

**Smoking (Prohibition on Advertisements) Act  
(CHAPTER 309)**

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# **SMOKING (PROHIBITION ON ADVERTISEMENTS) ACT (CHAPTER 309)**

(Original Enactment: Act 57 of 1970)

REVISED EDITION 1990

(15th March 1990)

An Act to prohibit advertisements relating to smoking.

[1st March 1971]

### **Short title**

1. This Act may be cited as the Smoking (Prohibition on Advertisements) 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, ash-tray, 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);

“newspaper” includes any magazine, journal or 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 thereof, 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 cigarettes, cigars or tobacco in any form whatsoever;

“vehicle” means any vehicle, whether mechanically propelled or otherwise;

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

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

3.—(1) Except as provided in subsection (2) or section 10, 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 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**

4.—(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