

MINISTRY OF HEALTH

AGREEMENT that publishes the series of legends, images, pictograms, health messages, and information that must appear on all packages of tobacco products and all their packaging and external labeling after December 1, 2017 until May 31, 2020.

In the margin, a seal with the national coat of arms that reads: United Mexican States - Ministry of Health.

JOSÉ RAMÓN NARRO ROBLES, Secretary of Health, in accordance with on Articles 39, Sections I, XVI, XXI and XXIV, of the Organic Law of the Federal Public Administration 3rd, Sections XII, XX, XXII, XXV and XXVIII, 13, Division A, sections II, IX and X and 17 bis, of the General Health Law 5, Section IV, 12, Section IV, 15, Section III, 18, 19, 20, 21 and 22 of the General Law for Tobacco Control 5, Section V, 30, 31, 32, 33, Section II, 34, 35, 37 and 47, of the Regulation of the General Law for Tobacco Control and 7, Section XVIII, of the Internal Regulation of the Ministry of Health;

WHEREAS:

Article 4 of the Political Constitution of the United Mexican States establishes the human right of every person to health protection.

The World Health Organization's Framework Convention on Tobacco Control, published in the Official Gazette of the Federation on May 12, 2004, approved by the Senate of the Republic, which constitutes the Supreme Law of the Union, pursuant to the provisions of Article 133 of the Political Constitution of the United Mexican States, establishes in Article 11 the obligation of each signatory country to adopt and apply in accordance with its legislation, effective measures so that on the packets and wrapping of tobacco products, as well as on all their packaging and external labeling, they include health warnings describing the harmful effects of tobacco use, in addition to other appropriate messages, which shall consist of images or pictograms.

Article 12, Section IV, of the General Law for Tobacco Control, empowers the Ministry of Health to determine through general provisions the characteristics, specifications and procedures related to the packaging and labeling of tobacco products, including as it relates to individual packets, packs and wholesale.

According to Articles 18 of the General Law for the Control of Tobacco and 5, Section V, of its Regulation, on all packages of tobacco products, as well as on all their packaging and external labeling, they must include legends and pictograms or warning images that show the harmful effects of the consumption of tobacco products, whose formulation, approval, application, use and incorporation is subject to the provisions issued by the Ministry of Health.

On December 24, 2009, the Official Gazette of the Federation published the "Agreement by means of which were made known the provisions for the formulation, approval, application, use and incorporation of the legends, images, pictograms, health messages, and information that must appear on all packages of tobacco products and all their packaging and external labeling," which included the first series of legends, images, pictograms, health messages, and corresponding information.

On March 23, 2016, the Official Gazette of the Federation published the "Agreement by which the series of the legends, images, pictograms, health messages, and information that must appear on all packages of tobacco products and all their packaging and external labeling from March 24, 2016 until November 30, 2017, was made known;

It is necessary to publicize the series of legends, images, pictograms, health messages, and information that must appear on all packets of tobacco products and all their packaging and external labeling, which will be in effect as of December 1, 2017. Therefore, I have decided to issue the following:

AGREEMENT

I. Annex 1 of this Agreement makes known the series of legends, images, pictograms, health messages, and information that must appear on all packages of tobacco products and all their packaging and external labeling, which will apply as of December 1, 2017 until May 31, 2020. The terms of the "Agreement by means of which are made known the provisions for the formulation, approval, application, use, and incorporation of the legends, images, pictograms, health messages, and information that must be included on all packets of tobacco products and all their packaging and external labeling," published in the Official Gazette of the Federation on December 24, 2009.

II. The health messages and pictograms established in Annex 1 of this Agreement must be included in equal proportions during the period indicated in the preceding paragraph, on each brand of tobacco products that are manufactured, produced, or imported, and that are distributed domestically, based on the following:

The pictograms and health messages 1 and 2 of Annex 1 of this Agreement must be included on all packages of tobacco products and all their packaging and external labeling, which are manufactured or produced domestically, or which are imported, from the entry into force of this Agreement until May 31, 2018.

The pictograms and health messages 3, 4, 5 and 6 of Annex 1 of this Agreement must be included on all packages of tobacco products and all their packaging and external labeling, which are manufactured or produced domestically, or that are imported, from June 1, 2018 until May 31, 2019.

