

THE LAW ON ADVERTISING

I. BASIC PROVISIONS

1. Subject

Article 1

This law regulates the conditions and mode of advertising, rights and commitments of advertisers, producers and transmitters of advertisements, as well as the rights of the recipients of the advertisements.

2. Terms

Article 2

Certain terms used in this law have the following meaning:

1) **advertising** is informing through an advertising medium which recommends an advertiser, his activity, product, service or other recommendation in order for a recipient to whom it is addressed to accept it or use it;

2) **advertisement** is a message which recommends an advertiser, his activity, product or service;

3) **advertising medium** is a leaflet, brochure, product packaging, poster, photograph, card, board, sign, billboard, light body, display, motor vehicle, instrument of business communication (letterhead, envelope, business card), instrument of business representation (greeting card, calendar, pocket-book), as well as other means through which an advertisement can be made available to a recipient;

4) **advertiser** is a legal entity, entrepreneur or a physical person whose company name, personality, activity, product or service is being recommended by the advertisement;

5) **producer of an advertisement** is a legal entity or entrepreneur who is registered for performing advertising activities, creating or producing advertisements, planning or leasing ad space in public media, that is, for particular stages of advertising process;

6) **transmitter of advertisement** is a public medium (newspapers, radio programme, television programme, news agency service, Internet and other electronic editions of public media and other means of information intended for public distribution and unspecified number of users), main or additional contents of which are advertisements;

7) **other transmitters of advertisements** are legal entities or entrepreneurs who in the windows of their work facilities or in other places show advertising instruments, advertisement, as well as the organisers of cultural, entertainment, sports and other public events who transmit advertisements to their auditorium;

8) **recipient of advertisement** is a consumer, user of services and other person to whom advertisement refers;

9) **sale point** is a work facility, space, where registered activity is performed in accordance with law;

10) **open space** is a public area as well as other areas where advertising instruments may be set.

3. Principles of advertising

3.1. Principle of freedom of advertising

Article 3

Advertising is free.

Advertising is done in accordance with law, other regulations, good business practice and professional ethics.

Foreign legal entities and physical persons have the same rights and commitments in advertising as domestic entities.

3.2. Principle of true, complete and specified advertisement

Article 4

Advertisement must be true, complete and specified, in accordance with law, good business practice, fair competition and professional ethics.

A true, complete and specified advertisement contains information that are reliable and empirically confirmed, that is, in which data that are important for getting the right notion on the subject of the advertisement are not omitted.

If the advertisement refers to opinions of certain scientists or experts, they must be confirmed, documented, updated and verifiable.

An advertisement may contain statistical data or poll results, providing that in that way the data in the advertisement are not given higher value of the one they actually have.

An advertisement may contain scientific or allegedly scientific terminology, providing that in that way the data in the advertisement are not given the scientific character they do not possess.

3.3. Principle of recognising an advertising message

Article 5

A message that presents an advertisement must be recognisable.

If the advertisement appears together with some other message, that is, a notice, which does not have the advertising character the advertisement must be clearly pointed out.

An advertisement is forbidden if it is directed at subconscious, as well as if recommends products and services during shows that are not intended for advertising or other forms of undercover advertising.

3.4. Principle of banning misuse of trust

Article 6

An advertisement must not be created to misuse trust, relationship of dependence or affection, ingenuousness, lack of experience or knowledge and superstition of advertisement recipients.

The advertisement must not contain elements which openly or covertly threaten, support, stimulate violence or unjustified fear or which address the recipients from the point of view of the authority to the subordinates, minors, economically or otherwise dependent persons.

3.5. Principle of banning discrimination

Article 7

Advertising may not directly or indirectly encourage discrimination on any grounds, especially on the grounds of race, skin colour, sex, nationality, social background, birth, religion, political or other convictions, economic status, culture, language, age, mental or physical disability.

Advertising or publishing may not be denied due to racial, national or ethnic convictions, sex or some other personal feature of a person asking publication or broadcast of an advertisement.

3.6. Principle of banning moral violation

Article 8

An advertisement must not contain statements or visual representation that cause association that in the circumstances of a specific case may be considered inappropriate, especially considering the contents of the advertisement, means and manner of advertising, sensibility of persons to whom it is directed, as well as type of the advertiser, activity, product or service advertised.

3.7. Principle of banning individual advertising by way of personal address

Article 9

An advertisement may not be directed individually at particular person, if he/she clearly expressed his/her will not to be addressed.

Advertising by way of sending unordered goods is illegal, as well as direct address to a person in public, if that person has expressed clearly his/her will not to be spoken to and if this address is not in accordance with the prescribed conditions and manner of advertising.

It is illegal to advertise by sending advertisements via calling devices with or without mediation, via fax or electronic messages without consent of the recipient of the advertisement.

3.8. Principle of banning violation of competition, creating and maintaining dominant position

Article 10

It is illegal to decline publishing or broadcasting of an advertisement if not publishing of that message causes violation of competition, creates or maintains a dominant position of the market participants.

II. TERMS AND INSTRUMENTS OF ADVERTISING

1. Terms of advertising

Declaration

Article 11

An advertiser is bound to submit to the person publishing or broadcasting an advertisement, in addition to the advertisement, a filled in form (herewith: the declaration) which contains information on:

1) the producer of the advertisement (company name and seat, number under which it is registered in the appropriate registry for performing the activity of producing advertisements, that is, name and surname, address of residence, personal identification number, id number and the place of issue by an authorised person);

2) the advertiser (company name and seat, number under which it is registered in the appropriate registry for performing the activity that is the subject of advertisement, that is, name and surname, address of residence, personal identification number, id number and the place of issue by an authorised person);

3) the advertisement (text, duration, dimensions, manner of advertising, the author of the text, music, photograph, illustration, design, the director, cameraman or sound editor, the performer whose face or voice is used in advertisement, as well as the information on other authors in terms of regulations on protection of copyrights).

If the advertiser does not submit the declaration with the advertisement or the submitted declaration does not contain the required data, the advertisement shall not be published or broadcasted.

The minister of trade proscribes in detail the contents of the declaration.

Article 12

An advertisement may recommend the advertiser, his activity, product, service or other recommendation, providing that performing that

activity or production and trade in these products or rendering those services is not illegal.

Article 13

If for the activity that includes subject of advertising it is proscribed by law that it may be done only by consent, permission or other act of a state body, advertising is allowed if that consent, permission or other act of the state body has been obtained.

2. Advertising instruments

1. TV advertising and TV sales

Article 14

TV advertising in terms of this law is broadcasting of advertisements with or without compensation, for the purpose of recommending an advertiser, his activity, product, service or other recommendations in order for a recipient at whom it is directed to accept it or use it.

TV advertising without compensation is done in the following cases:

- 1) TV advertising for self-promotion reasons with which the viewers are informed on the contents of the programme to be broadcasted in the next seven days, including advertising certain shows from the programme;
- 2) the announcements of public services and the advertisements of non-profit organisations for charity or humanitarian actions as well as their appeals for charity or humanitarian action which are performed without compensation;
- 3) showing of the identification sign of the TV programme.

TV sale in terms of this law is broadcasting with compensation of direct offers of products or services, including immovable property, rights and obligations.

Duration of TV advertising and TV sales in programmes of the commercial television stations

Article 15

Duration of TV advertising and TV sales in programmes of the commercial television stations may be maximum 20% of the total daily broadcasted programme.

Duration of TV advertising and TV sales in programmes of the commercial television stations may be maximum 15% of the total broadcasted daily programme.

Within the full hour of the programme broadcasted on television stations from Paragraph 1 of this Article, it is permitted to broadcast maximum 12 minutes of advertisements and TV sale messages.

