

Unofficial Translation; Excerpts

Number: HO-55	Form: Incorporation
Type: Law	Status: In effect
Source: RA National Assembly Journal 1996/10	Place of adopting: Yerevan
Adopted by: RA National Assembly	Date of adopting: April 30, 1996
Signed by: RA President	Date of signature: May 25, 1996
Ratified by:	Date of ratification:
Date of entry into force: June 4, 1996	Date of repealing:

Amendments and incorporations

Main Document: AZh, April 30, 1996, HO-55

Documents amending the main document	Corresponding incorporations
AZh, April 28, 1999, HO-299	AZh, April 30, 1996, HO-55
AZh, June 26, 2002, HO-394-N	AZh, April 30, 1996, HO-55
AZh, December 17, 2003, HO-4-N	AZh, April 30, 1996, HO-55
AZh, December 16, 2005, HO-35-N	AZh, April 30, 1996, HO-55
AZh, March 21, 2006, HO-37-N	AZh, April 30, 1996, HO-55
AZh, May 2, 2006, HO-52-N	AZh, April 30, 1996, HO-55
AZh, April 9, 2007, HO-156-N	AZh, April 30, 1996, HO-55
AZh, December 26, 2008, HO-16-N	AZh, April 30, 1996, HO-55
AZh, March 19, 2009, HO-67-N	AZh, April 30, 1996, HO-55
AZh, April 14, 2011, HO-89-N	AZh, April 30, 1996, HO-55
AZh, May 25, 2011, HO-205-N	AZh, April 30, 1996, HO-55
AZh, May 23, 2011, HO-161-N	AZh, April 30, 1996, HO-55
AZh, March 21, 2012, HO-99-N	AZh, April 30, 1996, HO-55
AZh, June 21, 2014, HO-106-N	AZh, April 30, 1996, HO-55
AZh, June 21, 2014, HO-126-N	AZh, April 30, 1996, HO-55
AZh, December 17, 2014, HO-228-N	AZh, April 30, 1996, HO-55
AZh, November 20, 2014, HO-183-N	AZh, April 30, 1996, HO-55

RA LAW ON ADVERTISING

L A W
OF THE REPUBLIC OF ARMENIA

Adopted by the National Assembly
on April 30, 1996

ON ADVERTISING

CHAPTER I

GENERAL PROVISIONS

...

Article 2. Main concepts used in the Law

The following main concepts are used in this Law:

Advertising – spread of information — among indefinite number of people, through a variety of information media — on legal entities or natural persons, goods, ideas, or initiatives, intended to form or maintain interest in those natural persons and legal entities, goods, or initiatives.

Unscrupulous advertising – advertising during the order, production, and dissemination of which prohibitions and restrictions established by the acting legislation have been circumvented.

Deliberate false advertising – a form of unscrupulous advertising through which an advertiser, an advertising producer, or advertising medium intentionally mislead advertising consumers.

Counter-advertising – a type of advertising used for the purpose of eliminating the consumer's erroneous impression made by unscrupulous advertising, by means of refuting the unscrupulous advertising and re-establishing the real facts.

Advertiser – a legal entity or natural person presenting advertising information for the purpose of producing, placing, and disseminating an advertisement.

Advertising producer – a legal entity or natural person who directly performs services of advertising production and is guided by the Law of the Republic of Armenia “On enterprises and entrepreneurial activities” in the course of his or her activities.

Advertising medium – a legal or natural person who, by providing appropriate means, places and disseminates any advertisement.

Consumer of advertising – a legal entity or natural person to whom the advertising is conveyed, and who bears the relevant influence of advertising.

“Umbrella” advertising – advertising in which the trademark or the firm name used for the goods and services being advertised is identical with, or, to the extent of confusion, similar to the trademark of the goods and services or the firm name of legal entities producing or offering them, for which advertising restrictions are stipulated by this Law.

(Article 2 supplemented by HO-156-N of April 9, 2007, amended by HO-205-N of May 26, 2011)

Article 6. Lawfulness of advertising

Advertising shall be prohibited and shall be regarded as unlawful if it is carried out through:

...

(i) misleading consumers, using a plan, a text, advertising formulas, images, music and sound effects, and other means.

