

Resolution - RDC Num. 304, of November 7, 2002

D.O.U of November 8, 2002

The Collegiate Directorate of the National Agency for Sanitary Oversight (ANVISA) in the exercise of the duties vested in it by Art. 11, sub-paragraph IV, of the ANVISA regulation, approved by Decree 3.029, of April 16, 1999, at a meeting held on May 9, 2002, regarding the content of § 1º of Art. 111, sub-paragraph I, item "b", and § 2º of Internal Regimen approved by Statute 593, of August 25, 2000, republished in the D.O.U. of September 22, 2000, at a meeting held on October 30, 2002,

In light of the provisions of Law Num. 9.294, of July 15, 1996, which restricts the use and advertising of smoking products, whether or not they are tobacco derivatives;

In light of what is set forth in Law Num. 9.782, of January 26, 1999, which determines the regulation, control and enforcement for products and services involving a risk to public health;

In light of the provisions of Federal Law Num. 10.167, of December 27, 2000;

In light of the need for constant improvement in actions for sanitary control in the area of foodstuffs with the aim of protecting the health of the public;

In light of the fact that the consumption of foodstuffs that resemble cigarettes, cigars or cigarillos can promote the consumption of tobacco among adolescents;

In light of the fact that children who consume candies in the shape of cigarettes, cigars and cigarillos, have four times as great a chance to try tobacco derivative products as those who never consumed them;

In light of the significant increase in the use of tobacco which entailed the loss of 3.5 million lives worldwide in 1998, estimated at 10 million every year until 2030, with 70% of them in developing countries;

In light of the worldwide recognition of the need to prohibit the sale of candies in the shape of cigarettes, cigars and cigarillos;

In light of the fact that the prohibition of foodstuffs that resemble cigarettes, cigars or cigarillos has as its purpose to reduce the consumption of tobacco derivative products among young people, the Collegiate Directorate hereby adopts the following Resolution and I, the Director-President, order its publication:

Art. 1º To prohibit throughout the entire national territory the production, importation, sale, advertising and distribution of foodstuffs with the resembling cigarettes, cigars and cigarillos, or any other smoking product, whether or not it is a tobacco derivative.

Art. 2º To prohibit throughout the entire national territory the use of packaging of foodstuffs that simulate or imitate the packaging of smoking products, such as cigarettes, cigars, cigarillos, as well as the use of names of brands belonging to smoking products, whether or not they are tobacco derivatives.

Art. 3º Non-compliance with this Resolution constitutes a sanitary infraction, subjecting offenders to the penalties of Law Num. 6437, of August 20, 1977 and other applicable provisions.

Art. 4º Companies that produce foodstuffs that fall within the terms of this Resolution have a period of 180 (one hundred and eighty) days to adjust their products to these standards.

Art. 5º Products manufactured within the period mentioned in the foregoing article can be sold up until the expiration of the validity of the product.

Art. 6º This Resolution enters into force on the date of its publication.