If on a commercial television station there is TV sale as a special show, that show must last at least 15 minutes without interruption and there may be maximum 6 shows of TV sale per day in total duration of maximum three hours.

The show from Paragraph 4 of this Article must be clearly marked as TV sale both visually and in sound.

The restrictions from Paragraph 4 of this Article do not apply to the programmes designed exclusively for TV sale.

Duration of TV advertising and TV sales in programmes of the public broadcasting service

Article 16

In programmes of the public broadcasting service, duration of TV advertising of TV sales may be maximum 10% of the total daily broadcasted programme.

Within the full hour of public broadcasting service programme it is permitted to broadcast maximum six minutes of advertisements.

TV sale shows may be broadcasted in programmes of public broadcasting service only in the period between 00:00 and 06:00 hours, under conditions from Article 15, Paragraphs 4 and 5 of this law.

The provisions in Paragraphs 1 and 3 of this Article apply to the television stations of civil sector, as well as on the television stations of local and regional communities.

Mode of broadcasting advertisement and TV sales message

Article 17

Advertisements and TV sales messages are broadcasted between certain shows.

If the conditions envisaged by this law are fulfilled, advertisements and TV sale messages may be broadcasted also during the show in a way that does not violate wholeness and value of that show, that is, does not violate copyrights.

If the show consists of special parts or if sports, cultural or similar event that is being broadcasted has intermissions (half time, time-out etc.), advertisements and TV sale messages may be broadcasted only between parts of the show, that is, during breaks.

Broadcasting of audio-visual parts such as motion pictures or TV films, except serials, series, entertainment and documentary programmes, may be interrupted for broadcasting of advertisements or TV sale messages only if those features last more than 45 minutes, once on every 45 minute.

If broadcasting of audio-visual parts from Paragraph 4 of this Article lasts more than 90 minutes, additional intermissions are permitted once on each additional 45 minutes, providing that there is at least 20 minutes between every two intermissions.

If the programmes are interrupted by broadcasting of advertisements or TV sale messages, between two blocks of advertisements or TV sale messages must be at least 20 minutes, except in cases under Paragraph 3 of this Article.

In news and documentary programmes broadcasting of advertisements and TV sale messages may be done under conditions and in a manner stated in Paragraphs 1 to 6 of this Article, if those programmes last over 30 minutes.

Broadcasts of religious ceremonies may not be interrupted by advertisements and TV sale messages.

In programmes with religious content that last more than 30 minutes advertisements and TV sale messages that are in accordance with the contents of the programme may be broadcasted, under conditions from Paragraphs 1 to 6 of this Article.

In children shows that last over 30 minutes only the advertisements designed for children may be broadcasted under conditions from Paragraphs 1 to 6 of this Article.

Broadcasting of advertisements during live sports broadcasts through public broadcasting service

Broadcasts of international sports events of national importance (Olympic Games, World and European championships, etc.) via public broadcasting service may be interrupted by advertisements and TV sale messages maximum nine minutes per hour, providing that the total daily broadcasting of advertisements and TV sale messages may last maximum 10% of total daily broadcasted programme.

The list of international sports events from the Paragraph 1 of this Article is determined by the Republic Broadcasting Agency.

Mode of broadcasting blocks of advertisements and TV sales messages

Article 19

Advertisements and TV sales messages are usually broadcasted in blocks.

The beginning and the end of advertisements and TV sales message blocks must be recognisable and separate from other programme content both visually and by sound.

Duration of start and end credits, advertisements blocks and TV sale messages is counted into the total duration time of advertisements and TV sale messages.

Mode of selling services of TV advertising and TV sales in programmes of institute of public broadcasting service

Article 20

The Institute of public broadcasting service may sell its services of broadcasting of advertisements and TV sale messages to third persons for maximum one year in advance.

Total value of services from Paragraph 1 of this Article may not be higher than 60% of the total value of the programme designed for TV advertising and TV sale in one year.

Value of the services from Paragraph 1 of this Article sold to one person or group of connected people in terms of law that regulates corporate income tax of the company, may not be more than 10% of the total value of the programme designed for TV advertising and TV sale in one year.

The person from Paragraph 1 of this Article concedes his right to broadcasting of advertisements or TV sale messages to another person at the price higher than the price determined by the price-list of the Institute of public broadcasting service, on which advertisement or TV sale shall be

broadcasted, on the day when the person who transfers the right obtains that right.

It is illegal for the Institute of public broadcasting service to transfer to third persons the right to an exclusive sale of services of broadcasting of advertisements in its TV programmes.

Institute of public broadcasting service and radio and television station of civil sector may not be mediators, agents, or to take over the role of an advertiser for account and on behalf of a third person.

TV programmes intended exclusively for self-promotion

Article 21

The provisions of this law on TV advertising and TV sale duly apply also to the TV programmes designed exclusively for self-promotion.

Other forms of TV advertising in such programmes are permitted under conditions from Article 15, Paragraph 3 of this law.

TV programmes intended exclusively for TV sales

Article 22

The provisions of this law on TV advertising and TV sale duly apply also to the TV programmes designed exclusively for TV sale.

2. Radio advertising

Article 23

The provisions of Articles 16, 18, 19 and 20 of this law duly apply to radio advertising.

3. Advertising in open space

Article 24

Advertising in open space is done in a manner that ensures safety of pedestrians, motor vehicles and other participants in traffic, protection of cultural and historical monuments and property of common interest and preservation and improvement of the outlook of the city or settlement.

Setting advertising boards in public space

Article 25

In public space, an advertising board may be set based on the permit of the responsible body.

The responsible body may decline to issue the permit from Paragraph 1 of this Article if it ascertains that setting the banner in public space would jeopardise safety of pedestrians, motor vehicles and other participants in traffic, and protection of cultural and historical monuments and property of common interest or distort preservation and improvement of the outlook of the city or settlement.

Setting posters in public space

Article 26

Advertising on a poster in public space is allowed:

- 1) if the poster is set in public space which is designed for that purpose by a decision of a municipality, city or organisation that manages that public space;
- 2) if a permit is needed for setting posters in public space from municipality, city or organisation that manages public space, upon obtaining that permit;
- 3) if a decision of municipality, city or organisation for managing public space determines free space for setting each poster on specific public space and time in which the poster may be set, upon obtaining that permit.

Setting posters in other spaces

Article 27

In spaces that are not public, setting posters is permitted only with the consent of the owner or user of that space.

Carrier of advertising message that contains information on business name, seat and founder of health institutions

Article 28

A panel or other carrier of advertisement that contains information on the company name, seat and founder of a health-care facility, or other form of health service and working hours, must be of square or

rectangular shape, dimensions may not exceed 35 x 50 centimetres, set in the wall by the entrance to the building in which the work premises for performing medical activity are situated.

The panel or other carrier of the advertisement from Paragraph 1 of this Article contains other data in accordance with the law that regulates medical activity.

Setting other advertising instruments

Article 29

Setting other advertising instruments in open space, such as pillars, balloons, stands of public transport, screens, electronic displays, illuminated letters, etc. is done in a way and under conditions from Article 25 of this law.

III. UNTRUE, COMPARATIVE AND MISLEADING ADVERTISING

Article 30

The following is illegal:

- 1) the advertising that untruthfully presents the identity of the advertiser, his activity, product or service;
- 2) the omitting of important information, the use of vague or ambiguous expressions, old or outdated citations or other information that mislead in terms of the identity of the advertiser, his activity, product or service (type, characteristics, quality, origin or other information on product or service) and other recommendations addressed to recipient of advertisement;
- 3) the advertising that presents imitation or copy of other person, his activity, product or service;
- 4) the advertising that disparages, suspects or in other inappropriate manner shows the identity of other person, his activity, product or service;
- 5) the comparison of an advertiser, his activity, product or service with other advertiser, his activity, product or service to the detriment of the other, that is, for acquiring material benefit;
- 6) the advertising that by referring to the other person, his company name, trademark, activity, product or service uses the reputation of that other person in a manner that is misleading for the recipients of the advertisement.

