

[LPDR Seal]

Lao Peoples Democratic Republic

Peace Independence Democracy Unity Prosperity

Ministry of Public Health

No. 992 / MPH

Vientiane, Date: 24 APR 2014

AGREEMENT

Governing Health Warning Notices to be Printed on Cigarette Packs and Cartons

- Reference: The Tobacco Control Act, No. 07 / N.A. [National Assembly], dated 26 November 2009;
- Reference: Decree on the Fund for Tobacco Control, No. 155 / L.B. [expansion unknown], dated 21 April 2013;
- Reference: Decree on Printing of Health Warnings on Packaging Materials for Tobacco Products,
No. 370 / PMO [Prime Minister's Office], dated 23 August 2010;
- Reference: Prime Minister's Decree No. 178 / P.M. [Prime Minister], dated 5 April 2012,
Subject:
Establishment and Operations of the Ministry of Public Health; and
- Reference: Research and Proposals by the Office of the Fund for Tobacco Control.

The Minister of Public Health Agrees That:

Part I

General Provisions

Article 1. Purpose

1. Purpose

- To improve the principles, regulations, and measures for control and inspection of the printing of health warning labels on packs and cartons of cigarettes, since some of the label content prescribed previously in the Decree on Health Warnings to Be Printed on Packaging

Materials for Tobacco Products, No. 370 / PMO, dated 23 August 2010, is not adequate or properly aligned with international agreements on tobacco control.

- To keep pace with medical science data relating to smoking and inhalation of tobacco smoke, particularly with regard to the diseases that are caused by tobacco and tobacco smoke.

2. Level of Expectation

Every pack and carton of cigarettes produced domestically or imported from abroad must bear printed health warnings and the primary chemical components of tobacco products that are known health hazards.

Article 2. Definition of Terms

1. “Health warnings on packs and cartons of cigarettes” shall mean the set of written announcements on packs and cartons of cigarettes for the purpose of warning tobacco consumers that the products so labeled are hazardous and have deleterious effects on the health of the user and others.
2. “Tobacco Products” shall mean products derived from the leaves of the tobacco plant, either as the sole or partial ingredient, produced for use in smoking, smelling, or chewing.
3. “Persons Operating a Tobacco Business” shall mean producers, importers, and distribution agencies for tobacco products.
4. “Chemical Components of Tobacco Products” shall mean all chemicals that are included with tobacco products and that are hazards to health, expressed in milligrams per cigarette.

Part II

Controls on Printing of Warnings

Article 3. Controls on the Printing of Warnings

Tobacco produced domestically and imported from abroad for distribution and sale in the LPDR must bear health warnings. These warnings must be printed on the upper part of the front and back of cigarette packs, and on the both sides of cigarette cartons.

Article 4. Format of Warnings

The symbols and health warnings referred to in Article 3 of this Regulation shall be formatted as follows:

1. Must occupy 30% of the space on the upper front and back surfaces of cigarette packs or of both sides of cigarette cartons, including any borders.
2. Borders must be white, and must be 2 millimeters in width.
3. Backgrounds must be black, and lettering must be in white.
4. Lettering must be in bold type and use the “Saysettha Lao” font.
5. Content of the warnings printed on cigarette packs and cartons will consist of:
 - Tobacco smoke causes lung cancer.
 - Smoking causes fatal heart attacks.
 - Smoking causes strokes [or, literally: “...causes blood vessels in the brain to break.”]
 - Smoking diminishes sexual capability.
 - Tobacco smoke kills those around you.
 - Smoking is a danger to pregnant women and unborn children.
 - Smoking causes oral cancer.
 - Smoking causes laryngeal cancer [or: literally: “cancer of the voice box.”]

Article 5. Font Size for Warnings

Fonts used to print health warnings must be of the following proportions to the size of the cigarette pack or carton:

1. If the pack has a front or back surface area of less than 37 cm^2 , the font must be 20 point.
2. If the pack has a front or back surface area of more than 37 cm^2 , but less than 80 cm^2 , the font must be 25 point.
3. If the pack has a front or back surface area of more than 80 cm^2 , the font must be 38 point.

4. For cartons containing packs of such cigarettes, the font must be 45 point.

Article 6. Notice of Chemical Ingredients on Tobacco Products that are Health Hazards

Tobacco products manufactured domestically or imported from abroad must bear notices of hazardous chemical content and the amount of such content printed on the sides of packs or cartons of cigarettes. Such notices must include the amounts of nicotine, tar, carbon monoxide, formaldehyde, nitrosamine, and hydrogen cyanide. [no mention here of how such amounts are to be expressed]

Article 7. Usable Life of Printed Notices

Each health warning notice printed on packs and cartons of cigarettes can be used for 2 years.

