

ACT No 220/1996 ON ADVERTISING AS AMENDED BY LATER REGULATIONS

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The National Council of the Slovak Republic passed the following act:

Article 1. Purpose of the Act ➡

The purpose of this act shall be to provide: general advertising requirements, relations between the associations established for protection of advertising ethics and supervisory authorities.

Article 2. Basic terminology ➡

For the purpose of this Act: advertising shall mean public information carried by an information carrier whose purpose is to inform a consumer on products, to convince and get him to use them, or otherwise influence his decision making in product selection, information carrier shall mean any medium used for spreading of advertising, the product shall mean any manufactured product, goods, service, performance and other material and non-material items which are the subject of advertising, hidden advertising shall mean advertising which is not defined as advertising but still distinguishable from the other content of spread information, subliminal perception shall mean sensual perception influencing human memory without releasing.

Pursuant to this act, advertising shall not mean: any specification of an office, permanent domicile, plant or organisational unit of legal or physical persons by any business name, as well as any specification of buildings, plots of land, other immovable or movable property owned or rented by these persons, any specification of letters and envelopes by any

business name or trademark, any specification of products by any business name, trademark or other name, any publishing of an annual report of financial statements, any agency report or other reporting and publicistic information in the mass media.

Article 3. General Advertising Requirements ➡

Advertising may be spread only by a legal or physical person authorised to do this business in accordance with the general regulations of business activity or particular regulations.

Advertising must comply with the rules of economic competition.

Advertising must not: contain any information, expressions, words and images in contradiction with morality, misuse the confidence, lack of experience and knowledge, or trustfulness of the consumer, contain product data which cannot be proved. Advertising must not be misleading or hidden.

Furthermore, advertising must not: promote the products whose manufacture, sale, provision or use are forbidden, contain anything humiliating human dignity, and offending national or religious feelings, promote violence, vandalism and vulgarity and inspire illegal acts or express agreement with such acts, promote sexuality by presenting sexual stimuli, nudity or partial nudity of the human body in an indecent way, promote products not friendly to the environment and those harmful to the life or health of people, animals or plants, without explicit and clear warning of their harmful character in advertising, promote products as beneficial to the life of people, animals or plants, unless proved professionally, use human subconscious perception.

Paragraph 5 shall not apply to products, manufactured products and services protecting human health.

Article 4. Protection of Personality and Ownership Rights ➡

Advertising must not include personal, property or other data related to a legal or physical person without his demonstrable agreement. Advertising must not be spread by phone, telefax or through a computer network. Spreading of advertising must not interfere with ownership rights without approval by the owner.

Article 5. Protection of Persons under 18 Years of Age ➡

Advertising must not misuse the trust of persons under 18 years of age, specifically must not: inspire their behaviour which may endanger health and psychological or moral development of persons under 18 years of age, present persons under 18 years of age in dangerous situations, or in situations endangering their lives or health, inspire persons under 18 years of age to purchase inappropriate environment products, inspire persons under 18 years of age to live in inappropriate environments, speak to unknown persons and go to unknown places.

Article 6. Banned Advertising of Certain Products ➡

Advertising of: tobacco products, alcoholic beverages, except beer, in television and radio broadcasting, manufacture and presentation of audiovisual works on billboards and in periodically published printed material, other addictive substances.

Article 7. Spreading of advertising ➡

The terms and conditions of spreading of advertising shall be laid down by particular regulations in compliance with this act and shall be supervised by:

Article 8. Supervision 1 ➡

fulfilment of the provisions laid down for advertising in the particular regulations.

the Radio and Television Broadcasting Board of the Slovak Republic.

the Ministry of Culture of the Slovak Republic and its authorised employers.

the Ministry of Health of the Slovak Republic and its regulated authorities of health protection,

the Agricultural and Food Inspection Office,

the Slovak Trade Inspection Office supervising the provisions of this act, which are not supervised in accordance with their competence by the authorities specified in subparagraphs a) to d),

district authorities pursuant to the particular regulations.

The supervisory authorities specified in paragraph 1 shall proceed in their supervision including imposing of sanctions pursuant to the particular regulations.

Article 8a. Characteristic of advertisting ➡

As a medicine advertisement is not considered: granting information to specialized public, even if it concerns medicines limited to prescription or medicines containing narcotic substances or psychotropic substances labeling of packing of medicine, enclosed written information for users and a summary of characteristic qualities of medicine documentation intended for the registration of medicine information connected with health condition if there is no mention about the concrete medicine.

The advertising of medicines limited to prescription and veterinary prescription and the advertising of medicines containing narcotic substances and psychotropic substances is forbidden. Advertising of: medicines not limited to prescription and those which are being defrayed on the base of health insurance according to a special regulation, medicines not registered in the Slovak Republic is also forbidden.

Article 8b. Persons Authorized to Order an Advertisement ➡

Only the holder of the decision of medicine registration may order the medicine

advertisement.

Article 8c. Requirements concerning the content of advertisement ➡

An advertisement must contain: the name of the medicine and names of medicaments which it contains inevitable information about correct usage an explicit and understandable notice reminding the users to read the instructions involved in the written information carefully.

