

| | |
|--|--|
| Agência Nacional [emblem] de Vigilância Sanitária | |
| Title | RDC Resolution No. 15, of January 17, 2003 |
| Summary | Regulates provisions established by Law No. 9.294 of July 15, 1996 |
| Publication | D.O.U. <i>Diário Oficial da União</i> ; Executive Branch, January 20, 2003 |
| Issuing Agency | ANVISA – Agência Nacional de Vigilância Sanitária |
| Scope of Act | Federal – Brazil |
| Area of Activity | Smoking products |
| Relationship(s) | Amends: |

RDC RESOLUTION NO. 15, OF JANUARY 17, 2003

Regulates provisions established by Law No. 9.294
of July 15, 1996

The Collegiate Board of Directors of the *Agência Nacional de Vigilância Sanitária* (National Agency for Health Oversight), in the exercise of the authority vested in it by Article 11, sub-paragraph IV of the ANVISA Regulation approved by Decree No. 3029 of April 16, 1999, together with §1 of Art. 111 of the Internal Regulation approved by Administrative Order No. 593 of August 25, 2000, republished in the DOU on December 22, 2000, at a meeting held on January 15, 2003.

Considering what is set forth in Law No. 9.782 of January 26, 1999, which determines the regulation, control and enforcement of products and services involving risks to public health;

Considering what is set forth in Law No. 8.069, of July 13, 1990, which prohibits the sale, supply or delivery to a child or adolescent of products whose components could cause physical or psychic dependency,

Considering the Internet, a global computer network, that makes possible the exchange of information in ways unprecedented in history, swiftly, efficiently and without the limitation of boundaries, and which the youthful public uses extensively as a source of information and for the purchase of products;

Considering that the purpose of restricting tobacco advertising is to reduce the growing experimentation with cigarettes by children and adolescents, and considering the impact of illness and death that the consumption of tobacco causes;

Considering the significant increase of tobacco use which has taken place in the world, with the loss of at least 3.5 million lives in 1998, projected to reach 10 million per year in 2030, with 70% of them in developing countries;

Agência Nacional
[emblem] **de Vigilância Sanitária**

Has adopted the following Resolution of the Collegiate Board of Directors and I, the Acting Director President, order its publication:

Art. 1. For fulfillment of Article 3 of Law No. 9.294 of July 15, 1996, as amended by Law No. 10.167 of December 27, 2000, the following definitions apply:

I – advertising for tobacco derivative products: any form of communication, whether electronic, including the internet, in print, or any other form of communication to the public, whether such public consumes the products or not, that promotes, propagates or disseminates the tobacco derivative product, directly or indirectly, conducted by the company responsible for the product, or another company hired by the responsible company.

Sole paragraph. The following things are considered to be covered by the definition above: the distribution of catalogues or sample displays of tobacco derivative products, whether in print or electronic format; the dissemination of the brand name of the tobacco derivative product or of the manufacturer on products other than tobacco derivatives; the association of the brand name and elements of the product brand or the manufacturer with brand names of products other than tobacco derivatives, the names of other companies or commercial establishments; as well as any other kind of communication or action that promotes tobacco derivative products, attracting the attention and/or interest of the population, whether such population is or is not a consumer of such products, that could stimulate the consumption or the commencement of use thereof.

II – interior of the place of sale: a physically demarcated space located inside a commercial establishment that is used for the sale of tobacco derivative products and their accessories.

Art. 2. The worldwide web (the **internet**) is not considered a place of sale of tobacco derivative products, and therefore it is forbidden to offer for sale or sell any of these products via this medium throughout the national territory.

Art. 3. The period of 60 (sixty) days, counting from the date of publication, is established for compliance with what is provided for in this Resolution.

Art. 4. Non-compliance with the terms of this Resolution constitutes a health violation, subjecting violators to the penalties set forth in Law No. 6.437 of August 20, 1977, as well as other applicable provisions.

Art. 5 This Resolution enters into force on the date of its publication.

CLAUDIO MAIEROVITCH PESSANHA HENRIQUE