

[...]

GUIDELINE**MINISTRY OF HEALTH**

DM-UAL-6095-13.—The Minister of Health, in the exercise of the authority vested in her by Articles 28 sub-paragraphs a) of Law N° 6227 of May 2, 1978 “The General Law of Public Administration”; 1, 2, 4, 7, of Law N° 5395 of October 30, 1973, “The General Health Law”; 1 and 2, sub-paragraphs b) and c) of Law N° 5412 of November 8, 1973, “The Organic Law of the Ministry of Health”; Law N° 8655 of July 17, 2008, “Law for the Approval of the Framework Convention for Tobacco Control of the

World Health Organization (WHO)”; Executive Decree N° 34705 of August 14, 2008, “Ratification by the Republic of Costa Rica of the Framework Convention on Tobacco Control of the World Health Organization (WHO), signed on July 23, 2003,” 9, 10 and 11 of Law N° 9028 of March 22, 2012, “General Law for the Control of Tobacco and its Harmful Effects on Health,” and Executive Decree N° 37778-S of July 09, 2013, “Regulation for the labeling of tobacco products and derivatives.”

Whereas:

I.—The health of the public is both a fundamental human right, as well as a public good protected by the State.

II.—Diseases and deaths whose etiology results from the consumption of tobacco products and derivatives have reached epidemic levels in many nations, and will increase as long as effective actions to discourage their consumption are not carried out.

III.—The consumption of tobacco products and derivatives is directly associated with ailments such as chronic bronchitis, pulmonary emphysema, airway hyper-reactivity, gastrointestinal problems, heart and cerebrovascular disorders, and various types of cancer (of the lung, larynx, mouth, esophagus and gallbladder, among other). It negatively influences the proper development of the fetus, causing premature birth and perinatal mortality.

IV.—It has been demonstrated that the inclusion of health messages in the labeling of tobacco products, is an effective way to raise public awareness, having the purpose of both informing consumers as well as the general public about the hazards that tobacco consumption and exposure to tobacco smoke pose to health.

V.— Article 9, sub-paragraph a) of Law N° 9028 of March 22, 2012, “The General Law for the Control of Tobacco and its Harmful Effects on Health,” grants the competency to the Ministry of Health to define and approve health messages and health warnings.

VI.— Article 11 of Executive Decree N° 37778-S of July 09, 2013, “Regulation for the labeling of tobacco products and derivatives,” published in *La Gaceta* N° 138, of July 18, 2013, establishes that: “The Ministry of Health, pursuant to Article 9 of Law N° 9028, shall determine via resolution the Institutional Unit responsible for defining and approving the health messages and warnings that are to be printed on primary and secondary packages of tobacco products and derivatives.”

VII.—In accordance with Ministerial Resolution DM-EC-6094-13, of Nine Thirty a.m., July Nineteenth, Two Thousand and Thirteen, the Health Marketing Office of the Ministry of Health is designated as the Institutional Unit responsible for defining and approving the health messages and warnings that are to be printed on primary and secondary packages of tobacco products and derivatives, and that are to be used in the 2014 campaign, which shall include the characteristics of the type font, size and background color of the image or pictogram, pursuant to what is set forth in Articles 9 of Law N° 9028 and 8 of Decree 37778-S, cited above.

On the basis of Document N° DMS-275-2013 dated July 19, 2013, the Office of Health Marketing Health, defines and approves the health messages and warnings that are to be printed on primary and secondary packages of tobacco products and derivatives for the annual 2014 campaign. **Now, therefore,**

THE MINISTER OF HEALTH, ORDERS:

Article 1—To communicate to the tobacco industry, the six (6) sets of pictograms that are to be printed on any primary and secondary packages of tobacco products and derivatives sold in the national territory during the 2014 Annual Campaign, which appear below, and which are to be delivered to tobacco companies by the Office of Health Marketing of the Ministry of Health on a compact disk in formats CS6, PDF, Photoshop and Illustrator formats, with six different sets of health messages, to be positioned in such a way that they cover 50% of the lower part of the exposed front and rear surfaces of primary and secondary packages of tobacco products and derivatives, as well as the message on 100% of the surface on the right side. Furthermore, said health messages can be accessed via the website of the Ministry of Health at: <http://www.ministeriodehealth.go.cr>.

