

LAW No. 10.702 OF 14 JULY 2003

Amends Law No. 9.274 of 15 July 1996, which restricts the use and advertising of smoking products, alcoholic drinks, medicines, therapies and agricultural pesticides under the terms of § 4 of Article 220 of the Federal Constitution.

The VICE PRESIDENT OF THE REPUBLIC, acting as PRESIDENT OF THE REPUBLIC, informs that the National Congress has decreed the following Law, which he hereby sanctions:

Article 1. Law No. 9.294, of 15 July 1996, shall henceforth be effective with the following amendments:

"Article 3A

VIII - sale in schools, health establishments, and agencies or entities of Public Administration;

IX - sale to persons under 18 years old.

§ 1 Until 30 September 2005, the provisions of paragraphs V and VI shall not apply in the case of international sporting events which do not have a fixed headquarters in a given country and are organized or administered by foreign institutions.

§ 2 The Ministry of Health is authorized to display, in the locations of sporting events referred to in § 1, fixed advertising containing written warnings that comply with the contents mentioned in § 2 of Article 3C. The persons in charge of the organization, shall provide sites for such advertising."(NR)

"Article 3C Application of the provisions of § 1 of Article 3A, including the television broadcasting or rebroadcasting, in Brazilian territory, of cultural or sporting events with images generated abroad sponsored by enterprises linked to smoking products, must include cost-free transmission of the message warning of the harmful effects of smoking during the broadcasting of the event.

§ 1 At the start and conclusion of the broadcasting of the event, a warning message shall be transmitted, with a content to be specified by the Ministry of Health, lasting at least 30 seconds on each occasion.

§ 2 Superimposed on the respective transmission, a written and spoken message warning of the harmful effects of smoking shall be displayed every 15 minutes, lasting at least 15 seconds on each occasion, using the following phrases or others to be specified in the regulation, displayed sequentially and in each case preceded by the phrase "Health Ministry Warning."

I - "Smoking causes bad breath, loss of teeth, and mouth cancer";

II - "Smoking causes lung cancer";

III - "Smoking causes heart attacks";
IV - "Smoking during pregnancy is harmful to the baby";
V - "Cigarette smoking during pregnancy causes premature delivery, birth of underweight children, and susceptibility to asthma";
VI - "Children start smoking when they see adults smoking";
VII - "Nicotine is a drug and causes dependence;" and
VIII - "Smoking causes sexual impotence."

§ 3 For the purpose of this Article, the event in question shall be understood to include free or official training, trials, replays and compacts." (NR)

"Article 9-

VII - Violations of the provisions of paragraph IX of Article 3A, shall give rise to the sanctions envisaged in Law No. 6.437 of 20 August 1977, without prejudice to the terms of Article 243 of Law No. 8.069, of 13 July 1990.
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§ 5 The Government shall define the competencies of the federal agencies and entities responsible for applying the sanctions of this Article." (NR)

Article 2 This Law shall enter into force on the date of its publication.

Brasília, 14 July 2003; 182nd year of Independence and 115th year of the Republic.

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