

[REPUBLIC OF MADAGASCAR]
MINISTRY OF PUBLIC HEALTH
ADMINISTRATIVE ORDER NO. 23994 / 2014-MSANP

amending and supplementing certain provisions in Administrative Order No. 14.762/2012 of July 2012, with a view towards determining the new markings and labelings on all packaging of tobacco products on sale in Madagascar

THE MINISTER OF PUBLIC HEALTH

In light of the Constitution,

In light of Law No. 2004-029 of September 9, 2004, authorizing ratification of the Framework Convention for Tobacco Control of the WHO;

In light of Law No. 2011-002 of July 15, 2011, concerning the Code of Health;

In light of Decree No. 2005-0554 of August 30, 2005, modified by Decree No. 2006-0452 of July 11, 2006, concerning the creation of the National Office of Tobacco Control;

In light of Decree No. 2007-0837 of September 25, 2007, concerning the organization and functioning of the National Office of Tobacco Control;

In light of Decree No. 2010-1008 of December 14, 2010, concerning packaging and labeling of tobacco products sold in Madagascar;

In light of Decree No. 2014-0200 of April 11, 2014, concerning the nomination of the Prime Minister, Head of Government;

In light of Decree No. 2011[sic]-0235 of April 18, 20014, concerning the nomination of Members of the Government;

In light of Decree No. 2014-0633 of June 3, 2014, setting the duties of the Minister of Public Health, as well as the general organization of his ministry;

In light of Joint Ministerial Administrative Order No. 18.171/2003 of October 20, 2003, setting regulations for the industrialization, importation, commercialization and consumption of tobacco products in Madagascar;

In light of Administrative Order No. 14.762/2012 of July 27, 2012, determining the procedures for implementing Decree No. 2010-1008 of December 14, 2010, concerning the packaging and labeling of tobacco products for sale in Madagascar;

ORDERS:

Article One – Pursuant to the provisions of Article 13 of the Administration Order No. 14.762/2012 of July 17, 2012, noted above, those of the present Article amend and supplement, as below, the provisions of Articles One, Three, Four, Five, Six, Ten, Twelve and Thirteen of Administrative Order No. 14.762/2012 of July 17, 2012, in order to determine the new markings and warnings on all packaging of tobacco products for sale in Madagascar.

Article One (new) – The provisions of the present order are to apply to all the Territory of the Republic of Madagascar six months after the date of its signing, a date by which all the products sold by the tobacco industry must comply with the new regulations for markings.

Article 3 (new) – Pursuant to the provisions of Article 11 of the Framework Convention for Tobacco Control of the WHO, all packaging units of tobacco products made locally and abroad for consumption in the territory of the Republic of Madagascar must bear the following statements and warnings:

1- For cigarettes:

- a) On the lower rear surface of each pack there must appear a statement in the Malagasy language on the harmful effects of tobacco use, and it must occupy 50 % of the rear surface of each pack;
- b) On the front surface of each pack there must appear a photo or image in color that corresponds to the health warning provided in Article 4 below, and that must occupy 50 % of its surface area;
- c) On the lateral surface of each pack there must appear the caption “Amidy eto Madagasikara”;
- d) On the main surface of each carton of cigarettes the health warning caption on the harmful effects of tobacco use required by Article Four-a) below must occupy 50 % of the surface;
- e) The health warning message captions and the corresponding photos or images must be placed in such a manner that none of the words of the health warning, nor any of the photos or images, can be torn when the carton is opened.
- f) The health warnings, images or photographs must be printed visibly, permanently and indelibly;
- g) The health warning message captions or the photos or corresponding images must be posted in accordance with the manner and template approved by the agency in charge of tobacco control for the Ministry of Public Health. The templates already approved are to be made available to tobacco manufacturers in digital format. Approved models will be annexed to this Administrative Order and no other image, photo, or health warning will be accepted;

3- For chewing tobacco:

- a) In the lower part of the rear surface of each packaging unit the health warning message captions on the harmful effects of tobacco use should appear in the Malagasy language, and must occupy 50% of its surface area;
- b) On the front surface of each packaging unit the statement: “Amidy eto Madagasikara” must appear.

3 – For snuff:

a) on the lower rear surface of each pack the health warning message captions on the harmful effects of tobacco must appear in the Malagasy language, and the surface provided on the health warning message caption should occupy 50% of the rear surface of each pack;

b) on the front surface of each pack a photo or image in color must appear that corresponds to the health warning message caption specified in Article 4-a) below, and must occupy 50% of its surface;

c) On the lateral surface of each pack there must appear the caption “Amidy eto Madagasikara”;

d) On the surface of each carton of cigarettes and chewing tobacco there must appear the health warning message caption on the harmful effects of tobacco use required by Article Four-a) below must occupy 50 % of the surface;

Article 4 (new). - Hereinafter, with respect to all packaging units of tobacco products of local and foreign manufacture intended for consumption in the territory of the Republic of Madagascar, the following conditions shall be required:

a) For cigarettes and snuff:

Pursuant to the provisions of Article 3, 1-a), 1-b), 3-a) and 3-b) of this Administrative Order, the messages, images and/or photos used, are to be printed and surrounded by a black border with a minimum thickness of one millimeter (01 mm) included on the surface provided for the warning: but not interfering in any way with the messages or photos, and adhering to the templates approved by the agency in charge of tobacco control at the Ministry of Public Health.

