



## **CARICOM REGIONAL STANDARD**

### **TOBACCO PRODUCTS — ADVERTISING, PROMOTION, SALE AND SPONSORSHIP — SPECIFICATION**

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**DCRS 60: 202X**





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## Project Committee Representation

This CARICOM Regional Standard was developed under the supervision of the Regional Project Team for Tobacco products – Advertising, promotion, and sponsorship – Specification hosted by the CARICOM Member State, which was at the time comprised of the following members:

<b>Member</b>	<b>Representing</b>
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Ms Barbara McGaw Ms Maisha Hutton (alternate)	Tobacco Control Advisor, Jamaica Healthy Caribbean Coalition, Jamaica
Ms Dahlia Miller	Bryden Stokes Ltd, Barbados
Ms Karen Fowell Mr Dexter Percil	Peter & Company Distribution, Saint Lucia
Ms Makeada Bourne	National Council on Substance Abuse, Barbados
Ms Samantha Moitt	Ministry of Health, Wellness and Environment, Antigua and Barbuda
Mr Oswald Hannays	Tobacco Free Initiative, Antigua and Barbuda
Ms Jilian Portland (Technical Secretary)	Saint Lucia Bureau of Standards
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## Foreword

This CARICOM Regional Standard *CRS 60: 202x* Tobacco products – Advertising, promotion, sale and sponsorship – Specification has been developed under the authority of the CARICOM Regional Organisation for Standards and Quality (CROSQ). It was approved as a CARICOM Regional Standard by the CARICOM Council for Trade and Economic Development (COTED) at its XX th Meeting in MM YYYY.

The WHO FCTC was developed in response to the globalization of the tobacco epidemic. The spread of the tobacco epidemic is facilitated through a variety of complex factors with cross-border effects, including trade liberalization and direct foreign investment. Other factors such as global marketing, transnational tobacco advertising, promotion and sponsorship, and the international movement of contraband and counterfeit cigarettes have also contributed to the explosive increase in tobacco use.

This CARICOM Regional Standard has been developed in response to the obligation of CARICOM Member States to implement Article 13 of the World Health Organisation Framework Convention on Tobacco Control (WHO FCTC) which supports a total ban on tobacco advertising, promotion and sponsorship given the overwhelming evidence that these fuel the global tobacco epidemic.

Tobacco use is one of the world's leading causes of disease and disability, as well as injury to practically every organ in the body. According to the CDC, smoking causes cancer, heart disease, stroke, lung diseases, diabetes, and chronic obstructive pulmonary disease (COPD), which includes emphysema and chronic bronchitis. These tobacco products contain nicotine which is a highly addictive substance found in tobacco plants. When these items are smoked, it produces a complex mixture of chemicals created by the combustion of tobacco and its additives.

Tobacco companies have long used advertising to normalize tobacco usage by associating it with everyday activities, reassuring current and potential users that it is socially acceptable. As a result, a comprehensive tobacco advertising ban is critical for reducing youth smoking rates and assisting adult smokers in quitting.

This standard is intended to prohibit tobacco products from being advertised, promoted, sold and sponsored to the general public.

The provisions of this standard apply to all producers, importers, dealers, retailers, and other persons engaged in the manufacturing and or trade of tobacco products.

In formulating this document considerable assistance was derived from the following:

### CARICOM Regional Standard

- CRS 26:2013, Labelling of tobacco products;

### World Health Organisation

- Framework Convention on Tobacco Control (WHO FCTC, Guidelines for Implementation relating to Article 13;
- World Health Organization's Manual for Developing Tobacco Control Legislation in the Region of the Americas;

## 1 Scope

This standard specifies the requirements for advertising, promotion and sponsorship of tobacco products, electronic nicotine delivery systems ("ENDS") and electronic non-nicotine delivery system ("ENNDS") throughout the Caribbean Community (CARICOM).

## 2 Terms and definitions

For the purposes of this document, the following terms and definitions apply.

