

Unofficial Translation

MINISTER OF HEALTH

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MINISTRY OF INDUSTRY  
COMMERCE AND CRAFTS

BURKINA FASO

Unity – Justice – Progress

**Joint Administrative Decree No. 2015- No. 366 /MS/MICA**  
concerning setting the procedures for the implementation of Decree  
No. 2011-1051/PRES/PM/MS/MEF of December 30, 2011, concerning  
the packaging and labeling of tobacco products in Burkina Faso

**THE MINISTER OF HEALTH;  
THE MINISTER OF INDUSTRY,  
COMMERCE AND CRAFTS**

*[handwritten:] VISAF No. 00344*

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- IN LIGHT OF the Constitution;
- IN LIGHT OF the Transition Charter;
- IN LIGHT OF Decree No. 2014-0001/PRES/TRANS of November 18, 2014, concerning the nomination of the prime minister;
- IN LIGHT OF Decree No. 2014-0004/PRES/TRANS of November 23, 2014, concerning the composition of the government of Burkina Faso;
- IN LIGHT OF Law No. 23/94/ADP of May 19, 1994, concerning the Code of Public Health;
- IN LIGHT OF Decree No. 2013-926/PRES/PM/MS of October 10, 2013, concerning the organization of the Ministry of Health;
- IN LIGHT OF Decree No. 2013-853/PRES/PM/MICA of October 3, 2013, concerning the organization of the Ministry of Industry, Commerce and Crafts;
- IN LIGHT OF the Framework Convention for Tobacco Control of the World Health Organization, ratified by Burkina Faso on July 31, 2006;
- IN LIGHT OF Law No. 040-2010/AN of November 25, 2010, concerning tobacco control in Burkina Faso;
- IN LIGHT OF Decree No. 2011-1051/PRES/PM/MS/MEF of December 30, 2011, concerning the packaging and labeling of tobacco products in Burkina Faso;

In consultation with the Minister of Health, hereby

**ORDER**

## **CHAPTER I. GENERAL PROVISIONS**

**Article 1:** This Administrative Order sets the procedures for the implementation of Decree No. 2011-1051/PRES/PM/MS/MEF of December 2011, concerning packaging and labeling of tobacco products in Burkina Faso.

**Article 2:** For purposes of this Administrative Order, the following meanings shall apply:

- **Pack:** recipient or receptacle or paper packaging in which a tobacco product is sold or displayed for retail sale;
- **Carton:** recipient or receptacle or paper packaging in which there are several packs in which a tobacco product is sold or displayed by wholesalers;
- **Case:** recipient or receptacle or paper packaging in which there are several cartons in which a tobacco product is sold or displayed by wholesalers;
- **Front surface of the pack:** the largest surface of the pack that is directly visible and most exposed;
- **Rear surface of the pack:** the largest surface of the pack that is directly visible and most exposed, and opposite to the front surface of the pack;
- **Front surface of the carton:** the largest surface of the carton that is directly visible and most exposed;
- **Front surface of the case:** the largest surface of the case that is directly visible and most exposed;
- **Misleading terms:** any fallacious, tendentious or misleading terms, or terms that are likely to give an erroneous impression regarding characteristics, health effects, risks or emissions of the product, including descriptive terms, commercial brand, figurative or other signs that directly or indirectly give the erroneous impression that a particular tobacco product is less harmful than others, for example, without limitation, terms such as, "low tar content," "light," "ultra-light" or "mild;"
- **Inserts:** any messages placed inside each individual pack and/or carton purchased at a point of sale by a consumer, such as mini-flyers or brochures or any other similar document;
- **Attachments:** any messages affixed to the outside of each individual pack and/or carton, case or any other packaging purchased at a point of sale by a consumer, such as a mini-brochure slipped inside the exterior cellophane wrapping or glued to the outside of the pack and/or carton, case or any other packaging of cigarettes or any other similar document.

## **CHAPTER II: PACKAGING AND LABELING**

**Article 3:** Tobacco and tobacco products sold in Burkina Faso must exhibit the statement, *“for sale in Burkina Faso.”*

**Article 4:** Health warnings in the form of written or graphic messages must cover at least 60% of the principal surfaces of the pack and/or carton, case or any other kind of packaging.

