packaging; and
 - (iii) may be a self-adhesive mark.
 - (c) A calibration mark –
 - (i) may be printed on the outer or inner surface of a unit package or outer packaging;
 - (ii) shall be printed only once;
 - (iii) shall not be printed on the front of the unit package or outer packaging.
- (8) A packaging of a tobacco product shall contain any tax stamp or such other relevant markings as may be required.
- (9) (a) The outer surface of the outer packaging of the tobacco product shall, for the purpose of ensuring product identification and traceability, be marked by –
- (i) a unique identifier which shall provide access to data on manufacture and the movements of such tobacco products;

- (ii) a batch number resulting from the single process of manufacture or equivalent enabling the place and time of the manufacture to be determined; or
- (iii) a mark indicating the origin of the tobacco product, as required or permitted under Mauritius laws.

(b) The mark under subparagraph (a) –

- (i) shall be printed in a conspicuous place;
- (ii) shall be printed only once; but
- (iii) shall not be printed on the front of the unit package or outer packaging.

(10) The package of a tobacco product shall not emit any sound or odour.

(11) The package of a tobacco product or any tobacco product shall not constitute of any element or feature which change after sale, including –

- (a) any heat activated ink;
- (b) any ink, element or feature which becomes visible over time;
- (c) any ink that appears fluorescent in certain light;
- (d) any parts of the packaging that can be scraped or manipulated to display an image or text;
- (e) any removable label or tab; and
- (f) any surface that can be unfolded.

(12) A unit package of cigarettes shall be a cuboid made of rigid cardboard and be constructed so that the unit package shall –

- (a) have a flat surface with no irregularities;
- (b) meet the adjoining surface with rigid straight edges;
- (c) open and close by way of a straight-edged flip-top lid that is hinged at the back of the pack; and
- (d) constitute a unit package, which, when the flip-top lid is closed shall be of –
 - (i) a height of not less than 85 millimetres nor more than 125 millimetres;

- (ii) a width of not less than 55 millimetres nor more than 82 millimetres; and
 - (iii) a depth of not less than 20 millimetres nor more than 42 millimetres.
- (13) (a) A unit package for a pipe tobacco shall conform to the following requirements –
 - (i) it shall be a rectangular pouch made from soft plastic;
 - (ii) each surface shall be flat with no irregularities;
 - (iii) its lining, if any, shall be made of plastic and shall be transparent and not coloured; and
 - (iv) its opening flaps shall be sealed by a resealable transparent tab.
- (b) A package that contains pipe tobacco may be made of tin.
- (14) Cigars shall be sold –
 - (a) in a cigar tube containing a single cigar; or
 - (b) in a package or carton containing one or more cigars.

12. Labelling of packaging with brand names and variant names, manufacturer and importer information and reduced ignition propensity information

- (1) The outer packaging and unit package may be labelled with a brand name and variant name, provided that –
 - (a) the font shall only consist of characters which are alphabetical, numeric or the symbol “&”;
 - (b) the first letter of a word is either uppercase or lowercase, the remainder of the word is lowercase;
 - (c) Helvetica typeface is the font used;
 - (d) the font colour shall be Pantone Cool Grey 2C, with a matt finish;
 - (e) the font-weight shall be normal;
 - (f) the brand name shall be written on a maximum of one line and shall be of a font size not exceeding 14;
 - (g) the variant name shall be placed just below the brand name, written on a maximum of one line and shall be of a font size not exceeding 10;

- (h) the brand name and variant name may appear if the package –
 - (i) contains pipe tobacco or is a cigar package (other than a cigar tube), only on the front and back surface of the package; or
 - (ii) is a cigar tube, only once; or
 - (iii) contains any other tobacco product, only on the front surface and the 2 smallest surfaces of the package;
- (i) the brand name and variant name appear below, and in the same orientation as, any part of a required message on that surface and shall not obscure any part of any required message on that surface.

