

**April 21, 1990. – DEPARTMENTAL ADMINISTRATIVE ORDER 04/DIP/005/90 setting the criteria for the assessment of advertising for tobacco and alcoholic beverages in the Republic of Zaire (J.O.Z., no7, April 1, 1990, p. 1).**

## CHAPTER ONE PRINCIPLES

**Art. 1** [A.M. 04/MCP/009/2002, Art. 1 — All advertising of any kind whatsoever must be in compliance with the legal and regulatory provisions in force with regard to advertising.]

**Art. 2.** [A.M. 04/MCP/009/2002, Art. 1 — All advertising for tobacco and alcoholic beverages must be in compliance with the criteria defined by this Administrative Order as well as with the legal and regulatory provisions in force with regard to advertising. No advertising may appear without first obtaining the approval of the Oversight Commission, as well as approval of the advertisement.]

**Art. 3.** [A.M. 04/MCP/009/2002, Art. 1 — The name of the brand and the nicotine and tar content are to be included on each pack of cigarettes, as well as the health warning stating that smoking is harmful to health.

The health warning is to be printed in bold, upper case letters as follows: **SMOKING IS HARMFUL TO YOUR HEALTH.**

The tar and nicotine content are to appear on the right side of each pack, and they shall cover 20% of the aforesaid side. They are to be printed as follows:  
Tar ..... mg.    Nicotine..... mg.

The health warning must appear on each pack and on each carton, as well as on each promotional article whose surface area stating the brand is greater than 25 cm<sup>2</sup>.

On all items indicated in sub-paragraph 2 above, the health warning shall appear in legible colors and size. Moreover, it shall occupy 3/4 of the left side panel of each pack, and shall cover 10% of the left side panel of each carton.

The statement concerning alcohol content for alcoholic beverages must be compatible with the format of the support used. Its dimensions shall be one tenth the size of the support.

The language to be used for all information that is to appear on packs, cartons and promotional articles for tobacco and alcoholic beverages shall be French.”]

## CHAPTER TWO CRITERIA

### ***A. Advertising for tobacco***

#### 1 Qualitative Criteria

**Art. 4.** [A.M. 04/MCP/009/2002, Art. 1 — Advertising shall only be addressed to adult consumers authorized to purchase and sell tobacco products.]

#### 2° Quantitative Criteria

**Art. 5.** [A.M. 04/MCP/009/2002, Art. 1 — Any advertising for tobacco must scrupulously respect the quantitative criteria hereinafter, whose assessment falls within the competence of the Oversight Commission, and is subject to approval of the advertisement.

##### a) For television and radio

Any kind of televised or radio broadcast advertising is prohibited.

##### b) For the print press

Any kind of advertising for tobacco products in the print media is prohibited, including the various kinds of magazines, both commercial as well as general information magazines.

##### c) For advertising, promotion, sponsorship and outdoor sampling:

###### 1. Advertising

- At all points of sale with a surface area greater than 250 cm<sup>2</sup> the health warning which states that smoking is harmful to health is to be displayed.
- The space reserved for the health warning shall cover 10% of the surface displaying the brand.
- The health warning shall be placed in a particular spot that is in contrast with the main color of the point of sale.
- Any kind of advertising on highway signs, including billboards and banners, is prohibited.

- No electronic advertising may be incorporated into any video, audio cassette, compact disc, DVD or in similar media, unless measures are taken to ensure that the persons receiving such articles are adults.

- It is prohibited to undertake any advertising research on a population under the age of 18.

## 2. Promotion of tobacco products.

- Participation by the general public in promotional offers through the press is subject to proof that one is 18 years old.

- When promotional activities allow an adult to take part in the company of others, the persons accompanying must also be adults.

- Only adults will have access to promotional events.

- Promotional events can only take place in places where access is restricted to adults only.

- No promotional article can be given out to minors, purchased by minors, or sold to minors.

## 3. Sampling of tobacco products

- Samples of tobacco products cannot be offered to a person who has not yet reached the age of 18.

- Samples are only to be offered in situations where it is possible to control access to the place of sampling, for example, in a particular space where access is restricted to adults.

- Persons employed to offer samples of tobacco products or to conduct promotional activities must be at least 21 years of age, and must ascertain that the person receiving a sample is an adult.

## 4. Sponsorship

- It is prohibited to sponsor events intended for minors through either print or audiovisual media.]

# ***B. Advertising for alcoholic beverages***

## 1 Concepts

**Art. 6.** — Beverages are broken down into five groups:

1. Non-alcoholic beverages, that are not subject to any particular restriction. Their advertising is free, on the sole condition that they must not be deceptive;

2. Slightly alcoholic, fermented but not distilled beverages: beers, wines, ciders, fermented fruit juices registered six degrees of alcoholic content;

3. Certain sweet natural wines excluded from the second group: *wines de liqueur*, wine-based aperitifs and liqueurs not registering more than 18 degrees of alcoholic content;

4. Alcohols resulting from the distillation of wines, ciders and perries, rums and tafias, sweetened liqueurs (whether made with anisette or otherwise);

5. Alcoholic beverages that are not forbidden and that do not appear in any of the other four groups: whiskey, pastis, vodka.

