

REGULATION OF THE HEALTH MINISTER OF THE REPUBLIC OF INDONESIA
NUMBER 28 OF 2013

CONCERNING
IMPRINTING OF HEALTH WARNINGS AND HEALTH INFORMATION
ON TOBACCO PRODUCT PACKAGING

WITH THE BLESSINGS OF GOD ALMIGHTY

THE HEALTH MINISTER OF THE REPUBLIC OF INDONESIA,

Considering: that in order to implement the provisions of Article 14, Article 15, Article 16, Article 17, Article 18, Article 19, Article 20, Article 21, Article 22, Article 23, and Article 24 of Government Regulation No. 109 of 2012 concerning Control of Materials containing Addictive Substances in Tobacco Products in the Interests of Health, it is necessary to stipulate this Regulation of the Minister of Health concerning Imprinting of Health Warnings And Health Information on Tobacco Products Packaging;

Having regard to:

1. Law Number 36 of 2009 concerning Health (State Gazette of the Republic of Indonesia of 2009 Number 144, Supplement to the State Gazette of the Republic of Indonesia Number 5063);
2. Government Regulation Number 109 of 2012 on Control of Materials Containing Addictive Substances in Tobacco Products in the Interests of Health (State Gazette of the Republic of Indonesia of 2012 Number 278, Supplement to State Gazette of the Republic of Indonesia Number 5380);
3. Regulation of the Minister of Health No. 1144/Menkes/Per/III/2010 concerning the Organization and Administration of the Ministry of Health (State Gazette of the Republic of Indonesia Year 2010 No. 585);

HAS DECIDED:

To stipulate: A REGULATION OF THE MINISTER OF HEALTH CONCERNING IMPRINTING OF HEALTH WARNINGS AND HEALTH INFORMATION ON TOBACCO PRODUCT PACKAGING.

CHAPTER I
GENERAL PROVISIONS

Article 1

In this Regulation the definition of:

1. Tobacco Product means a product that is wholly or partly made of tobacco leaf as its raw material that is processed for use by burning, sucking, inhaling or chewing.

2. Health warning is a pictorial image and text which provide information on the dangers of smoking.
3. Health information is health-related information which is imprinted on Tobacco Product Packaging.
4. Smokable [*while in practice, 'rokok' usually refers to cigarettes, in this regulation and the underlying law, it has a broader meaning, as detailed below-Translator*] means a tobacco product intended to be burned, sucked and/or inhaled, including kretek [*clove-Translator*] cigarettes, white [*machine-rolled--Translator*] cigarettes, cigars or other forms produced from the *nicotiana tabacum*, *nicotiana rustica*, and other species of plants or their synthesized equivalents, the smoke from which contains nicotine and tar, with or without additives.
5. Tobacco Product Packaging, hereinafter called Packaging, is material used to contain and/or wrap tobacco product, whether in direct contact with the tobacco product or not.
6. Label means any information about the tobacco product in the form of pictorial images, text, a combination of both, or other form that is included with the tobacco product, inserted into it, placed on it, or is part of the Tobacco Products Packaging.
7. Tobacco Product Variation is a variation of a Tobacco Product Brand.
8. Any Person means a natural person or a business entity, whether incorporated or not.
9. Minister means the Minister who administers government affairs in the field of health.
10. Agency Head means the Head of the Agency with duties and responsibilities in the field of food and drug control.

Article 2

Regulation of imprinting of Health Warnings and Health Information on Tobacco Product Packaging is intended to provide guidelines for Tobacco Product industrialists to implement the imprinting of Health Warnings and Health Information on Tobacco Product Packaging.

CHAPTER II HEALTH WARNINGS

Article 3

- (1) Any person who produces and/or imports tobacco products into the territory of Indonesia must imprint Health Warnings on the smallest packets and larger packaging of Tobacco Products.
- (2) The smallest packet as referred to in clause (1) is the wrapping that is in direct contact with Tobacco Product for retail sale.
- (3) Larger packaging as referred to in clause (1) is the carton [*containing 10 packs of cigarettes-Translator*].
- (4) Pictorial images and textual Health Warnings shall have one meaning which is imprinted as an integral part of the Tobacco Product Packaging and is not a sticker affixed onto the Tobacco Product Packaging.
- (5) Health Warnings as referred to in clause (4) are included in the Annex in both typed and electronic file form which is an integral part of this Ministerial Regulation.