(2) (a) The unit package or outer packaging for a tobacco product shall be labelled once on the outer surfaces, with the following information –

- (i) the country name of manufacture;
 - (ii) the name of importing country;
 - (iii) the batch number; and
 - (iv) the company name, address, email address and telephone number of the manufacturer and importer.
- (b) The label shall –
- (i) consist of alphabetical or numerical characters;
 - (ii) consist of the symbol “&”, and the “@” sign for an email address;
 - (iii) be in the French or English language;
 - (iv) be typed in uppercase for the first letter of a word, the remainder of the words to be lowercase;
 - (v) be printed with Helvetica typeface;
 - (vi) be, on the outer surfaces of the outer packaging and unit packets, coloured with Pantone Cool Grey 2C with a matt finish;
 - (vii) on the inner surfaces of the outer packaging and unit packets, be either coloured with Pantone Cool Grey 2C with a matt finish, Pantone 448C with a matt finish, or black with a matt finish;

- (viii) have a normal font-weight and shall be of a font size not exceeding 10;
 - (ix) on the surface on which there is a bar code, appear at the bottom of the package;
 - (x) be in the same orientation as any other text on that surface; and
 - (xi) not obscure any part of any required message on that surface.
- (3) (a) Every unit package of cigarettes shall –
- (i) display the label “Reduced Ignition Propensity”; and
 - (ii) comply with the requirements set out in the Fifth Schedule.
- (b) The label referred to in subparagraph (a) shall –
- (i) be printed permanently on the package or on a non-removable sticker;
 - (ii) consist of characters that are alphabetic, numeric, or the symbol “&”, and the “@” sign for email addresses;
 - (iii) be in French or English;
 - (iv) be typed with an upper or lowercase letter, the remainder of the words must be lowercase;
 - (v) be printed with Helvetica typeface;
 - (vi) be printed on the outer surfaces of the outer packaging and unit packets;
 - (vii) be coloured white or Pantone Cool Grey 2C with a matt finish;
 - (viii) have a normal font-weight and shall be of a font size not exceeding 10;
 - (ix) appear on the surface at the bottom of the package;
 - (x) be in the same orientation as any other text on that surface; and
 - (xi) not obscure any part of any required message on that surface.
- (4) (a) A retailer may rely on the package marking as evidence of due certification in accordance with the Fifth Schedule.

(b) Where any unit package of a tobacco product does not comply with the requirements of the Fifth Schedule, the retailer shall have a cause of action against the supplier.

13. Minimum size and labelling of contents and weight

(1) The minimum size and weight of a tobacco product shall comply with the following –

- (a) only unit packages containing 20 cigarettes, cigarillos or little cigars shall be sold to consumers;
- (b) only unit packages containing not less than 30 grammes not more than 50 grammes of pipe tobacco or any other tobacco product; and
- (c) cigars may be sold individually provided that their packaging complies with this Part.

(2) No person shall sell, supply or commercially distribute any tobacco product except in unopened manufacturer packaging, which complies with these regulations.

(3) The outer packaging and unit packages shall be labelled once with the product category name, such as “Cigarettes” and the number of units in the packet, including cigarettes, cigars, cigarillos, little cigars and other sticks, or an indication of the weight for other tobacco products, provided the following requirements are met –

- (a) the number shall be numeric and the weight shall be entered numerically followed by the letter “g”;
- (b) the outer packaging may either be labelled with the total number of units in all unit packages or the number of unit packages multiplied by the number of units in each unit packages using the sign “x”;
- (c) the outer packaging may be labelled with either the total weight in all the unit packages or the number of unit packages multiplied by the weight of tobacco in each unit package using the symbol “x”;
- (d) the label shall be printed in French or English with the Helvetica typeface;
- (e) the font shall be coloured with Pantone Cool Grey 2C with a matt finish;
- (f) the font-weight shall be normal;
- (g) the writing on unit packets shall not exceed 10 points;
- (h) the writing on the outer packaging shall not exceed 14 points; and
- (i) the labelling shall appear on the same surface as a brand name and shall be written in the same direction as the brand name.

