

MINISTRY OF HEALTH

REPUBLIC OF TOGO

Labor – Freedom – Country

DECREE No. 2012 – 047 / PR

Concerning modalities for the implementation of rules concerning packaging
and labeling of tobacco and its derivative products

THE PRESIDENT OF THE REPUBLIC,

In consultation with the Minister of Health;

In light of the Constitution of October 14, 1992;

In light of Law n° 66-22 of December 23, 1966, concerning the Customs Code;

In light of Law n° 99-011 of December 28, 1999, concerning the organization of competition in Togo;

In light of Law n° 2009-007 of May 15, 2009, concerning the public health code of the Republic of Togo;

In light of Law n° 2010-017 of December 31, 2010, concerning the production, commercialization, and consumption of cigarettes and other tobacco products;

In light of Law n° 2010-035/PR of May 7, 2010, concerning the nomination of the Prime Minister;

In light of Law n° 2010-036/PR of May 28, 2010, concerning the composition of the government, together with the texts modifying it;

In light of Decree n° 2012-004 /PR of February 29, 2012, concerning the attributions of the Ministers of State and Ministers;

In light of Decree n° 2012-006 /PR of March 7, 2012, concerning the organization of ministerial departments;

The Council of Ministers having been duly notified, hereby

DECREES:

Article 1: Purpose

The purpose of this Decree is to define the modalities for implementation of the measures concerning packaging and labeling of tobacco and its derivative products in Togo.

Article 2: Scope of application and definitions

This Decree determines the measures applicable to the placement, size, rotation, colors, message content and language of health warnings with respect to the packaging and labeling of tobacco and its derivative products.

The following definitions shall apply:

- Packaging: all exterior packaging used in the retail sale of tobacco products;
- Labeling of tobacco products: all forms of use, statements, indications, brands of products, images or signs concerning tobacco products and appearing on tobacco products or on any packaging, document, tag, label, clasp or ring accompanying the tobacco products or referring to them.

Article 3: Languages, content and list of health warnings

The health warnings to be inscribed on packaged units of tobacco and its derivative products must be in French and Ewé on one main surface, and in French and Kabyè on the other main surface. In all cases, since there are more than two main surfaces, in other provisions of this Article, the other main surfaces must also contain health warnings in French and Ewé, or in French and Kabyè.

The health warnings in French are as follows:

- Cigarettes are strongly addictive;
- Smoking is harmful to the health of children;
- Smoking causes heart disease;
- Smoking causes strokes;
- Smoking causes lung cancer;
- Smoking causes mouth cancer;
- The use of tobacco causes sexual impotence;
- Smoking causes a slow and painful death;
- Smokers die prematurely;
- Smoking is also harmful to those around you;
- Smoking causes the amputation of limbs;
- Tobacco is severely harmful to your health.

The health warnings in Ewé are as follows:

- Siga kpɔa ɲusɛ ɖɛamedzi vevieɲutɔ;
- Atamaf'adzudzo gblɛa nu le ɖeviwofelamesɛɲu;
- Siga yɔyɔ nana dzi dɔwo;
- Siga yɔyɔ nana akpaɖeka tsunana ame;
- Siga yɔyɔ dea abi dzi ɲu;
- Siga yɔyɔ dea abi vɔ nu me na ame;
- Atama zazã gbɔdzɔa ame le ɲutsu me;
- Siga yɔyɔ wua ame blewu blewu le veve sese me;

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- Siga yɔlawo kuna doa ŋɔ nawo f'azãgbe;
- Siga yɔyɔ gblãa nu le ame siwofoɔla Siga yɔla woŋu;
- Siga yɔyɔ nana be wotsoa afɔ na ame;
- Atama gblãa nu le lamesẽ ŋu vevĩe ŋuto

The health warnings in Kabyè are as follows:

- Sɪgaa ñɔɔ yebu wɛ kaɖɛ piti tɛyɪ;
- Taba ñɔɔ wɛkɪy pɪyɔ tɔnɔɔtaa alaafɪyɔ;
- Tabañɔɔ kɔŋɪ lɔŋɪyɛ kɔdɔmɪy;
- Tabañɔɔ lakɪnɛ ɛyɔ hɔlɔɔsɪ;
- Tabañɔɔ lakɪnɛ cancerɪ kɔdɔŋ kpaña-hɔzɪy;
- Tabañɔɔ lakɪnɛ cancerɪ kɔdɔŋ kpaña-nɔɔ;
- Tabañɔɔ kɔña-abalɪtɔ;
- Tabañɔɔ dɔ-ŋ sɪzɪŋnɛ pɪkɔna-ŋ sum mɛsɔyɛtɛɛ;
- Tabañɔyaa sɪkɪ nɛ pɔcɔ pɪtalɪ pa-kɪyako;
- Tabañɔɔ kɔŋɪ kɔdɔŋ nɛ sum mbapewɛ ñɔ-cɔlɔyɔ;
- Tabañɔɔ lakɪnɛ pɛsɛtɪ ña-nɔŋgbanzɪ;
- Taba wɛkɪy ɛyɔ alaafɪyɔ sɪŋŋ.

Article 4: Sizes of health warnings

Health warnings appearing on different kinds of packaging and labeling of tobacco products must cover at least 65% of each one of the two main surfaces of packs or cartons.

