

*“Bicentennial of National Independence: 1811 – 2011”*

[EMBLEM: REPUBLIC OF PARAGUAY]

*Ministry of Public Health and Social Welfare*

*Secretary General*

*S.G. Resolution No. 928*

**WHEREBY NEW HEALTH WARNINGS ARE DETERMINED ON THE EFFECTS OF TOBACCO THAT MUST APPEAR ON PACKS AND OTHER PACKAGES CONTAINING TOBACCO PRODUCTS.**

Asunción, November 16, 2009

**IN LIGHT OF:**

The note P.N.C. Tobacco Use No. 102, dated November 16, 2009, registered as document MSP&BS/SG/SIMESE No. 13374, requesting updating of the health warnings on the effects of tobacco that must appear on packs and other packages containing tobacco products; and

**WHEREAS:**

Human consumption of cigarettes and other tobacco products in any of their forms represent a risk to health, due to the presence in them of carcinogens, contaminants and other toxic substances.

It falls within the purview of the State to foster public policies for the promotion of health and prevention of disease, ensuring an informative climate that enables persons to grow adopting healthy forms of behavior.

It has been scientifically demonstrated that the use of tobacco in any of its forms is addictive, and its presentation can constitute a means that fosters the purchase and consumption of the product.

No level of toxic compounds contained in cigarettes and other tobacco products is safe for the consuming public, and on the contrary, all of them have been demonstrated to pose a risk to health.

The National Constitution in its Article 4, Right to Life, states: *“Every person will be protected by the State in their physical and psychic integrity;”* in Article 28 – The Right to be Informed: *“People’s right to receive true, responsible and balanced information is recognized;”* and in Article 68 – The Right to Health, *“The State shall protect and promote health as a fundamental right of the person and in the interest of the community.”*

Law No. 2969/06 – whereby the Framework Convention for Tobacco Control of the World Health Organization (WHO) states in its Article 4 that: *“Every person should be informed of the health consequences, addictive nature and mortal threat posed by tobacco consumption and exposure to tobacco smoke and effective legislative, executive, administrative or other measures should be contemplated at the appropriate governmental level to protect all persons from exposure to tobacco smoke.”*

That the same legal source, in its Article 11, establishes the following:

1. *Each Party shall, within a period of three years after entry into force of this Convention for that Party, adopt and implement, in accordance with its national law, effective measures to ensure that:*

*“Bicentennial of National Independence: 1811 – 2011”*

[EMBLEM: REPUBLIC OF PARAGUAY]

*Ministry of Public Health and Social Welfare*  
*Secretary General*  
*S.G. Resolution No. 928*

November 16, 2009

Sheet No. 2

(a) tobacco product packaging and labelling do not promote a tobacco product by any means that are false, misleading, deceptive or likely to create an erroneous impression about its characteristics, health effects, hazards or emissions, including any term, descriptor, trademark, figurative or any other sign that directly or indirectly creates the false impression that a particular tobacco product is less harmful than other tobacco products. These may include terms such as “low tar”, “light”, “ultra-light”, or “mild”; and

(b) each unit packet and package of tobacco products and any outside packaging and labelling of such products also carry health warnings describing the harmful effects of tobacco use, and may include other appropriate messages. These warnings and messages:

- (i) shall be approved by the competent national authority,
- (ii) shall be rotating,
- (iii) shall be large, clear, visible and legible,
- (iv) should be 50% or more of the principal display areas but shall be no less than 30% of the principal display areas,
- (v) may be in the form of or include pictures or pictograms.

*2. Each unit packet and package of tobacco products and any outside packaging and labelling of such products shall, in addition to the warnings specified in paragraph 1(b) of this Article, contain information on relevant constituents and emissions of tobacco products as defined by national authorities.*

That Law No 836/80 of the Health Code, in its Article 203, states: “*The Ministry, when it deems it necessary, shall be able to determine that the packages in which products made from tobacco are sold must have a clear and visible warning that they can be harmful to health.*”

NOW THEREFORE, by virtue of the legal provisions cited, and in the exercise of her attributions,

**THE MINISTER OF PUBLIC HEALTH AND SOCIAL WELFARE HEREBY  
RESOLVES:**

**Article 1.** For the purposes of this Resolution the following definitions shall apply:

- a) *The phrase “external packaging and labeling” in relation to tobacco products applies to all packaging and labeling used in the retail sale of the product.*

*“Bicentennial of National Independence: 1811 – 2011”*

[EMBLEM: REPUBLIC OF PARAGUAY]

*Ministry of Public Health and Social Welfare*

*Secretary General*

*S.G. Resolution No. 928*

November 16, 2009

Sheet No. 3

- b) "health warning," refers to all messages through which one is expressly informed of the harmful effects on health of the use, consumption and exposure to tobacco and tobacco smoke, and that may consist of warning captions, pictograms or images.
- c) "tobacco product" encompasses products prepared totally or partly using tobacco leaf as their raw material, and intended to be smoked, sucked, chewed or used as snuff."

