Act No. 14 of 9 March 1973 relating to Prevention of the Harmful Effects of Tobacco

Section 1

The object of this Act is to limit the damage to health caused by the use of tobacco.

According to this Act tobacco products are products that are to be smoked, snuffed, sucked or chewed provided they totally or partly consist of tobacco.

Section 2

All forms of advertising of tobacco products are prohibited. The same applies to pipes, cigarette paper and cigarette rollers.

Tobacco products must not be included in the advertising of other goods or services.

A brand name or trade mark that is mainly familiar as a brand or mark for tobacco products may not be used in the advertising of other goods or services so long as the name or mark in question is used in connection with a tobacco product.

Tobacco products may not be launched with the aid of brand names or trade marks which are familiar as, or used as, brands or marks for other goods or services.

All forms of free distribution of tobacco products are prohibited.

The King may issue regulations concerning exceptions to the provisions of this section.

Section 3

It is prohibited to import into Norway, sell or distribute tobacco products which are not marked with a text pointing out the risk to health inherent in the consumption of such products. Cigarette packets shall similarly carry a declaration of their contents.

It is prohibited to import into Norway, sell or distribute tobacco products which by their text, name, trademark, illustrations or other sign or symbol suggest that a particular tobacco product is less damaging to health than other tobacco products.

A manufacturer or vendor of tobacco products may not by means of symbol or text on packaging provide their own information on the consequences of smoking for health.

Responsibility for laying down regulations on labelling pursuant to this section rests with the Ministry.

Section 4

The Ministry may issue regulations concerning the content of tobacco products, including maximum levels of ingredients, weight, filters, packaging etc.

Section 5

It is prohibited to sell or to hand over tobacco products, or imitations which may encourage the use of such products, to persons under 18 years of age. If the purchaser's age is in doubt, sale may only take place provided the purchaser produces evidence that he or she has reached the age of 18.

Tobacco products may only be sold to consumers by persons of 18 years of age or more. However, this does not apply if a person over the age of 18 supervises such selling on a daily basis.

Sale of tobacco products from a vending machine is prohibited.

The Ministry may lay down regulations concerning the minimum age for importing tobacco products and cigarette paper.

Section 6

In premises and means of transport to which the public have access the air shall be smoke-free. The same applies in meeting rooms, work premises and institutions where two or more persons are gathered. This does not apply in living rooms in institutions, but the institution is obliged to make smoke-free rooms available to those who request it.

If several premises within a certain area are used for the same purpose, smoking may be permitted in up to one-half of these premises. The smoke-free premises must not be smaller or of a lower standard than the premises where smoking is permitted. Smoking is not permitted in establishments that serve food and/or drink and that are equipped for consumption on the premises.

The owner or the person having the premises or the means of transport at his disposal is under obligation to ensure that the rules imposed in or in pursuance of these provisions are complied with. Notices shall clearly indicate that smoking is prohibited in areas where such prohibition may be in doubt, and at the entrance to all establishments serving food and/or drink. To ensure that the prohibition of smoking is complied with at establishments that serve food and/or drink, such establishments shall maintain internal controls and shall establish an internal control system. The internal control shall be documentable to the supervisory authorities.

Any person who in spite of a warning by the owner or the person having the premises or the means of transportation at his disposal, or by his representative, violates the provisions laid down in or in pursuance of this section may be expelled from the premises or the means of transport.

The municipal council shall supervise compliance with the rules laid down in and in pursuance of this section. The municipal council's powers under this section may be delegated to a municipal body or a body common to two or more municipalities. In the case of work premises, supervision shall be carried out by the Labour Inspection Authority.

The rules concerning the activities of the municipal council and of the Labour Inspection Authority as a supervisory agency pursuant to, respectively, sections 4a-7 to 4a-9 and 4a-12 of Act no. 66 of 19 November 1982 relating to Municipal Health Services and sections 77 to 82 of Act no. 4 of 4 February 1977 relating to Worker Protection and Working Environment apply correspondingly to supervisory activities pursuant to this section.

The Norwegian Petroleum Directorate supervises compliance with the rules contained in or issued by virtue of this section within the area of responsibility for petroleum activities that is allotted to the Directorate by the Working Environment Act. The maritime authorities supervise compliance with the rules contained in or issued by virtue of this section on ships as well as vessels and other offshore units. Within their supervisory authority the said authorities may employ instruments corresponding to those available to them under current regulations on health conditions and working environment on ships and offshore units in the petroleum activities.

