

BRAZILIAN REPORT – ANNEX

- Information not included in the questionnaire due to mistakes in the form:

2. Demographics

a) Age and sex:

Year	Age Groups	Percentage of male population	Percentage of female population	Percentage of total population
2000	< 1 yr	1,96	1,83	1,89
	1 – 4 yr	8,01	7,51	7,75
	5 – 9 yr	10,05	9,44	9,74
	10- 14 yr	10,5	9,94	10,22
	15 – 19 yr	10,79	10,35	10,57
	20 – 29 yr	17,78	17,55	17,66
	30- 39 yr	14,74	15,04	14,89
	40- 49 yr	11,17	11,52	11,35
	50 – 59 yr	7,18	7,55	7,37
	60 – 69 yr	4,54	5,09	4,82
	70 – 79 yr	2,4	2,91	2,66
	80 and +	0,88	1,28	1,08

Source: Instituto Brasileiro de Geografia e Estatística

b) Ethnicity

Name of ethnic group	Percentage of total population
White	49,7
Black	6,9
Mullato	42,6
Indigenous	0,8

Source: IBGE. Síntese dos indicadores sociais: uma análise das condições de vida da população brasileira, 2007. Rio de Janeiro, RJ; 2007.

3. Tobacco use

i. Prevalence

a) Smoking tobacco:

	Age Groups	Tobacco products	Year of data	Prevalence
Males				
Daily smokers	18 – 24	Any	2003	21,9
	25 – 34			29,6
	35 – 44			26,2
	45 – 54			34,5
	55 – 64			31,8
	≥ 65			19,1
	Total			27,1
Females				
Daily Smokers	18 – 24	Any	2003	13,7
	25 – 34			19
	35 – 44			24,2
	45 – 54			20,7
	55 – 64			16,7
	≥ 65			9,8
	Total			18,4
Total (males and females)				
Daily smokers	18 – 24	Any	2003	17,8
	25 – 34			23,6
	35 – 44			25,1
	45 – 54			26,7
	55 – 64			23,5
	≥ 65			14,6
	Total			22,4

Source: Monteiro CA; Cavalcante TM; Moura EC; Claro RM; Szwarcwald CL. Population-based evidence of a strong decline in the prevalence of smokers in Brazil (1989-2003). Bull World Health Organ; 85(7):527-34, 2007 Jul.

b) Smokeless tobacco, including snuff and chewing tobacco:

	Age Groups	Tobacco products	Year of data	Prevalence
Males				
Daily smokers	≥ 18	Chewing tobacco and snuff	2002-2005	1,5
Females				
Daily Smokers	≥ 18	Chewing tobacco and snuff	2002-2005	0,3
Total (males and females)				
Daily smokers	≥ 18	Chewing tobacco and snuff	2002-2005	0,8

Source: Brasil. Ministério da Saúde. Secretaria de Atenção à Saúde. Instituto Nacional de Câncer. Inquérito Domiciliar sobre comportamentos de risco e morbidade referida de doenças e agravos não transmissíveis. Rio de Janeiro, 2003.

c) Not available

d) If prevalence data is appropriate and available for youth groups, please provide:

	Age Groups	Tobacco products	Year of data	Prevalence
Males				
Daily smokers	12-16	Cigaretts	2006	11,1
Females				
Daily Smokers	12-16	Cigaretts	2006	13,1
Total (males and females)				
Daily smokers	-	-	-	-

Source: GYTS, 2006

- Brief summaries and relevant information:

5. Legislative, executive, administrative and other measures

i. Core questions

Regulation of tobacco product disclosures (10):

The Brazilian Health Surveillance Agency (Anvisa) registers annually all tobacco-related products by means of an electronic system that demands input such as the composition of each brand commercialized within the country or for the exporting market. The industries must inform the type of tobacco used, the constituents and additives used in the manufacturing of each brand. All information must be in compliance with Resolution (RDC) 90, from December 27, 2007. The new regulation was published revoking the RDC 346/2003.

- Legislation:

Resolution RDC n. 90 of December 27th 2007

- Revokes Anvisa's Resolution RDC 346/03
- Regulation and procedures that should be observed in petitions for the registration and renewal of registration of data of any tobacco-related product.

Illicit trade in tobacco products(15.2.a – 15.7):

- Legislation:

Normative Instruction of Brazilian Internal Revenue Service n. 769 of August 21st 2007

- Rules on the installation of production counting equipment in cigarette-manufacturing establishments

Normative Instruction of Brazilian Internal Revenue Service n. 770 of August 21st 2007

- Rules on the special registration required by cigarette manufacturers and importers, as well as the control seal these products are subject to.

Sales to and by minors (16.1 - 16.7):

Cigarette Sales for minors - under 18 years of age - is forbidden, as stated in the Child's and Adolescent Statute (Law n. 8.069, July 13, 1990). This Law prohibits the sale, supply or delivery, for children or adolescent, of products which components might cause physical or psychological dependence.

