

M.O., 2008**Order number AM 2008-010 of the Minister of Health and Social Services dated 11 July 2008**

Tobacco Act
(R.S.Q., c. T-0.01)

Regulation respecting the warning attributed to the Minister of Health and Social Services concerning the harmful effects of tobacco on health

THE MINISTER OF HEALTH AND SOCIAL SERVICES,

CONSIDERING the third paragraph of section 24 of the Tobacco Act (R.S.Q., c. T-0.01), which provides that advertising disseminated in printed newspapers or magazines that have an adult readership of not less than 85% must include the warning attributed to the Minister of Health and Social Services and prescribed by regulation concerning the harmful effects of tobacco on health;

CONSIDERING section 25.1 of the Act, which provides that the Minister may, by regulation, determine the wording of, and standards applicable to, the warning required under the third paragraph of section 24;

CONSIDERING the publication in Part 2 of the *Gazette officielle du Québec* of 5 March 2008, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), of a draft of the Regulation respecting the warning attributed to the Minister of Health and Social Services concerning the harmful effects of tobacco on health with a notice that it could be made by the Minister on the expiry of 45 days following that publication;

CONSIDERING that the 45-day period has expired;

CONSIDERING that it is expedient to make the Regulation with amendments after consideration of comments received following the publication;

ORDERS AS FOLLOWS :

The Regulation respecting the warning attributed to the Minister of Health and Social Services concerning the harmful effects of tobacco on health, the text of which is attached to this Minister's Order, is hereby made.

Québec, 11 July 2008

YVES BOLDUC,
Minister of Health and Social Services

Regulation respecting the warning attributed to the Minister of Health and Social Services concerning the harmful effects of tobacco on health

Tobacco Act
(R.S.Q., c. T-0.01, s. 25.1)

1. Advertising disseminated in a printed newspaper or magazine in accordance with section 4 of the Regulation under the Tobacco Act, made by Order in Council 704-2008 dated 25 June 2008, must include one of the warnings in the Schedule to this Regulation based on the surface area of the advertising, the product concerned in the advertising and the language in which the newspaper or magazine is published.

The warnings exist in 3 formats and each format includes 2 types.

2. Advertisements having a surface area of 100 cm² or less must include a warning in Format 1. Advertisements having a surface area of more than 100 cm² and less than 200 cm², and advertisements having a surface area of 200 cm² or more must include a warning in Format 2 or Format 3, respectively.

The format of the warning determined pursuant to the first paragraph must be Type A, except if the advertisement concerns a product considered to be tobacco under section 1 of the Regulation under the Tobacco Act, in which case, the format of the warning must be Type B.

3. The warning determined pursuant to section 2 must be placed in the upper left corner of the advertisement. The warning must be adjacent to the left and upper borders of the advertisement.

It must be downloaded from the Ministère de la Santé et des Services sociaux website at the following address: <http://www.msss.gouv.qc.ca/loi-tabac> and must not be altered after the downloading.

4. The warning downloaded pursuant to the second paragraph of section 3 must be in French when the advertisement is disseminated in a French-language printed newspaper or magazine and must be in French or English when the advertisement is disseminated in an English-language newspaper or magazine. If the advertisement is disseminated in a newspaper or magazine published in a language other than French or English, the warning must be in French or in the other language but, in the latter case, only if it is available on the Ministère de la Santé et des Services sociaux website.

5. The violation of any of sections 1 to 4 constitutes an offence.

6. This Regulation comes into force on the sixtieth day following the date of its publication in the *Gazette officielle du Québec*.

SCHEDULE

WARNING IN FORMAT 1

Type A



Type B



WARNING IN FORMAT 2

Type A



Type B



WARNING IN FORMAT 3

Type A



WARNING IN FORMAT 3

Type B

