

Things you need to know when displaying waterpipe tobacco and other tobacco products

- The same laws that apply to regular tobacco products also apply to waterpipes and waterpipe tobacco.
- On the outside of your shop you cannot display any signs or advertising telling people that you sell tobacco products. The only sign allowed is your registered business name.
- If you have any other tobacco products on display that can be seen from a public area such as under a sales counter, you must have additional health warning signs in place.
- You must ensure that all tobacco products on display are in an area which members of the public do not ordinarily have access.
- You may only display the prices of your tobacco products **either** by using price tickets **or** a price board, but you cannot use both methods.

You MUST NOT:

- Display any opened packages of tobacco products
- Display any sign that says “specials” or “discount” in reference to tobacco products
- Have fluorescent price tickets for tobacco products. They must be the same two colours used for all other items in your store
- Have any advertisements for tobacco products shown on your tobacco display stand or in your shop or have advertisements in media outlets such as newspapers and radio
- Display phone cards, confectionery, batteries, medicine, tissues or any other goods in the same display unit as tobacco products. The only products you can display with tobacco products are non-smoking tobacco products such as matches, lighters, cigarette papers and filters
- Have any competitions, free samples or giveaway items to encourage people to buy tobacco
- Sell toy or confectionery cigarettes or novelty items shaped like cigarettes or cigars
- Use lighting, mirrors, moving objects or anything that highlights or draws attention to your tobacco display unit.

Other important considerations

- Under public health laws to “sell” includes barter and exchange, having tobacco in possession for sale, and supplying tobacco for free for the purpose of furthering trade. For example, a restaurant is not permitted to give away free tobacco to customers.
- It is against the law to sell tobacco other than in the manufacturer’s original packaging. This means you can only sell entire and unopened packages of tobacco and cannot supply a waterpipe already loaded with tobacco.
- Cafes and restaurants are also reminded that under smoke-free environment laws, smoking of any kind is not permitted in indoor and substantially enclosed areas. Contact a Public Health Unit listed below if you are unsure if your designated smoking areas are legal for this purpose.

This brochure provides a summary of how to display tobacco products and the warning signs required. Contact the Resource Distribution Unit on (02) 9879 0443 for these signs, which are part of the Tobacco Retailers Kit. If you have any questions or need more information please call your local Public Health Unit:

- Camperdown – (02) 9515 9420
- Parramatta – (02) 9840 3603
- Randwick – (02) 9382 8333

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Waterpipe tobacco Information for retailers

What you need to
know about displaying
waterpipe tobacco

You should be aware that the laws that apply to the retail sale and display of tobacco products, such as cigarettes, also apply to selling waterpipe tobacco, both flavoured and unflavoured. Advertising of any tobacco products, including waterpipe tobacco, other than in accordance with the *Public Health (Tobacco Regulation) 1999*, is illegal.

This brochure informs you about some of the laws and provides information you need to comply with the *Public Health Act 1991* and the *Public Health (Tobacco) Regulation 1999*.

Wherever tobacco products are sold, there are two warning signs that are required:

1. The Public Health Act 1991 Notice

You must have this sign on conspicuous display at every point of sale for tobacco products, including waterpipe tobacco. This sign advises that it is illegal to sell tobacco products, including waterpipe tobacco, to anyone under the age of 18 years.

NOTICE

**Public Health Act 1991
SELLING TOBACCO PRODUCTS TO PERSONS
UNDER 18 YEARS OF AGE
IS A CRIMINAL OFFENCE
MAXIMUM PENALTY \$5,500**

Report offences to the NSW Health Department on
(02) 9391 9111 or your nearest police station.

NSW Department of Health

2. The 'Smoking Kills Call the Quitline 131 848' sign

DO NOT CUT DOWN THE SIZE OF THE STANDARD SIGN.

The sign should read:

Smoking Kills

Call the Quitline
131 848

You need to show this sign wherever tobacco products, including waterpipe tobacco, are on display. No part of the sign should be covered.

If you do not have room on the wall or display case then the sign may be suspended from the ceiling. If the standard sign does not fit in the space available, you may have your own sign made as long as it complies with the minimum requirements. The sign must:

- have black writing on a white background
- be at least 2000cm² in area
- have text sizes and empty space in similar proportions to the standard sign

The signs shown in this brochure are examples of the required signs. To obtain these signs for your shop contact the Resource Distribution Unit on (02) 9879 0443 and ask for a Tobacco Retailer Kit.

The two signs shown in this brochure must be on display at all times to remind your staff and customers about the laws regarding selling tobacco products.

If you break any of the laws for tobacco advertising and display you may be taken to court and fined. Fines could include:

- Not displaying the *Public Health Act 1991* notice (selling to minors sign) **Maximum fine \$2,200**
- Not displaying the *Smoking Kills Call the Quitline* sign **Maximum fine \$1,100**
- Other tobacco advertising offences can result in fines of up to **\$11,000** for an individual or **\$44,000** for a company.

All tobacco products, including waterpipe tobacco, must be marked with a required health warning that complies with Schedule 2 of the Public Health Act 1991.

You may only sell waterpipe tobacco with packaging that is marked with the required health warning. The required health warning is the same as that on cigarette packaging and must include written warning messages plus graphics such as the following:



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It is your responsibility to not sell waterpipe tobacco products without the required health warnings as this is illegal.

Health warnings that are acceptable in other countries may not be acceptable or legal in Australia, so you need to check that the products you purchase from your importer or distributor comply with Australian law. If the products you purchase are not marked with the required health warning, you should reject or return them, otherwise you can be fined for not complying with the law.