

## ISRAEL

### **PROHIBITION OF ADVERTISING AND RESTRICTION OF MARKETING OF TOBACCO AND SMOKING PRODUCTS LAW, 5743-1983**

#### **Purposes and Definitions**

1. (A) The purpose of this Law is to protect public health, and particularly the health of minors, by means of establishing prohibitions, restrictions, and obligations concerning smoking products, including the prohibition of advertisements for smoking products and restrictions on actions likely to encourage commencement of use of smoking products or to facilitate their use, as well as by means of providing information for the public, all this due to the serious and fatal damage caused to health pursuant to the use of smoking products.

(B) In this Law –

“Filling matter” – liquid or matter in another state intended for use in an electronic cigarette;

“Penal Law” – the Penal Law, 5737-1977;

“Tobacco products” – tobacco in any form intended for smoking, snuffing, chewing or sucking, including cigarettes, cigars, cigarillos, narghila tobacco, and pipe tobacco;

“Smoking product” – any of the below, unless it constitutes a preparation registered in the Registry or a preparation marketed in accordance with a permit granted in accordance with section 47A of the Pharmacists Ordinance [New Version], 5741-1981:

- (1) A tobacco product;
- (2) Matter of vegetal origin intended for smoking by means of burning and not containing tobacco, including a mixture, composition, or suspension of a matter as stated;
- (3) A product serving for the smoking of tobacco or the smoking of matter of vegetal origin as stated in para. (2), including cigarettes, cigars, cigarillos, narghila, pipe, and cigarette rolling paper;
- (4) An electronic cigarette, filling matter, and cartridge;

“Brand” – a trademark, symbol, special orthography, graphic design, slogan or any other distinctive marks;

“Cartridge” – an accessory installed on an electronic cigarette containing filling matter;

“Electronic cigarette” – a product, including a product resembling a cigarette, cigar, pipe, or narghila, permitting the user to consume vapors containing nicotine, operated by an electronic means and intended for smoking, and permitting one-time or repeat consumption;

“Smoking” – including by means of creating an aerosol or vapor for consumption;

“Advertising” – including the creation, production, distribution, ordering or funding of an advertisement;

“Advertisement” – an advertisement orally, in writing, in print, or by electronic means, including by means of the internet or by another technological means, including by drawing, image, sound, picture or by any other means, intended for or available to any or all of the public in any form, overtly or covertly;

“Advertisement for a smoking product” – an advertisement liable to promote a smoking product, a trademark of a smoking product or a brand of a smoking product, including an indirect advertisement, incidental advertisement, covert advertisement, subconscious advertisement, sponsorship or sales promotion; for this purpose –

“Incidental advertisement” – an advertisement ostensibly appearing incidentally;

“Subconscious advertisement” – an advertisement presented in a manner in which a message is conveyed to the viewers without their being fully aware thereof, in fleeting images or otherwise;

“Covert advertisement” – an advertisement presented in such manner that a reasonable viewer is liable not to recognize that it contains advertising for a product;

“Indirect advertisement” – an advertisement for a product other than a smoking product, whose purpose, inter alia, is to promote the marketing of a specific smoking product;

“Permitted advertisement” – an advertisement for a smoking product permitted in accordance with the provisions of section 3(B);

“Marketing” – sale, supply or import of smoking products, excluding –

- (1) Export;
- (2) Import by persons entitled to exemption from the payment of customs duty under any valid enactment concerning customs;
- (3) Supply from a warehouse alongside ships and aircraft in accordance with provisions in accordance with the Customs Ordinance;

“Amendment No. 7” – Restriction of Advertising and Marketing of Tobacco Products (Amendment No. 7), 5779-2019.

### **Prohibition of Advertising in Praise of Smoking**

2. There shall be no advertising in praise of smoking as such.

### **Prohibition of Advertising for a Smoking Product and Exceptions to the Prohibition**

3. (A) No person shall advertise a smoking product.