Article 15. Advertising peculiarities of certain types of goods

1. In the advertisements of alcoholic beverages and tobacco, it shall be prohibited to:

(a) suggest that alcohol and tobacco have healing, stimulating, relaxation, and tension relieving features;

(b) induce consumers to large-scale alcohol and tobacco use, express a negative reaction to moderate use or non-use;

(c) present the high dose of alcohol in beverages and that of nicotine in tobacco as a positive feature;

(d) suggest that using alcoholic beverages or smoking is essential for building a good-looking body, achieving social success, or becoming attractive;

(e) shoot and show persons under 25 years of age.

2. Any advertisement of tobacco that lacks the warning information about the harmfulness of smoking, shall be prohibited.

3. When advertising alcoholic beverages and tobacco, addressing directly to minors shall be prohibited.

4. When advertising alcoholic beverages and tobacco, demonstrating or showing the process of their use shall be prohibited.

5. It shall be prohibited to:

(a) broadcast a tobacco advertisement through electronic mass media;

(b) broadcast from 06:00 to 22:30, through electronic mass media, an advertisement of strong alcoholic beverages (with spirit concentration of 20 volume and more), except for the locally produced brandy.

5.1. It shall be prohibited to:

(a) place a tobacco advertisement on the front and last pages of newspapers or on the front, last pages, and the cover of magazines;

(b) place an advertisement of alcoholic beverages on the front page and the cover of newspapers or magazines.

5². At least ten per cent of tobacco advertising in print mass media must contain warning information about the harmfulness of tobacco use.

5³. Outdoor tobacco advertising in the form of posters, advertising boards, announcements, billboards, light boards, and other means shall be prohibited.

6. It shall be prohibited to advertise baby formula and those for children of early age, any food or related products not considered baby formula for infants under six months of age.

7. It shall be prohibited to advertise medicines, medical devices, and medical treatment methods without the authorization of the Ministry of Health of the Republic of Armenia.

It shall be prohibited to advertise narcotic drugs, toxic drugs, and strong medicines.

It shall be prohibited to advertise medicines, medical devices and medical treatment methods the use of which requires a physician's special prescription.

The list thereof shall be approved by the Government of the Republic of Armenia.

7¹. In case of advertising medicines through electronic and print mass media, the number, the date of the certificate of state registration of such medicines in the Republic of Armenia, the number and date of the authorization of the Ministry of Health of the Republic of Armenia shall be indicated on the advertisement. Advertising of controlled medicines, prescription medicines and medicines not registered in the Republic of Armenia shall be prohibited. Advertising of medicines through outdoor advertising billboards shall be prohibited in the Republic of Armenia.

7². In case of advertising medical devices and medical treatment methods through electronic and print mass media or through outdoor advertising billboards, the number and date of the authorization of the Ministry of Health of the Republic of Armenia shall be indicated on the advertisement.

7³. When advertising organizations and sole entrepreneurs carrying out medical assistance and service, pharmacy activities, medicine production, medical secondary vocational or higher educational programs, the number and date of issue of the license for the activity of the organization or sole entrepreneur should be mandatorily indicated in the advertisement.

7⁴. The procedure for issuing an authorization for advertising medicines, medical devices, and medical treatment methods, and the requirements for such advertising shall be approved by the Government of the Republic of Armenia.

7⁵. Commercial advertising of human organs and tissues shall be prohibited.

8. Advertising of arms and ammunitions, except for hunting and sports arms and ammunitions, shall be prohibited.
9. Advertising of promotional lottery cash prizes through mass media shall be prohibited.
10. Total duration of the advertisement for a lottery operator, including any promotional programs and promotional information thereon, broadcast by each telecommunication channel, may not exceed nine minutes within 24 hours and may be broadcast not more than twice and may not exceed 60 seconds within one hour.
11. Displaying money during an advertisement of a lottery, a game of chance, or a casino shall be prohibited.
12. It shall be prohibited to announce as a sponsor on Public Television any lottery, a game of chance, a casino, a nightclub, a tobacco, as well as any products and services the advertising of which on television is prohibited by this Law.
13. Advertising of a lottery during news programs, 20 minutes before and 20 minutes after such programs shall be prohibited.
14. Organizations or sole proprietors (advertisers) providing cultural services, should mandatorily furnish information on advertiser, content or genre of the happening, author, participants, location, time, as well as the use of audio specifications (live performance or use of any type of phonograms) in the advertisement of public theatrical and concert events, festivals, concert tours, in all television and radio, electronic, print, or outdoor advertising means of public outreach.
The volume, area, or content of the information about live performance or phonogram shall not be less than 7% of the total volume, area, or content of the advertisement.
15. Advertising of a game of chance or a casino or a gambling hall, or the operators thereof shall be prohibited, except for advertisements posted inside or on the buildings, facilities or halls of casinos or games of chance, at the border entry points of the Republic of Armenia, as well as in the hotels meeting the requirements and standards for at least four-star classification.

