

GOVERNMENT NOTICES

DEPARTMENT OF HEALTH

No. R. 1123

4 December 2009

TOBACCO PRODUCTS CONTROL ACT, 1993 (Act No. 83 of 1993)

REGULATIONS RELATING TO THE STANDARDS FOR MANUFACTURING OF REDUCED IGNITION PROPENSITY (RIP) CIGARETTES

The Minister of Health, intends to, in terms of section 6(1)(d)(iii) of the Tobacco Products Control Act, 1993 (Act No. 83 of 1993), as amended, to make the regulations as set out in the Schedule.

Interested persons are invited to submit any substantiated comments or representations on the proposed regulations to the Director-General of Health, Private Bag X828, Pretoria, 0001 (for the attention of the Director: Health Promotion), within three months of the date of publication of this notice.

SCHEDULE

Definitions

1. In these regulations, 'the Act' means the Tobacco Products Control Act, 1993 (Act No. 83 of 1993) as amended, and any expression to which a meaning has been assigned in the Act shall bear such meaning and unless inconsistent with the context-

"Cigarette" means a roll of tobacco for smoking, enclosed in paper; and

"repeatability" means the range of values within which the repeat results of cigarette test trials from a single laboratory will fall 95 percent of the time.

Requirements.

2. No person shall import, sell, or offer to sell, any cigarettes unless:
- (a) the cigarettes have been tested in accordance with the testing method and meet the performance standard specified in regulation 3;
 - (b) a written certification has been filed by the manufacturer or importer with the Director-General in accordance with regulations 10 to 14 ; and
 - (c) the cigarettes are marked in accordance with regulation 16 to 19.

Performance standard

3. No more than 25 percent of the cigarettes shall burn their full length when tested in a test trial described in regulations 4 to 9.

Testing requirement

4. Testing of cigarettes shall be conducted in accordance with the American Society of Testing and Materials ("ASTM") standard E2187-04, "Standard Test Method for Measuring the Ignition Strength of Cigarettes."
5. Cigarettes must be tested as part of a test trial. Each test trial of a cigarette must consist of 40 replicated tests. The performance standard required by regulation 3 shall only be applied to a complete test trial.
6. Each test of a cigarette in a test trial must be conducted on 10 layers of filter paper.
7. Laboratories conducting testing for written certifications must:
- (a) be accredited by the International Organization for Standardization pursuant to standard ISO/IEC Guide 17025:2005, *General requirements for the competence of testing and calibration laboratories*;

(b) implement a quality control and quality assurance program that includes a procedure that will determine the repeatability of the testing results. The repeatability value shall be no greater than 0.19.

8. Each cigarette that uses lowered permeability bands to achieve compliance with regulation 3 must have -

- (a) at least two identical bands surrounding the tobacco column;
- (b) at least 1 complete band located not less than 15 mm from the lighting end of the cigarette; and
- (c) at least 1 band located not less than 10 mm from the filter end, and in the case of non-filter cigarettes from the labeled end of the tobacco column, if the bands are positioned on the cigarette by design.

Certification and Product Change.

9. Each manufacturer or importer shall submit a written certification to the Director-General attesting that each cigarette listed in the certification:

- (a) has been tested in accordance with these regulations; and
- (b) meets the performance standard set forth in regulation 3.

10. Each cigarette listed in the certification shall be described with the following information:

- (a) full brand, or trade name on the package;
- (b) length in millimeters;
- (c) circumference in millimeters;
- (d) flavour, such as menthol, if applicable
- (e) filter or non-filter;
- (f) package description, such as soft pack or box;
- (g) marking pursuant to regulations 14 to 16;
- (h) the name, address, telephone number and accreditation expiry date of the laboratory that conducted the test; and
- (i) the date on which testing took place.

11. Each cigarette certified under these regulations shall be re-certified every three years.

12. If a manufacturer or importer has certified a cigarette and thereafter makes any change to such cigarette that is likely to alter its compliance with the required reduced cigarette ignition propensity standards, that cigarette shall not be imported, sold or offered for sale until the manufacturer retests the cigarette in accordance with the testing standards set forth in regulations 4 to 9 and maintains records of that retesting as required by regulation 19. Any altered cigarette which does not meet the performance standard set forth in regulation 3 may not be imported, sold or offered for sale.

Packaging and marking requirements.

13. No packs, cartons or cases may contain cigarettes that do not meet the performance standard set out in regulation 3.

14. Each pack, carton and case must bear the marking "RIP".

15. The marking must be clearly legible and must not obscure any prescribed information required under the Act.

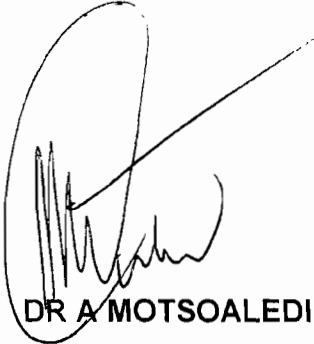
16. The marking shall be permanently stamped, engraved or embossed upon the cigarette package, carton and case.

17. Retailers may reasonably rely on the package marking as evidence of due certification as required by regulations 16 to 19 provided, however that if any cigarettes are found not to be compliant with the requirements of regulation 2, they are subject to confiscation and the retailer shall have a cause of action against any supplier of the non-compliant cigarettes.

18. Each manufacturer shall maintain, for a period of three years, copies of the reports of all tests conducted on all cigarettes offered for sale and shall make copies of these reports available, within 60 days, to the Department of Health and to any member of the public upon written request.

19. (a) All cigarettes manufactured in, imported into, or exported from South Africa must comply with these regulations no later than 12 months from the date the regulations are published in the Gazette; provided that, if the importing country has its own ignition propensity requirements, those must be met instead;

(b) No cigarettes that fail to comply with these regulations may be sold or offered for sale in South Africa, no matter when they were manufactured or imported, after 18 months from the date the regulations are published in the Gazette.

A handwritten signature in black ink, consisting of a large, stylized 'M' followed by a series of loops and a long horizontal stroke extending to the right.

DR A MOTSOALEDI, MP

MINISTER OF HEALTH

DATE: 10/11/2009