

Annex. Report Guide:

Relevant documentations

Note:

1. This Annex contains definitions of the terms used in the report, relevant legislations, and other supplemental documents that may be helpful to understand the report better.
2. The item numbers in the Annex are the corresponding question numbers in the report.

- List of Contents -

Question No	Page
3. i. (a)	2
(d)	2
4. (b)	3
5. i. core questions	9
Article 6.2(b)	9
Article 8.2	12
Article 10	13
Article 15	19
Article 15.4(b)&15.4(e)	20
Article 15.7	25
Article 16	30
Article 16.1&16.2	32
Article 16.3	34
Article 16.6	35
ii. optional questions	37
Article 9	37
Article 11.1(b)&11.1(b)(i)&11.3	39
Article 11.1(b)(ii)	41
Article 11.1(b)(iv)	42
Article 11.1(b)(v)	43
Article 11.2	44
Article 13.3	45
Article 13.4(a)	48
Article 13.4(b)	49
Article 13.4(c)	52
6 i. core questions	54
Article 12(a)	85
Article 14.1	87

3. Tobacco Use

i. Prevalence

(a)

- Definition of "Daily smoker": Everyday smokers who have smoked more than 100 cigarettes in their lifetime

- Definition of "occasional smoker": Those who have smoked more than 100 cigarettes in their lifetime and answered "occasionally" to the following question:

"Do you smoke? Yes, everyday/Yes, occasionally/Not currently"

- Definition of "smoking population" in the average number of cigarettes smoked per day by the smoking population: Daily smokers

(d)

- Definition of youth age: The age was approximated to the school year which was the inclusion criteria of the data.

- Data source: Center for Disease Control, Youth Risk Behavior Survey, 2005.

4. Taxation

(b) Relevant documentation

NATIONAL HEALTH PROMOTION ACT

Article 23 (Imposition and Collection, etc. of Charges for National Health Promotion)

(1) The Minister of Health and Welfare shall impose and collect charges of KRW 354 per 20 pieces of cigarettes (excluding those with respect to which the tobacco consumption tax is exempted under Article 232 of the Local Tax Act or the amount of the tobacco consumption tax is deducted or refunded under Article 233-9 (1) 1 and 2 of the same Act or of which the sales price is not higher than KRW 200; hereinafter the same shall apply) (hereinafter referred to as the "charges") out of the tobacco under Article 2 of the Tobacco Business Act which the manufacturers, etc. sell. *<Amended by Act No. 7250, Dec. 30, 2004>*

(2) The manufacturers, etc. shall submit to the Minister of Health and Welfare materials for the quantity of cigarettes shipped out of the factory or bonded area from the first of each month till the end of each such month and for the details of the calculated charges, not later than the 15th of the following month.

(3) The Minister of Health and Welfare shall, upon receipt of the materials submitted under paragraph (2), notify the manufacturers, etc. that they should pay the charges concerned, specifying the amount of the charges and the time limit for payment thereof, within 5 days of such receipt.

(4) The manufacturers, etc. shall, upon receipt of the notice of payment under paragraph (3), pay the charges not later than the end of the month when they are notified.

(5) If a person who is liable for payment of charges fails to pay the charges within the time limit for payment under paragraph (4), the Minister of Health and Welfare shall urge it with a period of not less than 30 days fixed. In this case, additional dues equivalent to ten hundredths shall be imposed on the charges in arrears.

(6) If a person who has been urged under paragraph (5) fails to pay the charges and additional dues within the fixed period, the Minister of Health and Welfare shall collect them according to the examples of the disposition of national tax in arrears.

<This Article Wholly Amended by Act No. 6619, Jan. 19, 2002>

THE LOCAL TAX ACT

Article 229 (Tax Rates)

(1) The tax rates of the tobacco consumption tax shall be as follows: <Amended by Act No. 7843, Dec. 31, 2005>

1. Tobacco for smoking
 - (a) KRW 641 per the pack of 20 cigarettes of the Class 1;
 - (b) KRW 1,150 per 50 grams of the pipe tobacco of the Class 2;
 - (c) KRW 3,270 per 50 grams of the cigars of the Class 3; and
 - (d) KRW 1,150 per 50 grams of cut tobacco of Class 4;
2. Chewing tobacco: KRW 1,310 per 50 grams; and
3. Smelling tobacco; KRW 820 per 50 grams

(2) Notwithstanding the provisions of paragraph (1), in case of tobacco, whose sale price is not more than the amount as prescribed by the Presidential Decree, the rate of tax shall be zero. <Amended by Act No. 6460, Apr. 7, 2001>

(2) Obsolete/Deleted. <by Act No. 7843, Dec. 31, 2005> <<Enforcement Date: Jul. 1, 2006>>

(3) The tax rates as provided for in paragraph (1) may be adjusted by the Presidential Decree within the limit of 30/100 of the tax rates.

<This Article Newly Inserted by Act No. 4028, Dec. 26, 1988>

SECTION 5 Local Education Tax

Article 260-2 (Persons Liable for Tax Payment)

In order to ensure the funds for expansion of local education finance necessary for improving the quality of local education, any person liable for the payment of the registration tax (excluding the registration tax imposed on registration of automobiles under [Article 196-2](#)), leisure tax, per capita resident tax, property tax, automobile tax (excluding the State or local governments) on non-business passenger automobiles (including other non-business passenger automobiles), tobacco consumption tax under this Act shall be liable to pay the local education tax. <Amended by Act No. 6549, Dec. 29, 2001; Act No. 7332, Jan. 5, 2005>

[This Article Newly Inserted by Act No. 6312, Dec. 29, 2000]

Article 260-3 (Tax Base and Tax Rate)

(1) The local education tax amount shall be calculated by multiplying the tax base by the corresponding tax rates in the following subparagraphs: <Amended by Act No. 6549, Dec. 29, 2001; Act No. 7332, Jan. 5, 2005; Act No. 7843, Dec. 31, 2005>

Classification	Tax Base	Tax Rate
1	Registration tax amount under this Act	20/100
2	Leisure tax amount under this Act	40/100
3	Per capita resident tax amount under this Act	10/100; but, 25/100 in a city with a population of 500,000 or more persons
4	Property tax amount under this Act	20/100
5	Automobile tax amount under this Act	30/100
6	Tobacco consumption tax amount under this Act	50/100

<The amended provisions of subparagraph 6 of the table of this paragraph shall lose their effect on and after Jan. 1, 2011 in accordance with [Article 2](#) (2) of the Addenda of the Act No. 6312 dated Dec. 29, 2000>

(2) The head of a local government may adjust the local education tax rate within 50/100 of the standard tax rates in paragraph (1) (excluding subparagraph 2) under the conditions as provided for in the Municipal Ordinance of the concerned local government, if such adjustment is necessary for raising the funds for investment in the local education.

(3) In applying subparagraph 3 of the table under paragraph (1) to a *Si* which is of the urban and rural complex type, the term "city with a population of 500,000 or more persons" means the *Dong* area of 500,000 or more persons, and the tax rate of 10/100 shall be applied to *Eup/Myeon* areas within such a city.

[This Article Newly Inserted by Act No. 6312, Dec. 29, 2000]

Enforcement Decree of the Tobacco Business Act

Article 17 (Contribution for Non-profit public organization)

- Obsolete/Deleted <2002.1.31>
- Pursuant to Article 25, Sections 3 and 4, the monetary contribution/endowment by a manufacturer for the purpose of the agriculture technical development for tobacco farmers is KRW 15 per 20 pieces for the cigarettes (pursuant to Local Taxation Law, Article 232, cigarettes that are exempted from tobacco sales tax and that are sold by manufacturers with the sales price of KRW 200 or less are not applicable) manufactured and sold by the manufacturer. <Amended 2002.10.30 & 2004.12.30.>
- The manufacturer shall make a payment/contribution, calculated according to the Article 2 of the Regulations for those cigarettes exported/sold during the period from the 1st day through the last day of each month, to a non-profit public organization established by the Article 25, Sections 3 and 4 by the last day of the following month <Amended 2002.1.31 & 2002.10.30>

ENFORCEMENT DECREE OF THE ACT ON THE PROMOTION OF SAVING AND RECYCLING OF RESOURCES

Article 10 (Items Subject to Imposition of Waste Charges)

(1) Goods, materials and containers which are subject to the imposition of costs needed to dispose of wastes there from (hereinafter referred to as "waste charges") which manufacturers or importers are liable to pay in accordance with [Article 12 \(1\) of the Act](#), shall be as follows:

<Amended by Presidential Decree No. 19006, Aug. 17, 2005>

1. Insecticides using bottles and plastic containers (excluding agrochemicals provided for in [Article 2 of the Agrochemicals Control Act](#)) and poisonous goods using metal cans, bottles and plastic containers;
2. Cosmetics using bottles
3. Antifreeze solutions (limited to antifreeze solutions used for automobiles provided for in subparagraph 1 of [Article 2 of the Automobile Management Act](#), vehicles provided for in the [Act on the Management of Military Supplies](#), construction machinery provided for in [Article 2 \(1\) 1 of the Construction Machinery Management Act](#) and agricultural machinery provided for in subparagraph 1 of Article 2 of the Agricultural Mechanization Promotion Act);
4. Chewing gums,
5. Disposable diapers,
6. Cigarettes (excluding any cigarette which is sold at the price of not more than KRW 200 for a pack and any other cigarette which is exempted from the cigarette consumption tax or for which the cigarette consumption tax is refunded under [Articles 231, 232](#) and [233-9 of the Local Tax Act](#)); and

7. Plastic goods falling under each of the following items (excluding plastic containers referred to in subparagraph 1):

(a) Primary plastic goods (referring to the goods that are made by the manufacturer of primary plastic goods under the Standard Industrial Classification);

(b) Plastic goods for construction (referring to the goods that are made by the manufacturer of plastic goods for construction under the Standard Industrial Classification);

(c) Plastic goods for package (referring to the goods that are made by the manufacturer of plastic goods for package under the Standard Industrial Classification);

(d) Plastic goods for assembling machinery and equipment (referring to the goods that are made by the manufacturer of plastic goods for assembling machinery and equipment under the Standard Industrial Classification);

(e) Other plastic goods (referring to the goods that are made by the manufacturer of other plastic goods under the Standard Industrial Classification); and

(f) Dolls, toys, amusement goods, office supplies, painting goods, furniture, strings, ropes, lighters, toothbrushes and razors (excluding any electric razor) that are all manufactured using plastic as raw materials.

(2) Goods, materials and containers falling under any of the following subparagraphs shall be excluded from the imposition of waste charges, notwithstanding paragraph (1): <Amended by Presidential Decree No. 19006, Aug. 17, 2005>

1. Goods, materials and containers that are made or imported by any manufacturer or any importer for the purpose of exporting them;

2. Samples of goods, materials and containers that are imported by any research institution or any organization provided for in [Article 7 \(1\) of the Technology Development Promotion Act](#) for the purpose of research; and

3. Plastic goods that are provided for in paragraph (1) 7 and fall under any of the following items:

(a) Plastic goods that are made by any manufacturer whose annual sales are not more than KRW 1 billion; and

(b) Plastic goods that are imported by any importer at not more than US \$9,000

VALUE-ADDED TAX ACT

Article 1 (Taxable Objects)

(1) Value-added taxes shall be imposed on the transactions falling under the following subparagraphs:

1. Supply of goods or services; and
2. Import of goods.

(2) The term "goods" in paragraph (1) means all tangible things and intangible things which have property value.

(3) The term "services" in paragraph (1) means all services and activities other than goods, which have property value.

(4) The supply of goods or services indispensably annexed to the supply of goods which is the main transaction shall be deemed to be included in such supply of goods, and the supply of goods or services indispensably annexed to the supply of services which is the main transaction shall be deemed to be included in such supply of services.

(5) Necessary matters concerning the scope of goods or services as referred to in paragraph (1) shall be prescribed by the Presidential Decree.

5. Legislative, executive, administrative, and other measures

i. Core questions

Article 6.2(b) Price and tax measures to reduce the demand for tobacco

THE LOCAL TAX ACT

Article 232 (Exemption from Taxation)

(1) The tobacco consumption tax shall be exempted in case where a manufacturer or import distributor offers tobacco for any of the following purposes: *<Amended by Act No. 6460, Apr. 7, 2001>*

1. Export;
2. Supply to the armed forces, combatant police, guards and wardens of correctional institutions and foreign armed forces in Korea;
3. Sale in bonded areas;
4. Sale to the crew of ocean-going ships and deep-sea fishing vessels;
5. Sale to passengers of airplanes or passenger ships placed on the international lines;
6. For any experimental analysis and research; and
7. Other purposes as prescribed by the Presidential Decree.

(2) The tobacco consumption tax shall be exempted on tobacco which is brought in by a person, etc. who enters the country from a foreign country, and which is included in the limit as prescribed by the Presidential Decree. *<Amended by Act No. 6460, Apr. 7, 2001>*

[This Article Newly Inserted by Act No. 4028, Dec. 26, 1988]

ENFORCEMENT DECREE OF THE LOCAL TAX ACT

Article 176 (Scope of Tax Exemption for Tobacco Carried in by Passengers from Foreign Country)

(1) The limit of the tax exemption for tobacco prescribed by the Presidential Decree as provided in [Article 232 \(2\) of the Act](#) shall be as follows: *<Amended by Presidential Decree No. 13919, Jun. 29, 1993; Presidential Decree No. 17267, Jun. 30, 2001>*

<i>Kinds of Tobacco</i>	<i>Amount</i>
· <i>Cigarette</i>	<i>200 pieces</i>
· <i>Cigar</i>	<i>50 pieces</i>
· <i>Other tobacco</i>	<i>250 grams</i>

(2) The term "tobacco carried in by the passenger from foreign countries" in [Article 232 \(2\) of the Act](#) means tobacco carried in as travellers' belongings, as a package sent separately by post, or as a consignment. <Amended by Presidential Decree No. 17267, Jun. 30, 2001>

[This Article Newly Inserted by Presidential Decree No. 12573, Dec. 31, 1988]

NATIONAL HEALTH PROMOTION ACT

Article 23 (Imposition and Collection, etc. of Charges for National Health Promotion)

(1) The Minister of Health and Welfare shall impose and collect charges of 354 won per 20 pieces of cigarettes (excluding those with respect to which the tobacco consumption tax is exempted under [Article 232 of the Local Tax Act](#) or the amount of the tobacco consumption tax is deducted or refunded under [Article 233-9 \(1\) 1 and 2 of the same Act](#) or of which the sales price is not higher than 200 won; hereinafter the same shall apply) (hereinafter referred to as the "charges") out of the tobacco under [Article 2 of the Tobacco Business Act](#) which the manufacturers, etc. sell. <Amended by Act No. 7250, Dec. 30, 2004>

(2) The manufacturers, etc. shall submit to the Minister of Health and Welfare materials for the quantity of cigarettes shipped out of the factory or bonded area from the first of each month till the end of each such month and for the details of the calculated charges, not later than the 15th of the following month.

(3) The Minister of Health and Welfare shall, upon receipt of the materials submitted under paragraph (2), notify the manufacturers, etc. that they should pay the charges concerned, specifying the amount of the charges and the time limit for payment thereof, within 5 days of such receipt.

VALUE-ADDED TAX ACT

Article 12 (Tax Exemption)

(1) The supply of such goods or services as provided in any of the following subparagraphs shall be exempted from value-added taxes: <Amended by Act No. 3273, Dec. 13, 1980; Act No. 4023, Dec. 26, 1988; Act No. 4663, Dec. 31, 1993; Act No. 5585, Dec. 28, 1998; Act No. 6049, Dec. 28, 1999; Act No.

6460, Apr. 7, 2001; Act No. 6905, May 29, 2003; Act No. 7007, Dec. 30, 2003>

9. Tobacco under [Article 2 of the Tobacco Business Act](#) and which falls under any of the following items:
 - (a) Tobacco whose selling price under [Article 18 \(1\) of the Tobacco Business Act](#) is not more than the amount of money as prescribed by the Presidential Decree; and
 - (b) Tobacco for special use under [Article 19 of the Tobacco Business Act](#), which is prescribed by the Presidential Decree

ENFORCEMENT DECREE OF THE ACT ON THE PROMOTION OF SAVING AND RECYCLING OF RESOURCES

Article 10 (Items Subject to Imposition of Waste Charges)

(1) Goods, materials and containers which are subject to the imposition of costs needed to dispose of wastes therefrom (hereinafter referred to as "waste charges") which manufacturers or importers are liable to pay in accordance with [Article 12 \(1\) of the Act](#), shall be as follows: <Amended by Presidential Decree No. 19006, Aug. 17, 2005>

6. Cigarettes (excluding any cigarette which is sold at the price of not more than 200 won for a pack and any other cigarette which is exempted from the cigarette consumption tax or for which the cigarette consumption tax is refunded under [Articles 231, 232](#) and [233-9 of the Local Tax Act](#));

Enforcement Decree of the Tobacco Business Act

Article 17 (Contribution for Non-profit public organization) obsolete/deleted <2002.1.31>

Pursuant to Article 25, Sections 3 and 4, the monetary contribution/endowment by a manufacturer for the purpose of the agriculture technical development for tobacco farmers is KRW 15 per 20 pieces for the cigarettes (pursuant to Local Taxation Law, Article 232, cigarettes that are exempted from tobacco sales tax and that are sold by manufacturers with the sales price of KRW 200 or less are not applicable) manufactured and sold by the manufacturer. <Amended 2002. 10.30, 2004. 12. 30>

Article 8.2 Protection from exposure to tobacco smoke

NATIONAL HEALTH PROMOTION ACT

Article 9 (Measures for Anti-Smoking)

(2) Authorized retailers and other sales agents of tobacco, referred to in the [Tobacco Business Act](#), shall not keep tobacco vending machines and sell tobacco at locations other than those prescribed by the Presidential Decree.

