

Protocol and Review Chart for Tobacco Product Packaging and Labeling Legislation Review

Purpose

The purpose of this protocol is to explain the contents and structure of the **Tobacco Product Packaging and Labeling (PL) Summary Charts** and the methodology used for interpreting the legal provisions summarized in the charts.

Contents and Structure of the Charts

The PL charts will include the following information: 1) citations to the sources of law that regulate tobacco product packaging and labeling and their effective dates; 2) summary analysis of the main provisions of the country's law; 3) comments on whether these provisions meet or fail to meet FCTC requirements and follow the FCTC Art. 11 Guidelines and how this affects the scope, strength, and/or impact of the law; and 4) recommended legislative action where appropriate. *Reviewer instructions regarding Comments are found within the chart.*

The PL charts are divided into the following sections:

- **Law Sources, Effective Date, and Short Title.** Lists citations to applicable laws regulating tobacco product packaging and labeling, provides the effective date of each law listed as a source, and shows either the short title provided in the law or an abbreviated title for easy reference.
- **Key Terms.** Shows definitions of key terms copied from the relevant law.
- **Health Warnings/Messages Features.** A chart for smoked tobacco products and a chart for smokeless tobacco products analyze the type, size, location, and rotation requirements for health warnings/messages. Structured comments analyzing and interpreting the law are also provided.
- **Health Warnings/Messages Content.** The content of the health warnings/messages for use currently and for future rotation periods is given.
- **Other Packaging and Labeling Requirements.** Other legislative provisions required by FCTC Art. 11 and FCTC Art. 11 Guidelines (such as the requirement for contest and emissions disclosures or ban on misleading packaging and labeling) are summarized. Structured comments analyzing and interpreting the law are also provided.
- **Penalties.** Assigned codes representing available penalties and corrective action requirements for violations are shown, along with which entities are liable for the penalties. Structured comments analyzing and interpreting the law are also provided.

COUNTRY NAME: FILL IN
REVIEW CHART: Tobacco Product Packaging and Labeling

Reviewers (for internal use only):
Review Completed: MONTH, YEAR

• **LAW SOURCES, EFFECTIVE DATE, AND SHORT TITLE**

| Law Source(s) | Effective Date of Law | Law Short Title or Abbreviation |
|--|---|---|
| <p><i>ALL applicable laws (legislation, regulations, decrees, resolutions, and any other enactment that has legal force and effect) that govern tobacco product packaging and labeling are listed. These may be tobacco control laws, general advertising or consumer laws, public health laws, and any other applicable legal enactment.</i></p> <p><i>Where a law has been amended, this is indicated by “(as amended)”.</i></p> <p>Law sources include:</p> <ol style="list-style-type: none"> 1. Name of the first statute, regulation, decree, etc. with full citation and URL link, if available in national language. 2. Name of the first statute, regulation, decree, etc. with full citation and URL link, if available in English. | <p>(Month, Day, Year)</p> <p><i>The date the law took effect is provided. If the law does not give a specific effective date, but says, for example, that the law takes effect upon publication in the Gazette, the date the law was Gazetted is provided, if known.</i></p> <p><i>Where a law has been amended, the</i></p> | <p>Law Short Title or Abbreviation</p> <p><i>If a short title is provided in the law, this is shown as the short title. If there is no short title provided in the law, an acronym or convenient abbreviation (e.g., Act 5.672) is</i></p> |

• **KEY TERMS**

| Key Term | Defined? | Aligns with FCTC and FCTC Guidelines definitions? | Definition Provided in the Law | Citation (Law, Art. No.) | Comments |
|---|---|--|--|---|---|
| <p><i>Note: Definitions from the FCTC/ FCTC Guidelines are shown under each term.</i></p> | <p>Yes No</p> <p><i>Yes= The term or a similar term is defined in an applicable law.</i></p> <p><i>No = No definition for the term is provided.</i></p> | <p>Yes No N/A</p> <p><i>Yes= The term or a similar term is defined in accordance with the FCTC and/or Guidelines.</i></p> <p><i>No = The term or a similar term is not defined in accordance with the</i></p> | <p><i>The definition from the law is copied. Where it is not feasible to copy the definition, a summary of the definition is provided.</i></p> | <p><i>The short title of the applicable law and regulations, along with any article(s) and, if applicable, sub-article(s) is given.</i></p> | <p><i>Reviewer comments address:</i></p> <p><i>(1) whether the definition in the law aligns with the relevant FCTC and FCTC Art. 11 Guidelines definition;</i></p> <p><i>(2) how any significant differences between the definition in the law and that provided in the FCTC or FCTC Art. 11 Guidelines, or lack of definition, impacts the coverage, comprehensiveness, and/or clarity of the law’s substantive provisions; and</i></p> <p><i>(3) recommended legislative action, if any.</i></p> |

