

**Law n°025-2001/AN of October 25, 2001 (JON°52 2001)**  
Concerning the Code of Advertising in Burkina Faso.

**THE NATIONAL ASSEMBLY**

IN LIGHT OF the Constitution;  
IN LIGHT OF Resolution n°01/97/AN of June 7, 1997,  
concerning the validation of the mandate of deputies;  
has deliberated at its session of October 25, 2001 and adopted the law whose content is as follows:

**TITLE I: GENERAL PROVISIONS**

**Article 1:** Advertising and the advertising professions in Burkina Faso are governed by the provisions of this law which comprises the Code.

**Article 2:** An advertising operation consists of the following:

Any written statement, shape, image or sound intended to inform the public or attract its attention to a brand, a product or a service;

Any arrangement whose main purpose is to convey the aforesaid written statements, shapes or images;

Any public statement for advertising purposes.

**Article 3:** The provisions of this code apply to all advertising media: radio, television, the print press, billboards, posters, announcements, signs or any other medium of that nature.

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**TITLE II: EXERCISE OF THE ADVERTISING PROFESSIONS**

**CHAPTER II: ADVERTISING MESSAGES**

**SECTION 1: Content of advertising messages**

**PARAGRAPH 2: Advertising for tobacco and tobacco products**

**Article 25:** Any advertising for tobacco and tobacco products by any means or in any form whatsoever is prohibited on radio and television.

Tobacco products are products intended to be smoked, sniffed or chewed, products derived from tobacco as well as objects that accompany the consumption of tobacco or its products.

Unofficial Translation

The provisions of the first sub-paragraph do not apply to the installation of signs for tobacco and posters that are not visible from the outside.

Publications edited by and for professional organizations of producers, manufacturers and distributors of tobacco products, as well as specialized professional publications, are also allowed.

**Article 26 :** Any advertising for an institution, service, activity, product or article other than tobacco or a tobacco product must not through its graphic appearance, its presentation, the use of a brand, advertising emblem or any other distinctive sign call to mind tobacco or a tobacco product.

**Article 27:** Promotional offers, rebates and the free distribution of tobacco or tobacco products are prohibited when carried out for advertising purposes during televised events.

**Article 28:** It is prohibited to cause to appear in any way whatsoever during or in the course of an athletic or cultural event, the name, brand or advertising emblem of a tobacco product, or the name of a producer or seller of tobacco or a tobacco product.

This provision does not apply to operations of sponsorship defined in Article 58 or to operations of patronage defined in Article 61 of this Code.

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### **TITLE III: OPERATIONS OF SPONSORSHIP AND PATRONAGE**

#### ***CHAPTER 1: SPONSORSHIP OR UNDERWRITING***

**Article 58:** Sponsorship or underwriting is a contract whose purpose is the purchase by one public or private entity of the right to be mentioned by its name or company name at the start and/or the end of broadcasts or during the credits of re-broadcasts of certain events, in order to promote its brand image, its activities or its achievements, excluding any direct or indirect commercial promotion of products or services.

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#### ***CHAPTER II: PATRONAGE***

**Article 61:** Any contributions by natural or juridical persons aimed at promoting and financing cultural, athletic, artistic or scientific activities constitute a patronage operation.

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**TITLE VI: INFRACTIONS INVOLVING ADVERTISING**  
**CHAPTER IV: PENALTIES**

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**Article 147:** Any infraction of the provisions on tobacco, alcoholic beverages, pharmaceutical and cosmetic products and fire arms is punishable pursuant to the legislation in force.

In the event of repeat offenses, the court may prohibit for a period of from 1 to 5 years the sale of a product that has been the subject of irregular advertising or involved in actions prohibited by this code.

Prior to any final judgment on the merits, the court hearing the matter or the examining magistrate can order the cessation of the advertising subject to dispute.

It can, moreover, be decided, taking into account the circumstances of fact, that the juridical persons involved in the litigation are jointly liable, in whole or in part, for the payment of fines and legal expenses charged to their directors or appointees.

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