

Laws banning the retail display of

# Smoking Products in Queensland

## Requirements for retailers

January 2018

# Over-the-counter sales

**For additional information about laws for the retail sale of smoking products call the Government call centre on 13 QGOV (13 7468).**

You can also find out more about the laws, or download a copy of the tobacco legislation, at [www.health.qld.gov.au/public-health/topics/atod/tobacco-laws/](http://www.health.qld.gov.au/public-health/topics/atod/tobacco-laws/)

This is an information guide only. Consult the *Tobacco and Other Smoking Products Act 1998* and the *Tobacco and Other Smoking Products Regulation 2010* for full details of the legislative requirements for the retail sale of smoking products in Queensland.

QH1183 01/18

## All smoking products must be kept out of sight of customers

The retail display of smoking products is banned.

This means that all smoking products kept at a retail outlet must be kept in a way that they are not visible to customers. This includes smoking products available for sale, as well as cigars in humidifiers and humidified rooms.

### Single point of sale

Only one point of sale is allowed at a retail outlet. This is called the 'relevant point of sale'. This means that smoking products may only be sold from one counter or similar fixture at your retail outlet.

### Mandatory sign

A supplier must display a mandatory sign at their relevant point of sale. The sign may be displayed at the relevant point of sale only. The form of this sign is prescribed under regulation.

This sign should be easily visible to a person purchasing a smoking product:

- as the person approaches the point of sale
- at the time of purchase.

The mandatory sign is available free of charge from the Government call centre on 13 QGOV (13 7468).

**IT IS AN OFFENCE TO SUPPLY A SMOKING PRODUCT TO A PERSON UNDER 18 YEARS**

**PENALTIES APPLY**

**Proof of age may be required**

**Quitline 13 7848**



**Queensland  
Government**

## Location of smoking products

Smoking products may be kept at a retail outlet only at or in the following places:

- At or near the supplier's relevant point of sale and on the seller's side of the point of sale, or above or below, but not on, a counter where customers are served, in a way that the smoking products can not be accessed by customers.
- In a room or other place, such as a storage room, if the smoking products are kept in a way that they can not be accessed by customers.
- Cigars may be kept in a humidified room where they can be accessed by customers only if, while a customer is in the room, the customer is accompanied by the supplier or an employee of the supplier.

## Temporary retail outlets

From 1 September 2016, suppliers are prohibited from selling smoking products from a temporary retail store.

A temporary retail store is defined as:

- a temporary structure, regardless of whether any part of the structure is permanent
- a vehicle or mobile structure, including a trailer, caravan or other similar thing designed or modified to be easily attached to a vehicle for transportation. Examples of temporary structures include a booth, tent, market stall or stand.

## Covering and arrangement of smoking products

If smoking products are kept at or near the supplier's relevant point of sale, the smoking products must be concealed by a covering that is:

- a) opaque
- b) of a colour or design that does not make a feature of the covering as distinct from its surrounds.

For example, a plain curtain or cupboard door can be used to cover the products. All smoking products, including the tops, sides and bottoms of packets must be covered.

There are no limits on the number or type of product facings that may be behind the covering, however, an arrangement of smoking products behind or under a covering must not:

- a) constitute a tobacco advertisement itself
- b) create a composite picture or other meaningful visual image whose component parts are printed on individual cartons or packages.

## When is viewing of smoking products allowed?

In some circumstances it is reasonable for smoking products to be seen. The fleeting incidental view by a customer of an area of no more than 1m<sup>2</sup> of smoking products is permitted only to the extent required to carry out activities in the ordinary course of the supplier's business, such as removing smoking products as part of a transaction.

It is important to note that the intent of this provision is not for retailers to deliberately and routinely remove coverings as a selection aid for customers. Deliberate removal of coverings for extended periods of time could be considered to be a display of smoking products and enforcement action may be taken.

## Providing information about smoking products

A supplier may only provide information about smoking products in a way specifically provided for in the Act. Special price tickets, price lists, selection aids, price boards, advertising of discounted smoking products, or signage relating to smoking or smoking products that is not specifically provided for in the Act are prohibited. If a customer asks about the price of a smoking product or if any products are on special, verbal advice may be provided. If you are a tobacconist, you can use the term 'tobacconist' in your business advertising and business name.

## Price tickets

Price tickets for smoking products must not be larger than 80mm x 40mm.

Price tickets may only display information stating the name of the product line, packet size, price, country of origin, or bar code or similar identification code.

The words on the price ticket must be the same font style, size and type (e.g. Arial, Times New Roman) as all other smoking product price tickets, with white text on a black background, or black text on a white background.

A single colour with a different coloured background (e.g. black text on a yellow background), can be used if this dual colour scheme is used elsewhere in the retail outlet.

No other information (e.g. 'special' or 'discount') is allowed on the price tickets. The tickets must be fixed to the relevant point of sale. Booklets of price tickets or other selection aids with information about smoking products are not allowed.

Price boards are not permitted.

# Tobacco product vending machines

## Permitted sign

Some retailers may wish to display a sign to inform customers that smoking products are available for sale. A supplier may therefore produce and display one 'permitted sign' for this purpose. The sign may be displayed at the relevant point of sale only.