[GRAPHICS AND CAPTIONS]

FIRST SET

Front Surface



**SMOKING CAUSES
TONGUE CANCER**

Back Surface



**SMOKING CAUSES
HEART ATTACKS**

[Side Surface] **30% OF ALL CANCERS ARE
RELATED TO SMOKING**

SECOND SET

Front Surface



**YOUR SMOKE HURTS
ME**

Back Surface



**SMOKING CAUSES
LUNG CANCER**

[Side Surface] **TOBACCO IS THE PRIMARY
CAUSE OF CHRONIC OBSTRUCTIVE LUNG
DISEASE**

THIRD SET

Front Surface



**SMOKING CAUSES
MISCARRIAGES**

Back Surface



**SMOKING CAUSES
CANCER OF THE
LARYNX**

[Side Surface] **WHEN YOU SMOKE YOU
EXPOSE YOURSELF TO MORE THAN 60
CHEMICAL SUBSTANCES THAT CAUSE
CANCER**

FOURTH SET

Front Surface



**SMOKING AFFECTS
YOUR HEALTH**

Back Surface



**SMOKING
SHORTENS YOUR
LIFE**

[Side Surface] **SMOKERS HAVE A MORTALITY
THAT IS 80% HIGHER COMPARED TO NON-
SMOKERS.**



[Side Surface] **ABOUT 10% OF THE TOXIC SUBSTANCES IN CIGARETTES GET DEPOSITED INSIDE YOUR LUNGS**

[Side Surface] **IN COSTA RICA IT IS ESTIMATED THAT AT LEAST 10 DEATHS A DAY OCCUR THAT ARE ASSOCIATED WITH TOBACCO CONSUMPTION**

Article 2.- To notify the tobacco industry that the health messages and warnings on primary and secondary packages of tobacco products and derivatives must be reproduced in equal proportions throughout the entire campaign and for all brands.

Article 3.- To order the tobacco industry to deliver semiannually to the Office of Health Marketing of the Ministry of Health, information stating:

1. The volume of primary and secondary packages circulating by brand, and the proportion of warnings printed for said brand.

Article 4.- It shall be incumbent upon the health authorities in the Administrative Areas of Health and the Regional Offices of the Directorate of Health, to undertake actions for the oversight and enforcement of the content of this Guideline. This without impairment to the authorities conferred by Law 9028 and its Regulations, Executive Decree N° 37185-S-MEIC-MTSS-MP-H-SP, on the authorities of the Ministry of Economy, Industry and Commerce, of the Ministry of the Treasury and of Municipalities.

Article 5.- In the event that there should be tobacco products and derivatives with designs or shapes that render difficult the adoption of the rules established in this Ministerial Guideline, manufacturers, importers and distributors may submit the drafts of adapted drawings to the Office of Health Marketing of the Health, so that it can undertake their analysis and approval. The time for the delivery of such drafts it to be agreed upon between the parties, without affecting the deadlines stipulated herein.

Article 6—The tobacco industry shall have a period of twelve months counting from the notification and delivery of designs by the Office of Health Marketing of the Health to implement the new health messages and warnings, pursuant to what is set forth in the transitory provision of Executive Decree N° 37778-S of July 09, 2013, “Regulation for the labeling of tobacco products and derivatives.”

Article 7—This Guideline is to take effect as of this date.

Given at the Ministry of Health. San José, at eleven a.m. on July Nineteenth, Two Thousand and Thirteen.
Dr. Daisy María Corrales Díaz. MSc., Minister of Health.—1st time.—O. C. N° 18899.—Request N° 114-600-00232.—(D6095- 13-IN2013048252).