Article 31

Advertising may not be used to cover important shortcomings, dangerous or detrimental characteristics of the products, services or other contents that are being recommended to the recipient of the advertisement.

Article 32

Advertising is illegal when an advertiser, his activity, product or service is untruly compared with the competitor's activities, products or services to the detriment of the competitor or that causes misapprehension in the market between the advertiser and the competitor.

The advertising is illegal when an advertiser, his activity, product or service is compared with other advertiser, his activity, product, service or price, if those activities, products or services are of different kind or have different objective or purpose.

It is illegal to advertise products or services as imitations or copies of products and services that have trademark or commercial name, as well as to use the advantage of the trademark or other mark by which the competitor is recognised.

Article 33

It is illegal to advertise by using the reputation or the advertisement of other persons without their approval.

Advertising with call for boycott

Article 34

Advertising is illegal when it calls for boycotting other person, interrupting or preventing establishment of relations with other person.

Advertising with unauthorised symbols

Article 35

Advertisement may not contain symbols the use of which is against regulations, business practice or morale.

Unauthorised use of trademark, stamp, company name, trade name, mark of product origin or other mark by which the competitor is recognised is illegal.

The use of the flag, national anthem or coat of arms in advertising must be in accordance with the law that regulates the use of those state symbols.

Advertising pornography

Article 36

It is illegal to advertise pornographic contents, except in pornographic press.

The advertisement the content of which is not pornographic, but which refers to pornography (hot line, advertisement for pornographic press, porn movies) is illegal, except on television and radio programmes between 00:00 and 05:00 hours and in pornographic magazines.

Advertising referring to pornography is illegal in specialised television and radio programmes for minors, as well as in television and radio programmes showed in the period from Paragraph 2 of this Article that are designed for minors. Pornographic press on cover and last page must not contain pornographic advertisements.

Showing use of force

Article 37

It is illegal to advertise unjustified use of force or threat with the use of force.

Ban on emphasising dominant position of a person in relation to the person of the opposite sex

Article 38

Advertising is illegal when it unjustifiably shows a person in dominant position in relation to a person of the opposite sex, especially by presenting typical forms of authority or other relations of dominance of a person in relation to a person of the opposite sex.

Article 39

It is illegal to show in an advertisement sexual harassment as acceptable, desirable or common social behaviour.

Article 40

Minors under 16 years of age must not be connected with sexuality in an advertisement.

Men and women may not be presented in an advertisement as boys and girls with sexual characteristics of adults.

Exploitation of concern and lack of knowledge on preservation of health or environment

Article 41

Advertising is illegal when it unjustifiably exploits people's concern for preserving health or environment, as well as their lack of knowledge on ways and means for environment protection.

Article 42

Advertising may not encourage or approve actions that are not in accordance with the regulations on environment protection.

Article 43

An advertisement may not contain untrue claims that a product or a service has positive or negative effect on protection of health or environment, especially by emphasising words "ecologically safe", "environment friendly", "eco food", "healthy food" and similar words or symbols with the same meaning.

Use of personal property in advertising

Article 44

If an advertisement contains name, personal data, personal record, face record-photo, drawing, film, video or digital recording, recording of voice or words said – tape, phonograph and digital recording, written records- letter, diary, note or digital inscription (herewith: personal property), on the basis of which identity of a person may be ascertained or recognised, the advertisement may not be published without previous consent of the person to whom the property refers.

If the person to whom personal property refers dies, the consent in terms of Paragraph 1 of this Article is given by a spouse, children, parents of the deceased or a person who is designated by legacy.

For a physical person incapable of looking after his/her own interests, a consent in terms of Paragraph 1 of this Article is given by his/her legal representative.

The consent by a person to whom personal property refers, given for use of the personal property on other grounds, with or without compensation, and not on the grounds of advertising, is not at the same time considered as the consent for its use in an advertisement.

Article 45

The consent given for use of personal property in an advertisement or for a certain advertising period, certain advertising manner, or advertising for certain purpose, is not considered the consent for a repetitive or extended advertising, for advertising in other manner, or advertising for other purposes.

Article 46

If a person to whom personal property refers has kept the right to withdraw consent for using personal property in an advertisement, the advertisement may not contain personal property upon receiving the withdrawal.

A person to whom personal property refers to has the right to a withdrawal even when he did not keep that right at previous consent to the use of personal property, if according to circumstances of the case such advertising would cause damage to his interests that he could not have foreseen.

If the consent for using personal property has been withdrawn in accordance with Paragraph 2 of this Article, the advertiser is entitled to compensation for the damage caused by the withdrawal of the consent for using personal property.

Article 47

If a person whose personal property is used in an advertisement, consents to its use afterwards, he is entitled to an appropriate compensation for the use of his personal property.

Article 48

Personal property of public persons, such as musicians, actors, sportsmen, politicians and others, may not be used in advertising products

intended for minors, as well as products the sale of which to minors is illegal.

Journalists, TV hosts and announcers of informative, sports and children radio and TV shows may not appear in advertisements by way of their face, voice or other personal property.

IV. SPECIAL CASES OF ADVERTISING

1. Advertising products and services

Article 49

A product or a service may not be untruly marked in an advertisement or marked in a way that may mislead in terms of the producer, service provider, price, sale mode, delivery and payment, origin, quality, quantity, expiry date, terms of guarantee, service options, official acknowledgements or other features.

If the advertisement states official awards, the advertiser is bound to state also the year of receiving of the award.

A product or a service may not be marked in an advertisement under the name that by contents, quality, quantity, expiry date or other feature does not suit it.

Article 50

If for using a product additional works are needed or when a product cannot be bought or used separately from the whole, an advertisement must contain the information on that.

Advertising bargain sale

Article 51

It is illegal to advertise in a manner that misleads a recipient in terms of product price by advertising sale, virtual discount product or service prices, as well as advertising of inaccurate price discount or other benefits.

If upcoming or already started sale is being advertised, exact time of its duration has to be marked, as well as the type of product to which the sales refers or type of service to which the discount refers.

If products or services are advertised at prices preferential for certain categories of people, for certain area or time period, the category of

people to which the preferential price applies has to be precisely marked, that is, the area and period to which the preferential price applies.

Gift promise

Article 52

Promising gifts in an advertisement by using words such as “free”, “pay for one, get two”, “two for one” etc. is allowed only if the product or service is offered at the current price of the provider for that product or service.

Advertisement must not mislead a buyer of product or user of service on the true value of goods or services by promising a gift.

It is illegal to advertise for the purpose of winning a customer or user of service by promising material benefit or advantage the value of which is significantly higher than the usual value of a gift.

Comparison of the previous price with the price in the advertisement

Article 53

It is illegal to compare previous prices with the current ones in an advertisement for the same product or service of the same provider, if:

- 1) the previous price is determined as a fictive price;
- 2) the previous price is much higher than the market price;
- 3) a product or a service was offered in the market at the previous price in a negligible short period or was never offered at that price;
- 4) the difference between the previous and current price is negligible.

Inaccurately stated price

Article 54

Price of product or a service to which the recommended price is being compared may not be shown inaccurately in an advertisement.

Comparison to the recommended prices

Article 55

A price of a provider's product may not be compared in an advertisement to a recommended price of a producer or a wholesale trader if the recommended price is much higher than the market price.

Comparing prices of the products and services of different quality

Article 56

If an advertisement compares prices of the products or services of different quality, that is, prices of the products with or without flaw, it must be stated that the lower price is conditioned by lower quality, that is, by the flaw.