Unfortunately, many sellers do not follow the prohibition to sale cigarettes to minors, not requiring the presentation of an identification document. In spite the legislation foresee penalties for noncompliance, the inspection is not effective.

Anvisa's Resolution RDC 304 (November 07, 2002) prohibits producing, importing, marketing, advertising and distributing of food in the form of cigarette, cigar, cigarillo, or any other tobacco product. It also prohibits the use of packages of food that simulate or imitate the packaging of cigarettes, and the use of brand names that belong to any tobacco product.

Anvisa's Resolution RDC 335 (November 21, 2003) determines the printing of the following sentence on the packaging of smoking products: "Forbidden sale to individuals below 18 years of age – Federal Law n. 8.069/1990 and *Law 10.702/2003*". Prohibits the use of phrases such as "only for adults".

- Legislation:

Law 8.069, of July 13, 1990 - Statute of the Child and Adolescent (ECA)

- Prohibits the sale, supply or delivery, for children or adolescent, of products which components might cause physical or psychological dependence.

Decree n. 2.637 of June 25, 1998)

- Determines that the commercialization of cigarettes in the country, including its exposure to the sale, be made only in packs, boxes or other receptacles containing twenty units.

Law 10.167 of December 27, 2000

- Alters the provisions contained in Law 9.294, of July 15, 1996;
- Prohibits the sale by post of tobacco-related products, the distribution of any sample or gift and the selling in educational and health establishments;
- Prohibits the participation of children and adolescents in advertising of tobacco-related products.

Edit of Ministry of Labor and Employment n. 06 (February 05, 2001)

- Prohibits the employment of people under 18 years of age in the harvesting, beneficiating or in the industrialization of tobacco.

Resolution RDC n. 304 of November 7, 2002

- Prohibits producing, importing, marketing, advertising and distributing of food in the form of cigarette, cigar, cigarillo, or any other tobacco product;
- Prohibits the use of packages of food that simulate or imitate the packaging of cigarettes, and the use of brand names that belong to any tobacco product.

Law 10.702, of July 14, 2003

- Alters the provisions contained in Law 9.294, of July 15, 1996, prohibiting the sale of tobacco products to individuals under 18 years of age.

Resolution RDC n. 335 of January 17, 2003

- Alters the regulation contained in the Resolution 104/2001 and in the Resolution 14/2003;
- Determines the printing of the following sentence on the packaging of smoking products: “Forbidden sale to individuals below 18 years of age – Federal Law n. 8.069/1990 and *Law 10.702/2003*”. Prohibits the use of phrases such as “only for adults”

Liability (19.1):

There isn't any legal prevision for criminal and civil liability for tobacco industry. Many bills of law are been studied by the National Congress to implement the payment of a tribute by tobacco industry in order to cover the expenses associated with medical treatment of tobacco-related illnesses in the public health care system.

Furthermore, liability lawsuits have been brought against tobacco industry since last decade. Until this moment, none has achieved success in Brazilian final instance, but the juridical community is starting to recognize that tobacco industries should be made responsible by the damages caused by their products, based on internal tobacco industry documents.

ii. Optional questions

Regulation of the contents of tobacco products (9):

The Brazilian Health Surveillance Agency (Anvisa) registers annually all tobacco-related products by means of an electronic system that demands input such as the composition of each brand commercialized within the country or for the exporting market. The industries must inform the type of tobacco used, the constituents and additives used in the manufacturing of each brand. All information must be in compliance with Resolution (RDC) n° 90, from 27 December 2007. The new regulation was published revoking the RDC 346/2003.

The National Health Surveillance Agency is responsible for the implementation of an official laboratory for control, analysis and research of tobacco products thus entering the Official International Net of Tobacco Laboratories – TobLabNet/WHO aiming at:

- Effective research work related to the exposure to tobacco and developing new analysis methods;
- Effective fiscal and control analyses to counterproof the accuracy of the informed data;

- Effective research and analysis for other interested Governments, being part of the Laboratories World Net, the International Network for Tobacco Testing and Research for Regulation – INTTaRR.

- Legislation:

Resolution RDC n. 46 of March 28 2001

- Establishes the maximum percentage of tar, nicotine and carbon monoxide allowed;
- Prohibits the use of printed names as “light, extra light, smooth, low tar” and alike in relation to any cigarette brand commercialized in the country. No cigarette packs should be sold containing the above printed terms, as such terms mislead the consumers’ to an interpretation of lower toxicity.

Resolution RDC n. 90 of December 27 2007

- Revokes Resolution RDC 346/2003;
- Regulation and procedures that should be observed in petitions for the registration and renewal of registration of data of any tobacco-related product.

