

## **COLLEGIATE BOARD RESOLUTION – RDC NO. 558 OF 30 AUGUST 2021**

(Published in the Federal Official Gazette no. 165-C of 31 August 2021)

Provides for the display for sale and the commercialization of tobacco products.

The Collegiate Board of Directors of the Brazilian Health Regulatory Agency, in the use of the attributions vested in it under Article 15, items III and IV, and Article 7, items III and IV, of Law no. 9,782 of 26 January 1999, and considering the provisions in Article 53, item VI, and paragraphs 1 and 3 of Anvisa Regulation approved pursuant to Collegiate Board Resolution – RDC no. 255 of 10 December 2018, adopts the following Resolution, as decided upon in a meeting held on 30 August 2021, and I, Director-President, determine its publication.

### **CHAPTER I**

#### **INITIAL PROVISIONS**

Article 1. This Resolution establishes the requirements for the display for sale of tobacco products commercialized in Brazil and makes other provisions related to the commercialization of such products.

Article 2. The displays or showcases of such products at points of sale must include all health warnings on the risks from tobacco use established by Law no. 9,294 of 15 July 1996 and Decree no. 2,018 of 1 October 1996, and their updates, and described in detail by this Resolution.

Article 3. This Resolution applies to all tobacco products commercialized in Brazilian territory, manufactured in Brazil and abroad, and to the display of such products in displays or showcases at points of sale throughout the Brazilian territory.

Article 4. For the purposes of this Resolution, the following definitions are adopted:

I – health warning: graphic set containing a written health warning message, according to the model in Annex II of this Resolution;

II – standard health warning: graphic set containing written health warning messages, accompanied by images, according to the model in Annex I of this Resolution;

III – package: wrap, recipient, or any other form of packaging intended to contain tobacco products, with the following classification:

a) primary package: package that accommodates the tobacco product, intended for the final consumer; and

b) secondary package: external package of the product, which accommodates more than one primary package, intended or not for the final consumer.

IV – display: make visible, put at sight, or display for sale the tobacco products on displays or showcases, exclusively at points of sale;

V – display or showcase: place exclusively intended for display and store of tobacco products, exclusively intended for direct sales to consumers;

VI – point of sale: fixed and delimited area or space, located inside a commercial establishment, and intended for display and sales of tobacco products;

VII – point of sale inner area: physically delimited area located inside the commercial establishment and intended for the sales of tobacco products and their accessories;

VIII – smoking product: manufactured product, derived from tobacco or not, which contains leaves or leaf extracts, or other plant parts in its composition;

IX – tobacco product: any manufactured smoking product that contains tobacco in its composition; and

X – tobacco product advertisement: display and any form of promotion, either through electronic means, including the internet, printed means, or any other form of communication to the public, either consumers or not of the products, with the purpose of promoting, propagating, disseminating, persuading, selling, or encouraging the use of tobacco products, either directly or indirectly, carried out by the company responsible for the product or another company contracted by it, also including:

a) distribution of catalogs or showcases of tobacco products, either printed or in electronic form;

b) promotion of the brand name and brand elements of tobacco products or the manufacturing company on products other than tobacco products;

c) association of brand name and brand elements of the product or the manufacturing company to brand names of products other than tobacco products, to names of other companies, or commercial establishments; and

d) any other form of communication or action that promotes tobacco products, attracting the population's attention and interest, the population being a consumer of the products or not, and that may encourage consumption of the product or its use initiation.

## **CHAPTER II**

### **DISPLAY OF PRODUCTS FOR SALE**

Article 5. The advertisement of any tobacco product is hereby forbidden, throughout the Brazilian territory, except solely for the display of products at points of sale through the storage of their packages in displays or showcases, placed in the point of sale inner area, as long as they are accompanied by health warnings, the message of prohibition to sell to individuals under the age of eighteen, and the respective price tables, in accordance with the provisions of this Resolution.

