

REPUBLIC OF NIGER

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Brotherhood – Labor – Progress
MINISTRY OF PUBLIC HEALTH
BUREAU OF PUBLIC HYGIENE AND
HEALTH EDUCATION
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Administrative Order No.,000261 MSP/DHP/ES

Of June 28, 2012 2012

Regulating the content,
packaging and labeling of
tobacco products in Niger

APPROVED: MC/PSP

THE MINISTRY OF PUBLIC HEALTH

- In light of** the Constitution of November 25, 2010;
- In light of** Ordinance 93-13 of March 2, 1993 establishing the Code of public Hygiene;
- In light of** Ordinance 2010-001 of February 22, 2010, concerning the organization of public authorities during the period of transition, as modified by Ordinance 2010-005 of March 30, 2010;
- In light of** Law 2005-006 of April 15, 2005 authorizing the ratification of the Framework Convention on Tobacco Control of the World Health Organization;
- In light of** Law 2006-12 of May 15, 2006 concerning tobacco control;
- In light of** Decree No. 2008-088/PRN/MSP of March 20, 2008 concerning the organization of National Offices of Public Health and determining the attributions of their managers;
- In light of** Decree No. 2008/223/PRN/MSP of July 17, 2008 setting the manner of implementation of Law 2006-12 of May 15, 2006 concerning tobacco control;
- In light of** Decree No. 2011-001/PRN of April 17, 2011 concerning the nomination of the Prime Minister;
- In light of** Decree No. 2011-015/PRN of April 21, 2011 concerning the nomination of the members of the government, modified by Decree 2011-129/PRN of June 16, 2011;
- In light of** Decree No. 2011-153/PRN/MC/PSP of June 28, 2011 determining the attributions of the Minister of Commerce and the Promotion of the Private Sector;
- In light of** Decree No. 2011-220/PRN/MSP of July 26, 2011 determining the attributions of the Minister of Public Health;
- In light of** Decree No. 2011-221/PRN/MSP of July 26, 2011, concerning the organization of the Ministry of Public Health;

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In light of Administrative Order No.,0001/MC/PSP/DL of January 2, 2012 concerning the organization of the General Offices and National Offices of the Ministry of Commerce and the Promotion of the Private Sector, and determining the attributions of their managers, hereby

ORDERS:

Chapter One: General Provisions

Article 1: This administrative order issued on the basis of Articles 4 and 5 of Law No. 2006-12 of May 15, 2006, concerning tobacco control in Niger, regulates the content, packaging and labeling of tobacco products in Niger.

Chapter Two: Provision concerning the content of Tobacco products

Article 2: Tobacco products intended for sale in Niger must have the following content:

- Level of Nicotine 1.1 mg
- Level of tar 13 mg

Chapter Three: Provision concerning the labeling of Tobacco products

Article 3: The marking required on cartons and packs of tobacco or any other packaging is intended to warn consumers of tobacco products about the serious health risks to which they expose themselves and those around them, and to combat fraud and its consequences for the economy.

Article 4: All packs, cartons or other packages of tobacco products intended for sale in Niger must display information indicating the levels of nicotine and tar, as well as the following statements in French, in a clear, prominent and legible manner:

- The statement "Sold in Niger";
- The lot number;
- The name and address of the manufacturer and the country of manufacture;
- The date and place of manufacture;
- The machine used to manufacture the tobacco products;
- The date of expiration, the destination, the point of departure and the address, and the projected itinerary

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Article 5: The statements indicated in Article 4 above are to be printed in bold characters without abbreviations, and must be attached to the sides of each carton and pack, or other packaging.

Article 6: The size of the statements indicated in Article 4 is 1.6 x 2.7 cm for packs of 20 cigarettes. These statements must appear on packs, cartons and all other packages of tobacco products intended for sale in Niger.

Article 7: All packs and cartons of cigarettes or cigars intended for sale in Niger must display on their two main surfaces the following health warnings:

- Smoking causes **fatal lung cancer**;
- Smoking causes **cancer** of the mouth.

**Chapter Four: Obligations of manufacturers, Importers,
Exporters and sellers of products**

Article 8: Manufacturers and importers are obliged to send to the Ministry of Public Health a prospectus pursuant to the provisions of Article 4 above.

Article 9: The health warnings and messages cited in Article 7 must cover at least 50% of the main surfaces of the cartons and packs of tobacco intended for sale in Niger.

The text of the health warnings and messages must be printed in bold characters, with a font size of 15 and one or more colors to ensure optimal visibility and legibility;

The health warnings are to be illustrated by the following pictograms:

- image of lung cancer;
- image of mouth cancer;

These messages and pictograms are to be renewed every two (2) years pursuant to the proposal of the Minister of Health.

Article 10: Manufacturers, importers and distributors of tobacco, tobacco products or its derivatives are obliged to do the following:

- Provide all necessary information regarding their identification and registration with the Ministry of Public Health;

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- See to the registration of all brands of products manufactured, imported or distributed in Niger;
- Apply for and obtain authorizations for manufacture, importation and exportation of tobacco, tobacco products and its derivatives from the Ministry of Commerce and Promotion of the Private Sector.

Article 11: As of the signing of this administrative order, manufacturers, importers, exporters, distributors and those who operate points of sale for cigarettes and cigars shall have **six (6) months** to comply with these provisions. After this period, no importation, exportation or distribution that is not in compliance will be permitted.

Article 12: Merchants shall have a period of three (3) months counting from the date of expiration of the period indicated in Article 11 to use up imported stocks.

Article 13: Failure to comply with the provisions of this administrative order will be subject to sanctions pursuant to the laws in force.

Chapter Five: Miscellaneous and Final Provisions

Article 14: Agents of the health police, defense and security forces, as well as inspectors overseeing enforcement of the law are charged with ensuring the effectiveness of these measures pursuant to Article 13 of Decree No. 2008-223 PRN/MSP of July 17, 2008.

Article 15: All previous provisions at variance with this administrative order are hereby rescinded.

Article 16: The Secretary General of the Ministry of Public Health and the Secretary General of the Ministry of Commerce and the Promotion of the Private Sector are charged, each within the sphere of their own competency, with the application of this administrative order, which is to be published in the official bulletin of the Republic of Niger.

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The Minister of Public Health

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SOUMANA SANDA

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