

## **RESTRICTION OF ADVERTISING AND MARKETING OF TOBACCO PRODUCTS LAW (AMENDMENT NO. 7), 5779-2019\***

### **Amendment of the Name of the Law**

1. In the Restriction of Advertising and Marketing of Tobacco Products Law, 5743-19731 (hereinafter – the Principal Law), in the name of the law, instead of “Restriction of Advertising and Marketing of Tobacco Products” it shall read “Prohibition of Advertising and Restriction of Marketing of Tobacco and Smoking Products.”

### **Replacement of a Term**

2. In the Principal Law, in any place, with the exception of the definition of “tobacco products” in section 1 –
  - (1) Instead of “tobacco product” it shall read “smoking product”;
  - (2) Instead of “tobacco products” it shall read “smoking products”;
  - (3) Instead of “for tobacco products” it shall read “for smoking products”;
  - (4) Instead of “for a tobacco product” it shall read “for a smoking product”;
  - (5) Instead of “that a tobacco product” it shall read “that a smoking product”;
  - (6) Instead of “a product serving for the smoking of tobacco” or “a tobacco product or product serving for the smoking of tobacco” it shall read “a smoking product”;
  - (7) Instead of “products serving for the smoking of tobacco” it shall read “smoking products”;
  - (8) Instead of “in tobacco products” it shall read “in smoking products”.

### **Amendment of Section 1**

3. In section 1 of the Principal Law –
  - (1) In the title in the margin, instead of “Definitions” it shall read “Purpose and Definitions”;
  - (2) The content thereof shall be labeled (B), and before it, it shall read:

“(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

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\* Passed by the Knesset on 23 Tevet 5779 (31 December 2018); the Proposed Law and Explanatory Comments were published in Knesset Proposed Laws – 797, dated 26 Tammuz 5778 (9 July 2018), p. 250.

<sup>1</sup> SB 5743, p. 38; 5771, p. 1033.

this due to the serious and fatal damage caused to health pursuant to the use of smoking products;”

- (3) In sub-section (B) –
- (A) Before the definition of “Penal Law” it shall read:
- ““Filling matter” – liquid or matter in another state intended for use in an electronic cigarette”;
- (B) Instead of the definition “Product serving for smoking tobacco”, it shall read:
- ““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:<sup>2</sup>
- (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;”
- (C) After the definition of “brand” it shall read:
- ““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;”
- (D) In the definition of “advertisement”, after “by electronic means”, it shall read “including by means of the internet or by another technological means, including by drawing, image, sound, picture or by any other means”, and instead of the ending beginning “including” it shall read “any or all of the public in any form, overtly or covertly;”;
- (E) After the definition of “advertisement” it shall read:

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<sup>2</sup> Laws of the State of Israel, New Version 35, p. 694.

““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);”;

(F) The definition of “indirect advertisement” and “advertisement for a trademark” shall be deleted;

(G) In the definition of “marketing”, instead of para. (3) it shall read:

“(3) Supply from a warehouse alongside ships and aircraft in accordance with provisions in accordance with the Customs Ordinance<sup>3</sup>.”;

(H) After the definition of “marketing” it shall read:

““Amendment No. 7” – Restriction of Advertising and Marketing of Tobacco Products (Amendment No. 7), 5779-2019<sup>4</sup>.”

### **Replacement of Section 3**

4. Instead of section 3 of the Principal Law it shall read:

“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:

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<sup>3</sup> Laws of the State of Israel, New Version 3, p. 39.

<sup>4</sup> SB 5779, p. 166.

- (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.”

#### **Nullification of Section 4**

5. Section 4 of the Principal Law is nullified.

#### **Addition of Section 4A**

6. After section 4 of the Principal Law, it shall read:

“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.”

#### **Amendment of Section 5**

7. In section 5 of the Principal Law –

- (1) Instead of sub-section (A) it shall read:
- “(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;”

- (2) In sub-section (B), instead of the section beginning with the words “the coming into force of” through the words “(hereinafter – Amendment No. 2),” it shall read “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.”

### **Amendment of Section 6**

8. In section 6 of the Principal Law –
  - (1) Instead of the title in the margin it shall read “Provisions concerning a Permitted Advertisement in a Printed Newspaper”;
  - (2) The content thereof shall be labeled “(A)” and therein, instead of the ending beginning with the words “or in an edition,” it shall read “more than one advertisement permitted in accordance with section 3(B)(1)”;
  - (3) After sub-section (A) it shall read:
    - “(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.”

### **Replacement of Sections 7 and 7A**

9. Instead of sections 7 and 7A of the Principal Law, it shall read:

#### “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.”

#### **Addition of Section 7C**

10. After section 7B of the Principal Law, it shall read as follows:

“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.”

### **Amendment of Section 8**

11. In section 8 of the Principal Law, instead of sub-section (B), it shall read:

“(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.”

### **Amendment of Section 8A**

11A. In section 8A in the Principal Law –

- (1) In sub-section (A1), the words “or loan” shall be deleted;
- (2) In sub-section (C), instead of the beginning through to the word “display,” it shall read “The owner of a business where smoking products are sold or rented”.

### **Amendment of Section 9**

12. In section 9 of the Principal Law –

- (1) In sub-section (A), after “packet,” it shall read “or other package” and instead of the ending beginning with the words “unless” it shall read “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);”

- (2) In sub-section (C), instead of “and sections 4 or 7, and to change”, it shall read “and to change the area of the warning established in sub-section (A) and”, and instead of the ending from the word “in the Official Records -” it shall read “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”.