Paragraph 1. The following are also considered advertisement means, and are subject to the prohibition provided for in the caption of this article:

I – catalogs of tobacco products, both in print and electronic form, except those intended exclusively for the trader for the purposes of negotiating with the manufacturer or importer, which must contain solely the type of product, the type of packaging, and the brand name, according to their marketing authorization at Anvisa, and their respective prices;

II – all forms of promotion or use of the brand name or element that identifies the brand of the tobacco product, such as logo, symbol, slogan, and character, on any product, except for the product itself already granted marketing authorization by Anvisa;

III – any form of communication, recommendation, or commercial action with the purpose, effect, or potential effect of promoting, either directly or indirectly, a tobacco product or its consumption;

IV – sponsorship of cultural or sport activities; and

V – to conduct a market research survey with the population through any means of promotional approach.

Paragraph 2. The displays or showcases must contain only the products displayed for sale and the respective health warnings, message of prohibition to sell to individuals under the age of eighteen, and price tables.

Paragraph 3. The price tables must contain only the brand names of the products, the names of the manufacturing companies or importers, and their respective prices.

Paragraph 4. The prohibitions provided for in this article also include the use of posters, panels, banners, and any visual, graphic, audio, sensorial, movement, or lighting device or resource, both within the display or showcase and externally, which may highlight the products or a specific brand.

Paragraph 5. The prohibition provided for in Paragraph 4 of this article referring to lighting does not apply to the one of the establishment itself, as long as it does not aim at highlighting displays or showcases.

Paragraph 6. Hampering or obscuring, either partially or totally, the view of health warnings and the message of prohibition to sell to individuals under the age of eighteen in displays or showcases is hereby forbidden.

Article 6. The World Wide Web (internet) is not considered a point of sale of tobacco products, and the supply and sales of any of such products through that medium is hereby forbidden throughout the Brazilian territory.

Article 7. The graphic set composed by the standard health warning, the health warning, and the message of prohibition to sell to individuals under the age of eighteen, according to the models available at Anvisa's website, shall cover at least 20% (twenty percent) of the area of each of the sides visible to the public of the displays or showcases at the point of sale, in the following conditions:

I – the standard health warning, according to the model in Annex I of this Resolution, printed in a legible and highlighted way, which shall mandatorily cover 70% (seventy percent) of the graphic set area;

II – the health warning, according to the model in Annex II of this Resolution, printed in a legible and highlighted way, which must contain 03 (three) elements:

a) the general warning sign;

b) the phrase "Danger: Toxic Product" in red letters (PANTONE 485C or corresponding color in CMYK scale), in bold, upper case, Arial font; and

c) the phrase about the harm caused by tobacco with white letters, in bold, Arial font, printed on black background (PANTONE Process Black C or corresponding color in CMYK scale), which shall mandatorily cover 25% (twenty five percent) of the graphic set area; and

III – the message of prohibition to sell to individuals under the age of eighteen – “Sales to people under the age of 18 is prohibited”, according to the model in Annex III of this Resolution, printed in a legible and highlighted way, with white letters, in bold, Arial font, on red background (PANTONE 485C or corresponding color in CMYK scale), which shall mandatorily cover 5% (five percent) of the graphic set area.

Sole paragraph. The warning graphic set provided for in the caption of this article must be presented in a single piece in the central part of the area of each of the sides visible to the public of the displays or showcases, according to the model in Annex IV of this Resolution, with no alteration in the proportion of its elements or in the graphic parameters.

Article 8. Tobacco products must be displayed as far as possible from candies, chewing gums, chocolates, iced products, and toys, in a way that visibility by children and adolescents is not facilitated.

### **CHAPTER III**

#### **COMMERCIALIZATION OF PRODUCTS**

Article 9. With regards to the commercialization of tobacco products, the following are prohibited:

I – to condition the sale of other products, in the same package or not, or of any services, to the purchase of tobacco products;

II – to commercialize tobacco products through the internet throughout the Brazilian territory;

III – import, export, commercialization, transportation, delivery, or any other action, by an individual or a company, related to a tobacco product through express and postal shipping;

IV – distribution of free samples of tobacco products; and

V – distribution of gifts related to tobacco products.

Sole paragraph. An exception to the prohibition established in the caption of this article, related to item III, is the export through express shipping carried out by an industrial establishment with a special registration at the Brazilian Federal Revenue Secretariat.