### 2.1

#### **competent authority**

any governmental body so designated by a Member State as having the legally delegated or vested authority, capacity or power to enforce this Standard or any aspect herein

### 2.2

#### **component**

with regard to a tobacco product, means a part of a tobacco product, whether or not sold separately from the tobacco product, such as the paper, filter, plug wrap, and tube in the case of a smoked product, and the portion pouch in the case of a tobacco product that is not smoked; with regard to an electronic nicotine delivery system or electronic non-nicotine delivery system, component includes the cartridge, atomizer, internal power source, the 'e-liquid' solution, whether containing nicotine or not, and any source of flavourings or other substances

### 2.3

#### **cross border tobacco advertising, promotion and sponsorship**

any tobacco advertising, promotion and sponsorship that originates within a territory and enters another territory or could be received in another territory, including by means such as, but not limited to, placement on the internet or through broadcasts or other communications technologies, as well as that which originates outside the territory and enters the territory or could be received within the territory

### 2.4

#### **distributor**

a person or entity directly engaged in the wholesaling of tobacco products after they are obtained from a manufacturer

### 2.5

#### **entity**

the entire tobacco marketing chain including, but not limited to, the primary initiators of tobacco advertising, promotion and sponsorship, usually being the manufacturers, importers, distributors, retailers and their agents and associates or other entity involved or associated with the tobacco industry; entities involved in the production, placement and dissemination of tobacco advertising, promotion and sponsorship; and entities that receive any relevant form of contribution and any intermediaries that facilitate the making or receiving of any relevant form of contribution

### 2.6

#### **Electronic Nicotine Delivering System ("ENDS")**

are handheld devices manufactured for consuming a nicotine product by producing an aerosol or vapour for inhalation, and includes any item or part made for use with the device, including any tank, capsule or pod that connects to the device, whether or not sold separately typically containing concentrated nicotine, flavouring chemicals, and propylene glycol to be inhaled by the user

### 2.7

#### **Electronic Non-Nicotine Delivery System ("ENNDS")**

handheld product designed to deliver an aerosol to users by heating a solution of substances that does not contain nicotine; contains flavourants, usually dissolved into Propylene Glycol or and Glycerin and any solutions intended for use with or in the product

### 2.8

#### **manufacturer**

person or entity that processes, prepares, or packages any tobacco product or electronic nicotine delivery system ("ENDS") for sale or distribution

**2.9****Member State**

any Member State of the Caribbean Community (CARICOM)

**2.10****promotional price**

a price below the regular trade price where cost includes applicable taxes

**2.11****retailer**

a person or business that sells tobacco products directly to the consumer

**2.12****tobacco advertising and promotion**

any form of commercial communication, recommendation or action with the aim, effect or likely effect of promoting a tobacco product and/or ENDS, tobacco product brand element or tobacco use either directly or indirectly; and includes any advertising and promotion or a person or entity's involvement in the tobacco industry.

**2.13****tobacco industry**

a tobacco manufacturer, wholesale distributor or importer

**2.14****tobacco product**

any product entirely or partly made of the tobacco leaf as raw material, which is manufactured to be used for smoking, sucking, chewing or snuffing or by any other means

**2.15****tobacco sponsorship**

any form of contribution to any event, activity or individual with the aim, effect or likely effect of promoting a tobacco product or tobacco use either directly or indirectly

**2.16****toy tobacco product**

any object that looks like a tobacco product or edible tobacco products or a smoker's pipe, and can be used to simulate smoking, but cannot be smoked and has a primary purpose other than to aid in smoking cessation.

**3 General requirements****3.1 Forms and means of tobacco advertising, promotion and sponsorship**

**3.1.1** Without limiting in any way the broad application of this Standard, Annex A provides, examples of forms, media and means of tobacco advertising, promotion and sponsorship prohibited by this Standard.

**NOTE** The list presented in Annex A is not exhaustive and the National Standards Body or competent authority in a Member State may expand the examples in Annex A as it deems appropriate and useful, especially in instances of new and emerging forms of cross border tobacco advertising, promotion and sponsorship.

**3.1.2** The National Standards Body or competent authority in a Member State may expand the examples in Annex A as it deems appropriate and useful, especially in instances of new and emerging forms of cross border tobacco advertising, promotion and sponsorship.

