

Smoking (Prohibition on Advertisement) (Amendment) Bill

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Bill No: 37/1989

Read the first time: 31st August 1989

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Expenditure of Public Money

Smoking (Prohibition on Advertisements) (Amendment) Bill

Bill No. 37/1989

Read the first time on 31st August 1989.

An Act to amend the Smoking (Prohibition on Advertisements) Act (Chapter 309 of the 1985 Revised Edition).

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

Short title and commencement

1. This Act may be cited as the Smoking (Prohibition on Advertisements) (Amendment) Act 1989 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Amendment of section 2

2. Section 2 of the Smoking (Prohibition on Advertisements) Act (referred to in this Act as the principal Act) is amended —

(a) by deleting the word “or” at the end of paragraph (c) of the definition of “advertisement”, and by inserting immediately thereafter the following paragraph:

“(d) by means of any writing on any vehicle, ash-tray, calendar, cigarette-lighter, clock or any other object or thing; or”;

(b) by re-lettering the existing paragraph (d) of the definition of “advertisement” as paragraph (e);

(c) by inserting, immediately after the definition of “advertisement”, the following definition:

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

(d) by inserting, immediately after the word “includes” in the definition of “writing”, the words “painting, inscription,”.

Repeal and re-enactment of section 3 and new sections 3A, 3B and 3C

3. Section 3 of the principal Act is repealed and the following sections substituted therefor:

“Prohibition on advertisements relating to smoking

3.—(1) Except as provided in subsection (2) or section 7, 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 cigarettes, cigars or any other form of tobacco;
- (b) relating to smoking in terms of which are calculated, expressly or impliedly, to lead to, or to induce, urge, promote or encourage the use of cigarettes, cigars or any other form of tobacco 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 cigarettes, cigars or any other form of tobacco;
 - (ii) a brand name of or trade mark relating to cigarettes, cigars or any other form of tobacco; or
 - (iii) any pictorial device commonly associated with a brand name of or trade mark relating to cigarettes, cigars or any other form of tobacco,

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 for a term not exceeding one year or to both.

(2) The Minister may in his discretion approve, for such time and upon such conditions as he may think fit, the publication of an advertisement or class of advertisements which mentions or refers to the brand name associated with or the name or trade name of a person associated or concerned with the manufacture, distribution or marketing of cigarettes, cigars or any other form of tobacco —

- (a) as the sponsor of an event or as congratulating another person or thing on an achievement of or event relating to such person or thing; or
- (b) for the purpose of promoting or identifying any goods or services

unconnected with cigarettes, cigars or any other form of tobacco and which are manufactured, distributed, marketed or provided by that person:

Provided that the advertisement shall not, directly or indirectly, lead to, induce, urge, promote or encourage the use of cigarettes, cigars or any other form of tobacco.

(3) Where any person fails to comply with any condition imposed by the Minister under this section, the Minister may cancel the approval in relation to which that condition was imposed.

(4) Any application for approval under subsection (2) shall be made in such form and with such particulars as may be prescribed.

Prohibition on sales promotion of cigarettes, cigars and any other form of tobacco

3A.—(1) No person shall sell or offer for sale —

- (a) any goods with any cigarette, cigar or any other form of tobacco as a free gift;
- (b) any cigarette, cigar or any other form of tobacco with any other goods as a free gift; or
- (c) any cigarette, cigar or any other form of tobacco packaged or labelled together or otherwise in conjunction with any other goods.

(2) No person shall distribute or give or cause to be distributed or given or assist in the distribution or giving of any free sample of cigarettes, cigars or any other form of tobacco to the public or any section of the public other than to persons who are associated or concerned with the manufacture, distribution or sale of cigarettes, cigars or any other form of tobacco.

(3) No person shall offer or give any cigarettes, cigars or any other form of tobacco as a prize in any lottery, raffle, draw, game or competition.

(4) Any person who contravenes subsection (1), (2) or (3) 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 for a term not exceeding one year or to both.