The existence of four (04) different health warning message captions is required, as well as the corresponding photos or images to be used for the period of one (01) year;

Each pack of cigarettes and snuff must display a photo or image that corresponds to the health warning message captions in Malagasy, as follows:

- **MAHATONGA NY HOMAMIADAN'NY AVOKAVOKA NY SIGARA.**
- **MANIMBA NY ATIVAVA NY SIGARA.**
- **MAMONO MAHAFATY NY SIGARA.**
- **MANAMPOIZINA NY Hafa NY SETRO-TSIGARA.**

The templates already approved are to be made available to tobacco manufacturers in digital format.

The approved templates are attached to this Administrative Order.

b) For chewing tobacco:

The health warning message captions used and indicated by Article 3 : 2-a) and 2-b) of this Administrative Order must occupy at least 50% of the surfaces on which they are printed, and be surrounded by a black border, with a thickness of at least one (01 mm) millimeter included on the surface provided for the warning, and not interfering in any way with the health warning. These messages must be approved by the agency in charge of tobacco control at the Ministry of Public Health.

The existence of two different health warning message captions is required, to be used for the period of one (01) year for packs of chewing tobacco.

Each pack of chewing tobacco must display the following health warning message captions in Malagasy:

- **MAMONO MAHAFATY NY PARAKY.**
- **MANIMBA NY ATI-VAVA NY PARAKY.**

On the front surface of each carton and each pack of chewing tobacco, the health warning message captions indicated in Article 3: 2-a) must appear, and must occupy 50% of its surface area. The templates already approved are to be made available to tobacco manufacturers in digital format.

Article 5 (new).- The third lot to be used for all packaging units of cigarettes and snuff for the period of one year shall consist of the following:

- **MAHATONGA NY HOMAMIADAN'NY AVOKAVOKA NY SIGARA.**
- **MAMONO MAHAFATY NY SIGARA.**
- **MANIMBA NY ATI-VAVA NY SIGARA.**
- **MANAMPOIZINA NY Hafa NY SETRO-TSIGARA.**

These health warning message captions must be accompanied by the images or photos corresponding to packs of cigarettes and snuff, and the health warning message captions only for packs of chewing tobacco as well as cartons of tobacco products. The templates already approved are to be made available to tobacco manufacturers in digital format. The approved templates are attached to this Administrative Order.

These messages, with the photos or images, must be used simultaneously on an alternating basis, then must be completely renewed at the end of one (01) year.

Article 6 (new).- The third lot to be used for all packaging units of chewing tobacco for a period of one year shall consist of the following:

- **MAMONO MAHAFATY NY PARAKY.**
- **MANIMBA NY ATI-VAVA NY PARAKY.**

The templates already approved are to be made available to tobacco manufacturers in digital format. The approved templates are attached to this Administrative Order.

These messages, with the photos or images, must be used simultaneously, then must be completely renewed at the end of one (01) year.

Article 10 (new).- In cases of violation of the provisions of Articles 3 (new) to 6 (new) of this Administrative Order, all tobacco products manufactured and sold throughout the National Territory that are held to be of an irregular status, are to be confiscated and destroyed without indemnification.

Article 12 (new).- Health warning messages corresponding to the images or photos approved by the agency in charge of Tobacco Control at the Ministry of Public Health to be used for the period of one year (01) are attached to this Administrative Order. The templates already approved are to be made available to tobacco manufacturers in digital format.

Article 13 (new).- The Ministry of Public Health has the obligation to notify the public by all available means of the end of each period, at least six months prior to the expiration of the one-year (1-year) period.

Health warning message captions corresponding to the images or photos attached to this Administrative Order are to be completely renewed at the end of one (01) year.

The new markings and labeling on all packaging of tobacco products are to be determined by means of an Administrative Order issued by the Ministry of Public Health.

THE REST IS UNCHANGED

Article 2.- Any prior provisions at variance with those of this Administrative Order is hereby rescinded.

Article 3.- Pursuant to the provisions of Article 4 of Order n° 62-041 of September 19, 1962, on general provisions of internal law and private international law, this Administrative Order shall enter into force throughout the entire territory of the Republic as of the date of its signing, once it has been disseminated via national radio and TV broadcast, regardless of its publication in the *Journal Officiel de la République* [Official Journal of the Republic].

Article 4.- This Administrative Order is to be registered and published in the *Journal Officiel de la République*, with notification given hereof wherever it may be necessary.

Antananarivo, 23 JULY 2014

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MINISTRY OF PUBLIC HEALTH – REPUBLIC OF MADAGASCAR

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Dr. KOLO Roger

ANNEX

THE THIRD LOT TO BE USED FOR ONE YEAR FOR PACKAGING OF CIGARETTES AND SNUFF		
[GRAPHIC]		MAHATONGA NY HOMAMIADAN' NY AVOVKAVOKA NY SIGARA
FRONT SURFACE		REAR SURFACE
[GRAPHIC]		MAMONO MAHAFATY NY SIGAR
FRONT SURFACE		REAR SURFACE
[GRAPHIC]		MANIMBA NY ATIVAVA NY SIGARA
FRONT SURFACE		REAR SURFACE
[GRAPHIC]		MANAPOIZINA NY Hafa NY SETRO- TSIGARA
FRONT SURFACE		REAR SURFACE

PACKAGING FOR CHEWING TOBACCO TO BE USED FOR ONE YEAR

1. ON THE REAR SURFACE OF EACH PACKAGING UNIT

**MAMONO MAHAFATY NY PARAKY
MANIMBA NY ATI-VAVA NY PARAKY**

2. ON THE FRONT SURFACE OF THE PACK OF CHEWING TOBACCO

AMIDY ETO MADAGASIKARA