

# **Smoking (Control of Advertisements and Sale of Tobacco) Bill**

## **Table of Contents**

**Bill No: 3/1993**

***Read the first time: 18th January 1993***

**Long Title**

**Enacting Formula**

### **Part I PRELIMINARY**

**1 Short title and commencement**

**2 Interpretation**

### **Part II CONTROL OF ADVERTISEMENTS RELATING TO SMOKING**

**3 Prohibition on advertisements relating to smoking**

**4 Defence**

**5 Offences by owner and occupier**

**6 Presumption relating to printed documents**

**7 Advertisements in newspapers published outside Singapore**

**8 Advertisements not exempted**

### **Part III CONTROL OF SALE OF TOBACCO PRODUCTS**

**9 Prohibition on sales promotion of tobacco products**

**10 Prohibition on supply to persons below age of 18 years**

**11 Control of smoking, etc., by young persons**

**12 Notice of prohibition**

**13 Prohibition on sale by vending machines**

**14 Prohibition on importation and sale of harmful tobacco products**

**15 Prohibition on sale of imitation tobacco products**

**16 Health warnings and labelling**

**17 Power to license tobacco retailers**

**18 Appointment of authorised officers**

**Part IV ENFORCEMENT AND MISCELLANEOUS**

**19 Offences by bodies corporate or unincorporate**

**20 Immunity from suit**

**21 Exemption**

**22 Powers of police and authorised officers**

**23 Power of Director to require tobacco products for testing or analysis and furnishing of information**

**24 Power to enter premises and inspect and seize advertisements, products, machines and documents**

**25 Obstruction of officers**

**26 Notice of test and intended prosecution**

**27 Forfeiture**

**28 Things seized may be delivered to owner or other person**

**29 Protection of officers**

**30 Forms**

**31 Jurisdiction of Magistrate's Court and District Court**

**32 Composition of offences**

**33 Regulations**

**34 Repeal and transitional**

**Explanatory Statement**

**Expenditure of Public Money**

**Smoking (Control of Advertisements and Sale of Tobacco) Bill**

**Bill No. 3/1993**

*Read the first time on 18th January 1993.*

An Act to prohibit advertisements relating to smoking, to control the use of tobacco products by young persons, to control the sale, packaging and trade description of tobacco products and for matters connected therewith and to repeal the Smoking (Prohibition on Advertisements) Act (Chapter 309 of the 1990 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

**PART I**

**PRELIMINARY**

**Short title and commencement**

**1.—(1)** This Act may be cited as the Smoking (Control of Advertisements and Sale of

Tobacco) Act 1993 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

(2) The Minister may appoint different dates for the coming into operation of the different provisions of this Act.

## Interpretation

2. In this Act, unless the context otherwise requires —

“advertisement” includes any notice, circular, pamphlet, brochure, programme, price-list, label, wrapper or other document and any announcement, notification or intimation to the public or any section thereof or to any person or persons made —

- (a) orally or in writing;
- (b) by means of any poster, placard, notice or other document affixed, posted up or displayed on any wall, billboard or hoarding or on any other object or thing;
- (c) by means of producing or transmitting sound or light and whether for aural or visual reception or both;
- (d) by means of any writing on any vehicle, ashtray, calendar, cigarette-lighter, clock or any other object or thing; or
- (e) in any other manner whatsoever;

“advertisement relating to smoking” means any advertisement referred to in section 3(1) which has not been approved under section 3(2);

“authorised officer” means any officer or person appointed under section 18;

“Director” means the Director of Medical Services and includes a Deputy or an Assistant Director of Medical Services;

“imitation tobacco product” means any of the products referred to in section 15(1);

“newspaper” includes any magazine, journal, periodical or any other publication containing news, intelligence, information or reports of occurrences, or any remarks, observations or comments in relation either to such news, intelligence, information or occurrences or to any other matter of interest to the public or any section of the public, issued in any language at regular or irregular intervals;

“publish”, with its grammatical variations, in relation to an advertisement, includes issuing, showing, displaying, exhibiting or making known an advertisement in

any manner whatsoever;

“smoking”, with its grammatical variations, means inhaling and expelling the smoke of any tobacco product and includes the holding of any tobacco product which is alight or emitting smoke;

“tobacco product” means any cigarette, cigar or any other form of tobacco including any mixture containing tobacco but excludes any medicinal product registered under the Medicines Act [Cap. 176];

“writing” includes painting, inscription, printing, lithography, typewriting, photography and other modes of representing or reproducing words or figures in visible form.

## PART II

### CONTROL OF ADVERTISEMENTS RELATING TO SMOKING

#### **Prohibition on advertisements relating to smoking**

3.—(1) Except as provided in subsection (2) or section 21, any person who publishes or causes to be published or takes part in the publication of any advertisement —

- (a) containing any express or implied inducement, suggestion or request to purchase or to smoke any tobacco product;
- (b) relating to smoking in terms which are calculated, expressly or impliedly, to lead to, induce, urge, promote or encourage the use of any tobacco product for the purpose of smoking; or
- (c) which mentions, illustrates or depicts —
  - (i) the name or trade name of any person associated or concerned with the manufacture, distribution or marketing of any tobacco product;
  - (ii) a brand name of or trade mark relating to any tobacco product; or
  - (iii) any pictorial device commonly associated with a brand name of or trade mark relating to any tobacco product,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both and, in the case of a second or subsequent conviction, to a fine not exceeding \$20,000 or to imprisonment