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Advertising Act¹

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Amended by the following acts

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15.10.2008	RT I 2008, 47, 261	01.01.2009
10.06.2009	RT I 2009, 34, 224	01.01.2010
18.06.2009	RT I 2009, 38, 255	18.07.2009
30.09.2009	RT I 2009, 49, 331	01.01.2010
26.11.2009	RT I 2009, 62, 405	01.01.2010
17.12.2009	RT I 2009, 67, 461	01.01.2010
09.12.2009	RT I 2009, 68, 463	01.01.2010
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22.04.2010	RT I 2010, 22, 108	01.01.2011 enters into force on the date which has been determined in the Decision of the Council of the European Union regarding the abrogation of the derogation established in respect of the Republic of Estonia on the basis provided for in Article 140 (2) of the Treaty on the Functioning of the European Union, Council Decision 2010/416/EU of 13 July 2010 (OJ L 196, 28.07.2010, pp. 24–26).
20.05.2010	RT I 2010, 31, 158	01.10.2010
09.06.2010	RT I 2010, 41, 240	01.09.2010
17.06.2010	RT I 2010, 44, 262	01.09.2010
30.09.2010	RT I 2010, 77, 590	01.07.2011
16.12.2010	RT I, 06.01.2011, 1	16.01.2011
17.11.2011	RT I, 25.11.2011, 3	26.11.2011, partially 26.11.2013
04.04.2012	RT I, 25.04.2012, 1	01.06.2012
05.12.2012	RT I, 21.12.2012, 1	01.03.2013
22.05.2013	RT I, 11.06.2013, 1	01.07.2013
23.05.2013	RT I, 11.06.2013, 3	01.07.2013
19.02.2014	RT I, 13.03.2014, 4	01.07.2014
26.03.2014	RT I, 10.04.2014, 1	20.04.2014
19.06.2014	RT I, 12.07.2014, 1	01.01.2015
11.02.2015	RT I, 04.03.2015, 3	01.06.2015
18.02.2015	RT I, 12.03.2015, 7	22.03.2015, partially 01.05.2015 and 01.01.2016

Chapter 1

GENERAL PROVISIONS

§ 1. Scope of application of Act

(1) The Advertising Act provides the definition of advertising, the general requirements, prohibitions and restrictions established for advertising and organisation of supervision and liability for violation of the Act.

(2) The provisions of the Administrative Procedure Act apply to the administrative proceedings prescribed in this Act, taking account of the specifications provided for in this Act.

(3) Where advertising is regulated by another Act, this Act applies with the specifications arising from the other Act.

§ 2. Definitions

(1) In this Act, the following definitions are used:

- 1) public place means a territory, a building or a part thereof which is open for public use or which is actually in public use, or a means of public transport;
- 2) goods mean a thing or a right which is offered for sale, sold or marketed in any other manner;
- 3) advertising means information which is made public in any generally perceived form for a charge or without charge for the purpose of increasing the provision of services or the sale of goods, promoting an event or directing the conduct of a person in public interests;
- 4) person publicising advertising means a natural person or legal person, a state agency or local government agency (hereinafter *person*) who presents, communicates, exhibits or disseminates advertising to the public;
- 5) person placing advertising means a person who commissions advertising directly or in whose interests advertising is made public;
- 6) person producing advertising means a person who creates or produces advertising or organises the making of it public, except the technical producer;
- 7) service means a benefit which is offered for sale or sold and which is not goods;
- 8) outdoor advertising means advertising located in a public place or advertising which can be watched from a public place.

(2) The following is not deemed to be advertising:

- 1) information concerning the goods, services or the conditions of sale thereof and information specified in clause 2) of this subsection provided at the location of business or professional activities where the goods are sold or the services are provided;
- 2) marking of a location of business or professional activities with its name, type, the time of the sale of goods or provision of services, the name of the person, the trade mark and the domain name on a building where the location of business or professional activities is situated and at the entrance of the location of business or professional activities;
- 3) marking of a location of business or professional activities, which is situated outside a building, with the information specified in clause 2) of this subsection;
- 4) marking of a vehicle used in the business or professional activities of a person with the name, contact details, trade mark, domain name and area of activity of the person;
- 5) labelling on the sales packaging of goods. Advertising placed on or attached to the sales packaging is not deemed to be labelling. A sales packaging is deemed to be the same as within the meaning of the Packaging Act; [RT I 2009, 38, 255 - entry into force 18.07.2009]
- 6) the name and trade mark of the sponsor disclosed in the sponsor's announcement and information concerning the material support granted thereby.

Chapter 2 GENERAL REQUIREMENTS FOR ADVERTISING

§ 3. Basic requirements for advertising

(1) Advertising shall, given ordinary attention, be clearly distinguishable from other information and its content, design and presentation shall ensure that it is recognised as advertising.