14. Standardisation requirements for the design of tobacco products

- (1) No cigarette shall –
 - (a) emit any sound or unnatural odour;
 - (b) contain any such feature that –
 - (i) may change after the sale;
 - (ii) the consumer may activate.
- (2)
 - (a) The paper filter of a cigarette shall paper, filter, casing outside of the filter and any other material forming part of a cigarette, other than the tobacco, shall be white with a matt finish.
 - (b) The casing on the filter of a cigarette may be white or coloured in such a way that it imitates cork.
 - (b) A cigarette shall be labelled in such manner that the text to identify the brand name and variant name if the following requirements are met –
 - (i) the writing is parallel to, and not more than 38 millimetres from the end that shall not be lit;
 - (ii) the writing shall not contain characters that are not alphabetical, numeric or the symbol “&”;
 - (iii) the first letter of a word shall be in either uppercase or lowercase, and the rest of the word is written in lowercase letters;
 - (iv) the writing shall be in the Helvetica typeface;
 - (v) the writing shall be black with a matt finish;
 - (vi) the font-weight shall be normal;
 - (vii) the font size shall not be exceeding 8; and
 - (viii) the writing shall not convey any other information to the consumer.
 - (c) Every cigarette–
 - (i) shall be of a diameter of not less than 7 millimetres nor more than 9 millimetres; and

(ii) including any filter, shall be of a length not exceeding 95 millimetres.

(3) (a) (i) A cigar shall be designed so that a single band may be displayed around the circumference of the cigar.

(ii) The band of a cigarette shall be coloured matt Pantone 448C and may be an adhesive band that –

(A) completely covers another band or bands; and

(B) is fastened firmly to, and not easily removable from, the band or bands that it covers.

(b) The following may be displayed once on the band –

(i) the brand name of the cigar;

(ii) the variant name of the cigar;

(iii) the name of the country of manufacture; and

(iv) an alphanumeric code,

and shall use only the characters and symbols as described in paragraph (2)(b).

(4) No labelling, marks or colours may appear on any tobacco product other than as required or expressly permitted in this Part, and as may be applicable under these regulations.

15. Effect on the Patents, Industrial Designs and Trademarks Act of non-use of a mark as a result of these regulations

(1) Notwithstanding the Patents, Industrial Designs and Trademarks Act, every person shall not be exempted, under these regulations, from having to as the case may be –

(a) register the mark;

(b) revoke the acceptance of an application for registration of the mark;

(c) register the mark subject to conditions or limitations; or

(d) revoke or invalidate the registration of the mark.

(2) For the purpose of section 43(2) of the Patents, Industrial Designs and Trademarks Act, if the registered owner establishes that he would have used the mark in Mauritius on, or in relation to, the packaging of tobacco products, or on tobacco products, but for the operation of these Regulations, it shall be deemed –

- (a) that there have been reasonable circumstances that prevented the use of the mark; and
- (b) that there was no intention not to use or to abandon its use in respect of those tobacco products,

and the mark shall not be removed from the Register on grounds of non-use under section 43(1).

PART VI – REPORTING REQUIREMENTS FOR IMPORTERS AND MANUFACTURERS OF TOBACCO PRODUCTS

16. Reporting requirements

An importer, or where tobacco products are manufactured in Mauritius, the manufacturer, shall at his own cost, at latest by 31 January of each year, provide the Minister, in accordance with this Part, for each type of tobacco product and for each brand and variant manufactured or imported in the previous calendar year, with information regarding the following –

- (a) ingredients;
- (b) emissions;
- (c) sales;
- (d) additional studies; and
- (e) discontinuation and renaming of products.

17. Requirement for reporting of ingredient information

An importer, or where tobacco products are manufactured in Mauritius, the manufacturer, shall provide the Minister with –

- (a) (i) a list of every ingredient that the tobacco product contains; and
 - (ii) the quantity of every ingredient per unit of tobacco product, including its components such as filters, glue and papers, set out in decreasing order of weight;
- (b) a statement of the reasons for the inclusion of those ingredients which shall indicate the function and category of each ingredient;
- (c) all toxicological data available to the manufacturer or the importer concerning the ingredients of that tobacco product and the content of any smoke or emissions produced by the tobacco product including –
 - (i) their effects on health;
 - (ii) any effect produced in combination with any of the other ingredients of that product that are not produced by that ingredient alone;
 - (iii) any addictive effects; and
- (d) information on the characteristics of the tobacco leaves used, including –
 - (i) the type of tobacco leaves and percentage of each leaf type used in the tobacco product;

- (ii) the percentage of reconstituted tobacco used;
- (iii) the percentage of expanded tobacco used;
- (iv) any tobacco substitutes used; and
- (v) any change to tobacco product ingredients when any change is made.

