



Promotion and Advertising Guidelines: Tobacco and Related Products in Malta

1.Scope of Application

These Guidelines apply to all operators involved in the placing of tobacco and related products on the Maltese market, whether for sale or free distribution, including distance sales.

Definitions:

“**Advertising**” means any form of commercial communication with the aim of directly or indirectly promoting tobacco products, as defined under Article 2 of the Tobacco (Smoking Control) Act (Cap. 315).

“**Placing on the market**” means to make products, irrespective of their place of manufacture, available to consumers located in the Union, with or without payment, including by means of distance sale, in line with the definition set out in Regulation 2 of the Manufacture, Presentation and Sale of Tobacco and Related Products Regulations (S.L. 315.10).

2. Product Classification

Category	Description
Tobacco Products	Cigarettes, roll-your-own tobacco, pipe tobacco, waterpipe (shisha) tobacco, cigars, cigarillos, *chewing tobacco, *nasal tobacco (snuff), *oral tobacco and heat-not-burn products. (*Chewing, oral and nasal tobacco are not permitted for sale in Malta).
Vaping Products	Electronic cigarettes (with or without nicotine), refill containers, cartridges, tanks, kits and accessories.
Herbal Products for Smoking	These products are made from plants, herbs, or fruit and do not contain tobacco. They are intended for consumption through combustion (i.e., smoking).
*Collectively referred to as ‘tobacco related products’	



3. Social Media and Non-E-Commerce Digital Presence

Content Category	Description
Practices Likely to Lead to Non-Compliance	Branding or page names that directly or indirectly promote tobacco or related products; promotional posts, images, videos, health or reduced-risk claims; recycling gift schemes or incentives; CSR (Corporate Social Responsibility) campaigns which lead to brand exposure; loyalty schemes; free delivery when used as an upsell; any promotional claim (see Section 8). Economic operators are expected to ensure that they deactivate the comments or review functionalities on all social media and non-e-commerce digital platforms, when possible.
Generally Suitable Content	Business identification details (name, address, contact details, opening hours); neutral location aids (e.g. exterior images or maps), or internal shop layouts; factual information only (see Section 9).
Applicable Legislation	Articles 4 and 6(3) of the Tobacco (Smoking Control) Act (Cap. 315); Regulation 4 of S.L. 315.6; Regulations 8(3), 12 and 18(5) of S.L. 315.10; Regulation 3 of S.L. 315.9.

4. E-Commerce Websites

Content Category	Description
Practices Likely to Lead to Non-Compliance	Promotional site names or design elements; promotional text, images, videos; health or reduced-risk claims; discounts, contests, lotteries, compensation or gift schemes; branded merchandise; recycling or take-back schemes offering benefits; CSR campaigns which may lead to brand exposure; loyalty schemes; free delivery used as an upsell; any promotional claim (see Section 8). Economic operators are expected to ensure that they deactivate the comments or review functionalities on all social media and non-e-commerce digital platforms, when possible.
Generally Suitable Content	Product listings limited to factual information (inclusion of a product picture in front of a plain background, product name and price only); mandatory health warnings on all visual representations; non-promotional instructional material strictly limited to correct use; factual information only (see Section 9).



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Applicable Legislation	Articles 4 and 6(3) of Cap. 315; Regulation 4 of S.L. 315.6; Regulations 8(3), 12 and 18(5) of S.L. 315.10; Regulation 3 of S.L. 315.9.
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5. Physical Retail Shops

Content Category	Description
Practices Likely to Lead to Non-Compliance	Promotional shop signage or staff attire; promotional displays, images or videos; unsupervised vending machines or sales to persons under 18; health or reduced-risk claims; discounts, contests or gift schemes; external window or door advertising; vending machines which apart from tobacco related products offer for sale, unrelated products ; non-sale displays with a promotional purpose; branded merchandise; recycling incentives; loyalty schemes; free delivery used as a promotion incentive; any promotional claim (see Section 8).
Generally Suitable Practices	Product displays limited strictly to items available for direct sale; factual information or instructional content provided only upon customer request and without promotional effect; factual information only (see Section 9).
Applicable Legislation	Regulations 3 and 4 of S.L. 315.6; Regulations 8(3), 12 and 18(5) of S.L. 315.10; Regulation 3 of S.L. 315.9; Article 13 of Cap. 315.

6. Video-Hosting Platforms

Content Category	Description
Practices Likely to Lead to Non-Compliance	Channel or account names promoting tobacco or related products; promotional videos, imagery, comments or reviews; product placement; health or reduced-risk claims; any promotional claim (see Section 8).
Generally Suitable Content	Shop address and opening hours; neutral videos assisting customers to locate premises, provided no products or internal displays are shown; factual information only (see Section 9).



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Applicable Legislation	Articles 4 and 6(3) of Cap. 315; Regulation 4 of S.L. 315.6; Regulations 8(3), 12 and 18(5) of S.L. 315.10; Regulation 3 of S.L. 315.9.
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7. Electronic Classifieds and Printed Materials

Content Category	Description
Permitted Content	No advertising is permitted, except for publications intended exclusively for professionals in the tobacco related product trade or publications printed and published in third countries not principally intended for the Maltese market.
Applicable Legislation	Articles 4 and 6 of Cap. 315; Regulation 3 of S.L. 315.9; Regulation 18(5) of S.L. 315.10.

