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## MINISTRY OF PEOPLE'S POWER FOR HEALTH

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BOLIVARIAN REPUBLIC OF VENEZUELA  
MINISTRY OF PEOPLE'S POWER FOR HEALTH  
OFFICE OF THE MINISTER

Caracas, July 18, 2019  
Year 209 of Independence, Year 160 of the Federation and  
Year 20 of the Revolution  
RESOLUTION No. 071

In exercise of the powers conferred in paragraphs 2 and 19 of Article 78 of the Decree with the Status and Force of the Organic Law on Public Administration; in accordance with Articles 2 and 25 of the Organic Law on Health, and Articles 75 and 79 subparagraphs (b) and (e) of the Organic Law for the Protection of Children and Adolescents, this Ministerial Office,

Whereas Article 83 of the Constitution of the Bolivarian Republic of Venezuela establishes the guarantee that the Venezuelan State must offer to protect the health of its entire population as an essential mandate, as part of the right to life, enshrined as a fundamental social right.

Whereas the Plan of the Homeland requires the commitment to guarantee the greatest amount of social security and supreme happiness, ensuring the health of the population, with the aim of strengthening safe and supportive areas of social coexistence in daily family and communal life, taking into consideration respect for the right of people not to breathe air contaminated by cigarette smoke or any other tobacco-derived product.

Whereas Article 75 of the Organic Law for the Protection of Children and Adolescents provides that print or audiovisual media, books, publications, videos, illustrations, photographs, readings and stories intended for children and adolescents may not contain information or images that promote or incite violence or the use of weapons, tobacco, alcohol, narcotics or psychotropic substances.

Whereas the Law on Social Responsibility in Radio, Television and Electronic Media states that for reasons of public health, public order and respect for the human person, it is not permitted to broadcast cigarette and tobacco product advertising on radio and television services at any hour.

Whereas the Law for the Defense of People's Access to Goods and Services states that protection against subliminal advertising or propaganda, false or misleading advertising that induces consumerism, coercive methods that distort the conscience, and practices or clauses imposed by suppliers of goods and services that contravene the rights of persons under the terms of this Act are the rights of persons in relation to goods and services whether or not they are declared essential goods.

Whereas the Bolivarian Republic of Venezuela approved the "World Health Organization Framework Convention on Tobacco Control" published in Official Gazette No. 38,304 of November 1, 2005, which in turn provides in Article 13, paragraph 2, that "Each Party shall, in accordance with its constitution or its constitutional principles, undertake a comprehensive ban of all tobacco advertising, promotion and sponsorship".

### HEREBY RESOLVES COMPREHENSIVE BAN ON TOBACCO ADVERTISING, PROMOTION AND SPONSORSHIP

**Article 1.** The purpose of this resolution is to establish guidelines for the comprehensive prohibition of tobacco advertising, promotion and sponsorship and regulation of the sale of tobacco products in the national territory of the Bolivarian Republic of Venezuela.

**Article 2.** For the purposes set out in this Resolution, the following definitions are established:

1. Tobacco products: Covers products prepared in whole or in part using tobacco leaves as a raw material and intended to be smoked, sucked, chewed or used as snuff.
2. Advertising and promotion of cigarettes and other tobacco products: Any form of communication, recommendation or commercial action for the purpose, effect or possible effect of directly or indirectly promoting cigarettes, a tobacco product or the use of tobacco.
3. Tobacco sponsorship: Any form of contribution to any act, activity or individual for the purpose, effect or possible effect of directly or indirectly promoting a tobacco product or tobacco use.
4. Alternative advertising media: All types of advertising or means of propaganda that incite or promote the use of cigarettes or other tobacco products, such as:
  - a. Digital communication platforms.

- b. Telephony.
- c. Theatrical performances or other live shows.
- d. Promotional incentives or loyalty plans.
- e. Competitions associated with tobacco products or brands.
- f. Direct offers of promotional material (including information).
- g. Promotion of discounted products.
- h. Payments or other contributions to retailers to encourage or induce them to sell products at discounted prices, including incentive programs to retailers.
- i. Payments or other consideration in exchange for the exclusive sale or display of a specific product or a particular manufacturer's product at a retail point of sale, at a meeting place or at an event;
- j. Sale, supply, placement and display of products in educational institutions, meeting places or receptions, sporting, recreational, musical, dance or social events.
- k. Provision of financial support of another nature to events, activities, individuals or groups.
- l. Provision of financial support or support of another nature by the tobacco industry to operators of premises, for example, discotheques, clubs or other recreational premises, in exchange for the construction or renovation of the premises to promote tobacco products or the use or supply of awnings or umbrellas.