18. Requirement for reporting of emissions information

Where tobacco products are manufactured in Mauritius, the manufacturer or an importer shall, in respect of cigarettes, provide the Minister with information relating to –

- (a) tar, nicotine and carbon dioxide yields by brand and variant name, based on approved methods by the Minister;
- (b) any other emissions by brand and variant name, where available; and
- (c) the conduct of the tests, such as methods used in analysing the emissions, for other emissions.

19. Requirement for reporting of sales information

An importer, or manufacturer where tobacco products are manufactured in Mauritius, shall provide the Minister with a report specifying –

- (a) the quantity of tobacco products produced or imported in the immediately preceding year;
- (b) affiliated organisations and its agents, consultant or persons acting on its behalf;
- (c) sales volume data of the importer's sales in the country by brand and variant name;
- (d) market research data and information on consumer group preferences, available to the importer or manufacturer, with respect to the ingredients and emissions; and
- (e) a brief summary of any market survey carried out at product launch.

20. Additional studies

An importer, or manufacturer where tobacco products are manufactured in Mauritius, shall –

- (a) conduct such further studies as the Minister thinks necessary to evaluate or assess the effects of every ingredient used in the products in accordance with specified requirements; and

- (b) provide the results of such tests to the Minister by the date specified by the Minister.

21. Discontinuation, renaming or alteration of tobacco products or introduction of new tobacco products

- (1) Where –
 - (a) a brand or variant of tobacco product available in Mauritius is discontinued or renamed;
 - (b) an existing tobacco product is altered, changing the information provided under this Part; or
 - (c) a new brand, variant or category of tobacco product is manufactured in, imported into, or offered for sale or ~~supply~~ supplied in Mauritius,

the importer, or the manufacturer where the tobacco product is manufactured in Mauritius, shall, within one month of any change that may occur, inform the Minister accordingly.

(2) The information provided under paragraph (1) as required by the Minister, which shall include the information under this Part for any new brand, variant or category of tobacco product.

22. Submission of information

The information required under this Part shall –

- (a) be submitted using the format approved by the Minister;
- (b) be electronically submitted;
- (c) clearly state which information is considered commercial in confidence or a trade secret; and
- (d) subject to regulation 21, be submitted, by 31 January at latest, in every calendar year.

23. Testing

(1) The Minister may undertake through the Ministry, or a third party laboratory, such tests as he may consider necessary to ensure that the information submitted under this Part VI complies with these regulations and the importer shall bear the testing cost.

(2) Where the tobacco product is manufactured in Mauritius, the manufacturer shall bear the testing cost of the tested products.

PART VII – MISCELLANEOUS

24. Powers of search, inspection and seizure

(1) Subject to this regulation, an enforcement officer may enter any premises for the purposes of ensuring compliance with these regulations, and do any or all of the following –

- (a) examine, open and test any material, package or anything which he reasonably believes may be used or for packaging, labelling, storage, distribution, display, sale, advertising or promotion of tobacco products;
- (b) examine any operation or process carried out on the premises;
- (c) interview or question –
 - (i) any person involved in selling, advertising or promoting, manufacturing, importing, transporting, packaging or distributing tobacco products; or
 - (ii) any owner of the premises, or any person using the premises and his or her employees, agents, contractors and workers,
- (d) take samples of tobacco products, components of tobacco products or accessories anywhere they are found and have them tested for the purposes of ensuring compliance with these regulations;
- (e) if an enforcement officer reasonably believes that these regulations have been contravened, he may –
 - (i) seize and detain; or
 - (ii) order the storage, without removal or alteration of, tobacco products wherever they may be found, upon providing the owner of the tobacco products, or if he is unavailable, any other person on the premises where the tobacco products are located, written notice of the seizure and detention or order of storage, and the grounds for it;
- (f) seize and detain and dispose of any tobacco product manufactured, imported, sold, distributed, offered by sale, advertised, promoted or otherwise used or dealt with in a manner that does not comply with these regulations; and
- (g) secure, as evidence or exhibit, any tobacco product, in part or in whole and whether in packaging or not, package, component of tobacco products, accessory, or any product or item prohibited or regulated under these regulations, for purpose related to the enforcement of these regulations, including the purpose of establishing, or adducing evidence in Court in connection with, any breach of these regulations.

