

## Questions & Answers for Retailers

# The Non-Smokers Health Protection Act (NSHPA)

## Regulatory requirements for signs displaying tobacco and tobacco-related product prices and availability

### What are the legal requirements?

Indoor and outdoor signs that advertise or promote tobacco or tobacco-related products will be prohibited. The exception is an indoor sign that displays the price and availability of tobacco and tobacco-related products at a place where these products are sold. This price and availability sign must comply with requirements specified by regulation under the Act.

### When will these new requirements come into effect?

Enforcement of the new sign requirements begins on the same date as enforcement of the restrictions on displaying, advertising and promoting tobacco and tobacco-related products: **August 15, 2005.**

### What are the new regulatory requirements for price and product availability signs?

The regulation includes specific requirements for any signs that convey the pricing and availability of tobacco or tobacco-related products. Signs must meet the following requirements:

- A maximum of one sign per till
- A maximum of three signs in the place or on the premises
- The text of the sign must not be visible from outside the place or premises
- The maximum size of the sign is 968 cm<sup>2</sup> (150 in<sup>2</sup>)
- The sign must be black text on a white background
- The maximum height of a letter in the sign's text is 18 mm
- The text size and style must be consistent in all parts of the sign; text must not contain italics, bold type or underlining
- The text of the sign must not identify or reflect a brand of tobacco or tobacco-related product, or any element of such a brand

A sample sign is included in this package.

### **Can I use words on my sign other than those used in the sample sign?**

Your sign does not have to look identical to the sample sign; however, your sign cannot contain any wording except that which is shown on the sample sign.

Retailers may decide on the following:

- Using fewer words than the sample sign
- Using a type style of your choice so long as it is consistent throughout the sign and doesn't identify or reflect a brand of tobacco or tobacco-related product, or any element of a brand, or contain italics, bold type or underlining
- Displaying a sign that is smaller than the maximum size of 150 in<sup>2</sup>
- Using lettering that is smaller than the maximum height of 18 mm (70-point font)
- Writing the allowed words in a different language based on your clientele
- Using abbreviations of the allowed words

### **What must retailers do to comply with the legislation?**

In addition to ensuring that tobacco and tobacco-related products are not displayed in any way such that they are visible to children, retailers need to remove all forms of advertising and promotion of tobacco and tobacco-related products. The retailer may then post a product and price list as described above.

### **Am I responsible for obtaining these signs?**

Yes, the proprietor or manager is responsible for obtaining and posting these signs.

### **Why is the government restricting tobacco product advertising and promotion and allowable signs?**

Signs are a form of advertising. As such, they influence our perceptions and purchasing decisions. Children and teens are especially susceptible to being influenced by this form of advertising. With tobacco products, this negative influence can be reduced by placing restrictions on signs used to promote tobacco products. Ultimately, fewer children will start smoking.

### **Who decided what types of in-store signs are permitted?**

The NSHPA required the Minister of Healthy Living to seek advice from an advisory committee. Committee members unanimously agreed on the above criteria for in-store signs and the Minister of Healthy Living accepted their recommendation. One-third of this committee was made up of tobacco retailers. Other committee members included representatives of health groups and one youth representative.



## **Are there any exemptions from the requirements for display, advertising and promotion of tobacco and tobacco-related products?**

There is a limited exemption for places where the sale of tobacco or tobacco-related products is the major activity. Major activity means that at least 50 per cent of the store's retail floor space is devoted to tobacco or tobacco-related product sales and promotion. Places that meet these criteria are exempt from the NSHPA restrictions on advertising and promotion only to the extent that the products can be visible within their premises. These retailers must comply with all display provisions and prohibitions related to outdoor advertising and promotion.

## **Why is this exemption included in the Act?**

The purpose of the legislation is to prevent children from being exposed to tobacco product display, advertising and promotion. The intent is effectively to “denormalize” tobacco products, not to create undue hardship for businesses that sell mostly tobacco.

## **Who will be enforcing this regulation?**

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

## **How will non-compliance be handled?**

Tobacco enforcement officers will follow up on complaints and ensure 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.

## **How do I get a copy of the NSHPA and/or the regulation?**

The legislation and the amending regulation are currently 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 to you on request. Please call (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.