



Notification Number: 2009/68/F

## Draft decree on the composition of flavoured cigarettes whose sale, distribution or supply free of charge is prohibited

Date received : 03/02/2009  
End of Standstill : 04/05/2009 ( 04/08/2009)  
Issue of detailed opinion by : Hungary

### Message

Message 002

Communication from the Commission - SG(2009) D/50262  
Directive 98/34/EC  
Translation of the message 001  
Notification: 2009/0068/F

No abre el plazo - Ne zahajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Nao inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - He ce предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 200900262.EN)

#### 1. Structured Information Line

MSG 002 IND 2009 0068 F EN 04-05-2009 03-02-2009 F NOTIF 04-05-2009

#### 2. Member State

F

#### 3. Department Responsible

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#### 3. Originating Department

Ministère de la santé et des sports



Direction générale de la santé  
Sous-direction de la promotion de la santé  
Et de la prévention des maladies chroniques  
Bureau des pratiques addictives (MC2)  
14, avenue Duquesne - 75350 PARIS 07 SP

#### **4. Notification Number**

2009/68/F - XOOM

#### **5. Title**

Draft decree on the composition of flavoured cigarettes whose sale, distribution or supply free of charge is prohibited

#### **6. Products Concerned**

Flavoured cigarettes

#### **7. Notification Under Another Act**

-

#### **8. Main Content**

Article 25 of the draft law on hospital reforms, patients, health & territories amends Article L.3511-2 of the public health code, banning sweet-flavoured cigarettes.

To do so, it refers to a decree on the identification of ingredients used in such cigarettes and their content levels to qualify this type of cigarette.

Following analysis of the different products concerned and comparison with more traditional cigarettes, it was revealed that three ingredients made these cigarettes attractive by masking their bitterness and making them taste like sweets:

- vanillin and ethyl vanillin at content levels above 0.05%,
- sweeteners, regardless of content level, as they are applied to the cigarette paper.

#### **9. Brief Statement of Grounds**

There are a number of cigarette brands on the French market that have a flavour different to conventional cigarettes. Some are flavoured with vanilla and others with sweet chocolate (coloured black or candy pink) and they have become worryingly popular among younger secondary-school-age children.

Unknown to adults, these cigarettes contain at least as much nicotine and tar as conventional cigarettes. Sweet-flavoured cigarettes are a tangible threat to public health. They are clearly aimed at young people. As with adding sugar to the premix, sweet flavourings make it possible to mask the bitterness of cigarettes for first-time smokers and establish a nicotine dependence. The sweet taste and packaging styles have a reassuring effect on secondary school age children, more than half of whom believe that flavoured cigarettes are less harmful than other cigarettes. It has been proven that the earlier a person starts smoking, the higher the risk of dependence.

The aim of this measure is to reduce smoking among young people and to put back the age they start smoking.

#### **10. Reference Documents - Basic Texts**



Article 25 of the draft law on hospital reforms, patients, health & territories.

**11. Invocation of the Emergency Procedure**

NO

**12. Grounds for the Emergency**

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**13. Confidentiality**

NO

**14. Fiscal measures**

NO

**15. Impact assessment**

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**16. TBT and SPS aspects**

TBT aspect

a) NO

The draft does not have a significant effect on international trade.

SPS aspect

a) NO

b)

The draft is not a sanitary or phytosanitary measure in the sense given in Annex A of the SPS Agreement.

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