

Unofficial Translation

*Democratic Republic of Congo*  
GOVERNMENT OF THE REPUBLIC

Kinshasa, July 19, 2007

MINISTRY OF PUBLIC HEALTH

**ADMINISTRATIVE ORDER N°1250/CAB/MIN/SP/O10/AQ/2007 OF JULY 19, 2007, BEARING ON MEASURES APPLICABLE TO THE USE AND CONSUMPTION OF TOBACCO, TOBACCO PRODUCTS AND DERIVATIVES**

**THE MINISTER OF PUBLIC HEALTH**

In light of the Constitution, particularly its Articles 93 and 202;

In light of Order No. 07/001 of February 5, 2007, bearing on the appointment of Ministers of State, Ministers and Vice Ministers;

In light of Order No. 07/018 of May 16, 2007, setting the attributions of Ministers, particularly in its Article 1, point B, 24.

In light of Order No. 27 bis/Hyg of March 15, 1933, concerning the exercise of the pharmacy trade in the Democratic Republic of Congo, particularly its chapters II, III and IV;

In light of Ministerial Administrative Order No. 008 CAB/MIN.INFO.PRES & COM.NAT/2007 amending and completing Administrative Order No. 04/MCP/009/2002 of October 15, 2002, setting the criteria for the assessment of advertising for tobacco and alcoholic beverages, as amended to date;

In light of Ministerial Administrative Order No. 1250 CAB/MIN/SPF/014/1997 of March 17, 1997, concerning sanitary enforcement measures on tobacco consumption;

In light of Ministerial Administrative Order No. 1250 CAB/MIN/S/CJ/CM/25/2003 OF May 3, 2003, concerning the creation and organization of the National Program for Control of Addiction and Toxic Substances (PNLCT – *Programme National de Lutte contre la Toxicomanie et les substances toxiques*) in the Democratic Republic of Congo;

In light of the Framework Convention on Tobacco Control of the WHO adopted in Geneva on May 21, 2003, and signed and ratified, respectively, on June 28, 2004 and October 26, 2005, by the Democratic Republic of Congo, and entering into force on January 28, 2006;

Whereas tobacco has harmful and dangerous effects on the health of everyone, and especially on that of pregnant women and minors, and there are grounds for regulating its use and consumption with respect to its harmful effects;

Whereas it is imperative to protect the individual and collective health of present and future generations from the devastating effects of tobacco consumption and exposure to smoke;

Whereas it is also urgent to reduce the prevalence of tobacco use and its harmful effects through a systematic incitement to cut back significantly on tobacco consumption.

Whereas, moreover, the right of each person and member of the public to be sufficiently and accurately informed regarding the harmful effects of tobacco, its products and derivatives;

Whereas, finally, the consumption of tobacco, of tobacco products and derivatives, and involuntary exposure to smoke entail that drastic measures should be taken with regard to the display, exposure and places of consumption for the latter;

That one should draw the attention of consumers to the aforesaid effects and protect non-smokers;

In light of its necessity and urgency;

**ORDERS:**

**Article 1:** The use, sale, purchase and consumption of tobacco, its products and derivatives are strictly forbidden to minors.

In addition to cigarettes and cigars, also affected by this measure are all kinds of tobacco, including chewing tobacco, snuff and tobacco for inhaling.

**Article 2:** In any of the forms proposed, packs of cigarettes or cigars must display the statement, "**SALE TO MINORS AND BY MINORS IS PROHIBITED.**" This statement must be printed in bold, prominent and indelible letters, with a height of at least two millimeters in the upper part of the right side of the pack.

**Article 3:** Any direct or indirect advertising for tobacco products or derivatives aimed at minors is prohibited. The promotion and sponsorship of activities aimed at minors are also prohibited.  
Any promotional activity or sampling can only take place in closed premises whose access is strictly reserved for adults.

**Article 4:** No market study concerning tobacco, its products or derivatives can be undertaken for a population of people under the age of 18.

All forms of interaction with minors through electronic means of communication (e-mail, SMS messaging, etc...) are prohibited.

**Article 5:** It is prohibited to smoke in enclosed places accessible to the public that comprise part of establishments or buildings in which:

- Services are provided to the public, whether based on payment or otherwise, and this includes civil aviation and public transportation (buses, taxis, trains and boats);
- People who are ill or elderly are taken in and cared for;
- Preventive care or medical treatment is administered;
- Children or young people of school age are taken in, housed and cared for;
- Instruction and/or professional training are given;
- Exhibits are organized;
- Sports are practiced.

**Article 6:** In places where food and/or beverages are served for consumption, clearly demarcated spaces can be reserved for smokers but only on the condition that this space does not exceed one half of the total surface area of the enclosed space, and that such places are ventilated and placed in such a way that smoke cannot spread towards non-smokers.