In accordance with the regulation, a permitted sign may display only the following words in the following sequence:

### Smoking products sold here

The permitted sign may be no more than 210mm x 148mm in size (A5), with black text on a white background. Text may be in Arial or Times New Roman font only, with a maximum size of 17mm. Nothing else may be on the sign.

The permitted sign is not mandatory and it is up to retailers to produce this sign if desired. An example of how the permitted sign should look is provided below.



## Location

Tobacco vending machines can only be located in a liquor licensed premises in the following areas:

- bar areas (within five metres of the bar and where use of the machine is able to be easily observed by staff behind the bar)
- gaming machine areas (within one metre of a gaming machine and, where use of machine is able to be easily observed by staff)
- casinos.

## Product information on machines

A tobacco product vending machine may only display price tickets or another indicator of price (such as an electronic display). Smoking product advertising is banned on tobacco product vending machines. Facsimiles are not permitted.

Special price tickets, price lists, price boards, advertising of discounted smoking products, or additional signage not specifically provided for in the Act, are prohibited.

## Ticketing and signs

### Price tickets

The rules for smoking product price tickets apply to price tickets on vending machines. In addition, pricing information on vending machines can be an electronic display.

### Mandatory sign

A mandatory sign must be displayed on or near a vending machine and must be easily visible to a person purchasing a smoking product:

- as they approach the vending machine
- at the time of purchase.

The form of this sign is prescribed under regulation. An example of the sign is provided on page 1.

The mandatory sign is available free of charge the Government call centre on 13 QGOV (13 7468).

# Frequently asked questions

# Key terms

## Q What types of products are covered by the display bans?

**A** The display bans apply to all smoking products. This includes tobacco products prepared for consumption (cigarettes, e-cigarettes, cigars, roll-your-own tobacco), herbal cigarettes, loose smoking blend, packages or cartons of tobacco products, herbal cigarettes or loose smoking blend, and smoking related products including cigarette papers, cigarette filters and cigarette tubes.

## Q How do I let customers know I sell smoking products at my retail outlet?

**A** A supplier may produce and display a permitted sign at the supplier's relevant point of sale. This sign is prescribed under the regulation and described in this document. You may not advertise or promote the availability of smoking products in any way other than a way specifically allowed by the legislation.

## Q How do I access smoking products without displaying them?

**A** The fleeting incidental view by a customer of an area of no more than 1m<sup>2</sup> of smoking products is permitted, but only to the extent required to carry out activities in the ordinary course of your business.

For example, this means that up to a maximum of 1m<sup>2</sup> of smoking products may be viewed briefly during a transaction. You may open a cupboard or curtain to access the products, however, you must close it immediately, once you have the products.

## Q What about smoking products that are not available for sale, such as stock in a store room?

**A** Particular coverings for smoking products that are not at or near the relevant point of sale, such as in a storage room, are not prescribed. These products, however, must be kept out of sight of customers and must be kept in a way that they can not be accessed by customers.

## Q I don't have access to the tobacco product vending machine/s, isn't the tobacco company responsible?

**A** Under Queensland's tobacco legislation, the person responsible for all requirements relating to a tobacco product vending machine is the licensee of the licensed premises. This includes the vending machine price tickets, as well as the location of the machine and training of employees.

## Point of sale

Point of sale means a place where there is a counter or similar fixture where smoking products are sold within a retail outlet.

## Relevant point of sale

Relevant point of sale means the point of sale at a retail outlet at which the supplier sells smoking products.

## Smoking products

For the retail display provisions of the legislation, a smoking product means:

- a tobacco product prepared for consumption (cigarettes, e-cigarettes, cigars, roll-your-own tobacco) a herbal cigarette
- loose smoking blend
- a package or carton of tobacco products,
- herbal cigarettes or loose smoking blend
- a smoking related product.

A smoking product does not include matches, lighters, or pipes.

## Smoking related product

A smoking related product means a product prescribed under a regulation that is used primarily in the consumption of a tobacco product, herbal cigarette or loose smoking blend.

Products included as smoking related products are:

- cigarette papers
- cigarette filters
- cigarette tubes
- a cigarette rolling machine
- cigar or cigarette holder
- a hand held machine for injecting tobacco into paper tubes
- cigarette tips
- a cigar cutter

These items must be covered from view in the same way as all other smoking products.

## Supplier

A supplier is the owner of a business that sells smoking products by retail to the public. A supplier is not an employee of a business. For liquor licensed premises, the supplier is the licensee. A supplier can be an individual or a company.

## Tobacconist

A tobacconist is a supplier who sells smoking products by retail to the public, and the sale of smoking products makes up 80 per cent or more of the business' total sales (gross)\*.

If your business sells smoking products, but the majority of sales is not derived from the sale of smoking products, then you cannot be classed as a tobacconist.

The business must be conducted separately from, not in conjunction with, and not within the premises of, any other business.

*\*The sale of cigarette papers is not included in this 80 per cent.*

**For information,  
assistance or to order  
resources**

**13 QGOV  
(13 7468)**

[www.health.qld.gov.au/public-health/  
topics/atod/tobacco-laws/](http://www.health.qld.gov.au/public-health/topics/atod/tobacco-laws/)



**Queensland  
Government**