(2) A police officer or an enforcement officer shall seize any tobacco product or accessory that may be in the possession of a child and any tobacco product or accessory so seized shall be destroyed in accordance with the existing legislations.

(3) A tobacco product that is seized and detained by an enforcement officer shall–

(a) be forthwith returned to the place from which it was seized if the enforcement officer determines that the tobacco product meets the requirements of these regulations;

(b) be destroyed where the tobacco product does not meet the requirements of these regulations.

(4) No person shall –

(a) wilfully obstruct, assault, hinder, threaten, abuse, insult or intimidate a person acting in the execution of his duty under these regulations; or

(b) fail or refuse to give to an enforcement officer such information as he may reasonably require in the discharge of his duties under these regulations.

(5) A police officer may accompany and assist an enforcement officer exercising powers under this regulation.

(6) No person shall be entitled to any compensation in relation to any seizure, detention or destruction of tobacco products by an enforcement officer undertaken in accordance with these regulations.

(7) Nothing in these regulations shall render unlawful the act of an enforcement officer, in the execution of his duty for the enforcement of compliance with these regulations, in offering to buy any tobacco product. A Court may, if it thinks fit, act upon evidence obtained as a consequence of and in relation to such an offer.

25. Power of Minister to issue operational guidance

The Minister may issue technical and operational guidelines for the effective implementation of these Regulations.

26. Offences

(1) Any person who contravenes these regulations shall commit an offence and shall, on conviction, be liable to a fine of not less than 5,000 rupees and not exceeding 10,000 rupees and to imprisonment for a term not exceeding 12 months.

(2) Where a body corporate contravenes these regulations, every person at that time of the commission of the offence who was –

- (a) a director;
- (b) chief executive officer, general manager or equivalent;
- (c) an officer of such body corporate with operational control, wholly or partly, of the activity that led to the contravention; or
- (d) acting or purporting to act, in any such capacity,

shall also be guilty of such an offence unless the person proves that such offence was committed without his consent or knowledge and that he took such reasonable steps to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in such capacity and in all the circumstances

27. Non interference with tobacco control policy

No person shall interfere in any way with the development, implementation, enforcement, evaluation or monitoring of tobacco control policies.

28. Revocation

The Public Health (Restriction on Tobacco Products) Regulations 2008 are revoked.

29. Commencement

(1) Subject to regulations 21 and 22, these regulations shall come into operation on June 2022.

(2) Regulation 4(1)(a) and (b), (2) and (3), Parts V and VI and the Third Schedule and Fifth Schedule –

- (a) shall apply to tobacco products manufactured in, or imported into, Mauritius on or after 31 December 2022;
- (b) shall apply to tobacco products sold in Mauritius on or after 1 March 2023.

Made by the Minister on 10 June 2022.

FIRST SCHEDULE

[Regulation 2]

PUBLIC PLACES

- 1.** Indoor areas and outdoor premises of any building to which the public has access, Government buildings and any Government vehicle
 - 2.** Indoor areas and outdoor premises of any hospital, clinic, medical centre or other health institution
 - 3.** Indoor areas and outdoor premises of a pre-primary, primary, secondary or tertiary institution, including any other educational institution, homes for children or any other premises where services to children are provided
 - 4.** Outdoor and indoor areas used for the practice of sports, including stadiums, sports and recreational facilities and to which the public has access
 - 5.** Outdoor and indoor recreational places including wellness/health and recreational parks, gardens and public beaches to which the public has access
 - 6.** Indoor areas and outdoor premises of Cafés, bars, nightclubs, hotels and restaurants
 - 7.** Bus stands and bus stations, railway or tramway stations, airports, airfields, aircrafts, air filed, ports and other transport terminals, including all indoor and outdoor areas
 - 8.** Places of worship
 - 9.** Reform institutions
 - 10.** Cinema halls, theatres, video houses, such other halls or places of performance, dance halls or any other entertainment facilities
 - 11.** Markets, shopping malls and retail and wholesale establishments
-

SECOND SCHEDULE

[Regulation 3(4)]

