

DECREE

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THE YEAR 2021 No 0065_MS/DC/SGM/ DNSPX [illegible] PNLMT/P[illegible]/SA/2SGG20

Concerning visual and written health warnings to be printed on cigarette packages and other tobacco products in the Republic of Benin

The Ministry of Health,

- In view of Law no. 90-32 dated December 11, 1990, relating to the Constitution of the Republic of Benin as amended by law no. 2019-40 dated November 7, 2019;
- In view of Law no. 90-005 dated May 15, 1990, setting the conditions for carrying out business activities in the Republic of Benin, as amended by Law no. 93-007 dated March 29, 1993;
- In view of Law no. 2007-21 dated October 16, 2007, related to consumer protection in the Republic of Benin;
- In view of Law no. 2017-27 dated December 18, 2017, related to the production, packaging, labeling, sale and use of tobacco and its derivatives and related products in the Republic of Benin;
- In view of the decision of March 30, 2016, by the Constitutional Court, pronouncing the definitive results from the presidential election of March 20, 2016;
- In view of Decree no. 2019-396 dated September 5, 2019, on the composition of the Government;
- In view of Decree no. 2019-430 dated October 2, 2019, setting the standard structure of the ministries;
- In view of Decree no. 2020-078 dated February 19, 2020, on the powers, organization and functioning of the Ministry of Health;

DECREE:

CHAPTER I: PRELIMINARY PROVISIONS

Article 1: Pursuant to article 10 of Law 2017-27 dated December 18, 2017, related to the production, packaging, labeling, sale and use of tobacco products, their derivatives and related products in the Republic of Benin, this decree defines the health warnings that must be printed on cigarette packages and other tobacco products in Benin.

[stamp: REPUBLIC OF BENIN - MINISTRY OF HEALTH]

Article 2: Under this decree, the terms below are defined as follows:

- **pack:** container, receptacle, paper packaging or other medium in which the tobacco product is sold or displayed for retail sale;
- **carton:** container or receptacle or paper packaging containing several packs in which a tobacco product is sold or displayed for sale by wholesalers;
- **box:** container or receptacle or paper packaging containing several cartons in which a tobacco product is sold or displayed for sale by wholesalers;
- **front surface of the pack:** the larger surface of the pack which is directly visible; [initials]

- **rear surface of the pack:** the larger surface of the pack which is directly visible and opposite the front surface;
- **front surface of the carton:** the larger surface of the carton which is directly visible;
- **front surface of the box:** the larger surface of the box which is directly visible;
- **misleading term:** any medium that is misleading, biased or deceptive or capable of giving an erroneous impression regarding the characteristics, health effects, risks or emissions of the product, including descriptive terms, trademarks, figurative or other symbols that directly or indirectly give the erroneous impression that a particular tobacco product is less harmful than others, including but not limited to terms such as "low tar content," "light," "ultra light" or "mild";
- **insert:** any message placed inside the pack and/or carton purchased in a point of sale by a consumer, such as small pamphlets or brochures or any other similar document;
- **additional content:** any message affixed to the exterior of the pack and/or carton, the box or any other packaging purchased in a point of sale by a consumer, such as a mini brochure inserted in the outside cellophane wrapping or attached to the exterior of the pack and/or carton, box or other cigarette packaging, or any other similar document.

CHAPTER II: PACKAGING AND LABELING [stamp]

Article 3: The images and text in the Appendix of this decree shall be printed on the front and rear surfaces of the pack, carton, case, box and any other medium.

The images shall cover 60% of the front and rear surfaces of every form of packaging.

The text shall cover 30% of the front and rear surfaces of every form of packaging.

Article 4: The written text shall be printed on a white background with the writing centered, in black lettering using bold Calibri font, in a font size of at least eighteen (18), and with a black border with a minimum thickness of one (1) millimeter included on the surface devoted to the health warning. This border must under no circumstances interfere with the image or the written text.

Article 5: The images and text must not in any way be hidden, obscured or separated by other instructions or images or by the mechanism for opening the pack.

Article 6: The health warnings shall be printed on every form of packaging in a way that is visible, legible, indelible and irremovable. [initials]

Article 7: The health warnings in the appendix to this decree form an integral part thereof. They are valid for two (2) years.

A memorandum from the Ministry of Health concerning the renewal of health warnings shall be signed every two (2) years.

Article 8: The manufacturers and importers of tobacco products shall be responsible for contacting the Ministry of Health in order to obtain the electronic version of the health warnings.

No other health warning shall be accepted.

Article 9: Additional content or inserts for sales purposes are prohibited on every type of tobacco packaging.

Article 10: Currently valid health warnings shall be provided to the agencies responsible for the control of tobacco, its derivatives and related products.

Article 11: Prior to marketing, the manufacturers and importers of tobacco products shall be responsible for obtaining the approval of the Ministry of Health for mock-ups they submit. A certificate of approval for those mock-ups shall be issued within sixty (60) days.

Article 12: Every manufacturer or importer shall be responsible for withdrawing old products from the market no later than three (3) months after the implementation of a new health warning.

CHAPTER III: INTERIM AND FINAL PROVISIONS

Article 13: The manufacturers and importers of tobacco, its derivatives and related products shall be responsible for adhering to the provisions of this decree for a maximum period of nine (9) months from the date it is signed.

Article 14: The General Secretary of the Ministry of Health shall be responsible for the application of this decree.

Article 15: This decree, which enters into effect as of the date it is signed, will be published in the *Journal officiel* [Official Journal]. [initials]

Created in Cotonou on **June 11, 2021**

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[signature]

Benjamin I. B. Hounkpatin

The Minister of Health

Appendix 1: Health warnings adopted

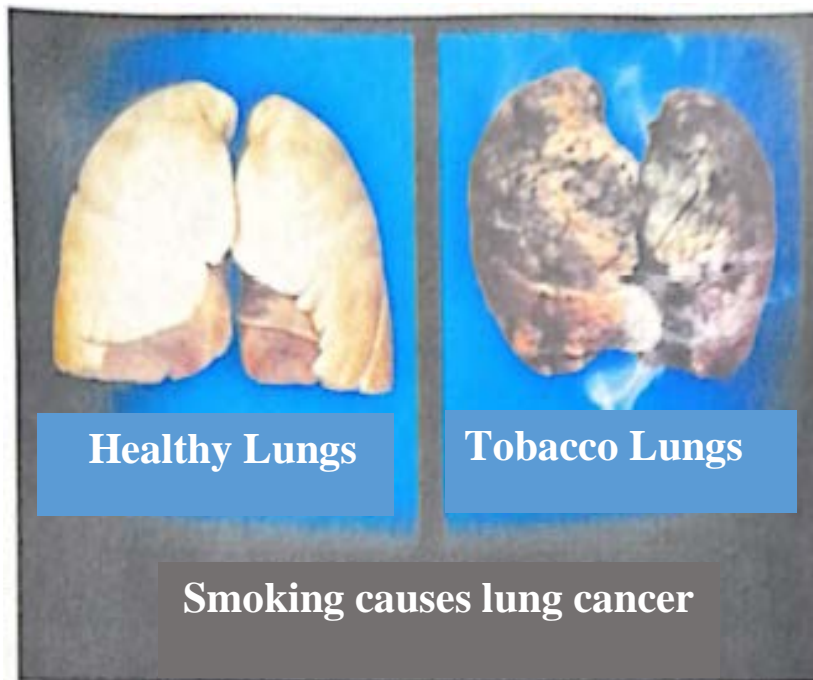


Smoking causes lip cancer



Smoking causes mouth cancer

[initials]



Smoking causes tongue cancer

[initials]