(B) The prohibitions of sub-section (A) shall not apply to each of the following:

(1) An advertisement for a smoking product in a printed newspaper, provided that all the following pertain:

(A) The advertisement is not in a newspaper, column, or supplement of the newspaper intended mainly for children and

youths under the age of 18, or devoted primarily to health, sport, entertainment, pastime, or leisure;

(B) Adjacent to the advertisement for the smoking product in the newspaper, an announcement shall be published regarding the damages of smoking, containing an explanation or other message on this subject, in the language in which the newspaper is published and in a space identical in size to the area of the advertisement, including the warning area in accordance with section 7; however, an announcement as stated may be published otherwise than adjacent to the advertisement if all the following pertain:

(1) The announcement shall be published in the same section or supplement and on the same page number where the advertisement was published, and not later than seven days after the date on which it was published;

(2) If the advertisement was published on a Friday or festival eve – the announcement will be published on one of these said days;

(2) An advertisement for a smoking product displayed in a non-online shop for the sale of smoking products only, or for the sale of smoking products and intoxicating beverages only, provided that the advertisement is not visible from outside the shop;

(3) (A) A work of art or news report, investigative and documentary articles not made with the purpose of promoting a smoking product, a trademark of a smoking product or a brand of a smoking product, even if they include an advertisement for a smoking product; however, the exception in accordance with this sub-section shall not apply to a person who gave or received remuneration for the said advertisement;

(B) A work of art made with the purpose of promoting a smoking product, a trademark of a smoking product or a brand of a smoking product and displayed in public prior to the date of publication of Amendment No. 7;

(4) An advertisement for a product other than a smoking product, or for a business, that have an identical or similar name to a trademark or brand of a smoking product, if all the following pertain:

(A) Regarding a smoking product that is a tobacco product – the product or business existed in Israel as of 12 Tammuz 5761 (4 July 2001), and regarding a smoking product that is not a tobacco product – the product or business existed in Israel prior to the date on which Amendment No. 7 came into force;

(B) The name of the product or the business is displayed in the advertisement in a fundamentally different way from the brand of the smoking product, or the brand of the smoking product is displayed on a product other than a smoking product in a non-prominent manner;

(5) An advertisement for a smoking product, in writing only and without video or audio, delivered to a recipient over the age of 21 years, provided that he requested this in advance and in writing, and for so long as he has not notified otherwise.

4. (Nullified).

### **Prohibition of the Display of Smoking Products for Sale and Exceptions to the Prohibition**

- 4A. (A) A person shall not display a smoking product for sale.
- (B) The provisions of sub-section (A) shall not apply to all the following:
- (1) A smoking product offered for sale in shop that is not online and is one of the following:
- (A) A shop for the sale of smoking products only, or for the sale of smoking products and intoxicating beverages only, provided that they are not visible from outside the shop;
  - (B) A shop including a separate section intended for the sale of smoking products only, provided that these are not visible from other sections of the shop or from outside the shop.
- (2) A smoking product sold on the internet, provided that it displays only any or all of the following: the name of the smoking product, its country of manufacture, its price, its parts, its components and their quantity in the product, and regarding an electronic cigarette – the concentration of nicotine in the product.

### **Restriction of an Advertisement**

5. (A) In a permitted advertisement as stated in section 3(B)(1) and (2), or in the labeling of a packet or package of a smoking product, no person shall use the name or image of persons or animals, or of any of their limbs, not a picture of a fruit or other plant, including in drawing or animation;”

(B) The provisions of this section shall not apply to the use of the name or image of a person or an animal constituting a registered trademark as defined in the Trademarks Ordinance [New Version], 5732-1972, provided that the smoking product was marketed in Israel prior to 13 Tammuz 5761 (4 July 2001), and regarding a smoking product that is not a tobacco product – the product or business existed in Israel prior to the date on which Amendment No. 7 came into force, using the name or image as stated, and the name or image are displayed in the advertisement in the same manner as that of the registered trademark.

### **Provisions concerning a Permitted Advertisement in a Printed Newspaper**

6. (A) A person shall not make, in a single edition of a single newspaper, more than one advertisement permitted in accordance with section 3(B)(1).

(B) The Director-General of the Ministry of Health shall publish on the ministry’s website an announcement regarding the dangers of smoking, which a newspaper must publish in accordance with section 3(B)(1)(B), and he is entitled to

publish different announcements, inter alia according to types of newspapers, and to update from time to time announcements published in accordance with this sub-section.

### **A Warning in a Permitted Advertisement**

7. (A) A permitted advertisement as stated in section 3(B)(1) and (2) shall include a warning to be displayed in a prominent position, with a size of at least 30 percent of the area of the advertisement, in the language in which the advertisement is written, in accordance with the content of the Addendum and in the following wording:

- (1) Regarding a tobacco product – one of the alternate warning wordings in accordance with the provisions of section 9(C);
- (2) Regarding an electronic cigarette, cartridge, or filling matter – “Warning – this product is highly addictive and damaging to your health;”
- (3) Regarding a smoking product other than a product as stated in paras. (1) and (2) – “Warning – smoking causes serious diseases and premature death.”