(3) Any person who sells tobacco by installing tobacco vending machines at the place as prescribed by the Presidential Decree pursuant to the provisions of paragraph (2), shall attach an adult recognizing device thereto under the conditions as stipulated by the Ordinance of the Ministry of Health and Welfare. *<Newly Inserted by Act No. 6952, Jul. 29, 2003>*

(4) Owners, occupants or managers of public-use facilities prescribed by the Ordinance of the Ministry of Health and Welfare shall designate the whole of such facilities as non-smoking area, or categorize such facilities into non-smoking areas and smoking areas which are to be designated as such. In this case, the owners, occupants, or managers of facilities whose area is designated as smoking area shall follow the standards for establishment as prescribed by the Ordinance of the Ministry of Health and Welfare, including installing ventilation facilities and partitions in such smoking area. *<Amended by Act No. 5454, Dec. 13, 1997; Act No. 6619, Jan. 19, 2002>*

(5) Users of the facilities referred to in paragraph (4) may not smoke in non-smoking areas

(6) The designation standard, methods, etc. of the whole area of facilities as non-smoking area, or the categorization and designation standards, methods, etc. of the facilities into non-smoking and smoking areas under paragraph (4) shall be prescribed by the Ordinance of the Ministry of Health and Welfare. *<Newly Inserted by Act No. 6619, Jan. 19, 2002>*

Article 10. Regulation of tobacco products disclosures

TOBACCO BUSINESS ACT

Article 25-2 (Indication of Tobacco Ingredients)

(1) A manufacturer and an import and sale business operator shall indicate the major ingredients and their contents in the smoke of one cigarette on the wrapping paper of tobacco packs and the advertisements as prescribed by the Presidential Decree.

(2) A manufacturer and an import and sale business operator shall entrust the measurement agency designated by the Minister of Finance and Economy with a measurement of ingredients of tobacco by items every quarter within one month after beginning the quarter, with regard to the tobacco that is sold.
<Newly Inserted by Act No. 7067, Jan. 20, 2004>

(3) Kinds of ingredients, criteria for measurement, designation of measuring agency, method of indication, scope of allowable errors, omission of indication of ingredients, which are to be indicated under paragraph (1), and other matters necessary for indication of ingredients, shall be prescribed by the Presidential Decree.

(4) The provisions of [Article 25](#) (3) shall apply *mutatis mutandis* to a case where there exists no indication of ingredients and their contents under paragraph (1), and where the contents of indicated ingredients are in excess of the scope of allowable errors.

[This Article Newly Inserted by Act No. 6625, Jan. 26, 2002]

Article 25-3 (Participation of Manufacturers, etc. in Public Activities)

(1) The Minister of Finance and Economy may have a manufacturer carry out directly public activities, such as public health, medical care, protection of environment, etc., and projects such as the support for tobacco cultivation, within a limit of 20 won per 20 cigarettes which he sells, under the conditions as determined by the Ordinance of the Ministry of Finance and Economy, or make a contribution to those carrying out such projects. <Amended by Act No. 5454, Dec. 13, 1997; Act No. 6078, Dec. 31, 1999; Act No. 6460, Apr. 7, 2001>

(2) Any import and sale business operator may carry out directly such public activities as referred to in paragraph (1), or make any contribution to those who carry out such activities. In this case, the provisions of paragraph (1) shall apply *mutatis mutandis*.

(3) The Minister of Finance and Economy shall consult with the heads of related central administrative agencies about fundamental matters concerning the activities carried out by a manufacturer or an import and sale business operator under paragraphs (1) and (2). <Amended by Act No. 5454, Dec. 13, 1997; Act No. 6078, Dec. 31, 1999; Act No. 6460, Apr. 7, 2001>

(4) A person who intends to run the business directly supporting the development of agricultural technology of tobacco cultivators with the contribution from manufacturers under paragraph (1) shall establish a corporation by obtaining an approval of the Minister of Finance and Economy. <Newly Inserted by Act No. 6460, Apr. 7, 2001>

(5) The provisions concerning the foundation in the [Civil Act](#) shall apply *mutatis mutandis* to the establishment and operation of the corporation under paragraph (4) except for those as otherwise provided in this Act. <Newly Inserted by Act No. 6460, Apr. 7, 2001>

[This Article Newly Inserted by Act No. 4682, Dec. 31, 1993]

ENFORCEMENT DECREE OF THE TOBACCO BUSINESS ACT

Article 9-2 (Indication Criteria for Tobacco Ingredients)

Pursuant to the provisions of [Article 25-2 \(1\) of the Act](#), the major ingredients and their contents in the smoke of one cigarette shall be indicated on what are listed in any of the following subparagraphs:

1. One of both sides of the wrapping paper of tobacco pack.
2. Advertisements by stickers or posters to be posted in the business places of retailers; and
3. Advertisements in the magazines under [Article 9 \(1\) 2](#)

[This Article Newly Inserted by Presidential Decree No. 17761, Oct. 23, 2002]

Article 9-3 (Types of Indicated Ingredients and Their Indication Methods)

(1) Types of ingredients to be indicated under the provisions of [Article 25-2 \(3\) of the Act](#) shall be tar and nicotine. <Amended by Presidential Decree No. 18445, Jun. 29, 2004>

(2) Matters necessary for the indication methods of tobacco ingredients under the provisions of paragraph (1) shall be stipulated by the Ordinance of the Ministry of Finance and Economy.

[This Article Newly Inserted by Presidential Decree No. 17761, Oct. 23, 2002]

Article 9-4 (Criteria for Measurement, etc. of Tobacco Ingredients)

(1) The criteria for measurement under the provisions of [Article 25-2 \(3\) of the Act](#) means the dependence on the test methods of tobacco smoke ingredients as determined by the International Organization for Standardization (ISO), and its definite measurement criteria shall be stipulated by the Ordinance of the Ministry of Finance and Economy. *<Amended by Presidential Decree No. 18445, Jun. 29, 2004>*

(2) Measurement cycles of tobacco ingredients under the provisions of paragraph (1), sample extraction methods for measurements, and other matters necessary for measurements shall be stipulated by the Ordinance of the Ministry of Finance and Economy.

[This Article Newly Inserted by Presidential Decree No. 17761, Oct. 23, 2002]

Article 9-5 (Designation of Measuring Agency)

(1) Any measuring agency under the provisions of [Article 25-2 \(3\) of the Act](#) may be designated by the Minister of Finance and Economy from among the persons authorized as the test or inspection agency for the field of tobacco smoke ingredients by the Korean Agency for Technology and Standards designated as the authorizing organization under the provisions of Article 23 (2) of the Framework Act on National Standards and of Article 16 (2) of the Enforcement Decree of the same Act. *<Amended by Presidential Decree No. 18445, Jun. 29, 2004>*

(2) Matters necessary for the designation of measuring agency under the provisions of paragraph (1) shall be stipulated by the Ordinance of the Ministry of Finance and Economy.

[This Article Newly Inserted by Presidential Decree No. 17761, Oct. 23, 2002]

Article 9-6 (Scope of Allowable Errors)

(1) The scope of allowable errors in the indicated values of tobacco smoke ingredients under the provisions of [Article 25-2 \(3\) of the Act](#) shall be as follows: *<Amended by Presidential Decree No. 18445, Jun. 29, 2004>*

1. Tar:

In the case of over 5 milligrams: \pm within 20%

In the case of under 5 milligrams: \pm within 1 milligram

2. Nicotine:

In the case of over 0.5 milligrams: \pm within 20%

In the case of under 0.5 milligrams: ± within 0.1 milligram

(2) Whether or not exceeding the scope of allowable errors under the provisions of paragraph (1) shall be determined on the basis of values obtained by an arithmetic mean of each measured value which has been obtained by 4 consecutive measuring: *Provided*, That when the contents indicated under the provisions of [Articles 9-2](#) and [9-3](#) are altered before the measurements over 4 occasions have been achieved, it shall be determined on the basis of values obtained by an arithmetic mean of each measured value before such alterations.

[This Article Newly Inserted by Presidential Decree No. 17761, Oct. 23, 2002]

Article 9-7 (Omission of Tobacco Ingredient Indications)

The case where an indication of tobacco smoke ingredients may be omitted under the provisions of [Article 25-2 \(3\) of the Act](#) shall be limited to the cigars, pipe tobaccos, cut tobaccos, chewing tobaccos, and smelling tobaccos. *<Amended by Presidential Decree No. 18445, Jun. 29, 2004*

[This Article Newly Inserted by Presidential Decree No. 17761, Oct. 23, 2002]

Enforcement Decree of the Tobacco Business Act

Article 16(2) (Tobacco Ingredients Labeling Instruction)

Labeling instruction for tobacco ingredients, under the provisions of Article 9-3, Section 2, shall be based on Annex List 5 standards.

[This Article Newly Inserted on Oct. 23, 2002]

Article 16(3) (Tobacco Ingredient Measurement Criteria) Specific tobacco ingredient investigating criteria under the provisions of Article 9-4, Section 1 shall be follows.

1. Tar: ISO standard measurement 4387
2. Nicotine: ISO standard measurement 10315

[This Article Newly Inserted on Oct. 30, 2002]

Article 16-4 (Testing tobacco contents and report on results of the test) *<Amended 2004.6.29>*

□ Tobacco contents under the provision of Article 9-4, Section 2 shall be follows:

1. A test agency shall measure tobacco contents item by item every quarter and shall receive a request directly from a manufacturer and an import-distributor. However, if the testing agency

receives a report of ban on tobacco sales from a manufacturer or an import-distributor, the testing agency shall investigate tobacco contents one or more times from the date when the report is received

2. In the case of new tobacco products, a manufacturer and an import-distributor shall entrust the test agency for measurement of tobacco contents the first quarter right after the date of sales commencement that is registered under the provision of Article 6.

3. If there is any change in labeling of tobacco contents under the provision of Article 16-2, tobacco contents shall be measured the first quarter right after the date of sales commencement of tobacco packs with changed contents.

□ When a measurement agency completes measurement of tobacco ingredients, the result of report shall be provided to a manufacturer and import dealer in written statement.

□ Within 30 days of the end of a fiscal year, a measurement agency must report the investigation results by categories to the Minister of the Ministry of Finance & Economy ("the Minister"). However, if an average of each test results conducted in four (4) consecutive tests exceeds the range of allowable/permissible errors set forth in Article 9, Section 6 (1), the agency must immediately report (such finding) to the Minister.

□ If a manufacturer and an import-distributor have objection against the results under the provision of Section 2, a manufacturer and an import distributor shall appeal for re-measurement within 14 days from the date when the result report was received. In this case, investigating agency shall conduct re-measurement and shall report and submit to the Minister of the Ministry of Finance & Economy.

[This Article Newly Inserted on Oct. 30, 2002]

Article 16-5 (Selecting tobacco ingredients investigating agency, etc.)

□ If any person who desires to be selected as a tobacco ingredients measuring investigator under the provision of Article 9-5, Section 2, a person shall submit to the minister in Ministry of Finance and Economy the Application for Appointed Tobacco Ingredients Investigating Agency in Annex No.20 with documents relevant to each of the following items. In this case, if the Minister of the Ministry of Finance and Economy determines that an applicant is suited for the investigation tasks, the Minister shall deliver the appointment of tobacco ingredients measuring investigator in Annex No.21.

1. Copy of certificates for test or inspection of tobacco smoking ingredient fields is issued by an authorized agency under the provision of Article 9(5), Section 1

2. Status of workforce and test equipments for measuring operation

3. Articles for measurement fees/charges

4. Extract methods of cigarette sample articles under the provision of Article 16(4), Section 1, No.2

□ Selected measurement agency, under the provision of Article 1, shall submit the Application for Modification of Indicating Ingredients in Annex No.22 with the Application for Requesting Tobacco Ingredients Measurement Agency and relevant documents, which can prove modified ingredients, to the Minister of Ministry of Finance & Economy within 30 days from the date of the case is occurred.

1. Delegates
2. Name and Address of measurement agency
3. Measurement fees/charges
4. Extract methods of cigarette sample

[This Article Newly Inserted on Oct. 30, 2002]

[Annex List 5] <This Article Newly Inserted on Oct. 30, 2002>

The Methods for Presenting Tobacco Ingredients on Tobacco Packs

(Reference to Article 16-2)

1. Labeling Method

- a. Tar and Nicotine shall be labeled in Korean. Their contents shall be transcribed in one decimal place for Tar and two decimal places for Nicotine and milligram (mg) shall be used in unit measures.

«Examples»

-Tar 0.0 mg

-Nicotine 0.00 mg

- b. If any advertisement contains names or forms of two or more of product ingredients, tobacco ingredients shall be labeled item by item.
- c. If names or forms of each product item do not appear clearly in ads, ingredients of one or more items from all items intended for advertising shall be labeled

2. Size of labeling

- a. In the case of size of individual tobacco packs, ingredients labeling shall be placed in 5/100 or more area of the total side area of packs.
- b. Size of tobacco advertisement in magazine shall be follows.

(Standard of each item/unit: mm)

Area of Advertisement	Standard size	Size of labeling
Over B ₄	Over 257×364	Over 34×8
B ₄	257×364	34×8
A ₄	297×210	28×6
B ₅	257×182	24×6
A ₅	210×148	20×4
Below A ₅	Below 210×148	Below 20×4

c. The stickers or posters shall be clearly visible to the consumers depending on the size of an advertisement proportional to the size of the sign based on the dimensions of an advertisement determined by table in 2b.

3. Colors

Colors of ingredient labeling shall be complementary colors, which should be distinctive to colors of tobacco pack designs.

4. Fonts

Gothic lettering

5. Labeling Position

a. For individual tobacco packs, ingredient labeling shall be placed in either side of both side areas of packs.

b. For magazines, stickers and posters, labeling should be placed at the bottom of a page in each advertisement that is distinctively noticed.

Article 15. Illicit trade in tobacco products

Article 15.4 (b) & Article 15.4 (e)

TOBACCO BUSINESS ACT

Article 27 (Penal Provisions)

(1) Any person who has manufactured tobacco without obtaining a license for tobacco manufacturing business in contravention of [Article 11](#) shall be punished by imprisonment for not more than 3 years, or a fine not exceeding KRW 20 million.

(2) Any attempted crime under paragraph (1) shall be punished.

(3) In cases of paragraphs (1) and (2), the punishment of imprisonment and fine may be concurrently imposed.

[This Article Wholly Amended by Act No. 6460, Apr. 7, 2001]

Article 27-2 (Penal Provisions)

Any person who falls under any of the following subparagraphs shall be punished by imprisonment for not more than one year, or a fine not exceeding KRW 10 million: <Amended by Act No. 6625, Jan. 26, 2002; Act No. 7067, Jan. 20, 2004>

1. A person who has failed to file a report on transfer, takeover, etc. of tobacco manufacturing business in contravention of [Article 11-3](#) (1) or (3);
2. A person who has manufactured a substitute for tobacco in contravention of [Article 11](#);
3. A person who has manufactured or imported tobacco on which the words of warning under [Article 25](#) (1) are not indicated, or such words as violating thereof are indicated;
4. A person who has made any advertisement on tobacco in contravention of [Article 25](#) (2);
and
5. A person who has manufactured or imported tobacco on which the ingredients and their contents under [Article 25-2](#) (1) are not indicated, or the content of each ingredient is falsely indicated.

[This Article Newly Inserted by Act No. 6460, Apr. 7, 2001]

Article 27-3 (Penal Provisions)

Any person who falls under any of the following subparagraphs shall be punished by a fine not exceeding KRW 5 million: <Amended by Act No. 6625, Jan. 26, 2002; Act No. 7067, Jan. 20, 2004>

1. A person who has sold tobacco to consumers without obtaining a designation of retailer in contravention of [Article 12](#) (2);
- 1-2. A person who has sold tobacco, as a retailer, to consumers by means of a postal sale and digital transaction, in contravention of [Article 12](#) (3);
2. A person who has run tobacco import and sale business or tobacco wholesaler business without making a registration in contravention of [Article 13](#) (1);
3. A person who has failed to comply with the orders or measures required for correction, such as the removal of advertising materials under [Article 25](#) (3);
- 3-2. A person who has failed to comply with the orders or measures required for correction, such as restrictions, etc. on the import or sale of tobacco under [Article 25-2](#) (4); and
4. A person who has committed the acts of providing money, etc. in contravention of [Article 25-4](#).

[This Article Newly Inserted by Act No. 6460, Apr. 7, 2001]

Article 28 (Fine for Negligence)

(1) Any person who falls under each of the following subparagraphs shall be punished by a fine for negligence not exceeding KRW 2 million: <Amended by Act No. 7067, Jan. 20, 2004>

1. A person who has failed to file a report on the selling price (including a report on alterations) in contravention of the provisions of [Article 18](#) (1) or (2); and
2. A person who has failed to entrust a measurement of tobacco ingredients as referred to in [Article 25-2](#) (2): *Provided*, That such cases shall be excluded where deemed to be actually in the status of discontinuation of business.

(2) Any person who falls under any of the following subparagraphs shall be punished by a fine for negligence not exceeding KRW one million: <Amended by Act No. 4862, Dec. 31, 1993; Act No. 6460, Apr. 7, 2001; Act No. 7067, Jan. 20, 2004>

1. A retailer who sells tobacco in violation of the provisions of [Article 18](#) (5);
2. Obsolete/Deleted; and <by Act No. 6460, Apr. 7, 2001>
3. A retailer who has suspended his business in excess of the suspension period as prescribed by [Article 22-2](#) (2).