The advertisement must not be illusory . An advertisement is considered to be illusory when it instigates to a fact that medical examination is unnecessary and that a medicine is more effective or equally effective when compared with other medicine.

The advertisement also must not: address persons under the age of 18, compare medicine with foodstuff or with cosmetic products, state that the security or efficiency of the medicine is bound to the fact that it is a natural product, offer to diagnose or specify the treatment without medical examination recommending an application of a certain medicine , promote the effects of the medicine by referring to effects achieved at concrete persons contain information about the registration of the medicine contain recommendations of scientists, doctors or famous personalities whose popularity could spur on people to use the medicine.

All elements of advertisement must harmonize with the information contained in the summary of characteristic qualities of medicine

It is forbidden to mention the effects of medicines on the treatment of tuberculosis, sexually transmitted diseases, serious infectious diseases, tumorous diseases, chronic insomnia, disorders of metabolism and psychical diseases in the advertisement.

It must unambiguously result from the advertisement that it advertises a medicine, it must call attention to risks connected with the usage and contain recommendation to consult the person authorized to prescribe or release a medicine.

Article 8d. Advertisement Control ➡

The control of medicine advertising is carried out by a state institute, control of veterinary medicine advertising is carried out by the Institute of the veterinary medicines control.

If the organization which carries out the control of advertising finds out that the provisions of this act were infringed, the advertising will be prohibited and the Ministry of Health or the Institute of the veterinary medicines control will impose a penalty on the one who orders the advertisement even up to 1 000.000 crowns.

The income from the penalties imposed by the Ministry of Health is the revenue of the State Health Fund. The income from the penalties imposed by the Institute of the veterinary medicines control is the revenue of the State relief fund of agriculture and foodstuff industry.

Article 9. Associations for the protection of Advertising Ethics ➡

The associations for the protection of advertising ethics established pursuant to the particular regulations shall be authorised to submit an incentive to the supervisory authorities in accordance with article 8.

The supervisory authorities shall cooperate with the associations for protection of advertising ethics using their suggestions and incentives mainly in supervision.

Article 10. Repeal Provisions ➡

The following shall be made null and void:

Article 20 of Act No. 634/1992 Coll. on consumer protection.

Article 6 paragraph 2 subparagraph c) of Act No 468/1991 Coll. on operation of radio and television broadcasting.

Article 11. This act shall become effective on September 1st, 1996. ➡

Act No 140/1998 Coll. came into force on June 1st, 1998

Act No 395/1998 Coll. came into force on January 1st 1999 (§ 10, para. 3)

1 Article 2 of the Commercial Code

2 Act No 468/1991 Coll. on the operation of radio and television broadcasting in compliance with later regulations. Act of the National Council of the Slovak Republic No 1/1996 Coll. on Audiovision

3 Article 44 and the following of the Commercial Code.

4 Article 45 of the Commercial Code.

5 Article 4 paragraph 1 of Act of the National Council of the Slovak Republic No. 219/1996 Coll. on protection against misuse of alcoholic beverages and on establishment and operation of antialcoholic detention centres. Annexes 3 and 4 to the Regulations of the government of the Slovak Socialist Republic No 206/1988 Coll. on poisons and some other substances harmful to health in compliance with Regulation of the Government of the Slovak Republic No 232/1990 Coll.

6 For examples articles 6 and 7 of Act No 466/1991 Coll., article 5 of Act of the National Council of the Slovak Republic No 1/1996 Coll.

7 For example Act No 468/1991 Coll. in compliance with later regulations, Act No 634/1992 Coll. on consumer protection, Act of the National Council of the Slovak Republic No 1/1996 Coll.

8 Act of the Slovak National Council No 294/1992 Coll. on the Radio and Television Broadcasting Board of the Slovak Republic in compliance with later regulations.

9 Article 7 paragraph 1 of Act of the National Council of the Slovak Republic No 1/1996 Coll.

10 Article 18 of Act of the National Council of the Slovak Republic No 272/1994 Coll. on

protection of human health.

11 § 23, para. 3 Act of the National Council of the Slovak Republic No 152/1995 Coll. on the Food

12 Act of the Slovak National Council No 71/1986 Coll. on the Slovak Trade Inspection in the wording of the Act of the Slovak National Council No 417/1991 Coll. (the whole wording No. 32/1992 Coll.)

13 For example § 20 of the Act No 468/1991 Coll., § 8 of the Act of the National Council of the Slovak republic No 1/1996 Coll., § 28 and 29 of the Act of the National Council of the Slovak Republic No. 272/1994 Coll., § 28 of the Act of the National Council of the Slovak republic No 152/1995 Coll., § 23 and 24 of the Act No 634/1992 Coll., of the Act of the Slovak National Council No 71/1986 Coll. as amended by later regulations 13a The Act of The National Council of the Slovak Republic No 98/1995 of the Collection on the Treatment order as amended of the later regulations.

14 For example Act No 83/1990 Coll. on the Association of Citizens as amended by later regulations, § 20f and follow. Of the Civil Code