Phone tariff

Article 57

An advertisement that refers to a phone number for which a special tariff applies must contain the amount of that tariff that is to be displayed during the entire duration of the advertisement.

Guarantee for proper functioning

Article 58

In an advertisement that contains a notice that a product is selling with a guarantee for proper functioning, it is especially stated that a buyer may be introduced to conditions of the guarantee before shopping.

Refund

Article 59

An advertisement that contains words "satisfaction guaranteed", "refund guaranteed", "purchase with free trial" and similar phrases must contain also a notice under what terms and in what way a seller returns money for purchased products.

Article 60

An advertisement that contains a notice on guarantee must contain also a notice on the subject and validity of the guarantee.

It is illegal to use in an advertisement words such as "life-time guarantee" and similar phrases that mislead a recipient of the advertisement in terms of guarantee and its validity.

2. Advertising of drugs, medical instruments, doctors, and doctors' services

Article 61

Advertising drugs and medical instruments has a purpose to help their application in a way that features of a certain product will be shown truly, completely and without exaggeration, in a way and under terms proscribed by law that regulates trade of medicines.

Advertising of expert medical procedures, methods and procedures of traditional and alternative medicine in the media is done in accordance with the law regulating health protection.

Advertising name, company name, seat and founder of health facility, that is, other form of health service and working hours is done in accordance with law.

Results in application of expert medical procedures and methods of health protection may be announced only in professional and scientific gatherings and publications in accordance with the law regulating health protection.

3. Advertising of narcotics

Article 62

Advertising of narcotics and opiates is illegal.

4. Advertising of weapons

Article 63

It is illegal to advertise weapons, parts for weapons and ammunition in the media and other means of advertisement.

Weapons, parts for weapons and ammunition may be advertised only to professional public consisting of authorised producers and traders in weapons, and the state and its armed forces as authorised buyers.

It is permitted to advertise sports and hunting weapons, parts and ammunition for those weapons.

5. Advertising of tobacco products

Article 64

It is illegal to advertise tobacco and tobacco products, including showing any kind of stamp or other mark of a producer of those products in press, radio and television, through slides, films, panels, board, stickers, advertising media in streets, public places, public objects and transport means, through books, magazines and clothes and through stickers, posters and leaflets separated from the package of tobacco and tobacco products.

It is illegal to distribute free tobacco products to citizens as well as to offer promotional discount for tobacco products.

It is illegal to show a stamp or any other mark of a producer of tobacco and tobacco product in a way described under Paragraph 1 of this Article and in the advertisement that does not recommend a producer of tobacco and tobacco product, including also the advertisement that recommends a sponsored activity.

Showing tobacco products in a sales outlet is not considered advertising in terms of Paragraph 1 of this Article as well as announcing notices on quality and other features of tobacco and tobacco products in a sales outlet, in professional books, magazines and other expert publications that are intended solely for producers or sellers of those products, as well as the use of a stamp or other mark of a producer of tobacco products in the means of business communication and representation of that producer.

Warning against health hazard caused by tobacco products

Article 65

Producers of tobacco and tobacco products are bound to mark the original package of those products in accordance with the law regulating production and trade in tobacco and tobacco products.

Ban on showing smoking and tobacco products in advertisements

Article 66

It is illegal to show smoking or imitation of smoking, tobacco products, their packaging and tobacco smoke in an advertisement.

Article 67

Restrictions and bans prescribed by this law for advertising tobacco products do not refer to an advertisement that recommends giving up smoking and combating smoking.

In the advertisement from Paragraph 1 of this Article, it is not permitted to use a stamp or other mark of a producer of tobacco products.

6. Advertising of alcoholic beverages

Article 68

It is illegal to advertise alcoholic beverages, except beer, including showing any kind of stamp or other mark of alcoholic beverage or a producer of those beverages in press, radio and television, through slides, films, panels, board, stickers, advertising media in streets, public places, public objects and transport means, through books, magazines and clothes and through stickers, posters and leaflets if they are separated from the package of alcoholic beverage products.

It is illegal to advertise beer and wine, including showing a stamp or other mark of beer and wine or a beer and wine producer:

- 1) in specialised radio and television programmes for minors;
- 2) in other television and radio programmes, except in the period from 18:00 to 06:00 hours;
- 3) in and on the means of public transport;
- 4) in pre-school facilities, schools, health and other institutions intended for minors, as well as in open space up to 100 metres from a pre-school facility, school, health and other institutions intended for minors;
- 5) in cinemas, theatres and other venues where screening and performing is done, for shows starting before 20:00 hours and for shows intended for minors;
- 6) in public parks and in public playgrounds;
- 7) in specialised radio and television programmes intended for drivers of motor vehicles.

It is illegal to show a stamp or other mark of alcoholic beverage and a producer of alcoholic beverages, except wine and beer in a way from Paragraph 1 of this Article, in an advertisement that does not recommend a producer of alcoholic beverage, including an advertisement that recommends a sponsored activity.

Showing alcoholic beverages in a sales outlet and is not considered advertising in terms of Paragraph 1 of this Article as well as announcing notices on quality and other features of alcoholic beverages in a sales outlet, on exhibition stands, in professional books, magazines and other

expert publications that are intended solely for producers or sellers of those products, as well as the use of a stamp or other mark of an alcoholic beverage and a producer of alcoholic beverages in the means of business communication and representation of that producer.

Ban on showing consummation of alcoholic beverages

Article 69

It is illegal to show consummation or imitate consummation of alcoholic beverage in an advertisement.

Advertising giving up drinking and combating alcoholism

Article 70

The provisions of this law on advertising alcoholic beverages do not refer to an advertisement that recommends giving up drinking alcoholic beverages and combating alcoholism.

In an advertisement from Paragraph 1 of this Article, it is illegal to use a stamp or other mark of an alcoholic beverage or a producer of those beverages.

7. Advertising of lawyers and lawyers' services

Article 71

Advertising lawyers and lawyers' services is done under conditions and in a way determined by the Lawyers' Professional Ethics Code.

V. ADVERTISING INTENDED FOR MINORS

Article 72

The advertisement intended for minors is a notice that recommends a product or a service, which by its type, nature, form, quality and other features is used exclusively or mostly by minors independently or with parents' help.

1. Ban on abuse of inexperience, ignorance and ingenuousness of minors

Article 73

An advertisement intended for minors may not abuse lack of experience or knowledge of minors and their ingenuousness, especially through preventing or impeding them to make a difference between fantasy and reality.

Article 74

An advertisement intended for minors must not contain inaccurate data on the advertised product or service, especially in terms of the actual size, value, nature, durability, speed, colour and other features.

Article 75

If an advertisement shows result of drawing, making, assembling and modeling, ability for achieving this result has to suit average ability of minors to whom the advertisement refers.

The advertisement from Paragraph 1 of this Article must state the age of a minor for whom the advertisement is intended.

Article 76

The advertisement intended for minors may not contain in addition to price also a judgment on the price, especially the words “only”, “penny worth”, “very cheap”, “bargain” etc.

Article 77

The advertisement intended for minors may not recommend a product or a service that is not intended for those persons.

Article 78

The advertisement intended for minors may not recommend drugs and medical instruments, including vitamins, except toothpaste.

2. Protection of health, development and integrity of minors

Article 79

It is illegal to advertise milk, other food and drink for the newborns, as well as kits for their use.

Advertising which encourages behaviour that jeopardises health, mental and moral development of minors is illegal.

The advertisement intended for minors may not contain information that would lead that person to behave in way that could harm his physical, mental, emotional or other integrity.

Article 80

The advertisement intended for minors may not contain view of a minor in a perilous situation such as climbing unsecured objects; entering unknown premises; talking to strangers; using matches, lighter, gasoline, medications and electric house appliances.

