

AS/HO
BURKINA FASO

Unity – Progress – Justice

DECREE No. 2011-1051 /PRES/PM/MS/MEF
concerning the packaging and labeling of
tobacco products in Burkina Faso

[handwritten:]
See CF No. 0781
December 27, 2011

THE PRESIDENT OF FASO
PRESIDENT OF THE COUNCIL OF MINISTERS

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signature]

IN LIGHT OF the Constitution;

IN LIGHT OF Decree No. 2011-237/PRES/PM of April 21, 2011, concerning the composition of the government;

IN LIGHT OF Decree No. 2011-156/PRES/PM/MS of March 24, 2011, concerning the organization of the Ministry of Health;

IN LIGHT OF Law No. 23/94/AN of May 19, 1994 concerning the Code of Public Health;

IN LIGHT OF Law No. 040-2010/AN of November 25, 2010, concerning the campaign against tobacco;

IN LIGHT OF Decree No. 2011-329/PRES/PM/SGG-CM of June 6, 2011, concerning the attributions of the members of the Government;

In consultation with the Minister of Health

The Council of Ministers having been informed at its session of October 26, 2011;

DECREES

CHAPTER I. GENERAL PROVISIONS

Article 1: This decree sets the procedures for packaging and labeling of tobacco products in Burkina Faso.

Article 2: Packaging is understood to refer to both immediate and other wrappings of tobacco products.

Article 3: Labeling of tobacco products is understood to refer to the statements, indications, instructions on use, product brands, images or signs concerning the tobacco products and appearing on the tobacco products or on any wrapping, document, slip, label, tobacco pouch, or bands accompanying the tobacco products or having to do with them.

CHAPTER II. PACKAGING AND LABELING

Article 4: The packaging and labeling of tobacco products must not serve to promote a tobacco product in a false, tendentious or misleading fashion, or one that is likely to give an erroneous impression with regard to the characteristics, health effects, risks or emissions of the product.

Article 5: In application of the foregoing article, it is forbidden to have appear on the packaging and labeling of tobacco products descriptive terms, commercial marks, figurative or other signs that directly or indirectly give the erroneous impression that a particular tobacco product is less harmful than others, particularly with certain terms such as “low in tar content,” “light,” “ultra-light” or “mild,” or “high end,” “low end” or any other term having a similar meaning, even in other languages.

Article 6: Texts, images, figures, numbers or any other statements made to appear on packages are expressly defined by Administrative Order of the Minister of Health.

Article 7: The use of logos, colors, brand images or promotional texts on packages mingled with the name of the brand and that of the product printed in normal characters and in an ordinary color, is forbidden.

Article 8: Each pack, carton or case of tobacco products, and any other forms of packaging, or outer or inner labeling of these products, must bear health warnings in the form of written or illustrated warnings.

- Article 9:** Texts of health warnings and messages must be printed in bold characters in a font size and typeface that is easy to read, prominent, irremovable and indelible, and in four colors, ensuring optimal visibility and legibility, as defined by Administrative Order of the Minister of Health.
- Article 10:** Health warnings and other messages are to be placed on the upper part of the package, on the front and the back, or on any main surface if there are more than two.
- Article 11:** Health warnings and messages must appear simultaneously on each surface of each pack and carton, or on the main surfaces if there are more than two.
- Article 12:** Alterations and advertising inserts are forbidden.
- Article 13:** Warning messages must not under any circumstances be obscured, veiled or separated by other statements or images, or by the opening of the pack.
- Article 14:** Health warnings and messages must cover at least 60% of the main surfaces of the package.
- Article 15:** Drawings and pictograms intended to be used on packages of tobacco and tobacco products are the full and complete property of the Ministry of Health.
- Article 16:** Health warnings and other messages must be renewed every 24 months.
- Article 17:** Health warnings and other messages must be in French, but also in the other principal national languages.
- Article 18:** No exceptions concerning the provisions of this decree are to be made for brands or companies that only sell low volumes, or for different types of tobacco product.

CHAPTER III. TRANSITORY AND FINAL PROVISIONS

- Article 19:** During the phases of transition for the renewal of warnings and messages, a period of 3 months is allowed during which the two series can be used simultaneously.

Article 20: The Minister of Health and the Minister of Economy and Finance are charged, each within the domain of their concern, with the execution of this decree, which is to be published in the *Journal Officiel du Faso* (Official Journal of Faso).

Ougadougou, December 30, 2011

[STAMP: The President
BURKINA FASO]
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Blaise COMPAORE

The Prime Minister

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Beyon Luc Adolphe TIAO

The Minister of Economy
and Finance

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Lucien Marie Noël BEMBAMBA

The Minister of Health

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Adama TRAORE