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| | | <p><i>FCTC and/or Guidelines.</i></p> <p><i>N/A = The term is not necessary or does not impact the coverage, comprehensiveness and/or clarity of the law's substantive provisions.</i></p> | | | |
| <p>Outside packaging and labeling</p> <p>Any packaging and labeling used in the retail sale of the product. (FCTC Article 11(4))</p> | | | | | |
| <p>Tobacco products</p> <p>Any product entirely or partly</p> | | | | | |

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| made of the leaf tobacco as a raw material which is manufactured to be used for smoking, sucking, chewing or snuffing. (FCTC Article 1(f)) | | | | | |
| Other significant definitions provided in the law [<i>Add as many rows as necessary</i>] | | | | | |

• **HEALTH WARNINGS/MESSAGES FEATURES**

| Type of product: Smoked Tobacco Products | | | | | | |
|---|---|---|--|---|---|---|
| Law/art. no. prescribing health warnings/messages and URL, if available: | | | | | | |
| Type of Warnings/ Messages Required | Location and Size of Warnings/ Messages on Unit Packaging | Size (as a % of the specified display area) | Rotation | No. of Warnings/ Messages to Be Displayed at Any Given Time | Length of Rotation Period | Comments |
| <p>Pictures</p> <p>Pictograms</p> <p>Text warnings/ messages</p> <p>Not required</p> <p>Uncertain</p> <p><u>Specify all that apply</u></p> | <p>Front</p> <p>Back</p> <p>Side(s) (e.g., lateral sides, top, or bottom)</p> <p>Other (e.g., inserts, onserts, on the tobacco product itself)</p> <p>Uncertain</p> <p><u>Specify all that apply</u></p> | <p>List a percentage</p> <p>Not required</p> <p>Uncertain</p> <p><i>NOTE: Where size is not described in the law as a percentage or where any clarifying or specific descriptive information is necessary, this information is</i></p> | <p>Required</p> <p>Not required</p> <p>Uncertain</p> <p><i>NOTE: An uncertain response is explained in the comments column.</i></p> | <p>List a number</p> <p>Uncertain</p> <p>N/A</p> | <p>A quantity of time (e.g., no. of months)</p> <p>Uncertain</p> <p>N/A</p> <p><i>NOTE: An uncertain response is explained in the comments column.</i></p> | <p>Reviewer comments address:</p> <p><i>(1) any information necessary for clarification of the type, size, location, rotation, or contrasting colors features;</i></p> <p><i>(2) an explanation of any interpretations made;</i></p> <p><i>(3) at a minimum, the FCTC requires Parties to adopt and implement, within three years after entry into force of the FCTC for that Party, large, clear, visible, legible and rotating health warnings and messages that cover at least 30% of the principal display areas. An analysis of whether these</i></p> |

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| | | <p><i>provided in the Comments and "Uncertain" is indicated in this column.</i></p> | | | | <p><i>minimum FCTC requirements for health warnings/other messages are met and where they are not, how this affects or can affect the law's impact; and</i></p> <p><i>(4) recommended legislative action, if any. The FCTC recommends that health messages should cover 50% or more of the principal display areas and the FCTC Art. 11 Guidelines recommend that Parties should aim to cover as much of the principal display areas as possible.</i></p> |
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Type of product: Smokeless Tobacco Products