- (6) Health Warnings as referred to in clause (1) and clause (4) may not be obscured by anything whatsoever in accordance with statutory provisions in force, other than transparent plastic packaging through which the Health Warnings and Health Information are clearly legible.
- (7) In the event that Tobacco Product Packaging is wrapped in a wrapper that is not transparent so that health warnings are not clearly legible, the Health Warnings shall be imprinted on the wrapper.
- (8) The provisions of clause (1) are not applicable to *klobot [dried corn husk-Translator]* cigarettes, *klembak menyan [aloeswood mixed with benzine gum incense-Translator]* cigarettes, and cigars packed individually.

Article 4

- (1) Health Warnings shall consist of 5 (five) different types, which are imprinted on each 1 (one) Tobacco Product variation in the proportion of 20% (twenty percent) of the total of each Tobacco Product variation at the same time [*presumably means 20% of each single production run-Translator*].
- (2) Non-taxable Companies/Entrepreneurs in the Tobacco Products industry shall imprint at least 2 (two) of the 5 (five) types of Health Warnings as referred to in clause (1).

Article 5

- (1) Imprinting of Health Warnings on Packaging in rectangular shaped boxes must meet the following requirements:
 - a. be imprinted on the top of the wide faces of the Packaging, both front and reverse, covering 40% (forty percent);
 - b. in the event that all sides of the Packaging are the same width, Health Warnings shall be imprinted on the front side and back side of the Packaging;
 - c. at the top of the pictorial image shall be the word "WARNING" in Ariel Bold type in white on a black background in size 10 (ten) font or proportional to the Packaging;
 - d. the image shall be printed in color in a combination of 4 (four) colors (Cyan, Magenta, Yellow, Black) with high resolution image quality or at least 300 dots per inch (dpi);
 - e. at the bottom of the image shall be imprinted in white on a black background the meaning of the image as specified in the Annex;
 - f. both the pictorial image and the text shall be printed clearly and prominently; and
 - g. shall not easily be damaged, separated or faded due to the effects of light or air.
- (2) Imprinting of Health Warnings on Packaging in cylindrical form must meet the following requirements:
 - a. imprinted to cover 40% of the surface area of the body of the cylinder, calculated from the top of the lid of the cylindrical packaging;
 - b. using two (2) identical Health Warnings;
 - c. at the top of the pictorial image shall be the word "WARNING" in Ariel Bold type in white on a black background in size 10 (ten) font or proportional to the packaging;

- d. the image shall be printed in color in a combination of 4 (four) colors (Cyan, Magenta, Yellow, Black) with high resolution image quality or at least 300 dots per inch (dpi);
- e. at the bottom of the image shall be imprinted in white on a black background the meaning of the image as specified in the Annex;
- f. both the pictorial image and the text shall be printed clearly and prominently;
- g. shall not easily be damaged, separated or faded due to the effects of light or air; and
- h. the ratio and color composition of the pictorial image color shall be in accordance with the Annex and may not be changed.

Article 6

Imprinting of Health Warnings on Tobacco Product Packaging that is square shaped other than a rectangular box and a box with identical width shall conform to the provisions for imprinting of Health Warnings on cylindrical packaging as referred to in Article 5.

Article 7

Imprinting of Health Warnings on cartons of Tobacco Product Packaging shall conform to the provisions of Article 5 and Article 6 with measurements proportional to the size of the carton.

Article 8

Imprinting of Health Warnings shall be carried out in accordance with the examples depicted in the Annex which is an integral part of this Ministerial Regulation.

Article 9

The types of Health Warnings referred to in Article 3 clause (5) [shall be] evaluated and can be revised no more often than once each 24 (twenty four) months.

CHAPTER III HEALTH INFORMATION

Article 10

- (1) In addition to Health Warning as referred to in Article 3, Article 4 and Article 5, Health Information must be imprinted on every item of Tobacco Product Packaging.
- (2) Health Information as referred to in clause (1) shall include:
 - a. levels of nicotine and tar content shall be placed on one side of the Packaging for Packaging in rectangular shaped boxes and boxes with identical broad faces or on the side of the cap of Packaging for cylindrical shaped Packaging;
 - b. the statement "sale or giving to children under the age of 18 years and to pregnant women is prohibited" shall be placed on the opposite side of the Packaging for Packaging in rectangular shaped

