

RETAILER FACTSHEET

Shopper Loyalty Programs

The *Public Health (Tobacco) Act 2008* prohibits the inclusion of tobacco products, non-tobacco smoking products or e-cigarettes in shopper loyalty programs.

What is a shopper loyalty program?

- ✓ Any program under which a gift or other benefit could be obtained by the purchaser of tobacco products, non-tobacco smoking products, or e-cigarettes (regardless of whether the program extends to the purchase of other products); or
- ✓ Any program under which a purchaser of goods or products may be entitled to a gift of tobacco products, non-tobacco smoking products or e-cigarettes (regardless of whether the purchaser may choose to accept another type of gift instead).

Are there any exceptions?

Programs where the customer may obtain a gift or benefit on the basis of the method of payment used, such as the use of a particular credit card, are not affected by the legislation. For example, the customer's credit card may reward them for any purchase that they make using the credit card.

Programs conducted by manufacturers or distributors of tobacco products, non-tobacco smoking products or e-cigarettes where the retailer receives the gift or benefit directly (and the gift or benefit is not intended for resupply) are also not affected.

How does NSW Health monitor compliance with the requirement?

NSW Health monitors compliance with the shopper loyalty prohibition on a state-wide and retailer group basis.

A penalty applies for failing to exclude tobacco products, non-tobacco smoking products and e-cigarettes from shopper loyalty programs. The maximum penalty for individuals is \$11,000 and for corporations is \$55,000. Any relevant breach is to be prosecuted via the courts.

Further information

For further information about tobacco control, please access the NSW Health website and Tobacco Retailer online training: www.health.nsw.gov.au/tobacco or call the Tobacco Information Line on **1800 357 412**.

The Tobacco Information Line can be accessed by non-English speaking persons via the Translating and Interpreting Service (TIS) on **13 14 50**.