DISPLAY OF NOTICE IN PUBLIC PLACES

The notice shall –

- (a) display the following prohibition in English –

No smoking

- (b) display the following prohibition in French –

Défense de fumer

- (c) display the following warning in English –

Contraveners may be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding 12 months – Public Health (Restrictions on Tobacco Products) Regulations 2022

- (d) display the following warning in French –

Les contrevenants sont passibles d'une amende n'excédant pas 10,000 roupies et d'une peine d'emprisonnement n'excédant pas 12 mois – Public Health (Restrictions on Tobacco Products) Regulations 2022

- (e) be of the following size –

for –

- | | | |
|-------|--|-----------------|
| (i) | indoor area | 210 mm x 297 mm |
| (ii) | workplace | 210 mm x 297 mm |
| (iii) | car and van used as public conveyance | 100 mm x 70 mm |
| (iv) | all other vehicles used as public conveyance | 148 mm x 210 mm |
| (v) | places specified in the First Schedule | 400 mm x 300 mm |

- (f) be displayed in such manner and in such template as the Minister may approve.

THIRD SCHEDULE

[Regulations 4 and 8]



**ARRÊTEZ DE FUMER
POUR AMÉLIORER VOTRE SANTÉ**



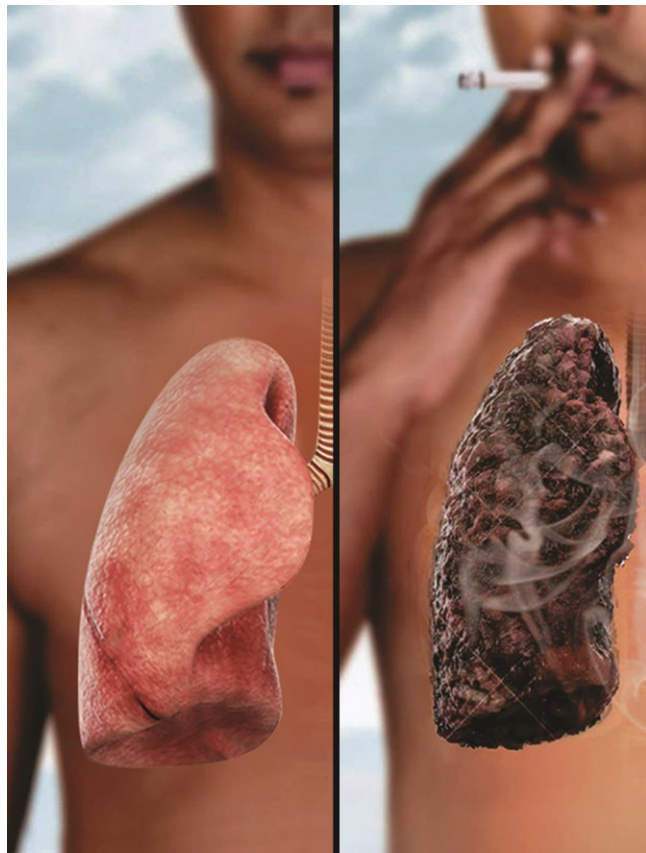
**STOP SMOKING TO
IMPROVE YOUR HEALTH**



