

# Decrees, Edicts, Circulars

## GENERAL TEXTS

### MINISTRY OF HEALTH AND SPORTS

#### Edict of April 15, 2010, concerning procedures for the writing of health warnings on units of packaging of tobacco products

NOR: SASP0931273A

The Minister of Health and Sports,

In light of Article 11 of the Framework Convention for Tobacco Control of the World Health Organization, executed in Geneva on May 21, 2003;

In light of Directive 2001/37/CE of June 5, 2001, of the European Parliament and the Council concerning harmonization of legal, regulatory and administrative provisions of the Member States with regard to the manufacture, presentation and sale of tobacco products;

In light of Decision 2003/641/CE of the Commission of September 5, 2003, on the use of color photographs or other illustrations such as warnings concerning health that are to appear on packaging of tobacco products;

In light of the final Decision C (2005) 1452 of the European Commission of May 26, 2005 on the electronic library of selected source documents, containing color photographs or other illustrations for each one of the supplementary warnings listed in Annex I of Directive 2001/37/CE of the European Parliament and the Council;

In light of final Decision C (2006) 1502 of the European Commission of April 12, 2006 modifying final Decision C (2005) 1452 final of the Commission of May 26, 2005 on the electronic library of selected source documents, containing color photographs or other illustrations for each one of the supplementary warnings listed in Annex I of Directive 2001/37/CE of the European Parliament and the Council;

In light of the Code of Public Health, particularly its Article L. 3511-6;

In light of the Customs Code, particularly its Article 38;

In light of the Edict of March 5, 2003, concerning the maximum content of tar, nicotine and carbon monoxide in cigarettes, methods of analysis, procedures for the printing of these contents and verification of the accuracy of the statements appearing on packaging, as well as the procedures for the printing of health warnings on packaging units of tobacco products, hereby

Orders:

**Art. 1.** – All units of packaging of tobacco and tobacco products, except for tobaccos for oral use whose sale is authorized and other tobacco products without combustion, shall bear the following:

- 1 On their most visible surface, one of the following two general warnings: “Smoking kills” or “Smoking is seriously harmful to your health and to that of the people around you;”
- 2 On the other most visible surface of the packaging unit, a specific warning in the form of color photographs or other illustrations taken from the list appearing in Annex 1 of this Edict.

**Art. 2.** – The general and specific warnings indicated in Article 1 of this Edict are to be printed in such a way as to ensure the regular appearance of each one of the messages on an equal number of packaging units, with a tolerance of plus or minus 5 %. They are also to be printed on all external packaging,

## Unofficial Translation

including the wrapping of cigarette cartons, but not including the transparent outer wrappings for the retail sale of tobacco products.

**Art. 3.** – Pursuant to the exception noted in Article 1, tobacco products for oral use whose sale is authorized and tobacco products without combustion are to bear the following warning: “This tobacco product can harm your health and be addictive.”

This warning is to be printed on the most visible surface of the packaging unit, as well as on all external wrapping, excluding transparent outer wrappings used for the retail sale of the product.

**Art. 4.** – The general warning required pursuant to paragraph 1 of Article 1 of this Edict, as well as the warning pertaining to tobacco products mentioned in Article 3 of this Edict, shall cover at least 30 % of the external area of the respective surface of the packaging unit of tobacco on which it is printed. The specific warning indicated in paragraph 2 of Article 1 of this Edict is to cover at least 40 % of the external part of the respective surface of the packaging unit on which it is printed. These minimal surface areas do not include the black border mentioned in paragraph 3 of Article 6 and paragraph 5 of Article 7 of this Edict.

**Art. 5.** – With respect to units of packaging intended for products other than cigarettes whose most visible surface is greater than 75 cm<sup>2</sup>, the area of the warnings mentioned in Articles 1 and 3 of this Edict shall be at least 22.5 cm<sup>2</sup> for each surface.

**Art. 6.** – The health warnings indicated in paragraph 1 of Article 1, and Article 3 of this Edict are to be printed as follows:

- 1 In bold black Helvetica characters on a white background, and in lower case, except for the first letter of the message;
- 2 Centered in the surface on which the text is to be printed, parallel to the upper edge of the pack;
- 3 Surrounded by a black border, of at least 3 mm thickness, that does not overlap in any way with the text of the warnings;
- 4 With regard to the general health warning indicated in paragraph 1 of Article 1, it shall appear on the lower part of the surface on which they are to be printed;
- 5 With regard to the specific health warning indicated in Article 3 of this Edict, it shall appear on the most visible surface in such a way as to be immediately visible at the time of purchase by the consumer, even before opening the packaging unit.