The pictograms and health messages 7, 8, 9 and 10 of Annex 1 of this Agreement must be included on all packages of tobacco products and all their packaging and external labeling, which are manufactured or produced domestically, or that are imported, from June 1, 2019 until May 31, 2020.

III. Tobacco products that, when used or consumed, do not generate smoke, in addition to what is indicated in the "Agreement through which are made known the provisions for the formulation, approval, application, use and incorporation of legends, images, pictograms, health messages, and information that should be included on all packets of tobacco products and all their packaging and external labeling," published in the Official Gazette of the Federation on December 24, 2009, and its amendment published by the official entity already cited for dissemination on May 9, 2011. They shall include 100% of the surface of one of the sides of all packages that have been produced, manufactured or imported, and that are distributed domestically, the legends provided in subsection C of Annex 1 of this Agreement.

IV. In the case of non-compliance with the provisions established in this Agreement, the security measures established in the Second Chapter of Title Four of the Regulations of the General Law for the Control of Tobacco shall apply, without prejudice to the sanctions and penalties applicable in accordance with the corresponding legal provisions.

V. The Ministry of Health, through the National Office for Tobacco Control of the National Commission Against Addictions, is required to have available in print and electronically, Annex 1 of this Agreement, so that the models contained in it can be downloaded and used, without any modification, by the tobacco industry.

VI. The companies producing tobacco products are solely responsible for the use, timely application, and form of the legends, images, pictograms, health messages and information contained in Annex 1 of this Agreement, so they must plan their printing in accordance with its production.

In the case of importation of tobacco products, the companies that carry out this activity will be solely responsible for the planning of the printing necessary for the development of the packets, packaging and external labeling, so the tobacco products involved, comply with the provisions in force when requesting the import permit from the Federal Commission for Protection against Health Risks.

TRANSITORIES

I. This Agreement will enter into force on December 1, 2017.

II. Annex 1 of this Agreement replaces the scope and content of Annex 1, referred to in the "Agreement by means of which are made known the provisions for the formulation, approval, application, use, and incorporation of the legends, images, pictograms, health messages, and information that must be included on all packets of tobacco products and all their packaging and external labeling," published in the Official Gazette of the Federation on December 24, 2009.

Issued in Mexico City, on the 17th day of November, 2017. - Secretary of Health, José Ramón Narro Robles - Rúbrica.

[Images and associated text on pages 3-22 were not translated.]

Annex 1

IMAGE

The image must cover at least 30% of the upper part of the front face of the cigarette pack or packaging.

In the case of packets of tobacco products and all their packaging and external labeling whose surface is insufficient for the appropriate, visible incorporation of images and pictograms at 30%, the companies producing and importing tobacco products shall incorporate the image and pictogram on 50% of the front face of the pack or packaging of cigarettes.

IMAGE TEXT

Helvetica Neue Bold 10 point, in uppercase, condensed to a maximum width of 75%, minimum of 100%.

HEALTH MESSAGE**TITLE**

Helvetica Neue Bold 11 point, 14 point line spacing, 100% high and 100% wide, normal or zero kerning, in upper case, centered text. No fold of the pack should cross a line of text.

HEALTH LEGEND

For warnings 1 and 2

Does not apply

For warnings 3 to 10

Helvetica Neue Bold 9 point, 100% high and 100% wide, normal or zero kerning, in upper and lower case letters, text aligned to the left, 4 millimeters (mm) from the fold, without cutting words, centered vertically between the title and the central message.

CENTRAL MESSAGE

Helvetica Neue Bold 9 point, line spacing at 12 points, 100% high and 100% wide, normal or zero kerning, in upper and lower case letters, text aligned to the left, 4 millimeters (mm) from the fold, centered vertically between the title and the box.

BOX**Content**

For warnings 1 and 2

Helvetica Neue Bold 9 point, line spacing at 11 points, 100% high and 100% wide, normal or zero kerning; the first line in upper case, text centered, and subsequent lines in upper and lower case letters, text aligned to the left, without cutting words.

It is located to the left, at least 2 mm from the box; downward to 2 mm from the box, measured from the baseline of the last line; upward to 2 mm from the box, measured from the height x of the first line.

For warnings 3 to 10

Helvetica Neue Bold 9 point, line spacing at 11 points, 100% high and 100% wide, normal or zero kerning; the first line (title) in upper case should be centered across the width of the side margins (left and right), without cutting words. The following lines (paragraph) the upper and lower case letters should be aligned to the left, at 2 mm from the left margin of the box, without cutting words, centered vertically between the upper and lower limits of the box. The first line (title) at 2 mm from the top margin of the box and the last line (paragraph) to 2 mm from the bottom margin of the box, background without a frame line, in Pantone 115 or in color selection (CMYK) in 10% magenta and 80% yellow.