Article 8. Prohibitions

1. Persons engaged in the tobacco business are forbidden to use language that might cause misunderstanding of the characteristics of tobacco, such as “Low Tar”, “Light”, “Ultra-Mild” or “Mild”.
2. Persons engaged in the tobacco business are forbidden to print any content referring to health on packs and cartons of cigarettes that is not approved by the appropriate control agency.
3. Persons engaged in the tobacco business, including natural or juristic persons who manufacture, import, or distribute tobacco products, are forbidden to distribute such products without health warnings and notice of hazardous chemical content.
4. Elements of the tobacco industry are forbidden to advertise the inclusion of intrinsically valuable items (such as money or tickets for drawings) in packs or cartons of cigarettes as inducements for persons to smoke more.

Part III

Obligations in the Printing of Warnings

Article 9. Obligations

Elements of the tobacco industry that are established in compliance with the laws of the LPDR have the following obligations:

1. Must print the prescribed health warnings and chemical content notices on packs and cartons of cigarettes produced or imported in conformance with the formatting and content set out in Articles 4, 5, and 6 of this Agreement.
2. Control and monitor the printing of health warnings and chemical content notices on their own tobacco products.
3. Every item used for packaging of tobacco products manufactured, imported, and distributed within the LPDR must have undergone inspection, approval, and authorization by the Ministry of Public Health before use on products for distribution on the market.
4. Every tobacco product manufactured or imported into the LPDR must pass inspection by a reputable laboratory to certify quality and to determine that the levels of chemicals that are hazardous to health meet international standards. Such inspections and analysis shall be performed at 6 month intervals, and must be approved by the Office of the Fund for Tobacco Control, Ministry of Public Health. The cost of inspection, analysis, and certification are the responsibility of the concerned tobacco business entity.
5. Every tobacco product manufactured or imported into the LPDR must be submitted through the Office of the Fund for Tobacco Control, Ministry of Public Health, for monitoring of the printing of health warnings and hazardous chemical content notices on cigarette packs and cartons.
6. The warnings printed on cigarette packs and cartons shall be changed every 2 years using statements set out periodically by the Ministry of Public Health.

Part IV

Control and Inspection of Printing of Warnings

Article 10. Organizations for the Control and Inspection of Printing of Warnings

Organizations for the control and inspection of the printing of health warnings shall consist of:

1. Central Government: Department of Sanitation and Health Promotion, Office of the Fund for Tobacco Control, Ministry of Public Health.

[The number “2.” and any associated text are missing.]

3. To make status reports on the printing of health warnings, chemical content, and other related problems through established channels.
4. To perform other duties as assigned.

Part V

Policy and Measures toward Violators

Article 13. Policy toward Outstanding Performers

Any person who complies with the provisions of this Regulation shall be recognized appropriately by the concerned agency.

Article 14. Measures against Violators

Any person, juristic person, or element of the tobacco industry who fails to comply with the provisions set out in Article 3, Article 4, Article 5, Article 6, Article 7, or Article 8 of this Regulation within 90 days shall be subject to the following measures:

First Offense: Warning, remedial training, written citation;

Second Offense: A fine equal to 2 times the value of the tobacco products sold on the market, computed by the number of items for which officially recognized invoices exist, or the number of items discovered;

Third Offense: A fine equal to 4 times the value of the merchandise, computed by the number of items for which officially recognized invoices exist, or the number of items discovered;

Fourth Offense: Proposal to the responsible agency that the permit be revoked temporarily or permanently according to the severity of the offense, and a fine equal to 6 times the value of the tobacco products sold on the market, computed by the number of items for which officially recognized invoices exist, or the number of items discovered.

Part VI

Implementation

Article 15. Implementation

The Department of Sanitation and Health Promotion, Office of the Fund for Tobacco Control, Ministry of Public Health, Inter-Ministerial Coordination Board for Tobacco Control are to lay out the detailed procedures and coordination to implement this Regulation, and to reinforce the efforts of public health officials at Provincial and Municipal level, and of any other concerned agencies throughout the nation.

Article 16. Effective Date

This Agreement shall become effective on the date of signature. Any Agreements or Regulations that contradict this Agreement are hereby rescinded.