Health warnings must be printed in an indelible fashion in black, bold upper-case characters, in the *Helvetica sur* font on a white background, in such a way as to ensure optimal visibility and legibility.

Health warnings must be framed by a border whose characteristics are to be determined by administrative order of the Minister of Health.

The space reserved at the border is not taken into account in the calculation of the percentage of the surface occupied by the text of the health warning.

Health warnings must appear simultaneously on each surface of each pack and carton, or on the main surfaces, if there are more than two (2).

Health warnings must be printed in indelible characters on packs and packaging in such a way as to ensure that the visual elements of these health warnings are neither obscured nor altered in any fashion whatsoever, particularly upon normal opening of the pack or carton.

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Health warnings must not be disguised, obscured or separated in any way by other statements, images or logos, or by the opening of the pack, or by tax stamps and other information where cigarettes are concerned.

Packaging must be neutral, containing no more than two (2) contrasting colors and nothing more than a brand name, a logo, a product and /or manufacturer's name, without any other feature apart from the health warnings, and the statement of the ingredients and emissions, and, possibly, of the tax stamps and other information or inscriptions required by this decree.

Packaging for retail sale of tobacco products must not include characteristics intended to change the package after retail sale, including, but without limitation:

- heat sensitive inks;
- inks or embellishments intended to appear progressively in keeping with the time;
- inks that exhibit a fluorescent appearance under certain kinds of lighting;
- labels intended to be scratched out or rubbed off to reveal an image or a text;
- removable or foldable labels;

Apart from health warnings, packs and cartons of cigarettes must include information on ingredients and emissions. The Information on ingredients and emissions below must also appear on packs and cartons on the sides that do not include health warnings:

- Cigarette smoke contains benzene, a well-known carcinogen; or
- When you smoke, you expose yourself to more than 60 chemical products that can cause cancer.

The statement "Sale authorized only in Togo" must be printed beneath the commercial brand in indelible and very prominent characters of a height that may not be less than five (5) millimeters.

It is forbidden to state on packs or cartons qualitative or quantitative information such as, tar, nicotine and carbon monoxide content, or an indication of a reduced level of nitrosamines, or other statements that are prohibited pursuant to the terms of Article 7 of Law N°2010-017 of December 31, 2010.

Article 5: Inserts and fliers

Inserts and flyers are prohibited.

An insert is understood to refer to messages placed inside each pack and/or carton purchased at a point of sale by a consumer, such as mini-leaflets or brochures.

A flyer is understood to refer to any message affixed to the outside of each pack and/or carton purchased at a point of sale by a consumer, such as mini-brochures attached to the outer wrapping of cellophane, or glued to the outer surface of the cigarette pack.

Article 6: Rotation

Health warnings on packs or cartons are to be alternated every twenty-four (24) months.

For every twenty-four (24) month period, the Minister of Health shall determine by administrative order a series of four (4) health warnings that are to appear on packs or cartons.

Manufacturers and importers of tobacco and its derivative products have an obligation to make concomitant use of the four health warnings chosen for a given series that are to be printed in such a way that each one of the warnings appears on an equal number of packs sold retail, not only for each group of brands, but also for each brand within the group of brands, for each size and type of pack.

Manufacturers and importers of tobacco products who sell these products, both wholesalers as well as retailers, are responsible for having their products comply with measures concerning packaging and labeling.

With the introduction of a new series of health warnings, a transitional period of four (4) months during which the former series may continue to circulate concurrently with the new series is granted to manufacturers and importers of tobacco products, as well as wholesalers and retailers. Beyond this transitional period of four (4) months, products bearing the former series of health warnings are to be withdrawn from the market.

Article 7: Follow-up and evaluation

The national program for the tobacco control is taking the necessary measures to ensure periodic follow-up evaluation of the implementation of measures concerning packaging and labeling of tobacco and its derivatives.

Article 8: Miscellaneous provisions

The regulatory enforcement bodies of the Government, notably: the general inspector of health authorities, labor inspectors, the police, constabulary and agents of the

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Ministry of Commerce are authorized to ascertain violations of the provisions of this decree.

Any violation of these provisions is subject to the penalties set forth in Articles 23, 28, 29, 30 and 31 of Law No. 2010-017 of December 31, 2010.

Persons subject to the provisions of this decree are given a period of nine (9) months counting from its publication to enter into compliance with it.

Article 9: Final provisions

The Minister of Health, the Minister of Public Safety and Civil Protection, and the Minister of Commerce and the Promotion of the Private Sector are each charged, within the scope of their respective jurisdictions, to execute this decree, which is to be published in the Official journal of the Republic of Togo.

Done in Lomé, on July 11, 2012

[STAMP:] Republic of Togo – The President

The President of the Republic

The Prime Minister

SIGNED

SIGNED

Faure Essozimna GNASSINGBE

Gilbert Fossoun HOUNGBO

The Minister of Public Safety
and Civil Protection

The Minister of Health

SIGNED

SIGNED

Col. Gnama Dokissime LATTA

Professor Kondi Charles AGBA

The Minister of Commerce and
Promotion of the Private Sector

SIGNED

Kwesi Séléagodji AHOOMEY-ZUNU

For amplification

The Secretary General

of the Office of the President of the Republic

[STAMP:] Republic of Togo – Secretary General – Office of the Presidency of the Republic

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Kwesi Séléagodji AHOOMEY-ZUNU