

Regulations no. 989 of 15 December 1995 on the prohibition of advertising of tobacco products etc.

Statutory authority: Laid down by Royal Decree in pursuance of section 4 fifth paragraph and sections 10, 18 and 19 of Act no. 14 of 9 March 1973 relating to prevention of the harmful effects of tobacco (the Tobacco Act)

Chapter I. Introductory provisions

Section 1. Object

The object of these regulations is to limit the damage to health caused by the use of tobacco. This includes preventing children and young people from starting to use tobacco products.

Section 2. Scope

These regulations apply to all forms of advertising of tobacco products and smoking accessories, including indirect advertising. They apply to pipes, cigarette paper and cigarette rollers.

These regulations apply to packaging for tobacco products.

Section 3. Geographical application

These regulations also apply on Svalbard and Jan Mayen.

Section 4. Definitions

For the purpose of these regulations:

- a) *Tobacco products*: Products that are intended to be smoked, sniffed, sucked or chewed inasmuch as they are made wholly or partly of tobacco.
- b) *Advertising*: Mass communication for marketing purposes, including pictures of brand names and trademarks (logos, symbols, names etc.), posters, signs or similar devices, displays, low-price advertising, as well as the distribution of printed matter, product samples, etc. to consumers.
- c) *Indirect advertising of tobacco products*:
 1. The use of a brand name or trademark that is mainly known as a brand name or trademark for tobacco products in the advertising of other products and services
 2. The launching of tobacco products with the aid of a brand name or trademark that is known as, or is in use as, a brand name or trademark for other products and services
 3. The use of certain colours and layouts/designs that are associated with particular tobacco products
 4. The use of tobacco products and smoking situations in the advertising of other products and services.

Chapter II. Provisions relating to advertising of tobacco products and packaging of tobacco products

Section 5. Prohibition of advertising of tobacco products

All forms of advertising of tobacco products, including indirect tobacco advertising, are prohibited. This prohibition also applies to smoking accessories.

Section 6. *Prohibition of untraditional designs or appearance of tobacco product packets*

It is prohibited to sell tobacco product packets that may as a result of untraditional design or appearance lead to an increase in sales.

It is prohibited to design tobacco product packets with the aim of increasing sales among young people. This includes untraditional designs of tobacco product packets with respect to logos, colours, shape of packet or continually changing design which may encourage collecting.

Section 7. *Duty to remove illegal advertisements*

The person owning or managing the activity in question has a duty to remove illegal advertising.

Chapter III. Exemptions

Section 8. *Exemptions from the prohibition of advertising of tobacco products*

To the extent that a circumstance will be in contravention of the prohibition of advertising in section 4 of the Act relating to Prevention of the Harmful Effects of Tobacco, including the provisions in these regulations, exemption shall be granted for the following:

1. Advertising of or other information in printed matter about the establishment of a new sales outlet, stating the sales outlet's name, location, business hours and range of products, limited to the following designations: cigarettes, cigars, smoking tobacco, chewing tobacco, tobacco, snuff, raw tobacco, cigarette paper, cigarette rollers, pipes. The information may only be given in the type and colour that is normal elsewhere in the advertisement or printed matter in question and without illustrations. The same applies in the event of a change of ownership for the sales outlet.
2. Signs of customary size and equipment in a neutral typographic design, of which the sole function is to provide information, such as "Tobacco", in proximity to a sales outlet. This exemption does not include illuminated advertisements or movable signs.
3. Pure product information direct to retailers, in a neutral typographic design with black type on a white background without the use of illustrations.
4. Advertisements for vacant positions in tobacco production, specialist shops for tobacco products etc., which contain only the information necessary to acquaint oneself with what the position entails.
5. Setting up of tobacco products and smoking accessories inside tobacconist shops insofar as such positioning is appropriate to rational trading. This exemption does not apply to equipment for positioning products which, by reason of its size or design, will have an advertising effect.
6. Advertising in foreign printed matter that is imported into Norway, when the main purpose of the advertising, journal or import is not to advertise tobacco products in Norway.

7. Indirect advertising of insignificant scope in foreign programmes broadcast on Norwegian television and over Norwegian cable networks, as well as in films produced abroad.
8. Downloading of advertisements for tobacco products from international data bases and networks, when the advertisements are not copied to a database, diskette, paper or hard disk for further distribution in or via Norway.

Section 9. *Special provisions relating to the advertising of other products and services*

Products and services other than tobacco products, which use a brand name or trademark that is mainly known as a brand name or trademark for a tobacco product, may be displayed in shops/stores. Posters or signs connected with the sales outlet may only be used for information purposes. The provisions in section 8 of these regulations apply correspondingly.

Chapter IV. Administrative provisions

Section 10. *Supervision*

The Ministry has primary responsibility for the enforcement of these regulations. The Directorate supervises compliance with the rules in these regulations.

Section 11. *Orders for corrective action and coercive fines*

The Directorate may order corrective action and set coercive fines pursuant to the provisions in section 16 of the Act relating to Prevention of Harmful Effects of Tobacco. Such decisions may be appealed to the Market Council.

Section 12. *Dispensation*

The Directorate may in special cases grant dispensation from these regulations.

Section 13. *Penalties*

Any person who wilfully or negligently contravenes provisions laid down in or in pursuance of these regulations is punishable by fines. Complicity is punishable in the same manner. An attempt is punishable as a completed offence.

Section 14. *Transitional rules*

It is permitted until 1 January 1997 to use a brand name or trademark that is known mainly as a brand name or trademark for tobacco products in advertisements for other products and services and to use certain colours and layouts/designs that are associated with particular tobacco products, cf. section 4, third paragraph (a) and (c), cf. section 5.

Tobacco product packets which have already been manufactured and which may not be sold pursuant to section 6 of these regulations, may be sold until 1 January 1997.

Section 15. *Entry into force etc.*

These regulations enter into force on 1 January 1996. As from the same date, regulations No. 1 of 25 October 1974 on the prohibition of advertising of tobacco products, regulations No. 9 of 25 October 1974 on exemptions from the prohibition of tobacco advertising and regulations No. 2 of 19 November 1977 on conditions for exemption of window displays of tobacco products from the prohibition of tobacco advertising are repealed.