

BACKGROUND DOCUMENTATION IN RESPECT OF POINT 5. *LEGISLATIVE, EXECUTIVE ADMINISTRATIVE AND OTHER MEASURES*, OF THE REPORTING INSTRUMENT FOR THE FRAMEWORK CONVENTION ON TOBACCO CONTROL

5. *LEGISLATIVE, EXECUTIVE ADMINISTRATIVE AND OTHER MEASURES*

Article	Pursuant to Article 21.1(a) , have you adopted and implemented legislative, executive, administrative and/or other measures on	Legal basis
Illicit trade in tobacco products		
15.3	Requiring that marking is in legible form and/or appear in its principal language or languages?	<p>General Health Act Article 276.- In addition to the requirements of the relevant official Mexican norms, labels of packets and packages used for the sale or supply of tobacco shall clearly and visibly display warning notices printed in easily readable letters using contrasting colours, which shall not mention or refer to any provision of the law, whose size shall be equal to at least twenty five per cent of the surface, on either the front or back of the pack, in addition to a warning notice on one of the side surfaces of the pack, containing the following rotating notices: I. Quitting smoking, reduces major risks to health; II. Smoking causes cancer and pulmonary emphysema, and III. Smoking during pregnancy increases risk of premature birth and low birth weight for newborns. The labels of packets and packages used for the sale or supply of tobacco shall display a clearly visible insert on one of the surfaces, containing a message directing smokers to smoking cessation programmes. The implementing regulations shall set forth the requirements to which the use of the texts and messages referred to in this article shall be subject. The Ministry of Health shall, if appropriate, publish in the Official Journal of the Federation, the decision concerning the adoption of other warning messages, together with the provisions relating to their application and use.</p> <p>Regulation on Sanitary Control of Products and Services Article 182.- The labels of packets and packages used for the sale or supply of cigars or cigarettes shall indicate in a clearly visible manner against a contrasting background, the nicotine and tar content of the products.</p>
Sales to and by minors		
16.1	Prohibiting the sales of tobacco products to minors?	<p>General Health Act Article 277.- In no case or circumstances may tobacco be sold or supplied to minors. Cigarettes may not be sold to consumers in packets containing less than fourteen cigarettes, or individually, or cut tobacco in packs weighing less than ten grams. For reasons of public order and social interest, cigarettes may not be sold chemist shops, drugstores, hospitals, or schools from kindergarten to baccalaureate or pre-university level.</p> <p>Regulation on Sanitary Control of Products and Services Article 184.- Sales of tobacco via automats shall be authorized solely in establishments visited mainly by adults.</p>

		<p>Firms selling these products via these devices shall inform the Ministry of Health of their location and be jointly responsible with the owner or tenant of the establishment in which the machines are placed for avoiding sales to minors.</p> <p>Article 185.- For the sale or supply of tobacco products official proof of identity shall be required if the physical appearance of the purchaser or person receiving the products is insufficient proof that they are adults. The products shall not be sold or supplied if such proof is not provided.</p>
16.2	Prohibiting or promoting the prohibition of the distribution of free tobacco products to the public and especially minors?	<p>General Health Act Article 308 Bis.- In addition to the requirements set forth in Article 308, tobacco advertising must satisfy the following requirements:</p> <p>I.- No athletic or sporting ideas or images, or images suggestive of popularity may be associated with this product; it may not show celebrities or public figures, nor may they participate in its advertising;</p> <p>II.- The advertising message may not show the receptacles containing the products being handled, either directly or indirectly;</p> <p>III.- No promotional articles displaying the name or logo of a tobacco product may be sold or given away, either directly or indirectly, with the exception of those considered as articles for smokers. Samples of tobacco products shall be distributed solely on premises to which access is restricted to adults over the age of 18 years;</p> <p>IV.- No promotional articles or samples of these products may be sold or given away to minors, and</p> <p>V.- Its production shall not make use of cartoons, virtual characters or caricatures.</p> <p>Regulation of the General Health Act in respect of advertising Article 37.- Tobacco advertising may not target minors, nor may it give away to them promotional articles or samples of these products.</p>
16.3	Prohibiting the sale of cigarettes individually or in small packets?	<p>General Health Act Article 277.- In no case or circumstances may tobacco be sold or supplied to minors. Cigarettes may not be sold to consumers in packets containing less than fourteen cigarettes, or individually, or cut tobacco in packs weighing less than ten grams. For reasons of public order and social interest, cigarettes may not be sold chemist shops, drugstores, hospitals, or schools from kindergarten to baccalaureate or pre-university level.</p> <p>Regulation on Sanitary Control of Products and Services Article 183.- Cigarettes and cigars may not be sold individually or in packets containing less than fourteen units</p>
16.6	Providing for penalties against sellers and distributors?	<p>General Health Act Article 421. A fine equivalent to from six thousand to twelve thousand times the minimum general daily wage in force in the relevant economic area shall apply to violations of the provisions of Articles 67, 101, 125, 127, 149, 193, 210, 212, 213, 218, 220, 230, 232, 233, 237, 238, 240, 242, 243, 247, 248, 251, 252, 255, 256, 258, 266, 276, 277, 277 bis, 306, 308, 308 bis, 309, 309 bis, 315, 317, 330, 331, 332, 334, 335, 336, 338, last paragraph, 342, 348, first paragraph, 350 bis 1, 365, 367, 375, 376, 400, 411 y 413 of this Act.</p>