8. Promotional Claims (Non-Permissible)

For the purposes of these Guidelines, the determination of whether a claim, communication, or presentation constitutes advertising or promotion shall be made having regard to the context in which it appears and the overall effect it is likely to have on the consumer.

Without prejudice to this assessment, and in line with Articles 4 and 6 of the Tobacco (Smoking Control) Act (Cap. 315) and the Advertising and Promotion of Tobacco Products Regulations (S.L. 315.6), the Environmental Health Directorate considers that the following claims, content, or presentation techniques are likely to constitute advertising or promotion and are, accordingly, not permissible on operators' own websites or on any other non-paid-for communication channels under their direct or indirect control:

- The use of descriptive language, expressions, or terminology which goes beyond objective, factual, and verifiable information and, or which has the purpose or effect of enhancing the attractiveness of the product.
- Any form of commercial communication, marketing message, or presentation which is intended, or has the effect, of encouraging the purchase, consumption, use, or preference of a tobacco product or related product.
- Imagery, graphics, audiovisual material, photographs, or design elements shall not be used unless required solely for identifying the product or point of sale. Any such elements that enhance visibility with the intent to draw attention to the product or have a promotional effect are not permitted.
- Comparative claims, whether express or implied, relating to other electronic cigarettes, tobacco products, or related products, or to the market generally, including any claims



relating to price advantage, cost savings, or economic benefit derived from such comparisons.

- Health-related claims, including any direct or indirect statements, representations, or implications that a product is safer, healthier, less harmful, or presents a reduced risk when compared to tobacco products or other related products.
- Testimonials, endorsements, or user-generated content which contain promotional, persuasive, or encouraging statements in relation to the product.
- Claims or representations suggesting market leadership, superiority, parity, or popularity, including but not limited to statements such as “market-leading”, “best-selling”, “number one”, or equivalent expressions.

For the avoidance of doubt, any communication which, by its wording, imagery, emphasis, repetition, or overall presentation, has the effect of promoting a tobacco product or related product may be regarded as advertising or promotion for the purposes of Cap. 315 and its subsidiary legislation, irrespective of whether such communication is presented as informational.

9. Factual Claims/Information (Generally Permissible)

What Is Likely to Constitute a Factual Claim?

For the purposes of these Guidelines, the classification of a claim as factual shall be determined having regard to the context in which it is presented and the overall impression it conveys to the consumer. Without prejudice to this assessment, and provided that such information is presented in a strictly objective, neutral, and non-promotional manner, the Environmental Health Directorate considers that the following categories of information are generally factual in nature and may be permissible on operators’ own websites and on other non-paid-for communications under their direct or indirect control:

- The name of the product, provided that such name does not contain wording, symbols, or elements which have the purpose or effect of promoting the product or implying any benefit, superiority, or reduced risk.
- Visual representations of the product, limited strictly to product identification purposes, that are non-promotional in nature and comply with all applicable presentation and health warning requirements under relevant regulations.
- Objective descriptions of the components and characteristics of the product, including, where applicable, opening mechanisms, refill systems, and technical specifications.
- The retail price of the product, where displayed in a neutral and non-promotional manner.
- Instructions for the correct use, handling, maintenance, and storage of the product, insofar as such instructions are necessary for consumer safety and product functionality.
- A factual list of ingredients or constituents of the product, including, where relevant, the composition and ratios of diluents.
- Neutral descriptions of product characteristics, such as flavour descriptors or vapour production, provided that such descriptions do not imply attractiveness, desirability, superiority, or consumer benefit.
- Information relating to nicotine content and nicotine delivery per dose, where applicable, expressed in a factual and verifiable manner.



- Mandatory or precautionary statements indicating that the product is not recommended for use by young persons or non-smokers, as well as warnings addressed to specific risk groups, in accordance with applicable legislation.
- Information concerning contraindications, potential adverse effects, addictiveness, and toxicity, where such information is presented factually and without minimisation of risk.
- The name, registered address, and contact details of the manufacturer, importer, distributor, or other responsible economic operator, as required by law.
- Recommendations and warnings to keep the product out of the reach of children.

For the avoidance of doubt, any information which, by its presentation, emphasis, repetition, or context, has the effect of promoting a product or encouraging its purchase or use may be regarded as advertising or promotion for the purposes of Cap. 315 and its subsidiary legislation.

10. Disclaimer

This document provides authoritative guidance to economic operators to support compliance with Malta's tobacco control laws and regulations. This document is intended for information purposes and does not bind the Environmental Health Directorate as to the interpretation that is to be given to existing legal requirements and regulatory expectations.

This guidance is intended to assist stakeholders in understanding and applying the law. It may be used by Environmental Health Officers to assess compliance. It does not replace the law, and stakeholders remain responsible for ensuring full legal compliance. Any examples, scenarios, or illustrations provided in this guidance are for explanatory purposes only and are not exhaustive, nor do they limit the interpretation or application of the relevant legal provisions.

This guidance is issued by the Tobacco Surveillance Unit of the Environmental Health Directorate and may be updated to reflect legal or policy developments.