Box

For warnings 1 and 2

Rectangle width and height variable, according to the lines of the paragraph and size of the package or pack, so that the proportions of the box corresponding to the health legend are assimilated to the characteristics presented in the previous prototype, with the line 1 point thickness. The box shall be located at least 6 mm of the base line of the recommendation and 2 mm from the left fold of the pack.

For warnings from 3 to 10

Of variable width and height, according to the content and information lines and the size of the package or pack. It will be located centered vertically between the central message and the recommendation, keeping a minimum of 6 mm separation between the last line of the central message and a minimum of 6 mm from the first line of the recommendation and a minimum to 2 mm from the left fold of the pack.

SIDE FACE

For warnings 1 and 2

The font will be Helvetica Neue Bold 11 point, line spacing at 13 points, text centered, upper case, at 100% high and 100% wide, kerning normal or zero.

For warnings 3 to 10

The font shall be Helvetica Neue Bold 11 point, line spacing at 13 points, text centered horizontally between the right side edge (minimum at 6 mm) and the left side edge (minimum at 6 mm) of the pack, without cutting words, in upper case, at 100% high and 100% wide, the first line with 350 kerning (in thousandths of an eme) and the second line with normal or zero kerning.

RECOMMENDATION AND HELP NUMBER

For warnings 1 and 2

The font shall be Helvetica Neue Bold 9.5 points, in upper and lower case letters, line spacing at 12 points, 100% in height and 100% in width, text centered. The help telephone in 10 point, normal or zero kerning. Between the baseline of the help number and the fold line of the lower edge of the pack, there should be 4 mm of free space.

For warnings 3 to 10

The font shall be Helvetica Neue Bold 9 point, in upper and lower case letters, line spacing at 12 points, 100% in height and 100% in width, text centered (across the internal margins), without cutting words. The help telephone in 9 point, normal or zero kerning. Between the baseline of the help number and the fold line of the lower edge of the pack, there should be 4 mm upward from the bottom edge of the pack

The legend: For exclusive sale in Mexico. It shall not be placed on any of the spaces that in accordance with article 18 of the General Law for Tobacco Control, shall be intended for the incorporation of health messages.

FONTS AND COLORS ALLOWED

For warnings 1 and 2

Helvetica Neue Bold. It can be replaced by Helvetica Bold or Arial Bold. In all cases, except in the pictogram, it will be placed on a black background.

The color of the typeface and the line of the box shall be Pantone 115 or in color selection (CMYK) in 10% magenta and 80% yellow.

For warnings 3 to 10

Helvetica Neue Bold. It can be replaced with Helvetica Bold or Arial Bold. In all cases, except the image and in the box, it will be placed on a black background.

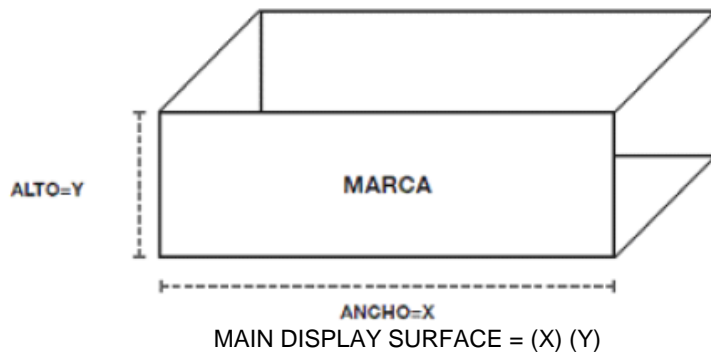
The color of the font of the box shall be black and the background shall be in Pantone 115 or in color selection (CMYK) in 10% magenta and 80% yellow.

In case the wrapping or pack of tobacco products is different from the one mentioned in paragraph A) of this Annex, the following formulas shall be used as a basis to know which is the front face.

