

Chapter:	371	Title:	<b>Smoking (Public Health) Ordinance</b>	Gazette Number:	E.R. 1 of 2012
Section:	14	Heading:	<b>Meaning of tobacco advertisement</b>	Version Date:	09/02/2012

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(1) For the purposes of this Part an advertisement is a tobacco advertisement if it-

- (a) contains any express or implied inducement, suggestion or request to purchase or smoke cigarettes, cigarette tobacco, cigars or pipe tobacco; (Amended 93 of 1997 s. 15)
- (b) relates to smoking in terms which are calculated, expressly or impliedly, to promote or encourage the use of cigarettes, cigarette tobacco, cigars or pipe tobacco; or (Amended 93 of 1997 s. 15)
- (c) illustrates or mentions smoking or cigarettes, cigarette tobacco, cigars or pipe tobacco or their packages or qualities. (Added 93 of 1997 s. 15)

(1A) Notwithstanding subsection (1)(c), an advertisement is not regarded as a tobacco advertisement if its purpose is to discourage smoking. (Added 93 of 1997 s. 15)

(2) Subject to subsections (3) to (5), where-

- (a) an advertisement; or
- (b) any object, other than a tobacco product, which is displayed to the public, whether for sale or otherwise, in the course of conducting any business or providing any service, includes the name or trade name of any person associated with the marketing of any tobacco product, or any trade mark or brand name of a tobacco product, or any pictorial device or part thereof commonly associated therewith, then the advertisement or object shall be deemed to be a tobacco advertisement. (Replaced 93 of 1997 s. 15)

(3) Subsection (2) shall not apply to any advertisement or object if the name, trade name, trade mark, brand name or pictorial device or part thereof mentioned in that subsection- (Amended 21 of 2006 s. 15)

- (a) is included exclusively for-
  - (i) a non-tobacco product or service; or
  - (ii) job recruitment purposes; and
- (b) does not form a prominent part of the advertisement or object. (Replaced 93 of 1997 s. 15. Amended 21 of 2006 s. 15)

(4) If the conditions set out in subsection (4A) are satisfied, subsection (2) shall not apply to any advertisement or object which includes- (Amended 21 of 2006 s. 15)

- (a) the name of any company or body corporate associated with the manufacture or marketing of any tobacco product; or
- (b) any name identified with the trade name or brand name of any tobacco product, in association with any product not being tobacco. (Added 93 of 1997 s. 15. Amended 21 of 2006 s. 15)

(4A) The conditions mentioned in subsection (4) are-

- (a) that the name mentioned in that subsection is included as the sponsor of an event or for congratulating another person or thing on an achievement of, or event relating to, such person or thing;
- (b) that the name does not form a prominent part of the advertisement or object; and
- (c) that the advertisement or object does not mention the words "cigarette", "cigarettes", "smoking", "tobacco", "cigar", "cigars", "pipe" or "pipes" or "香煙", "吸煙", "煙草", "雪茄" or "煙斗". (Added 21 of 2006 s. 15)

(5) Notwithstanding subsection (2), any accidental or incidental appearance of any tobacco product or the trade mark, trade name, brand name or logo of any tobacco product where no valuable consideration has been or is intended to be given for such appearance is not a tobacco advertisement. (Added 93 of 1997 s. 15)