The Armed Forces High Command supervises compliance with the rules contained in or issued in pursuance of this section on the ships of the Armed Forces.

The governor (Sysselmannen) of Svalbard supervises compliance with the rules contained in or issued in pursuance of this section on Svalbard. The governor of Svalbard may hand over supervision in respect of Longyearbyen and Svea to the Svalbard Council (Svalbardrådet).

The supervisory authority may in special cases give dispensation from rules contained in or issued in pursuance of this section and set terms for any dispensation. At work places with a working environment committee, a statement from the committee shall be enclosed with the application. At work places without a working environment committee, a statement from the safety delegate shall be enclosed.

The King may lay down further rules to implement and supplement these provisions and may make exception from them.

Section 7

All persons shall, when ordered to do so by the Directorate for Health and Social Affairs, provide such information as is necessary to prevent damage to health entailed by the use of tobacco or to carry out tasks under this Act.

The Directorate for Health and Social Affairs may require a manufacturer or importer of tobacco products to provide information about the content of the products. The Ministry may lay down regulations detailing the information requirement in the first sentence.

The Directorate for Health and Social Affairs may require a manufacturer or importer of tobacco products to produce a representative sample of a product or to perform such tests as are necessary to assess the product's characteristics or effects. The costs of such tests shall be borne by the manufacturer or importer in question. The Directorate for Health and Social Affairs may decide that the costs shall entirely or in part be covered by the government.

The Directorate for Health and Social Affairs may initiate such tests itself, and may order the manufacturer or importer to cover the costs of the tests. The costs are a basis for enforcement of distraint.

Section 8

The Directorate for Health and Social Affairs supervises compliance with the provisions of section 2 and section 3 and with provisions issued in pursuance thereof.

Should the Directorate for Health and Social Affairs deem section 2 and/or section 3 to have been contravened, it may order the circumstance to be rectified. A time limit for rectification will be set at the same time.

A coercive fine may be set at the same time as the rectification order is made. The fine shall run from the expiry of the time limit for rectification and may be in the form of a one-time fine or a daily fine. The fine shall devolve to the state.

If, when a violation of section 2 or provisions laid down in pursuance thereof is brought to light, the Directorate for Health and Social Affairs find special reason to expect renewed breaches of the advertising provisions which cannot be halted under the second or third paragraph, it may decide in advance that a coercive fine shall run as from the date that a new violation starts. Such fine may be imposed for a period of up to one year.

Where special reasons so indicate, the Directorate for Health and Social Affairs may entirely or partially waive an imposed coercive fine.

The governor of Svalbard may render decisions under this section in respect of Svalbard.

Decisions pursuant to this section may be appealed to the Market Council. Such appeals shall be handled by the Market Council under the rules of administrative procedure laid down in or pursuant to Act no. 47 of 16 June 1972 relating to Control of Marketing and Contract Terms and Conditions (Marketing Control Act) insofar as the said rules are appropriate.

The Ministry may lay down regulations on the imposition, calculation and collection of coercive fines.

Section 9

It is prohibited to export snuff to countries which are members of the European Economic Area and which prohibit the import and sale of snuff.

The prohibition of exports does not apply to snuff brought with travellers for their personal use or as a gift for the personal use of others.

According to this provision, the term snuff denotes tobacco products intended for oral use, entirely or partly made of tobacco, with the exception of tobacco products intended for smoking or chewing.

Section 10

Whoever wilfully or negligently violates provisions laid down in or pursuant to this Act is punishable by fines. Complicity is punishable in the same manner. An attempt is punishable as a completed offence.

The Ministry may prescribe in regulations that the penalty for negligent violation shall be imposed only after a warning has been issued by the police.

Section 11

The Ministry may issue transitional rules and other regulations to implement and supplement the provisions of this Act.

Section 12

This Act applies with equal effect to the offshore petroleum activities as Act no. 4 of 4 February 1977 relating to Worker Protection and Working Environment.

This Act also applies to Svalbard (Spitsbergen) and Jan Mayen.

Section 13

This Act shall come into force from such time as the King decides.

Regulations on the prohibition of advertising of tobacco products etc.

