[BA] RAK Prohibits Deceptive Advertising

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The *Regulatorna agencija za komunikacije* (Communications Regulatory Agency - RAK) of Bosnia and Herzegovina, responsible for the broadcasting and telecommunications sectors in the country, has issued written warnings to both public and commercial broadcasters due to the violation of Articles 3 and 8 of the Code on Advertising and Sponsorship for the broadcast of the advertising clip "Royal".

The Advertising and Sponsorship Code forbids advertising and teleshopping related to tobacco products as well as deceptive advertising. The latter is by definition an act or practice aimed at misleading consumers.

While all broadcasters claimed that advertising of the new fashion wear collection under the title "Royal" was at issue, RAK found in its rationale that the whole campaign was related to the advertisement of a new cigarette brand under the pretext of a co-operation of two domestic companies: Tobacco Factory Sarajevo and Granoff clothing firm. Namely, "Royal" is the title of both the new clothes collection and the new cigarette brand. This practice was qualified by the RAK as so-called "surrogate advertising", a widespread marketing practice, that appears where advertising of a certain product is forbidden, while its production and sale is allowed. Surrogate advertising implies the promotion of products which are not in the society's interest. However, problems that frequently emerge are the careful interpretation of what constitutes surrogate advertising since legitimate efforts at brand expansion could be endangered.

In this particular case, the RAK considered that the broadcast of the advertisement for "Royal", which obviously referred to the cigarettes with the same name, not only represents advertising of cigarettes, but also has a deceptive influence on the public and harms the interests of the customers, taking into account the media obligation to place advertisements in a legal and fair manner in their programmes.

The RAK also warned that the broadcasters will face a more serious fine if such practices continue.

Press release of the RAK of 1 August 2007

http://www.cra.ba/en/public-affairs/pressr/default.aspx?cid=4626

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