**3.2 Prohibition on tobacco advertising, promotion or sponsorship**

No person or entity shall:

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- a) initiate any tobacco advertising, promotion or sponsorship contrary to the standards as set forth in this document;
- b) produce, publish, or disseminate any tobacco advertising, promotion or sponsorship content, contrary to the standards as set forth in this document; or
- c) engage or participate in any tobacco advertising, promotion and sponsorship as media or event organizer, sportsperson, celebrity or other participant, or as a recipient of any sponsorship contribution or intermediary that facilitates any such contribution;

within the territory of any Member State, whether the material is targeting persons inside or outside of that Member State's territory.

### 3.3 Cross-border tobacco advertising, promotion or sponsorship

**3.3.1** The prohibitions in clause 3.2 apply to cross-border tobacco advertising, promotion and sponsorship.

**3.3.2** Every Member State shall take measures to ensure that banned forms of cross-border tobacco advertising, promotion and sponsorship do not originate from its territory nor flow into its territory.

**3.3.3** Instances of cross-border tobacco advertising, promotion and sponsorship which appear to be originating or to have originated in a Member State shall be reported to the competent authority in that Member State.

### 3.4 Internet and audiovisual broadcast

The prohibitions on tobacco advertising, promotion and sponsorship contained herein include Internet content that is accessible within the territory of a Member State and to any other audio, visual or audiovisual material broadcast into or otherwise received in a Member State's territory.

### 3.5 Ferries, cruise ships, airplanes, ports and airports

The prohibitions contained herein apply and extend to all ferries, cruise ships, airplanes, ports and airports within the Caribbean Community.

### 3.6 ENDS and ENNDS

The prohibitions herein apply to the advertising, promotion and sponsorship of Electronic Nicotine Delivery Systems ("ENDS") and Electronic Non Nicotine Delivery Systems ("ENNDS") in the same manner as they apply to tobacco advertising, promotion and sponsorship.

## 4 Display of tobacco products

**4.1** No person or entity shall cause or allow any part or whole of any tobacco product, Electronic Nicotine Delivery System ("ENDS"), Electronic Non-Nicotine Delivery System ("ENNDS") or component to be displayed or made visible inside or outside of any point of sale, other than being visible momentarily at the time of a sales transaction.

**4.2** No person or entity shall cause or allow any tobacco product, Electronic Nicotine Delivery System ("ENDS"), Electronic Non-Nicotine Delivery System ("ENNDS"), or component to be commercially displayed or visible at any other place.



## 5 Specific requirements

### 5.1 Depictions not considered tobacco advertising, promotion and sponsorship

The prohibitions on advertising, promotion and sponsorship of tobacco products, electronic nicotine delivery systems (“ENDS”) and electronic non-nicotine delivery systems (“ENNDS”) contained herein do not apply to:

- a) depictions of the aforementioned products or tobacco use in media where the depiction is justified by reasons of historical accuracy and legitimate journalistic, artistic or academic expression; and
- b) genuine political, social, or scientific commentary about tobacco products or tobacco use;
- c) information that is necessary for business administration or for required corporate reporting but only to the extent access is limited to the person or persons who need to receive it for business administration or corporate reporting;
- d) product information made accessible to persons within the tobacco trade who need the information for tobacco trading decisions, but only to the extent access is limited to those persons; and
- e) tobacco manufacturers’ newsletter destined for and distributed only to the manufacturer’s employees, contractors, suppliers, and other tobacco – related business partners, and only to the extent their distribution is limited to such persons.

provided no payment or other consideration was offered or made by any person or entity acting on behalf of or in the interest of the tobacco industry or tobacco retailer, or any manufacturer, wholesale distributor, importer or retailer of Electronic Nicotine Delivery Systems (“ENDS”) or Electronic Non-Nicotine Delivery Systems (“ENNDS”).

### 5.2 False, misleading or deceptive depiction

No person or entity shall employ any means with respect to any depiction or commentary as mentioned at clause 5.1 that are false, misleading, deceptive, or likely to create an erroneous impression about the characteristics, health effects, hazards, or emissions of a tobacco product.