### **CHAPTER IV**

#### **FINAL AND TRANSITIONAL PROVISIONS**

Article 10. The provisions in this Resolution comply with the provisions of the World Health Organization Framework Convention on Tobacco Control, adopted by the World Health Organization member countries on 21 May 2003 and signed by Brazil on 16 June 2003, enacted by Decree no. 5,658 of 2 January 2006, and also comply with the Directives for its implementation, approved at the Conference of the Parties.

Article 11. Failure to comply with the provisions contained in this Resolution constitutes a health infraction, and the offenders are subject to the penalties provided for in Law no. 9,294 of 2 July 1996 and Law no. 6,437 of 20 August 1977, as well as to other applicable sanctions, without prejudice to the applicable civil, administrative, and criminal liabilities.

Article 12. The following are hereby revoked:

I – Collegiate Board Resolution – RDC no. 15 of 17 January 2003, published in the Federal Official Gazette no. 14 of 20 January 2003, Section 1, page 39; and

II – Collegiate Board Resolution – RDC no. 213 of 23 January 2018, published in the Federal Official Gazette no. 17 of 24 January 2018, Section 1, page 32.

Article 13. This Resolution enters into force on 1 October 2021.

**ANTONIO BARRA TORRES**  
**Director-President**

## **ANNEX I**

### **STANDARD HEALTH WARNING**

“YOU AGE FASTER. THIS PRODUCT CAUSES PREMATURE AGING”

“YOU SUFFER. THIS PRODUCT CAUSES MISCARRIAGE AND PREMATURE BIRTH”

“YOU DIE. THIS PRODUCT CAUSES EMPHYSEMA, LUNG CANCER, AND DEATH”

“YOU GO LIMP. THIS PRODUCT CAUSES SEXUAL IMPOTENCE”

“YOU GET SICK. THIS PRODUCT CAUSES THROMBOSIS AND GANGRENE”

“YOU SUFFER. THIS PRODUCT CAUSES CANCER OF THE MOUTH, TONGUE, AND ESOPHAGUS”

“YOU GET SICK. THIS PRODUCT CAUSES BLINDNESS”

“YOU HARM THE HEALTH OF EVEN THOSE WHO DO NOT SMOKE WHEN CONSUMING THIS PRODUCT”

“YOU HAVE A HEART ATTACK. THIS PRODUCT CAUSES INFARCTION AND OTHER HEART DISEASES”

## **ANNEX II**

### **HEALTH WARNING**

Health warning to be used together with the standard health warning "YOU AGE FASTER. THIS PRODUCT CAUSES PREMATURE AGING"

Lateral health warning to be used together with the standard health warning "YOU SUFFER. THIS PRODUCT CAUSES MISCARRIAGE AND PREMATURE BIRTH"

Lateral health warning to be used together with the standard health warning "YOU GO LIMP. THIS PRODUCT CAUSES SEXUAL IMPOTENCE"

Lateral health warning to be used together with the standard health warning "YOU DIE. THIS PRODUCT CAUSES EMPHYSEMA, LUNG CANCER, AND DEATH"

Lateral health warning to be used together with the standard health warning "YOU SUFFER. THIS PRODUCT CAUSES CANCER OF THE MOUTH, TONGUE, AND ESOPHAGUS"

Lateral health warning to be used together with the standard health warning "YOU GET SICK. THIS PRODUCT CAUSES BLINDNESS"

Lateral health warning to be used together with the standard health warning "YOU GET SICK. THIS PRODUCT CAUSES THROMBOSIS AND GANGRENE"

Lateral health warning to be used together with the standard health warning "YOU HARM THE HEALTH OF EVEN THOSE WHO DO NOT SMOKE WHEN CONSUMING THIS PRODUCT"

Lateral health warning to be used together with the standard health warning "YOU HAVE A HEART ATTACK. THIS PRODUCT CAUSES INFARCTION AND OTHER HEART DISEASES"

**ANNEX III**

**MESSAGE OF PROHIBITION TO SELL TO INDIVIDUALS UNDER THE AGE OF EIGHTEEN**

**ANNEX IV**

**SHOWCASE GRAPHIC SET IN A SINGLE PIECE**

<b>Standard Health Warning (70%)</b>	<b>Health Warning (25%)</b>
	Message on sales to individuals under the age of eighteen (5%)