Laid down by Royal Decree of 15 December 1995 in pursuance of section 2, sixth paragraph, and sections 4, 9 and 10 of Act No. 14 of 9 March 1973 relating to Prevention of the Harmful Effects of Tobacco.

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, 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:

1. *Tobacco products* shall mean products that are intended to be smoked, sniffed, sucked or chewed inasmuch as they are made wholly or partly of tobacco.

2. *Advertising* shall mean 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.

3. *Indirect advertising* shall mean
   a. 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
   b. 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
   c. the use of certain colours and layouts/designs that are associated with particular tobacco products
   d. 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 pipes, cigarette paper and cigarette rollers.

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 2, first, second and fifth paragraphs, 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 inside the sales outlet 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. Testing of new tobacco products in neutral packaging with no indication of tobacco brand or manufacturer, when the number of test persons does not exceed fifty and the testing is not repeated with the same test persons.

7. 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.

8. Indirect advertising of insignificant scope in foreign programmes broadcast on Norwegian television and over Norwegian cable networks, as well as in films produced abroad.

9. 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.

Pipes, holders, cigarette paper, cigarette rollers, ashtrays and other smoker's requisites, and imitations of tobacco products and smoker's requisites, may be displayed in shops/stores when the conditions in section 8 (5) have been fulfilled.

Chapter IV. Administrative provisions

Section 10. *Supervision*
The Ministry has primary responsibility for the enforcement of these regulations. The Directorate for Health and Social Affairs supervises compliance with the rules in these regulations.

Section 11. *Orders for corrective action and coercive fines*
The Directorate for Health and Social Affairs may order corrective action and set coercive fines pursuant to the provisions in section 8 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 for Health and Social Affairs 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.

Regulations on the contents and labelling of tobacco products

Laid down by the Ministry of Health on 6 February 2003 in pursuance of sections 3, 4, 7 and 10 of Act No. 14 of 9 March 1973 relating to Prevention of the Harmful Effects of Tobacco and section 15, cf. section 4, of Act No. 79 of 11 June 1976 relating to the Control of Products and Consumer Services, cf. Annex II Chap. XXV No. 3 of the EEA Agreement (Directive 2001/37/EC).

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.

Section 2. *Geographical application*
These regulations also apply on Svalbard and Jan Mayen.

Section 3. *Definitions*
For the purpose of these regulations:

1. *Tobacco products* shall mean products intended for smoking, sniffing, sucking or chewing inasmuch as they are made wholly or partly of tobacco, whether genetically modified or not.

2. *Tar* shall mean raw anhydrous nicotine-free condensate of smoke.

3. *Nicotine* shall mean nicotinic alkaloids.

4. *Ingredient* shall mean any substance or constituent except for tobacco leaf or other natural or unprocessed parts of the tobacco plant used in the manufacture or preparation of a tobacco product and still present in the finished product. This applies to substances and constituents in both altered and unaltered form, including paper, filter, inks and adhesives.

Chapter II. Contents of tobacco products

Section 4. *Permitted tar, nicotine and carbon monoxide yield in cigarette smoke*
Smoke from cigarettes which are imported into Norway, produced, sold or transferred in other manner shall contain no more than

1. 10 mg of tar per cigarette;

2 1 mg of nicotine per cigarette;

3. 10 mg of carbon monoxide per cigarette.

This provision does not apply to the duty-free quota travellers to Norway may legally bring into the country. Nor does it apply to small quantities of tobacco that are brought into the country for personal use as luggage or gift parcels.

Section 5. *Methods for measuring tar, nicotine and carbon monoxide yields in cigarettes*
Tar, nicotine and carbon monoxide yields shall be measured in accordance with ISO standards 4387 for tar, 10315 for nicotine and 8454 for carbon monoxide. The accuracy of measurements of nicotine and tar shall be verified with the aid of ISO standard 8243.

Section 6. *Reporting measurements of tar, nicotine and carbon monoxide*
The Directorate for Health and Social Affairs may require the measurement of tar, nicotine and carbon monoxide in cigarette smoke to be carried out or verified by laboratories approved and monitored by the Directorate.

The Directorate may also require manufacturers and importers of tobacco products to carry out tests to assess the yield of other substances produced by their tobacco products by brand name and type. The main objective of such tests is to assess the adverse effects of these substances on health, including their addictiveness. The Directorate may also require the tests to be verified by approved laboratories.