**Article 7:** All packs and cartons of cigarettes and cigars must display at least two of the 4 health statements below:

- **“SMOKING IS HARMFUL TO YOUR HEALTH”;**
- **“TOBACCO IS SERIOUSLY HARMFUL TO YOUR HEALTH”;**
- **“BEWARE, SMOKING KILLS”;**
- **“SMOKING IS HIGHLY ADDICTIVE.”**

**Article 8:** The health warnings set forth in Article 7 must be printed in bold upper case letters, in black on a contrasting white background, and must cover 30% of the two main display spaces on the pack.  
The area reserved for health warnings must be surrounded by a distinctive black frame printed in boldface.

**Article 9:** One of the health warnings set forth in Article 7 must also be placed:

- On the left side of each carton, and cover at least 10% of the said space;
- On each promotional article directly associated with tobacco consumption (lighters, ashtrays, etc.)
- On any surface intended for stating the brand, and must cover 10% of this space;
- At all points of sale for cigarettes and cigars, on at least 10% of the space reserved for statement of the brand.

**Article 10:** In addition to health warnings, all packs of cigarettes and cigars must display the following elements: the name of the brand, the name of the manufacturer, the name of the country of origin,

the lot number, as well as the tar and nicotine content.

**Article 11:** The tar and nicotine content shall appear on the right side of each pack, and shall cover at least 20% of the said side. They are to be printed as follows:  
**TAR.....mg, NICOTINE .....mg**

**Article 12:** The content of manufactured cigarettes intended for sale, or sold in the Democratic Republic of Congo may not exceed 15 mg for tar, and 1.5 mg for nicotine.

The Minister of Public Health reserves the right to undertake tests for compliance of cigarettes sold in the Democratic Republic of Congo in approved laboratories.

The costs of such tests are to be borne by the establishment in question.

**Article 13:** The manufacture, importation and sale of tobacco and its products whose containers, labelling and packaging engage in promotion of a false, tendentious or misleading character likely to create the false impression, directly or indirectly, that one brand is less harmful than another, or to minimize the risks to health, are prohibited.

**Article 14:** The following things are also prohibited:

- Expressions such as "light," "ultra-light," "mild," etc.
- Names and logos of the kind that will create confusion or give the impression that a particular brand can promote sports and well-being in general;
- Sponsorship of athletic events.

**Article 15:** It is prohibited to present to consumers any advertising or promotional article that has no connection to the act of smoking and displays the brand of a cigarette or cigar, such as a t-shirt, shirt, cap, loincloth, pen, pencil, note pad, calendar, date book, etc.

- Article 16:** Any container of tobacco products or derivatives packaged and labelled in violation of the provisions of this Administrative Order shall be seized and destroyed on the basis of a written notice signed by inspectors duly authorized by the Minister of Public Health, and countersigned by the offender.
- Article 17:** The sale of expired, damaged or counterfeit products is prohibited. If such violation is ascertained, the responsible establishment must notify the National Program for Control of Addiction and Toxic Substances (PNLCT – *Programme National de Lutte contre la Toxicomanie and les substances toxiques*) specifying for each brand the lot number, quantity (stock), value and the name of the manufacturer.
- Article 18:** Manufacturers, importers and distributors of tobacco, tobacco products and derivatives are required to do the following:
- Provide all necessary information concerning their identification and registration with the National Program for Control of Addiction and Toxic Substances of the Ministry of Public Health;
  - Register all brands of products manufactured, imported or distributed in the Democratic Republic of Congo;
  - Apply for and obtain permits for the manufacture, importation and exportation of tobacco, tobacco products and derivatives.
- Article 19:** Permits for registration, manufacture, importation, exportation and distribution must be paid for. The rates are set by an inter-ministerial administrative order of the Minister of Public Health and the Minister of the Budget, at the proposal of the Minister of Public Health.
- Article 20:** Any violation of the provisions of this Administrative Order shall be punished by one or several of the following sanctions: confiscation of products, destruction of products, as well as the payment of settlement fines and administrative fees that may range from the equivalent in Congolese francs of ten US dollars to twenty-five thousand US dollars;

In cases of repeat offenses, in addition to the penalties noted above, settlement fines and administrative fees shall be doubled.

**Article 21:** Any earlier provisions at variance with this Administrative Order are hereby rescinded.

**Article 22:** As of the date of the signing of this Administrative Order, manufacturers, importers, exporters and distributors of cigarettes and cigars shall have six months to come into compliance with these provisions.

**Article 23:** The Secretary General of Public Health is charged with the execution of this Administrative Order, which shall enter into force on the date of its signing.

Done in Kinshasa on

**Minister of Public Health**  
[STAMP]  
[illegible signature]  
**Doctor Victor MAKWENGE KAPUT**