

Ministry of Public Health

Montevideo, August 17, 2018

WHEREAS: There is a need to adopt complementary measures relating to packaging and labeling of tobacco products;

STATEMENT OF FACTS: I) That from the enactment of Law No. 17,793 of July 16, 2004, ratified by the World Health Organization's Framework Convention on Tobacco Control (WHO-FCTC), as well as its guidelines for application, Uruguay had to develop regulations to address the distinct aspects involved in tobacco control, including how tobacco products are presented to the public, in order to reduce their demand and use;

II) That international studies led by the World Health Organization demonstrate that the shape and features of tobacco product packaging and labeling directly affects increases and decreases in their use, and that their regulation allows for the achievement of satisfactory results in the search for the stated goal:

III) That in light of this evidence, our legal system has incorporated measures such as the inclusion of health warnings directed at consumers on the packaging of tobacco products, as well as prohibiting the use of distinctive signs or terms that could be misleading regarding the harmful nature of the products or that one product is less harmful than another;

IV) That in this regard, Law No. 18,256 of March 6, 2008, in Articles 7 and 8, respectively, regulates aspects related to advertising, promotion, sponsorship, and the packaging and labeling of tobacco products;

V) That the guidelines approved by the Conference of the Parties to the World Health Organization's Framework Convention on Tobacco Control, for application of Articles 11 and 13, has proposed certain recommendations when regulating the packaging and distinctive features of the products;

VI) That in the framework guidelines for applying Article 11, it is noted that, “The health warnings and other appropriate, well-designed messages form part of several effective measures to communicate health risks and reduce tobacco use.” Furthermore, exact recommendations are established regarding the location, size, use of images, colors, content of the warnings and messages, and their rotation, so that the States can develop internal regulations. In addition, it is established that, “The parties should have complete knowledge of the many different types of packaging of tobacco products available in their jurisdiction and should indicate the way in which the proposed warnings and messages are applied to each packaging type and shape....”

VII) That for their part, the application guidelines for Article 13 establish that, “the advertising and promotional effects of the packaging can be eliminated if a simple package is required, that is, in black and white or two other contrasting colors, as indicated by the national authority, no more than one brand name, one product name and/or one manufacturer name, contact information, and the quantity of product contained in the package, without logos or other distinctive features apart from the health warnings, tax stamps, and other mandatory information or markings, one specified font and letter size, a single shape and size, and standardized materials.” It adds that “there should be no advertising or promotion either inside or attached to the package, on the cigarettes, or on other products with loose tobacco”;

VIII) The World Health Organization establishes that in the context of the WHO-FCTC, in particular Articles 11 and 13, the purpose of the neutral packaging is to reduce the attractiveness of tobacco products, eliminate packaging effects as a form of advertising and promotion, prevent the use of design techniques in the packaging that could suggest that one tobacco product is less harmful than another, and increase the visibility and effectiveness of the health warnings;

IX) That such measures having proved effective, the Government has decided to proceed in the implementation of those alternatives that the World

Health Organization proposes as effective in order to achieve the intended outcomes, for which the regulatory processes developed in Australia, Ireland, France, and the United Kingdom are taken into account, in addition to various scientific studies carried out in Uruguay;

X) That further, Article 8 of Decree No. 284/008 of June 9, 2008, in the wording provided in Article 1 of Decree No. 235/018 of August 6, 2008, assigned the responsibility for the neutral or generic packaging to the Ministry of Public Health;

WHEREAS: I) That it is necessary to continue adopting measures that contribute to a decrease in the prevalence of tobacco use because of its harmful effects on the population's health;

II) That it is essential to modify the regulatory framework in order to highlight the health warnings, diminish the attractiveness of the packaging of tobacco products, eliminate packaging and labeling as forms of tobacco advertising and promotion, and eliminate possibilities for misleading or deceiving the consumer in regards to one product being less harmful than another;

IN VIEW OF WHICH: as provided for in Article 44 of the Constitution of the Republic, in the Framework Convention on Tobacco Control, Law No. 18,256 of March 6, 2008, and Decree No. 284/008 of June 9, 2008, and its modifications;

THE MINISTRY OF PUBLIC HEALTH

RESOLVES:

Chapter 1

Provisions Common to Neutral or Generic Packaging and Labeling of All Tobacco Products

1) **Color of all tobacco product packages.** The color of all tobacco product packaging will be of a single one, uniform, and corresponding to Pantone 448C

with matt finish (equivalent to RGB 74 65 42). The Ministry shall provide color schemes for periods of no less than two years. This requirement is not applicable to the health pictograms and warnings regulated by Article 9 of Law No. 18,356.