The results of the tests shall be submitted to the Directorate each year. The yearly reporting interval may be lengthened if no alteration is made in the product specifications.

The Directorate is responsible for the publication of the information obtained in pursuance of this provision, insofar as publication is not prevented by statutory duty of confidentiality; cf. section 13, first paragraph (2) of the Public Administration Act.

Section 7. *Duty to provide information etc.*
The Directorate for Health and Social Affairs shall instruct manufacturers and importers of tobacco products to submit lists containing information about the contents of tobacco products. This list shall contain information about all the ingredients, with an exact specification of the quantities of the ingredients that are used in the manufacture of tobacco products, by brand name and type. The list shall be accompanied by a declaration stating the reason for using these ingredients in the tobacco products in question. The declaration shall explain the function and category of the ingredients. The list shall also include all the toxicological data available to the manufacture or importer on the ingredients in question, both before and after burning. The purpose of this information is to clarify the effect of the ingredients on health, with particular emphasis on their addictiveness. All of the ingredients in the tobacco products in question shall be listed in descending order of weight. Information shall be provided in pursuance of this provision on a yearly basis.

The Directorate shall ensure that information obtained in pursuance of this section is made public. The Directorate shall draw up an annual report and ensure that this is made known to the general public. It is the responsibility of the Directorate to make public the information obtained

in pursuance of this provision, insofar as publication is not prevented by statutory duty of confidentiality, cf. section 13, first paragraph (2) of the Public Administration Act.

Section 8. *Prohibition of the use of addictive ingredients*
The Directorate for Health and Social Affairs may prohibit the use of ingredients which increase the addictiveness of tobacco products.

Chapter III. Labelling of tobacco products

Section 9. *General provisions relating to the obligation to label tobacco products*
It is prohibited to import into Norway, sell or in other manner transfer tobacco products if the tobacco product packet is not labelled in accordance with these regulations. The obligation to label tobacco products does not apply to the duty-free quota travellers to Norway may legally bring into Norway. Nor does the labelling obligation apply to small quantities of tobacco which are brought into the country for personal use as luggage or gift parcels.

Section 10. *Health warning*
Each tobacco product packet, with the exception of packets for smokeless tobacco, shall be labelled with the following warnings [in Norwegian]:

a) One of the following general warnings:
    1. Smoking kills
    2. Smoking seriously harms you and others around you.

b) and one of the following additional health warnings:
    1. Smokers die younger
    2. Smoking clogs the arteries and causes heart attacks and strokes
    3. Smoking causes fatal lung cancer
    4. Smoking when pregnant harms your baby
    5. Protect children from tobacco smoke. Do not make them breathe in your smoke.
    6. Your doctor or your pharmacist can help you stop smoking
    7. Smoking is highly addictive. Do not start.
    8. Stopping smoking reduces the risk of fatal heart and lung diseases.
    9. Smoking can cause a slow and painful death.
    10. Get help to stop smoking – call Smokers' Quitline 800 400 85.
    11. Smoking may reduce the blood flow and causes impotence.
    12. Smoking causes ageing of the skin.
    13. Smoking can damage the sperm and decreases fertility.

14. Smoke contains benzene, nitrosamines, formaldehyde and hydrogen cyanide.

The general warning shall cover at least thirty percent of the packet's most visible side. The additional warning shall cover at least forty percent of the packet's other broad side.

For retail sales, the warning shall also be printed on any outer packaging, though not if the outer packaging is transparent.

In the case of packets intended for tobacco products other than cigarettes, where the surface of the side of the packet is larger than 75 cm^2, the area for each of the warnings shall be at least 22.5 cm^2.

Both the general warning and the special warnings shall be printed alternately on the tobacco product packets. The warnings shall be rotated in such a way as to ensure the regular appearance of both the general and the special warning.

Section 11. *Health warnings for smokeless tobacco products*
Smokeless tobacco shall be marked with the following warning [in Norwegian]:

"This tobacco product can damage your health and is addictive."

The warning shall be printed on the packet's most visible side and cover not less than thirty percent of that side.

For retail sales, the warning shall also be printed on any outer packaging, though not if the outer packaging is transparent.

In the case of packets where the most visible side is larger than 75 cm^2, the area for the warning text shall be not less than 22.5 cm^2.

Section 12. *Reference to issuing authority*
The Directorate for Health and Social Affairs shall be named as the authority issuing the warnings pursuant to sections 10 and 11. Reference to the authority shall be placed on both of the packet's broad sides and outside the area reserved for the warning text.