(2) Advertising shall contain, in a clearly distinguishable manner, the name of the person placing advertising, the Estonian or European Community trade mark thereof which is under registration or has been registered or the domain name thereof.

(3) The provisions of subsection (2) of this section apply to advertising publicised in separate stages starting from the 15th day as of the publicising of the first stage of the advertising.

(4) Advertising shall not:

- 1) be contrary to good morals and customs;
- 2) incite to act unlawfully or violate prevailing standards of decency, justify offences or degrade lawful behaviour;

- 3) incite to behave violently or incite to use violence;
- 4) incite to activities harmful to human health or the environment,
- 5) exhibit technology and equipment in a manner which may contribute to the feeling of safety not corresponding to the reality or cause dangerous behaviour;
- 6) incite to activities endangering public order and national security and support or favour such activities;
- 7) take advantage of the effect of an accident or emergency situation on a person's capacity to exercise will;
- 8) play on people's superstition or take advantage of the credulity of the target group arising from age;
- 9) directly or by implication degrade or in some other manner denigrate a person, a person's name, trade mark, a geographical indication, activity, area of activity, goods, services or an event;
- 10) contain denigration or discrimination on the grounds of nationality, race, age, colour, sex, language, origin, religion, political or other beliefs, financial or social status or other circumstances;
- 11) provide inaccurate information;
- 12) contain directly or by implication a feature which is a well-known feature distinguishing other persons, goods or services from other similar persons, goods or services if advertising of the other persons, goods or services is prohibited at the given time or place or in the given manner;
- 13) contain advertising of other persons, goods or services if advertising of such persons, goods or services is prohibited at the given time or place or in the given manner;
- 14) suggest that the information presented has a scientific basis if it actually has not;
- 15) contain the words "keskkonnasõbralik" ["environment-friendly"] or "ökoloogiliselt ohutu" ["ecologically safe"] or other words or expressions with the same meaning if there is no such evidence;
- 16) claim or suggest that the goods or services have special features if such features are characteristic to all similar goods or services of the same type;
- 17) refer to properties of the goods or services which cure, treat, mitigate or prevent diseases, malfunctioning or malformations, except in the cases provided by law;
- 18) ignore the principle of gender equality within the meaning of the Gender Equality Act, degrade one sex or depict one sex as a dominating or subordinate sex;
- 19) depict persons as sexual objects, contain inappropriate nudity or use expressions or images with a sexual undertone;
- 20) contain visual or audible presentation of a sexual act.

§ 4. Prohibition of misleading advertising

(1) Advertising which in any way misleads or is likely to mislead the persons to whom it is directed or whom it reaches and which, by reason of its misleading nature, is likely to affect their economic behaviour or which, for those reasons, injures or is likely to injure a competitor of the person placing advertising is prohibited.

(2) Advertising is considered misleading in particular if it provides misleading information concerning the following circumstances characterising goods, services, sale of goods or provision of services:

- 1) availability, quantity, composition, fitness for use, existence of accessories, technical data, risks related to use and storage, including environmental safety, method and date of manufacture, collection or provision, place of production or country of origin;
- 2) intended purpose and income received from the use;
- 3) price and conditions of payment of the price;
- 4) conditions of exchange, return, repair, maintenance and warranty;
- 5) manufacturer of the goods or provider of the services, their area of activity and qualifications, membership in occupational associations and organisations, observation of codes of conduct, intellectual property rights, official recognition, award of a medal, prize or diploma, activity sustainable for the environment and supporting of public or charitable events or any other sponsorship.

(3) It is prohibited to use the results of scientific or other research, quotations from scientific or technical publications and statistical or scientific data in advertising in a misleading manner.

(4) It is prohibited to use national symbols and the symbols of state agencies and the colour combination of the Estonian flag in advertising in a manner that misleads the public concerning the subject of the advertising. Advertising shall not suggest that the information presented contains a recommendation from or a guarantee of the state if it actually does not.

§ 5. Use of comparison in advertising

(1) In advertising which directly or indirectly refers to a competitor operating in the same market or the goods or services offered by a competitor which meet the same needs or are intended for the same purpose as the advertised goods or services, the comparison shall be based on one or several relevant, material and verifiable features of the compared goods or services, which may also include price.

(2) Upon use of comparison advertising shall not:

- 1) create confusion or likely confusion between the person placing advertising and a competitor thereof or between the trade marks, names, goods or services or material features or conditions of sale of goods and services of the person placing advertising and a competitor thereof;

- 2) be based on taking advantage of the reputation of the trade marks, names or other distinguishing marks of a competitor or the designation of origin of the competing goods;
- 3) in the case of goods with a designation of origin, relate to goods with a different designation;
- 4) present goods or services as replicas or imitations of the goods or services bearing a trade mark which has been granted legal protection in Estonia.