Ban from Paragraph 1 of this Article does not refer to an advertisement that contains warning on danger for health and safety of a minor, that is, his integrity.

Article 81

The advertisement intended for minors may not contain view of violence, including violent scenes between animated characters, puppets etc.

3. Manipulating the advantages

Article 82

The advertisement intended for minors may not contain messages that suggest that by use of products or services one could gain physical, intellectual or other social advantages over other minors who do not use those products or services.

4. Protecting the authority of family and school

Article 83

The advertisement intended for minors may not contain a notice that damages reputation or authority of parents, siblings and other family members.

Ban from Paragraph 1 of this Article refers also to damaging of the reputation of pre-school and school institutions.

5. Ban on abusing the trust of minors

Article 84

The advertisement intended for minors must not contain notices that abuse trust of a minor in other persons, especially in parents, siblings and other family members, tutors, teachers and doctors.

6. Advertising in children institutions

Article 85

It is illegal to advertise in schools, pre-school or other institution intended for minors, unless the advertisement serves to protect common interest of a minor and if it does favour certain producer or service provider.

VI. ADVERTISING STATE BODIES AND ORGANISATIONS, POLITICAL ORGANISATIONS AND OTHER BODIES AND ORGANISATIONS

1. State bodies and organisations and other bodies and organisations

Article 86

State bodies and organisations, bodies of territorial autonomy and local self-government, public services and public companies, make notification of their activities available to public according to the law.

State bodies and organisations, bodies of territorial autonomy and local self-government may advertise activities and measures that are of importance for the citizens, for most citizens, or for a minority social group, especially:

1) elections, that is, referendum, if an advertisement recommends turn out in elections, that is, in referendum;

2) measures for behaviour of citizens in case of common danger, such as flood, fire, earthquake, epidemic, terrorist attack etc.;

3) a humanitarian action, that is, action for protection and improvement of health, as well as an appeal for help to directly endangered persons;

4) an open competition and call for enrolment of pupils and students;

5) economic activities such as purchase of commodity reserves, purchase of wheat, if an advertisement contains a call for participation in

those activities.

In the advertisement from Paragraph 2 of this Article one may not use the name, face, voice or personal feature of a state official, that is, an official of the state body or organisation, bodies of territorial autonomy and local self-government.

The advertisement from Paragraph 2 of this Article may not directly or indirectly advertise a political or other organisation that was founded by a state body, political party or a politician.

If advertising from Paragraph 2 of this Article is performed without compensation, duration time of that advertising does not count into the duration time of TV advertising and TV sale from Article 15 Par. 1 and 2 and Article 16 Par. 1 and 2 of this law.

2. Advertising political organisations and advertising on a voting place

Article 87

Advertising of political organisations and advertising in a voting place is performed in a manner and under the conditions prescribed by the law that regulates election of members of parliament, especially the conditions referring to presentation of the leader of the list of candidates and candidates from those lists, rights of citizens to be informed through media on the election programmes and activities of the leader of the list of candidates and candidates from those lists, duty of the media and the bodies responsible for conduction of the elections, as well as the bodies for supervising the actions of the political parties, candidates and the media.

VII. SPONSORSHIP AND ADVERTISING

Article 88

Sponsorship in the sense of this law is an agreed-upon providing of financial or other support to a legal entity or a physical person or its activities that are not related to the activity of the sponsor, for the purpose of advertising the sponsor's name, that is, title, sign, its trade or service mark or image.

The provisions of this advertising law therefore apply to sponsorship, unless otherwise stated by this law.

1. Ban on sponsorship by a producer of tobacco products and alcoholic beverages

Article 89

A producer of tobacco products may not sponsor the media, athletes, sports clubs, sports competitions, competitions, including sponsorship of individuals, that is, participants of those events.

A producer of tobacco products or alcoholic beverages may not sponsor minors, their activities, as well as persons and activities whose audience mainly consists of minors.

A producer of alcoholic beverages, except beer, may not sponsor sportsmen, sports clubs and sports competitions.

2. Ban on misleading

Article 90

Sponsorship must be clearly marked and may not mislead with copying of other sponsor, his activity or in some other way, the recipient of the advertisement in terms of the identity of the sponsors, features of their products, their influence and potential health hazard.

If there is a potential health hazard, in the advertisement, promotion or sponsorship there must be a clearly stated warning on the existence of such hazard.

3. Independence

Article 91

A sponsor may not limit creative freedom of a sponsored person, his right to independent management, goal setting and contents of the sponsored activity.

A contract concluded contrary to Paragraph 1 of this Article is void.

Article 92

A sponsor may not jeopardise the integrity of art, sports or cultural contents of the sponsored activity and may not hurt the reputation of the sponsored person by sponsoring.

A sponsored person may not with the sponsored activity change the name, that is, title of the sponsor, his trade or service mark, nor may in other manner harm the reputation or image of the sponsor.

4. Multiple sponsorship

Article 93

If the sponsored person has more sponsors, he is bound to ensure representation of interests of each sponsor, proportionate to his share in the sponsorship.

The sponsored person is bound to notify all potential sponsors on the sponsors with whom he already has a contractual relation.

The sponsored person may not conclude new sponsorship contract without consent of the sponsors with whom he already has a contractual relation.

5. TV sponsorship

Article 94

TV sponsorship in the sense of this law is direct or indirect financing of TV programme by a person who does not deal with broadcasting activity or production of audio-visual works, with an aim to advertise his name, that is, title, trade or service mark or image in TV programmes.

Sponsored TV programmes may not directly advertise sale, purchase or rent of products and services of the sponsor or a third person, especially by specific directing at those products and services in those programmes.

State bodies and organisations and political organisations may not be sponsors of TV programme.

Physical persons and legal entities, who deal with production or sale of products or rendering of services the advertising of which is illegal according to this law, may not sponsor TV programmes.

Article 95

A show that is entirely or partially sponsored must contain notification on the sponsor at the beginning, in the middle, and at the end of the show.

In sports and cultural and art shows information on the sponsor are broadcasted at the beginning and at the end of envisaged breaks.

Article 96

A sponsor may not influence the contents and broadcasting time of the programme he sponsors, as well as the matters of editorial concept of the broadcaster.

It is illegal to sponsor news programmes, except sports news and weather forecast.

6. Sponsorship on the radio

Article 97

To sponsorship on the radio therefore apply the provisions of this law on sponsorship on television, that is, on advertising, unless this law states otherwise.

The ban from the Article 95 Par. 4 of this law does not apply to the sponsorship on the radio, unless this law states otherwise.

Article 98

Legal and physical persons who in accordance with special regulations deal with production or sale of drugs or providing medical treatments, may sponsor a radio programme by advertising their name, that is, title, trade or service mark, image or their activity, except advertising medicines that can be procured only with medical prescription.

VIII. PROTECTION OF THE RECIPIENT OF ADVERTISEMENTS

1. Preserving the advertisement and information on the advertisement

Article 99

An advertiser is bound to preserve the advertisement in a form that allows the possibility of insight into that advertisement, information on the place, time and frequency of advertising, as well as the declaration for the advertisement, maximum thirty days since the day of the last broadcasting of the advertisement.

The advertiser is bound on the request of the interested person, at the latest three days since receiving the request, to enable an insight into the advertisement, records and declaration from Paragraph 2 of this Article.

The interested person from Paragraph 2 of this Article is a person whose right or interest is jeopardised or hurt by the advertisement.

2. Court protection

Charges

Article 100

A person whose right, that is, interest, has been jeopardised or harmed by an advertisement is entitled to protection, which he obtains through a lawsuit before the responsible court.

For the damage caused with the advertisement the advertiser and producer of the advertisement answer jointly.