(B) The Minister of Health, with the approval of the Knesset Economic Affairs Committee, is entitled to change the Addendum and the warning wordings as stated in sub-section (A) and to establish another message to be included in a permitted advertisement as stated in that sub-section; in regulations in accordance with this sub-section, the Minister of Health is entitled to establish additional provisions regarding the languages of the warning or message, their location, design, form, and content, their minimum size and that of their letters, and the manner of substitution of the warning or the message, including different provisions and wordings of the warning or message as stated for different types of smoking products.

### **Restrictions on the Names and Forms of Products Similar to a Smoking Product**

7A. (A) No person shall manufacture, market, or store for the purpose of marketing a product other than a smoking product if its name, its nickname or the emblem appearing thereon are identical or similar to a trademark or a brand of smoking product that was in existence prior to the determination of the name or nickname of the product other than a smoking product or prior to the appearance of the emblem on the product as stated.

(B) No person shall name a business or commercial activity unrelated to trade in smoking products by a name or nickname identical or similar to the trademark or brand of a smoking product, if the trademark or brand were in existence prior to the granting of the name or nickname to the said business or activity.

(C) A manufacturer or importer shall not name a tobacco product marketed for the first time after 13 Tammuz 5761 (4 July 2001), or a smoking product other than a tobacco product marketed for the first time after the date on which Amendment No. 7 came into force, by a name or nickname identical or similar to the trademark or brand of a product other than a smoking product.

(D) No person shall manufacture, market, or store for the purpose of marketing a toy or candy, including chewing gum, in the form of a cigarette.

### **Prohibition of Placement of a Vending Machine**

7B. No person shall place a vending machine for smoking products.

**Conditions for the Manufacture and Marketing of an Electronic Cigarette, Cartridge, and Filling Matter**

7C. (A) No person shall manufacture, market, or store for the purpose of marketing an electronic cigarette, cartridge or filling matter, if these contain nicotine in a concentration greater than 20 milligrams per milliliter.

(B) Without derogating from the provisions of sub-section (A), no person shall market filling matter otherwise than in a package intended to prevent its opening by children, breakage or leakage.

(C) The provisions of this section shall not apply to an electronic cigarette, filling matter or cartridge that are a registered preparation in the Registry or a preparation marketed in accordance with a permit granted in accordance with section 47A of the Pharmacists Ordinance [New Version], 5741-1981.

**Prohibition of Gifts**

8. (A) No person shall market or distribute to a consumer a tobacco product having attached to it, or which is accompanied by, a prize, gift or right to participate in a prize lottery or competition.

(B) No person shall market, distribute or loan a smoking product to another in a commercial framework, including at marketing and sales promotions events for products other than smoking products, without remuneration, for symbolic remuneration or in return for another smoking product or ancillary to the purchase of another product, including in return for participation in a consumer survey, registration on a mailing list or the furnishing of personal details.

**Prohibition of Sale or Rent to a Minor**

8A. (A) No person shall sell a smoking product to a minor.

(A1) No person shall rent a smoking product to a minor.

(B) A business owner or employee is entitled to demand that a person wishing to be supplied with a smoking product present a document permitting the verification of his age.

(C) The owner of a business where smoking products are sold or rented shall display in a prominent position in his business, in such manner as determined by the Minister of Health, a notice detailing the provisions of sub-sections (A), (A1), and (B).

(D) A person who failed to comply with the provisions of sub-section (C) shall be considered to have failed to comply with a provision of the license granted to him in accordance with the Business Licensing Law, 5728-1968, and the provisions of the said law shall apply thereto.

