

Ministry of Public Health

CM/806

MINISTRY OF THE INTERIOR

MINISTRY OF FOREIGN AFFAIRS

MINISTRY OF ECONOMY AND FINANCE

MINISTRY OF NATIONAL DEFENSE

MINISTRY OF EDUCATION AND CULTURE

MINISTRY OF TRANSPORTATION AND PUBLIC WORKS

MINISTRY OF INDUSTRY, ENERGY, AND MINING

MINISTRY OF LABOUR AND SOCIAL SECURITY

MINISTRY OF PUBLIC HEALTH

MINISTRY OF LIVESTOCK, AGRICULTURE, AND FISHERIES

MINISTRY OF TOURISM

MINISTRY OF HOUSING, REGIONAL PLANNING, AND

THE ENVIRONMENT

MINISTRY OF SOCIAL DEVELOPMENT

Montevideo, APR 29, 2019

REGARDING: the need to adopt additional measures concerning the packaging and labeling of tobacco products;

WHEREAS: I) That, since the enactment of Law N° 17,793 of July 16, 2004, which ratified the World Health Organization Framework Convention on Tobacco Control and its implementation guidelines, Uruguay had to develop a regulation that addressed the various aspects involved in tobacco control, including the presentation of tobacco products to the public, with the aim of reducing their demand and consumption;

II) That, international studies led by the World Health Organization show that the form and characteristics of the packaging and labeling of tobacco products have a direct impact on the increase or decrease in consumption and that their regulation allows satisfactory results to be obtained in the search for the aforementioned objective;

III) That, in the light of this evidence, our legal system has incorporated measures such as the inclusion

Ministry of Public Health

of health warnings addressed to the consumer on the packaging of tobacco products, as well as the prohibition of the use of distinctive signs or terms that could be misleading about the harmful characteristics of the products, or about one product being less harmful than another;

IV) That, in this sense, Law N° 18,256 of March 6, 2008, in its articles 7 and 8 regulates, respectively, the aspects related to advertising, promotion and sponsorship of tobacco products and their packaging and labeling;

V) That, the guidelines adopted by the Conference of the Parties to the World Health Organization Framework Convention on Tobacco Control (WHO-FCTC) for the implementation of Articles 11 and 13 have made specific recommendations when regulating product packaging and product features;

VI) That, in the framework of the guidelines for the implementation of Article 11, it is stated that: "Health warnings and other appropriate well-designed messages are part of a range of effective measures to communicate health risks and reduce tobacco consumption". Furthermore, precise recommendations are established regarding the location, size, use of images, colors, rotation, and content of warnings and messages, for States developing their internal regulation. It also states that: "The parties should have a full understanding of the many different types of tobacco product packaging available in their jurisdiction and should indicate how the proposed warnings and messages will apply to each type and form of packaging...";

(VII) That, the guidelines for the implementation of Article 13 state that: "the advertising or promotional effect of packaging can be eliminated if plain packaging is required, i.e., in black and white or two other contrasting colors, as indicated by the national authority; nothing more than a brand name, product name and/or manufacturer name, contact details and the quantity of product contained in the pack, without logos, or other distinguishing features, other than health warnings, tax stamps, and other mandatory information or marking; a specified font type and size, and a standardized shape, size, and materials", adding that "there should be no advertising or promotion inside or attached to the pack, nor cigarettes or other loose tobacco products";

VII) That, the guidelines for the implementation of Article 13 state that: "the advertising or promotional effect of packaging can be eliminated if plain packaging is

Ministry of Public Health

required, i.e., in black and white or two other contrasting colors, as indicated by the national authority; nothing more than a brand name, product name and/or manufacturer name, contact details and the quantity of product contained in the pack, without logos, or other distinguishing features, other than health warnings, tax stamps, and other mandatory information or marking; a specified font type and size, and a standardized shape, size, and materials", adding that "there should be no advertising or promotion inside or attached to the pack, nor cigarettes or other loose tobacco products";

IX) That, the effectiveness of such measures having been accredited, the Government has decided to advance in the implementation of those alternatives proposed by the World Health Organization as effective for the fulfillment of the aforementioned objective, for which the regulatory processes developed in Australia, Ireland, France, and the United Kingdom were assessed, in addition to the various scientific studies carried out in Uruguay;

X) That, Law N° 19,723 of December 21, 2018, was promulgated;

WHEREAS: I) That, it is necessary to continue to take measures which contribute to the reduction of the prevalence of tobacco consumption because of its harmful effects on the health of the population;

II) That, it corresponds to proceed to the regulation of the mentioned Law N° 19,723;

IN VIEW OF: Article 44 of the Constitution of the Republic, the Framework Convention on Tobacco Control, Law N° 18,256 of March 6, 2008, Law N° 19,723 of December 21, 2018, and Decree N° 284/008 of June 9, 2008, and its amendments;

THE PRESIDENT OF THE REPUBLIC

Acting on the Council of Ministers

DECREES:

Chapter I

Provisions common to neutral or generic packaging and labeling of all tobacco products.

Article 1°.- **Color of all tobacco product packaging.** The color of all tobacco product packaging shall

Ministry of Public Health

be unique, uniform, and correspond to Pantone 448C with a matte finish (equivalent to RGB 74 65 42). The Ministry of Public Health may make provisions for color variation for periods of not less than two years. This requirement does not apply to pictograms and health warnings, which are regulated by Article 9 of Law N° 18,256.