**Article 3.** All forms of advertising, promotion and sponsorship of all tobacco products in the National Territory of the Bolivarian Republic of Venezuela are prohibited. This prohibition specifically includes, but is not limited to:

1. The external and internal areas of sales outlets or points of sale.
2. Outdoor advertising media, billboards, posters, murals, transport stops or stations.
3. Print media.
4. Free-to-air public television, cable, radio, Internet or any other advertising medium that has cross-border effects.
5. Commercial establishments or public and private events.
6. Movie theaters, auditoriums, theaters, electronic media rental spaces, museums and libraries.
7. Parks and zoos.
8. Sports facilities and venues and gyms.
9. Means of transport that provide public service.
10. Sports activities, competitions, exhibitions or events.
11. Educational establishments of any level, public or private, as well as places designated for the care of children.
12. Public and private healthcare facilities.
13. Any governmental body of the national, state and municipal government.

**Article 4.** The following are prohibited throughout the National Territory:

1. Distribution of tobacco products free of charge, as well as any product for human use and consumption whose purpose, effect or possible effect is to encourage, incite or facilitate the use of these products or to limit the effects of the health regulations in force.
2. The manufacture and marketing of sweets, snacks, candy, toys, clothing or any other object that is shaped like or looks like tobacco products, or whose purpose, effect or possible effect is to encourage, incite or facilitate the consumption of tobacco products.
3. The use of vending machines for cigarettes or other tobacco products.
4. The sale of tobacco products in any of their presentations to minors.
5. The sale of cigarettes by the piece or item-by-item and in packs of less than ten (10) cigarettes.
6. The use of logos or brands or elements of brands of tobacco products in products other than tobacco.
7. The use of brands or logos of non-tobacco products on tobacco products.
8. The placement of brands, logos or elements of brands of tobacco products in games, video games, or computer, tablet or cell phone games.
9. Product placement of tobacco or the appearance of tobacco products in film, on television, in movies or videos.
10. The use of cartoon-type drawings on tobacco product packaging.
11. The display of tobacco products at the point of sale.
12. Actions carried out under the guise of corporate social responsibility.
13. The placement of brands, logos or brand elements of tobacco products in web or telephone applications.

**Article 5.** Any point of sale where tobacco products are marketed must have a permanent PUBLIC NOTICE whose dimensions are equal to or greater than 80 centimeters (width) by 50 centimeters (length). It must have the following text:

**IT IS PROHIBITED TO SELL OR PROVIDE TOBACCO PRODUCTS TO CHILDREN AND ADOLESCENTS IN ANY WAY.  
ORGANIC LAW FOR THE PROTECTION OF CHILDREN AND ADOLESCENTS.**

**ANYONE WHO SELLS, SUPPLIES OR PROVIDES PRODUCTS THAT MAY RESULT IN PHYSICAL OR CHEMICAL DEPENDENCY TO CHILDREN OR ADOLESCENTS SHALL BE SENTENCED TO A TERM OF IMPRISONMENT OF SIX (6) MONTHS TO TWO (2) YEARS.**

**ORGANIC LAW FOR THE PROTECTION OF CHILDREN AND ADOLESCENTS.  
MINISTRY OF PEOPLE'S POWER FOR HEALTH**

**Article 6.** If it is deemed necessary, the retailer may ask the purchaser of tobacco products for identification to confirm or check his or her age of majority, otherwise he or she may refuse to sell the product.

**Article 7.** Tobacco companies may not use alternative advertising media for the purpose, effect or possible effect of inducing people to use of cigarettes or other tobacco products.

**Article 8.** The sale, distribution or marketing of tobacco products shall be permitted only at those points of sale that have a current Business License issued by the competent authority.

**Article 9.** The sale of cigarettes or other tobacco products is prohibited in any form of presentation in:

1. Transport stations.
2. Movie theaters, auditoriums, theaters, electronic media rental spaces, museums and libraries.
3. Parks and zoos.
4. Indoor or outdoor parking facilities, sports venues and gyms.
5. Public and private events.
6. Educational institutions of all levels and places designated for the care of children and adolescents.
7. Means of transport that provide public service.
8. Sports and recreation activities, competitions, exhibitions or events.
9. Public and private healthcare facilities.
10. Internet.
11. Service stations.
12. Any governmental body of the national, state and municipal government.

**Article 10.** In the event of infringement or violation of the provisions of this Resolution, the sanctions provided for in the legal framework in force shall be imposed.

**Article 11.** This Resolution shall enter into force 60 consecutive days after its publication in the Official Gazette of the Bolivarian Republic of Venezuela.

**Article 12.** Resolution No. 011 of February 8, 2006, published in Official Gazette No. 38,375 on the same date, on the regulation of points and forms of sale of tobacco products, and Resolution No. 012 of February 8, 2006, published in Official Gazette of the Bolivarian Republic of Venezuela No. 38,375 on the same date, on the prohibition of the temporary or permanent placement, distribution or promotion in advertising media or any kind of outdoor advertising, that incite, promote or otherwise encourage the use of tobacco products, are hereby repealed.

Let it be notified and published,

[stamp] [signature]

**CARLOS ALVARADO GONZALEZ  
MINISTER OF PEOPLE'S POWER FOR HEALTH**

Decree No. 3,489 of June 25, 2018  
Official Gazette No. 41,426 of June 25, 2018