**Warning**

9. (A) No person shall market smoking products in a packet or other package, including tobacco for a pipe or narghila in a package, unless a warning is printed or affixed thereon in clear and legible letters, and the word “warning” is emphasized by underlining, and in accordance with these provisions:

(A) Regarding tobacco products – the wording of the warning shall be one of the alternating wordings in accordance with sub-section (C), and the area of the warning shall be at least 65 percent of the area of each of the two widest sides of the packet or package, on the upper part of each thereof, or another proportion of the package area according to provisions in accordance with sub-section (C);

(B) Regarding an electronic cigarette, cartridge or filling matter – the warning wording shall be: “Warning – this product is highly addictive and damaging to your health,” and the area of the warning shall be at least 30 percent of the area of each of the two broadest sides of the packet or package, on the upper part of each thereof, or another proportion of the package area according to provisions in accordance with sub-section (C);

(C) Regarding a smoking product other than a product as stated in paras. (1) and (2) – the warning wording shall be: “Warning – smoking causes serious diseases and premature death,” and the area of the warning shall be at least 30 percent of the area of each of the two broadest sides of the packet or package, on the upper part of each thereof, or another proportion of the package area according to provisions in accordance with sub-section (C);

(B) In tobacco products other than cigarettes, the warning may be printed on or affixed to the front of the wrapping rather than on its side.

(C) The Minister of Health, with the approval of the Knesset Economic Affairs Committee, is entitled to change the wording of the warning, including establishing different warning wordings alternating from time to time, for the purpose of this section, and to change the area of the warning established in sub-section (A) and the minimum size of the letters in the warning, and to establish provisions concerning the location, design, form, and manner of alternation of the warning wordings; a warning wording determined in accordance with this sub-section shall come into force within 45 days from the date of its publication in the Official Records; in regulations in accordance with this sub-section, the Minister of Health shall be entitled to establish different provisions and different warning wordings for different types of smoking products.

### **Reporting on Expenses for Tobacco Products Advertising**

9A. (A) A manufacturer or importer of smoking products shall submit to the Appointee, every year by 1 June, a report from an accountant on his behalf, in accordance with accepted accounting practices, regarding his expenses in the previous year for permitted advertisements in accordance with section 3(B)(1) and (2) for smoking products he manufactured or imported, as the case may be; a report as stated shall be delivered in writing and by electronic or magnetic means; for this purpose, “Appointee” – the Director-General of the Ministry of Health or an employee of the Ministry of Health appointed thereby for the purpose of this Law; notice of an appointment as stated shall be published in the Official Records and on the website of the Ministry of Health.

(1A) The Appointee is entitled to instruct a manufacturer or an importer of smoking products to furnish him with a review, authorization or opinion verifying the information he provided in accordance with this section.

(B) A report as stated in sub-section (A) shall classify the expenses for the advertising of smoking products according to the types of permitted advertisements as stated in section 3(B)(1) and (2), and concerning a permitted advertisement as stated in section 3(B)(1) – the number of advertisements for smoking products published in printed newspapers, the names of the newspapers in which the advertisements appeared, the date of publication, the section or supplement of the newspaper, and the number of the page on which the advertisement was published, as well as all the details as stated regarding the announcement published with regard to the said advertisement in accordance with section 3(B)(1)(B); reporting regarding a permitted advertisement as stated in section 3(B)(1) shall be submitted with the attachment of an affidavit from the manufacturer or the importer in which he shall declare that the information he has submitted is true and complete and if he is a corporation – with the attachment of an affidavit as stated from the executive director of the corporation.

(C) The Minister of Health shall publish on the website of the Ministry of Health the total expenditure of all the manufacturers and importers of smoking products as stated in sub-section (A), as well as the total expenditure of all the manufacturers as stated classified by the type of permitted advertisements as stated in section 3(B)(1) and (2).

(D) The provisions of this section shall also apply to the holder of a franchise in a trademark of smoking products or any person on his behalf, and to the holder of permission to use the trademark, who are not a manufacturer or an importer of smoking products, who make an advertisement for the said trademark.

### **Plain Packets and Package of Smoking Products**

9B. (A) No person shall market a smoking product in a packet or another package, including in a set containing several packages or packages, otherwise than in a packet or package in the color Pantone 448 C, to include these details only:

- (1) A warning in accordance with section 9;
- (2) The brand name, the name and address of the manufacturer, and if the product is imported – the name and address of the importer; details as stated shall appear on the lower part of the package or package and shall be in Lucida Sans or Lucida Sans Unicode typeface, in the color Pantone Cool Gray 2C, and in a letter size not exceeding 14 points;
- (3) Labeling in accordance with section 9C, including referral to treatment for smoking cessation; referral to treatment as stated shall constitute part of the warning area in accordance with section 9.

(B) The Minister of Health shall be entitled, with the approval of the Knesset Economic Affairs Committee, to change the details stated in sub-section (A)(2), and inter alia to establish a different maximum size for the letters as stated in that sub-section.