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**Art. 7.** — Prohibited beverages, such as absinthe, may not be the subject of any advertising on radio, television or billboards.

The same is true of beverages in the fifth group.

**Art. 8.** — The advertising of alcoholic beverages is prohibited in stadiums, public or private sporting facilities, swimming pools, venues where sporting events commonly occur, as well as places occupied by youth associations or institutions for the education of young people.

It is also prohibited on products specifically intended for young people.

**Art. 9.** — Beverages of the third group are, moreover, subject to the following specific restrictions: advertising may not be about anything other than the name of the product, its composition, the name and address of the manufacturer, agents and depositaries, and this to the exclusion of any other advertising message.

**Art. 10.** — Advertising for beverages in the fourth group is free, with the exception of its dissemination in certain places, such as sports facilities, and with regard to objects intended for young people.

**Art. 11.** — Advertising for beverages in the fifth group is prohibited on radio, television and on billboards.

It is nonetheless permitted for manufacturers, importers and wholesalers to send to shopkeepers of beverages commercial circulars indicating the characteristics of the products they sell and the conditions of their sale.

It is also permitted to post inside beverage stores the names of beverages accompanied by their composition, the name and address of the manufacturer, their prices, to the exclusion of any other qualification, particularly those that would tend to present them as having a hygienic, dietetic or medical value.

It is permitted to display on vehicles used for the normal operations of delivery the designation of the products as well as the name and address of the manufacturer, agents and wholesalers, to the exclusion of any other statement.

## 2 Qualitative criteria

**Art. 12.** — Any advertising for alcoholic beverages must scrupulously respect the qualitative criteria hereinafter, whose assessment falls within the competence of the Oversight Commission and is subject to approval of the advertisement.

It must never:

- a) suggest or encourage abuse of individual consumption;
- b) present or encourage the consumption of alcoholic beverages by minors;
- c) exhibit a deceptive character;
- d) associate the consumption of alcoholic beverages with the driving of an automobile;
- e) encourage drunkenness, orgies, or carousal. It shall not present drinkers who have lost control of their actions.
- f) present alcoholic beverages as a treatment against physical and physiological deficiencies;

- g) associate or present the consumption of beverages with sport;
- h) present scenes of sexual passion, promiscuity or any other amorous activities presented as a consequence of the consumption of alcoholic beverages;
- i) contain double meanings of a subjective character or suggesting immoral intentions;
- j) associate beverages with crime, criminals or any illegal activity;
- k) make use of religion or religious subjects;
- l) present or treat a competitor's beverage unfairly. Restraint, objectivity and truthfulness must be the rule in this domain;
- m) lead people to believe that competitors' beverages could contain harmful ingredients;
- n) use scientific or pseudo-scientific terms intended to make people believe that an alcoholic beverage is endowed with certain specific qualities that it does not, in fact, possess;
- o) be presented in high schools or academies, or be presented as a factor facilitating academic success.

It is always to be in accordance with national standards and values.

### 3 Quantitative criteria

**Art. 13.** [A.M. 04/MCP/009/2002, Art. 1 —Any advertising for alcoholic beverages must scrupulously respect the quantitative criteria hereinafter, whose assessment falls within the competence of the Oversight Commission and is subject to approval of the advertisement.

a) For television and radio

- No advertising message for alcoholic beverages will be broadcast prior to 10:00 p.m. or on holidays or days off from work;
- No advertising will be allowed during the weekend;
- Messages shall have a maximum duration of 60 seconds.
- Their broadcast shall be carried out in the context of programs for adults, and shall not under any circumstances occur in programs specifically intended for young people.

b) For the print media

- No message can appear without the statement “infomercial-reporting” or advertising;
- The message shall occupy a space that may not exceed 20% of the total surface of the page where said advertisement is displayed.]

## CHAPTER THREE FINAL PROVISIONS

**Art. 14.** — This Administrative Order shall enter into force on the date of its signing.

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– Ministerial Administrative Order 04/MCP/009/2002 of October 15, 2002 provides, moreover, that:

“Art. 2. — For oversight of the implementation of this Administrative Order, the members of the Oversight Commission for the approval of advertising are assigned to carry out the duties of inspectors charged with ascertaining any shortcomings and to impose the appropriate sanctions against the offenders.

Art. 3.— Violations of the provisions of this Administrative Order shall be punished with one or several of the following sanctions: a warning, a reprimand, confiscation of products, destruction of products, as well as payment of settlement fines and administrative expenses that may go as high as the equivalent in Congolese francs of fifty thousand US dollars.

In cases of repeat offenses, in addition to other sanctions, settlement fines and administrative costs will be doubled.

Art. 4.— Any earlier provisions at variance with this Administrative Order are hereby rescinded.

Art. 5.— Enterprises engaged in production as well as importers of tobacco products and alcoholic beverages shall have a period of five months as of the date of the signing of this Administrative Order to insert all of the statements indicated in Article 3 as amended.

Art. 6.— This Administrative Order shall enter into force on the date of its signing.”