Law/art. no. prescribing health warnings/messages and URL, if available:

| Type of Warnings/ Messages Required | Location and Size of Warnings/ Messages on Unit Packaging | Size (as a % of the specified display area) | Rotation | No. of Warnings/ Messages to Be Displayed at Any Given Time | Length of Rotation Period | Comments |
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| <p>Pictures</p> <p>Pictograms</p> <p>Text warnings/ messages</p> <p>Not required</p> <p>Uncertain</p> <p><u>Specify all that apply</u></p> | <p>Front</p> <p>Back</p> <p>Side(s) (e.g., lateral sides, top, or bottom)</p> <p>Other (e.g., inserts, onserts, on the tobacco product itself)</p> <p>Uncertain</p> <p><u>Specify all that apply</u></p> | <p>List a percentage</p> <p>Not required</p> <p>Uncertain</p> <p><i>NOTE: Where size is not described in the law as a percentage or where any clarifying or specific descriptive information is necessary, this information is provided in the Comments</i></p> | <p>Required</p> <p>Not required</p> <p>Uncertain</p> <p><i>NOTE: An uncertain response is explained in the comments column.</i></p> | <p>List a number</p> <p>Uncertain</p> <p>N/A</p> | <p>A quantity of time (e.g., no. of months)</p> <p>Uncertain</p> <p>N/A</p> <p><i>NOTE: An uncertain response is explained in the comments column.</i></p> | <p><i>Reviewer comments address:</i></p> <p><i>(1) any information necessary for clarification of the type, size, location, rotation, or contrasting colors features;</i></p> <p><i>(2) an explanation of any interpretations made;</i></p> <p><i>(3) at a minimum, the FCTC requires Parties to adopt and implement, within three years after entry into force of the FCTC for that Party, large, clear, visible, legible and rotating health warnings and messages that cover at least 30% of the principal display areas. An analysis of whether these minimum FCTC requirements for health warnings/other messages are</i></p> |

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| | | <i>and “Uncertain” is indicated in this column.</i> | | | | <i>met and where they are not, how this affects or can affect the law’s impact; and (4) recommended legislative action, if any. The FCTC recommends that health messages should cover 50% or more of the principal display areas and the FCTC Art. 11 Guidelines recommend that Parties should aim to cover as much of the principal display areas as possible.</i> |
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- **WARNINGS/MESSAGES CONTENT**

| Does the content of the warnings/messages address: <i>This refers to the content of current warnings/messages (and of those for use during future rotation periods, if applicable).</i> | Yes | No |
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| Health impacts | | |
| Advice on cessation (e.g., the benefits of cessation or steps to take to stop smoking) | | |
| The addictive nature of tobacco | | |
| Adverse economic and social outcomes | | |
| The impact of tobacco use on friends and family | | |
| A quitline phone number | | |

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| Text or description of pictorial depictions of current required warnings/messages: | |
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• **OTHER PACKAGING AND LABELING REQUIREMENTS**

| Legislative Provision | Yes No Uncertain | Citation (Law, Art. No.) | <p data-bbox="867 358 1020 391">Comments</p> <p data-bbox="867 435 1251 467"><i>Reviewer comments address:</i></p> <p data-bbox="867 508 1608 540"><i>(1) a summary description of applicable legal provisions;</i></p> <p data-bbox="867 581 1854 979"><i>(2) an analysis of the packaging and labeling requirement including: (a) an explanation of the analysis and interpretation used to determine whether the legislative provision is required or not. Where the requirement is “Uncertain” from the text of the law, an explanation of how the text was interpreted to arrive at the “Uncertain” determination is provided (note that further guidance on interpretation is provided below for certain legislative provisions);and (b) a comment on how common the packaging and labeling practice is, if known, in order to give an idea of how the law is applied in practice;</i></p> <p data-bbox="867 1019 1854 1125"><i>(3) an analysis of whether the law meets the FCTC Art. 11 and follows the FCTC Art.11 Guidelines and where it does not, how this affects or can affect the law’s impact; and</i></p> <p data-bbox="867 1166 1419 1198"><i>(4) recommended legislative action, if any.</i></p> <p data-bbox="867 1239 1829 1343"><i>Note: If the law does not address a requirement and instead authorizes a government official/body to issue regulations addressing that requirement, the category is marked:</i></p> |
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| | | | (a) “Uncertain” if there have been no relevant regulations issued; or (b) “No” if there has been regulatory action on this topic or multiple topics but that regulatory action has not addressed the requirement at issue. |
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| <p>1. Warning requirements on <i>unit</i> packaging and labeling (e.g., packs)</p> <p><i>Comments should indicate whether the law “meets or does not meet FCTC Art. 11” with regard to this legislative measure because this is a requirement under the FCTC.</i></p> | | | |
| <p>2. Warning/messages required on <i>outside</i> packaging and labeling (e.g., cartons)</p> <p><i>Comments should indicate whether the law “meets or does not meet FCTC Art. 11” with regard to this legislative measure because this is a requirement under the FCTC.</i></p> | | | |
| <p>3. Warning text must be in the principal</p> | | | |