		<p>Regulation on Sanitary Control of Products and Services Article 266.- A fine equivalent to from six thousand to ten thousand times the minimum general daily wage in force in the relevant economic area shall apply to violations of the provisions of Articles 12, 22, paragraph one, 23, 25, section VII, 164, 165, 166, 167, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 189, 201, 204, 206, 215, 216, 217, 218, 219, 220, 221, 222, 223 y 224, of this Regulation, or of XVII.1., XVII.2., XVII.3., XVII.4., XVIII.1., XIX.1., XIX.2., XIX.4., XIX.7. and XXIII.3. of the appendix thereto.</p>
<p>Packaging and labelling of tobacco products</p>		
<p>11.1 (b)</p>	<p>Requiring that packaging and labelling also carry health warnings describing the harmful effects of tobacco use?</p>	<p>General Health Act Article 276.- In addition to the requirements of the relevant official Mexican norms, labels of packets and packages used for the sale or supply of tobacco shall clearly and visibly display warning notices printed in easily readable letters using contrasting colours, which shall not mention or refer to any provision of the law, whose size shall be equal to at least twenty five per cent of the surface, on either the front or back of the pack, in addition to a warning notice on one of the side surfaces of the pack, containing the following rotating notices: I. Quitting smoking, reduces major risks to health; II. Smoking causes cancer and pulmonary emphysema, and III. Smoking during pregnancy increases risk of premature birth and low birth weight for newborns. The labels of packets and packages used for the sale or supply of tobacco shall display a clearly visible insert on one of the surfaces, containing a message directing smokers to smoking cessation programmes. The implementing regulations shall set forth the requirements to which the use of the texts and messages referred to in this article shall be subject. The Ministry of Health shall, if appropriate, publish in the Official Journal of the Federation, the decision concerning the adoption of other warning messages, together with the provisions relating to their application and use.</p>
<p>11.1 (b) (i)</p>	<p>Ensuring that the health warnings are approved by the competent national authority?</p>	<p>General Health Act Article 276.- In addition to the requirements of the relevant official Mexican norms, labels of packets and packages used for the sale or supply of tobacco shall clearly and visibly display warning notices printed in easily readable letters using contrasting colours, which shall not mention or refer to any provision of the law, whose size shall be equal to at least twenty five per cent of the surface, on either the front or back of the pack, in addition to a warning notice on one of the side surfaces of the pack, containing the following rotating notices: I. Quitting smoking, reduces major risks to health; II. Smoking causes cancer and pulmonary emphysema, and III. Smoking during pregnancy increases risk of premature birth and low birth weight for newborns. The labels of packets and packages used for the sale or supply of tobacco shall display a clearly visible insert on one of the surfaces, containing a message directing smokers to smoking cessation programmes. The implementing regulations shall set forth the requirements</p>