The Minister of Public Health
Chief, National Board for Tobacco Control

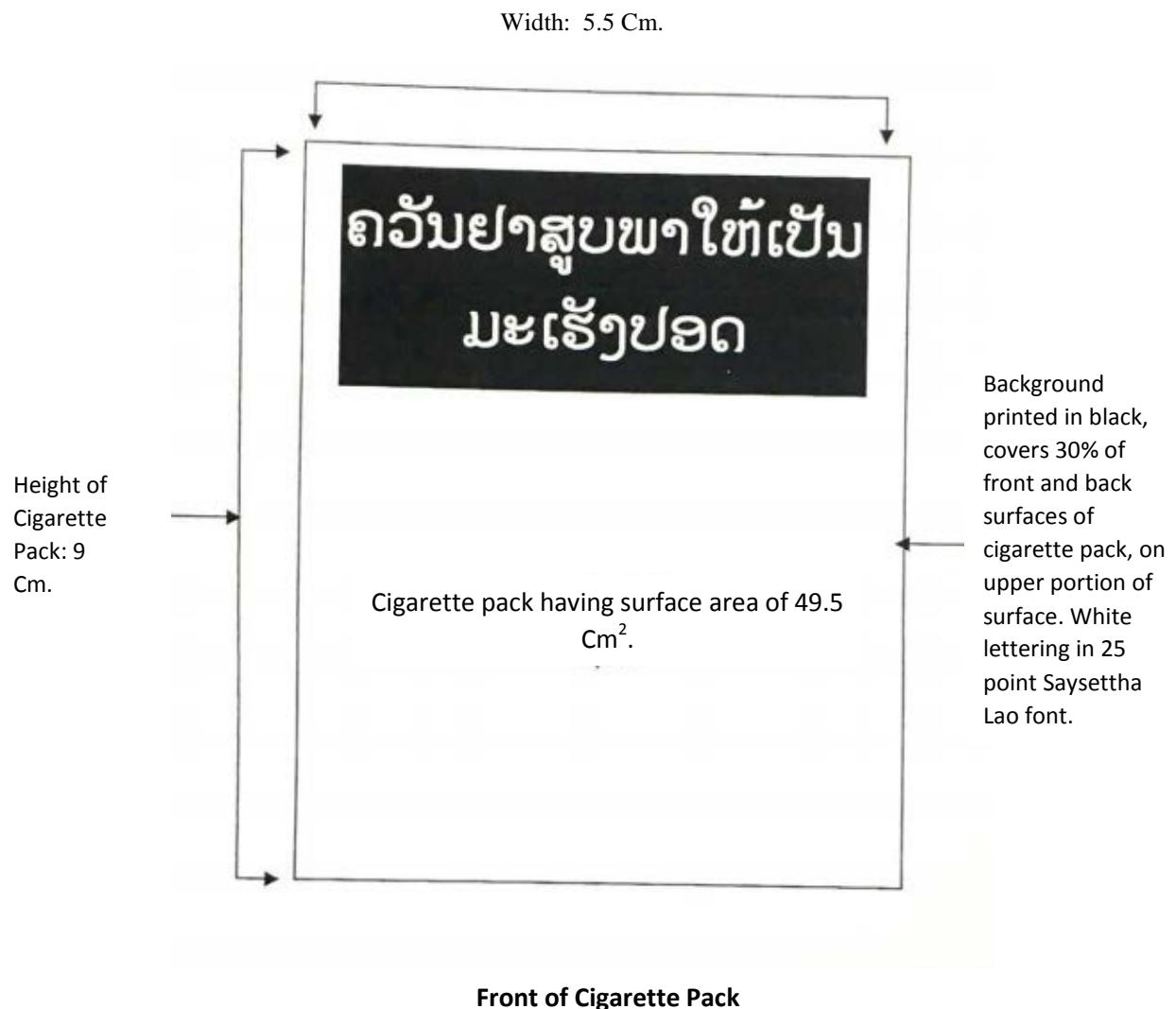
[signature over illegible seal]

Professor Eksavang VONGVICHIT, MD

[Lao text in each sample equates to “Tobacco smoke causes lung cancer.” I chose not to replace it, since the regulation calls for both Lao and English entries. Similarly, I did not replace the verb error in the English version on the next page.]

