

Draft

Regulations on the standardisation of the packaging of tobacco substitutes

The following is laid down by virtue of Section 22(2) of the Act on tobacco products, etc. (see Consolidation Act No 1489 of 18 June 2021) as amended by Act No X of X 2024):

Chapter 1

Definitions

§ 1. The following definitions apply for the purposes of this Order:

- 1) Lining: Paper or foil within a unit packet.
- 2) Trade mark: The part of the trade name that constitutes the trademark of the product in relation to the information reported under Order No 243 of 22/02/2021.
- 3) Product name: The part of the trade name that constitutes the product's name, if any, in relation to the information reported under Order No 243 of 22/02/2021.
- 4) Single pack: The smallest individual pack of a tobacco substitute placed on the market.
- 5) Wrapping material: Transparent, colourless material enclosing one or more single packs and outer packaging.
- 6) Outer packaging: Any packaging in which a tobacco surrogate is placed on the market and which encloses one or more unit packs.
- 7) Outer surfaces: Surfaces that are visible when a unit packet is closed and/or the outer packaging is unbroken.
- 8) Inner surfaces: Surfaces that are not visible when the unit packet is closed.
- 9) Matte: That a surface appears completely matte, and thus not shiny, glossy, shiny or the like.
- 10) Band: A tear-off strip that can be used to open a unit packet, outer packaging or wrapping material.
- 11) Top edge of package: The part of the package used to open the unit packet to access the contents of the packet.

Chapter 2

Colour requirements and packing elements on single packs, outer packaging and wrapping material for tobacco substitutes

§ 2. Single packs of tobacco substitutes and outer packaging and wrapping material shall have a standardised design in accordance with the requirements of this Regulation and other legislation regulating the labelling, etc., of single packs, outer packaging and wrapping material of tobacco substitutes.

(2) Single packs, outer packaging and wrapping material may only be given labelling etc. that complies with this Regulation and other legislation.

(3) Labelling, information, etc., which follows from other legislation, must appear in a way that does not give the single pack or the outer packaging a unique expression, attention-raising effect, or otherwise be considered to be contrary to the requirement for a standardised design for tobacco substitutes.

(4) Inserts that have no function for the use of the product shall not be placed in the package, either in conjunction with the single pack, outside packaging or other wrapping material.

(5) Exempted from Section 2(4) are package leaflets containing only information about the use of the tobacco substitute. The text inscribed:

- 1) shall be on a white background
- 2) may consist of the numbers 0-9,
- 3) shall be in Helvetica font,
- 4) may consist of the symbols parentheses (-), aigu ('), apostrophe (') and the ampersand (&), and
- 5) shall be of the colour black.

(6) Text, emblems or anything else on package leaflets about the use of a tobacco substitute under Section 2(5) may not appear in a way that contributes to unique expression, has attention-raising effect or otherwise must be considered as being contrary to the requirement for a standardised design.

§ 3. The inner and outer surfaces of single packs and outer packaging must be matt Pantone 448 C, white or silver grey and outer packaging must be matt Pantone 448 C.

(2) Enclosures for single packs or outside packaging of tobacco substitutes shall be quadrilateral, transparent and colourless.

§ 4. Lining visible when the single pack is open shall be in the colour matte Pantone 448 C

(2) The lining shall not bear any letters, numbers, signs, images, symbols or the like and shall be perforated only in such a way that the perforation does not form an image, symbol, text, sign or similar.

§ 5. All elements of single packs and outside packaging of tobacco substitutes shall be tasteless, odourless and silent.

Chapter 3

Surfaces etc. of single packs and outside packaging of tobacco substitutes

§ 6. Surfaces shall be flat and smooth and may not contain irregular elements such as labelling, engraving, texture, indentations, bumps or other features in form or structure.

(2) Section 6(1) does not apply to certain elements which are necessary to close the packaging.

(3) Exempted from Section 6(1) are elements on the package which are necessary to attach the lid, to open and close the lid or to the space for used tobacco substitutes.

(4) Exemptions under Section 6 (2) and (3) are only applicable as long as the unevenness does not give the package a unique expression, attention-raising effect, or otherwise be considered as being contrary to the requirement for a standardised design and expression for all tobacco substitutes.

§ 7. Surfaces, etc. of single packs and outer packaging may only bear such elements, etc. as laid down by law.

Chapter 4

Wrapping material on single packs and outside packaging of tobacco substitutes

§ 8. Single packs and outside packaging may be covered with transparent wrapping material.

(2) Wrapping material must be flat and smooth and must not contain irregular elements such as marking, embossing, texture, depressions, elevations or anything else in shape or structure.

(3) Ribbons used to open wrapping material must be transparent or black. It must be up to 3 millimetres wide and must be parallel to the top edge of the gasket. The strip may have a long, continuous transparent or black line not exceeding 15 mm long which marks where the strip starts.

(4) A black band may not cover or hide health warnings and other markings, etc. on the package per these Regulations other legislation.

(5) Inserts or other items that have no function for the use of the product shall not be placed in the single pack or in conjunction with the outer packaging.

(6) All elements of single packs and outer packaging of tobacco substitutes shall be tasteless, odourless and silent.

(7) The wrapping material shall be applied only to elements necessary for the production process and shall not alter the standardised expression.

Chapter 5

Labelling etc. on single packs and outside packaging of tobacco substitutes

§ 9. Labelling under these Regulations may not wholly or partly conceal text, warnings or other labelling etc. required by other legislation.