		<p>to which the use of the texts and messages referred to in this article shall be subject.</p> <p>The Ministry of Health shall, if appropriate, publish in the Official Journal of the Federation, the decision concerning the adoption of other warning messages, together with the provisions relating to their application and use.</p>
11.1 (b) (ii)	Ensuring that the health warnings are rotating?	<p>General Health Act Article 276.- In addition to the requirements of the relevant official Mexican norms, labels of packets and packages used for the sale or supply of tobacco shall clearly and visibly display warning notices printed in easily readable letters using contrasting colours, which shall not mention or refer to any provision of the law, whose size shall be equal to at least twenty five per cent of the surface, on either the front or back of the pack, in addition to a warning notice on one of the side surfaces of the pack, containing the following rotating notices:</p> <p>I. Quitting smoking, reduces major risks to health; II. Smoking causes cancer and pulmonary emphysema, and III. Smoking during pregnancy increases risk of premature birth and low birth weight for newborns.</p> <p>The labels of packets and packages used for the sale or supply of tobacco shall display a clearly visible insert on one of the surfaces, containing a message directing smokers to smoking cessation programmes.</p> <p>The implementing regulations shall set forth the requirements to which the use of the texts and messages referred to in this article shall be subject.</p> <p>The Ministry of Health shall, if appropriate, publish in the Official Journal of the Federation, the decision concerning the adoption of other warning messages, together with the provisions relating to their application and use.</p>
11.1 (b) (iii)	Ensuring that the health warnings are large, clear, visible and legible?	<p>General Health Act Article 276.- In addition to the requirements of the relevant official Mexican norms, labels of packets and packages used for the sale or supply of tobacco shall clearly and visibly display warning notices printed in easily readable letters using contrasting colours, which shall not mention or refer to any provision of the law, whose size shall be equal to at least twenty five per cent of the surface, on either the front or back of the pack, in addition to a warning notice on one of the side surfaces of the pack, containing the following rotating notices:</p> <p>I. Quitting smoking, reduces major risks to health; II. Smoking causes cancer and pulmonary emphysema, and III. Smoking during pregnancy increases risk of premature birth and low birth weight for newborns.</p> <p>The labels of packets and packages used for the sale or supply of tobacco shall display a clearly visible insert on one of the surfaces, containing a message directing smokers to smoking cessation programmes.</p> <p>The implementing regulations shall set forth the requirements to which the use of the texts and messages referred to in this article shall be subject.</p> <p>The Ministry of Health shall, if appropriate, publish in the Official Journal of the Federation, the decision concerning the adoption of other warning messages, together with the provisions relating to their application and use.</p>

Tobacco advertising, promotion and sponsorship	
<p>13.3</p>	<p>Applying restrictions, in the absence of a comprehensive ban, on all tobacco advertising, promotion and sponsorship?</p> <p>General Health Act Article 308.- Advertising of alcoholic beverages and of tobacco shall meet with the following requirements: I. It shall be limited to providing information on the characteristics, quality and manufacturing techniques used for these products; II. They shall not be presented as producing well-being or health or associated with civil or religious ceremonies; III. The products may not be associated with ideas or images suggesting increased success in peoples' emotional or sexual lives or exalting social status, virility or femininity; IV. The products may not be associated with creative or sporting activities, home-making or work, nor may incitements directly leading to their use be employed; V. Children may not participate, whether by way of image or sound, nor may advertising be directed at them; VI. The message may not entail the actual or apparent consumption of use of the products concerned. VII. Minors under the age of 25 years may not participate in the message, and VIII. The message must clearly contain, in visual or aural form, depending on the advertising medium used, the notices referred to in Articles 218 and 276 of this Act. The Ministry of Health may authorize a dispensation from the requirement contained in section VIII of this Article, when the same message contains, in equal circumstances, quality, impact and duration, encouragement to exercise moderation in the consumption of alcoholic beverages, discouragement from using tobacco, particularly during childhood, adolescence and youth, together with a warning against the damage to health caused by abuse of alcoholic beverages and tobacco use. The provisions regulating this act shall indicate the requirements to which the dispensation referred to in the above paragraph shall be subject. Article 308 Bis.- In addition to the requirements set forth in Article 308, tobacco advertising must satisfy the following requirements: I.- No athletic or sporting ideas or images, or images suggestive of popularity may be associated with this product; it may not show celebrities or public figures, nor may they participate in its advertising; II.- The advertising message may not show the receptacles containing the products being handled, either directly or indirectly; III.- No promotional articles displaying the name or logo of a tobacco product may be sold or given away, either directly or indirectly, with the exception of those considered as articles for smokers. Samples of tobacco products shall be distributed solely on premises to which access is restricted to adults over the age of 18 years; IV.- No promotional articles or samples of these products may be sold or given away to minors, and V.- Its production shall not make use of cartoons, virtual characters or caricatures. Article 309 bis.- The exhibition or exposure of tobacco advertising shall be subject to the following provisions: I.- No tobacco advertising may be made in journals intended for children or adolescents or in those whose content relates to education, sport or health. Tobacco advertising may not</p>

