[RO] New Advertising, Sponsorship and Teleshopping Rules

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The Romanian regulatory body for electronic media, the Consiliul Na,tional al Audiovizualului (CNA), has amended the regulations on advertising, sponsorship and teleshopping (CNA decision no. 123/2003, published in the Romanian Official Gazette no. 479 of 4 July 2003) by decision no. 254 of 5 July 2004 (Decizia CNA privind publicitatea, sponsorizarea ,si teleshoppingul). The aim of the changes is to uphold the principles of free competition, the protection of life, health, consumer interests and the environment, and to bring Romanian legislation into line with EC law.

Advertising for food, for example, should no longer encourage over-eating. Claims may only be made about the effect of certain vitamins or the positive impact of products on health if they are based on solid scientific evidence. Furthermore, advertising spots must not refer to any healing or preventive qualities of foodstuffs. Advertising for food may only depict products with various types of fruit and vegetables if the latter constitute at least 4% of the advertised product.

In order to counter the negative effects of alcohol consumption, mainly by minors but also in general, the new regulations ban all types of TV advertising for spirits between 6 am and 10 pm. Similar rules apply to radio advertising. All advertising spots for alcoholic drinks in the electronic media must conclude with the message " consumul de alcool dauneaza grav sanata,tii" (alcohol consumption seriously damages health).

Apart from advertising breaks, the only time that products and individual services may be shown or offered for sale is during teleshopping programmes. Exceptions apply to products and services from the cultural or educational field and cars in certain special programmes.

Regarding advertising for medicines, doctors, dentists and pharmacists are not allowed to recommend particular drugs. Advertising for natural remedies must be accompanied by the warning " produs neatestat medical" ("this product has not been medically approved").

The new CNA decision also includes provisions on political advertising and advertising for certain professions. Political advertising is only permitted during election campaigns, for example. Advertising for notaries, lawyers, bailiffs

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(executori judecatore,sti) or other legal experts (exper,ti judiciari) is banned. Active members of lawyers' associations (membri activi ai barourilor de avoca,ti) must not mention on radio or TV any cases which are still pending.

According to Articles 90 and 91 of the Romanian Audiovisual Act (Legea audiovizualului Nr. 504/2002, cu modificarile ,si completarile ulterioare), breaches of the new CNA provisions may be punished by considerable fines.

Decizia CNA privind publicitatea, sponsorizarea si teleshoppingul Nr. 254 din 5 iulie 2004, Monitorul Oficial al României, Partea I, Nr. 668/26.VII.2004

Decision No. 254 of 5 July 2004 concerning regulations on advertising, sponsorship and teleshopping), Official Journal, Partea I, Nr. 668, 26 September 2004

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