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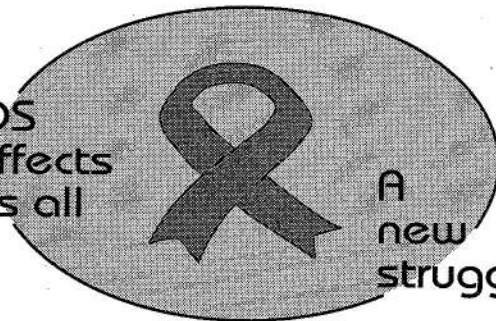
Vol. 414

PRETORIA, 3 DECEMBER
DESEMBER 1999

No. 20687

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affects
us all



A
new
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Prevention is the cure

**AIDS
HELPUNE**

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DEPARTMENT OF HEALTH

GOVERNMENT NOTICES

DEPARTMENT OF HEALTH**No. R. 1450****3 December 1999****NOTICE RELATING TO THE MAXIMUM PERMISSIBLE YIELD OF TAR,
NICOTINE AND OTHER CONSTITUENTS IN A TOBACCO PRODUCT**

The Minister of Health intends, in terms of Section 3A of the Tobacco Products Control Act, 1993 (Act No. 83 of 1993), as amended by the Tobacco Products Control Amendment Act, 1999 (Act No. 12 of 1999), to hereby declare the maximum permissible yields of tar and nicotine which a tobacco product may contain and the maximum yield of any such substance that may be obtained from a tobacco products, as set out in the Schedule.

Interested persons are invited to submit any substantiated comments or make any representations on the proposed regulations to the Director-General: Health, Private Bag X828., Pretoria, 0001 (for attention of the Director: Health Promotion), within three months of the date of publication of this notice.

SCHEDULE.

1. The tar yield of cigarettes marketed in the Republic of South Africa shall not be greater than 15 mg per cigarette and the nicotine yield not be greater than 1,5 mg per cigarette as from 31 December 2000.
2. The tar yield of cigarettes marketed in the Republic of South Africa shall not be greater than 12 mg per cigarette and the nicotine yield not be greater than 1,2 mg per cigarette as from 31 December 2002.

No. R. 1451

3 December 1999

REGULATIONS RELATING TO POINT OF SALE ADVERTISEMENT OF TOBACCO PRODUCTS.

The Minister of Health intends, in terms of Section 3(3) of the Tobacco Products Control Act, 1993 (Act No. 83 of 1993), as amended by the Tobacco Products Control Amendment Act, 1999 (Act No. 12 of 1999), to hereby prescribe the conditions whereby a retailer of a tobacco product may post signs at the point of sale that indicate the availability of tobacco products and their price, as set out in the Schedule.

Interested persons are invited to submit any substantiated comments or make any representations on the proposed regulations to the Director-General: Health, Private Bag X828, Pretoria, 0001 (for attention of the Director: Health Promotion), within three months of the date of publication of this notice.

SCHEDULE

A retailer of tobacco products may only indicate the sale of tobacco products and their price under the following conditions.

1. Only one point of sale for tobacco products shall exist in any single retail outlet.
2. The signs that indicate the availability of the tobacco products and its price shall not be more than a metre away from the point of sale.
3. All signs that indicate the sale of tobacco products must have on that sign the prescribed health messages and/or warning illustrating the injurious nature of tobacco products and emissions on health and shall be visible on both the inside and outside of the retail outlet.
4. The size of the lettering used in the prescribed health and/or warnings as contemplated in subsection 3 of these regulations shall be the same size as the largest lettering or numbering used in the sign as contemplated in subsection 2 of the regulations.
5. The prescribed health messages and/or warnings as contemplated in subsection 3 of these regulations shall appear as black on white only.
6. The signs that indicate the sale of the tobacco products or its price at the point of sale shall consist of written words, numbers or brand names in black on white print only.
7. Notwithstanding subsection 6 the signs that indicate the sale of the tobacco product or its price at the point of sale must not contain any pictorial representation.
8. Notwithstanding the prescribed health messages, the manufacturer or retailer of tobacco products shall not be absolved from other common law or statutory duties to fully warn consumers of the risks of tobacco products and their emissions.

No. R. 1452

3 December 1999

**REGULATIONS RELATING TO THE PROVISION OF EXEMPTIONS FOR
ADVERTISING WITH UNINTENDED CONSEQUENCES OR THE PHASING OUT
OF EXISTING SPONSORSHIP OR CONTRACTUAL OBLIGATIONS**

The Minister of Health intends, in terms of section 3(5) of the Tobacco Products Control Act, 1993 (Act No. 83 of 1993), as amended by the Tobacco Products Control Amendment Act, 1999 (Act No. 12 of 1999), to hereby declare the regulations relating to the exemptions of advertising with unintended consequences or the phasing out of existing sponsorships or contractual obligations, as set out in the Schedule.