		<p>appear on the front and back inside and outside covers of reviews, journals or any other printed publications; nor may it be placed in places, pages or surfaces alongside material of interest to legal minors;</p> <p>II.- All tobacco advertising shall be prohibited on radio and television. All tobacco advertising shall be prohibited in cinemas showing films that may be seen by legal minors. All tobacco advertising shall be prohibited on the Internet, unless and until technology is available to enable each person seeking access to the Internet site on which such advertising is shown to provide proof that the user or recipient is a legal adult;</p> <p>III.- No outdoor advertising for tobacco may be displayed less than 200 metres from a play school, kindergarten, special, primary, secondary or higher intermediate school or from hospitals, recreation grounds and sports, educational and family clubs. Nor may such advertising be placed on outside hoardings whose total size of which exceeds 35 square metres, either alone or in combination, whether deliberately or not, with another advertisement;</p> <p>IV.- All tobacco advertising shall be prohibited in chemist shops drugstores, hospitals and health centres, and</p> <p>V.- Sponsorship, via tobacco advertising, of all events in which legal minors participate shall be prohibited.</p>
13.4 (a)	<p>Prohibiting all forms of tobacco advertising, promotion and sponsorship that promote a tobacco product by any means that are false, misleading, deceptive or likely to create an erroneous impression?</p>	<p>Article 308.- Advertising of alcoholic beverages and of tobacco shall meet with the following requirements:</p> <p>I. It shall be limited to providing information on the characteristics, quality and manufacturing techniques used for these products;</p> <p>II. They shall not be presented as producing well-being or health or associated with civil or religious ceremonies;</p> <p>III. The products may not be associated with ideas or images suggesting increased success in peoples' emotional or sexual lives or exalting social status, virility or femininity;</p> <p>IV. The products may not be associated with creative or sporting activities, home-making or work, nor may incitements directly leading to their use be employed;</p> <p>V. Children may not participate, wither by way of image or sound, nor may advertising be directed at them;</p> <p>VI. The message may not entail the actual or apparent use of the products concerned.</p> <p>VII. Minors under the age of 25 years may not participate in the message, and</p> <p>VIII. The message must clearly contain, in visual or aural form, depending on the advertising medium used, the notices referred to in Articles 218 and 276 of this Act.</p> <p>The Ministry of Health may authorize a dispensation from the requirement contained in section VIII of this Article, when the same message contains, in equal circumstances quality, impact and duration, encouragement to exercise moderation in the consumption of alcoholic beverages, discouragement from using tobacco, particularly during childhood, adolescence and youth, together with a warning against the damage to health caused by abuse of alcoholic beverages and tobacco use.</p> <p>The provisions regulating this act shall indicate the requirements to which the dispensation referred to in the above paragraph shall be subject.</p> <p>Article 308 Bis.- In addition to the requirements set forth in Article 308, tobacco advertising must satisfy the following requirements:</p> <p>I.- No athletic or sporting ideas or images, or images</p>

