

**JOINT ORDER N° 0001 / MINHEALTH/MINCOMMERCE OF
JAN 03 2018 laying down the rules for the packaging and labeling
of tobacco products.**

THE MINISTRY OF HEALTH AND THE MINISTRY OF COMMERCE,

Mindful of the Constitution,

Mindful of Law n° 64/LF/23 of November 13, 1984 regarding the protection of Public Health;

Mindful of Law n° 2005/0056 of July 27, 2005 authorizing the President of the Republic to ratify the World Health Organization Framework Convention on Tobacco Control signed in Geneva on May 21, 2003;

Mindful of Law n° 2006/018 of December 29, 2006 governing publicity in Cameroon•

Mindful of Framework law n° 2011/012 of May 6, 2011 regarding consumer protection in Cameroon;

Mindful of Law n° 2015/18 of December 21, 2015 governing commercial activity in Cameroon;

Mindful of Law n° 2016/004 of April 18, 2016 governing external commerce in Cameroon;

Mindful of Decree n° 2005/440 (a) of October 31, 2005 ratifying the World Health Organization Framework Convention on Tobacco Control signed in Geneva on May 21, 2003;

Mindful of Decree n° 2011/408 of December 9, 2011 on the organization of the Government;

Mindful of Decree n° 2011/410 of December 9, 2011 establishing a Government;

Mindful of Decree n° 2012/513 of November 12, 2012 organizing the Ministry of Commerce;

Mindful of Decree n° 2013/093 of Wednesday, April 3, 2013 organizing the Ministry of Health;

Mindful of Law n° 2016/004 of April 18, 2014 governing external trade in Cameroon,

A D O P T :

CHAPTER I

GENERAL PROVISIONS

Article 1- The current decree lays down the conditions for packaging and labeling of tobacco products marketed within the national territory.

Article 2 - For the purpose of the current decree, the following definitions shall be applicable:

- Packaging of tobacco products: any form of packaging or display unit used in the retail sale of tobacco products



- **Labeling of tobacco products:** any tobacco product instructions for use, reference, indication, product brand, image or sign appearing on tobacco products or on any packaging, document, notice, label, ring or collar accompanying or referring to tobacco products.
- **Tobacco products:** products intended to be smoked, sniffed, ingested, anointed, sucked or chewed, provided that they are, even partially, made of genetically modified tobacco or not.
- **Tobacco advertising and promotion:** any form of communication, technique, or commercial means, recommendation or commercial activity with the aim, effect or likely effect of directly or indirectly promoting the use of tobacco, a related product or industry.
- **Tobacco sponsorship:** any form of contribution or support by the tobacco industry to any event, activity or person, with the aim or likely effect of directly or indirectly promoting a tobacco product or use of tobacco;
- **Tobacco industry:** any company producing, manufacturing, distributing or wholesaling or retailing tobacco products, including importers and exporters of these products.
- **Packaging Unit:** pack of cigarettes, box, case, or any other form of tobacco or tobacco product packaging.
- **Insert:** Any communication or message placed inside each package and/or carton, or accompanying any tobacco product purchased at a point of sale by a consumer, such as mini leaflets or brochures.
- **Overburden:** Any communication or message placed outside each package and/or carton, or accompanying any tobacco product purchased at a point of sale by a consumer, such as mini leaflets or brochures slipped under the outer shell of cellophane or stuck on the outside of the pack of cigarettes.
- **Related Product:** Any electronic or non-electronic device for vaping tobacco products or any component thereof, including cartons, tanks, devices without a carton or reservoir, that can be used, with a mouthpiece, for the consumption of steam containing nicotine where appropriate.

Article 3.- The packaging and labeling of packages, boxes, cases or any other form of packaging of tobacco products shall not constitute a medium for the advertising or promotion of tobacco, tobacco products, related products or the industry.

Article 4.- The following shall be prohibited: any message, symbol, name, figurative sign or any other element that:

- Contributes to the promotion of a tobacco product or incites its consumption by giving a false impression on the characteristics, health effects, risks or emissions of the product;
- Suggests that a particular tobacco product is less harmful than another or is aimed at reducing the effect of certain harmful components of smoke.



- Suggests that a tobacco product contains vitalizing, energizing, healing, rejuvenating, natural, or biological properties or has beneficial effects on health or lifestyle;
- Evokes a taste, smell, aroma or other additive, or lack thereof;
- Resembles a commonly used, food or cosmetic product;
- Suggests that a particular tobacco product is more easily biodegradable than another, or has other environmental benefits;
- Suggests an economic benefit through printed vouchers, commercial discount offers, free distribution, type promotion "buy one get two" promotion or other similar offers.

Article 5.- The packaging and labeling of packages, boxes, cases or any other form of packaging of tobacco products shall not constitute a medium promotion or patronage.

Article 6.- Any message, symbol, name, figurative sign or any other element that suggests any form of contribution or support from the tobacco industry to any activity, event or community, sport or cultural event shall be forbidden.

CHAPTER II **MANDATORY INFORMATION**

Article 7- (1) All packaging of tobacco and tobacco products marketed in Cameroon shall carry a general warning in French: "Fumer tue" or "Le Tabac tue" and in English: "Smoking Kills" or "Tobacco Kills", accompanied by an image illustrating the general warning;

(2) The packaging referred to in paragraph 1 above shall also carry a specific health warning in French and English, accompanied by an image illustrating the specific health warning used.

Article 8.- (1) The general warning and image referred to in Article 7 (1) above shall be printed in at least the (CMYK) four-color process 133 inches per inch screen ruling on the most visible surface of the packaging unit and on any outside packaging, including cigarette cartons.

(2) They shall cover at least 70% of the outer surface of the front of the unit packet and any outside packaging.

