

DECREE OF THE MINISTER OF HEALTH¹

of 24 February 2004

on testing the amount of certain substances in cigarette smoke and the notifications and warnings placed on tobacco product packaging²

On the basis of article 10 of the law of 9 November 1995 on Protecting the Health from the Adverse Effects of Tobacco and Tobacco Products Use (Journal of Laws 1996 No. 10, item 55, as amended³), it is decreed as follows:

1 The Minister of Health shall head the government administration department - health, on the basis of § 1 section 2 of the decree of the Prime Minister of 28 June 2002 on the detailed scope of responsibilities of the Minister of Health (Journal of Laws No. 93, item 833, as well as of 2003 No. 199, item 1941).

2 The decree transposes Directive 2001/37/EU [of the European Parliament and the Council] of 5 June 2001 on the reconciliation of laws, decrees, and administrative provisions of Member States concerning the manufacture, presentation, and sale of tobacco products (Official Journal of the European Union L 194, 18 July 2001, p. 26 et seq.)

3 Amendments to the referenced law were published in the Journal of Laws of 1997 No. 88, item 554 and No. 121, item 770, of 1999 No. 96, item 1107, as well as of 2003 No. 229, item 2274.

§ 1 The decree specifies permissible amounts of tar, nicotine and carbon monoxide in cigarette smoke, the method for their determination and a list of inspection laboratories authorized to determine the amount of these substances, as well as the text, graphical form, and method for posting warnings on the harmfulness of tobacco use, in addition to information on the amount of tar, nicotine, and carbon monoxide in a single cigarette.

§ 2. 1. The amount of substances harmful to the health in the cigarette smoke of cigarettes marketed commercially or produced on Polish territory may not exceed the following amounts per 1 cigarette:

- 1) tar - 10 mg;
- 2) nicotine - 1 mg;
- 3) carbon monoxide - 10 mg.

2. The amount of the substances referred to in section 1 shall be determined in accordance with the PN-ISO 4387 standard for tar, the PN-ISO 10315 standard for nicotine, and the PN-ISO 8454 standard for carbon monoxide, with the accuracy of the information about tar and nicotine on the packaging being inspected in accordance with the PN-ISO 8243 standard. The actual of carbon monoxide content expressed in whole numbers may differ from the figure stated on the packaging by 20% if it was established as the average amount for samples taken at different times, or by 25% if it was based on a sample taken at a single time.

§ 3. 1. The Laboratory Division of the National Laboratory for the Control of Harmful Substances in Tobacco Products at the Provincial Sanitary-Epidemiological Station in Lodz shall be authorized to test the harmful substances content in cigarette smoke, as referred to in § 2 section 1.

2. Other laboratories are authorized to conduct the studies referenced in section 1 if they possess accreditation for such testing that has been recognized in Member States of the European Union.

§ 4. 1. On unit packaging for cigarettes, cigars, cigarillos, pipe tobacco, tobacco for hand-rolled cigarettes, as well as other tobacco products intended to be smoked, in addition to bulk packagings for these products in retail distribution, there shall be:

- 1) a general warning that reads: "Smoking kills" or "Smoking seriously harms you and others around you";
- 2) one of the following additional warnings:
 - a) "Smokers die younger",
 - b) "Smoking clogs the arteries and is a cause of heart attacks and strokes",
 - c) "Smoking causes fatal lung cancer",
 - d) "Smoking when pregnant harms your baby",
 - e) "Protect children: don't make them breathe your smoke,"
 - f) "Your doctor or your pharmacist can help you stop smoking",

- g) "Smoking is highly addictive, don't start,"
- h) "Stopping smoking reduces the risk of fatal heart and lung diseases",
- i) "Smoking can cause a slow and painful death",
- j) "By calling the phone number 0801108108, you'll get help to stop smoking",
- k) "Smoking may reduce the blood flow and cause impotence",
- l) "Smoking accelerates aging of the skin",
- m) "Smoking can damage the sperm and decrease fertility",
- n) "Smoke contains benzene, nitrosamines, formaldehyde and hydrogen cyanide".

2. The general warning referred to in section 1 clause 1 is to be placed on one of the two largest surfaces of the packaging, ensuring alternating and regular appearance of both one text and the other during production and retail trade.

3. The additional warning referred to in section 1 clause 2 is to be placed on the second, largest, and opposite surface of the packaging, ensuring the alternating and regular appearance of each of the 14 texts during production and retail trade.

4. On unit packaging and bulk packaging in retail distribution, general warnings are to occupy no less than 30%, and additional warnings no less than 40%, of the surface of the packaging on which they are placed.

5. The provisions of section 4 shall not apply to packaging for products besides cigarettes that are intended to be smoked and are in retail distribution, of which the most visible or largest surface has an area larger than 75 cm². On such packagings, warnings shall occupy an area of no less than 22.5 cm² on each of those surfaces. "

6. On one of the two lateral sides of a cigarette packaging unit, information shall be placed on tar, nicotine and carbon monoxide content in cigarette smoke that reads: "tar:mg/cigarette, nicotine:mg/cigarette; carbon monoxide:mg/cigarette, while the word "substances" may be replaced by the abbreviation "subst." or "sub.". The above information shall occupy not less than 10% of the surface of the packaging on which it is placed.

7. A warning shall be placed on packagings of snuff that read: "This tobacco product may harm your health and is addictive."

8. The warning referred to in section 7 shall be placed on the largest, most visible surface of a unit packaging in a way so that it takes up not less than 30% of the corresponding surface of the packaging.

§ 5 1. Warnings and information referred to in § 4 shall be placed:

- 1) on durable elements of the packaging that are not prone to damage or becoming separated off when the packaging is opened, and in a way so that they are irremovable and not covered up by another graphical element or any other part of the packaging;
- 2) in a rectangular box surrounded by a solid continuous linear black border with a thickness of not less than 3mm and not more than 4mm that does not collide in in any way with the text of the warning or information

given. Meanwhile, the area of the border is counted towards to the total area of the warning.

2. The texts of warnings and information referred to in § 4 are to be printed directly on the packaging in black ink on a white background with Helvetica bold type, in keeping with the following rules:

- 1) the text of the information referred to in § 4 section 6 is parallel to the longest edge of the packaging;
- 2) the texts are printed in lowercase letters, with the exception of capitalization as required by Polish spelling rules, in the middle part of the field designated for the warning or information;
- 3) the font size of and layout of the text ought to be such that the text occupies as much of the part of the field designated for the warning or information as possible, in keeping with the demands of communicativeness and the necessity of line spacing, which is to be not more than the height of the letters and not less than half of the height of the letters;
- 4) on the packaging of products other than cigarettes, the text of warnings may be affixed by means of stickers, provided that the stickers are irremovable.

§ 6 On communications regarding tobacco products being displayed at points of sale, one of the warning texts listed in § 4 section 1 clause 1 is to be placed.

§ 7 The decree of the Minister of Health and Social Care of 5 December 1996 on the Text, Design and Method of Placement for Captions Warning of the Harmfulness of Using Tobacco as well as Information on Tar and Nicotine Content, in Addition to the Permissible Amounts of Harmful Substances in Tobacco Products and the Method for Determining their Amounts (Journal of Laws No. 146, item 685, of 1997, No 109, item 713 and of 2000, No. 92, item 1023) is hereby annulled.

§ 8. The Decree shall enter into force after 14 days from the date of promulgation.

Minister of Health: *L. Sikorski*