Interested persons are invited to submit any substantiated comments or make any representations on the proposed regulations to the Director-General: Health, Private Bag X828, Pretoria, 0001 (for attention of the Director: Health Promotion) within three months of the date of publication of this notice.

SCHEDULE

1. Contracts, undertakings or agreements for the organisation, sponsorship or promotion or any organised activity in the Republic of South Africa, by any manufacturer, importer, distributor or retailer of any tobacco product, which exists and is binding as on the date signed by the President (14th April 1999) of the Tobacco Products Control Amendment Act, 1999 (Act No. 12 of 1999) (hereinafter referred to as "the Amending Act"), shall continue for a period not exceeding 2 years from the 14th April 1999, but subject to the conditions stipulated in section 2 hereof.
2.
 - (a) A minimum of 30% of any print or outdoor communication about an organised activity for which consideration is derived directly or indirectly from a tobacco manufacturer, importer, distributor or retailer, shall contain prescribed health messages and/or warnings ; and
 - (b) For every 3 electronic communications about an organised activity for which consideration is derived directly or indirectly from a tobacco manufacturer, importer, distributor or retailer, there shall be one communication of equal length and prominence providing health messages and/or warnings approved by the Department of Health which shall be rotated on at least a quarterly basis.
 - (c) The cost of the aforementioned health messages and/or warnings shall be borne by the persons responsible for the communications about the organised activity.
 - (c) Any communication whether, in print or electronic shall consist of written words, numbers and brand names only; shall not contain any pictorial representation; and any print communication shall be in black and white print only.

3. (1) With reference to section 1 hereof, if in writing, copies of such contracts, understandings, agreements or undertakings, and if in oral, a sworn statement signed by the parties thereto and to the effect that such contract, undertaking, agreement or understanding had been concluded or reached, and further specifying the period of duration of the same, shall, within one month from the date of proclamation of the Amending Act, be lodged with the office of the Director-General of Health; and
- (2) The onus of proving that there has been compliance with this section shall be on the party alleging such compliance.
4. (1) The following advertisements, including the use of tobacco trade marks, logos, brand names or company names used on tobacco products are exempted from the provisions of section 3 of the Tobacco Products Control Act, 1993 (Act No. 83 of 1993), as amended:
 - (a) Any advertisement appearing in any book, magazine or newspaper printed outside the Republic of South Africa, or in any film or video transmission made outside the Republic of South Africa, unless-
 - (i) the principal purpose of such a book, magazine or newspaper, is the promotion of the use of tobacco or tobacco products; or
 - (ii) it is intended for sale, distribution or exhibition primarily in the Republic of South Africa; or
 - (iii) in the case of an advertisement in any radio, television or any other electronic transmission, it is targeted primarily at a South African audience.
 - (2) Every importer and distributor of books, magazines, newspapers, pamphlets, videos and films submit to the office of the Director-General of Health, annually, a full list of all advertisements relating to tobacco products contained in such books, magazines, newspapers, pamphlets, videos and or films, imported into and/or distributed by him, her or it into the Republic of South Africa.

No. R. 1453

3 December 1999

NOTICE RELATING TO SMOKING OF TOBACCO PRODUCTS IN PUBLIC PLACES

The Minister of Health intends, in terms of section 2 of the Tobacco Products Control Act, 1993 (Act no 83 of 1993), as amended by the Tobacco Products Control Amendment Act, 1999 (Act 12 of 1999), to hereby declare where smoking of tobacco products in public places is permissible and the conditions subject to which such smoking may take place, as set out in the Schedule.

Interested persons are invited to submit any substantial comments or make any representations on the proposed regulations to the Director-General: Health, Private Bag X828, Pretoria, 0001 (for attention of the Director: Health Promotion), within three months of the date of publication of this notice.

SCHEDULE

Definitions

1. In this notice "the Act" means the Tobacco Products Control Act, 1993 (Act No.83 of 1993), as amended by the Tobacco Products Control Amendment Act, 1999, and any expression to which meaning has been assigned to in the Act shall bear such meaning and unless the context otherwise indicates -

"health and safety committee" means a committee established in terms of section 19 of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993);

"health and safety representative" means a person designated in terms of section 17 (1) of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993) and;

"restaurant" means a commercial enterprise involved primarily in the provision of food for remuneration and which receives less than 20% of its gross revenue from the sale of alcoholic beverages.