A person who broadcasts the advertisement answers jointly for the damage caused by the advertisement, if he did not request or obtain a regularly filled out declaration according to the Article 11 of this law, that is, if he was aware or according to the circumstances of the case had to be aware that broadcasting of such advertisement might cause damage.

Temporary measure

Article 101

A person whose right or interest might be violated may suggest for the court to bring a temporary measure, according to the law that regulates the execution.

Article 102

Consumer protection organisations, professional associations, as well as chambers of commerce also have the right to initiate the procedure from Articles 101 and 102 of this law.

IX. SUPERVISION

Article 103

The ministry in charge of affairs of trade, tourism and services performs supervision over enforcement of this law, unless the law states otherwise.

The ministry in charge of affairs of health performs supervision over enforcement of the provisions of this law that regulate advertising of medicines and medical means, doctors and doctors' services.

A body of the local self-government unit, that is, a city, in charge of utility affairs performs supervision over enforcement of the provisions of this law on placing advertising means on public surfaces.

An independent organisation founded in the field of broadcasting performs supervision over enforcement of the provisions of this law that regulate advertising via television and radio programmes and brings, in accordance with this law and the law that regulates broadcasting, more detailed rules on advertising and sponsorship on television and radio.

Article 104

The ministry in charge of affairs of trade, tourism and services performs inspection supervision through market and tourist inspectors.

The ministry in charge of affairs of health performs inspection supervision through health and sanitary inspectors according to this law, the law that regulates trade in medicines and health protection and other law that regulates responsibility of those inspectors.

A body of the local self-government unit, that is, a city, in charge of utility affairs performs inspection supervision through communal inspectors.

Article 105

In performing inspection supervision an inspector has all the rights, duties and authorities determined by this law and by the law that regulates action of inspection supervision of the responsible inspection body.

Article 106

In performing supervision, the responsible body, that is, the responsible inspector shall ban advertising or performing of other activities when they commence or are done under conditions or in an illegal manner or is in other way contrary to the provisions of this law.

The decision from Paragraph 1 of this Article determines deadline and manner of eliminating irregularities if said may be eliminated, that is, deadline and manner of eliminating detrimental consequences caused by performance of the activity forbidden by the decision, as well as removal of advertising means from public surface or means of public transport if they advertise those products.

The deadline from Paragraph 2 of this Article for eliminating irregularities may not be longer than 15 days since the day of handing-in of the decision, and the deadline for eliminating detrimental consequences may not be longer than 30 days since the day of handing-in of the decision from paragraph 1 of this Article.

The ban pronounced in a manner from Paragraph 1 and 2 of this Article lasts until ascertained irregularities are removed, that is, until detrimental consequences are removed.

The decision from Paragraph 1 of this Article is enacted within 48 hours since the day of completion of the inspection supervision procedure. Against this decision, an appeal may be lodged with a responsible second-degree body within three days since the day of its delivery.

The appeal from Paragraph 5 of this Article does not postpone the execution of the decision.

X. PENAL PROVISIONS

1. Economic offences

Article 107

A company or other legal entity shall be fined for an economic offence with 300.000 to 3.000.000 dinars if:

1) an advertisement recommends an advertiser, his activity, product, services or other recommendation contrary to the condition from Article 12 of this law;

2) he performs advertising within the activity that may not be performed without issued consent, permit or other act of a state body, and that consent, permit or other act of a state body has not been issued (Article 13);

3) he performs advertising where an advertisement untruly marks or marks in a manner that misleads in terms of the producer, that is, provider of services, price, manner of sale, delivery and payment of the price, origin, quality, quantity, durability, guarantee conditions, service options, official acknowledgements or other feature (Article 49 Paragraph 1 and 2);

4) marks a product or a service in an advertisement with a title which by its contents, quality, quantity, expiry date or other feature does not suit it (Article 49 Paragraph 3);

5) by advertising misleads a recipient in terms of product price by advertising sale, apparent discount of the price of product or service, as

well as by advertising untrue amount of discount or other benefits (Article 51 Paragraph 1);

6) in advertising upcoming or already initiated sale, does not mark or untruly marks time of its duration, as well as type of product to which the sale refers or type of services to which the discount refers (Article 51 Paragraph 2);

7) in advertising product or a service at prices preferential for certain categories of persons, for specific area or time period, does not mark or untruly marks the category of persons to which the preferential price refers, that is, area and time period for which the favourable price is valid (Article 51 Paragraph 3);

8) promises a gift in an advertisement by using the words: “free”, “pay for one, get two”, “two for one” and the like, while offering a product or a service at higher price than the current price of the provider for that product or service (Article 52 Paragraph 1);

9) with an advertisement misleads a buyer of a product, or a user of a service on the real value of the product or service by promising a gift (Article 52 Paragraph 2);

10) in advertising product or a service, he promises to a buyer of product or a user of service profit or benefit the value of which is much higher than the usual value of a gift (Article 52 Paragraph 3);

11) advertises weapons, parts for weapons and ammunition contrary to the provision of Article 63 Paragraph 1 of this law;

12) contrary to the ban from Article 64 Paragraph 1 of this law advertises of tobacco and tobacco products;

13) contrary to the ban from Article 64 items 2 and 3 of this law distributes free tobacco products to citizens, gives promotional discount for tobacco products or marks a stamp or other insignia of a producer of tobacco and tobacco product in the advertisement that does not recommend the producer of tobacco and tobacco product, including the advertisement that recommends a sponsored activity;

14) in an advertisement shows smoking or imitation of smoking, tobacco products, their packaging and tobacco smoke (Article 66);

15) in the advertisement that recommends quitting and combating smoking uses a stamp or other insignia of a producer of tobacco products (Article 67 Paragraph 2);

16) contrary to the ban from Article 68 Paragraph 1 of this law advertises alcoholic beverages, except beer and wine, including showing a stamp or other insignia of alcoholic beverages or a producer of such beverages;

17) advertising beer and wine is performed contrary to the provision from Article 68 Paragraph 2 of this law or shows a stamp and other insignia of the producer of such product, or contrary to the ban from Article 68 Paragraph 3 of this law shows a stamp or other insignia of an alcoholic beverage and producer of alcoholic beverages, except wine and beer, in the advertisement that does not recommend a producer of alcoholic beverages, including the advertisement that recommends a sponsored activity;

18) in an advertisement shows consummation or imitation of consummation of alcoholic beverages (Article 69);

19) in an advertisement that recommends breaking the addiction to consummation of alcoholic beverages and combating alcoholism uses a stamp or other insignia of alcoholic beverages or a producer of such beverages (Article 70 Paragraph 2);

20) advertises lawyers and lawyers' services contrary to the rules established by the Lawyers' Professional Ethic Code (Article 71);

For economic violation from Paragraph 1 of this Article, a responsible person in a company or other legal entity shall be fined with the amount from 50.000 to 200.000 dinars.

In addition to the fine for economic violation from Paragraph 1 of this Article a protective measure of banning performance of a certain economic activity may be pronounced to a legal entity in duration from one to five years, that is, a protective measure of banning performance of certain duties to a responsible person in duration from one to five years and protective measure of public annunciation of the verdict.

