

REPUBLIC OF CHAD Unity - Work - Progress [coat of arms]

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TRANSITIONAL MILITARY COUNCIL

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OFFICE OF THE PRESIDENT OF THE COUNCIL

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OFFICE OF THE PRIME MINISTER

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MINISTRY OF PUBLIC HEALTH AND NATIONAL SOLIDARITY

INITIALS: **SGG** [initials]

DECREE No. 1759 /PCMT/PMT/MSPSN/2022 Banning the Advertising, Promotion, Sponsorship, and Sale of Tobacco Products and their Derivatives to and by Minors.

THE PRESIDENT OF THE TRANSITIONAL MILITARY COUNCIL, PRESIDENT OF THE REPUBLIC, HEAD OF STATE, PRIME MINISTER

In view of the Transitional Charter;

In view of Act No. 20/PR/2005 of 30 December 2005 Ratifying the World Health Organization Framework Convention on Tobacco Control;

In view of Act No. 10/PR/2010 of 10 June 2010 on Tobacco Control;

In view of Act No. 005/PR/2015 of 4 February 2015 on Consumer Protection in Chad;

In view of Decree No. 004/PCMT/2021 of 26 April 2021 Nominating the Prime Minister, Head of the Transitional Government;

In view of Decree No. 0509/PCMT/PMT/2022 of 25 February 2022 Restructuring the Transitional Government;

In view of Decree No. 058/PCMT/PMT/2021 of 15 June 2021 on the General Structure of the Government and the Responsibilities of its Members;

In view of Decree No. 0357/PCMT/PMT/ MSPSN/2021 of 18 August 2021 on the Organization and Functioning of the Ministry of Public Health and National Solidarity;

On the proposal of the Ministry of Public Health and National Solidarity;

The Council of Ministers having been consulted at home on 24 February 2022;

DECREES:

CHAPTER I: GENERAL PROVISIONS

Article 1: This Decree bans the advertising, promotion, sponsorship, and sale of tobacco

products and their derivatives to and by minors.

Article 2: For the purposes of this Decree, the terms below shall have the following meanings:

Tobacco and tobacco product: Tobacco in treated or untreated harvested leaves, regardless of its form or presentation, intended to be smoked, snuffed, chewed, or sucked, as well as accessories to facilitate these uses;

Ingredient: Any substance or component other than the leaves or other natural parts of the tobacco plant, used in the manufacturing or preparation of a tobacco product and still present in the finished product, even without a modified form. Product manufactured from tobacco, including leaves and extracts thereof; this includes cigarette tubes, papers, and filters. However, this definition excludes nicotine-containing foods, drugs, and instruments.

Point of sale for tobacco and tobacco products: Any fixed site permanently delimited by partitions or continuous walls extending from the floor to the ceiling, which customers can only access through a door, at which the operator sells tobacco and tobacco products as retail.

Indirect advertising: Any form of commercial communication, action recommendation, or contribution that recalls tobacco or a tobacco product by its graphic design or presentation or the use of a brand, advertising symbol, or any other distinctive sign.

Advertising and Promotion of tobacco and its derivatives: Any form of commercial communication, recommendation, or contribution with the aim or likely effect of directly or indirectly encouraging the use of tobacco or a tobacco product.

Person: Any individual or legal entity.

Sponsorship/Sponsoring: Any form of contribution to any event, activity, or an individual or legal entity, with the aim or likely effect of directly or indirectly promoting a tobacco product or tobacco use.

Minor: Any human being under 18 years of age.

CHAPTER II: BAN ON ADVERTISING, PROMOTION, SPONSORSHIP, AND SPONSORING OF TOBACCO PRODUCTS AND THEIR DERIVATIVES

Section 1: Ban on Promotion of Tobacco Products and their Derivatives

Article 3: The promotion of tobacco products and their derivatives on any communication media, including in points of sale, is prohibited. This ban also applies to press outlets and aboard boats, vehicles, and planes as well as in ports, airports, and train stations.

Article 4: The following is also prohibited:

- Manufacturing, distributing free of charge, and selling candy, toys, or any other object having the form of or recalling a tobacco product;

- Providing tobacco product free of charge or in exchange for purchasing a product or a service or rendering a service;
- Providing an accessory featuring a tobacco product brand element free of charge or in exchange for purchasing a product or rendering a service;
- A manufacturer directly or indirectly offering or giving something in exchange for purchasing a tobacco product, such as a gift for the buyer or a third party, bonus, discount, or eligibility to participate in a drawing, lottery, or contest.

Article 5: Any disguised form of promoting tobacco and tobacco products through brand stretching or brand sharing is prohibited.