(3) Any person who falls under any of the following subparagraphs shall be punished by a fine for negligence not exceeding KRW 500,000: <Amended by Act No. 6460, Apr. 7, 2001>

1. Deleted; <by Act No. 6460, Apr. 7, 2001>
2. A person who has sold tobacco for special use for a different purpose, in violation of the provisions of [Article 19](#) (2); and
3. A person who has sold tobacco after changing the packing and contents thereof in violation of the provisions of [Article 20](#) (1).

Article 29 (Procedures for Imposition of Fine for Negligence)

(1) The Minister of Finance and Economy, the Mayor/*Do* governor or the head of *Sil/Gun/Gu* (hereafter referred to as the "imposition right holder" in this Article) shall impose and collect a fine for negligence under the provisions of [Article 28](#) according to their respective jurisdiction under the conditions as prescribed by the Presidential Decree. <Amended by Act No. 6078, Dec. 31, 1999>

(2) Any person who is dissatisfied with a disposition of a fine for negligence as referred to in paragraph (1) may raise an objection to an imposition right holder within thirty days from the date when he is aware of it. In this case, the imposition right holder shall notify without delay the competent court thereof, which shall, upon receiving the notification, bring the case of a fine for negligence to a trial under the noncontentious case litigation procedures. <Amended by Act No. 5454, Dec. 13, 1997; Act No. 6078, Dec. 31, 1999>

(3) If a fine for negligence is not paid without raising an objection within the period as referred to in paragraph (2), it shall be collected according to the examples of taking a disposition to collect national or local taxes in arrears. <Amended by Act No. 6078, Dec. 31, 1999>

Article 30 (Confiscation and Additional Collection)

(1) Any leaf tobacco and tobacco involved in the crime under [Articles 27](#), [27-2](#) and [27-3](#) shall be confiscated. <Amended by Act No. 6460, Apr. 7, 2001>

(2) If it is impossible to confiscate those items as referred to in paragraph (1), the value thereof shall be collected additionally.

(3) Deleted. <by Act No. 6460, Apr. 7, 2001>

Article 31 (Restriction on Application of Criminal Act)

With respect to those who have committed any crime as prescribed by this Act, the provisions of [Articles 9](#), [10](#) (2), [11](#), [16](#), [32](#) (2), [38 \(1\) 2 of the Criminal Act](#) concerning the restriction or aggravation of the

concurrency of fines, and those of [Article 53 of the said Act](#) shall not be applied: *Provided*, That this provisions shall not apply to imprisonment in a case where the criminal is to be punished by imprisonment or by both an imprisonment and fine.

Article 32 (Joint Penal Provisions)

If a representative of a juristic person, or an agent, employer, or other employee of a juristic person or an individual commits an offense as provided in [Articles 27, 27-2](#) and [27-3](#) with respect to affairs of the juristic person or the individual, the fine as provided in the said respective Article shall also be imposed on such a juristic person or individual, in addition to punishment of the offender. <Amended by Act No. 6460, Apr. 7, 2001>

CUSTOMS ACT

Article 235 (Protection of Intellectual Property Right)

(1) Any goods which infringe on any trademark right registered in accordance with the [Trademark Act](#) may not be exported or imported.

(2) The Commissioner of the Korea Customs Service may, when it is deemed necessary to efficiently crack down on goods which infringe on the trademark right, require any person who has registered the trademark right to report matters concerning such trademark right.

(3) The head of any customhouse shall, when goods whose export and import have been declared are deemed to have infringed on the trademark right reported under paragraph (2), notify a person who has reported such trademark right of the fact that the export and import declaration has been filed. In this case, the person who has reported the trademark right may, upon receiving the notification, offer security to the head of the customhouse and ask him to withhold customs clearance for the goods whose export and import declaration has been filed.

(4) Any person who intends to keep his trademark right protected may offer security to the head of any customhouse and ask him to withhold customs clearance for the relevant goods.

(5) The head of any customhouse shall, upon receiving a request filed in accordance with paragraphs (3) and (4), withhold customs clearance for the relevant goods unless special reasons exist that make it impossible for him to do so: *Provided*, That if any person who has filed an export and import declaration offers security and requests a customs clearance for the relevant goods, such customs clearance may be permitted.

(6) Necessary matters concerning the report on the trademark right, pledging of security, and withholding and permission, etc. of customs clearance under paragraphs (2) through (5) shall be prescribed by the Presidential Decree.

(7) The provisions of paragraphs (4) through (6) shall apply *mutatis mutandis* to any copyright prescribed by the [Copyright Act](#).

Article 269 (Offense of Smuggling)

(1) Any person who has exported or imported goods falling under each subparagraph of [Article 234](#) shall be punished by imprisonment with prison labor for not more than ten years or by a fine not exceeding KRW 20 million.

(2) Any person falling under any of the following subparagraphs shall be punished by imprisonment with prison labor for not more than five years or by a fine equivalent to ten times the amount of customs duties or the cost of the relevant goods, whichever is lower than the highest:

1. A person who has imported goods without filing an import declaration required by [Article 241](#) (1) and (2) or [244](#) (1): *Provided*, That the same shall not apply to any person who has filed a shipment report under [Article 253](#) (1); and
2. Any person who has imported goods which are different from those on which an import declaration is filed under [Article 241](#) (1) and (2) or [244](#) (1).

(3) Any person falling under any of the following subparagraphs shall be punished by imprisonment with prison labor for not more than three years or by a fine equivalent to the cost of the relevant goods:

1. A person who has exported or returned goods without filing a declaration as prescribed in [Article 241](#) (1) and (2); and
2. A person who has exported or returned goods which are different from those on which a declaration is filed under [Article 241](#) (1) and (2).

Article 15.7

TOBACCO BUSINESS ACT

Article 11 (License for Tobacco Manufacturing Business)

(1) A person who intends to operate the tobacco manufacturing business shall obtain a license of the Minister of Finance and Economy under the conditions as prescribed by the Presidential Decree. The same shall apply to the case where intending to alter any principal matters as prescribed by the Presidential Decree from among the licensed matters.

(2) The Minister of Finance and Economy shall grant the license in case where any person who intends to obtain the license for tobacco manufacturing business under paragraph (1) (hereinafter referring to the "tobacco manufacturing business license") satisfies the criteria for equity capital, facility standards, technological manpower, research and development of tobacco manufacturing technology, and quality control for the protection of national health, etc. as prescribed by the Presidential Decree.

[This Article Wholly Amended by Act No. 6460, Apr. 7, 2001]

Article 11-2 (Disqualification for Tobacco Manufacturing Business License)

Any person falling under one of the following subparagraphs shall be prohibited from obtaining the tobacco manufacturing business license:

1. A person of incompetence, quasi-incompetence or minor;
2. A person who has been sentenced to a bankruptcy and not reinstated as yet;
3. A person who has been consigned to an unsuspended sentence of imprisonment for violating this Act, and for whom less than one year has passed after the completion (including the case of deeming to be completed) of or exemption from its execution;
4. A person who is under a grace period after having been consigned to a suspended sentence of imprisonment for violating this Act;
5. A person for whom two years have not elapsed since a cancellation of the tobacco manufacturing business license under [Article 11-4](#); and
6. A corporation whose representative falls under one of subparagraphs 1 through 5

[This Article Newly Inserted by Act No. 6460, Apr. 7, 2001]

Article 11-3 (Transfer or Takeover, etc. of Tobacco Manufacturing Business)

(1) A person who has obtained a tobacco manufacturing business license (hereinafter referred to as the "manufacturer") shall, where he intends to transfer the tobacco manufacturing business or merge with another corporation, file a report thereon with the Minister of Finance and Economy under the conditions as determined by the Ordinance of the Ministry of Finance and Economy.

(2) Where there exists a report on transfer under paragraph (1), a person who has taken over the tobacco manufacturing business shall succeed to the manufacturer's status of the transferor of tobacco manufacturing business, and where there exists a report on merger of corporations, a corporation to be established or to survive by such merger shall succeed to the manufacturer's status of a corporation to be extinguished by such merger.

(3) In case where a manufacturer has died, if an heir intends to continue the tobacco manufacturing business, he shall file a report thereon with the Minister of Finance and Economy within 30 days after the date on which the decedent has died, under the conditions as determined by the Ordinance of the Ministry of Finance and Economy.

(4) In case where an heir has filed a report on succession under paragraph (3), the tobacco manufacturing business license for the decedent shall be deemed the tobacco manufacturing business license for the heir in the period from the date on which the decedent has died to the date of such report.

(5) An heir who has filed a report on succession under paragraph (3) shall succeed to the manufacturer's status of the decedent.

(6) The provisions of [Article 11-2](#) shall apply *mutatis mutandis* to the report under paragraphs (1) and (3).

[This Article Newly Inserted by Act No. 6460, Apr. 7, 2001]

Article 11-4 (Cancellation, etc. of Tobacco Manufacturing Business)

The Minister of Ministry of Finance & Economy may, where a manufacturer falls under one of the following subparagraphs, either cancel the tobacco manufacturing business license or order the suspension of such business by fixing the period of not more than one year: *Provided*, That where falling under subparagraphs 1 and 3, he shall cancel such license:

1. Where he has obtained the tobacco manufacturing business license by illegal means;
2. Where he falls short of the criteria for equity capital, facility standards, technological manpower, research and development of tobacco manufacturing technology, and quality control for the protection of national health, etc. under [Article 11](#) (2);

3. Where he falls under disqualification of each subparagraph of [Article 11-2](#): *Provided*, That it shall not apply to the case where the representative of a corporation falls under such causes, and he is replaced within six months; and
4. Where he violates this Act or the orders issued under this Act.

[This Article Newly Inserted by Act No. 6460, Apr. 7, 2001]

Article 12 (Sale of Tobacco)

(1) Tobacco manufactured by a manufacturer shall be sold by such manufacturer, and tobacco imported from foreign countries shall be sold by such import and sale business operator (referring to the person who has registered for a tobacco import and sale business under [Article 13](#) (1); hereinafter the same shall apply) to wholesalers (referring to persons who have registered for a wholesale business under [Article 13](#) (1); hereinafter the same shall apply) or retailers (referring to persons who are designated as retailers under [Article 16](#) (1); hereinafter the same shall apply). *<Amended by Act No. 6460, Apr. 7, 2001>*

(2) No person other than a retailer shall sell any tobacco to the consumers. *<Amended by Act No. 7067, Jan. 20, 2004>*

(3) Where any retailer sells tobacco to the consumers, they shall not sell it by means of postal sale and digital transaction (referring to the digital transaction as referred to in subparagraph 5 of [Article 2 of the Framework Act on Electronic Commerce](#); hereinafter the same shall apply). *<Newly Inserted by Act No. 7067, Jan. 20, 2004>*

Article 13 (Registration of Tobacco Sale Business)

(1) Any person who intends to run the business of importing and selling tobacco shall register his business with the Special Metropolitan City Mayor, Metropolitan City Mayor or *Do* governor (hereinafter referred to as the "Mayor/*Do* governor") having jurisdiction over the location of his head office or his principal office, and any person who intends to do the business of wholesaling tobacco (referring to the business of purchasing tobacco from the manufacturer or import and sale business operator and selling it to other wholesalers or retailers; hereinafter the same shall apply) shall register his business with the head of *Si/Gun* or autonomous *Gu* (hereinafter referred to as the "head of *Si/Gun/Gu*") having jurisdiction over the location of his head office or his principal office. The same shall also apply to the case where he intends to alter the important matters prescribed by the Ordinance of the Ministry of Finance and Economy from among the registered matters. *<Amended by Act No. 7067, Jan. 20, 2004>*

(2) Any person who intends to register his business in accordance with the provisions of paragraph (1) shall meet requirements prescribed by the Presidential Decree.

3) The Mayor/Do governor who has performed the duties of registering the business of importing and selling tobacco as referred to in paragraph (1) shall notify the Minister of Finance and Economy, the Minister of Government Administration and Home Affairs, the Minister of Health and Welfare, the Minister of Environment, the Commissioner of the Korea Customs Service, Chairman of the Juvenile Commission and other Mayors/Do governors respectively of such details within seven days from the date of registration. <Newly Inserted by Act No. 7067, Jan. 20, 2004; Act No. 7421, Mar. 24, 2005>

Article 14 (Disqualifications for Registration of Tobacco Sale Business)

Any person falling under one of the following subparagraphs shall be prohibited from registering the business of importing and selling tobacco or the business of wholesaling tobacco under [Article 13](#) (1): <Amended by Act No. 6460, Apr. 7, 2001>

1. A person of incompetence, quasi-incompetence or minor;
2. A person who has been sentenced to a bankruptcy and not reinstated as yet;
3. A person who has been consigned to an unsuspended sentence of imprisonment for violating this Act, and for whom less than one year has passed after the completion (including the case of deeming to be completed) of or exemption from its execution;
4. A person who is under a grace period after having been consigned to a suspended sentence of imprisonment for violating this Act;
5. A person for whom two years have not elapsed since a cancellation of the registration under [Article 15](#) (1); and
6. A corporation whose representative falls under one of subparagraphs 1 through 5

[This Article Wholly Amended by Act No. 6078, Dec. 31, 1999]

Article 15 (Cancellation, etc. of Registration of Tobacco Sale Business)

(1) The Mayor/Do governor or the head of *Si/Gun/Gu* shall, where any import and sale business operator or any wholesaler falls under any case of the following subparagraphs, cancel his business registration: <Amended by Act No. 6460, Apr. 7, 2001; Act No. 7067, Jan. 20, 2004>

1. Where he has registered his business in an illegal manner;
2. Where he falls under any subparagraph of [Article 14](#);
3. Where a person who has been subjected to a disposition taken to suspend his business twice for the recent five years falls again under any subparagraph of paragraph (3);
4. Where he is in the business during a period for which his business is suspended; and

5. Where he has failed to file a report on suspension or discontinuance of business as referred to in [Article 22-2](#) (1), and has failed to run the business for one year or longer.

(2) The provisions of paragraph (1) shall not apply where the representative of a juristic person replaces its representative within six months from the date on which he falls under subparagraph 6 of [Article 14](#), or until the date on which six months have elapsed from the date on which a successor to the status of the import and sale business operator or a wholesaler has come to fall under any of subparagraphs 1 through 5 of [Article 14](#). <Amended by Act No. 6460, Apr. 7, 2001; Act No. 7067, Jan. 20, 2004>

(3) The Mayor/Do governor or the head of *Si/Gun/Gu* may, where any import and sale business operator or any wholesaler falls under any of the following subparagraphs, order him to suspend his business for a fixed period not exceeding one year: <Amended by Act No. 6460, Apr. 7, 2001; Act No. 7067, Jan. 20, 2004>

1. Where he sells tobacco to any consumer in contravention of [Article 12](#) (2);
2. Where an import and sale business operator fails to report sale prices in accordance with the provisions of [Article 18](#) (1) or (2);
3. Where he commits a violation of the provisions of [Article 20](#) (1);
4. Where he continues to suspend his business for not less than 6 months without filing a report thereof in accordance with the provisions of [Article 22-2](#) (1);
5. Where he commits a violation of the provisions of [Article 25](#); and
6. Where he commits a violation of this Act or orders given under this Act.

[This Article Wholly Amended by Act No. 6078, Dec. 31, 1999]

Article 16 (Designation of Retailer)

(1) Any person who intends to do a tobacco retail business (referring to the business of selling directly to consumers) shall obtain a designation as a retailer of tobacco from the head of *Si/Gun/Gu* having jurisdiction over the location of the business place concerned. <Amended by Act No. 5454, Dec. 13, 1997; Act No. 6078, Dec. 31, 1999; Act No. 6460, Apr. 7, 2001; Act No. 7067, Jan. 20, 2004>

(2) Any person falling under any of the following subparagraphs shall be prohibited from being designated as a retailer of tobacco: <Amended by Act No. 6078, Dec. 31, 1999>

1. A person of incompetency, quasi-incompetency or minor;
2. A person who has been sentenced to a bankruptcy and not reinstated as yet;
3. A person who has been consigned to an unsuspended sentence of imprisonment for violating this Act, and for whom less than one year has passed since the completion (including the case of deeming to be completed) of or exemption from its execution;

4. A person who is under a grace period after having been consigned to a suspended sentence of imprisonment for violating this Act;
5. A person for whom two years have not elapsed since a cancellation of the designation under [Article 17](#) (1); and
6. A corporation whose representative falls under one of subparagraphs 1 through 5.

(3) With respect to a person who intends to sell tobacco at a place etc. where the juvenile (referring to the juvenile as referred to in subparagraph 1 of [Article 2 of the Juvenile Protection Act](#); hereinafter the same shall apply) may easily come close to tobacco or where deemed inappropriate for the business of selling tobacco, the head of *Si/Gun/Gu* may refrain from designating a retailer. <Amended by Act No. 5454, Dec. 13, 1997; Act No. 6078, Dec. 31, 1999; Act No 6460, Apr. 7, 2001; Act No. 7067, Jan. 20, 2004>

(4) Standards and procedures for the designation of retailers and other matters necessary for the designation shall be determined by the Ordinance of the Ministry of Finance and Economy. <Amended by Act No. 4682, Dec. 31, 1993; Act No. 5454, Dec. 13, 1997; Act No. 6078, Dec. 31, 1999>

Article 17 (Cancellation, etc. of Retailer Designation)

(1) The head of *Si/Gun/Gu* shall, if any retailer of tobacco falls under any case of the following subparagraphs, cancel the designation of his retail business: <Amended by Act No. 6460, Apr. 7, 2001; Act No. 7067, Jan. 20, 2004>

1. Where he obtains a designation of his retail business in an illegal manner;
2. Where he falls under any subparagraph of [Article 16](#) (2): *Provided*, That the same shall not apply to the case in which a representative of a juristic person falling under such cause is replaced within 6 months;
3. Where a person who has been subjected to a disposition taken to suspend his business twice for the recent five years falls again under any subparagraph of paragraph (2);
4. Where he continues his business during a period for which his business is suspended;
5. Where he has failed to do business for not less than 60 days without making any report on discontinuance or suspension of business; and
6. Where he has come, after having been designated as a retailer, to fall short of the criteria for designation as set by the Ordinance of the Ministry of Finance and Economy, as referred to in [Article 16](#) (4); *Provided*, That such cases shall be excluded where the reasons for falling short thereof are not imputable to the relevant retailer.