2. Infractions

Article 108

A legal entity shall be fined for an infraction with the amount from 100.000 to 1.000.000 dinars if:

1) he does not abide by the principles of advertising acting contrary to the provisions of Articles 3 – 10 of this law;

2) with the advertisement does not submit a declaration containing information from Article 11 Par. 1 and 3, that is, if he publishes or broadcasts an advertisement contrary to provisions of Article 11 Paragraph 2 of this law;

3) does not abide to duration time or time of broadcasting of TV

advertising and TV sale in programmes of commercial television stations, that is, in programmes of public broadcasting service or if TV sale show does not mark clearly both visually and by sound as TV sale (Art. 15 and 16);

4) broadcasts advertisements and TV sale messages contrary to provisions of Article 17 of this law;

5) broadcasts advertisements during sports broadcasts via public broadcasting service contrary to the provisions of Article 18 of this law;

6) broadcasts blocks of advertisements and TV sale messages contrary to the provisions of Article 19 of this law;

7) sells services of TV advertising and TV sales in programmes of institutions of the public broadcasting service contrary to the provisions of Articles 20 Par. 1 – 5 of this law, that is, if he mediates, represents or takes over the role of an advertiser for account and on behalf of a third party contrary to the provision of Article 20 Paragraph 6 of this law;

8) by advertising in open space does not ensure safety of pedestrians, motor vehicles and other participants in traffic, protection of cultural and historical monuments and property of common interest and preservation and improvement of the outlook of the city, that is, a settlement (Article 24);

9) sets an advertising panel, poster, that is, advertising means in public surface contrary to the provisions of Art. 25 and 26 of this law, including setting other advertising means in open space, such as pillars, balloons, standings of public transport, screens, electronic displays, illuminating letters etc;

10) sets a poster in a non-public surface without the consent of the owner (Article 27), or sets a board or carrier of the advertisement for health institution contrary to the provision of Article 28 of this law;

11) marks untruly the identity of the advertiser, his activity, product or service (Article 30 item 1);

12) by omitting important information, use of vague or ambiguous expressions, old and outdated citations or other information causes misapprehension on the identity of the advertiser, his activity, product or service and other recommendations addressed to the recipient of the advertisement (Article 30 item 2);

13) presents by advertising an imitation or a copy of other person, his activity, product or service or by advertising disparages, suspects or in other inappropriate manner shows identity of other person, his activity, product or service (Article 30 items 3) and 4));

14) performs comparison of the advertiser, his activity, product or service with other advertiser, his activity, product or service to the

detriment of the other, that is, for gaining material benefit (Article 30 item 5));

15) advertises by alluding to the other, his business name, title, protected stamp, activity, product or service, exploits the reputation of the other person in a manner that misleads recipients of the advertisement (Article 30 item 6));

16) conceals with advertising important shortcomings, dangerous or detrimental features of the product, service or other contents recommended to the recipient of the advertisement (Article 31);

17) compares untruly an advertiser, his activity, product or service with activities, products or services of the competitor or creates misapprehension in the market between the advertiser and the competitor (Article 32 Paragraph 1);

18) compares an advertiser, his activity, product, service or price with other advertiser, his activity, product, service or price if those activities, products or services are of different type or have different goal or purpose (Article 32 Paragraph 2);

19) advertises a product or a service as imitations or true copies of products and services that have protected trade, that is, service mark or trade name or uses the advantage of the protected mark or other insignia by which the competitor is recognised (Article 32 Paragraph 3);

20) exploits by advertising the reputation or advertisements of other person, without his consent (Article 33);

21) with advertising calls for boycott of the other person, interruption or prevention of establishing relation with the other person (Article 34);

22) an advertisement contains symbols the use of which is against regulations, business practice or morale or uses a trade mark, stamp, business name, trade name, mark of origin or other mark, by which competitor is recognised or contrary to the law uses a flag, national anthem or coat of arms in advertising (Article 35);

23) contrary to the ban from Article 36 Paragraph 1 of this law advertises a pornographic content or performs advertising contrary to the provisions of Article 36 Par. 2 – 4;

24) in advertising unjustifiably shows the use of force or threat to the use of force (Article 37);

25) performs advertising that unjustifiably shows a person in dominant position in relation to the person of the opposite sex, especially by representing typical forms of authority or other relations of dominance of one person in relation of the person of the opposite sex (Article 38);

26) in an advertisement shows sexual harassment as acceptable, desirable or common social behaviour (Article 39);

27) brings minors under age of 16 in an advertisement in connection to sexuality (Article 40 Paragraph 1);

28) shows men and women in an advertisement as boys and girls with sexual characteristics of adults (Article 40 Paragraph 2);

29) with advertising unjustifiably exploits concern of people for protection of health or environment, as well as their lack of knowledge on the ways and means for environment protection (Article 41);

30) performs advertising that encourages or approves action banned by the regulations on environment protection (Article 42);

31) an advertisement contains untrue claims that a product or a service have positive or negative effect on protection of health or environment, especially by using expressions such as “ecologically safe”, “eco food”, “healthy food” and similar words or symbols that have the same meaning (Article 43);

32) an advertisement contains personal property from Article 44 of this law without previous consent of the person to whom the personal property refers, that is, the person from Article 44 Par. 2 and 3 of this law if on the basis of the advertisement one may ascertain or recognise to which person the personal property refers;

33) personal property of public persons is used contrary to the provisions of Article 48 of this law;

34) in an advertisement compares the previous and the current prices for the same product or service of the same provider if the previous price was determined as a fictive price, if the previous price is much higher than market price; if a product or a service in negligibly short period was offered in the market at previous price or has never been offered at that price or if the difference between the previous and current price is negligible (Article 53);

35) shows untruly the price of product or a service to which the price that is recommended in the advertisement is compared (Article 54);

36) compares in an advertisement the provider’s price of the product to the suggested price of a producer or a wholesale trader, if the suggested price is much higher than the market (Article 55);

37) compares in an advertisement prices of products or services of different quality, that is, prices of products with and without a flaw, without stating that the lower price is conditioned by lower quality, that is, the flaw (Article 56);

38) the advertisement, which refers to a telephone number for

which a special tariff applies, does not contain the cost of that tariff during entire duration of the advertisement (Article 57);

39) the advertisement intended for minors abuses lack of experience or knowledge of the minors and their ingenuousness, especially by preventing and impeding them to make a difference between reality and imagination (Article 73);

40) the advertisement intended for minors contains untrue information on the advertised product or service, especially in terms of actual size, nature, durability, speed, colour and other features (Article 74);

41) the advertisement shows the result of drawing, making, assembling and modelling, and capability for achieving that result does not correspond to the average capability of minors for whom the advertisement is intended or if that advertisement does not state the age of minors for whom the advertisement is intended (Article 75);

42) the advertisement intended for minors, with the information on the price, contains also valuable judgement on the price, especially words such as “only”, “penny-worth”, “very cheap”, “bargain” and the like (Article 76);

43) the advertisement intended for minors recommends a product or a service that is not intended for minors (Article 77);

44) the advertisement intended for minors recommends drugs and medical means, including vitamins, except children’s toothpaste (Article 78);

45) advertises milk, other food and drink for the newborns and infants, as well as the kit for their use (Article 79 Paragraph 1);

46) performs advertising that encourages behaviour which jeopardises health, mental and moral development of the minors, or the advertisement contains information that would lead that person to behaviour that could harm his physical, mental, emotional or other (Article 79 Par. 2 and 3);

47) the advertisement intended for minors shows a minor in a perilous situation, such as: climbing unsecured objects; entering unknown facilities, talking to strangers; using matches, lighter, gasoline, drugs or electric household appliances, unless the advertisement contains a warning against danger to health and safety of a minor, that is, his integrity (Article 80);

48) the advertisement intended for minors contains showing of violence including scenes of violence between animated characters, puppets and the like (Article 81);

49) the advertisement intended for minors contains information

that suggest that by using the products or service they would gain physical, intellectual or other social advantages over other minors who do not use those products or services (Article 82);

50) the advertisement intended for minors contains a notice that with the minor harms the reputation or authority of parents, siblings or other family members or with the advertisement intended for minors harms reputation of pre-school and school institutions (Article 83);

51) the advertisement intended for minors contains notices which abuse the trust of a minor towards other persons, especially to parents, siblings and other family members, tutors, teachers and doctors (Article 84);