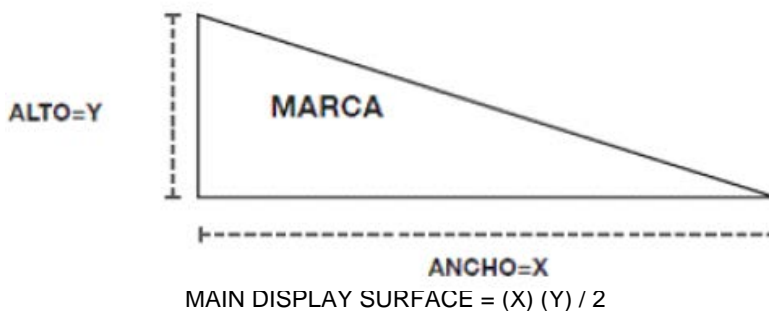
B) MATHEMATICAL FORMULAS TO KNOW THE AREA CORRESPONDING TO THE FRONT SIDE OF TOBACCO PRODUCT PACKAGES.

The main display surface must be expressed in cm^2 and calculated as indicated in the following paragraphs:

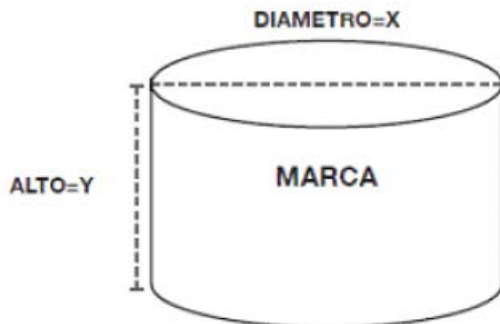
B.1) For rectangular areas, the height will be multiplied by the width:



B.2) For triangular surfaces, the height is multiplied by the width and divided by two:



B.3) For surfaces of cylindrical packages, 40% of the result of multiplying the height of the package by the perimeter at the largest circumference (excluding edges, necks and shoulders) shall be considered:



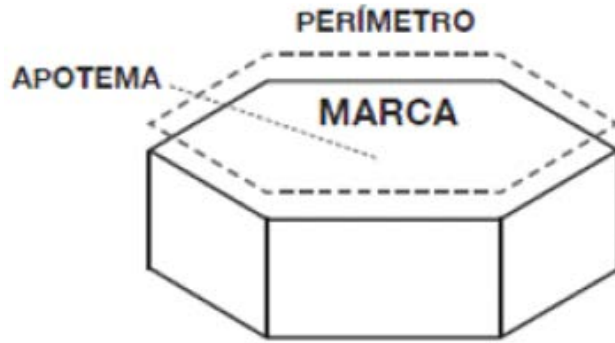
MAIN DISPLAY SURFACE = (X) (Y) (3.1416) (40) /100

B.4) For circular surfaces, the square of the radius must be multiplied by 3.1416:



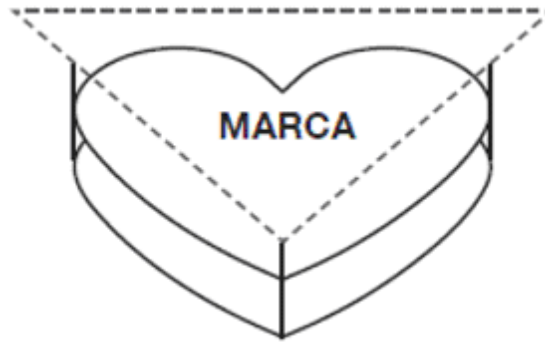
MAIN DISPLAY SURFACE = (3.1416) x (r²)

B.5) For polygonal surfaces the calculation of the surface of the geometrical shape must be considered.



$$\text{MAIN DISPLAY SURFACE} = (\text{PERIMETER}) (\text{APOTHEM}) / 2$$

B.6) For irregular surfaces, the calculation of the surface of the geometric shape that best corresponds to that surface should be considered.



$$\text{MAIN DISPLAY SURFACE} = (\text{BASE}) (\text{HEIGHT}) / 2$$

C) APPLICABLE LEGENDS FOR TOBACCO PRODUCTS THAT DO NOT GENERATE SMOKE WHEN USED OR CONSUMED.

C.1) "This product contains NICOTINE. Nicotine is a highly psycho-addictive substance."

C.2) "This product may contain AMMONIA, a toxic substance that facilitates the absorption of nicotine, maintaining addiction."

C.3) "This product may contain LEAD, a metal that is toxic for the brain."

The legends shown above must be printed in Arial font letters, in upper and lower case, with a minimum height of 6 mm, in yellow, emphasized or highlighted against a black background.