(2) The head of *Si/Gun/Gu* may, where any retailer of tobacco falls under any of the following subparagraphs, order him to suspend his business for a fixed period not exceeding one year:

<Amended by Act No. 6460, Apr. 7, 2001; Act No. 7067, Jan. 20, 2004>

1. Where he commits a violation of the provisions of [Article 18](#) (5);
2. Where he commits a violation of the provisions of [Article 20](#);
3. Where he fails to implement any corrective order or measure such as the removal of advertisements under the provisions of [Article 25](#) (3);
4. Where he fails to sell tobacco continuously without any justifiable reasons during a period prescribed by the Ordinance of the Ministry of Finance and Economy;
5. Where he sells tobacco to the juvenile; and
6. Where he commits a violation of this Act or of orders given under this Act.

(3) Matters necessary for the standards and procedures, etc. for the disposition of business suspension under paragraph (2) shall be determined by the Ordinance of the Ministry of Finance and Economy.

<Newly Inserted by Act No. 6460, Apr. 7, 2001>

[This Article Wholly Amended by Act No. 6078, Dec. 31, 1999]

Article 16. Sales to and by minors

Article 16.1 & Article 16.2

JUVENILE PROTECTION ACT

Article 2 (Definitions)

The definitions of terms used in this Act shall be as follows: <Amended by Act No. 5817, Feb. 5, 1999; Act No. 5942, Mar. 31, 1999; Act No. 6146, Jan. 12, 2000; Act No. 6460, Apr. 7, 2001; Act No. 6479, May 24, 2001; Act No. 7161, Jan. 29, 2004; Act No. 7423, Mar. 24, 2005>

1. The term "juvenile" means any person below full 19 years old: *Provided*, That any person who faces with January 1 of the year in which he becomes full 19 years old shall be excluded;
4. The term "drugs, etc. harmful to juveniles" means the drugs (hereinafter referred to as the "drugs harmful to juveniles") falling under (i) through (vii) of the following item (a), which are identified as hurtful to juveniles, and materials (hereinafter referred to as the "materials harmful to juveniles") falling under (i) or (ii) of the following item (b), which are identified as harmful to juveniles:
 - (a) The drugs harmful to juveniles:
 - (i) Alcoholic liquors under the [Liquor Tax Act](#);
 - (ii) Cigarettes under the [Tobacco Business Act](#);
 - (iii) Narcotics, psychotropic substances and hemp under the [Act on the Control of Narcotics, etc.](#);
 - (iv) and (v) Obsolete/Deleted; <by Act No. 6146, Jan. 12, 2000
 - (vi) Hallucinogen under the [Toxic Chemicals Control Act](#); and
 - (vii) Drugs which are feared to seriously damage juveniles mentally and physically if the use of them by the juveniles is not restricted, such as other drugs which act on the central nerve to cause the habit, toxicity and tolerance, etc., harmfully affecting human bodies, and which the Juvenile Committee identifies and publicly notifies after hearing the opinions from the related agencies pursuant to the standards as prescribed by the Presidential Decree; and

Article 26 (Protection of Juveniles from Drugs, etc. Harmful to Them)

(1) No one shall be permitted to sell, lend or distribute drugs, etc. harmful to juveniles by having the juveniles as the targets. In this case, such cases shall be included as they are sold, lent or distributed by

the automatic machine apparatus, unmanned sale apparatus or communications apparatus: *Provided*, That this shall not apply to those sold for the study, industry or medical treatment as prescribed by the Presidential Decree. <Amended by Act No. 6479, May 24, 2001>

(2) The Juvenile Committee shall prepare a table of the lists of the drugs harmful to juveniles and shall give notice of the table to the central government agencies related to drugs, etc. harmful to juveniles, guidance or supervisory agencies related to the protection of juveniles, and other related entities aiming at protecting juveniles. The Committee may, if necessary, give notice of the table to individuals, juristic persons or entities whose business is circulating drugs, and may, where requested, give notice of the table to the persons having parental power, etc. over juveniles. <Amended by Act No. 7423, Mar. 24, 2005>

(3) Methods of preparing the table of lists of drugs harmful to juveniles, time of notification, object of notification, and any other necessary matters referred to in paragraph (2), shall be prescribed by the Ordinance of the Prime Minister. <Amended by Act No. 5529, Feb. 28, 1998>

(4) The provisions of [Articles 14](#) through [16](#) shall apply *mutatis mutandis* to drugs, etc. harmful to juveniles.

Article 16.3

TOBACCO BUSINESS ACT

Article 20 (Prohibition of Use of Other Tobacco Packing Papers)

(1) No person shall sell tobacco with its packing and contents changed. *<Amended by Act No. 6460, Apr. 7, 2001>*

(2) Obsolete/Deleted. *<by Act No. 6460, Apr. 7, 2001>*

Article 16.6

JUVENILE PROTECTION ACT

Article 51 (Penal Provisions)

Any person falling under any of the following subparagraphs shall be punished by imprisonment for not more than two years or by a fine not exceeding KRW 10 million: <Amended by Act No. 5817, Feb. 5, 1999; Act No. 6479, May 24, 2001; Act No. 7161, Jan. 29, 2004; Act No. 7423, Mar. 24, 2005>

1. A person who has failed to stick indications on the media materials, establishments or drugs harmful to juveniles in violation of [Articles 14, 24](#) (5) and [26](#) (4);
2. A person who has failed to pack any media material harmful to juveniles in violation of [Article 15](#);
3. and 4. Obsolete/ Deleted; <by Act No. 7161, Jan. 29, 2004>
5. A person who has broadcasted any media material harmful to juveniles in violation of [Article 19](#);
6. A person who has installed, attached or distributed any advertisement in violation of [Article 20](#) (1);
7. A person who has allowed juveniles to enter harmful business places in violation of [Article 24](#) (2); and
8. A person who has sold the liquors under the [Liquor Tax Act](#) or the cigarettes under the [Tobacco Business Act](#) to juveniles in violation of [Article 26](#) (1).

NATIONAL HEALTH PROMOTION ACT

Article 34 (Fine for Negligence)

(1) A person falling under any of the following subparagraphs shall be punished by a fine for negligence of KRW 3 million or less: <Amended by Act No. 5856, Feb. 8, 1999; Act No. 6619, Jan. 19, 2002>

1. A person who keeps tobacco vending machines and sells tobacco in violation of the provisions of [Article 9](#) (2);
2. A person who fails to designate the whole of facilities as non-smoking area, or categorize and designate non-smoking and smoking areas in facilities used by the public in violation of the former part of [Article 9](#) (4); and
3. A person who fails to submit materials or submits false materials in violation of the provisions of [Article 23](#) (2).

(2) A person falling under any of the following subparagraphs shall be punished by a fine for negligence

of less than KRW 2 million: <Newly Inserted by Act No. 6619, Jan. 19, 2002; Act No. 6952, Jul. 29, 2003>

1. A person who sells tobacco by installing tobacco vending machine on which no adult recognizing device is attached in contravention of the provisions of [Article 9](#) (3);
2. A person who fails to comply with the standards for establishment of smoking areas in contravention of the provisions of the latter part of [Article 9](#) (4); and
3. A person who fails to file a report under [Article 28](#), or files a false report, and who refuses, obstructs or avoids an inspection by the related public officials.

ii. Optional questions

Article 9. Regulation of the Contents of Tobacco Product

TOBACCO BUSINESS ACT

Article 25-2 (Indication of Tobacco Ingredients)

(1) A manufacturer and an import and sale business operator shall indicate the major ingredients and their contents in the smoke of one cigarette on the wrapping paper of tobacco packs and the advertisements as prescribed by the Presidential Decree.

(2) A manufacturer and an import and sale business operator shall entrust the measurement agency designated by the Minister of Finance and Economy with a measurement of ingredients of tobacco by items every quarter within one month after beginning the quarter, with regard to the tobacco that is sold. <Newly Inserted by Act No. 7067, Jan. 20, 2004>

(3) Kinds of ingredients, criteria for measurement, designation of measuring agency, method of indication, scope of allowable errors, omission of indication of ingredients, which are to be indicated under paragraph (1), and other matters necessary for indication of ingredients, shall be prescribed by the Presidential Decree.

(4) The provisions of [Article 25](#) (3) shall apply *mutatis mutandis* to a case where there exists no indication of ingredients and their contents under paragraph (1), and where the contents of indicated ingredients are in excess of the scope of allowable errors.

[This Article Newly Inserted by Act No. 6625, Jan. 26, 2002]

Article 25-3 (Participation of Manufacturers, etc. in Public Activities)

(1) The Minister of Finance and Economy may have a manufacturer carry out directly public activities, such as public health, medical care, protection of environment, etc., and projects such as the support for tobacco cultivation, within a limit of KRW 20 per 20 cigarettes which he sells, under the conditions as determined by the Ordinance of the Ministry of Finance and Economy, or make a contribution to those carrying out such projects. <Amended by Act No. 5454, Dec. 13, 1997; Act No. 6078, Dec. 31, 1999; Act No. 6460, Apr. 7, 2001>

(2) Any import and sale business operator may carry out directly such public activities as referred to in paragraph (1), or make any contribution to those who carry out such activities. In this case, the provisions of paragraph (1) shall apply *mutatis mutandis*.

(3) The Minister of Finance and Economy shall consult with the heads of related central administrative agencies about fundamental matters concerning the activities carried out by a manufacturer or an import and sale business operator under paragraphs (1) and (2). <Amended by Act No. 5454, Dec. 13, 1997; Act No. 6078, Dec. 31, 1999; Act No. 6460, Apr. 7, 2001>

(4) A person who intends to run the business directly supporting the development of agricultural technology of tobacco cultivators with the contribution from manufacturers under paragraph (1) shall establish a corporation by obtaining an approval of the Minister of Finance and Economy. <Newly Inserted by Act No. 6460, Apr. 7, 2001>

(5) The provisions concerning the foundation in the [Civil Act](#) shall apply *mutatis mutandis* to the establishment and operation of the corporation under paragraph (4) except for those as otherwise provided in this Act. <Newly Inserted by Act No. 6460, Apr. 7, 2001>

[This Article Newly Inserted by Act No. 4682, Dec. 31, 1993]

Enforcement Decree of the Tobacco Business Act

Article 16-3 (tobacco ingredient measuring standard) Detailed tobacco ingredient measuring standards under the provision of Article 9-4, Section1 shall be as follows.

1. Tar: ISO measuring standard 4387
2. Nicotine: ISO measuring standard 10315

[This Article Newly Inserted on Oct. 30, 2002]

Article 11. Packaging and labeling of tobacco products

Article 11.1(b) & Article 11.1(b)(i) & Article 11.3 TOBACCO BUSINESS ACT

Article 25 (Indication of Warning Words and Restriction on Advertisement on Tobacco)

(1) The warning words clearly expressing the effect that smoking is harmful to health shall be indicated on the wrapping paper of a tobacco case and in the advertisement as prescribed by the Presidential Decree. <Amended by Act No. 6460, Apr. 7, 2001; Act No. 7067, Jan. 20, 2004>

(2) The Minister of Finance and Economy may prohibit or restrict any advertisement on tobacco under the conditions as prescribed by the Presidential Decree. <Amended by Act No. 5454, Dec. 13, 1997; Act No. 6078, Dec. 31, 1999; Act No. 6460, Apr. 7, 2001>

(3) In case where no words of warning under paragraph (1) are in existence or the prohibition of or restrictions on ads under paragraph (2) are violated, the Minister of Finance and Economy may issue orders to or take measures against a manufacturer to restrict the imports or sales of relevant tobacco, or to perform what are required for the corrections such as the removal of ads, the Mayor/Do governor may do so against the import and sale business operator, and the head of Si/Gun/Gu may do so against the wholesaler and retailer, respectively. <Amended by Act No. 6078, Dec. 31, 1999; Act No. 6460, Apr. 7, 2001; Act No. 7067, Jan. 20, 2004>

(4) The Minister of Finance and Economy shall determine the words of warning referred to in paragraph (1) after consulting with the Minister of Health and Welfare and the Chairman of the Juvenile Commission. <Amended by Act No. 5454, Dec. 13, 1997; Act No. 6078, Dec. 31, 1999; Act No. 7421, Mar. 24, 2005>

NATIONAL HEALTH PROMOTION ACT

Article 8 (Anti-Smoking and Moderate Drinking Campaign, etc.)

(1) The State and local governments shall educate and publicize to the citizens that cigarette smoking and excessive drinking are harmful to health.

(2) The State and local governments may support juristic persons or organizations that research and investigate on the anti-smoking and moderate drinking.

(3) Manufacturers and import-distributors of tobacco as referred to in the [Tobacco Business Act](#) (hereinafter referred to as the "manufacturers, etc.") shall describe a warning to the effect that smoking can cause various kinds of disease, including lung cancer, etc., on the front and back sides of the cigarette packets as well as in such advertisements as prescribed by the Presidential Decree (including sales promotion activities; hereinafter the same shall apply). *<Amended by Act No. 6619, Jan. 19, 2002>*

(4) Those with license for manufacturing alcoholic liquors under the [Liquor Tax Act](#) or those who import and distribute alcoholic liquors shall describe a warning to the effect that excessive drinking is harmful to health on the sales containers of such alcoholic liquors as prescribed by the Presidential Decree.

(5) Deleted. *<by Act No. 6619, Jan. 19, 2002>*

(6) The description contents and method for a warning referred to in paragraphs (3) and (4) shall be determined by the Ordinance of the Ministry of Health and Welfare. *<Amended by Act No. 6619, Jan. 19, 2002>*

Article 11.1(b)(ii)

Enforcement Decree of the Tobacco Business Act

Article 15 (Health Warnings on Packaging Standards)

- The Minister of the Ministry of Finance and Economy shall define 3 or more health warnings to be presented on a tobacco pack, with explanations and period (each health warning shall be circulated for every 2 years), under the provision of Article 25, Section 4 and shall announce in daily newspapers or official gazettes before the month of June. The same enforcement decree shall be applied to the case of any changes in health warnings that are already announced.
<Amended 2004.6.29>

Article 11.1(b)(iv)

Enforcement Decree of the National Health Promotion Act

[Annex table1] <Amended 2003.4.1, 2006.4.25>

The Methods for Presenting Health Warnings on Tobacco Pack

(Reference to Article 4, Section 2)

1. Labeling Methods

- a. Health warning phrase shall be written as “Warning:” with following explanations in Korean inside of a rectangular line.
- b. Health warnings, defined by the minister of Ministry of Health and Welfare, shall be placed front and back of individual tobacco packs.
- c. The same health warnings as used in individual tobacco packs shall be transcribed in advertisements.

2. Size of a rectangle

- a. The size of a rectangle shall be 30/100 or more area of front and back areas of individual tobacco packs.
- b. The size for the magazine advertisements shall be as follows.

(unit: mm)

Area of Advertisement	Standard size	Size of Rectangle
Over B4	Over 257×364	Over 112×25
B4	257×364	112×25
A4	297×210	94×20
B5	257×182	80×17.5
A5	210×148	62×15
Below A5	Below 210×148	Below 62×15

- c. The stickers or posters shall be clearly visible to the consumers depending on the size of an advertisement proportional to the size of the sign based on the dimensions of an advertisement determined by table in 2b.

3. Colors

Colors of health warnings shall be complementary colors, which should be distinctive to colors of individual tobacco pack design.

4. Fonts

Gothic lettering

5. Labeling Position

- a. For individual tobacco packs, health warnings shall be positioned at the bottom of both front and back areas of each pack.
- b. For magazines, stickers and posters, health warnings should be positioned in the bottom-center of a page in each advertisement that should be distinctively noticed

Article 11.1(b)(v)

We are in the process of amending the legislation to ensure that the health warnings include pictures.

Article 11.2

TOBACCO BUSINESS ACT

Article 25-2 (Indication of Tobacco Ingredients)

(1) A manufacturer and an import and sale business operator shall indicate the major ingredients and their contents in the smoke of one cigarette on the wrapping paper of tobacco packs and the advertisements as prescribed by the Presidential Decree.

(2) A manufacturer and an import and sale business operator shall entrust the measurement agency designated by the Minister of Finance and Economy with a measurement of ingredients of tobacco by items every quarter within one month after beginning the quarter, with regard to the tobacco that is sold.
<Newly Inserted by Act No. 7067, Jan. 20, 2004>

(3) Kinds of ingredients, criteria for measurement, designation of measuring agency, method of indication, scope of allowable errors, omission of indication of ingredients, which are to be indicated under paragraph (1), and other matters necessary for indication of ingredients, shall be prescribed by the Presidential Decree.

(4) The provisions of [Article 25](#) (3) shall apply *mutatis mutandis* to a case where there exists no indication of ingredients and their contents under paragraph (1), and where the contents of indicated ingredients are in excess of the scope of allowable errors.

