

July 29, 2016

Administrative Order of May 19, 2016, concerning procedures for the printing of health warnings on packaging units of tobacco products, vaping products, smoking products derived from plants other than tobacco and cigarette rolling papers

NOR: AFSP1613083A

Version consolidated on July 29, 2016

The Minister of Social Affairs and Health,

In light of Directive 2014/40/UE of April 3, 2014, of the European Parliament and Council, concerning the harmonization of legislative, regulatory and administrative provisions of the member States with respect to the manufacture, display and sale of tobacco products and related products, and superseding Directive 2001/37/CE;

In light of delegated Directive 2014/109/UE of the Commission of October 10, 2014, amending Annex 2 of Directive 2014/40/UE of the European Parliament and Council, with a view to including assorted images to be applied to tobacco products in the library of warnings;

In light of (EU) Executory Decision 2015/1735 of the Commission of September 24, 2015, concerning the exact placement of the general warning and the informational message on rolling tobacco sold in pouches;

In light of (EU) Executory Decision 2015/1842 of the Commission of October 9, 2015 regarding technical specifications on the combined provision, display and form of health warnings concerning tobacco products for smoking;

In light of the Code of Public Health, particularly its Articles L. 3512-22, L. 3513-16 and L. 3514-4;

Orders:

Article 1

Each packaging unit, as well as any external wrapping of tobacco products, vaping products, smoking products derived from plants other than tobacco, as well as cigarette rolling papers, shall include the health warnings set forth in this administrative order. These warnings are to be in French.

Section 1: Tobacco products

Sub-section 1: General provisions

Article 2

- I. - Health warnings shall occupy the entirety of the surface of the packaging unit or external packaging that is reserved for them. They are not to be commented on, paraphrased, or to be subject to any sort of reference whatsoever.
- II. - Health warnings are to be printed in an unremovable, indelible fashion, and fully visible, and are not to be concealed or broken up, partially or completely, by the markings intended for identification and traceability mentioned in Article L. 3512-23 of the Code of Public Health, by the security devices mentioned in Article L. 3512-25 of the Code of Public Health, by outer wrappings, envelopes, boxes or any other element when the tobacco products are placed on the market.
- III. - In cases of polyhedron-shaped packaging units with rounded or beveled edges, health warnings are to cover surfaces equivalent to those on packaging units that do not have such edges, and are to be applied without traversing the edges.
- IV. - Health warnings shall remain intact at the opening of the packaging unit. For packaging units with a flip-top lid, the health warnings can be broken up by the opening of the packaging unit, but only in a way that ensures the graphic completeness and visibility of the text, photographs and information on quitting.
- V. - With regard to packaging units and external wrappings of tobacco products other than cigarettes and rolling tobacco in pouches, health warnings can be affixed using adhesives, as long as they are unremovable.

Article 3

The dimensions of the health warnings are calculated on the basis of the surface area in question when the packaging unit is closed.

Article 4

The health warnings are to be framed by a black border with a width of one millimeter. This border shall not impinge in any way on the text of the warnings.

Article 5

A pictogram seeking to inform consumers and their loved ones on the program for help with quitting addressed to pregnant women, posted at the website www.tobacco-info-service.fr, is to appear consistently on all packaging units for tobacco products.

With tobacco products for smoking, the pictogram is to be placed next to the information on quitting tobacco, below the warning message.

Sub-section 2: Tobacco products for smoking

Article 6

I. - Each packaging unit, as well as any external wrapping of tobacco products for smoking, shall include a combined health warning, pursuant to item a) in 1° of Article L. 3512-22 of the Code of Public Health.

II. - This combined health warning:

1° Is to be made up of a warning message appearing in Annex 1 of this administrative order and of a corresponding photograph in color appearing in the library of images in delegated Directive 2014/109/UE of the Commission, of October 10, 2014;

2° It shall show, below the warning message noted in 1°, the following information on quitting tobacco:

"To quit smoking: www.tobacco-info-service.fr or 3989 (non-surcharged call)";

3° It shall cover 65% of the outer front and rear surface of the packaging unit, and any external wrapping. Cylindrical packaging units are to post two combined health warnings equidistant from one another, each covering 65% of the half of its respective curved surface;

4° Shall appear against the upper edge of a packaging unit and any external wrapping, and is to be oriented in the same way as any other information appearing on this surface of the packaging;

5° Shall adhere to the following dimensions, for packaging units of cigarettes:

- height: a minimum of 44 millimeters;
- width: a minimum of 52 millimeters.