"bar, shebeen, tavern and pub" means an area within a public place which is used mainly for serving alcoholic beverages for consumption by guests on the premises but shall not include that portion of a restaurant where seating is provided for the consumption of food by patrons.

“sportsbar” means any premises or any part of any premises where the principal business is the selling of liquor to the general public for consumption on the premises; and includes broad casting of sports channels for viewing by the general public.

“casino” means any public room or building which is used mainly for gambling.

“nightclub” means any premises that is open at night and provides entertainment for the general public.

Permissible smoking areas

2. Subject to the conditions provided for in clause 3 of this Notice the smoking of tobacco products may be permitted in the following public places:
 - (a) Retail tobacco stores that deal exclusively in the sale of tobacco and smoking paraphernalia;
 - (b) Bars, pubs, shebeens, taverns, nightclubs and casinos subject to provisions of clauses 3(1) [(a) and (d)] hereof;
 - (c) Restaurants and sportsbars subject to the provisions of clauses 3(1) [(a) and (d)] hereof;
 - (d) Rooms in hotels, guest houses, bed and breakfast places, game lodges and other places where accommodation is offered for reward; subject to the provision of clause 3(1) (d) hereof.
3. (1) An employer, owner, licensee, lessee or person in control of a public place or a workplace, may designate a room or enclosed area within such public place as a smoking area, subject to the following requirements:
 - (a) (i) the designated smoking areas or rooms contemplated in this Notice must contain windows that open to the outside and which are open during any smoking activity and a separate ventilation system that extracts air to the outside.
 - (ii) the designated smoking areas or rooms must be separated from the rest of the public place by a concrete wall or solid partition and an entrance door on which the sign “smoking room” is displayed in letters that must be at least 4 centimetres in height and 3 centimetres in breadth, appearing as black and white only;

- (iii) the prescribed health messages and/or warnings must also be displayed at the entrance to the designated smoking area or room, in black lettering on a white background that must be at least 4 centimetres in height and 3 centimetres in breadth, as follows: "The smoking of tobacco is harmful to your health. Tobacco smoke is also harmful to non-smokers. If you are pregnant or breastfeeding, tobacco may harm your baby". For help to quit phone (011) 7203145
 - (b) employers must consult in good faith with the health and safety committee or the health and safety representative or, if there is no such committee or representative, with the employees, about the designation of any smoking area or room in the workplace before designating such an area or room.
 - (c) notwithstanding subsection (1)[(a)and(b)], smoking shall not be permitted in offices, storerooms, workrooms, utility rooms, conference and meeting rooms, auditoria, rest rooms, toilets, medical facilities, corridors, lifts or in any part of the workplace where food is prepared and to which members of the public normally have access;
 - (d) the designated smoking area or room must not exceed 25 percent of the total floor area of the public place;
 - (e) Notices and signs indicating the areas where smoking is and is not permitted, must be prominently displayed and must carry a warning that legal penalties will apply if there is any contravention of the notices or signs;
4. (1) Notwithstanding any provision in this notice which permits smoking in a place of employment, an employer must ensure that -
- (i) an employee who does not wish to be exposed to smoke in the workplace must be protected from tobacco smoke in such a workplace;
 - (ii) such employee may object to his or her employer about smoking in his or her workplace without retaliation;
 - (iii) restrictions and prohibitions upon smoking are implemented in a manner which accommodates the preferences and needs of employees who wish not to be exposed to tobacco smoke.
5. (a) The operator of any passenger ship that is registered in the Republic may allocate entire cabins as designated smoking areas provided that such areas do not exceed 10% of the total accommodation.[subject to the provisions of clause 3(1)(a) hereof].

- (b) The operator of any passenger train may allocate entire carriages or compartments as designated smoking areas provided that such areas are allocated at the rear end of the train and are no more than 10% of the total number of carriages.
- 6. (a) A restaurateur may subject to the provisions of clause 3(1)(a) designate a maximum of 25 percent of the seating as a smoking area in a restaurant with more than 35 seats.
- 7. An employer, owner, licensee, lessee or person in control of a public place or a workplace shall not permit any person to smoke in an area other than a designated smoking area or room.
- 8. All employers shall have a written policy on smoking in the workplace and give effect to the policy within 3 months of the commencement of the Act
- 9. No persons shall smoke in any area designated for persons who do not smoke.
- 10. Nothing in this notice shall be construed as derogating in any way from the right of any employer, owner, licensee, lessee or person in control of any public place or part thereof to totally prohibit or control smoking therein.