- boxes and boxes with identical broad faces or on the side of the cap of Packaging for cylindrical shaped Packaging; and
- c. production code, date, month, and year of production, as well as the name and address of the manufacturer shall be placed on the bottom of Packaging for Packaging in rectangular shaped boxes and boxes with identical broad faces or on the bottom of the Packaging for cylindrical shaped Packaging.
- (3) Information on levels of tar and nicotine content as referred to in clause (2) sub-clause a shall be printed in capital letters in Ariel type in a font size of at least 3 mm or equivalent to font size 8 (eight) and placed in a rectangular box with a 1 mm border in a color which contrasts with the background and be clearly legible.
- (4) The information referred to in clause (2) sub-clause b shall be printed in capital letters in Ariel type in a color which contrasts with the background and be clearly legible.
- (5) Inclusion of the name and address of the manufacturer, as described in clause (2) sub-clause c shall include the manufacturer and importer with the following provisions:
- a. in the event that the full name of the manufacturer or importer consists of 3 (three) or more words, the imprinting of the full name of the manufacturer may use abbreviation of the manufacturer's or importer's name; and
- b. the location of the manufacturer or importer must include the name of the district/city in which the manufacturer/importer is located.
- (6) In the event that the manufacturer or importer has more than one location, imprinting of the manufacturer's or importer's location may list one specific location of the manufacturer or importer.
- (7) The information on production code, date, month and year of production as referred to in clause (2) sub-clause c may take the form of printing, stamp, embossed print or sticker.

Article 11

In addition to the information referred to in Article 10, the following statements must be imprinted on the Tobacco Product Packaging:

- a. "There is no safe limit"; and
- b. "contains more than 4,000 hazardous chemicals and more than 43 cancer-causing substances".

Article 12

Imprinting of Health Information shall be carried out in accordance with the examples depicted in the Annex which is an integral part of this Ministerial Regulation.

Article 13

Any person who manufactures and/or imports Tobacco Products into Indonesia is prohibited from imprinting Health Warnings and Health Information other than as provided for in Article 3, Article 4, Article 5, Article 6, Article 7, Article 10, and Article 11.

CHAPTER IV
MISLEADING INFORMATION

Article 14

- (1) it is prohibited to imprint any statement or symbols whatsoever on Tobacco Product Packaging that is misleading or wording that is promotional.
- (2) Statements or symbols on Tobacco Product Packaging that are misleading or wording that is promotional as referred to in clause (1) are statements or words intended to deceive or tend to create a false impression about the health effects of Tobacco Products or that make it seem as though Tobacco Products convey a health benefit.
- (3) In addition to the prohibitions referred to in clause (1), Tobacco Products Packaging is prohibited from imprinting the words "light", "ultra light", "mild", "extra mild", "low tar", "slim", "special", "full flavor", "premium" or other words that indicate quality, superiority, safety, image, individuality, or words with similar meanings.
- (4) The provisions of clause (2) are not applicable to Tobacco Products that have already obtained a brand/trademark certificate in accordance with statutory provisions.

CHAPTER V
REPORTING

Article 15

- (1) Any person who intends to manufacturer and/or import Tobacco Products into Indonesia with a new brand or changes to packaging design shall report to the Agency Head on the imprinting of Health Warnings and Health Information and its Tobacco Product Packaging.
- (2) Reporting as referred to in clause (1) shall be accompanied by examples of the Packaging.

CHAPTER VI
SUPERVISION

Article 16

- (1) Supervision of Imprinting of Health Warnings and Health Information on Tobacco Product Packaging shall be conducted by the Agency Head.
- (2) Further provisions concerning the conduct of supervision of Tobacco Products distribution, the imprinting of Health Warnings and Health Information on Tobacco Products shall be regulated by the Agency Head.

CHAPTER VII
TRANSITIONAL PROVISIONS

Article 17

Any person who manufactures and/or imports Tobacco Products who obtained approval of the stipulation of excise tariff from the Minister who administers government affairs in the financial sector prior to the entry into force of this Regulation, shall comply with the provisions of Article 10 and Article 11 no later than 12 (twelve) months from the date of promulgation of this regulation.

CHAPTER VIII
CLOSING PROVISIONS

Article 18

With the enactment of this regulation, Minister of Health Decree No. 1755/Menkes-Kesos/SK/XII/2000 on the Writing of Health Warnings of Cigarette Labels is revoked and declared void.

Article 19

This Ministerial Regulation shall take effect on the date of its promulgation.

In order that every person may know of it, the promulgation of this Regulation is ordered by placement in the State Gazette of the Republic of Indonesia.

Issued in Jakarta
on 1 April 2013

HEALTH MINISTER
OF THE REPUBLIC OF INDONESIA,

sgd

NAFSIAH MBOI

Promulgated in Jakarta
on 12 April 2013

MINISTER OF LAW AND HUMAN RIGHTS
OF THE REPUBLIC OF INDONESIA,

sgd

AMIR SYAMSUDIN

STATE GAZETTE OF THE REPUBLIC OF INDONESIA NUMBER 591 OF 2013