- (C) (1) The provisions of this section shall not apply to a cigar or to pipe tobacco, provided that these are offered for sale in a shop as stated in section 4A(B)(1);
- (2) In this sub-section, “cigar” – any of the following, provided that it is classified as a cigar in accordance with the provisions in accordance with the Customs Ordinance:



- (A) Rolled tobacco wrapped in a natural tobacco leaf;
- (B) Rolled tobacco wrapped in a reconstituted tobacco leaf fully covering the rolled tobacco and the filter, if any, provided that its total weight excluding the filter is greater than 1.3 grams;
- (3) The Minister of Health is entitled to change by order the conditions stated in para. (2)(A) and (B) and to establish additional provisions and conditions concerning the definition of “cigar” in the said section.

(D) The provisions in accordance with this section shall not derogate from provisions in accordance with any law, including in accordance with this Law, requiring labeling on product packets or package.

### **Labeling of Smoking Products**

9C. (A) The Minister of Health, with the approval of the Knesset Economic Affairs Committee, is entitled to establish additional provisions to those in accordance with this Law concerning the labeling of smoking products, including provisions intended for labeling for the purpose of identification or consistency, including by electronic means, and provisions concerning the obligation of labeling, including text, prohibition of labeling on a package or packet of a smoking product, and provisions concerning the labeling of a message concerning referral to smoking cessation; in regulations in accordance with this sub-section, the Minister of Health is entitled to establish different provisions for different types of smoking products.

(B) No person shall market a smoking product unless the packet or package of the product is labeled in accordance with the provisions of sub-section (A).

### **Inclusion of an Insert with a Smoking Product**

9D. (A) No person shall market a smoking product in a packet or package unless an insert is attached to the packet or package regarding the damages of smoking and forms of assistance for smoking cessation in accordance with the provisions of sub-section (B) (in this section – an insert).

(B) The Minister of Health, with the approval of the Knesset Economic Affairs Committee, shall establish provisions for the purposes of sub-section (A), including provisions concerning the size, content, design, and form of the insert, the languages in which it shall be published, and the minimum size of the letters; in regulations as stated, the Minister is entitled to establish that the insert shall include, inter alia, pictures, including drawings, the manner of alternation of the messages on the insert, and their distribution among the packets or packages of the same trademark, and different provisions for different types of smoking products.

### **Reporting on the Ingredients of Smoking Products**

9E. (A) A manufacturer or an importer of smoking products shall submit to the Appointee each year, by 1 June, information as detailed below regarding any smoking product it manufactured or imported in the previous year, separately for each smoking product distinguished in any manner from another smoking product:

- (1) A list of all the ingredients for each of the smoking products it manufactures or imports, the purpose of the use of the ingredients, their proportion and quantity in the smoking product, and regarding a

smoking product containing tobacco – in addition a list of any ingredient in the tobacco mixture and its proportion in the product; however, it is possible to state a flavor or fragrance substance in the said list without stating its proportion, if its proportion in the product is less than 0.1% of the weight of the tobacco in the product and it is not included in the list of carcinogenic, suspected carcinogenic or potentially carcinogenic substances of the International Agency for Research on Cancer (IARC), as these are updated from time to time;

(2) Substances emitted during the use of a smoking product other than a cigar as defined in section 9B(C), if the information is known to the manufacturer or to the importer, and regarding a tobacco product that is a cigarette – in addition information regarding carbon monoxide, tar, and nicotine emitted during the use of the product;

(3) If the information is known to the manufacturer or to the importer – toxicological information – concise information for the public regarding the risk to human health of each ingredient detailed in paras. (1) and (2) and the products of its combustion or emission, as the case may be, in its raw form and during its use, including information regarding the possible influence of the ingredient on the level of addictiveness of the smoking product to the user and on his health; information as stated in this section shall be presented together with details concerning the source of the information.

(B) Information as stated in sub-section (A) shall be submitted together with an affidavit on behalf of the manufacturer or the importer in which he shall declare that the information he has submitted is true and complete and if he is a corporation – with the attachment of an affidavit as stated from the executive director of the corporation; in addition, the Appointee is entitled to instruct the manufacturer or the importer to furnish him with a review, authorization or opinion verifying the information.