(Article 15 supplemented by HO-299 of April 28, 1999, supplemented, edited by HO-394-N of June 26, 2002, supplemented by HO-4-N of December 17, 2003, edited, supplemented by HO-35-N of December 16, 2005, supplemented, amended by HO-52-N of May 2, 2006, supplemented by HO-67-N of March 19, 2009, HO-143-N of October 4, 2010, amended by HO-89-N of April 14, 2011, edited by HO-106-N of June 21, 2014, amended, supplemented by HO-126-N of June 21, 2014, edited by HO-228-N of December 17, 2014, HO-183-N of November 20, 2014)

CHAPTER IV

UNSCRUPULOUS ADVERTISING: CONSEQUENCES OF UNSCRUPULOUS ADVERTISING

Article 21. General provisions on unscrupulous advertising

1. Publication of unscrupulous, including deliberately false advertising shall be prohibited.

CHAPTER V

STATE SUPERVISION OVER ADVERTISING ACTIVITIES

Article 24. Authorized public administration body of the Republic of Armenia carrying out supervision over compliance with the legislation on advertising

1. The authorized public administration body of the Republic of Armenia carrying out supervision over compliance with the legislation on advertising shall be formed as prescribed by the Government of the Republic of Armenia.
2. National Commission on Television and Radio of the Republic of Armenia shall be the authorized public administration body of the Republic of Armenia carrying out supervision over compliance with the legislation on advertising in the field of television and radio.

(Article 24 edited by HO-156-N of April 9, 2007)

Article 25. Competence of the authorized public administration body of the Republic of Armenia carrying out supervision over compliance with the legislation on advertising

The authorized public administration body of the Republic of Armenia carrying out supervision over compliance with the legislation of the Republic of Armenia on advertising shall be entitled to:

- (a) warn about unscrupulous advertising committed by legal entities and natural persons, and to prohibit it;
- (b) send notifications to an advertiser, advertising producer, and advertising media to discontinue the violation of the legislation on advertising, and notifications on carrying out counter-advertising;
- (c) file actions with the court against an advertiser, advertising producer, and advertising media, in case of unscrupulous advertising, and to file an action with a motion of their dissolution, in case of frequent violation of the legislation on advertising;
- (d) give official clarifications on the legislation of the Republic of Armenia on advertising.

Article 26. Liability for violating the legislation of the Republic of Armenia on advertising

1. According to the acting legislation of the Republic of Armenia, the authorized public administration body of the Republic of Armenia shall be entitled to apply a fine with respect to an advertiser, advertising producer, and advertising media for evading to fulfil the

requirements of its notifications on violation of the advertising legislation, or for failure to fulfil them in time.

1.1 According to the acting legislation of the Republic of Armenia, the Mayor of Yerevan shall be entitled to apply a fine for evading to fulfil the requirements of his or her notifications on violation of the conditions of authorization for placing an outdoor advertisement in the community area in accordance with the municipal rules in Yerevan, or for failure to fulfil them in time, as well as for placing an outdoor advertisement without the authorization to place an outdoor advertisement in the city of Yerevan.

2. Heads of advertiser, advertising producer, and advertising media enterprises shall bear administrative liability for the violations stipulated by point 1 of this Article. In this case, the authorized public administration body of the Republic of Armenia shall be entitled to apply a fine with respect to them, in the amount of up to 100-fold of the minimum salary.

2.1 Advertisers, advertising producers, and advertising media shall bear administrative liability for the violations stipulated by point 1.1 of this Article. In this case, the Mayor of Yerevan shall be entitled to apply a fine with respect to them, in the amount of up to 100-fold of the minimum salary.

3. Advertisers, advertising producers, and advertising media shall be entitled to apply to a court with a claim to invalidate fully or partially the notifications of the authorized public administration body of the Republic of Armenia, or to revoke or change the decision on applying a fine.

The existence of the claim shall not terminate the fulfilment of the notification requirements or of the decision on a fine, unless the court has issued a decision to suspend or terminate the fulfilment of the mentioned acts.

(Article 26 supplemented by HO-99-N of March 21, 2012)

Article 27. Entry into force of this Law

This Law shall enter into force upon publication, except for points 5.2 and 5.3 of Article 15, which shall enter into force from October 1, 2006.

(Article 27 supplemented by HO-37-N of March 21, 2006)