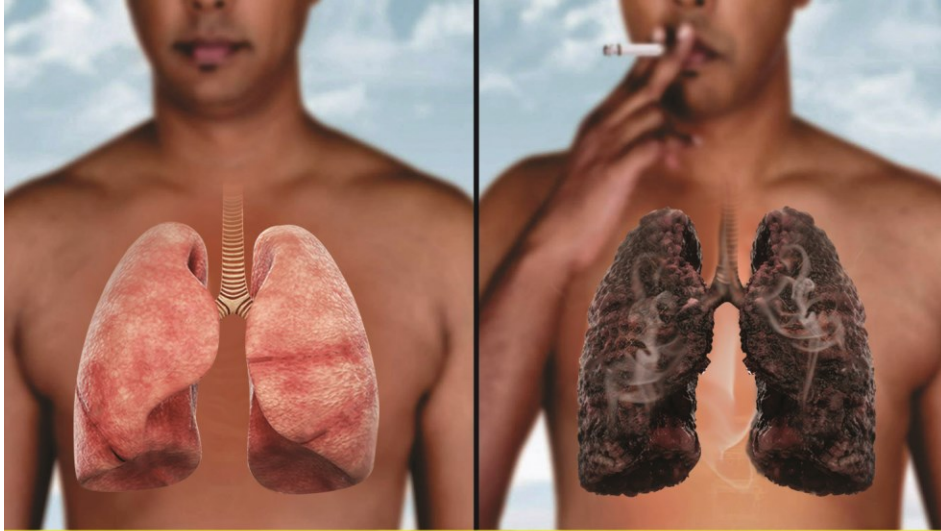
**FUMER PROVOQUE
DE FAUSSES COUCHES**



SMOKING CAUSES MISCARRIAGE



**FUMER PROVOQUE
LE CANCER DU POUMON**



SMOKING CAUSES LUNG CANCER



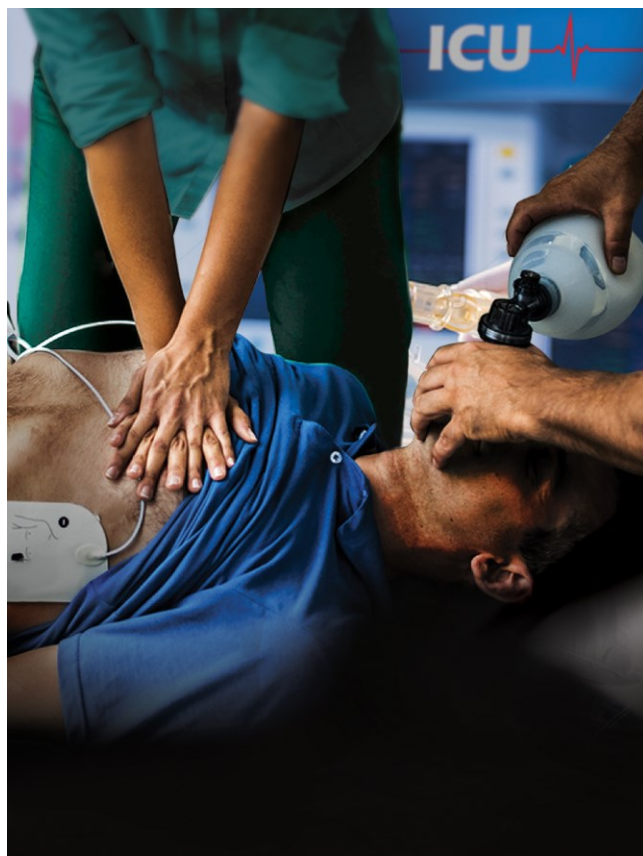
**SMOKING MAKES YOU
IMPOTENT AND INFERTILE**



**FUMER ENTRAÎNE L'IMPUISSANCE
SEXUELLE ET L'INFERTILITÉ**



SMOKING CAUSES HEART DISEASES



**L'USAGE DU TABAC PROVOQUE DES
MALADIES CARDIOVASCULAIRE**



**FUMER ENTRAÎNE À
LA GANGRÈNE ET L'AMPUTATION**



**SMOKING LEADS TO
GANGRENE AND AMPUTATION**

Ammoniaque

Naphtaline

Raticide

LA FUMÉE DU TABAC CONTIENT PLUS DE 7000 SUBSTANCES TOXIQUES

This infographic features a central image of a lit cigarette with smoke rising from it. Three circular callouts are arranged around the cigarette, each with an arrow pointing towards the smoke. The top-left callout, labeled 'Ammoniaque', shows a toilet with a blue 'Toilet Cleaner' bottle being poured into it. The top-right callout, labeled 'Naphtaline', shows a white bag of 'MOTH BALLS' and several brown cockroaches. The bottom callout, labeled 'Raticide', shows a red box labeled 'KILLS MICE' and a dead mouse. The entire graphic is set against a dark blue background with a yellow banner at the bottom containing the text 'LA FUMÉE DU TABAC CONTIENT PLUS DE 7000 SUBSTANCES TOXIQUES'.