(C) The Appointee is entitled to demand additional information from the manufacturer or the importer of a smoking product regarding the matters stated in sub-section (A) and to instruct the manufacturer or the importer of a smoking product concerning the format for preparing the information as stated in that sub-section and for the manner of its delivery, including the format for preparing information constituting a commercial secret and the manner of its delivery.

(D) The Appointee shall publish the information submitted to him in accordance with this section on the website of the Ministry of Health, without information constituting a commercial secret.

(E) The Minister of Health, with the approval of the Knesset Economic Affairs Committee, is entitled to establish provisions regarding this section, including provisions requiring a manufacturer or an importer of a smoking product to label ingredients used in the manufacturing of smoking products and the products of its combustion or emission on packets or packages of the smoking products and provisions regarding the manner of inspection of the proportion of the components and the products of their combustion or emission as stated; in regulations in accordance with this sub-section, the Minister of Health is entitled to establish different provisions for different types of smoking products.

(F) In this section, “the Appointee” – as defined in section 9A(A).

### **Status of the State**

10. For the purpose of this Law, the State shall be treated like any other person.

### **Penalties**

11. (A) Whoever commits any of the following acts shall be liable to a fine as stated in section 61(A)(4) of the Penal Law, and if the offense was committed by a corporation – to double the fine as stated:

- (1) Makes an advertisement praising smoking per se, contrary to the provisions of section 2;
- (2) Makes an advertisement for a smoking product, contrary to the provisions of section 3;
- (3)<sup>1</sup> Displays a smoking product for sale, contrary to the provisions of section 4A;
- (4)<sup>2</sup> Uses the name or image of persons, of an animal, or of any of their organs, or a picture of a fruit or other plant, including in drawing or animation, in a permitted advertisement for a smoking product or in the labeling of a packet or package of a smoking product, contrary to the provisions of section 5(A);
- (5) Makes more than one permitted advertisement in the same edition of a newspaper, contrary to the provisions of section 6(A);
- (6) Makes a permitted advertisement without its including a warning or other message, contrary to the provisions of section 7;
- (7) Manufactures, markets or stores a product other than a smoking product contrary to the provisions of section 7A(A);
- (8) Names a smoking product by a name or nickname identical or similar to a trademark or to a brand of a product other than a smoking product, contrary to the provisions of section 7A(C);
- (9) Manufactures, markets or stores an electronic cigarette, cartridge or filling matter containing nicotine in a concentration exceeding 20 milligrams per milliliter, contrary to the provisions of section 7C(A);
- (10) Markets a filler matter contrary to the provisions of section 7C(B);
- (11) Markets or distributed to a consumer a smoking product, contrary to the provisions of section 8(A);
- (12) Distributes, dispenses or lends a smoking product to another in a commercial framework, contrary to the provisions of section 8(B);
- (13) Sells or rents a smoking product to a minor, contrary to the provisions of section 8A(A) or (A1);

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<sup>1</sup> This item will come into force on 8 January 2020.

<sup>2</sup> This item will come into force on 8 July 2019.

(14)<sup>3</sup> Markets a smoking product without a warning being printed or affixed on its packet or package, contrary to the provisions of section 9;

(15)<sup>4</sup> Markets a smoking product in a packet or in a package otherwise than as stated in section 9B.

(A1) Whoever commits any of the following acts shall be liable to a fine as stated in section 61(A)(3) of the Penal Law, and if the offense was committed by a corporation – to double the fine as stated:

(1) Names a business or a commercial activity not related to commerce in smoking products by a name or nickname identical or similar to a trademark or brand of a smoking product, contrary to the provisions of section 7A(B);

(2)<sup>4</sup> Manufactures, markets or stores for marketing a toy or candy in the form of a cigarette, contrary to the provisions of section 7A(D);

(3) Places a vending machine for smoking products, contrary to the provisions of section 7B;

(4) Fails to submit a report as stated in section 9A, or submits a partial report or a report including an erroneous detail, contrary to the provisions of the said section;

(5) Markets a smoking product whose packet or package is not labeled, contrary to the provisions of section 9C;

(6) Markets a smoking product in a packet or package without the attachment thereto of an insert, contrary to the provisions of section 9D;

(7) Fails to submit information as stated in section 9E, or submits partial or incorrect information, contrary to the provisions of that section;

(8) Manufactures or imports a smoking product and fails to label its ingredients, contrary to the provisions of section 9E(E).