Section 13. *Restrictions on own labelling*
The manufacturer, importer or vendor of tobacco products may not by means of symbols or text on the packets supply their own information about the health-related consequences of smoking.

Section 14. *Declaration of contents on cigarette packets*
A declaration of the tar, nicotine and carbon monoxide yields in the smoke from one cigarette shall be printed on cigarette packets. The declaration shall be printed on one of the sides of the cigarette packet in such as way that it covers no less than ten percent of the surface of that side.

Section 15. *Design of the warning labelling and declaration of contents*
The warning label pursuant to sections 10 and 11 and the declaration of contents pursuant to section 14 shall be:

1. clear and easy to read. The text shall be in Norwegian.

2. printed in black Helvetica bold type on a white background.

3. printed in a type size that ensures that the warning text covers as much as possible of the area reserved for it.

4. printed in lower-case letters except where upper-case letters are required for grammatical reasons.

5. centred on the reserved area of the surface of the packet.

6. parallel with the top edge of the packet, and

7. surrounded by a black border no less then 3 mm and no more than 4 mm in width. The border shall be outside the area reserved for the warning text and the declaration of content.

The requirements regarding position and framing (items 6 and 7) do not apply to warning labelling as stipulated in section 11.

The warning labelling pursuant to sections 10 and 11 and the declaration of content pursuant to section 14 shall not be:

1. printed on the packet's tax stamp or similar

2. printed on transparent packaging

3. printed in such a way that they are removable and deletable

4. hidden, obscured or interrupted by other pictorial matter, texts or similar

5. destroyed when the packet is opened.

In the case of tobacco products other than cigarettes, the warning text and the declaration of content may both be affixed to the packet by means of self-adhesive stickers, provided that these stickers are not removable.

Section 16. *Identification and traceability of tobacco products*
To ensure that all tobacco products may be identified and traced, each individual packet shall be marked with the batch number or equivalent. The time and place of manufacture shall be clear from the marking.

Section 17. *Misleading product descriptions*
To ensure that consumers are not misled with regard to the damage to health caused by using tobacco products, it is prohibited to import into Norway, process, sell or transfer tobacco products which imply by text, name, trade mark, illustrations or other signs that a particular tobacco product is less harmful to health than others.

Chapter IV. Administrative provisions

Section 18. *Supervision*
The Directorate for Health and Social Affairs supervises compliance with the rules in these regulations.

Section 19. *Orders for corrective action and coercive fines*
The Directorate for Health and Social Affairs may order corrective action and set coercive fines pursuant to the provisions in section 8 of the Act relating to Prevention of Harmful Effects of Tobacco. Such decisions may be appealed to the Market Council.

Section 20. *Dispensation*
The Directorate for Health and Social Affairs may in special cases grant dispensation from these regulations. Such decisions must not conflict with obligations following from the EEA Agreement.

Section 21. *Appeal*
Decisions reached by the Directorate for Health and Social Affairs pursuant to these regulations may be appealed to the Ministry in accordance with chapter VI of the Public Administration Act.

Section 22. *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 23. *Entry into force etc.*

These regulations enter into force immediately. As of the same time, regulations No. 1035 of 15 December 1995 on the labelling of tobacco products and on tar and nicotine yield of cigarettes are repealed.

Section 24. *Transitional rules*
Cigarette packets labelled in accordance with regulations No. 1035 of 15 December 1995 on the labelling of tobacco products and on tar and nicotine yield of cigarettes may be sold to retailers in Norway until 30 September 2003 inclusive and to consumers until 31 December 2003 inclusive.

The provision in section 17 on misleading product descriptions shall apply from 30 September 2003 inclusive. For sales to consumers, the provision shall apply from 1 January 2004 inclusive. The provisions in section 4 shall apply from 1 January 2004 inclusive, until which date the provisions on the permitted tar yield of cigarettes in Regulations No. 1035 of 15 December 1995 on the labelling of tobacco products and the content of tar and nicotine in cigarettes shall apply.

Regulations concerning the prohibition against new tobacco and nicotine products

Laid down by Royal Decree of 13 October 1989 pursuant to Act no. 79 of 11 June 1976 relating to Product Control, section 4, first paragraph (e), cf. section 15.