ANNEXURE A- Proposed health messages and warnings

DANGER: SMOKING CAN KILL YOU
DANGER: SMOKING CAUSES CANCER
DANGER: SMOKING CAUSES HEART DISEASE
DANGER: SMOKING DAMAGES YOUR LUNGS
**WARNING: DON'T SMOKE NEAR CHILDREN, PREGNANT OR BREASTFEEDING
WOMEN AND NON-SMOKERS.**
DANGER: TOBACCO IS ADDICTIVE
YOUR SMOKE CAN HARM THOSE AROUND YOU

Proposed message for "smoking room/ areas"**SMOKING ROOM**

**THE SMOKING OF TOBACCO IS HARMFUL TO YOUR HEALTH. TOBACCO SMOKE
IS ALSO HARMFUL TO CHILDREN, PREGNANT OR BREASTFEEDING WOMEN
AND NON-SMOKERS.**
FOR HELP TO QUIT PHONE 011 7203145

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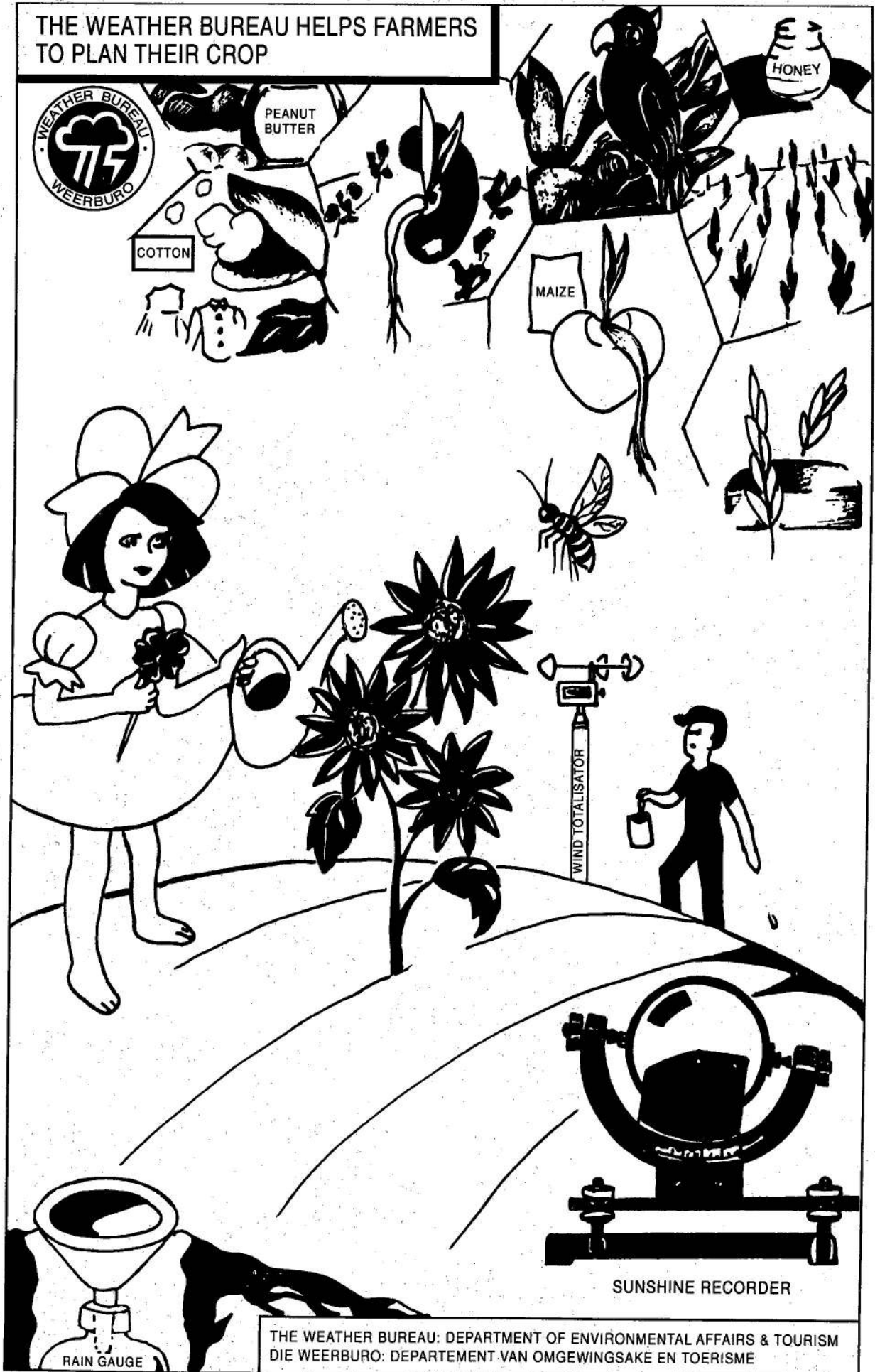
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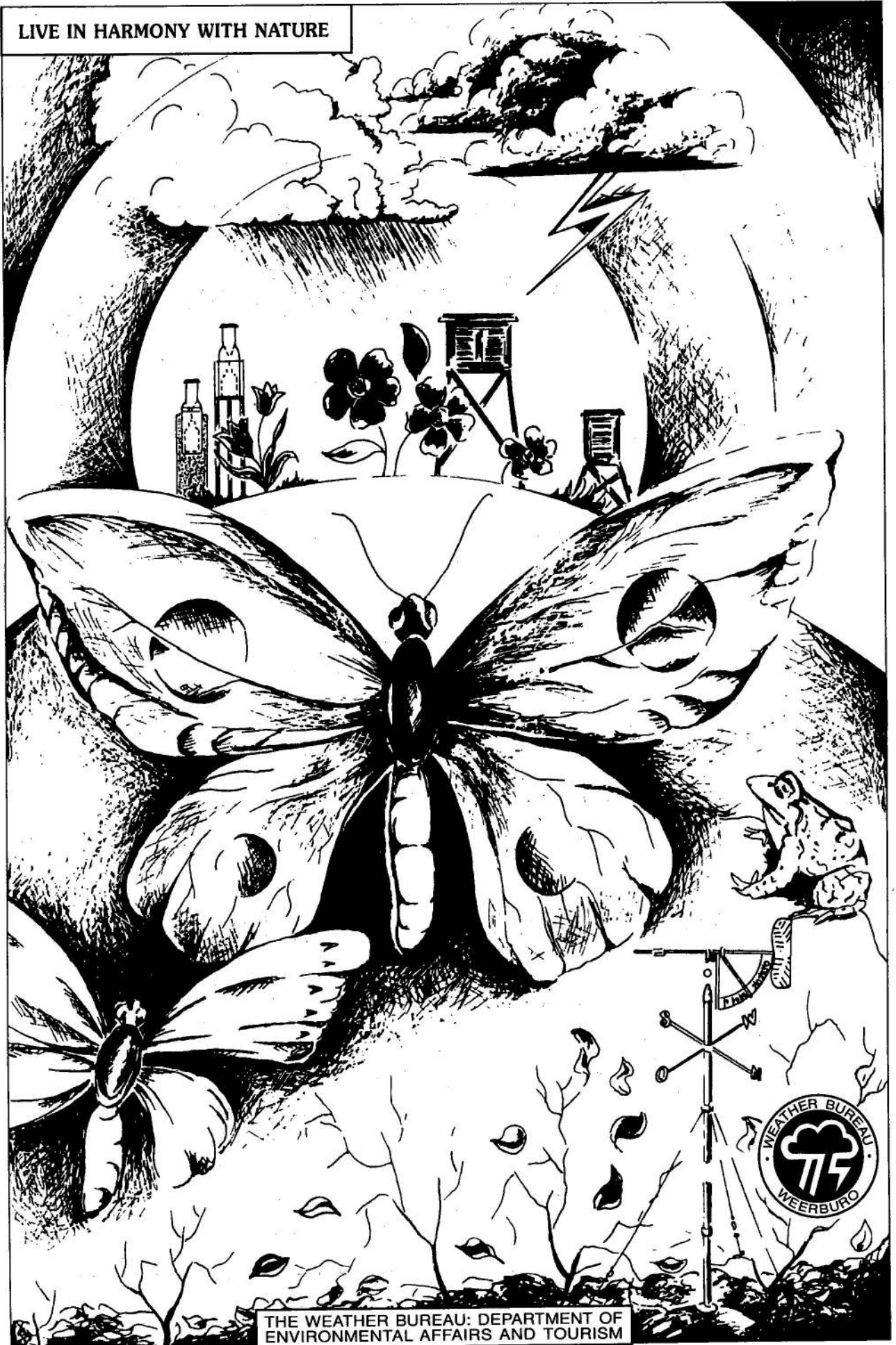


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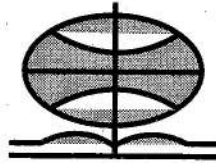
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