(B) If an offense was committed in accordance with section 9, the failure to print or affix a warning on one production series labeled on each packet, and in the case of import – on one import unit labeled on each packet, shall be considered a single offense.

(C) The burden of proof regarding the production series rests with the manufacturer, and in the case of an import unit – with the importer; for the purpose of this section, one production series means smoking products manufactured in a single work day, and one import unit means smoking products with a single trademark packed in a single container.

## **A Complaint**

11A. (A) A public body whose purpose is to protect the environment or to maintain health, which has been approved by the Minister of Health, may submit a

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<sup>3</sup> This item will come into force on 8 January 2020.

<sup>4</sup> This item will come into force on 8 July 2019.

complaint as stated in section 68 of the Criminal Procedure Law (Consolidated Version), 5742-1982, concerning an offence under this Law.

(B) A complaint in accordance with the provisions of sub-section (A) shall be submitted only with the approval of a district attorney.

### **Liability of an Office-Holder in a Corporation**

11B. (A) An office-holder in a corporation must supervise and do everything possible to prevent the committing of an offense in accordance with section 11 by the corporation or by any of its employees; whoever violates this provision shall be liable to a fine as stated in section 61(A)(3) of the Penal Law.

(B) If an offense in accordance with section 112 was committed by a corporation or by any of its employees, it is assumed that an office-holder in the corporation violated his liability in accordance with sub-section (A), unless he has proved that he did everything possible to meet his obligation.

(C) In this section, “an office-holder in a corporation” – an active director in the corporation, a partner other than a limited partner, or another office-holder in the corporation responsible on behalf the corporation for the area in which the offense was committed.

12. (Nullified).

13. (Nullified).

### **Seizures**

14. A person empowered therefore in writing by the Minister of Health is permitted, if he is satisfied that this is necessary in order to ensure compliance with the provisions of section 9, enter any place where smoking products are sold, manufactured or stored and seize smoking products whose packets or packages do not bear a warning; smoking products seized as stated shall be returned only after their owners have affixed a warning thereto.

### **Implementation and Regulations**

15. The Minister of Health is charged with the implementation of this Law and is entitled, with the approval of the Knesset Economic Affairs Committee, to enact regulations in any matter relating to its implementation.

### **Maintenance of Laws**

15A. (A) The provisions of this Law shall not derogate from the provisions in accordance with any law, including provisions in accordance with the Pharmacists Ordinance [New Version], 5741-1981, the Dangerous Drugs Ordinance [New Version], 5733-1973, the Fight against the Phenomenon of the Use of Dangerous Substances Law, 5773-2013, and the Tobacco Ordinance, and inter alia from obligations or restrictions established therein regarding a smoking product, including the obligation to receive a permit or license required for a smoking product.

(B) Without derogating from the generality of the content of sub-section (A), in the distance marketing on the internet of a smoking product, a dealer presenting details to the consumer as stated in section 4A(B)(2) shall be considered to have met the obligations of disclosure regarding the principal features of the asset as stated in section 14C(A)(2) of the Consumer Protection Law, 5741-1981.

### **Commencement and Transitional Provisions**

16. (A) Section 7 shall come into force three months after the date of its publication; the remaining provisions of the Law shall come into force six months after the date of its publication.

(B) An advertisement for smoking products or an advertisement for a trademark made by a person prior to the date of publication of this Law shall not be considered an offense in accordance with this Law if he has proved that it left his control or his authority prior to the said date, or if he has proved that he is unable or not entitled to nullify or remove it.

(C) The obligation to include a warning as stated in section 4 shall not apply to signs permitted in section 4 and illuminated by electric light, if they were installed prior to 16 Tevet 5743 (1 January 1983); the obligation to include a warning on signs not illuminated by electric light shall apply from the expiry of one year from the date of publication of this Law.

### **Addendum**

(Section 7(A))

#### **Warning in permitted advertisements as stated in section 3(B)(1) and (2)**

1. The warning shall be in black letters on a white background and in a black frame with the same width as the letters in the warning.
2. The word "Warning" shall be printed in Haim Bold typeface letters and the remaining words shall be printed in Haim Narrow typeface letters.
3. In warnings whose format includes the words "Ministry of Health," these words shall appear in smaller letters than the other letters of the warning, and the warning letters shall occupy most of the area of the warning.

Menachem Begin

Prime Minister

Eliezer Shostak

Minister of Health

Yitzhak Navon

State President