Section 1. *Object*
The object of these regulations is to limit the damage to health caused by use of tobacco and nicotine products.

Section 2. *Prohibition*
It is prohibited to produce, bring to Norway, sell or hand over to others new types of tobacco and nicotine-containing products. The same applies to tobacco and nicotine-containing products which are intended to be used in other ways than those normally practised in Norway.

Section 3. *Definitions*
In these regulations, the term ”new types” of tobacco and nicotine-containing products means all products containing tobacco or nicotine, with the exception of the products which, by tradition, are or have been sold in Norway (cigarettes, cigars, cigarillos, smoking tobacco, chewing tobacco and snuff).

In these regulations, the expression ”intended to be used in other ways” means intake of tobacco and nicotine-containing products to the human body in ways other than the form of smoking, taking snuff and chewing used today.

Section 4. *Relationship to other Acts*
Exempt from the prohibition in section 2 are tobacco and nicotine-containing products that are to be used for smoking cessation purposes and are classified as medicines, cf. Act no. 5 of 20 June 1964 relating to medicines etc.

Section 5. *Supervisory authority*
The Ministry bears overall responsibility for the enforcement of these regulations. The Directorate for Health and Social Affairs supervises compliance with the rules in these regulations.

Section 6. *The obligation to submit information*
At the instruction of the Ministry or the Directorate for Health and Social Affairs each and every person is under obligation to submit the information necessary for the Ministry and the Directorate to carry out their tasks pursuant to these regulations.

The Ministry and the Directorate may instruct manufacturers, importers or dealers to submit representative samples of the product or implement the investigations necessary in order to evaluate the product’s properties and effects. The manufacturer or importer bears the costs of such investigations.

The Ministry and the Directorate may themselves instigate such investigations. When such is found to be reasonable, the costs may be charged to the manufacturer or importer. The costs are a basis for execution of distraint.

Section 7. *Access to buildings etc*
The Ministry and the Directorate for Health and Social Affairs have free access to buildings, conveyances, warehouses, installations, areas etc. where products governed by these regulations are to be found.

The Ministry and the Directorate may also carry out sampling and control of such products.

Section 8. *Dispensation*
The Directorate for Health and Social Affairs may grant dispensation from the prohibition in section 2 if the manufacturer or importer can document that a new product or its manner of use is significantly less harmful to health than products already on the market.

A manufacturer and importer of a product has the right to apply for dispensation. Applications for dispensation are submitted to the Directorate for Health and Social Affairs. The application shall contain the information necessary to evaluate the properties and effects of the product.

The dispensation may be made subject to conditions when this is found to be necessary in order to prevent and limit possible damages to health.

The Directorate may revoke a dispensation if

a) new information on or evaluations of the product, its manner of use or effects make this desirable, or
b) the party who has been granted the dispensation contravenes the conditions laid down for the dispensation.

Section 9. *Appeal*
Decisions by the Directorate for Health and Social Affairs pursuant to these regulations are individual decisions and may be appealed to the Ministry pursuant to Chapter VI of the Public Administration Act.

Section 10. *Coercive fines*
In the case of contravention of conditions, orders or prohibitions laid down in or pursuant to these regulations, the Ministry may impose a coercive fine. The coercive fine is a basis for execution of distraint.

Section 11. *The obligation of secrecy*
Anyone whose duty it is to enforce these regulations shall observe secrecy concerning operation or business matters which, from the point of view of competition, it is important to keep secret out of consideration for the enterprise or enterprises to which such information refers. The

obligation of secrecy applies with the limitations resulting from the tasks of the person concerned pursuant to the provisions of the legislation and the regulations issued pursuant thereto.

Section 12. *Penal liability*
Any person who wilfully or negligently contravenes the provisions laid down in these regulations, or who contravenes the conditions laid down pursuant to section 8, shall be liable to penalty in the form of fines or imprisonment for up to 3 months, or both. Complicity is punishable in the same manner.

Section 13. *Geographical area of application*
The provisions laid down in or pursuant to these regulations apply in Norway, included Svalbard and Jan Mayen, on board Norwegian ships and aircraft located in areas not under the supreme jurisdiction of any state and on facilities and installations on the Norwegian continental shelf.

Section 14. *Amendments to the regulations*
The Ministry may supplement and amend these regulations.

Section 15. *Entry into force*
These regulations enter into force immediately.