

Questions & Answers for Retailers

The Non-Smokers Health Protection Act (NSHPA)

Restricting the display, advertising and promotion of tobacco and tobacco-related products

When will the new restrictions be implemented?

Enforcement of the new restrictions will begin effective **August 15, 2005**.

Why is the government restricting the display, advertising and promotion of tobacco and tobacco-related products?

Advertising has a powerful influence on our perception of products and our purchasing decisions. Children and teens are especially susceptible to being influenced by displays and advertising. With tobacco products, this negative influence can be reduced by removing the product and any related advertising from sight. Ultimately, fewer children will start smoking.

The basis for this initiative is the goal of “denormalization” as expressed in Canada’s National Strategy document *New Directions for Tobacco Control in Canada*. Current display and advertising practices give the impression that tobacco is just another consumer product. In fact, tobacco is the only consumer product that causes disease and death when used exactly as intended by the manufacturer. Removing tobacco products and advertising from open view sends a message that this product is dangerous enough that it needs to be kept out of sight.

What do retailers need to do to comply with this legislation?

All tobacco and tobacco-related products must be stored in a way such that they are not visible to children. Each retailer can decide on the best option for each store. Some potential options include:

- storing tobacco products under the counter;
- storing tobacco products in a closed cabinet;
- installing a curtain across the product display case; or
- covering the glass of the display case.

In addition, no advertising or promotion of tobacco or tobacco-related products is permitted. This includes ALL promotional items such as posters, notices, lighters, clocks, counter mats and signs of any kind.

The legislation *does allow* product and price lists to be displayed provided they comply with requirements to be specified by regulation. The regulation is being prepared and will be provided to all tobacco retailers prior to August 15, 2005.

What about outdoor signs?

Outdoor signs promoting tobacco and tobacco-related products are not permitted under the legislation.

What in-store signs are permitted?

Only in-store signs listing tobacco products and prices will be permitted. The signs must comply with requirements to be specified by regulation. This regulation will be provided to all tobacco retailers prior to August 15, 2005.

Who will be enforcing this legislation?

Effective August 15, 2005, tobacco enforcement officers employed by Manitoba Health will be checking stores for compliance with the new legislation. They will also be available to provide assistance by answering any questions retailers may have. See page 3 for contact information.

How will non-compliance be handled?

Tobacco enforcement officers will follow up on complaints and let retailers know what is required to comply with the law.

Will there be fines for non-compliance?

Retailers contravening the new law may face fines up to \$3,000 for a first offence, up to \$5,000 for a second offence and \$15,000 for a third and subsequent offence.

Will allowances be made when tobacco products are visible during shelf re-stocking and inventory-taking?

Yes. Tobacco enforcement officers will exercise reasonable judgment and allow for these activities.

Will retailers still be able to employ clerks under the age of 18?

Yes. This legislation does not prohibit young persons from seeing or handling tobacco products for retail transactions.

Will retailers still be able to post “Operation ID” signs in their stores?

Yes. This legislation does not prohibit “Operation ID” signs.

How do I get a copy of the NSHPA?

The legislation is available on the Manitoba government website at: <http://web2.gov.mb.ca/laws/statutes/ccsm/s125e.php>

If you do not have Internet access, a copy will be provided upon request by calling (204) 788-6735.

Who do I call if I have questions about the legislation and how to comply with it?

For assistance and answers, please call (204) 788-6735.