- Illustration of Sample Warning Printed on Packs and Cartons of Cigarettes

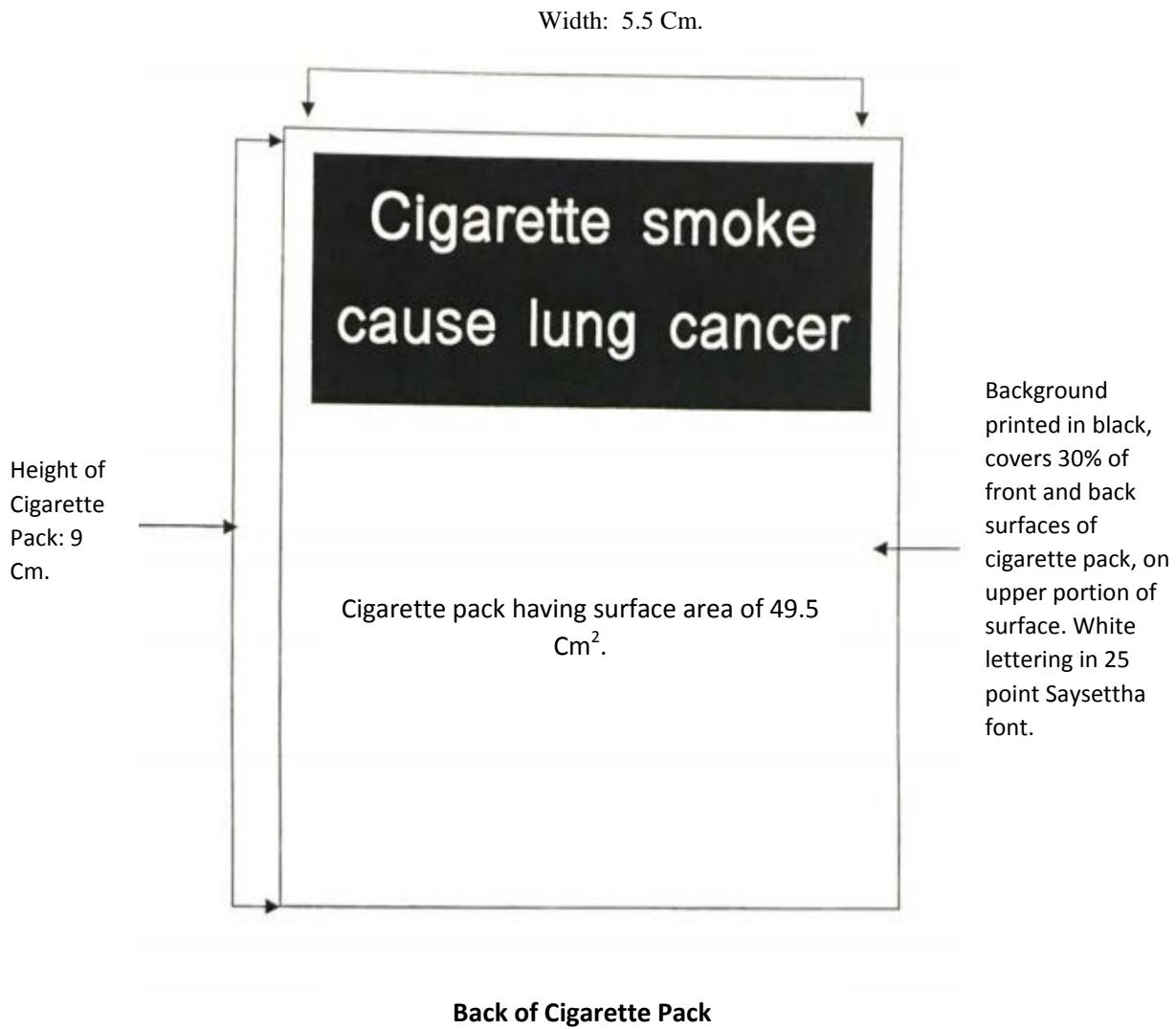
1. Illustration of Sample Warning Printed on Front of Cigarette Pack



Front of Cigarette Pack

Remarks: This is a sample image of a cigarette pack measuring 5.5 x 9 cm, or a surface area of 49.5 cm². However, if the size of the pack is not the same as this sample, follow the details set out for printing the warnings in Part II, Article 4 and Article 5.

2. Illustration of Sample Warning Printed on Front of Cigarette Pack



3. Illustration of Sample Warnings Printed on Sides of Cigarette Pack

In one pack of cigarettes, there are more than 4,000 types of chemicals,
Including Nicotine mg, Tar mg, and Carbon
Monoxide mg, which are hazardous to health.

Stop sales of tobacco
to persons under the
age of 18 years.

Right Side of Cigarette Pack (Horizontal)

**Left Side of Cigarette Pack
(Vertical)**

4. Illustration of Sample Warnings Printed on Upper Portion of Front and Back Sides of Cigarette Carton.



Black background covers 30% of upper portion of both front and back surfaces of cigarette carton. Lettering is in white 45 point Saysettha Bold font.

Remarks: This is a sample illustration. Follow details on the lettering as set out in Part II, Articles 4 and 5.