2) **Brands and other distinctive signs.** The brands of all tobacco products will be incorporated in a single, uniform letter style, size, position, and color, defined by this regulation. The font shall be Lucida Sans, the color black, with size no greater than 14, without shadows or other overlaid elements, and with a matt finish.

3) **Commercial brand.** Each commercial brand on the neutral or generic packaging must conform to a single presentation for tobacco products. Prohibitions include the use of terms, descriptive elements, figurative signs, logos or distinctive signs of any other type, such as combinations of numbers or letters that have a direct or indirect effect in creating the false impression that a certain product is less harmful than others.

4) **Different forms of advertising.** The packaging of all tobacco products may not contain any type of decorative element, devices that allow it to make a sound, produce an aroma different than tobacco, include a function or feature intended to be changed after retail sale, or include adhesives or additional material inside the packet.

5) **Labeling.** The bar code, name, address, and other contact information for the manufacturer, as well as all other information required by the regulation, will be located on one of the side faces of the package. The bar code will be rectangular and in black and white. The data referring to the name and address of the manufacturer will be shown in Lucida Sans font, in black, and with a size no greater than 10. On the other side face, information directed at the consumer will be included, to be defined by the Ministry of Public Health.

Chapter II

Provisions Relating to Packaging and Labeling of Cigarettes

6) **Pack of cigarettes.** Packs of cigarettes will have a rectangular prism shape and the size must conform to the dimensions specified below:

Height: 80 - 90 mm

Width: 40 - 60 mm

Depth: 15 - 25 mm

The opening of the packs of cigarettes shall be of a folding or “flip top” type.

7) **Materials for cigarette packs.** All packs of cigarettes shall be made of cardboard, and the use of any other type of material is prohibited. If the packs are covered with cellophane or similar paper, it must be transparent, without color, decorative elements, stamps, relief, or a brand, and contain a transparent opening strip. The interior of the pack of cigarettes must be white with matt finish, and may only contain a lining of smooth, metallic, silver foil. Inclusion of any other element is prohibited.

8) **Location of the brand.** The brand will be incorporated on the pack of cigarettes centered on the lower end of the two main faces and on the lower face.

9) **Cigarette.** The cigarette paper will only be of smooth, white paper. Featuring any kind of logo, other feature or design element, legend, inscription, or writing on it is prohibited. The filter will be imitation cork or white in color, biodegradable, may not incorporate any legend, inscription or other element that identifies the brand, nor include any decorative element.

10) **Presentation of boxes of cigarette packs.** The provisions contained in Articles 1 and 2 of Chapter I and Article 8 of Chapter II will also govern for boxes with packs of cigarettes, except with regard to the size of the brand letters, which will maintain the same proportions as the cigarette packets.

Chapter III

Provisions Relating to Packaging and Labeling of Rolling Tobacco

11) **Packages of rolling tobacco.** Packages of rolling tobacco will have a prismatic shape with rounded edges, health warnings, package color, fonts, dimensions, and letter color using the same features established for packs of cigarettes.

12) **Rolling tobacco packet material.** All rolling tobacco packets will be of paper or cardboard. Any other type of material is prohibited. If they are covered by cellophane or similar paper, it must be transparent, without color, decorative elements, stamps, relief, or a brand, and contain a transparent opening strip. The interior of the packet must be smooth white and may only contain a lining of smooth, silver, metallic foil. Including any other elements, inscriptions, or symbols on the interior sides or on the metallic foil is prohibited.

13) **Location of the brand.** The brand will be incorporated on the rolling tobacco packets in the lower end of the two main faces and on the lower face, if applicable.

Chapter IV

Provisions Relating to Packaging and Labeling of Other Tobacco Products

14) **Packaging of other tobacco products.** The packaging of other tobacco products shall adopt the same regulations as provided in this ordinance for the cigarette boxes, with the exception provided in Article 6 and 7 of this ordinance, which will not apply.

15) **Location of the brand.** The brand will be incorporated in the packaging of tobacco products on the lower end of the two main faces and in the lower face.

Chapter V

General Conditions

16) **Terms.** As established in Decree No. 235/018 of August 6, 2018, these modifications will govern as of February 6, 2019.

17) To be communicated and published in the Official Gazette.

Ord. No. 696

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