III. - Technical specifications concerning the format, provision, display and proportions of the combined health warnings shall be in accordance with European Executory Decision 2015/1842 of the Commission of October 9, 2015.

IV. - The combined health warnings are to be divided into three series of illustrations of 14 photographs. Each series is to be used in alternation from one year to the next. The series are numbered 1, 2 and 3.

Photographs from series 1 are to be affixed to packaging units manufactured between May 20, 2016, and May 19, 2017. Photographs from series 2 are to be affixed to packaging units manufactured between May 20, 2017 and May 19, 2018. Photographs from series 3 are to be affixed to packaging units manufactured between May 20, 2018 and May 19, 2019. This sequence is to be reproduced in subsequent years.

Each of the combined health warnings to be used over the course of a given year is to be affixed to each brand of tobacco products in an equal number, as far as possible.

The procedure for using these photographs is described in Annex 2 of this administrative order.

Article 7

I. - The general warning mentioned in b) of 1° of Article L. 3512-22 of the Code of Public Health is as follows:

"Smoking kills."

For polyhedron-shaped packaging units of cigarettes and rolling tobacco, this general warning shall appear on the lower portion of one of the lateral surfaces of the packaging unit.

The informational message mentioned in c) of 1° of Article L. 3.512-22 of the Code of Public Health is as follows:

"Tobacco smoke contains more than 70 carcinogenic substances."

For polyhedron-shaped packaging units of cigarettes and rolling tobacco, this informational message shall appear on the lower portion of the other lateral surface.

II. - The general warning and informational message mentioned in I are to cover 50% of the surfaces on which they are printed, and shall have a width greater than or equal to 20 millimeters.

III. - The general warning and informational message indicated in I are to be printed in bold, black Helvetica characters on a white background. The font size of the characters shall ensure that the text in question occupies as large a proportion as possible of the surface reserved for these health warnings.

Article 8

I. - For packaging units in the form of a soft box with flip-top lid, and whose lateral surface separates into two parts upon opening, the general warning and the informational message are to appear in their entirety on the two largest parts of these two separate surfaces.

The general warning shall also appear on the inner part of the upper surface, visible when the packaging unit is open.

The lateral surfaces of this type of packaging unit shall be of a height greater than or equal to 16 millimeters.

II. - The technical specifications concerning the exact placement of the general warning and the informational message on rolling tobacco sold in pouches are to adhere to European Executory Decision 2015/1735 of the Commission, of September 24, 2015.

III. - For rolling tobacco sold in cylindrical packaging units, the general warning shall appear on the outer surface of the flap, and the informational message on its inner surface.

Sub-section 3: Smoke-free tobacco products

Article 9

Each packaging unit, as well as any external wrapping of smoke-free tobacco products shall exhibit the following health warning:

"This tobacco product is harmful to your health and causes addiction."

Article 10

I. - The health warning mentioned in Article 9 shall cover 30% of the two largest surfaces of the packaging unit and any external wrapping. The text of this warning is to be parallel to the main text appearing on these surfaces.

II. - This warning is to be printed in bold, black Helvetica characters on a white background. The font size of the characters shall ensure that the text in question occupies as large a proportion as possible of the surfaces reserved for this warning.

III. - The warning is to be centered on the surfaces it occupies. On polyhedron-shaped packaging units and any external wrapping, it shall be parallel to the lateral edge of the packaging unit or external packaging.

Section 2: Cigarette rolling paper

Article 11

I. - All packaging units of cigarette rolling papers shall exhibit:

1° On the front surface, the following health warning: "Smoking is seriously harmful to your health and that of the people around you";

2° On the upper portion, the following health warning: "Get help quitting smoking, call 3989 (non-surcharged call)."

These warnings are to be printed in a prominent place, in an unremovable and indelible fashion, and are not to be concealed, hidden or separated in any way by other indications or images, or the opening of the packaging unit.

Outer wrappings shall not exhibit health warnings.

II. - The warning required pursuant to 1° of I shall cover at least 50% of the external area of the surface on which it is printed.

The health warning indicated in the same 1° is to be printed:

1° In bold, black Helvetica characters on a white background, and in lower case, except for the first letter of the message;

2° In a font size of 18.5;

3° Centered on the surface on which the text is to be printed, parallel to the upper edge of the packaging unit;

4° On the lower portion of the surface on which it is printed.