52) advertises in school, pre-school institution or other institution intended for minors, unless the advertisement serves the protection of common interest and interest of the minor and if it does not recommend a certain producer of product or provider of service (Article 85);

53) sponsors media, sportsmen, sports clubs, sports competitions, competitions, including sponsoring of individuals or participant in those events, that is, sponsors minors, their activities, as well as the persons or activities whose audience mainly consists of minors, contrary to the ban from Article 89 of this law;

54) fails to mark clearly the sponsorship or if by imitating other sponsor, his activity or in other manner leads a recipient of the advertisement to misapprehension in terms of the identity of the sponsor, a sponsored person or activity, activity of the sponsor, features of his product, his effect and potential health hazard or if in the advertisement, promotion and sponsorship does not state a clear warning on presence of potential health hazard (Article 91);

55) with sponsorship limits creative freedom of the sponsored person, his rights to self-management, setting the goal and content of the sponsored activity (Article 92);

56) with sponsorship jeopardises integrity of art, sports or cultural content of the sponsored activity, that is, harms the reputation of the sponsored person (Article 93 Paragraph 1);

57) with the sponsored activity changes the title, that is, the name of the sponsor, his trade or service mark, that is, in other manner jeopardises the reputation or image of the sponsor (Article 93 Paragraph 2);

58) fails to ensure representation of interest of each sponsor, that is, does not act in accordance with the provisions of Article 94 of this law;

59) performs TV sponsorship contrary to the provisions of Article 95 Par. 2 and 4 of this law;

60) fails to mark a sponsored show by stating the sponsor at the beginning, during and at the end of the show, that is, if in sports and cultural-art shows fails to announce information on the sponsor at the beginning and end of envisaged breaks (Article 96);

61) by sponsoring a show influences the content and time of broadcasting of the programme he sponsored, as well as matters of editorial concept of the broadcaster or sponsors news programmes except sports news and weather forecast contrary to the provisions of Article 97 of this law, that is, if he sponsors a radio programme contrary to the ban from Article 99 of this law;

62) fails to preserve the broadcasted advertisement in a form that allows insight into that advertisement, information on place, time and frequency of broadcasting, as well as the declaration for the advertisement within the deadline from Article 100 Paragraph 2 of this law.

For actions from Paragraph 1 of this Article a responsible person in a legal entity shall be fined with the amount from 20.000 to 50.000 dinars.

For actions from Paragraph 1 of this Article an entrepreneur shall be fined with the amount from 100.000 to 500.000 dinars, that is, a physical person will be fined with the amount from 20.000 to 50.000 dinars.

In addition to the fine from Paragraph 1 of this Article it may be pronounced a protective measure of banning performance of certain activities to a legal person in duration from six months to one year, a protective measure of banning performance of certain activities to a responsible person in duration from six months to one year.

In addition to the fine for infraction from Paragraph 3 of this Article it may be pronounced a protective measure of banning performance of certain activities to an entrepreneur in duration from six months to one year.

Article 109

An entrepreneur shall be fined with the amount from 100.000 to 500.000 dinars for infraction if:

1) the advertisement recommends the advertiser, his activity, product, service or other recommendation contrary to the condition from

Article 12 of this law;

2) performs advertising within the activity that may not be performed without issued consent, permit or other act of a state body, and that consent, permit or other act of a state body has not been issued (Article 13);

3) performs advertising where an advertisement marks untruly or marks in a manner that creates misapprehension in terms of a producer, that is, provider of service, price, manner of sale, delivery and payment of price, origin, quality, quantity, expiration date, terms of guarantee, service options, official acknowledgements or other features (Article 49 Paragraph 1);

4) marks a product or a service in an advertisement with a title that by its components, quality, quantity, expiration date or other feature does not belong to it (Article 49, Paragraph 3);

5) by advertising leads a recipient of the advertisement to misapprehension in terms of the price of the product by advertising sale, apparent discount in price of product or service, as well as by advertising untrue amount of discount price or other (Article 51 Paragraph 1);

6) in advertising upcoming or already initiated sale, fails to mark or marks untruly its duration time, as well as type of products to which the sale refers or type of service to which the discount applies (Article 51 Paragraph 2);

7) in advertising a product or a service at prices preferential/reduced for certain categories of persons, for certain area or period of time, fails to mark or marks untruly the category of persons to which the preferential price refers, that is, the area and the time period for which the preferential price is valid (Article 51 Paragraph 3);

8) promises a gift in an advertisement by using words such as: “free”, “pay for one, take two”, “two for one” and the like, and offers the product or service at higher price than the current price of the provider for that product or service (Article 52, Paragraph 1);

9) with the advertisement leads the buyer of the product, that is, a user of service to misapprehension on the true value of the product or service by promising a gift (Article 52, Paragraph 2);

10) in advertising a product or service, promises to a buyer of product or user of service profit or benefit the value of which is much higher than the usual value of the gift (Article 52, Paragraph 3);

11) advertises weapons, part for weapons and ammunition contrary to the provision of Article 63 Paragraph 1 of this law;

12) contrary to the ban from Article 64 Paragraph 1 of this law

advertises tobacco and tobacco products;

13) contrary to the ban from Article 64 Par. 2 and 3 of this law performs distribution of free tobacco products to citizens, gives promotional discount for tobacco products or points out a stamp or other insignia of the producer of tobacco and tobacco products in the advertisement that does not recommend the producer of tobacco and tobacco products, including an advertisement that recommends a sponsored activity;

14) in an advertisement shows smoking or imitation of smoking, tobacco products, their packaging and tobacco smoke (Article 66);

15) in an advertisement that recommends quitting, breaking a habit of and combating smoking uses a stamp or other insignia of the producer of tobacco products (Article 67 Paragraph 2);

16) contrary to the ban from Article 68 Paragraph 1 of this law performs advertising of alcoholic beverages, except beer and wine, including every stating of the stamp or other insignia of an alcoholic beverage or producer of those beverages;

17) performs advertising of beer and wine contrary to the provision of Article 68 Paragraph 2 of this law, or points out a stamp or other insignia of alcoholic beverage or the producer of alcoholic beverages contrary to the provision of Article 68 Paragraph 3 of this law, except wine and beer, in the advertisement that does not recommend the producer of alcoholic beverages, including an advertisement that recommends a sponsored activity;

18) In an advertisement shows consummation or imitation of consummation of alcoholic beverages (Article 69);

19) in an advertisement that recommends breaking the addiction to consummation of alcoholic beverages and combating alcoholism uses a stamp or other insignia of alcoholic beverages or the producer of those beverages (Article 70, Paragraph 2);

20) performs advertising of lawyers and lawyers' services contrary to the rules established by the Lawyers' Professional Ethics Code (Article 71);

In addition to the fine for infraction from Paragraph 1 of this Article a protective measure of banning performance of certain activities may be pronounced to an entrepreneur in duration from six months to one year.

For actions from Paragraph 1 of this Article a physical person shall be fined with the amount from 20.000 to 50.000 dinars.

XII. TRANSITIONAL AND FINAL PROVISIONS

Article 110

On the date this Law goes into effect, the validity of the following provisions shall expire:

- Art. 17 and 18 and Article 39 Paragraph 1 items 3) and 4) of the Law on Health Safety Requirements of Foodstuff and General Consumption Items (“Official Gazette SFRY”, No. 53/91 and “Official Gazette FRY”, Nos. 24/94, 28/96 and 37/02);

- Art. 104 – 105, Art. 107-112. and Article 113 Paragraph 1. items 16) - 18) and items 20)-26) of the Broadcasting Law (“Official Journal RS”, Nos. 42/02, 97/04 and 76/05).

Article 111

This Law becomes effective on the eighth day after its publication in the Official Journal of the Republic of Serbia, and is to be enforced upon expiration of a three-month period since the day it becomes effective.