### 5.3 Duties of publishing entity

**5.3.1** Where tobacco products, Electronic Nicotine Delivery Systems (“ENDS”) or Electronic Non-Nicotine Delivery Systems (“ENNDS”) are depicted in the media for legitimate journalistic, artistic, academic, political, social or scientific reasons, the competent authority in a Member State may require that the responsible executives at a company involved in the production, distribution or presentation of that entertainment media product:

- a) certify that no benefits have been received in exchange for that depiction;
- b) prohibit the depiction of identifiable brands or tobacco brand images in association with, or as part of the content of, any entertainment media product; or
- c) require the display of prescribed anti-tobacco advertisements at the beginning of, during or immediately after the publication of any entertainment media product that depicts tobacco products, use or images. The advertising content may be recommended by the competent authority.

**5.3.2** Where a person or entity involved in the dissemination of communications content becomes aware or reasonably should become aware of any prohibited content and where such person is in a position to control the publication or dissemination of the content, that person or entity shall remove the prohibited content or take reasonable efforts to disable access to it when technically possible.

## 6 Packaging and labelling

**6.1** Tobacco products shall be packaged and labelled in accordance with the CARICOM Regional Standard, CRS 26 Labelling of tobacco products, or the applicable legislation of the individual territory.

## **7 Inserts and attachments**

No advertising and promotion material shall be placed inside the package of or attached to any tobacco product, Electronic Nicotine Delivery System ("ENDS") or Electronic Non-Nicotine Delivery System ("ENNDS") or component intended for sale in any Member State.

## **8 Restrictions on sale**

### **8.1 Vending machine or dispenser**

No person or entity shall sell or display any tobacco product, Electronic Nicotine Delivery System ("ENDS") or Electronic Non-Nicotine Delivery System ("ENNDS") through a vending machine or dispenser.

### **8.2 Sales via Internet or mail**

No person or entity shall sell any tobacco product, Electronic Nicotine Delivery System ("ENDS") or Electronic Non-Nicotine Delivery System ("ENNDS"), or enable or facilitate such sale, over the Internet or through the mail or by any other means where the sale and or delivery of the products are not in the same country.

### **8.3 Consumer access prior to sale**

**8.3.1** No person or entity shall sell a tobacco product, Electronic Nicotine Delivery System ("ENDS") or Electronic Non-Nicotine Delivery System ("ENNDS") by any means where the product may be handled directly by the consumer prior to sale.

**8.3.2** No person shall go into a public place carrying any tobacco product, Electronic Delivery System or Electronic Non-Nicotine Delivery System ("ENNDS") or component, in a tray, container or otherwise for the purpose of making sales or commercially displaying the product.

### **8.4 Means of sale must verify age of purchaser**

**8.4.1** No person or entity shall sell a tobacco product, Electronic Nicotine Delivery System ("ENDS") or Electronic Non-Nicotine Delivery System ("ENNDS") by any means where the age of the purchaser cannot be reliably ascertained.

**8.4.2** No person shall sell a tobacco product, Electronic Nicotine Delivery System ("ENDS") or Electronic Non-Nicotine Delivery System ("ENNDS") or component to a minor"

**8.4.3** No person shall employ a minor to sell or handle a tobacco product, Electronic Nicotine Delivery System ("ENDS"), Electronic Non-Nicotine Delivery System ("ENNDS") or component"

## **9 Tobacco products**

No person or entity shall manufacture, import, distribute or sell any toy tobacco product, or snack or candy that resembles a tobacco product in whole or in part.

## 10 Price lists

At any point of sale, a price list for tobacco products, Electronic Nicotine Delivery Systems (“ENDS”), Electronic Non-Nicotine Delivery Systems (“ENNDS”), or components, may only be made available upon request by the consumer, provided that the price list must be on a single sheet of letter size paper (8.5 inches x 11 inches) containing only:

- a) the appropriate plain black and white text;
- b) the product brand name, package quantity or price; and
- c) any information required by law.

## 11 Reporting

**11.1** For the purpose of compliance monitoring, an entity shall provide reports as required by this Standard to the competent authority on a periodic basis and upon request, as prescribed as to content, format, periodicity, and all other details.