		<p>suggestive of popularity may be associated with this product; it may not show celebrities or public figures, nor may they participate in its advertising;</p> <p>II.- The advertising message may not show the receptacles containing the products being handled, either directly or indirectly;</p> <p>III.- No promotional articles displaying the name or logo of a tobacco product may be sold or given away, either directly or indirectly, with the exception of those considered as articles for smokers. Samples of tobacco products shall be distributed solely on premises to which access is restricted to adults over the age of 18 years;</p> <p>IV.- No promotional articles or samples of these products may be sold or given away to minors, and</p> <p>V.- Its production shall not make use of cartoons, virtual characters or caricatures.</p>
13.4 (b)	Requiring that health or other appropriate warnings or messages accompany all tobacco advertising and promotion and sponsorship?	<p>Article 308.- Advertising of alcoholic beverages and of tobacco shall meet with the following requirements:</p> <p>I. It shall be limited to providing information on the characteristics, quality and manufacturing techniques used for these products;</p> <p>II. They shall not be presented as producing well-being or health or associated with civil or religious ceremonies;</p> <p>III. The products may not be associated with ideas or images suggesting increased success in peoples' emotional or sexual lives or exalting social status, virility or femininity;</p> <p>IV. The products may not be associated with creative or sporting activities, home-making or work, nor may incitements directly leading to their use be employed;</p> <p>V. Children may not participate, wither by way of image or sound, nor may advertising be directed at them;</p> <p>VI. The message may not entail the actual or apparent use of the products concerned.</p> <p>VII. Minors under the age of 25 years may not participate in the message, and</p> <p>VIII. The message must clearly contain, in visual or aural form, depending on the advertising medium used, the notices referred to in Articles 218 and 276 of this Act.</p> <p>The Ministry of Health may authorize a dispensation from the requirement contained in section VIII of this Article, when the same message contains, in equal circumstances quality, impact and duration, encouragement to exercise moderation in the consumption of alcoholic beverages, discouragement from using tobacco, particularly during childhood, adolescence and youth, together with a warning against the damage to health caused by abuse of alcoholic beverages and tobacco use.</p> <p>The provisions regulating this act shall indicate the requirements to which the dispensation referred to in the above paragraph shall be subject.</p> <p>Regulation of the General Health Act in respect of advertising</p> <p>Article 39.- The warning notices included in tobacco advertising shall be replaced every six months on a rotating basis and shall be subject to all the provisions of this Regulation.</p>
13.4 (e)	Restricting tobacco advertising, promotion and sponsorship on radio, television, print media and other media, such as the Internet?	<p>Article 309 bis.- The exhibition or exposure of tobacco advertising shall be subject to the following provisions:</p> <p>I.- No tobacco advertising may be made in journals intended for children or adolescents or in those whose</p>

		<p>content relates to education, sport or health, tobacco advertising may not appear on the front and back inside and outside covers of reviews, journals or any other printed publications; nor may it be placed in places, pages or surfaces alongside material of interest to legal minors;</p> <p>II.- All tobacco advertising shall be prohibited on radio and television. All tobacco advertising shall be prohibited in cinemas showing films that may be seen by legal minors. All tobacco advertising shall be prohibited on the Internet, unless and until technology is available to enable each person seeking access to the Internet site on which such advertising is shown to provide proof that the user or recipient is a legal adult;</p> <p>III.- No outdoor advertising for tobacco may be displayed less than 200 metres from a play school, kindergarten, special, primary, secondary or higher intermediate school; or from hospitals, recreation grounds and sports, educational and family clubs. Nor may such advertising be placed on outside hoardings whose total size of which exceeds 35 square metres, either alone or in combination, whether deliberately or not, with another advertisement;</p> <p>IV.- All tobacco advertising shall be prohibited in chemist shops drugstores, hospitals and health centres, and</p> <p>V.- Sponsorship, via tobacco advertising, of all events in which legal minors participate shall be prohibited.</p>
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