**Article 2.** Packs and any other kind of packaging of cigarettes or tobacco products, of national or international production, intended for national consumption, shall contain health warnings in the form indicated in this Resolution.

**Article 3.** Said warnings must comply with the following conditions:

- a) Be approved by the Ministry of Public Health and Social Welfare.
- b) Be used simultaneously on the external surface of each container of tobacco products. There shall be one warning, with a full color image and the corresponding text for said image per pack or package, including the 4 warnings in each lot of containers of tobacco products.
- c) Be available to manufacturers or importers of tobacco products, in the General Office of Communications of the Ministry of Public Health and Social Welfare.
- d) Use the following texts, accompanied by the respective images, that shall be determined by the Ministry of Public Health and Social Welfare
  - *SMOKING CAUSES LUNG CANCER, EMPHYSEMA and ASTHMA ATTACKS.*
  - *SMOKING CAUSES STROKES.*
  - *SMOKING CAUSES SEXUAL IMPOTENCE.*
  - *SMOKING CAUSES HEART ATTACKS AND HIGH BLOOD PRESSURE.*
- e) The texts indicated in item 4 of this Article must be preceded by the statement: "*The Ministry of Public Health and Social Welfare warns.*" in a typeface smaller than that of the warnings, and be subject to annual revision and modification by the aforesaid Ministry.
- f) The warnings are to be printed directly on the pack of tobacco products, so that the image shall remain visible at all times, including during the period of display at points of sale.

**Article 4.** Establishes that starting on April 7, 2010, the date on which "World Health Day" is observed, the size of each warning shall occupy 50% of the lower portion of the main frontal surface, and 40% of the lower portion of the main rear surface of the cigarette pack or container for tobacco products; without spaces between the warning and the frame containing it.

*"Bicentennial of National Independence: 1811 – 2011"*

[EMBLEM: REPUBLIC OF PARAGUAY]

*Ministry of Public Health and Social Welfare*  
*Secretary General*  
*S.G. Resolution No. 928*

November 16, 2009  
Sheet No. 4

Determines that the images are to be distinct, and the texts clear and legible, and they are to be written in black characters on a white background, in accordance with the template attached to this Resolution.

Orders that starting on April 7, 2011, the size of the warning on the principal rear surface shall occupy 50% of the lower portion of said surface.

Establishes that starting on April 7, 2012, the warning shall occupy 60% of the upper [*sic*] portion of both principal surfaces.

That the background on which the warnings are written, starting on April 7, 2012, shall be yellow.

- Article 5.** Orders that on packs and labels of tobacco products, there shall be no promotion of tobacco products of a false, equivocal or deceptive nature, or that can mislead people with respect to their characteristics, health effects, risks or emissions; and that there shall be no use of terms, descriptive elements, manufacturing or trademarks, figurative signs or of another kind that have the direct or indirect effect of creating the false impression that one particular tobacco product is less harmful than others; for example, expressions such as "*low in tar content*," "*light*," "*ultralight*," "*mild*" or the like.
- Article 6.** Orders that the packaging of tobacco products must indicate on one of the lateral sides thereof, pursuant to the template attached to this Resolution, the classification of the substances composing it, stating: "This product contains more than 4,000 toxic and carcinogenic substances. There are no safe levels of exposure to tobacco smoke.
- Article 7.** Establishes that failure to comply with what is stipulated in this Resolution constitutes a serious offense, and shall render those responsible susceptible to the sanctions set forth in the Health Code.
- Article 8.** Orders that the Department of Oversight of Advertising of the Ministry of Public Health and Social Welfare shall oversee enforcement and compliance with this Resolution, as of its entry into force.
- Article 9.** Supersedes Resolutions S.G. No. 428/90, S.G. No. 298/09, S.G. No. 799/09 and S.G. No. 877/09, as well as any other previous ministerial provision at variance with what is set forth in this Resolution.
- Article 10.** Provide notification hereof to the appropriate parties, and upon doing so, file it.

[illegible signature]  
**DRA ESPERANZA MARTÍNEZ**  
**MINISTER**