§ 10. Single packs and outer packaging may be given markings in two places with the trade mark and product name. The text inscribed:

- 1) may consist of lowercase letters a-å, but such that the initial letter can be uppercase,
- 2) may consist of the numbers 0-9,
- 3) may consist of the symbols aigu (´), apostrophe (') and the ampersand (&), and
- 4) shall be in Helvetica font,
- 5) shall be of the colour matte Pantone Cool Gray 2 C,
- 6) shall have font size up to 10 points, and
- 7) shall be parallel to the upper edge of the package.

(2) The trade mark can fill one line.

(3) The product name must fill one line and must be placed directly below the trade mark.

§ 11. Outer packaging and single packs of tobacco substitutes containing a flavouring may be labelled once with

- 1) 'Tobacco-flavoured', or
- 2) 'Menthol-flavoured'.

(2) The text inscribed:

- 1) may consist of lowercase letters a-å, but such that the initial letter can be uppercase,
- 2) may consist of the numbers 0-9,
- 3) shall be in the font Helvetica,
- 4) shall be of the colour matt Pantone Cool Gray 2 C,
- 5) shall have font size up to 10 points, and
- 6) shall be written in the same direction as the health warning.

§ 12. Single packs and outside packaging shall each be labelled once with information on the company name, address, e-mail address, telephone number and country of manufacture of the tobacco substitute concerned, worded as follows: 'Produced in' followed by the name of the country of production. The text inscribed:

- 1) may consist of lowercase letters a-å, but such that the initial letter can be uppercase,
- 2) may consist of the numbers 0-9,
- 3) may consist of the symbol @ in the e-mail address,
- 4) may be preceded by the symbol + in front of the country code in front of the telephone number,
- 5) shall be in Helvetica font,
- 6) shall be of the colour matte Pantone Cool Gray 2 C, and
- 7) shall have font size up to 10 points.

§ 13. Outer packaging containing more than one single pack shall be labelled once with

- 1) 'Nicotine product' in accordance with the contents of the package
- 2) the number of single packs contained in the package, and
- 3) the number of units in or net weight of a single pack.

(2) The text inscribed:

- 1) may consist of lowercase letters a-å, but such that the initial letter can be uppercase,
- 2) may consist of the numbers 0-9,
- 3) shall be in Helvetica font,
- 4) shall be of the colour matte Pantone Cool Gray 2 C,
- 5) shall have font size up to 10 points, and
- 6) shall be written parallel to the top edge of the package.

§ 14. Single packs may be labelled once with

- 1) 'Nicotine product' in accordance with the contents of the package, and
- 2) the number of units in the single pack.

(2) The text inscribed:

- 1) may consist of lowercase letters a-å, but such that the initial letter can be uppercase,

- 2) may consist of the numbers 0-9,
- 3) shall be in Helvetica font,
- 4) shall be of the colour matte Pantone Cool Gray 2 C,
- 5) shall have font size up to 10 points, and
- 6) shall be written parallel to the top edge of the package.

§ 15. A single pack of a tobacco substitute containing material necessary to use that tobacco substitute may be labelled once with that material in accordance with the material contained in the single pack. The text in question

- 1) may consist of lowercase letters, but such that the initial letter can be uppercase,
- 2) is in the font Helvetica,
- 3) is of the colour matte Pantone Cool Gray 2 C, and
- 4) has font size up to 10 points.

§ 16. Single packs and outside packaging of tobacco substitutes may each be labelled 'best before' followed by the date. The text inscribed:

- 1) may consist of lowercase letters a-å, but such that the initial letter can be uppercase,
- 2) may consist of the numbers 0-9,
- 3) shall be in Helvetica font,
- 4) shall be of the colour matte Pantone Cool Gray 2 C,
- 5) shall have font size up to 10 points, and
- 6) shall be written parallel to the top edge of the package.

§ 17. Single packs and outside packaging containing a tobacco substitute may each be marked with a barcode if

- 1) it is used for payment purposes, distribution or stock control;
- 2) it is either black on a white background or matte Pantone Cool Gray 2 C on a white background;
- 3) it does not constitute an image, pattern or symbol which resembles anything other than a bar code; and
- 4) it is on the bottom or side of the package.
- 5) may not otherwise be considered as contrary to the requirement for a standardised design for tobacco substitutes.

§ 18. Single packs and outside packaging containing a tobacco substitute may bear production marking, including batch number, provided that the marking

- 1) is used to comply with other applicable rules, including rules on taxes,
- 2) is either black on a white background or matte Pantone Cool Gray 2 C on a white background,
- 3) does not constitute an image, pattern or symbol which resembles anything other than production marking,
- 4) is on the bottom or side of the single pack, and
- 5) is not otherwise be considered contrary to the requirement of a standardised design for all products containing a tobacco substitute.

Chapter 6

Size of single pack

§ 19. The single pack for a tobacco substitute must be of a size commensurate with the contents of the package and thus not larger than the contents dictate.

Chapter 7

Penal provisions

§ 20. Unless a higher penalty is due under another law, the person who violates §§ 2-19 is fined.

(2) Companies etc. (legal persons) may be rendered criminally liable in accordance with the provisions in Chapter 5 of the Penal Code.

Chapter 8

Entry into force

§ 21. (1) This Order shall enter into force on 1 April 2025.

the Ministry of the Interior and Health x

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