[This Article Newly Inserted by Act No. 6625, Jan. 26, 2002]

ENFORCEMENT DECREE OF THE TOBACCO BUSINESS ACT

Article 9-3 (Types of Indicated Ingredients and Their Indication Methods)

(1) Types of ingredients to be indicated under the provisions of [Article 25-2 \(3\) of the Act](#) shall be tar and nicotine. <Amended by Presidential Decree No. 18445, Jun. 29, 2004>

(2) Matters necessary for the indication methods of tobacco ingredients under the provisions of paragraph (1) shall be stipulated by the Ordinance of the Ministry of Finance and Economy.

[This Article Newly Inserted by Presidential Decree No. 17761, Oct. 23, 2002]

Article 13. Tobacco advertising, promotion, and sponsorship

Article 13.3

NATIONAL HEALTH PROMOTION ACT

Article 9 (Measures for Anti-Smoking)

(1) With respect to the manufacturers, etc., the Minister of Health and Welfare may prohibit or restrict advertisements of tobacco under the conditions as prescribed by the Presidential Decree. <Amended by Act No. 5454, Dec. 13, 1997; Act No. 6460, Apr. 7, 2001; Act No. 6619, Jan. 19, 2002>

Enforcement Decree of the National Health Promotion Act

Article 14 (Prohibition and limitation on Tobacco Advertisements<Amended 2001.6.30>) □

Tobacco advertisement under the provision of Article 9, Section 1 shall be permitted only by following means. <Amended 2001.6.30 & 2007.2.8>

1. Act of displaying or posting the advertising materials as provided in the Ordinance of the Ministry of Finance and Economy within the retailer's business place: *Provided*, That any displaying or posting, whose contents are visible from outside of business place, shall be excluded;
2. Act of inserting an advertisement by variety group 60 or less times per annum (within 2 pages each time) in magazines [referring to the bound periodicals registered under the [Registration, etc. of Periodicals Act](#), and published periodically once or less a week, and foreign periodicals under the [Publication and Printing Promotion Act](#) which is regularly published once or more per annum under the same title (hereinafter referred to as the "foreign periodicals"), but excluding those intended for women or juveniles]: *Provided*, That if the foreign periodicals are sold domestically in the number of copies less than those as determined by the Ordinance of the Ministry of Finance and Economy and written only in a foreign language, they shall be exempted from the restriction of carrying advertisements;
3. Act of sponsoring the social, cultural, musical, sports events, etc. (exclude those intended for women or juveniles). In this case, any product advertisement other than the use of sponsor's title shall not be made.
4. Advertisement made in an airplane and passenger ship operating on an international line, and other places prescribed by the Ordinance of the Ministry of Finance and Economy.

□ Tobacco a manufacturer or an import-distributor under the Tobacco Business Act shall carry out advertisements, under the provision of Section 1, by wholesalers or designated retailer's business under the same law. In this case, advertisements conducted by a wholesaler or a retailer shall be

considered as advertisements conducted by a manufacturer or an import-distributor. <Amended 2007.2.8>

□ Advertisements or any promotional tools used for ads under the provision of section 1, No.1, No.2 and No. 4 shall be kept within bounds that promote only name, kinds and characteristics of tobacco product. Ads shall not encourage or persuade second-hand smoking to non-smokers and shall not portray women or juveniles figures. In addition, ads shall not contain any forms or contents against contents or purpose of health warnings under the provision of Article 8, Section. <Amended 2001.6.30>

□ A manufacturer or import-distributor under the provision of Tobacco Business Act shall have the advertisement on tobacco so regulated autonomously as not to violate the provisions of Section 1 and 3. <Amended 2001.6.30, 2007.2.8>

□ The Minister of Health & Welfare may request the Minister of Culture and Tourism to take corrective measures against the importers of foreign periodicals carrying the advertisements without any indication of the smoking warning words under Article 8, Section 3 or those violating the prohibition or restriction of advertisement under Article 9, Section 1. <Amended 1998.2.28>

TOBACCO BUSINESS ACT

Article 25 (Indication of Warning Words and Restriction on Advertisement on Tobacco)

(2) The Minister of Finance and Economy may prohibit or restrict any advertisement on tobacco under the conditions as prescribed by the Presidential Decree. <Amended by Act No. 5454, Dec. 13, 1997; Act No. 6078, Dec. 31, 1999; Act No. 6460, Apr. 7, 2001>

ENFORCEMENT DECREE OF THE TOBACCO BUSINESS ACT

Article 9 (Advertisement on Tobacco)

(1) Any advertisement of tobacco under [Article 25 \(2\) of the Act](#) may be made only by the following means: <Amended by Presidential Decree No. 18445, Jun. 29, 2004>

3. Act of displaying or posting the advertising materials as provided in the Ordinance of the Ministry of Finance and Economy within the retailer's business place: *Provided*, That any displaying or posting, whose contents are visible from outside of business place, shall be excluded;
4. Act of inserting an advertisement by variety group 60 or less times per annum (within 2 pages each time) in magazines [referring to the bound periodicals registered under the [Registration, etc. of Periodicals Act](#), and published periodically once or less a week, and foreign periodicals under the [Publication and Printing Promotion Act](#) which is regularly

published once or more per annum under the same title (hereinafter referred to as the "foreign periodicals"), but excluding those intended for women or juveniles]: *Provided*, That if the foreign periodicals are sold domestically in the number of copies less than those as determined by the Ordinance of the Ministry of Finance and Economy and written only in a foreign language, they shall be exempted from the restriction of carrying advertisements;

5. Act of sponsoring the social, cultural, musical, sports events, etc. (exclude those intended for women or juveniles). In this case, any product advertisement other than the use of sponsor's title shall not be made; and
6. Advertisement made in an airplane and passenger ship operating on an international line, and other places prescribed by the Ordinance of the Ministry of Finance and Economy.

(2) A manufacturer or import-distributor may have a wholesaler or retailer conduct the advertisement under paragraph (1). In this case, any advertisement made by the wholesaler or retailer shall be deemed to have been done by the manufacturer or import-distributor.

(3) Any advertisement under paragraph (1) 1, 2 and 4 or advertising materials used therefor shall not exceed an extent of informing the smokers of the name, kind and features of tobacco, and it shall not directly or indirectly encourage or induce non-smokers to smoke, or depict the figures of women or juveniles, or include the contents or form contrary to the details and purports of the smoking warning words indicated under [Article 25 \(1\) of the Act](#).

(4) A manufacturer or import-distributor shall have the advertisement on tobacco so regulated autonomously as not to violate the provisions of paragraphs (1) through (3).

(5) The Minister of Finance and Economy may request the Minister of Culture and Tourism to take corrective measures against the importers of foreign periodicals carrying the advertisements without any indication of the smoking warning words under [Article 25 \(1\) of the Act](#), or those violating the prohibition or restriction of advertisement under [Article 25 \(2\) of the Act](#).

Article 13.4(a)

Enforcement Decree of the National Health Promotion Act

Article 14 (Prohibition and Limitation on Tobacco Advertisement <Amended 2001.6.30>) □

Tobacco advertisement under the provision of Article 9, Section 1 shall be permitted only by following means. <Amended 2001.6.30, 2007.2.8>

3. Act of sponsoring the social, cultural, musical, sports events, etc. (exclude those intended for women or juveniles). In this case, any product advertisement other than the use of sponsor's title shall not be made

ENFORCEMENT DECREE OF THE TOBACCO BUSINESS ACT

Article 9 (Advertisement on Tobacco)

(3) Any advertisement under paragraph (1) 1, 2 and 4 or advertising materials used therefore shall not exceed an extent of informing the smokers of the name, kind and features of tobacco, and it shall not directly or indirectly encourage or induce non-smokers to smoke, or depict the figures of women or juveniles, or include the contents or form contrary to the details and purports of the smoking warning words indicated under [Article 25 \(1\) of the Act](#).

Article 13.4(b)

NATIONAL HEALTH PROMOTION ACT

Article 8 (Anti-Smoking and Moderate Drinking Campaign, etc.)

(1) The State and local governments shall educate and publicize to the citizens that cigarette smoking and excessive drinking are harmful to health.

(2) The State and local governments may support juristic persons or organizations that research and investigate on the anti-smoking and moderate drinking.

(3) Manufacturers and import-distributors of tobacco as referred to in the [Tobacco Business Act](#) (hereinafter referred to as the "manufacturers, etc.") shall describe a warning to the effect that smoking can cause various kinds of disease, including lung cancer, etc., on the front and back sides of the cigarette packets as well as in such advertisements as prescribed by the Presidential Decree (including sales promotion activities; hereinafter the same shall apply). *<Amended by Act No. 6619, Jan. 19, 2002>*

Enforcement Decree of the National Health Promotion Act

Article 12 (Advertisement that requires Health warning) Ads contains health warnings, which explains health risks/damages for consumers, under the provision of Article 8, Section 3, (including act of sales promotion, the same as below) shall be as follows. *<Amended 2007.2.8>*

1. The front and back of tobacco pack wrapping papers
2. Sticker or posting adverting materials in retailer's business place: *Provided* under the Tobacco Business Act
3. Magazine advertisement under the provision of Article 14, Section 1, No.2

TOBACCO BUSINESS ACT

Article 25 (Indication of Warning Words and Restriction on Advertisement on Tobacco)

(1) The warning words clearly expressing the effect that smoking is harmful to health shall be indicated on the wrapping paper of a tobacco case and in the advertisement as prescribed by the Presidential Decree. *<Amended by Act No. 6460, Apr. 7, 2001; Act No. 7067, Jan. 20, 2004>*

(2) The Minister of Finance and Economy may prohibit or restrict any advertisement on tobacco under the conditions as prescribed by the Presidential Decree. <Amended by Act No. 5454, Dec. 13, 1997; Act No. 6078, Dec. 31, 1999; Act No. 6460, Apr. 7, 2001>

(3) In case where no words of warning under paragraph (1) are in existence or the prohibition of or restrictions on ads under paragraph (2) are violated, the Minister of Finance and Economy may issue orders to or take measures against a manufacturer to restrict the imports or sales of relevant tobacco, or to perform what are required for the corrections such as the removal of ads, the Mayor/Do governor may do so against the import and sale business operator, and the head of *Si/Gun/Gu* may do so against the wholesaler and retailer, respectively. <Amended by Act No. 6078, Dec. 31, 1999; Act No. 6460, Apr. 7, 2001; Act No. 7067, Jan. 20, 2004>

(4) The Minister of Finance and Economy shall determine the words of warning referred to in paragraph (1) after consulting with the Minister of Health and Welfare and the Chairman of the Juvenile Commission. <Amended by Act No. 5454, Dec. 13, 1997; Act No. 6078, Dec. 31, 1999; Act No. 7421, Mar. 24, 2005>

ENFORCEMENT DECREE OF THE TOBACCO BUSINESS ACT

Article 9 (Advertisement on Tobacco)

1) Any advertisement of tobacco under [Article 25 \(2\) of the Act](#) may be made only by the following means: <Amended by Presidential Decree No. 18445, Jun. 29, 2004>

1. Act of displaying or posting the advertising materials as provided in the Ordinance of the Ministry of Finance and Economy within the retailer's business place: *Provided*, That any displaying or posting, whose contents are visible from outside of business place, shall be excluded;
2. Act of inserting an advertisement by variety group 60 or less times per annum (within 2 pages each time) in magazines [referring to the bound periodicals registered under the [Registration, etc. of Periodicals Act](#), and published periodically once or less a week, and foreign periodicals under the [Publication and Printing Promotion Act](#) which is regularly published once or more per annum under the same title (hereinafter referred to as the "foreign periodicals"), but excluding those intended for women or juveniles]: *Provided*, That if the foreign periodicals are sold domestically in the number of copies less than those as determined by the Ordinance of the Ministry of Finance and Economy and written only in a foreign language, they shall be exempted from the restriction of carrying advertisements;
3. Act of sponsoring the social, cultural, musical, sports events, etc. (excluding those

intended for women or juveniles). In this case, any product advertisement other than the use of sponsor's title shall not be made; and

4. Advertisement made in an airplane and passenger ship operating on an international line, and other places prescribed by the Ordinance of the Ministry of Finance and Economy.

(2) A manufacturer or import-distributor may have a wholesaler or retailer conduct the advertisement under paragraph (1). In this case, any advertisement made by the wholesaler or retailer shall be deemed to have been done by the manufacturer or import-distributor.

(3) Any advertisement under paragraph (1) 1, 2 and 4 or advertising materials used therefor shall not exceed an extent of informing the smokers of the name, kind and features of tobacco, and it shall not directly or indirectly encourage or induce non-smokers to smoke, or depict the figures of women or juveniles, or include the contents or form contrary to the details and purports of the smoking warning words indicated under [Article 25 \(1\) of the Act](#).

(4) A manufacturer or import-distributor shall have the advertisement on tobacco so regulated autonomously as not to violate the provisions of paragraphs (1) through (3).

(5) The Minister of Finance and Economy may request the Minister of Culture and Tourism to take corrective measures against the importers of foreign periodicals carrying the advertisements without any indication of the smoking warning words under [Article 25 \(1\) of the Act](#), or those violating the prohibition or restriction of advertisement under [Article 25 \(2\) of the Act](#).

Article 13.4(c)

Enforcement Decree of the National Health Promotion Act

Article 14 (Prohibition and Limitation on Tobacco Advertisement <Amended 2001.6.30>) □

Tobacco advertisement under the provision of Article 9, Section 1 shall be permitted only by following means. <Amended 2001.6.30, 2007.2.8>

3. Act of sponsoring the social, cultural, musical, sports events, etc. (exclude those intended for women or juveniles). In this case, any product advertisement other than the use of sponsor's title shall not be made

ENFORCEMENT DECREE OF THE TOBACCO BUSINESS ACT

Article 9 (Advertisement on Tobacco)

(1) Any advertisement of tobacco under [Article 25 \(2\) of the Act](#) may be made only by the following means: <Amended by Presidential Decree No. 18445, Jun. 29, 2004>

3. Act of sponsoring the social, cultural, musical, sports events, etc. (excluding those intended for women or juveniles). In this case, any product advertisement other than the use of sponsor's title shall not be made; and

Enforcement Decree of the National Health Promotion Act

Article 14 (Prohibition and Limitation on Tobacco Advertisement <Amended 2001.6.30>) □

Tobacco advertisement under the provision of Article 9, Section 1 shall be permitted only by following means. <Amended 2001.6.30, 2007.2.8>

2. Act of inserting an advertisement by variety group 60 or less times per annum (within 2 pages each time) in magazines [referring to the bound periodicals registered under the [Registration, etc. of Periodicals Act](#), and published periodically once or less a week, and foreign periodicals under the [Publication and Printing Promotion Act](#) which is regularly published once or more per annum under the same title (hereinafter referred to as the "foreign periodicals"), but excluding those intended for women or juveniles]: *Provided*, That if the foreign periodicals are sold domestically in the number of copies less than those as determined by the Ordinance of the Ministry of Finance and Economy and written only in a foreign language, they shall be exempted from the restriction of carrying advertisements;

ENFORCEMENT DECREE OF THE TOBACCO BUSINESS ACT

Article 9 (Advertisement on Tobacco)

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2. Act of inserting an advertisement by variety group 60 or less times per annum (within 2 pages each time) in magazines [referring to the bound periodicals registered under the [Registration, etc. of Periodicals Act](#), and published periodically once or less a week, and foreign periodicals under the [Publication and Printing Promotion Act](#) which is regularly published once or more per annum under the same title (hereinafter referred to as the "foreign periodicals"), but excluding those intended for women or juveniles]: *Provided*, That if the foreign periodicals are sold domestically in the number of copies less than those as determined by the Ordinance of the Ministry of Finance and Economy and written only in a foreign language, they shall be exempted from the restriction of carrying advertisements;

6. Programs and Plans

i. Core questions

* Comprehensive national tobacco control strategies, plans and programs: “Health Plan 2010”

<Source: Korea Institute for Health and Social Affairs, **Establishment of New Health Plan 2010**, Seoul; Ministry of Health and Welfare & KIHASA, 2005.>

Goals	2002	2005	2010
1-1. Reduce smoking rate of youth			
▫ Male Adolescents	37.9%(high school seniors) (2002)	14.5% (total) (2005) 21.5% (high school seniors) (2004)	10.0%
▫ Female Adolescents	10.5%(high school seniors) (2002)	8.5% (total) (2005) 4.9% (high school seniors) (2004)	2.0%
1-2. Reduce adult smoking rate			
▫ Male Adult	61.8% (2002)	50.3% (2005)	30.0%
▫ Female Adult	5.4% (2002)	3.1% (2005)	2.5%
1-3. Increase rate of anti-smoking attempt for adults			
▫ Male Adult	48.3% (2002)	59.3% (2005)	70%
▫ Female Adult	38.9% (2002)	56.7% (2005)	70%
1-4. Increase rate of anti-smoking resolution within 1 month for adults			
▫ Male Adult	-	11.3% (2005)	20%
▫ Female Adult	-	10.9% (2005)	15%
1-5. Repress low average age of first smoking attempt in youth		Age 12.0 (total)	Age
▫ Male Adolescent		Age 11.9 (2005)	12.0
▫ Female Adolescent		Age 12.2 (2005)	
1-6. Repress low average age to begin smoking as a daily habit		Age 14.09 (total)	Age
▫ Male Adolescent		Age 14.08 (2005)	14.1

▫ Female Adolescent		Age 14.11(2005)	
1-7. Increase public awareness rate of anti-smoking promotion			
▫ Awareness rate of anti-smoking promotion for adult		70.9% (2005)	90.0%
▫ Awareness rate of anti-smoking promotion for adolescents		* %	* %
▫ Awareness rate of anti-smoking promotion for workers	-	93.5% (2005)	98.0%
1-8. (From last 1 year) Increase rate of anti-smoking prevention education experiences			
▫ Anti-smoking prevention education for elementary school student	-	* %	* %
▫ Anti-smoking prevention education for middle school students	-	Total 59.1% Male 58.3% Female 60.0% (2005)	90%
▫ Anti-smoking prevention education for high school students (exclude 12 th grade)	-	Total 55.3% Male 55.8% Female 54.7% (2005)	90%
▫ Anti -smoking prevention education for workers	-	* %	* %
1-9. Increase rate of anti-smoking counseling experiences			
▫ Rate of smoke free clinic registration of smokers	-	1.5%	10%
▫ Smoke free telephone counseling usage rates of smokers	-	-	10%
1-10. Reduce second-hand smoking exposure			
▫ Exposed second-hand smoking time inside home for adults	-	18.0% (2005)	8%
▫ Exposed second-hand smoking time inside home for adolescents	-	*	*
▫ Exposed second-hand smoking time inside workplace for employees	-	52.6% (2005)	20%

※ Note. '**' possible future presenting survey source, '-' no presenting source

. The cited sources from 2005 National Health and Nutrition Survey and Youth Behavior Risk Factor Surveillance in this plan are statistical values that are depended only on the results of surveys.