Article 2°.- **Trademarks and other distinctive signs.** The trademarks of all tobacco products shall be incorporated into the packaging in a single uniform font style, size, position, and color, defined by these regulations. The font shall be "Lucida Sans", Pantone Cool Gray 2C color, size not exceeding 14, without shading or other elements on aggregate, with a matte finish.

Article 3°.- **Trademark.** Each trademark on plain packaging must correspond to a single presentation of tobacco products, and the use of terms, descriptive elements, figurative signs, logos or other distinctive signs, such as combinations of numbers or letters that have the direct or indirect effect of creating the false impression that a particular product is less harmful than others, is prohibited.

Article 4°.- **Different forms of advertising.** The packaging of all tobacco products cannot contain any type of decorative element, devices that allow it to make a sound, produce a different aroma from that of tobacco, include any function or characteristic intended to change after retail sale, include inside the pack adhesives or additional material.

Article 5°.- **Labeling.** The bar code and the name, address, and other contact details of the manufacturer, as well as any other information required by the regulations, shall be placed on one of the sides of the packaging. The bar code will be rectangular, in black and white. The data referring to the name and address of the manufacturer shall be incorporated in "Lucida Sans" font, black, size not exceeding 10. The other side will include information addressed to the consumer, to be defined by the Ministry of Public Health.

Ministry of Public Health

Article 6°.- Amend Article 1 of Decree 287/009 of July 15, 2009, to read as follows: "Article 1°.- It is provided that the warnings to be used on tobacco product packaging, which include images and/or pictograms, and legends, shall occupy the upper 80% (eighty percent) of both main sides of any cigarette box and in general on all tobacco product packages and containers and all packaging and labeling of similar characteristics. The product brand will be on the same side, at the bottom".

Chapter II

Provisions on the packaging and labeling of cigarettes

Article 7°.- **Pack of cigarettes.** Cigarette packs shall be rectangular prism-shaped, and their size shall conform to the dimensions specified below:

High: 80 to 90 mm

Width: 40 to 60 mm

Depth: 15 to 25 mm

The opening of the cigarette pack shall be of the hinged or flip-top type.

Article 8°.- **Cigarette pack material.** All packs of cigarettes shall be made of cardboard, being prohibited the use of any other type of material. If the packs are covered with cellophane or similar paper, they must be transparent, without color or decorative elements or prints, without relief, without a trademark, and contain a transparent opening strip.

The inside of the cigarette pack must be plain white with a matte finish and may only contain a plain silver-colored metallic paper cover. The inclusion of any other element is prohibited.

Article 9°.- **Brand location.** The mark shall be incorporated into the cigarette pack centered on the lower end of the two main faces and the underside.

Article 10°.- **Cigarette.** The cigarette wrapper shall be made of plain white paper only, and it is therefore forbidden to include any logo or any other feature or element of design, legend,

Ministry of Public Health

inscription, or writing on it. The filter shall be of an imitation cork or white color, shall be biodegradable and may not incorporate any legend, inscription, or other element identifying the mark, nor may it include any decorative element.

Article 11°.- **Presentation of the cartons of cigarette packs.**

The provisions of Articles 1 and 2 of Chapter I and Article 8 of Chapter II shall also apply to cartons of cigarette packs, except that the size of the lettering of the brand shall be in proportion to the size of the cigarette box.

Chapter III

Provisions on the packaging and labeling of roll-your-own tobacco

Article 12°.- **Packs of roll-your-own tobacco.** The packs of roll-your-own tobacco shall have a prismatic shape with rounded edges, with the health warnings, the color of the pack, types, dimensions, and color of the lettering, with the same characteristics as those established for cigarette packs.

Article 13°.- **Materials of the roll-your-own tobacco packs.**

All the packs of roll-your-own tobacco will be made of paper, and any other type of material is forbidden. If the packs are covered with cellophane or similar paper, they must be transparent, without color or decorative elements or prints, without relief, without a trademark, and contain a transparent opening strip.

The inside of the pack must be plain white and may only contain a plain silver-colored metallic paper cover. The inclusion of any other element or inscriptions or symbols on the inside walls or metallic paper is prohibited.

ARTICLE 14°.- **Brand location.**

The brand shall be incorporated into the pack of roll-your-own tobacco at the bottom of the two main faces and on the bottom face if applicable.

Ministry of Public Health

Chapter IV

Provisions on the packaging and labeling of other tobacco products

Article 15°.- **Packaging of other tobacco products.** The packaging of other tobacco products shall adopt the same regulations as those provided for in this rule, for cigarette boxes, except for the provisions of Articles 7 and 8, which shall not apply to them.

Article 16°.- **Brand location.** The brand shall be incorporated into the packaging of tobacco products at the lower end of both main sides and on the underside.

Chapter V

General provisions

ARTICLE 17°.- Repeal Decree N° 235/018 of August 6, 2018, and Ordinance of the Ministry of Public Health N° 696 of August 17, 2018.

ARTICLE 18°.- The provisions of this Decree shall become effective twelve months after the enactment of Law N° 19,723 of December 21, 2018.

ARTICLE 19°.- Be it hereby communicated and published.

Internal Decree No.

Executive Branch Decree No.

Ref. No. 001-3-1725-2019

AA.

Dr. TABARÉ VÁZQUEZ
President of the Republic
Period 2015 - 2020