Ammonia

Naphtalene

Raticide

CIGARETTE CONTAINS MANY TOXIC SUBSTANCES

This infographic is similar to the one above, featuring a central image of a lit cigarette with smoke. Three circular callouts are arranged around the cigarette, each with an arrow pointing towards the smoke. The top-left callout, labeled 'Ammonia', shows a toilet with a blue 'Toilet Cleaner' bottle being poured into it. The top-right callout, labeled 'Naphtalene', shows a white bag of 'MOTH BALLS' and several brown cockroaches. The bottom callout, labeled 'Raticide', shows a red box labeled 'KILLS MICE' and a dead mouse. The entire graphic is set against a dark blue background with a yellow banner at the bottom containing the text 'CIGARETTE CONTAINS MANY TOXIC SUBSTANCES'.



FOURTH SCHEDULE
[Regulation 5(4)]

NOTICE PROHIBITING THE SALE OF TOBACCO PRODUCTS TO CHILDREN

The notice prohibiting the sale of tobacco products to children shall –

- (a) display the following warning in English –

The sale of tobacco products to children under the age of 18 is prohibited –
Public Health (Restrictions on Tobacco Products) Regulations 2022

- (b) display the following warning in French –

Il est interdit de vendre des produits du tabac aux personnes âgées de moins de 18 ans – Public Health (Restrictions on Tobacco Products) Regulations 2022

- (c) of a size of not be less than 210 mm x 297 mm (A4); and

- (d) be displayed in such manner and in such template as the Minister may approve.

FIFTH SCHEDULE
[Regulation 12(3)]

**STANDARDS FOR MANUFACTURING OF REDUCED IGNITION
PROPENSITY (RIP) CIGARETTES**

1. Performance standard

No more than 25 per cent of the cigarettes shall burn their full length when tested in a test trial as set out in this Schedule.

2. Testing requirement

(1) Testing of cigarettes shall be conducted in accordance with the American Society of Testing and Material (“ASTM”) standard E2187 “Standard Test Method for Measuring the Ignition Strength of Cigarettes”.

(2) (a) Cigarettes shall be tested as part of a test trial.

(b) Each test trial of a cigarette shall consist of 40 replicated tests. The performance standard required by Regulation 12 shall only be applied to a complete test trial.

(3) Each test of a cigarette in a test trial shall be conducted on 10 layers of filter paper.

(4) Any laboratory that conducts testing for written certifications shall –

(a) be accredited to ISO/IEC 17025, General requirements for the competence of testing and calibration laboratories;

(b) implement a quality control and quality assurance program that includes a procedure that determines the repeatability of the testing results, where the repeatability value shall be no greater than 0.19.

(5) Each cigarette that uses lowered permeability bands to achieve compliance with Regulation 12 shall have –

(a) at least 2 identical bands surrounding the tobacco column;

(b) at least one complete band located not less than 15 millimetres from the lighting end of the cigarette; and

(c) at least one band located not less than 10 millimetres from the filter end, and in the case of non-filter cigarettes, from the labelled end of the tobacco column, if the bands are positioned on the cigarette by design.

3. Certification and product change

(1) Each manufacturer or importer of cigarette shall submit a written certification, within 12 months of the coming into operation of these regulations, to the Minister attesting that each cigarette listed in the certification –

- (a) has been tested in accordance with these regulations; and
- (b) meets the performance standard specified in this Schedule.

(2) Each cigarette listed in the certification shall be described with the following information –

- (a) full brand, or trade name of the package;
- (b) length in millimeters;
- (c) diameter in millimetres;
- (d) filter or non-filter;
- (e) package description, such as soft pack or box;
- (f) marking in compliance with the requirements of Part V;
- (g) name, address, telephone number and accreditation expiry date of the laboratory that conducted the test; and
- (h) the date on which testing was carried out.

(3) Each cigarette certified under these regulations shall be re-certified every 3 years.

(4) Where a manufacturer or an importer has certified a cigarette design and thereafter makes any change to such cigarette design that is likely to alter its compliance with the required reduced cigarette ignition propensity standards, that cigarette design shall not be imported, sold or offered for sale until the manufacturer or importer retests the cigarette design in accordance with the testing standards specified in this Schedule.

(5) Every manufacturer or importer shall –

- (a) keep, for a period of 3 years, a copy of the reports of all tests conducted on all cigarettes offered for sale; and
- (b) within 60 days of a written request, provide copies of the report under sub subparagraph (a) to –
 - (i) the Tobacco Control Unit operating under the aegis of the Ministry; and
 - (ii) a member of the public.