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| <p>language(s) of the country</p> <p><i>Comments should indicate whether the law “meets or does not meet FCTC Art. 11” with regard to this legislative measure because this is a requirement under the FCTC.</i></p> | | | |
| <p>4. A requirement that warnings or messages may not be placed where they may be permanently damaged or concealed when opening the pack</p> <p><i>Where law is silent on this requirement, but contains a provision(s) that warnings or messages must be clearly displayed, the code “Uncertain” should be given with explanation in the comments.</i></p> | | | |
| <p>5. A requirement that tax stamps or other</p> | | | |

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| <p>required markings may not be placed where they may conceal warnings or messages</p> <p><i>Where law is silent on this requirement, but contains a provision(s) that warnings or messages must be clearly displayed, the code “Uncertain” should be given with explanation in the comments.</i></p> | | | |
| <p>6. A requirement to display qualitative (descriptive) constituents and emissions messages</p> <p><i>If required (yes), a sample of the text of a required disclosure is stated in the comments.</i></p> <p><i>If there is no general requirement for qualitative disclosures, and instead some, but</i></p> | | | |

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| <p><i>not all, prescribed warning messages include qualitative disclosures, statements are considered not required (no), although the text of relevant warnings should be noted in the comments.</i></p> | | | |
| <p>7. Prohibition on the display of figures for emission yields (including tar, nicotine, and carbon monoxide)</p> | | | |
| <p>8. Plain Packaging</p> <p><i>(e.g., measures that restrict or prohibit the use of logos, colors, brand images or other promotional information on packaging other than brand and product names displayed in a standard color and font style.)</i></p> | | | |
| <p>9. Prohibition on misleading tobacco product packaging and labeling</p> | | | |

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| <p>including terms, descriptors, trademarks, or figurative or other signs (e.g., logos, colours, brand images) that directly or indirectly create a false impression that a tobacco product is less harmful than other tobacco products</p> <p><i>Display of figures for emission yields (including tar, nicotine, and carbon monoxide) are analyzed under a separate category and are not specifically addressed here.</i></p> <p><i>Reviewers should use the codes as follows:</i></p> <p><i>Yes: a provision in the law bans misleading terms such as “light”, “mild”, “ultra light”,</i></p> | | | |
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| <p><i>“low tar”, etc. and the use of colors or numbers to connote tar levels, and any other sign or indicia that directly or indirectly creates a false impression that a product is less harmful than another.</i></p> <p><i>Some Restrictions: a provision provides for partial measures to protect consumers against misleading packaging and labeling including banning the use of descriptors only.</i></p> <p><i>No: the law does not partially or comprehensively ban misleading packaging and labeling.</i></p> <p><i>Uncertain: If the law does not address a requirement and instead authorizes a government</i></p> | | | |
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| <p><i>official/body to issue regulations addressing that requirement.</i></p> <p><i>Comments should indicate whether the law “meets or does not meet FCTC Art. 11” with regard to this legislative measure because this is a requirement under the FCTC.</i></p> | | | |
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- **PENALTIES**

| Violator | Gov. Body Responsible for Enforcement | Available Penalties F = Fine L= Business license suspension or revocation J= Jail | Citation (Law, Art. No.) | Comments <i>Reviewer comments address:</i> <i>(1) Description of the fine amounts, if any;</i> <i>(2) Description of other available relevant penalties and corrective action requirements (e.g., seizure of the product, publication of the</i> |
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| | | N= None W= Warning O= Other (e.g., seizure of the product, publication of the violation/violator, as provided in the FCTC Art. 11 Guidelines para. 56) | | <i>violation/violator, as provided in the FCTC Art. 11 Guidelines para. 56; and</i> <i>(3) recommended legislative action, if any.</i> |
|---------------------|--|---|--|--|
| Manufacturer | | | | |
| Importer | | | | |
| Wholesaler | | | | |
| Retailer | | | | |