1. Purpose

The purpose of plan is to prevent Korean population from smoking, to support smokers by providing guidance to complete smoke-free of individuals and to provide smoke-free environment for non-smokers.

2. Background and Course of Direction

A. Current Situation and Transition

1) Adult Smoking Rate

□ Smoking rate for 20 years old or older males in Korea has not been changed significantly from 69.8% in 1996 to 67.6% in 2000; however, the rate continues to decrease to 60.5% in 2002 and 57.8% in 2004. Recent study conducted in 2005 showed that smoking rate has been decreased significantly to 50.3%.

□ For female adult, smoking rate was decreased from 5.3% in 1996 to 3.0% in 2000, however, in 2004; the rate was increased to 4.0% and was decreased again to 3.1% in 2005. The data doesn't show consistent change in rates from year to year. (Reference: table 1-1)

□ According to a survey from Gallop Korea, the highest number of smoking rate shows among people with KRW 2,000,000 income level per month (32.9%) and next highest is for people with KRW 3,000,000 income level per month (30.5%). And people with below KRW 2,000,000 income level (23.6%) and over KRW 4,000,000 income level (23.3%) have the lowest smoking rates. People reside in small urban city (29.5%) or rural areas called *up myun* (27.5%) tend to have higher smoking rate than people reside in large metropolitan city (25.1%).

〈table 1-1〉 Adult Smoking Rate in Korea From 1996 to 2005

(unit: %)

Gender	Age	1996 ²⁾	1998 ¹⁾	2000 ²⁾	2001 ¹⁾	2002 ²⁾	2003 ²⁾	2004 ²⁾	2005 ²⁾
Male	20 ~ 29	79.2	76.0	67.3	67.8	71.1	66.2	66.1	59.4
	30 ~ 39	77.5	72.1	71.3	67.9	66.5	61.4	61.1	57.2
	40 ~ 49	60.0	67.3	67.8	66.7	60.8	55.7	58.3	50.4
	50 ~ 59	55.8	60.4	64.1	55.6	44.8	47.7	50.0	43.7
	≥ 60	54.2	56.5	55.6	44.5	42.2	41.5	45.3	31.1
	Total	69.8	68.4	67.6	61.8	60.5	56.7	57.8	50.3
Female	20 ~ 29	7.2	5.4	5.7	4.6	8.1	4.5	5.0	4.9
	30 ~ 39	5.2	6.2	2.0	3.6	2.6	0.8	1.9	1.9
	40 ~ 49	1.8	3.9	1.1	3.7	3.1	4.5	2.5	3.0
	50 ~ 59	2.8	7.3	2.4	4.0	7.6	4.1	3.7	1.0
	≥ 60	10.4	14.6	0.0	11.0	10.5	4.5	7.6	4.3
	Total	5.3	6.2	3.0	5.4	6.0	3.5	4.0	3.1

sources: 1) The Ministry of Health & Welfare, Korea Institute for Health & Social Affairs, National Health & Nutrition Survey, Each year 2) Gallop Korea, Survey on Adult Smoking Rate in each year

2) Adolescent Smoking Rate

□ Smoking rate for male middle school adolescents had increased continually from 3.8% in 1995 to 7.4% in 2000, which is the highest rate over any other years, then, smoking rate had decreased to 2.4% in 2004. After 2000, the decline in smoking rate over 4 years was 67.6% (5.0% point). For female middle school adolescents, the rate was increased from 2.6% in 1995 to 3.2% in 2000, then, was decreased to 1.7% in 2004. After 2000, the decline in smoking rate was 46.9% (1.5% point).

□ Smoking Rate for high school adolescents had increased from 26.1% in 1995 to 35.3% in 1998, after that, the rate had gradually declined to 15.9% in 2004 and 55.0% after 1997 (17.4% point interval). Especially in 2004, the decline rate interval was changed significantly to 28.1% from the rate of previous year. Smoking rate was increased from 4.7% in 1995 to 8.1% in 1997 for female adolescents, then, the rate fluctuates constantly and had no significant change in 2004 as 7.5% rate (table 1-2). Based on the year 2000 survey, smoking rate in regular high school males was 10.7%, on the other hands, for males in industrial high schools, the rate was 23.7%. Smoking rate in regular high school females was 3.2%, on the other hands, the rate for industrial high school females was 17.3%. Therefore, it is concluded that there is huge difference between students who attend regular high schools and students who attend industrial high school.

□ Based on the year 2004, smoking rate of middle school males who reside in rural areas was 1.8% and 2.8% in urban areas. Smoking rate of high school males in rural areas was 23.0% and 13.3% in urban areas. For females, the rate of middle school adolescents in rural areas was 0.8% and 2.0% in urban areas; and the rate of high school adolescents in rural areas was 5.0% and 7.6% in urban areas. The differences were noticed between rural and urban areas according to the gender and the grade (Yonsei University, 2004).

□ According to 2005 Youth Risk Behavior Surveillance, smoking rate for male adolescents is 14.5% and female adolescents smoking rate is 8.5%.

〈table 1-2〉 Smoking Rate for middle and high school adolescents in Korea from 1995 to 2004

(Unit: %)

		Middle School				고등학교			
		7 th grade	8 th grade	9 th grade	total	10 th grade	11 th grade	12 th grade	total
Male	1995	1.0	4.2	1.9	3.8	15.2	30.3	33.2	26.1
	1997	1.5	3.8	6.3	3.9	21.6	41.0	41.6	35.3
	1999	1.1	8.7	7.0	5.6	24.7	31.1	41.0	32.3
	2000	2.7	6.3	10.6	7.4	19.9	29.8	37.9	27.6
	2001	2.2	5.5	8.5	6.0	10.1	32.6	29.6	24.8
	2002	2.0	1.4	7.8	3.5	15.8	24.2	30.2	23.6
	2003	1.6	0.7	5.6	2.8	21.4	20.0	25.2	22.1
	2004	0.5	2.9	4.4	2.4	10.8	17.3	21.5	15.9
Female	1995	1.2	2.8	3.6	2.6	3.8	5.1	5.6	4.7
	1997	3.2	4.4	3.7	3.9	9.9	7.2	7.3	8.1
	1999	2.2	3.2	3.5	3.1	10.5	7.4	5.3	7.5
	2000	0.9	1.0	6.6	3.2	12.2	10.0	10.5	10.7
	2001	0.6	1.8	3.3	2.0	9.6	6.1	7.3	7.5
	2002	0.0	1.6	0.8	0.9	8.5	9.6	3.5	7.3
	2003	0.0	2.0	4.2	2.3	6.8	7.6	5.3	6.8
	2004	2.1	1.3	1.7	1.7	9.2	8.5	4.9	7.5

Source: Yonsei University (2004)

3) Smoking Abstinence Trial and Smoking Abstinence Resolution

□ Over past 1 year, rate of male adult smokers who had tried abstinence from smoking was 48.3% and for females, 38.9%. Younger the age, the rate of smoking abstinence trial was higher for both genders (The Ministry of Health & Welfare, 2002). According to 2005 National Health and Nutrition Survey, among all adult smokers, 11.3% of male adult smokers and 10.9% of female adult smokers reported that they planned to quit smoking within 1 month.

□ Among all adolescent smokers, 73.3% of middle school males, 88.0% of middle school females, 85.4% of high school males and 90.5% of high school females had an intention to quit smoking (Yonsei University, 2004).

4) Awareness of Secondhand Smoking and Establishing Smoke-free Areas

□ About 55% of adult non-smokers and 48.8% of teenage non-smokers were aware of secondhand smoking harms, and in regard to awareness about establishing smoke-free areas, 33.5% of all population was acquaintance with concrete information, and rate of males, 46.3%, is much higher than women, 23.2%. For adolescents, 18.8 percent was aware about smoke-free areas, which was lower than the adult rate; and by comparing between genders, rate of male adolescents, 22.0%, was higher than rate of female adolescents, 15.5% (The Ministry of Health & Welfare, 2002).

5) First Smoking Attempt in Youth and Average Age to Begin Smoking as a Daily Habit

□ According to 2005 Youth Risk Surveillance, the age of the first attempt to smoking for male adolescents was 11.9 years old, and 12.2 years old for females. The average age to begin smoking as a daily habit for male adolescents was 14.8 years old and 14.11 for females.

6) Interim Evaluation Testing Point of Original Plan in National Health Promotion Plan

□ In smoking abstinence part of goals, aim of lowering smoking rate was established for male adults from 67.8% to 30.0%, for female adults from 4.6% to 4.0, for male high school seniors, from 37.9% to 5.0%, for female high school seniors, from 10.5% to 2.0%. (table 1-2)

□ It is important to track the progress of smoking rates as an indicator to evaluate the effectiveness of anti-smoking project, however, at the same time, it is also important to evaluate short-term effects on the most recent anti-smoking project by tracking the progress of regulations or perceptions about smoking such as intention to start smoking for non-smokers, intention to quit smoking for smokers, and exposure and degrees of secondhand smoking for non-smokers. Hence, prodigious scientific-evidence based and more practical indicators of goals are needed to be selected.

〈table 1-3〉 2010 Anti-Smoking Strategies and Project Levels Framed in 2002

Goals	Target Populations	2002	2010	Project Level	Contents of Project Level
Adult Smoking Rate	Male	67.8 %	30.0 %	2-1 Establishing and extension of smoke-free areas	1. Amend relevant laws for smoke-free areas
	Female	4.6%	4.0%		
Youth Smoking	12 th Grade Male	37.9 %	5.0%	2-2 Develop and promote	1. Anti-smoking education for adults (workforce laborers, soldiers, community residents)

Rate				anti-smoking education program	2. Support in-class smoking cessation programs at middle/high schools and anti-smoking intervention led by district and regional department of education
	12 th Grade Female	10.5%	2.0%		3. Develop and promote anti-smoking education materials
					4. Implement smoking cessation programs for smokers,, Smoke-free clinics, smoking cessation service centers, etc.

□ . Based on survey that smoking rate for male adult was declined to 14.7% (10.0% point), for high school males, 43.3% (16.4% point), for high school females, 53.3% (5.6% point) in comparison to standard data in 2000; goals to achieve lowering smoking rate of female adults and female adolescents is predicted to be possible. However, goals to achieve lowering smoking rate of male adults and high school males are predicted to be difficult.

□ Each field of business included in detailed promotion plan is insufficient to achieve goals of anti-smoking business assignments. Particularly, detailed promotion plan includes a lot of details comparatively, however, it is approached systematically rather it is proceed as individually projected business. As a result, it is difficult to expect successful achievement of business in the long-term.

□ The contents of anti-smoking intervention and anti-smoking support business are unsatisfied. The business that supports active smoking intervention at school and the business development which support anti-smoking practice for teenage smokers are needed.

□ The business should be strengthened to support anti-smoking inducement for adult smokers and anti-smoking practice. Practical business which induces for quitting smokers from smoking is needed in transition from the education or promotion centered anti-smoking business..

□ Supports for establishing anti-smoking business foundation are lack. To evaluate the promotion success and the administration direction of anti-smoking business, calculating evaluation indicators periodically needs to be strengthened. In addition, continuing education of human resources and technical supports are needed absolutely.

b. The Point of Issues

1) Lack of anti-smoking intervention and business focused on priority basis target group

□ Many smokers already have smoking experience from elementary school years (Park, 2005), hence, anti-smoking intervention education should begin in the early age, but there is no favorable condition to conduct systematic anti-smoking interventions in elementary schools throughout the nation.

□ Smoking rate of adult age 20-30 group is the highest among all age groups. This age group includes college students, military personnel and workers. It is very important to conduct anti-smoking business targeted on this group, but, matter of fact, anti-smoking business focused on this group is very lack. For example, in 2004, from the clinics where facilitated anti-smoking business, the rate of facilitating anti-smoking intervention in a clinic was reached only 29.6% and the case of anti-smoking intervention targeted in college campus was nil. (The Ministry of Health & Welfare, 2005)

2) Verification on effectiveness of anti-smoking intervention and programs

□ In case of anti-smoking prevention education or anti-smoking program for adolescents, various educating materials are published and distributed from the Commission on Youth Protection, Korea Association of Smoking & Health and other institutions, but verification of effective measurement on these materials is insufficient.

□ In foreign countries, it takes long period of time to develop an anti-smoking prevention program or anti-smoking cessation program. And after developing a new anti-smoking program, continuing revision and complement are formed through the evaluation process. It is suggested to refer these processes of foreign case as examples.

□ Post evaluation after anti-smoking business is slack, in addition, programs such as anti-smoking camp, administration of anti-smoking treatment injection; 5-day anti-smoking class need to be verified on their effectiveness and efficiency.

3) Capability of teachers and limitation on implementing school based anti-smoking prevention education in reality

□ A lot of cases lack teachers' abilities, hours of classes and schools' interest to use various anti-smoking prevention materials actively and to apply anti-smoking programs to schools at the front.

4) Lack of system management of teenage smokers

□ There is not enough professional organization/institution to request services for students who fail to smoking induction at schools. In case of students who don't attend school, there is almost no system to manage teenagers who don't attend schools.

5) Practice on various kinds of policy regulation

□ Regarding policies such as extension of smoke-free areas and bans on tobacco sales to minors, the point whether to follow anti-smoking regulations or not is rather important than the point whether to establish anti-smoking regulations or not, however, in reality, supervising activities that conducting courses on whether to follow anti-smoking regulations or not are lacked.

6) System on smoking rate survey

□ Currently, smoking rate data, officially quoted throughout the nation, from National Health and Nutrition Survey is computed in every 3 years. And smoking rate data for adolescents from Korea Association of Smoking and Health use different smoking definition from international standards used in U.S. CDC and WHO. The issues are arisen in many ways of this survey. Detail analysis is not possible because sample size (about 4,000) is too small, and survey is conducted on each school itself. From these issues, it is possible to underestimate smoking rate of adolescent. For instances, smoking rate of middle school students conducted by Korea Association of Smoking and Health (male: 2.4%, female: 1.7%) was much lower than the result conducted by WHO (male 7.4%, female 5.0%).

□ Particularly from the end of 2005, the Korea Center for Disease Control and Prevention planned to conduct National Youth Risk Surveillance periodically. The definition of smoking use in this survey is adjusted to U.S. CDC standard; therefore, duality in adolescents smoking rate data in Korea would be possible in the future.

□ For the case of adult smoking rate survey from Korea Association of Smoking and Health, sample size is about 1,000, which is too small to analyze and has limitation because it is collected only by telephone survey.

□ Female adult smoking rate has not been increased nearly comparing to past survey. To observe the case of foreign countries, the phenomenon of increasing women's smoking rate has emerged with the extension of women's right. As mortality rate of lung cancer is continually increased throughout the nation, possibility of steady increasing in female smoking rate from the past to the present cannot be ruled out altogether. There should be a possibility that many women may not report their smoking preference in survey because Korean society has not accepted easily about female smoking. Such being the case, the result of female adult smoking rate is appeared to be far lower than the result of female adolescent smoking rate, therefore, the presumption can be made from this fact as well.

C. Course of Directions

1) Vitalization of the Adolescent Anti-Smoking Prevention Education & Anti-Smoking Counseling

a) Strengthen smoking prevention educations in schools including elementary schools

□ Induce anti-smoking prevention education starting from elementary school years, in specialty, use current courses of education materials so that anti-smoking prevention education can be conducted naturally during the class.

b) Vitalization of anti-smoking counseling as anti-smoking practice aids for teenage smokers

□ Encourage schools to start anti-smoking programs within school bounds, and in case a school fails to conduct anti-smoking inducement in a school, link with relevant community organizations.

□ Play a key role in teenage anti-smoking counseling services through strengthens the workforce and education in current local health centers.

- Educate run-away teenagers in the community supporting shelters to encourage them quitting smoke.

2) Support anti-smoking inducement and practice for smokers

a) Expand anti-smoking clinics services in local health centers and anti-smoking telephone counseling

- Strengthen capabilities and roles of anti-smoking clinics in local health centers and expand anti-smoking telephone counseling

- Expand anti-smoking home visit clinic services for individuals who are in workplace, schools or the back country where access to the clinic is difficult.

b) Strengthen anti-smoking inducement in hospitals and pharmacies

- Encourage in-patients in hospitals and pharmacies to quit their smoking habits.

- Expand anti-smoking prevention training to medical professionals (doctors, pharmacists, nurses, etc.)

c) Strengthen anti-smoking business for young adults like college students or military personnel.