**11.2** Reports pursuant clause 11.1 shall contain information in total and by brand on any tobacco advertising, promotion and sponsorship, or advertising, promotion and sponsorship of electronic nicotine delivery systems (“ENDS”) or electronic non-nicotine delivery systems (“ENNDS”) undertaken during the reporting period by the entity, or by any person acting on their behalf, including:

- a) the content and form of the advertising, promotion or sponsorship and the medium used;
- b) the placement and extent or frequency of the advertising, promotion or sponsorship;
- c) the identity of all persons involved in the advertising, promotion or sponsorship;
- d) the amount of financial and/or other resources used; and
- e) in the case of any cross-border tobacco advertising, promotion or sponsorship, any territory in which it is intended to be received.

**Annex A**  
(informative)

**Indicative List of the Forms, Media and Means of Tobacco Advertising, Promotion and Sponsorship Prohibited Under this Standard**

1. Communication through audio, visual or audiovisual means, such as print (for example, newspapers, magazines, pamphlets, leaflets, flyers, letters, billboards, posters, signs), television and radio (including terrestrial and satellite), films, DVDs, videos and CDs, games (such as computer games, video games or online games), other digital communication platforms (such as the Internet and mobile phones) and theatre or other live performance;
2. Brand-marking, including in entertainment venues and retail outlets and on vehicles and equipment, such as by use of use of words, designs, images, sounds and colours, including brand names, trademarks, logos, names of tobacco product manufacturers or sellers, and colours or schemes of colours, in whole or part, and any other indicia associated with tobacco products, tobacco product manufacturers or importers or wholesalers;
3. Product diversification through brand stretching, reverse brand-stretching and brand sharing, which would include placement of indicia associated or likely to be associated with a tobacco product or tobacco product manufacturer or seller on a non-tobacco product, item or service; and placement of any logo, slogan, trademark or brand name of a non-tobacco product or service on a tobacco product;
4. Product placement, such as the inclusion of, or reference to a tobacco product, service or trademark in the context of communication in return for payment or other consideration;
5. Provision or offer of prizes, gifts or discounted products, such as footwear, clothing and accessories (t-shirts, baseball hats etc), key rings, cigarette lighters, CDs, other trinkets, or tobacco products, with the purchase of tobacco products
6. Supply or offer of free samples of tobacco products, including in conjunction with marketing surveys and taste testing;
7. Incentives, promotions or loyalty schemes, such as redeemable coupons provided with purchase of tobacco products;
8. Competitions associated with tobacco products or brand names, whether requiring the purchase of a tobacco product or not;
9. Direct targeting of individuals with promotional, including informational, material, such as direct mail, telemarketing, consumer surveys or research, or person- to- person conversation;
10. Promotion of discounted products;
11. Payments or other contributions to retailers to encourage or induce them to sell tobacco products, including retailer incentive programmes, such as rewards to retailers for achieving certain sales volumes;
12. Payment or other consideration for the exclusive sale or prominent display of a particular product or manufacturer's product in a retail outlet or at a venue or event;

13. Provision of financial or other support to events, activities, individuals or groups, such as sporting or arts events, individual sports persons or teams, individual artists or artistic groups, welfare and other public interest organisations, government institutions or organisations, politicians, and political candidates or political parties, whether or not in exchange for attribution, acknowledgement, or publicity, including corporate social responsibility activities of any kind;
14. Provision of financial or other support to venue operators, such as pubs, clubs or other recreational venues, in exchange for building or renovating or decorating premises to promote tobacco products or the use or provision of awnings, sunshades, and similar items;
15. Sale of tobacco products with other products either packed together with a product that is not a tobacco product; or distributed or supplied together with a product that is not a tobacco product, at a single price;
16. Commercial display of tobacco products, including at point of sale and vending machine sales;
17. Sale of tobacco products through the internet;
18. Any other form of tobacco advertising, promotion or sponsorship by any method or means; and
19. Packaging and product features.

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- <https://pediatrics.aappublications.org/content/136/5/1018#sec-1>

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