

RESOLUTION WHEREBY THE TEMPORARY OR PERMANENT  
PLACEMENT, DISTRIBUTION OR PROMOTION IN ADVERTISING MEDIA  
OR ANY KIND OF OUTDOOR ADVERTISING THAT INCITES, PROMOTES  
OR STIMULATES IN ANY WAY THE CONSUMPTION OF PRODUCTS  
DERIVED FROM TOBACCO IS NOT PERMITTED

Publication Date: February 8, 2006  
Territorial Scope: GACETA OFICIAL  
Jurisdiction:  
Number of Gaceta: 38.375 (O)  
Num. 012  
Decree/Resolution:  
Issued by: MINISTRY OF HEALTH  
Date of Issue: February 8, 2006

REASON  
BOLIVARIAN REPUBLIC OF VENEZUELA  
MINISTRY OF HEALTH  
NUMBER 012  
FEB. 08, 2006  
195 and 146

RESOLUTION

In the exercise of the attributions conferred by Decree N° 3263, dated November 22, 2004, published in the Gaceta Oficial N° 38.070, dated November 24, 2004, pursuant to what is set forth in Articles 5, 32 and 33 of the Organic Law of Health in accordance with Resolution 109, dated March 22, 2004, published in the Gaceta Oficial N° 37.904 of March 23, 2004.

WHEREAS

Health is a fundamental right of all persons, and it is incumbent upon the State to guarantee it as part of the right to life,

WHEREAS

The Organic Law for the Protection of Boys, Girls and Adolescents establishes the following in its Art. N° 75: "Information and images prohibited in media addressed to children and adolescents. Printed and audiovisual materials, books, magazines, videos, illustrations, photographs, reading materials and serials addressed to boys, girls and adolescents may not contain information and images that promote or incite violence, or the use of weapons, tobacco or alcoholic substances, narcotics or psychotropics,"

WHEREAS

Scientific evidence demonstrates that the Advertising and Promotion of products derived from tobacco are aimed at stimulating initiation into the consumption of such products by children and adolescents,

WHEREAS

The consumption of cigarettes and other products derived from tobacco, in any of their forms, poses a hazard to health owing to the presence in them of toxic, addictive, carcinogenic and other chemical components that affect health,

WHEREAS

Some 5 million people in the world die each year, and in our country an average of 16,000 people die from diseases related to tobacco use, and others have their health affected by cancer, cardiovascular, respiratory and other kinds of disease, by consuming or being exposed to tobacco smoke,

WHEREAS

The Law Approving the "Framework Convention for Tobacco Control of the World Health Organization" published in the Gaceta Oficial of the Bolivarian Republic of Venezuela N° 38.304 of November 1, 2005, prescribes in its Article 13, paragraph 5, that "The Parties are encouraged to put into practice measures

that go beyond the obligations established in paragraph 4,” which sets forth, among other obligations, that each Party, at a minimum, and in keeping with its constitutional principles: a) shall prohibit all forms of advertising and promotion that promotes a tobacco product by any means that can create an erroneous impression with respect to its characteristics, health effects, risks or emissions, and b) shall require that all advertising for tobacco is to be accompanied by a warning or message concerning health, or an otherwise pertinent subject,

RESOLVES  
TO ISSUE THIS  
REGULATION OF ADVERTISING AND PROMOTION OF PRODUCTS AND  
COMMERCIAL BRANDS OF PRODUCTS  
DERIVED FROM TOBACCO

▶Article 1

The temporary or permanent placement, distribution or promotion in advertising media or any kind of outdoor advertising that incites, promotes or stimulates in any way the consumption of products derived from tobacco in the territory of the Bolivarian Republic of Venezuela is not permitted.

▶Article 2

Advertising and promotion of tobacco shall be understood to refer to any kind of communication, recommendation or commercial action with the purpose, effect or possible effect of directly or indirectly promoting a tobacco product or the use of tobacco.

▶Article 3

Any kind of advertising or promotion for products and commercial brands of products derived from tobacco is prohibited in the following places:

- a. Outdoor advertising media, billboards, posters, murals, mass transit stops or stations.
- b. Public service television by open signal or cable, and radio.
- c. Movie theaters, auditoriums, theaters, museums and libraries.
- d. Parks and Zoos.

- e. Athletic establishments and facilities and gymnasiums.
- f. Transportation vehicles serving the public.
- g. Sports activities, competitions, exhibitions or events.
- h. Classrooms at educational institutions for pre-school, school, university, technical education or any other kind of education, as well as places intended for the care of boys or girls.
- i. Any public facility of National, State or Municipal government.

For such purposes, a period of ninety (90) days is granted, counting from the publication of this Resolution, for the removal of all promotion and advertising by its proprietors, promoters or sponsors.

#### ►Article 4

Any advertising and/or promotion of products and commercial brands of products derived from tobacco must display a warning in easily legible texts in black letters on a white background, or the opposite, which shall occupy thirty three percent (33%) of the visible area of the advertising. These must be preceded by the statement, "The Ministry of Health Warns."

The following texts can be used:

- a. This product is harmful to your health and causes addiction.
- b. Smoking causes bad breath, loss of teeth and mouth cancer.
- c. Smoking causes lung cancer, coughing, pulmonary emphysema and chronic bronchitis.
- d. Smoking causes heart attacks.
- e. Smoking during pregnancy is harmful to your baby's health.
- f. Boys and girls start smoking when they see adults smoking.
- g. Smoking cigarettes while using oral contraceptives increases the risk of thrombosis.
- h. Smoking causes impotence in men.
- i. Quitting smoking improves your health and prolongs your life.
- j. Cigarette smoke also affects people who don't smoke.

#### ►Article 5

Unofficial Translation

Warning texts or pictograms and other regulations established for packs, packaging and wrappings of cigarettes are not considered regulation of promotion or advertising.

Article 6

In the event of non-fulfillment or violation of the provisions set forth in this Resolution, the sanctions indicated in the legal ordinances in force are to be imposed.

Article 7

This Resolution shall enter into force as of its publication in the *Gaceta Oficial* of the Bolivarian Republic of Venezuela.

Let notification be given hereof, and let this be published.

By the National Executive,

Francisco Armada Pérez

Minister of Health

---

(c) JurisMaster