The warning shall be surrounded by a black border, with a minimum thickness of 3 mm, not impinging in any way on the text of the warning.

III. - The warning indicated in 2° of I shall cover the entirety of the external area of the surface on which it is printed.

The health warning indicated in the same 2° is to be printed:

1° In bold, black Medium Helvetica characters on a white background, and in lower case, except for the first letter of the message;

2° In a font size of 6.5;

3° Centered on the surface on which the text is to be printed, parallel to the upper edge of the packaging unit.

Section 3: Vaping products

Article 12

All packaging units and any external wrappings of vaping products and refill flasks containing nicotine shall exhibit the following health warning, pursuant to Article L. 3513-16 of the Code of Public Health:

"The nicotine contained in this product is highly addictive. Its use by non-smokers is not recommended."

Article 13

- I. - The health warning mentioned in Article 12 shall cover 30% of the two largest surfaces of the packaging unit and any external wrapping. The text of this warning is to be parallel to the main text appearing on these surfaces.
- II. - This warning is to be printed in bold, black Helvetica characters on a white background. The font size of the characters shall ensure that the text in question occupies as large a proportion as possible of the surfaces reserved for this warning.
- III. - The warning is to be centered on the surfaces it occupies and, on polyhedron-shaped packaging units and any external wrapping, it shall be parallel to the lateral edge of the packaging unit or external packaging.

Section 4: Smoking products derived from plants other than tobacco

Article 14

Each packaging unit, as well as any external wrapping of products for smoking derived from plants, shall exhibit the following health warning:

"Smoking this product is harmful to your health."

Article 15

- I. - Health warnings are to be printed on the front and rear outer surface of the packaging unit, as well as on any external packaging, and are to cover 30% of each of these two surfaces.
- II. - Health warnings are to be printed in bold, black Helvetica characters on a white background. The font size of the characters shall ensure that the respective text occupies as large a proportion as possible of the surface reserved for these health warnings.
- III. - It is to be centered on the surface on which the text is to be printed, on polyhedron-shaped packages, and on any external packaging. It is to be parallel to the lateral edge of

the packaging unit or external packaging.

Section 5: Final Provisions

Article 16

This administrative order supersedes:

1° The administrative order of May 27, 2004, concerning ways of printing health warnings on packaging units of cigarette rolling paper;

2° It supersedes the following provisions:

- Administrative Order of April 15, 2010

Art. 1, Art. 2, Art. 3, Art. 4, Art. 5, Art. 6, Art. 7, Art. 8, Art. 10, Art. 11, Sct. Annexes, Art. Annex 1, Art. Annex 2

Article 17

Except for cigars, tobacco products not in compliance with the provisions of this administrative order can be offered for consumption until November 20, 2016, and sold until January 1, 2017.

For cigars, products not in compliance with the provisions of this administrative order can be sold until May 20, 2017.

Article 18

The Director General of Health is charged with the execution of this administrative order, which is to be published in the *Journal officiel de la République française* ('Official Journal of the French Republic').

Annex

ANNEX 1

LIST OF WARNING MESSAGES (INDICATED IN 10 OF II OF ARTICLE 6)

1° Smoking causes 9 out of every 10 cases of lung cancer.

2° Smoking causes cancer of the mouth and the throat.

3° Smoking is harmful to your lungs.

4° Smoking causes heart attack.

5° Smoking causes strokes and paralysis.

Unofficial Translation

6° Smoking pinches your arteries.

7° Smoking increases the risk of blindness.

8° Smoking is harmful to your teeth and gums.

9° Smoking can kill the child you are expecting.

10° Your smoke is dangerous for your children, your family and friends.

11° Children of smokers are at greater risk to become smokers.

12° Stop smoking: stay alive for your loved ones.

13° Smoking reduces fertility.

14° Smoking increases the risk of impotence.

Annex

ANNEX 2

IMAGE LIBRARY

The images for these warnings are in an electronic library of source documents, available from the Ministry of Health.

Requests for these files can be made:

- by e-mail at the common address of the General Office of Health, the Bureau of Public Health (SP3): DGS - SP3@sante.gouv.fr;
- or by mail to the following address: General Office of Health, 14, avenue Duquesne, 75350 Paris 07 SP.

Done on May 19, 2016.

Marisol Touraine