Section 2: Ban on Advertising of Tobacco Products and their Derivatives

Article 6: Any form of direct or indirect advertising or propaganda, including in points of sale, is prohibited.

Article 7: It is prohibited to distribute any direct or indirect propaganda or advertisement in favor of tobacco, tobacco products, or their ingredients in the national audiovisual and print media.

This ban also concerns signs, walls, banners, umbrellas, distributed printouts, jibes [sic], illuminated signs, and writing and images on vehicles and any other equipment.

Article 8: Tobacco products and their derivatives used in anti-tobacco and drug campaigns are not considered advertising.

Article 9: Any disguised form of advertising tobacco and tobacco products through brand stretching or brand sharing is prohibited.

Section 3: Ban on Sponsorship and Sponsoring of Tobacco and Tobacco Products

Article 10: Any form of sponsorship or sponsoring of tobacco products and their derivatives is prohibited. Any sponsorship or sponsoring operation is prohibited when it aims to or has the effect of directly or indirectly promoting or advertising tobacco products and their derivatives.

Article 11: The use of vending machines to sell tobacco products and their derivatives is strictly prohibited.

Article 12: Any disguised form of sponsorship or sponsoring of tobacco products and their derivatives through brand stretching or brand sharing is prohibited.

Section 4: Ban on Advertising, Promotion, and Sponsorship of Tobacco and Tobacco Products

Article 13: Any cross-border form of advertising, promotion, and sponsorship of tobacco and tobacco products is strictly prohibited.

The ban also applies to imports and importers of information on communication media or any other related means.

CHAPTER III: BAN ON SALE OF TOBACCO PRODUCTS AND THEIR DERIVATIVES TO AND BY MINORS

Article 14: It is prohibited to sell tobacco products or offer tobacco products free of charge to minors. This ban also applies to the sale of tobacco products by minors.

Article 15: In points of sale of tobacco and tobacco products, it is prohibited to have staff or interns who are minors, including for activities related to the sale of tobacco products and their derivatives.

Article 16: Any person selling tobacco products and their derivatives must display in their establishment, in a visible and clearly readable manner, signage consisted with the template attached to this Decree indicating that the sale of tobacco products to minors is prohibited.

In case of doubt, this person must ask each buyer to prove by appropriate means that they are of legal age.

Article 17: It is prohibited to give, distribute, or send to minors leaflets, blotting paper, notebook covers, or any objects that name one or more tobacco products and their derivatives, extol the benefits thereof, or bear the brand or name of the manufacturer of such product.

Article 18: It is prohibited to manufacture and sell candy, toys, or other objects having the form of cigarette sticks or packs appealing to minors.

Article 19: It is prohibited to promote, sell, or give free of charge promotional and advertising material for tobacco products and their derivatives to any minor.

Article 20: It is prohibited to make a minor participate in any advertising or any other form of promotion for tobacco products and their derivatives.

Article 21: It is prohibited to employ minors or hire minors as interns in points of sale for tobacco and its derivatives.

Article 22: The sale of individual cigarettes is strictly prohibited.

The itinerant sale of cigarettes is also prohibited throughout the Chadian territory.

CHAPTER IV: MISCELLANEOUS AND FINAL PROVISIONS

Article 23: Perpetrators and accomplices of violations of any of the provisions of this Decree shall be punished by imprisonment for twenty (20) days to six (6) months and a fine of fifty thousand (50,000) to five million (5,000,000) CFA francs, or by only one of these penalties, in accordance with Article 28 of Act No. 010 of 10 June 2010 on Tobacco Control.

Article 24: The regulatory inspection services, such as the Health Police, General Inspectorate of Health, Labor Inspectorate, Health Service, Mixed Brigade, Economic

Control, National Police, Municipal Police, National Gendarmerie, Customs, and any other services authorized by the State, are responsible for ensuring strict compliance with the provisions of this Decree.

Article 25: The Minister of Health, Minister of Communication, Minister of Commerce, and Minister for Children are each responsible, for that which is under their purview, for the implementation of this Decree, which revokes all prior contrary provisions, takes effect as of the date it is signed, and shall be recorded and published in the Official Gazette of the Republic.

N'Djamena, on [stamp: 16 JUNE 2022]

[signature]

General

MAHAMAT IDRIS DEBY ITNO

By the President of the Republic,
Prime Minister, Head of the Transitional
Government

[signature]

PAHIMI PADACKÉ ALBERT

Minister of Public Health and National
Solidarity

[signature]

Dr. ABDEL-MADJID ABDEERAHIM MAHAMAT