

**Law 98-17 dated February 23, 1998 relating to the prevention of the detrimental effects of tobacco.**

In the name of people,

After having been passed by the Chamber of deputies,

The President of the Republic promulgates following law:

**Art. 1** – according to the present law, tobacco products are those products meant to be smoked, snuffed or chewed once they are made up, even partially, of tobacco.

**Art. 2** – it is prohibited to directly campaign for or advertise tobacco and its products through:

- 1) Projections or sound advertisements in movie theatres and spaces and other public and open public areas,
- 2) Posters, panels, boards, leaflets or neon signs. However, these provisions do not apply neither to the advertisement made through posters, panels, boards or neon signs within tobacco production sites and tobacconists nor to the signs and panels indicating these places.

**Art. 3** – Special offers, discounts and free distribution of tobacco and tobacco products are forbidden when carried out for advertisement and propaganda purposes.

**Art. 4** – Whatever the advertising process is, it is forbidden to campaign for or advertise tobacco, tobacco products and smokers' items in publications intended for children under age.

**Art. 5** – When the advertising and campaigning for tobacco or tobacco products are authorised such an advertisement shall not include any other mention than the name of the product, its composition, and, if appropriate, the name of the distributor.

**Art. 6** – The display of tobacco products' names, trademarks, promotion logos, or the name of tobacco producers, manufacturers or retailers is completely prohibited in any form, on no occasion and during cultural or sports events. Provisions of this article shall not be applied to sports competitions designed for engine vehicles.

**Art. 7** – Competitions targeting children or minors shall not be supported by promotion or propaganda campaigns praising tobacco and its products.

**Art. 8** – The sale of tobacco shall be subordinated by the clearly visible and indelible apposition on the external packs or boxes including tobacco products of the following statement "Important Notice: Smoking damages your health".

The external cover of packs or boxes must also include the following indications:

- the full composition, with the exception if any, that of filters;
- the average content of tar and nicotine

A decision issued by the Minister of Public Health describes how these mandatory information shall be written, analyses used to measure tar and nicotine contents, and methods used to verify the accuracy of indications made on the external covers of packs and boxes.

**Art. 9** – The maximal content of tar in tobacco products directly designed for consumption are determined by decision of the Minister of Public Health.

**Art. 10** – It is forbidden to smoke in areas designed for common use. A decree determines subject areas and modalities to enforce prohibition provided for in the previous chapter.

**Art. 11** – It is forbidden for staff working in food sectors to smoke during the preparation, transfusion and packing of food products designed for human consumption. It is also forbidden for staff working in restaurants or pastry shops to smoke while preparing or serving food or drinks.

**Art. 12** – The use of tobacco products slot machines is not allowed.

**Art. 13** – Areas where smoking is prohibited must be clearly indicated. The modal of these indications is described by means of a decision of the Minister of Public Health.

**Art. 14** – Offences of provisions indicated in this law shall be notified by members of the judiciary police responsible for drafting formal minutes. These prerogatives may also be performed by sworn administrative agents in the framework of their missions. They must hold their professional cards and eligible through current legal provisions to note offences and draft minutes thereabout.

Minutes must include the full name of the verbalizing agent, the number of his/her professional card, his/her signature and an indication about his/her department of authority. These minutes must also include the nature, site and date of the offence, as well as the identity and signature of the offender. In case the latter objects signing, this shall be mentioned in the minutes.

Minutes shall be transmitted by the head of the administration supervising the verbalizing agent to the Prosecuting Attorney based at the Tribunal of first instance related to the site where offence has been committed.

**Art. 15** – Offences of provisions stated in Articles 2 to 8 of this Law shall be punished by penalties ranging between five hundred (500) dinars to three thousand (3000) dinars. The penalty amount may be increased to fifty per cent (50%) of expenses made on prohibited publicity. In case of second offence, the sentence shall be doubled.

Offenders according to this article may include the landlord of the area, its manager or the person responsible for it as well as the person initiating the propaganda or promotion campaign, or the one producing it.

Rules related to complicity provided for in Article 32 of the penal code shall be applied to these offences.

The administrative authority may, as soon as infringement of the present law is observed, take all measures to cancel or reduce the efficiency of accused propaganda or publicity at the expense of the offender.

**Art. 16** – Infringements of provisions of Article 10 of the present law shall be punished by a twenty five (25) dinar penalty.

Infringements of provisions of Article 11 of the present law shall be punished by a fifty (50) dinar penalty.

Infringements of provisions of Article 12 of the present law shall be punished by a penalty ranging between one hundred (100) to four hundred (400) dinars.

In case of second offence, penalties shall be doubled.

Penalties provided for in the present law do not exclude the enforcement of penalties and fines provided for by other laws.

**Art. 17** – All provisions preceding or contrary to the present law shall be abrogated.

**Art. 18** – Provisions of the present law shall come into force one year after their publication in the Official Journal of the Republic of Tunisia.

The present law will be published in the Official Journal of the Republic of Tunisia and enforced as a State Law.

**Tunis, February 23, 1998**

**Zine El Abidine BEN ALI**