



ISRGM

(No: 14)

**TOBACCO PRODUCTS FOR SMOKING (RESTRICTION ON ADVERTISING) LAW, 5743-1983.\***

**1. In this Law -**

Definitions.

"tobacco products" means tobacco in any form intended for smoking and includes cigarettes, cigars, cigarillos and pipe tobacco;

"advertising" means advertising by word of mouth, in writing or in print, by or on behalf of a person interested in the marketing of tobacco, and directed at the public or part thereof;

"marketing" means the sale, supply or import of tobacco products but does not include -

- (1) export;
- (2) import by persons entitled to exemption from the payment of customs duty under any enactment in force relating to customs;
- (3) sale in duty-free shops;

"advertising a trade name" means advertising a trade name of tobacco products or any particular kind or kinds of cigarettes, cigars, cigarillos or pipe tobacco.

**2. No person shall do any advertising in praise of smoking as such.**

Prohibition of advertising in praise of smoking.

**3. No person shall advertise tobacco products or a trade name, including by means of a drawing, image, sound, picture, movement or any other means in any of the following:**

Prohibition of advertising by certain means.

- (1) radio broadcasts in Israel;
- (2) television broadcasts in Israel;
- (3) public screenings;
- (4) newspapers, or any other printed matter, intended mainly for children and youth up to the age of eighteen years;
- (5) public inland transport.

**4. No person shall advertise tobacco products or a trade name through fixed or mobile outdoor signs, or in premises open to the public, except through permitted signs.**

Restriction on advertising through signs.

\* Passed by the Knesset on the 3rd Shevat, 3743 (17th January, 1983) and published in *Sefer Ha-Chukim* No. 1074 of the 11th Shevat, 5743 (25th January, 1983), p. 38; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 1451 of 5740, p. 194.

מסד 1995

(b) No person shall advertise tobacco products or a trade name through a permitted sign unless the warning set out in section 9 appears thereon in Hebrew, in a box, in letters clearly legible from a distance which in the circumstances of the case is reasonable.

(c) Any advertising through a permitted sign shall only include the following particulars or part thereof: the name, trademark and trade name of the tobacco product, the name and trademark of the manufacturer, a representation of the package in which the tobacco product is sold and an indication of the place of sale.

(d) In this section, "permitted sign" means a sign lawfully displayed upon the outside of, or within, any business premises or on a vehicle of a manufacturer, importer, agent, marketer, distributor or seller of tobacco products or upon the outside of, or within, a place of sale thereof.

Restrictions on advertising.

5. No person shall advertise tobacco products or a trade name in a newspaper or other printed matter through the use of the names, appellations, pictures, photographs or likenesses of -

- (1) celebrities or
- (2) persons under forty years of age or
- (3) persons in uniform or
- (4) persons in sports dress or bathing suits.

Restrictions on number of newspaper advertisements.

6. No persons shall publish more than one advertisement of a particular trade name in one issue of a newspaper or other printed matter.

Duty to include warning in advertisement.

7. No person shall advertise tobacco products or a trade name in a newspaper or other printed matter unless the last line of the advertisement contains a warning, in a box, with the text set out in section 9. The warning shall be in the language in which the newspaper or other printed matter is published, in clear letters of a minimum size of twelve points of black print.

(1995)

The framed area which includes the warning shall be at least 5% of the area of the advertisement.

Prohibition of gifts.

8. (a) No person shall market, or distribute, to the consumer a tobacco product having attached to it, or which is accompanied by, a prize, a gift or a right to participate in a prize lottery or a competition.

(b) No person shall distribute tobacco products to the consumer free of charge.

Warning.

9. (a) No person shall market tobacco products in a package including pipe tobacco in a bag, unless there is printed on or affixed to the side of the package or bag a warning in print letters, as follows: "Warning - The Ministry of Health Declares that Smoking is Harmful to Health". The

warning shall be in Hebrew, in black print, in clearly legible eight-point Frank-Ruchel letters. The word "Warning" shall be underlined.

(b) In the case of tobacco products other than cigarettes, the warning may be printed on or affixed to the front of the wrapping instead of the side thereof.

(c) The Minister of Health, with the approval of the Economics Committee of the Knesset, is entitled to change the warning, including different warnings for the purposes of sections 4 or 7, and also to change the minimum size of the letters in the warning; a new warning according to this section will enter into effect 45 days from the date of its official publication for the purposes of section 7 and after 8 months for the purpose of section 4 and this section.

(1995)

10. For the purposes of this Law, the State shall be treated like any other person. Status of State.

11. (a) Whoever contravenes any provision of this Law shall, in the case of an individual, be liable to a fine of 75,000 shekalim, and in the case of a body of persons, to a fine of 200,000 shekalim. Penalties.

(b) In the case of an offence under section 9, failure to print or affix the warning on or to one production series indicated on each package thereof, or, in the case of imports, on or to one import unit indicated on each package thereof, shall be regarded as one offence.

(c) The burden of proof shall in the case of a production series be on the manufacturer, and in the case of an import unit, on the importer. For the purposes of this section, a production series is tobacco products manufactured in one working day, and an import unit is tobacco products of the same trade name packed in one crate.

12. In the case of an offence under sections 2 to 7 there shall also be guilty - Liability of advertising agent and owner of means of publication.  
(1) the person who delivers the advertisement, or the advertisement of a trade name, for publication and thereby causes it to be published;  
(2) the person who receives the advertisement, or the advertisement of a trade name, for publication and publishes it.

13. Where a tobacco product or a trade name has been advertised, then, pending proof to the contrary, the manufacturer or, in the case of an imported product, the importer shall be deemed to have advertised it or it shall be deemed to have been advertised upon his instructions. Presumption.

14. A person empowered in that behalf by the Minister of Health in writing may, if he is satisfied that it is necessary so to do to ensure compliance with the provisions of section 9, enter any place where tobacco products are sold, manufactured or stored and seize tobacco products the packages or bags of which have no warning on them. Tobacco products seized as aforesaid shall only be returned after the owners have affixed a warning thereto. Seizure.

15. The Minister of Health is charged with the implementation of this Law and may, with the approval of the Labour and Social Affairs Committee of the Knesset, make regulations as to any matter relating to its implementation. Implementation and regulations.

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Commencement  
and transitional  
provisions.

16. (a) Section 7 shall come into force three months from the date of publication of this Law. The other provisions of this Law shall come into force six months from the date of its publication;

(b) The advertising of tobacco products or of a trade name by any person before the date of publication of this Law shall not be regarded as an offence under this Law if such person proves that it ceased to be under his control or authority before the said date or that he cannot or is not entitled to terminate or remove it;

(c) The requirement of including a warning as provided in section 4 shall not apply to signs permitted by section 4 which are electrically lit if they were installed before the 16th Tever, 5743 (1st January, 1983). In the case of signs not electrically lit, the requirement of including a warning shall apply upon the expiration of one year from the date of publication of this Law.

MENACHEM BEGIN  
*Prime Minister*

ELIEZER SHOSTAK  
*Minister of Health*

YITZCHIAK NAVON  
*President of the State*