Packaging and labelling of tobacco products (11.1(a) - 11.3):

Brazil has been the first country in the world to ban the use of printed names as “light, extra light, smooth, low tar” and alike. Brazil has been the second Country to mandate the insertion of warnings on the packages, thus being one of the proposed actions as per details shown on resolution relative to the WHO Framework Convention on Tobacco Control (WHO/ FCTC).

- Legislation:

Constituição da República Federativa do Brasil (Federal Constitution – published on October 05, 1988)

- Determines that all tobacco advertising is subjected to legal restrictions and must bear warnings about the harmful results from its use.

Provisory Measure n. 2.190-34 (August 23, 2001)

- Alters the provisions contained in Law 9.294, of July 15, 1996, and determines that all propaganda and advertising material as well as all packaging of tobacco products, except those for exporting, must bear health warnings accompanied by picture images.

Resolution RDC n. 335 of January 17, 2003

- Alters Resolution RDC 104/2001 and Resolution RDC 14/2003;
- Mandates the insertion of new warnings, accompanied by picture images, on packaging and in all propaganda and advertising material of tobacco products.
- Determines the printing of the following sentence on the packaging of smoking products: “Forbidden sale to individuals below 18 years of age – Federal Law n.

8.069/1990 and *Law 10.702/2003*". Prohibits the use of phrases such as "only for adults"

- Alters Resolution RDC 46/2001, mandates the impression of the following information on the packs of cigarettes: "This product contains more than 4,700 toxic substances, and nicotine that causes physical or mental dependence. There are no safe levels for consumption of these substances."

Tobacco advertising, promotion and sponsorship (13.2 - 13.4(f)):

In 2000, tobacco advertising was restricted to posters, panels and placards displayed inside sales places. So, tobacco advertising was prohibited on magazines, newspaper, television, radio and outdoors. The legislation also prohibits advertising through Internet, merchandising on television, cultural and sportive events sponsorship by tobacco products and other different forms of promotion. These rules have been accomplished countrywide.

The tobacco advertising and F1 events transmitted on television must be accompanied by health warnings about tobacco use harms.

Brazil has been one of the few countries to publish tobacco products' advertising control legislation. Such proposal is a demand of WHO Framework Convention on Tobacco Control.

- Legislation:

Constituição da República Federativa do Brasil (Federal Constitution – published on October 05, 1988)

- Determines that the advertising of tobacco shall be subjected to legal restrictions and must bear warnings about the harmful effects resulting from tobacco use.

Law 8.068, of September 11, 1990 – Consumer's Defense and Protection Code

- Prohibits misleading advertising.

Law 9.294 of July 2, 1996

- Sets forth restrictions on the use and advertising of smoking products, alcoholic beverages, medicines, therapeutic remedies and pesticides.

Law 10.167 of December 27, 2000

- Alters the provisions contained in Law 9.294, of July 15, 1996, that restricts the advertising/propaganda of tobacco products to posters, billboards and alike inside points of sale. Prohibits advertising/propaganda/promotion in magazines, newspapers, television, radio, outdoors and any other kind of mass media.
- Alters the provisions contained in Law 9.294, defining the monetary value of the fine to be applied in case of non-compliance. Defines the competent bodies to enforce the law as well as to monitor its compliance.

- Prohibits propaganda/advertising through electronic means, including Internet, the so-called indirect propaganda/advertising or promotion, also called merchandising, as well as advertising in stadiums, track fields, or similar places.
- Prohibits the sponsorship of national cultural and sporting events.

Resolution RDC n. 15 of January 17th 2003

- Regulates provisions set forth by Law 9294 of 1996;
- Defines the concepts of the terms “tobacco products propaganda and advertising” and the “inside the points of sale”;
- Prohibits the sale of tobacco products on the Internet.

Law 10.702 of July 14, 2003

- Alters provisions contained in Law 9.294, prohibiting the sponsorship of international sporting events by cigarettes brands after September 30, 2005.
- Mandates the use of warning messages during the broadcasting of international sporting events, at intervals of fifteen minutes.
- The Ministry of Health is responsible for the placement of fixed health messages about the harmful effects of smoking at the beginning and the end of a cultural or sporting event on TV.

Resolution RDC n. 199 of July 24, 2003

- Regulates Law 10.702 of 2003 upon the mandatory use of warning messages during the broadcasting inside Brazil of any international cultural and sporting event.

Resolution RDC n. 335 of January 17th 2003

- Alters Resolution RDC 104/2001 and Resolution RDC 14/2003.

6. Programmes and plans

i. Core questions

Brazilian Tobacco Control Program - <http://www.inca.gov.br/tabagismo/>

"Tobacco Control in Brazil":

<http://siteresources.worldbank.org/BRAZILEXTN/Resources/TobaccoControlinBrazilenglishFinal.pdf?resourceurlname=TobaccoControlinBrazilenglishFinal.pdf>

Decree of August 1st 2003

- Creates the National Committee for the Implementation of Framework Convention on Tobacco Control, composed by 16 Ministries.