### **Amendment of Section 9A**

#### 13. In section 9A of the Principal Law –

- (1) In sub-section (A), instead of “the Minister of Health or a person empowered thereby,” it shall read “the Appointee”, instead of “advertisement, sales promotion, and sponsorship for tobacco products” it shall read “permitted advertisements in accordance with section 3(B)(1) and (2) for smoking products”, and at the end it shall read “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.”;
- (2) After sub-section (A) it shall read:

“(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.”;
- (3) In sub-section (B), instead of the ending beginning with the words “as detailed below,” it shall read “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.”;
- (4) In sub-section (C), the words “or otherwise as he shall see fit” shall be deleted, and instead of the ending beginning with the words “as detailed below,” it shall read “by the type of permitted advertisements as stated in section 3(B)(1) and (2).”;

- (5) In sub-section (D), instead of “advertisement for a trademark” it shall read “advertisement for the said trademark.”

**Addition of Sections 9B through 9E**

14. After section 9A of the Principal Law it shall read:

“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).”

### **Amendment of Section 11**

15. In section 11 of the Principal Law, instead of sub-sections (A) and (A1), it shall read:

(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) Displays a smoking product for sale, contrary to the provisions of section 4A;
- (4) 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);
  - (14) Markets a smoking product without a warning being printed or affixed on its packet or package, contrary to the provisions of section 9;
  - (15) 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) 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).”

**Addition of Section 11B**

16. After section 11A of the Principal Law it shall read:

#### “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.”

#### **Nullification of Sections 12 and 13**

17. Sections 12 and 13 of the Principal Law are nullified.

#### **Addition of Section 15A**

18. After section 15 of the Principal Law it shall read:

##### “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,<sup>5</sup> the Fight against the Phenomenon of the Use of Dangerous Substances Law, 5773-2013,<sup>6</sup> and the Tobacco Ordinance,<sup>7</sup> 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<sup>8</sup>.”

#### **Addition of an Addendum**

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<sup>5</sup> Laws of the State of Israel, New Version 27, p. 526.

<sup>6</sup> SB 5773, p. 221.

<sup>7</sup> Laws of the State of Israel, New Version 5, p. 100.

<sup>8</sup> SB 5741, p. 248.

19. After section 16 of the Principal Law it shall read:

**“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.

**Amendment of the Prevention of Smoking in Public Places and Exposure to Smoking Law – No. 6**

20. In the Prevention of Smoking in Public Places and Exposure to Smoking Law, 5743-1982<sup>9</sup> –

- (1) In section 1(B), instead of the ending beginning with the words “any tobacco product”, it shall read “a smoking product when lit or activated, as the case may be; in this Law, “tobacco product”, “smoking product”, and “smoking” are as defined in the Prohibition of Advertising and Restriction of Marketing of Tobacco and Smoking Products, 5743-1983.”;
- (2) In section 2A(B)(1), instead of “cigar, cigarillo, narghila, cigar or pipe, when lit”, it shall read “a smoking product when lit or activated, as the case may be”;
- (3) In section 8(A), instead of “cigar, cigarillo, narghila, cigar or pipe, when lit”, it shall read “a smoking product when lit or activated, as the case may be”;
- (4) In section 9, in any place, instead of “cigar, cigarillo, narghila, cigar or pipe, when lit”, it shall read “a smoking product when lit or activated, as the case may be”.

**Coming into Force**

21. (A) This law comes into force two months after its date of publication, subject to the provisions of sub-sections (B) and (C) (hereinafter – the date of coming into force).
- (B) The coming into force of the definition of “marketing” in section 1 of the Principal Law as worded in this Law, and of sections 5(A), 7A(D), and 11(A)(4) and (1A)(2) of the Principal Law as worded in this Law, is six months after the date of publication of this Law.

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<sup>9</sup> SB 5743, p. 148; 5777, p. 501.



- (C) The coming into force of sections 4A, 9, 9B, and 11(A)(3), (14), and (15) of the Principal Law, as worded in this Law, is one year after the date of publication of this Law.

### **First Reports**

22. The first report in accordance with section 9A of the Principal Law, as worded in this Law, regarding advertisements for smoking products not constituting tobacco products, and a first report in accordance with section 9E of the Principal Law, as worded in this Law, shall be submitted by 9 Sivan 5780 (1 June 2020).

### **Transitional Provisions regarding Warnings on Packets or Packages of Smoking Products**

23. (A) Beginning on the date of coming into force as stated in section 21(A), for as long as provisions have not been established in accordance with section 9(C) of the Principal Law, as worded in this Law, regarding tobacco products, the provisions of the Restriction of Advertising and Marketing of Tobacco Products (Changing of Warning Wordings) Order, 5763-2002<sup>10</sup> shall apply for the purpose of the said products (in this section – the Changing of Warning Wordings Order), with the exception of section 3(B)(2) of the said order, and section 3(C) of the Order shall apply with this change: instead of “32%” it shall read “at least 65%.”
- (B) Beginning on the date stated in section 21(C), for as long as provisions have not been established in accordance with section 9(C) of the Principal Law, as worded in this Law, regarding smoking products not constituting tobacco products, the provisions of section 3(B) and (C) of the Changing of Warning Wordings Order shall apply to warnings to be affixed or printed on the packages of the said products, for as long as the said Order has not been changed or nullified in accordance with section 9(C) of the Principal Law as worded in this Law, and subject to these provisions:
- (1) Para. (2) of the said section 3(B) shall not apply;
  - (2) Section 3(C)(1) shall apply with this change: instead of “32%” it shall read “at least 30%.”

Benjamin Netanyahu

Prime Minister and  
Minister of Health

Reuven Rivlin  
State President

Yuli Yoel Edelstein  
Speaker of the Knesset

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<sup>10</sup> RB 5763, p. 227.