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JOSÉ ARTIGAS

UNION DE LOS PUEBLOS LIBRES

BICENTENARIO.UY

CM/ 926

*Ministry of Public Health*

THE MINISTRY OF THE INTERIOR

THE MINISTRY OF FOREIGN RELATIONS

THE MINISTRY OF ECONOMY AND FINANCE

THE MINISTRY OF NATIONAL DEFENSE

THE MINISTRY OF EDUCATION AND CULTURE

THE MINISTRY OF TRANSPORTATION AND PUBLIC WORKS

THE MINISTRY OF INDUSTRY, ENERGY AND MINES

THE MINISTRY OF LABOR AND SOCIAL SECURITY

THE MINISTRY OF PUBLIC HEALTH

THE MINISTRY OF LIVESTOCK, AGRICULTURE AND FISHERIES

THE MINISTRY OF TOURISM AND SPORTS

THE MINISTRY OF HOUSING, TERRITORIAL ADMINISTRATION AND ENVIRONMENT

THE MINISTRY OF SOCIAL DEVELOPMENT

Montevideo, November 3, 2014

IN LIGHT OF: what is set forth in Law No. 18.256 of March 6, 2008, its amending Law No. 19.244 of July 25, 2014, and Decree No. 284/008 of June 9, 2008; -----

WITH THE RESULT THAT: I) Law No. 19.244 amends and provides a new text for Article 7 of Law 18.256; -----

II) that through Article 7 of Law No. 18.256 it prohibited all forms of advertising, promotion and sponsorship of tobacco products;

III) that the aforesaid prohibition also encompasses sponsorship of national or international cultural or sporting activities, or those of any other

kind, or of participation therein, on the part of the tobacco industry;

IV) that furthermore, through Article 311 of Law No. 18.362 and through Law No. 19.244, the use of logos or brands or brand elements of tobacco products in products other than tobacco is prohibited, which includes their distinctive appearance, the graphic layout, design, slogan, symbol, motto, sales message, the recognizable color or combination of colors or other indications of identity of any brand of tobacco product, or representing same; the use of brands or logos of products other than tobacco for tobacco products; the preparation or sale of food, candies, toys or other products that have the shape of tobacco products; the placement of brands, logos or elements of tobacco product brands on games, video games or computer games; the use of drawings resembling animated drawings on containers for tobacco products;

V) that the new text that Law No. 19.244 gives to Article 7 of Law No. 18.256 eliminates the exception for advertising of tobacco products at points of sale, and establishes a prohibition on the display of tobacco products and their derivatives, as well as accessories for smoking in display shelves and any other kind of shelving located in places where tobacco products are sold;

VI) that this normative amendment also requires that in these places only the placement of a written list of tobacco products that are on sale will be permitted, with their respective prices, and the

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information of the Ministry of Public Health must be shown, which warns about the harm caused by the consumption and smoke of tobacco products, pursuant to such regulations as the Executive Branch may issue on this matter;

WHEREAS: I) the Inter-Institutional Advisory Commission on Tobacco Control, in its report of September 2, 2014, suggests that the written list called for by Law No. 19.244 “must be printed in black letters on paper of a white background, which must have a total size of 29.7 centimeters high by 21 centimeters wide (size A4). The written list for each tobacco product should occupy the left half of the page, and in the right half, such health warning as the Ministry of Public Health may devise are to be printed, with captions and images in color”;

II) That the Commission is to base its report on the terms of Article 13 of the Framework Convention for Tobacco Control of the World Health Organization, ratified by our country through Law No. 17.793 and in the Guidelines approved for the implementation of this Article of the aforementioned Convention, which establishes standards regarding the need to arrange for the total prohibition of advertising, promotion and sponsorship of tobacco products, as well as the display of such products as a way of restricting the use of direct or indirect incentives that foster the purchase of tobacco products by the public.

III) That pursuant to what is called for by Article 44 of the Constitution of the Republic, it is incumbent upon the state to legislate on all issues related

to health and public hygiene, seeking the physical, moral and social betterment of all inhabitants of the country;

IN LIGHT OF: the foregoing, what is established in Article 44 of the Constitution of the Republic, the Framework Convention for Tobacco Control, Article 11 of Law No. 9.202 - Organic Law of Public Health - of January 12, 1934, Article 7 of Law No. 18.256 of March 6, 2008, in the text stated in Law No. 19.244 of July 25, 2014, Article 311 of Law No. 18.362 of October 6, 2008, Decree No. 284/008 of June 9, 2008, and other amending and supporting provisions;

THE PRESIDENT OF THE REPUBLIC

Acting in the Council of Ministers

DECREES:

- Article 1. - It is hereby established that in places where tobacco products are sold, only a written list of the tobacco products being sold will be permitted, with their respective prices.
- Article 2. - The said written list must be printed in black letters on a sheet of paper with a white background, which is to have a total size of twenty-nine point seven (29.7) centimeters high by twenty-one (21) centimeters (size A4), in a horizontal orientation.

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Article 3. - The written list for each tobacco product shall occupy the left half of the sheet, and in the right half, such health warning as the Ministry of Public Health may devise shall appear, with captions and images in color.

Article 4. - Article 8 of Decree No. 284/008 of June 9, 2008, shall be amended to read as follows:

“In accordance with what is set forth in the foregoing Article, the following is prohibited:

- The use of brands or logos of products other than tobacco on tobacco products.
- The preparation and/or sale of foodstuffs, candies, toys or other objects that have the shape of tobacco products and could prove attractive to minors.
- Advertising by SMS or any other electronic media.
- The handing out of printed advertising in the street, to homes or by mail.
- The use of direct or indirect incentives that foster the purchase of tobacco products by the public, such as offering promotional discounts, giving away gifts with purchases of tobacco products,

among other things.

- Aerial advertising in balloons or planes, among other things.

This enumeration is not exhaustive. Individuals or legal entities that sell the merchandise specified in Article 1 of the present regulation must include on the white paper that contains the written list allowed by Law, the health warnings established in Article 9 of Law No. 18.256, as they may be established by the health authority.”

Article 5. - Violation of the provisions of this law shall authorize the Ministry of Public Health to impose the sanctions indicated in Law No. 18.256 of March 6, 2008.

Article 6. - Let notification hereof be given, and let this be published forthwith.

Internal Decree No.

Executive Decree Branch No.

Ref. No.

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JOSÉ MUJICA  
President of the Republic

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