

ORDER no. 764 of June 15, 2004

To approve the Norms regarding the use of color photographs or other illustrations as part of health warnings on tobacco packages

Considering the stipulations of Article 6, paragraph (2), letter h) of Law no. 349/2002 regarding the prevention and control of the effects of tobacco products consumption, with subsequent changes and additions.

and after having reviewed the Approval Report no. OB 6964 of the General Department for European Integration and International Relations,

based on Government Decree no. 743/2003 related to the organization and functioning of the Health Ministry, with subsequent changes and additions,

the Minister of Health issues the following order:

ARTICLE 1

We hereby approve the Norms stipulated in the appendix to this order, regarding the use of color photographs or other illustrations as part of health warnings on tobacco packages.

ARTICLE 2

This order is published in *The Official Monitor of Romania*, Part I.

Minister of Health,
Ovidiu Brânzan

Bucharest, June 15, 2004

No. 764

APPENDIX

NORMS

regarding the use of color photographs or other illustrations as part of health warnings on tobacco packages

ARTICLE 1

- (1) These norms establish the rules for the use of color photographs or other illustrations on tobacco packages with the purpose of presenting or explaining the health-related consequences of smoking.
- (2) Color photographs or other illustrations, used with the purpose of presenting or explaining the health-related consequences of smoking, as well as the additional warnings stipulated by Law no. 349/2002 for the prevention and control of the effects of tobacco products consumption, with subsequent changes and additions, are to be applied on packages that contain all types of tobacco products, except for the packages that contain tobacco for oral use or other tobacco products that are not for smoking.

¹ *Monitorul Oficial (The Official Monitor)* is a publication of the Romanian government that publishes current legislation (translator's note).

ARTICLE 2

In the context of this order, the terms below are defined as follows:

- a) Tobacco package – any type of individual package and any form of exterior wrapping used for itemized sales of tobacco products, except for transparent exterior wrappings;
- b) Additional warning – any type of warning stipulated by article 6, paragraph (2) of the Law no. 349/2002, with subsequent changes and additions;
- c) Source document – any of the electronic files provided by the European Commission and containing a combined warning;
- d) Combined warning – a warning that consists of a color photograph or other illustration, as well as the respective text of the additional warning, stipulated by article 6, paragraph (2) of the Law no. 349/2002, with subsequent changes and additions, as included in any source document.

ARTICLE 3

- (1) The combined warning:
 - a) is applied, so that it contains any of the texts of additional warnings, according to the law;
 - b) is typed on the most visible area of the tobacco package, preserving the format and the proportions of the document, the source and the graphic integrity of the image and of the text.
 - c) covers the whole area reserved for the additional health warning, according to the law, and it is positioned parallel to the upper edge of the package, in the same direction as the other information on the tobacco package;
 - d) is reproduced according to the technical printing specifications;
 - e) is located within a black frame of minimum 3 mm (0.11 in) and maximum 4 mm (0.15 in) in height, which does not interfere in any way with other textual or graphic elements of the combined warning;
 - f) covers a minimum of 40% of the external area of the most visible surface of the individual tobacco package.
- (2) For individual tobacco packages used for products other than cigarettes, on which the most visible area is greater than 75 cm (29.52 in) the combined warning covers an area of minimum 22 cm (8.66 in) of the other large visible area.
- (3) For tobacco products other than cigarettes, the combined warnings can be displayed as labels, provided that they cannot be peeled off. The reproduction of combined warnings on such labels must be carried out according to the technical specifications stipulated in the Community legislation.
- (4) The combined warning should be selected exclusively from the source documents offered by the European Commission, without any alternation of its components.
- (5) The Ministry of Health will ensure the selection of any of the combined warnings provided by the European Commission by browsing the European Commission's electronic library of source documents, within 90 days from its posting.
- (6) A combined warning, selected according to the stipulations of paragraph (4) and (5), will be approved by an order of the Minister of Health.

ARTICLE 4

The visual integrity of the combined warning is guaranteed based on the following characteristics:

- a) It is typed in such a manner as it cannot be removed or erased;
- b) It is typed in such a manner as it cannot be hidden or truncated by another textual or graphic element or by opening the package;
- c) It is typed in such a manner so that none of the textual or graphic elements can be affected by the opening of the package;
- d) It is not hidden or truncated, not even partially, by any kind of wrapping.

ARTICLE 5

- (1) It is forbidden to type a combined warning on the tax stamp or price tag of any tobacco package.
- (2) The tax stamp or price tag should be applied on the package in such a manner as they do not cover or truncate, not even partially, the combined warning or any of its elements.