

Appendix L

Vapour products

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1. Definition

- 1.1 Advertising means advertising as defined by Section I of the Code of Advertising Practice.
- 1.2 Vapour products mean vapour devices and vapour e-liquids.
- 1.3 Vapour devices means rechargeable and non-rechargeable devices that heat vapour e-liquids to create an aerosol inhaled by the user of the vapour device.
- 1.4 Vapour e-liquids are liquid formulations used in vapour devices and can be nicotine or non-nicotine containing.

2. Advertising Restrictions

- 2.1 Advertising shall not target people under 18 years of age or take any action, the primary purpose of which is to initiate, maintain or increase the incidence of vaping products used by persons under 18 years of age.

2.2 **Advertising shall:**

- 2.2.1 ***Be done in an age-appropriate setting which does not appeal or target people under 18 years of age or assimilate an environment that people under 18 years of age find familiar and/or frequent with their peers.***

2.3 **Advertising shall not:**

- 2.3.1 Include persons under or appearing to be under the age of 25 years;
- 2.3.2 Include persons that are known to be marketing and/or advertising and/or promoting and/or endorsing goods, and/or products, and/or services, and/or activities, to persons under 18 years of age;
- 2.3.3 Include material, themes, imagery, elements, characters, icons, music, words, gestures, phrases, expressions, or person/s that are intended to have primary appeal to people under 18 years of age [primary appeal meaning having a wider appeal and/or use and/or special attractiveness to people under 18 years of age beyond the general appeal and/or general attractiveness to people 25 years of age and older];
- 2.3.4 Suggest that the use of vaping products is directly or indirectly associated with social prominence, distinction, success, or sexual desirability;
- 2.3.5 Depict a vaping product user participating in, or just having participated in, a physical activity requiring stamina or physical conditioning beyond that of normal recreation;
- 2.3.6 Depict, conduct, and/or endorse behaviour in a manner generally deemed unacceptable and/or irresponsible by society;
- 2.3.7 Use the phrase "safer than" when juxtaposed against combustible tobacco;
- 2.3.8 Be placed on the front outside cover of any printed publication;

- 2.3.9 Be placed unless at least 75% or more of its intended audience are people over 18 years of age;
- 2.3.10 Be temporarily or permanently placed within 100 metres of an educational, cultural, and/or sports location where the attendees are predominantly people under the age of 18. This restriction does not prevent mobile advertising (e.g., on the side of a taxi) from passing by in the ordinary course of business; and
- 2.3.11 Be temporarily or permanently placed at any health care facility. This restriction does not prevent mobile advertising (e.g., on the side of a taxi) from passing by in the ordinary course of business.

2.4 ***Advertising claims shall be:***

- 2.4.1 accurate;
- 2.4.2 factual;
- 2.4.3 capable of support by verifiable factual and/or scientific documentary evidence; and
- 2.4.4 in compliance with Clause 4.1 of Section II.

2.5 ***Advertising claims shall not be:***

- 2.5.1 confusing;
- 2.5.2 misleading;
- 2.5.3 containing medicinal or health benefit claims unless the claim is related to a specific vapour product registered in accordance with the Medicines and Related Substances Act No 101 of 1965 as amended (and further subject to paragraph 2.3 above).

2.6 Advertising related to nicotine-containing vapour products shall contain the following warning, or a warning with the same meaning: "***This product contains nicotine and is addictive.***"

2.7 Advertising related to vapour products shall contain a clearly visible age warning "Adults 18+ only" or similar words or the "No under-18 age" symbol.

2.8 Advertising juxtaposed against combustible tobacco must be couched in cautious terms such as "***less harmful than***" (and further subject to paragraph 2.3 above).

2.9 Advertising on directly or indirectly owned, managed, or controlled social media platforms and web pages shall clearly indicate that the intended target audience is persons 18 years of age and older and contain measures to verify and restrict access to persons 18 years of age and older with an appropriate warning that the content is not for persons under 18 years of age.