**Art. 7.** – The health warnings indicated in paragraph 2 of Article 1 of this Edict are to be printed in accordance with the technical rules for presentation indicated in Annex 2 of this Edict. They must:

- 1 Be printed at least in quadrichrome (CMYK) at 133 lpi;
- 2 Be conceived as images to be taken together without being modified, except by reason of the size of the packaging unit, under the conditions indicated in Annex 2;
- 3 Be reproduced without any modification of proportions and colors, except by reason of the size of the packaging unit, under the conditions indicated in Annex 2;
- 4 Be on the lower part of the surface on which they are printed;
- 5 Be surrounded by a black border, with a thickness of least 3 mm, that does not overlap in any way with the text of the warnings.

**Art. 8.** – The warnings indicated in Articles 1 and 3 of this Edict may not be printed on the tax stamps of the packaging units. They are to be printed in a prominent place, in a manner that is not removable and indelible, and are not in any way to be masked, hidden or separated by other statements or images, or by the opening of the pack.

With regard to tobacco products other than cigarettes, the texts can be affixed through the use of adhesives, as long as the latter are not removable.

**Art. 9.** – Section II of the Edict of March 5, 2003, concerning the maximum content of tar, nicotine and carbon monoxide in cigarettes, analysis methods, procedures for printing these contents and verification of the accuracy of the statements on packages, as well as the procedures for printing health warnings on packaging units of tobacco products (Articles 9 to 15), is hereby rescinded.

Unofficial Translation

**Art. 10.** – Tobacco products that are not in compliance with the provisions of this Edict may still be made available for consumption, respectively, within a period of one year for cigarettes, and within a period of two years for other tobacco products, following the date of publication of this Edict in the *Journal officiel* of the French Republic.

**Art. 11.** – The Director General of Health is charged with the execution of this Edict, which is to be published in the *Journal officiel* of the French Republic.

Done in Paris, on April 15, 2010,

ROSELYNE BACHELOT-NARQUIN

*A N N E X E S*

*A N N E X 1*

LIST OF SPECIFIC WARNINGS IN THE FORM  
OF COLOR PHOTOGRAPHS

The images for these warnings appear in the electronic library of “source” documents available through the Ministry of Health.

1. Smokers die prematurely.

[Image – foot with a morgue tag, repeats statement,  
with notice on getting help quitting smoking]

2. Smoking blocks your arteries and causes heart attacks and strokes

[Image – open heart surgery, repeats statement, etc.]

3. Smoking causes cancer

[Image – healthy lungs next to diseased lungs, repeats statement, etc.]

4. Smoking during pregnancy harms your child's health

[Image – fetus in the womb, repeats statement, etc.]

5. Protect children: don't make them breathe your smoke

[Image – child wearing a breathing mask, repeats statement, etc.]

6. Your doctor or your pharmacist can help you stop smoking

[Image – doctor taking patient’s vital signs, repeats statement 6 above,  
with notice on getting help quitting smoking.]

7. Smoking is highly addictive, so don’t start

[Image – needle, repeats statement, etc.]

8. Stopping smoking reduces the risk of fatal  
heart and lung disease

[Image – man slumped over on an exercise machine, repeats statement, etc.]

9. Smoking can lead to a slow and painful death

[Image – neck cancer, repeats statement, etc.]

10. Get help quitting smoking

[Image – two hands reaching towards each other, repeats statement, etc.]

11. Smoking may reduce blood flow  
and causes impotence

[Image – a couple, repeats statement 11 above,  
with notice on getting help quitting smoking.]

12. Smoking causes aging of the skin

[Image – wrinkly hands, repeats statement, etc.]

13. Smoking can harm sperm and reduce fertility

[Image – woman pushing an empty stroller, repeats statement, etc.]

14. Smoke contains benzene, nitrosamines,  
formaldehyde and hydrogen cyanide

[Image – a diseased/decaying mouth, repeats statement, etc.]

A N N E X 2

SPECIAL RULES FOR GRAPHIC PRINTING OF SPECIFIC WARNINGS  
BY REASON OF THE SIZE OF THE PACKAGING UNIT

If the size of the packaging unit so requires, specific warnings can be modified in accordance with the following rules:

- The graphic publication of textual elements is done through a modification of font size of the characters, and a modification of spaces between lines, to ensure good legibility;
- Graphic publication is achieved by changing the scale of the photograph and through a modification of the relative surfaces occupied by the photo and the corresponding text of the warning;
- When the ratio between the height and width of the warning is less than 0.8, the corresponding text of the warning, if it is placed on the photo in the electronic library of source documents, can be placed to the right of the photograph;
- When the ratio between the height and width of the warning is greater than 1.2, the corresponding text of the warning, if it is placed on the photo in the electronic library of source documents, can be placed below the photograph.