[LT] Regulation on Misleading and Comparative Advertising Revised

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With the aim of implementing the Unfair Commercial Practices Directive (Directive 2005/29/EC) the Lithuanian *Seimas* (Parliament) amended the *Lietuvos Respublikos reklamos įstatymas* (Law on Advertising). The new law came into force on 1 February 2008.

Principally, it was the provisions regarding misleading and comparative advertising that were amended. As the provisions of the Law on Advertising are applicable also to advertising in broadcasting, these amendments and additions are also relevant for the field of broadcasting.

According to the new Law, advertising shall be considered as misleading if its content is incomplete and if essential information is not revealed, concealed, inaccurate, ambiguous or presented not in due time and thus, might cause or is likely to cause an average consumer to form and take a decision on a transaction, which he (she) would not have otherwise taken.

The amendments also specify the requirements on comparative advertising. The Law allows comparative advertising if it does not cause confusion with regard to commercial undertakings, i.e. of the advertiser and its rival, or of their trademarks, names, or other tags with distinguishable features, goods or services.

Aside from the amendments related to the implementation of the Unfair Commercial Practices Directive, the Law on Advertising also defined the liability for a violation of the stipulated requirements. According to the amended Law, the fine for the use of misleading and forbidden advertising that can be imposed on the operators of advertising activity (makers and distributors of advertising, including broadcasters) may reach from LTL 1,000 (around EUR 290) to LTL 30,000 (EUR 8,695). In cases of aggravating circumstances, the fine may reach LTL 120,000 (EUR 34,782). According to the amended Law, the amount of the fine shall depend on the type, the duration and the degree of the violation as well as on any possible extenuating or aggravating circumstances.

Fines for misleading and illicit comparative advertising shall be imposed by the Competition Council on the operators of advertising activity. The National Consumer Protection Council is designated to impose fines for infringements of the provisions on forbidden advertising and for breaches of the requirements on

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advertising use.

Lietuvos Respublikos reklamos įstatymas

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=313737&p_query=&p_tr2=

Law on Advertising of the Republic of Lithuania

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