

BURKINA FASO

UNITY-PROGRESS-JUSTICE

NATIONAL TRANSITION COUNCIL

4th REPUBLIC

TRANSITION LEGISLATURE

LAW N°080-2015/CNT
CONCERNING THE REGULATION OF ADVERTISING
IN BURKINA FASO

THE NATIONAL TRANSITION COUNCIL

In light of the Constitution;

In light of the Charter for the transition;

In light of Resolution n°001-2014/CNT of November 27, 2014, concerning the validation of the term of office of members of the National Transition Council;

has deliberated at its session on November 23, 2015,
and adopted this Law, whose content is as follows:

TITLE I: GENERAL PROVISIONS

Article 1:

This Law governs advertising activities and the advertising professions in Burkina Faso.

Article 2:

The following things constitute an advertising activity:

- any text, form, image or sound intended to inform the public or draw its attention to a brand, a product or a service;
- any arrangements whose primary purpose is to receive such texts, forms, images or sound;
- any public statement with an advertising purpose.

Article 3:

This Law applies to all media used as advertising supports, such as radio, television, the print press, posters, advance signs, signs, the internet, mobile telephony or any other procedure of the same kind resulting from technological progress in the domain of communication.

Article 4:

The State shall see to the regulation of the advertising industry through the national authority charged with regulation of the communications industry, with the collaboration of the competent institutions.

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TITLE II: CONDITIONS FOR THE PRACTICE OF ADVERTISING PROFESSIONS

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CHAPTER 2: THE FORM AND CONTENT OF ADVERTISING MESSAGES

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Paragraph 2: On advertising of tobacco and tobacco products

Article 23:

Any advertising for tobacco and tobacco products by any procedure, or of any kind whatsoever, is prohibited on the radio, television, in the print press, on

the internet, by mobile phones and by means of posters in public thoroughfares.

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

Article 24:

The posting of signs inside tobacco shops and posters not visible from the outside is authorized.

Also authorized are publications published by and for professional organizations of producers, manufacturers and distributors of tobacco products.

Article 25:

No advertising for an agency, an office, an activity, a product or an article other than tobacco or a tobacco product, through its graphic appearance, its display, the use of a brand, an advertising emblem or any other distinctive sign, is permitted to remind people of tobacco or a tobacco product.

Article 26:

Offering, delivery or distribution for free of tobacco or tobacco products, are prohibited when they are done for advertising purposes on the occasion of televised or public events.

Article 27:

It is prohibited to cause to appear in any way whatsoever the name, brand or advertising emblem for a tobacco product or the name of a producer or merchant of tobacco or tobacco products, on the occasion of, or in the course of a sporting, cultural, political or any other kind of public event for young people.

The provisions in the foregoing sub-paragraph also apply to operations of sponsorship or patronage by the tobacco industry.

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TITLE VI: SANCTION OF ILLEGAL ADVERTISING OPERATIONS

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CHAPTER 4: PENALTIES

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Article 130:

Any infraction of the provisions concerning tobacco, alcoholic beverages, pharmaceutical and cosmetic products and firearms is to be punished pursuant to the texts in force.

In the event of repeat offenses, the court may prohibit for a period of one to five years the sale of the product that was the subject of irregular advertising or involved acts prohibited by this Law.

Before any judgment on the merits, the court engaged in the proceedings in question or the magistrate can order the cessation of the advertising subject to complaint.

Moreover, it can be decided, taking into account the factual circumstances, that the juridical persons for which the disputed operations have been prosecuted, are in whole or in part jointly liable for payment of fines and court costs assessed against their directors or their employees.

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TITLE VII: MISCELLANEOUS, TRANSITORY AND FINAL PROVISIONS

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Article 150:

This Law supersedes any earlier provisions at variance with it, particularly Law n°025-2001/AN of October 25, 2001, concerning the code of advertising in Burkina Faso.

Article 151:

This Law is to be executed as a Law of the State.