[RO] New Rules on Tobacco Advertising

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Act No 457/2004 on the Advertising of Tobacco Products (Legea privind publicitatea şi sponsorizarea pentru produsele din tutun),published in parliamentary gazette No 1067 of 17 November 2004, introduces new rules on the advertising of tobacco products and sponsorship by tobacco companies. The Act is modelled on relevant EU texts including Directive 2003/33/EC on the approximation of the laws, regulations and administrative provisions of the Member States relating to the advertising and sponsorship of tobacco products, and certain provisions of Council Recommendation No 2003/54/EC on the prevention of smoking and on initiatives to improve tobacco control. The aim is to counter the damaging impact of smoking on public health by means of tougher rules in relation to tobacco products of all types (Article 2(a)). The Act imposes restrictions on tobacco advertising and sponsorship that involve the print media and broadcasting, and on the free distribution of tobacco products to potential consumers. Article 2(b) defines "advertising of tobacco products" as "any form of commercial communication" the aim of which is to "directly or indirectly extol tobacco products". "Sponsorship" is defined in Article 2(c) as "any public or private contribution to an event, activity or individual“ that may serve "directly or indirectly to extol a tobacco brand". Article 3(1) of the new Act stipulates that advertising for tobacco products is prohibited in the print media and all printed publications with the exception of legally permitted notices. Tobacco advertising is also banned on public and commercial radio and television, in the cinema and on advertising posters, banners and other surfaces intended for advertising purposes and in respect of which advertising charges are imposed. Under Article 3(2) such advertising is permitted only in tobacco industry trade journals and publications that are not printed or published in Romania or another EU Member State, nor intended chiefly for the Romanian or European Community market.

More serious offences under the new Act are punishable by fines of between ROL 25,000,000 and ROL 500,000,000 (at the current exchange rate EUR 1 = ROL 36,000; after revaluation of the Romanian currency in July 2005, EUR 1 = RON 3.60). For lesser offences, fines of between ROL 5,000,000 and ROL 10,000,000 may be imposed.

Article 7 provides that Act No 457/2004 on the Advertising of Tobacco Products will come into force on 31 December 2006.

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Legea privind publicitatea şi sponsorizarea pentru produsele din tutun, Monitorul Oficial al României Nr. 457

http://www.cdep.ro/proiecte/2004/400/70/7/leg_pl477_04.pdf

Act No 457/2004 on the Advertising of Tobacco Products, Gazette No 1067 of 17 November 2004

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