[CZ] Amendment of the Act on the Regulation of Advertising

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The Parliament of the Czech Republic passed the Act Amending the Act on the Regulation of Advertising and on the Amendment to the Act on Radio and Television Broadcasting ('the Act"). The aim of the Act is to implement into Czech law the provisions of the European Directives concerning advertising. The Act defines advertising as an announcement disseminated by communications media, intended to promote business, including, but not limited to the production, consumption or sale of goods, construction, lease or sale of property, assignment or use of rights or obligations, support for the provision of services, promotion of trade marks or brand names, unless otherwise provided. The communications media, by which advertising is disseminated, are described as facilities making it possible to convey advertising, including, but not limited to the periodical press and non periodical publications, radio and television broadcasting, audio-visual performances, computer networks, carriers of audiovisual works, posters and leaflets. The amended law imposes restrictions on the advertising of different products and services and on different types of advertising. The advertising of products, services and any other means of supply or any other assets, the sale, provision or spreading of which would be in contravention of legal regulations shall be prohibited. Subliminal advertising, surreptitious advertising and misleading advertising are prohibited. Advertising of tobacco and tobacco products, human therapeutic preparations, medical products, firearms and ammunition is restricted. Comparative advertising is permitted if certain conditions are met as set out in a special law (Commercial Codex). Advertising for food and baby food is regulated in compliance with the relevant European directives. Advertising concerning special offers shall clearly and unequivocally indicate the dates on which the offer starts and terminates. The amended Law also regulates sponsorship.

The bodies responsible for supervising compliance with the Act shall be

- the Council on Radio and Television Broadcasting in respect of advertising disseminated via radio and television broadcasting,

- The State Institute for Drugs Inspection in respect of advertising of human therapeutic preparations,

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- The Ministry of Health in respect of advertising of medical products,

- in all others cases the District Business Registration and Licensing Offices.

By administrative procedure the supervisory bodies may impose a penalty on any advertiser, advertising producer or disseminator, depending on how serious the breach of their duties is, and may do so repeatedly. The supervisory body may order any advertising that contravenes the law to be removed or terminated within a reasonable period of time.

The advertising producer shall keep a copy of each piece of advertising for at least 12 months starting from the date on which the advertising was last disseminated. In the event that legal proceedings are instituted before the expiry of the period referred to, the advertising producer shall keep the copy of the piece of advertising that is the subject of the proceedings until a decision is made in the matter concerned.

The Act shall come into effect on 1 July 2002.

Zázon 138/2002 ze dne 15. března 2002, kterým se mění zákon č. 40/1995 Sb., o regulaci reklamy a o změně a doplnění zákona č. 468/1991 Sb., o provozování rozhlasového a televizního vysílání, ve znění pozdějších předpisů, ve znění pozdějších předpisů, a zákon č. 79/1997 Sb., o léčivech a o změnách a doplnění některých souvisejících zákonů, ve znění pozdějších předpisů

http://www.sagit.cz/_texty/sb02138.htm

Act 138/2002 of 15 March 2002, amending the Act Nr. 40/1995 Coll. on the Regulation of Advertising

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