**Article 5:** Health messages and warnings must not be in any way obscured, concealed or separated from other statements or images, or by the opening of the pack or carton.

**Article 6:** Health warnings in the form of written or graphic messages must be printed in a prominent, legible, indelible and irremovable fashion.

**Article 7:** On the front and rear surface of the pack, carton and case, a color photo or image must be printed along with a written message. This photo or image, as well as the written messages, are to be chosen from a list drawn up by the Minister of Health for such purpose.

**Article 8:** The list of messages for health warnings (photos, images and written messages) for the first twenty four (24) months is attached to this Administrative Order.

**Article 9:** Health warning messages and other messages must be renewed every twenty four months by Administrative Order of the Minister of Health.

**Article 10:** Messages retained by the Ministry of Health are stored in digital format and made available to manufacturers of tobacco products for their compliance. No other image, photo or message stating health warnings will be allowed.

**Article 11:** Commercial attachments and inserts are prohibited on or inside any type of tobacco packaging.

**Article 12:** The Ministry of Health shall communicate to the tobacco industry the set of measures determined for the packaging of tobacco products on the basis of the determined schedule.

**Article 13:** Before placing the product on the market, manufacturers of tobacco must deliver samples of packs, cartons and cases to the Ministry of Health to ascertain that their written or graphic health messages are in compliance, as well as their positioning on the packages.

The government shall have a period of fifteen (15) calendar days to take a position on the samples, counting from the day of receipt thereof at the Ministry of Health.

**Article 14:** The written health messages must be printed on a black background with white letters in calibri font, bold, centered, with a height of at least eighteen (18) millimeters, and with a black border with a thickness of at least one (01) millimeter included on the surface provided for the health warning. This border must not under any circumstances impinge upon the photo, image or written message.

**Article 15:** The photos or images must be printed in color.

**Article 16:** The health warnings in the form of written messages must address, apart from the harmful health effects, other matters such as advice on quitting tobacco, the risk of tobacco addiction, and the negative economic and social ramifications of tobacco use.

**Article 17:** Apart from health warnings, pertinent qualitative information concerning the ingredients and emissions of tobacco products must appear on each pack or carton of tobacco products.

**Article 18:** The number of images or photos accompanying the respective written messages to be used for twenty four months is set at two (2).

**Article 19:** One image is to be used for the first 12 months, and the other image for the ensuing 12 months.

**Article 20:** The cost of posting the health warnings as well as the information on ingredients and emissions on the different kinds of packaging of tobacco products is to be borne by the manufacturers of tobacco products.

**Article 21:** Drawings and pictograms conceived by the Ministry of Health to be used on packages of tobacco and tobacco products are fully and completely the property of the Ministry of Health. However, the Ministry of Health may call for the use of those promoted by the WHO.

**Article 22:** During phases of transition for the renewal of the series of health warnings and messages, a period of three (03) months is provided during which two successive series are to be used simultaneously.

### **CHAPTER III: TRANSITORY AND FINAL PROVISIONS**

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**Article 23:** The tobacco industry is required to comply with the provisions of this Administrative Order within a maximum period of one year counting from its entry into force.

**Article 24:** Any previous provisions at variance with or identical to this Administrative Order are hereby rescinded.

**Article 25:** The Secretary General of the Ministry of Health and the Secretary General of the Ministry of Industry, Commerce and Crafts are charged, each within the domain of their concern, with the execution of this Administrative Order, which is to be registered and published with notice given hereof wherever the need may arise.

Ougadougou, April 7, 2015

The Minister of Industry,  
Commerce and Crafts

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Minister of Industry  
Commerce and Crafts

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**Hippolyte DAH**

*Knight of the National Order*

The Minister of Health

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Minister of Health

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**Dr. Amédée Prosper DJIGUMDE**

*Officer of the National Order*

## **ANNEX: LIST OF HEALTH WARNING MESSAGES**

1. Health warning message for the first 12 months:

[image]

**CIGARETTE SMOKING CAUSES CANCER OF THE MOUTH**

2. Health warning message for the ensuing 12 months:

[image]

**SMOKING TOBACCO CAUSES SERIOUS HEART DISEASE**