- Expand and intensify anti-smoking education and business for college students and military personnel.

d) Active anti-smoking business for workers

- Expand anti-smoking education for workers

- Encourage expanding smoke-free areas in office buildings and extend businesses to run anti-smoking programs on their own.

e) Expand anti-smoking education and business for local community residents.

- Create smoke-free environments and induce smokers to quit smoking by expanding anti-smoking education for local community residents.

3) Advocate awareness about dangerousness of secondhand smoking

a) Advocate awareness about dangerousness of secondhand smoking for general public

- Advocate the dangerousness of secondhand smoking with promotions and educations for all citizens throughout the nation and minimize damages through secondhand smoking exposure prevention

b) Educate pregnant and child-bearing age women

- Increase awareness for pregnant women and child-bearing age women about harmful effects of direct and indirect smoking to unborn children.

4) Promotion

a) Promote harmful influences of smoking and expand promotion about importance of anti-smoking

- . Promote continually through multimedia, events and prints about dangerousness of smoking and importance of anti-smoking.

b) Use various promotional methods that fit for characteristics of target populations

- Develop and use various promotional resources that ages, gender, and levels of smoking behaviors take into account.

c) Intensify the promotion on necessity and legitimacy of national anti-smoking policy

- Persuade citizens about necessity and legitimacy of anti-smoking preventions and businesses conducted by the government.

d) Prohibition on tobacco sales activities to underage and promotion on observance of smoke-free areas

- Implement promotions continually to prohibit the sales of tobacco underage and observe smoke-free areas.

5) Strengthen the capability of related business persons

- Conduct continuing education to anti-smoking agents in local health centers and to anti-smoking counselors.

- Extend training opportunities to school teachers

6) Legal and institutional setting complement

- Strengthen the lawful and systemized measures to fulfill contents in the Framework Convention on Tobacco Control (FCTC). The examples of FCTC contents would be the extension of smoke-free areas, the increase in tobacco prices, the reinforcement of health warning on tobacco pack and the prohibition on tobacco promotion and sponsoring events by tobacco companies.

7) Connection with the local community

a) Strengthen the connection with anti-smoking control agencies in the local community

- Strengthen the connection and cooperative relationship between local health centers and the Department of Education for student anti-smoking prevention businesses and through strengthen the

connection among local colleges, military bases, police departments, and local business, crank up anti-smoking business plans.

b) Construct cooperative scheme with civilian organizations in the local community.

▣ Construct cooperative scheme and use human resources in the local community as much as possible.

8) Establish evaluating and supervising system

▣ Establish adolescents and adult smoking condition monitoring system to evaluate anti-smoking business results

▣ Supervise the strengthening of the ban on underage tobacco sales activity and the restriction on violation of smoke-free areas practically.

3. Objective

Objective 1-1. Reduce the youth smoking rate.

Objective Values	▣ Male adolescents 10.0%, Female adolescents 2.0%
Standard Resources	<p>▣ Year 2005: Male adolescents 14.5%, Female adolescents 8.5%¹⁾</p> <p>☞: 1) smoking rate: rate of smokers who smoke one or more days within last 1 month</p> <p>▣ Year 2004 Male high school seniors 21.5%, Female high school seniors 4.9%²⁾</p> <p>▣ Year 2000 Male high school seniors 37.9%, Female high school seniors 10.5%²⁾</p> <p>☞: 2) Ministry of Health & Welfare, 2002 Objective Establishment Standard Resource</p>
Objective Values Methods of	Converge opinions of professionals

Establishment	
Sources	1) 2005 Youth Risk Behavior Surveillance 2) Yeonsei University Korea Association of Smoking And Health, 2004

Objective 1-2. Reduce adult smoking rate

Objective Values	▣ Male adults 30%, Female adults 2.5%
Standard Resources	▣ Year 2005: Smoking rate of male over 20 years old 50.3%, Smoking rate of female over 20 years old 3.1% ▣ Year 2001: Smoking rate of males over 20 years old 61.8%, Smoking rate of female over 20 years old 5.4%
Objective Values Methods of Establishment	Converge opinions of professionals
Sources	Gallup Korea, Adult Smoking Rate Survey 2005. 9. Ministry of Health & Welfare, KIASHA, National Health & Nutrition Survey, 2001

Objective 1-3. Increase rate of anti-smoking attempt in adult smokers

Objective Values	▣ Male adults 70%, Female adults 70%
Standard Resources	▣ Year 2005 Anti-smoking attempt within last 1 year among current smokers (Over 20 years old) Total * % Male 59.3% Female 56.7% ▣ Year 2001 Anti-smoking attempt within last 1 year among current smokers (Over 20 years old) Total 47.4% Male 48.3% Female 38.9% ※: Rate of anti-smoking attempt: rate of adult smokers who have attempted to quit smoking and tried quitting smoking more than a day (24 hours) within past 1 year.
Objective Values	Converge opinions of professionals

Methods of Establishment	
Sources	Ministry of Health & Welfare · KIHASA, National Health and Nutrition Survey, 2001, 2005.

Objective 1-4. Increase rate of anti-smoking resolution within 1 month for adult smokers

Objective Values	▣ Male adult 20%, Female adult 15%
Standard Resources	▣ Year 2005: Rate of anti-smoking resolution within 1 month for adults Male adult 11.3%, Female adult 10.9% 주: Rate of anti-smoking resolution: Rate for adult smokers who plan to quit smoking within 1 month
Objective Values Methods of Establishment	Converge opinions of professionals
Sources	Ministry of Health & Welfare, · KIHASA, National Health and Nutrition Survey, 2005

Objective 1-5. Repress lowering average age of the first smoking attempt

Objective Values	▣ Average of total teenage population 12.0 years old
Standard Resources	▣ Average age of the first smoking attempt of adolescents total 12.0 years old, Male 11.9 years old, Female 12.2 years old (2005) Note: Average age of smoking attempt(average age of smoking experience): Average age of individuals who attempt to smoke first one or two puffs of cigarettes
Objective Values Methods of Establishment	Maintain 2005 standard level, Converge opinions of professionals
Sources	2005 Youth Risk Behavior Surveillance, Ministry of Health and Welfare, Korea

	Centers for Disease Control and Prevention, Ministry of Education & Human Resources Development
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Objective 1-6. Reprress lowering average age to begin smoking as a daily habit for adolescents

Objective Values	▣ Average age of total teenage population 14.1 years old
Standard resources	▣ Total 14.09 years old, Male 14.08 years old, Female 14.11 years old Note: Average age to begin smoking as a daily habit: Average age to start smoking one or more pieces of cigarette per day
Objective Values Methods of Establishment	Converge opinions of professionals
Sources	2005 Youth Risk Behavior Surveillance, Ministry of Health & Welfare · Korea Centers for Disease Control and Prevention · Ministry of Education & Human Resources Development

Objective 1-7. Increase public awareness rate of anti-smoking promotions

Objective Values	▣ Awareness rate of anti-smoking promotion for adults 90.0% ▣ Awareness rate of anti-smoking promotion for adolescents * % ▣ Awareness rate of anti-smoking promotion for workers 98.0%
Standard Resources	▣ Year 2005 Awareness rate of anti-smoking promotion for adults 70.9% ▣ Year 2004 Awareness rate of anti-smoking promotion for adolescents * % ▣ Year 2004 Awareness rate of anti-smoking promotion for workers 93.5%
Objective Values Methods of Establishment	Converge opinions of professionals
Sources	Gallup Korea, Adult Smoking Rate Survey, 2005. 9. 2005 Youth Risk Behavior Surveillance (Resource will be complemented afterward)

Objective 1-8. Increase rate of anti-smoking prevention education experiences.

Objective Values	<ul style="list-style-type: none"> ▣ Rate of anti-smoking prevention education experience for elementary school students * % ▣ Rate of anti-smoking prevention education experience for middle school students 90% ▣ Rate of anti-smoking prevention education experience for high school students 90% ▣ Rate of anti-smoking prevention education experience for workers * %
Standard Resources	<ul style="list-style-type: none"> ▣ Rate of anti-smoking prevention education experience for middle school students Total 59.1%, Male 58.3%, Female 60.0% (2005) ▣ Rate of anti-smoking prevention education experience for high school students (exclude 12th grade) Total 55.3%, Male 55.8%, Female 54.7% (2005) <p>Note: Rate of anti-smoking prevention education experience(rate of anti-smoking education experience): Rate of individuals who had received anti-smoking education in schools within last 1 year.</p>
Objective Values Methods of Establishment	Converge opinions of professionals
Sources	2005 Youth Risk Behavior Surveillance, Ministry of Health & Welfare, Korea Centers for Disease Control and Prevention, Ministry of Education & Human Resources Development

Objective 1-9. Increase rate of anti-smoking counseling experiences

Objective Values	<ul style="list-style-type: none"> ▣ Support anti-smoking by registering 10% of smoker with anti-smoking clinics ▣ Encourage 10% of smokers to use anti-smoking telephone counseling
Standard Resources	▣ Year 2005 1.5% of Smokers were registered with anti-smoking clinics
Objective Values	Converge opinions of professionals

Methods of Establishment	
Sources	Ministry of Health & Welfare · KIHASA, National Health and Nutrition Survey, 2005.

Objective 1-10. Reduce the time for secondhand smoking exposure

Objective Values	<ul style="list-style-type: none"> ▣ Decrease rate of secondhand smoking exposure time inside homes of adults to 8% ▣ Decrease rate of secondhand smoking exposure time inside homes of adolescents to * ▣ Decrease rate of secondhand smoking exposure time inside homes of adult workers to 20%
Standard Resources	<ul style="list-style-type: none"> ▣ Time of secondhand smoking exposure inside homes of adults: Rate of adult non-smokers who experience secondhand smoking inside of their homes in a day (respondents who fall under interval time between below 1 hour and below 24 hours) 18.0% (2005) ▣ Decrease rate of secondhand smoking exposure time inside homes of adolescents to * ▣ Time of secondhand smoking exposure inside of work places for adults: Rate of non-smokers who experience secondhand smoking inside of their work places in a day (respondents who fall under interval time between below 1 hour and below 24 hours) 52.6%(2005)
Objective Values Methods of Establishment	Converge opinions of professionals
Sources	Gallup Korea, Adult Smoking Rate Survey,(2005. 9) Ministry of Health & Welfare · KIHASA (2005) National Health & Nutrition Survey

4. Further Detailed Plan

A. Business Name: Anti-smoking prevention and anti-smoking education promotion

1) Business Background

□ Induce negative attitude about smoking so that interrupt the access to smoking. And create anti-smoking atmosphere, then, ultimately, it will contribute decrease in the smoking rate. Especially, strengthen the anti-smoking prevention education for women because female smoking becomes a serious problem currently in the society.

□ In order to induce anti-smoking behaviors and harm from secondhand smoking, it is very important to create social atmosphere about anti-smoking. Anti-smoking promotion should be composed of contents that should contain effective methods for each target population. Induce anti-smoking practice and prevent smoking behaviors by creating social atmosphere about smoking.

2) Business Contents

□ Expand anti-smoking prevention education to induce the negative attitudes about smoking.

- Anti-smoking prevention education for pre to kindergarten children.
- Anti-smoking prevention education for elementary/middle/high school students and college students
- Anti-smoking prevention education for industrial teenagers and workers
- Anti-smoking prevention education for military personnel and police officers
- Provide training courses for professionals to conduct anti-smoking prevention education and anti-smoking abstinence program.

□ Implement anti-smoking promotion to induce anti-smoking behavior and to create social atmosphere about anti-smoking.

- Multimedia promotion such as TV and radio.
- Broadcasting campaigns (documentary, concert, etc.)
- Internet and mobile promotion
- Print media promotion such as posters and leaflets
- Outside media promotion such as ads in bus and subways, neon signs, etc.
- Propel promotion strategy that subdivide target population by breakdown of smoking levels like children, adolescents, women, military personnel and general population.

3) Main Body and Participating Agencies or groups

□ In the anti-smoking education, the Ministry of Health & Welfare in the center is charge of establishing entire business operation plan and supporting financial needs and arranging the last operation result. Main body is classified by business subjects. Regional and local department of education shall lead conducting the programs for schools. Anti-smoking education in military camp bases are implemented by the Ministry of National Defense, polices are by the National Police Agency, working teenagers and workers are by civil organizations and local health centers collaborating with the Ministry of Labor, college campuses are by local health centers. Particularly, as female smoking has become serious social problem recently, the Ministry of Gender Equality & Family and the community organizations for women should collaborate together and support to implement anti-smoking prevention education for women. Basically, anti-smoking education should be facilitated by each subject of business and in order to facilitate the program smoothly, the center body should support anti-smoking education in each area through civil organizations providing education materials and facilitators adequately

□ The Ministry of Health & Welfare should be charge of business operation plan, selecting contract agency and evaluation and the civil organization should be charge of business practice. Business should be achieved by engaging specific agencies such as business planning agency, communication agency, advertising agency, computer information and networking management agency.

4) Further Propulsion Plan of Annual Variation

□ Operate continuing expansion annually (2006 ~ 2010)

5) Budget Plan

(Unit: KRW 1 million)

Business Contents	2006	2007	2008	2009	2010
Anti-smoking prevention education	2,800	3,900	4,500	5,000	5,400
Anti-smoking promotion	8,100	11,000	13,000	15,000	18,000

B. Business Name: Expand and Operate Anti-Smoking Clinics

1) Background

□ Induce anti-smoking attempt behavior by providing counseling and the drug therapy so that ultimately, this will lead to reduce the smoking rates. Operate smoke-free clinics in local health centers throughout the nation to help smokers, who are over 20 years old, to quit smoking. In smoke-free clinics, anti-smoking counselors provide free services such as the method of action (counseling) and the drug therapy (Nicotine supplements) for 6 months.

2) Contents

☐ Induce anti-smoking behavior by providing counseling and drug therapy services for current smokers.

- Establish and operate smoke-free clinics in local health centers throughout the nation.
- Operate mobile smoke-free clinics in college campuses and business places

3) Main body and Participating Agencies or Groups

☐ The operation of business can be commissioned to professional agencies or groups if smoke-free clinics are operated in local health centers or if necessary. Mobile smoke-free clinics can be operated by connecting with local colleges and business places.

4) Further Propulsion Plan of Annual Variation

☐ Expand number of smoke-free clinics and capacity of business continually (2006 ~ 2010)

5) Budget Plan

(Unit: KRW 1 million)

Contents of Business	2006	2007	2008	2009	2010
Smoke-free clinics	19,600	22,700	33,700	44,800	55,900

C. Business Name: Settlement of Anti-Smoking Telephone Counseling

1) Background

☐ Provide anti-smoking information and support anti-smoking practice behavior to smokers by telephone. Anti-smoking telephone counseling helps anti-smoking practice behavior of smokers by connecting with smoke-free clinics

2) Contents of Business

▣ Provide anti-smoking information and counseling services to individuals who have difficulty accessing smoke-free clinics or can't have any access to anti-smoking services.

- If necessary, provide free drug therapy methods connecting with smoke-free clinics

3) Main Body and Participating Agencies or Groups

▣ Operation of telephone counseling center by the national units shall be commissioned to professional agencies or groups. The centers should be operated by connecting with smoke-free clinics in local health centers

4) Future Propulsion Plan of Annual Variation

- ▣ Anti-smoking telephone counseling model sites and operation (2005)
- ▣ Settlement and expansion of anti-smoking telephone counseling (2006 ~ 2010)

5) Budget Plan

(Unit: KRW 1 million)

Contents of Business	2006	2007	2008	2009	2010
Anti-Smoking telephone counseling	902	1,300	2,300	3,000	4,000

D. Business Name: Strengthening Anti-Smoking Policies

1) Background

▣ By assigning smoke-free areas, protect non-smokers from secondhand smoking and induce anti-smoking behavior of current smokers.

□ Pricing policy is considered to be one of effective methods reducing the smoking rate. In specialty, it is known that pricing policy is highly effective method to reduce the smoking rate for adolescents and low-income class. Through increase in tobacco price, it will make difficult to access to tobacco, eventually, it will reduce the smoking rate.

□ Tobacco promotion provides friendly image about tobacco to children and adolescents, stimulates smokers to smoke more cigarettes and decrease the intention of anti-smoking behavior. In addition, it will also increase failure of anti-smoking behavior by stimulating smoking habits to smokers who attempt to quit smoking. For these instances, by prohibiting tobacco promotion and sponsorship, repress stimulating activities to smokers and those who attempt to quit smoking, finally, reduce the smoking rate.

□ It is very important to inform accurate information about harms of smoking in health so that smokers can make their own decision to quit smoking. The methods to inform the information are education and promotion, however, the most effective method is to place the information on a tobacco pack. Current warning signs on tobacco packs express in ambiguous phrases, so the delivery of accurate meaning is very difficult and not clearly noticed.

2) Contents of Business

□ Expansion of smoke-free areas

- Promote assigning all public facilities to smoke-free areas
- Strengthen the promotion and supervising activities to conform smoke-free areas

□ Restriction on tobacco promotion and sponsorship

○ Reinforce comprehensive bans on tobacco promotion and sponsorship and promote not stimulating current smokers and those who attempt to quit smoking.

□ Deliver the damages of smoking by placing warning labels and warning pictures on tobacco packs.

- Strengthen the contents and types of warning labels
- Introduction of warning picture

□ Restrict and intensify tobacco sales

○ Strengthen the supervision on putting age detect system on cigarette vending machines and prohibition on sale of cigarettes to underage

- Restrict and intensify the distribution and sales of tobacco.

□ Arrange a plan to increase tobacco price periodically and reinforce abrogate activity on tax-free cigarette.

