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**REPUBLIC OF PANAMA
MINISTRY OF HEALTH**

**EXECUTIVE DECREE No. 611
(Of June 3, 2010)**

Which amends Article 18 of Executive Decree 230 of May 6, 2008, which regulates
Law 13 of January 24, 2008

THE PRESIDENT OF THE REPUBLIC
In the exercise of his Constitutional and legal powers,

WHEREAS:

Law 40 of July 7, 2004, approves the WHO Framework Convention on Tobacco Control and sets forth, among other things, that the Parties shall be seriously concerned with the impact of all forms of advertising, promotion and sponsorship aimed at stimulating the consumption of tobacco products, due to which they recognize that a total ban of same would reduce the consumption of such products.

Law 13 of January 24, 2008, in its Article 14 totally bans any form of advertising, promotion and sponsorship of tobacco and its products, whether through indirect or subliminal means, aimed at minors or those of majority age. It likewise bans all forms of advertising, promotion and cross-border sponsorship of tobacco and its products which may penetrate the country.

Executive Decree 230 of May 6, 2008, which regulates Law 13 of January 24, 2008 and issues other provisions, was sanctioned in advance of the approval of guidelines for the application of Article 13 of the WHO Framework Convention on Tobacco Control at the Third Meeting of the Conference of the Parties carried out in Durban, South Africa, from November 17 to 22, 2008, regarding tobacco advertising, promotion and sponsorship.

The guidelines for application of Article 13 of the WHO Framework Convention on Tobacco Control (FCTC) on tobacco advertising, promotion and sponsorship have the purpose of helping the Parties fulfill their obligations assumed by virtue of the Article in question, and these are based on the best evidentiary data available in order to introduce and enforce a total ban on tobacco advertising, promotion and sponsorship.

The above cited guidelines show that tobacco advertising and promotion are not limited to communications, but instead than they also include recommendations and actions, such as various arrangements for sale and/or distribution, among which are shown, among others, incentive plans for retailers and point of sale displays.

The display of tobacco products at points of sale is in itself a form of advertising and promotion. By the same fashion the display of products is a key medium for promoting tobacco products and their consumption, including creating the impression that tobacco consumption is socially acceptable and making it more difficult for tobacco consumers to quit the habit.

The fact that Article 18 of Executive Decree 230 of 2008 allows the placement of tobacco products and its derivatives in dispensers and on racks at points of sale is a contradiction to the concept created by the Framework Convention on Tobacco Control with regard to the total ban on tobacco advertising and sponsorship, so long as such dispensers and racks are located in visible places, such that they are turned into elements for the advertising and promotion of tobacco products.

The Panamanian Government has been Party to the WHO Framework Convention on Tobacco Control since August 16, 2004, and since then has developed a regulatory framework aimed at meeting its bound commitments, signed with the ratification of this international treaty, for which it has received national and international recognition.

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HE HEREBY DECREES:

Article 1. To amend Article 18 of Executive Decree 230 of May 6, 2008, which shall remain thus:

Article 18. The total ban shown in Article 14 of Law 13 of 2008 does not permit the display of tobacco products and its derivatives in dispensers, on racks or any other shelving located at points of sale. There may be no participation of any kind in marketing, advertising, promotion or sponsorship of tobacco. This also includes what is introduced in the inside of cartons and/or packs of all tobacco products and what is sent to consumers through the mail, by the internet or by using any other form of communication available in the domestic or international market.

Only the placement of a sign is allowed which contains a textual list of products and their respective prices without promotional elements. The sign shall have a white background with a maximum size of 8.5 by 11 inches. The texts shall be written in black Arial 14-point font, closed capital letters, highlighted in bold. The signs shall be located in the areas specific to the establishments where the dispensing of the products is carried out, and their content shall be validated by the General Office of Public Health and by the Consumer Protection and Jurisdictional Defense Authority.

The handing out or distribution of samples, whether free or not, of any tobacco product and its derivatives, is forbidden.

Article 2. This Executive Decree shall first take effect sixty (60) days from its issuance.

Issued in Panama City on the third day of the month of June in the year two thousand ten (2010).

IT IS HEREBY ORDERED THAT THIS BE KNOWN AND FULFILLED.

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RICARDO MARTINELLI R.
President of the Republic

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FRANKLIN J. VERGARA J.
Minister of Health

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