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The following Act was passed by Parliament on 11 February 2019 and assented to by the President on 7 March 2019:—

REPUBLIC OF SINGAPORE

No. 9 of 2019.

I assent.

HALIMAH YACOB,
President.
7 March 2019.

(LS)

An Act to amend the Tobacco (Control of Advertisements and Sale) Act (Chapter 309 of the 2011 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act is the Tobacco (Control of Advertisements and Sale) (Amendment) Act 2019 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

Amendment of section 2

2. Section 2(1) of the Tobacco (Control of Advertisements and Sale) Act (called in this Act the principal Act) is amended by inserting, immediately after the definition of “tobacco substitute”, the following definition:

““trade mark” has the meaning given by section 2(1) of the Trade Marks Act (Cap. 332);”.

Repeal of sections 17 and 17A and re-enactment of section 17

3. Sections 17 and 17A of the principal Act are repealed and the following section substituted therefor:

“Appearance of tobacco products, packaging and labelling

17.—(1) A person must not —

- (a) import into Singapore; or
- (b) distribute, sell, offer for sale or possess for sale in Singapore,

a tobacco product which, or the packaging or labelling of which, does not comply with subsection (3).

(2) However, subsection (1)(a) does not apply to the import of tobacco products into Singapore solely for —

- (a) the re-export of the tobacco products from Singapore —
 - (i) whether or not on the same conveyance on which the tobacco products were brought into Singapore; and
 - (ii) whether or not the tobacco products are landed and kept in any place in Singapore before they are taken out of Singapore; or

(b) the repackaging or relabelling of the tobacco products into packaging or with labelling that complies with subsection (3).

(3) A tobacco product, and the packaging or labelling of any tobacco product —

(a) must comply with every requirement prescribed in relation to the tobacco product or its packaging or labelling (as the case may be), including any requirement as to size, appearance, design, health warnings and other information to be stated; and

(b) despite any written law or rule of law, must not bear any trade mark, term, descriptor, figurative or other sign, feature, scent or sound —

(i) that is prescribed as prohibited in relation to the tobacco product or its packaging or labelling; or

(ii) that promotes the tobacco product by any means that is false, misleading, deceptive or likely to create an erroneous impression about the characteristics, health effects, hazards or emissions of the tobacco product, including the misleading impression that the tobacco product is less harmful than other tobacco products.

(4) A person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction —

(a) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both, unless paragraph (b) applies; or

(b) if the person has any prior qualifying conviction, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.