3) Main Body and Participating Agencies or Groups

□ Through the amendment of National Health Promotion Act by the Ministry of Health & Welfare, expand absolute smoke-free areas. Meanwhile, local health centers conduct and intensify enlightened promotion activities to restrain smoking in absolute smoke-free areas and the National Policy Agency and local health centers should be charge of supervision on this policy.

□ The Ministry of Health & Welfare should reinforce the amendment of National Health Promotion Act.

4) Future Propulsion Plan of Annual Variation

□ Intensify restrictions or regulations annually by amending the law like the National Health Promotion Act. (2006 ~ 2010)

5) Budget Plan

□ Not applicable

E. Business Name: Construct the monitoring system of smoking rate

1) Background

□ In order to evaluate propulsion success of anti-smoking business and courses of business operation, evaluation indicator should be computed. By the way, smoking behavior survey can be contingent on sample size, survey method and survey questionnaire. Therefore, smoking behavior survey system needs to be regenerated in the light of international standard.

2) Contents of Business

□ In order to evaluate the business direction by each propulsion outcomes of anti-smoking business, it is important to grasp the actual smoking condition.

- Uplift accuracy of the actual smoking condition and complement traditional survey methods to grasp related determinants.

- Implement survey on the actual smoking condition on a regular basis for adult 4 times per year and for adolescents once per year.

3) Main Body and Participating Agencies or groups

□ The Ministry of Health & Welfare should be charge of this business; however, the Ministry of Health & Welfare should request orders to professional research institutions or colleges.

4) Future Propulsion Plan of Annual Variation

□ Enforce extension of smoking state survey

- 1 per year → 4 per year(2006)

- Extend sample population and provinces by subdividing samples (2007 ~ 2010)

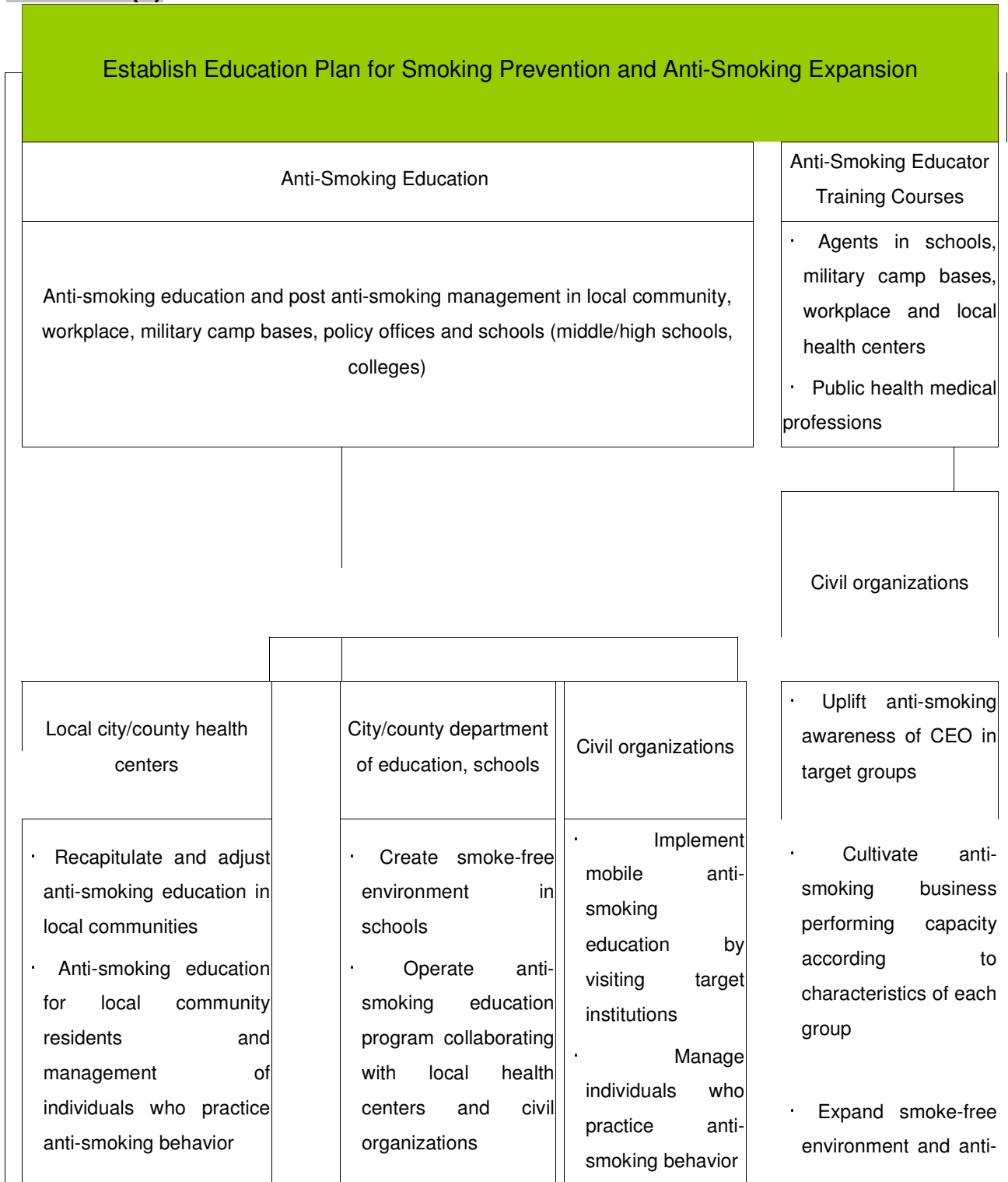
5) Budget Plan

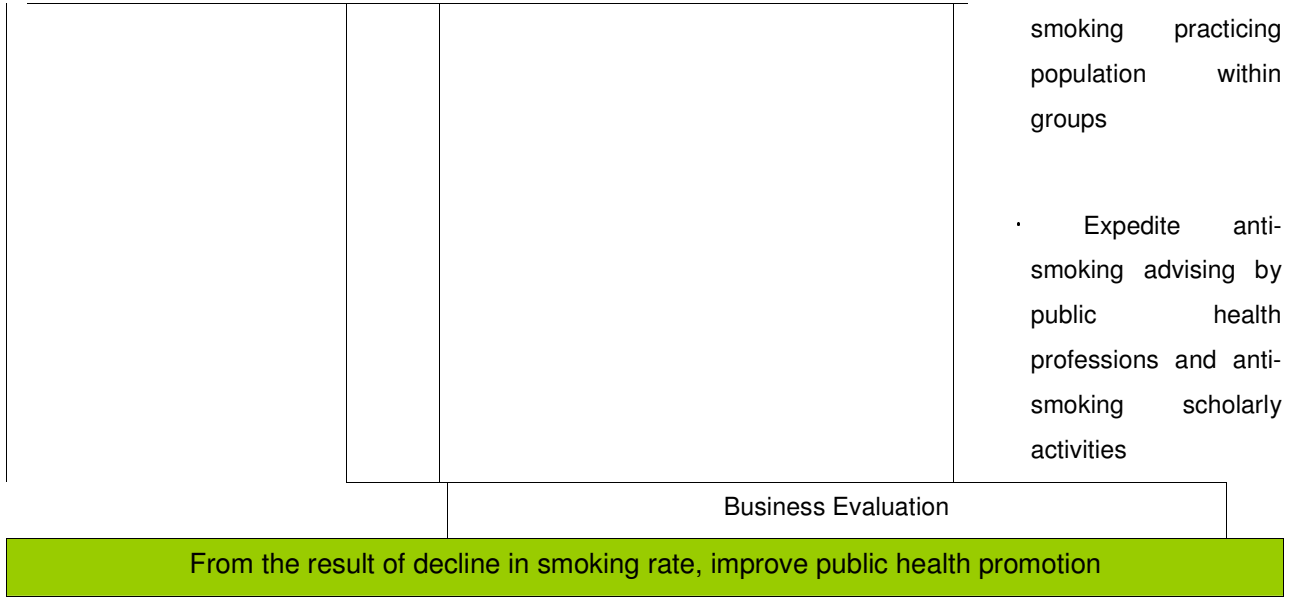
(Unit: KRW 1 million)

Contents of Business	2006	2007	2008	2009	2010
Contract the monitoring system of smoking rate	100	200	200	200	200

Article 12. Education, communication, training and public awareness

Article 12(a)





Article 14.1

* Smoke Cessation Clinic Service

○ The fundamental principle is to provide 6 months of services after registering for smoke-free clinic clients.

○ Providing Service Procedures

Counseling Frequency	Contents
1 st Session	<ul style="list-style-type: none">· Registration and the first interview· Basic survey, Nicotine dependency assessment, anti-smoking education, CO measurement· Nicotine supply/prescribe Bupropion
2 nd counseling session	<ul style="list-style-type: none">· CO measurement· Withdrawal symptom counseling/Nicotine supply/prescribe Bupropion· Make phone call and visit clients who fail to abstain
3 rd counseling session	<ul style="list-style-type: none">· CO measurement· Withdrawal symptom counseling/Nicotine supply/prescribe Bupropion· Make phone call and visit clients who fail to abstain
Post-management	<ul style="list-style-type: none">· After the 3rd time, confirm complete anti-smoking abstinence for 6 months by phone call, e-mail, counselor visit

- **Counseling Stages**

- Stage 1: Establish and maintain relationship between a counselor and a smoker. First, greet to a client and grasp interest of a client. It is very important to establish the confidence between a counselor and a client.

- Stage 2: Understand and ascertain problems of smoking accurately. Combine all verbal and non-verbal communication resources by a client to contrive and to distinct common understanding between a counselor and a client

- Stage 3: Search for purpose of counseling. Search for all possible methods to determine how to resolve problems that a smoker (client) has.

- Stage 4: Determine the course of behavior change of a client who has desire to change in action. Help and encourage a client to make a his/her own decision for oneself.

- Stage 5: Stimulate a client to arouse behavior change. By using potential matters that a client already possesses or reflecting previous strategies, make a client to have confidence to use those strategies.

- Stage 6: Evaluate the counseling process and determine the post action plan. Compliment positive changes and evaluate the interview session. Then, determine the "To do list" until the next interview.

- Stage 7: Encourage, support and guide a client to achieve goals without counselor's help. Then, close the session with making the next appointment.

<Table> Goals of relationship by stages and goals of action

Stages	Goals of relationship	Goals of Action
Beginning	Begin the relationship between an interviewee and a client	Discover problem(s) of a client
Verification of problem(s)	Form more friendly relationship between an interviewee and a client	Define consonant definition about problem details of a client
Establishment of goal(s)	Maintain friendly relationship between an interviewee and a client	An interviewee and a client re-stipulate problem(s) to attainable goal(s).
Plan details	Maintain friendly relationship that a client acknowledges the responsibilities.	An interviewee and a client brainstorm action plan(s) that are suitable to each goal, then, based on strong point, select the best possible plan.
Action	Continue to maintain friendly relationship between an interviewee and a client by supporting or confronting if necessary.	Support a client to achieve the best possible action plan. After anti-smoking counseling session ends, counselor should develop methods to maintain learning behavior.
Evaluation/Closing	Close the relationship between an interviewee and a client. If necessary, leave a margin that a client can have another interview again.	Evaluate the action plan, then, adjust and fix the program. After that, the 1 st counseling session is closed.

<Contents of service offer by visiting days >

the 1st Session (form 3-1, form 3-2 preparation)

Measure blood pressure, weight, waist size, CO during a fair day

Examine medical history

- Examine history of epilepsy and name of prescription drug(s) that a client is taking currently and the reason for taking the medicine(s).

- If a client has history of epilepsy, do not prescribe Bupropion. And Individuals who have conditions such as angina pectoris, arrhythmia, recent myocardial infarction symptoms, recent paralysis symptoms, permanent dermatitis (psoriasis, etc.), nicotine allergies, pregnancy, breast feeding, under age of 18 are not able to use nicotine patches or gums.

Examine any special condition in a body of a client or during the medical examination

- Examine any abnormal signs of vigor symptom

- Examine any alcoholism or symptoms of chronic lung diseases such as alcohol smells and jaundice, spider angioma, hepatomegaly, spleen stalk, etc.

Examine amount of smoking consumption

- Examine the beginning age to start smoking, smoking periods, average smoking amount per day, etc.

Evaluate Nicotine dependency

- Evaluate Nicotine dependency by using questionnaire (form 3-2)

Examine amount of alcohol consumption.

- Examine on amount of alcohol consumption and identify any trace of alcoholism. If drinking behavior finds out to be a medical problem, encourage client to participate in alcohol abstinence program.

□ Determine concrete anti-smoking methods by anti-smoking counseling

- If a particular client decides to quit smoking, make a client to set the **starting day to quit smoking**.

· Generally, set certain days like the beginning of month or week, which is distinguishable. It would be great if the day is special days like birthdays of family members or anniversary, etc.

· Encourage patient to set the date within 2 weeks after a client decides to quit smoking. And encourage a client to avoid times when under too much stress

- After a client decide the start day to quit smoking, then, inform widely to people around a client such as family members, friends, co-workers. Especially, it is effective if a client make promise with his/her children.

- If it is decided to use Bupropion, a client should start taking medicine at least 1 week before the first session.

< Contents of measurement when visiting>

- Measure blood pressure, weight and CO during a fair day

< Counseling contents when visiting>

- Encourage a client to say any withdrawal symptoms and coping methods and provide appropriate information/sources to a client.
- .Encourage a client to say any side effects or problems using Bupropion and Nicotine patches and explain coping methods.

- Identify alcohol experience and whether to smoke or not.
- Evaluate and advice weight control and health promotion activities such as exercise and adequate meal plan.
- Evaluate levels of stress and explain coping methods

The 2nd Session

- Measure CO during a fair day then, measure high blood pressure, weight and waist size if necessary.
- If a client and an interviewee haven't set the date to quit smoking during the first visit, set the date to quit smoking.
- If there is any insufficiency on the first day evaluation, supplement the evaluation.
- Through anti-smoking counseling, implement necessity behavior methods to practice anti-smoking behavior.
- Support any drug treatments such as Nicotine patches and Bupropion if necessary.

The 3rd Visit to the 6th Visit

- It is require to attend smoke-free clinic 3 times, but if a client requests to stay more in sessions, counseling and drug treatment can be provided for 6 weeks after quitting smoke.
- Six weeks after quitting smoke
 - Implement survey on levels of satisfaction using smoke-free clinics (Form: refer to computerized program)
- Six months after quitting smoke

- If a client is successful in 6 months to quit smoke completely, provide simple gifts to congratulate a client. (The budget is used, produced and distributed by own body from the previously planned budget)

<Methods of Providing Services ¹⁾>

- o Counseling and Behavioral treatment

- Intensity

- 15-30 minutes of one particular session and at least 3 sessions of counseling and education are required to attend (After 3 sessions requirement, it is clinics' own discretion to conduct the session.)

- Education methods: individual counseling

- Methods

- Evaluate and conducting counseling by using anti-smoking chart
- Education using slides
- Education utilizing anti-smoking related video, a booklet, sticker and experiment equipments

- o Drug Treatments

- It is required to prescribe Nicotine patches and Bupropion for 6 weeks each.

- Limitation on prescribing 3 weeks of Rx at once.

- Nicotine patch should be used for 6 weeks of basic starting from the date a client, who smoke more than 10 pieces of cigarettes, quits smoking. There is no absolute contraindication on this medicine; however, the nicotine patch cannot be prescribed to any individual who has conditions such as such as angina pectoris, arrhythmia, recent myocardial infarction symptoms, recent paralysis symptoms, permanent dermatitis (psoriasis, etc.), nicotine allergies, pregnancy, breast feeding, under

age of 18. ²⁾ However, it is more effective using Nicotine patch to quit smoking than not quitting smoke, in this case, consult with doctors whether to use the patch or not.

- Combination of Bupropion (Wellbutrin SR) and Nicotine patch increases the success rate of anti-smoking behavior and repress weight gain. It is required to prescribe to smokers who smoke more 10 pieces of cigarettes per day, however, if there is any limitation on budget, it can be prescribed to smokers who fail to quit or smokers who have weight gain problem. This medication needs be used carefully to epilepsy and anorexia nervosa patients.

- o **CO Measurement**

- CO analyzer measures CO during a fair day directly in the unit of ppm and carboxyhemoglobin density indirectly. By checking his/her own CO density in the naked eye; it is effective tool to sense the difference in the times between when smokers smoke a cigarette and when smokers quit smoking.

- Measuring Methods

- Turn on CO analyzer, then insert disposable mouthpiece into the analyzer
- Press 'set' button and confirm that CO density indicates 0 ppm on a screen.
- When a client breath in deeply, press 'go' button.
- Restrain breath for 12 seconds, then machine will make beep sound. By the time, hold the mouthpiece with mouth then breathe out.
- Breathe out completely to the end then wait for a numbers, which indicate the density, are stopped on a screen. In general, it takes about 4-5 seconds.
- On a screen, the number that doesn't change is the density of CO.

- Test result distinction: Over 7 ppm is considered to be a smoker.

□ However, if a client smokes less in the morning or if it has been more than 12 hours from the last smoking behavior, the measurement may indicate as normal, therefore, be care when measuring.

4) Termination of Treatment

○ Normal Termination: the case that a client who doesn't smoke not a piece of cigarette for 6 weeks after the date when a client decides to quit smoke cigarette. (Based on self-report)

○ Midway Termination: the case that communication is stopped, a client move to other location, a client are excluded because of disease or death in the middle of service.

○ Failure Termination: the case that a client starts smoking again during the process after the date when a client decide to quit smoking. In this case, start from the beginning and set the date when a client desire to quit smoking again.

□ It is required to provide service for 6 months after the smoke-free client register for the service. However, if a person desire to extend the service or needs anti-smoking counselor, service period can be extended.