(3) They shall occupy the entire surface reserved for them, shall neither be commented nor paraphrased and shall not be referenced in any way whatsoever.

Article 9.- (1) The specific health warning and the image referred to in Article 7 (2) above shall be printed in at least the (CMYK) four-color process with a 133-inch screen ruling on the other most visible surface of the packaging unit as well as on any outside packaging, including cigarette cartons except for transparent overpacks.



(2) They shall cover at least 70 % of the outer surface of the rear side of the unit packet and any outside packaging.

(3) They shall occupy the entire surface reserved for them, shall neither be commented nor paraphrased and shall not be referenced in any way whatsoever.

Article 10.- The dimensions of the health warnings shall be calculated based on the relevant surface when the packaging unit is closed.

Article 11.- The warnings outlined in section 7 above shall be framed by a one (01) millimeter wide black border on the exterior of the area reserved for such warnings. They are listed in the message and image database established by a decision of the Minister of Public Health and are printed as follows:

- (1) in Arial Black capital letters, black writing on a white background and contrasting with the color of the packaging;
- (2) centered on the area reserved for printing text, parallel to the top edge of the package;
- (3) on the upper part of the front surface, most visible by the consumer upon opening the packaging unit, regarding the general warning referred to in Article 7 (1);
- (4) on the upper part of the rear surface, most visible by the consumer upon opening the packaging unit, regarding the general warning referred to in Article 7 (2).

Article 12.- The warnings referred to in Article 7 of the present Decree may not be printed on the stamps of the packing units. They shall be printed in a fully visible area, in an irremovable and indelible manner, and shall not in any way be hidden, obscured or interrupted by other written or pictorial matter or by the opening of the packet.

Article 13.- The images referred to in Article 7 above shall comply with the following technical presentation rules:

- (1) Design as images to be taken as a whole without modification;
- (2) Reproduction below general warning or specific warning messages, without any modification of proportions and colors.

Article 14.- Cigarette packaging units are made of cardboard, parallelepipedic in shape with smooth, flat surfaces and a folding lid.

Article 15.- Cigarette sticks are packaged in packs of twenty (20) units.

Article 16.- (1) The characteristics of packaging for the retail sale of tobacco and tobacco products must not be likely to change the packaging after sale.

(2) These features avoid including in particular:

- heat-sensitive inks;



- inks or embellishments designed to gradually appear over time;
- inks that have a fluorescent appearance under certain lights;
- labels designed to be scratched or rubbed to reveal an image or text;
- detachable or foldable labels.

Article 17.- Packaging units for tobacco products marketed in Cameroon shall be exempt from all information relating to tar, nicotine and carbon monoxide content as well as any indication of constituents and emissions.

Article 18.- The words "For sale in Cameroon" and "To be sold in Cameroon" are printed on each side of the carton, boxes and packets of cigarettes in indelible and very visible characters.

Article 19 - In order to ensure the identification and the traceability of the products, the lot number or any other notice is indicated on the packing unit in any appropriate form providing information, especially on the place and dates of manufacture and expiration.

Article 20.- Packaging units for tobacco products marketed in Cameroon shall not contain inserts or overburden. The outer cellophane casing is completely transparent and devoid of any information of any kind.

CHAPTER III **IMAGE ROTATION AND WARNINGS**

Article 21 - (1) Warnings and images on packages, cartons, boxes other tobacco product packaging are alternated every twenty-four (24) months to ensure their regular appearance.

(2) In this regard, for each twenty-four (24) month period, the Minister of Public health shall make a decision determining the health warnings and images to appear on packages, cartons, cases or any type of tobacco product packaging.

(3) Tobacco and tobacco product manufacturers and importers use both specific warnings and corresponding images, chosen for a given period. Each of the specific health warnings is affixed on each brand of tobacco products in equal quantity.

Article 22.- Tobacco and tobacco product manufacturers and importers, including wholesalers and retailers in the sector, shall be responsible for the compliance of their products to the packaging and labeling measures laid down by the present Decree.



Article 23 - With the introduction of a new series of health warnings, a transitional period of six (6) months during which the old series will be able to circulate concurrently with the new series shall be granted to tobacco and tobacco product manufacturers and importers, as well as wholesalers and retailers.

Article 24.- Beyond the transitional period referred to in Article 23 above, products containing old versions of specific health warnings and images shall be withdrawn from circulation and trade, failing which they shall be seized and destroyed in accordance with to the regulations in force.

CHAPTER IV **VARIOUS FINAL CLAUSES**

Article 25.- The Minister of Public Health shall approve in advance, the packaging and labeling adopted abroad before the circulation and subsequent commercialization of the tobacco and related tobacco products in Cameroon.

Article 26.- Manufacturers, importers, distributors and sellers of tobacco products based in Cameroon shall have a period of twelve (12) months from the date of the signature of the current Decree, to comply with its provisions.

Article 27 - (1) Any packet, box, case or any other tobacco product packaging that does not comply with the provisions of the present Decree shall be seized and destroyed in the interest of public health by sworn officers with assistance from Judicial Police Officers.

(2) Any seizure and destruction of non-compliant products shall be documented in a report sent to the territorially competent Public Prosecutor within a period of fifteen (15) days, with copies to the Ministers of Public Health and of Commerce.

Article 28.- Anyone who infringes the provisions of the present Decree shall be liable to the sanctions provided for by the regulations in force, without prejudice to legal proceedings for dangerous activity, in accordance with the provisions of articles 74 and 228 of the Penal Code.

Article 29.- All previous provisions contrary notably to Decree n° 967/MINHEALTH/MINCOMMERCE of June 25, 2007 on health marking and packaging of tobacco products are hereby abrogated.

Article 30.- The present Decree shall be registered, published according of the procedure of urgency, then inserted in the Official Gazette in English and French.