(3) Any comparison in an advertising referring to a special offer of goods or services shall contain information on the final date of such offer, the availability of the services, and other special conditions of the offer. If, upon publicising advertising, the special offer has not yet begun, the advertising shall contain the date on which such offer begins.

§ 6. Protection of persons and property in advertising

(1) A person shall not be referred to or used in advertising in any manner, including by using the voice, images or pictorial representations of the person unless prior written consent has been obtained from the person.

(2) Property owned or possessed by a person shall not be referred to or used in advertising in a manner likely to convey to the public the impression of such wish of the owner or possessor unless prior written consent has been obtained from the person.

§ 7. Advertising of goods and services which are technically complex, contain hazardous substances or require special operating skills

(1) Advertising of goods and services which are technically complex, contain hazardous substances or require special operating skills shall include an invitation to read the operating instructions and to consult a specialist if necessary.

(2) Advertising of services which are technically complex, relate to the use of hazardous substances or require special operating skills shall include information concerning the harmfulness of the services. Harmful services are deemed to be the same as within the meaning of the Consumer Protection Act.
[RT I 2010, 31, 158 - entry into force 01.10.2010]

(3) Advertising of goods or services which are intended for professional use only shall include the corresponding information.

§ 8. Advertising directed at children

(1) For the purposes of this Act, a child is a person who is less than 18 years of age.

(2) Advertising which target group is primarily children shall take into account their unique physical and mental state resulting from their age.

(3) Children shall not be the target group of advertising if it is prohibited to sell the advertised goods or provide the advertised services to children.

(4) Advertising which target group is primarily children shall not:

- 1) create the impression that the acquisition of certain goods or the use of certain services will give the child an advantage over other children or that the lack thereof will have the opposite effect;
- 2) create the feeling of inferiority in children;
- 3) incite children to behave or act in a manner which has or may have the effect of bringing children into unsafe conditions;
- 4) contain elements which frighten children;
- 5) exploit the trust children place in their parents, teachers or other persons;
- 6) include a direct or indirect appeal to children to demand the acquisition of the advertised goods or the use of the advertised services from other persons;
- 7) directly incite children to enter into transactions independently.

(5) Advertising is prohibited on the premises in the use of pre-school child care institutions, basic schools, upper secondary schools and vocational educational institutions.
[RT I 2010, 41, 240 - entry into force 01.09.2010]

(6) The provisions of subsection (5) of this section do not apply to advertising:

- 1) for the purpose of directing the conduct of children in public interests;
- 2) with respect to events for children, their participation in hobby education and possibilities for continuation of studies;
- 3) outside schooling and education period if an event for adults takes place on such premises.

§ 9. Use of children in advertising

(1) A child shall not be used in advertising without the prior written consent of their legal representative.

(2) A child shall not be used in advertising of goods or services if it is prohibited to sell the advertised goods or provide the advertised services to children.

(3) A child shall not be used in advertising in a manner which exposes the child's genitals.

(4) Advertising shall not unreasonably show a child in dangerous situations.

(5) Advertising where children are used shall take into account their unique physical and mental state resulting from their age.

§ 10. Use of design of banknotes and coins in advertising

(1) The use of design of banknotes and coins issued by *Eesti Pank* in advertising is permitted only with the prior consent of *Eesti Pank*.

(2) Banknotes and coins are deemed to be the same as within the meaning of the Republic of Estonia Money Act.

§ 11. Advertising in media service

(1) In advertising and teleshopping transmitted upon provision of media services it is prohibited:

1) to use subliminal techniques;

2) in television services, to use the voice or image of a person who appears as an anchor or commentator in programmes on political events or issues or as an announcer in a news programme.

(2) In addition to the provisions of this Act, the requirements provided for teleshopping and other commercial communications in the Media Services Act apply to advertising and teleshopping in media services.

(3) Teleshopping and other commercial communications in media services are deemed to be the same as within the meaning of the Media Services Act.

[RT I, 11.06.2013, 1 - entry into force 01.07.2013]

§ 12. Obligation to retain copies of advertisements

Persons publicising advertising are required to retain copies of advertisements for at least 20 days from the last publicising of the advertisement and to submit copies of the advertisement for review to the official exercising supervision over advertising at their first request.

§ 13. Competence of local governments in establishment of requirements for outdoor advertising

(1) The rules for the installation of outdoor advertising establishing the requirements on the manner and place of publicising outdoor advertising may be established by a rural municipality or city council regulation.

(2) The area which is deemed to be in close proximity of a building or territory specified in clause 28 (1) 1) of this Act may be established by a rural municipality or city council regulation.

Chapter 3 GOODS AND SERVICES WHOSE ADVERTISING IS PROHIBITED

§ 14. Advertising of trustees in bankruptcy

[RT I, 21.12.2012, 1 - entry into force 01.03.2013]

(1) Trustees in bankruptcy shall not advertise themselves or their activities unless otherwise provided for in this Act. A trustee in bankruptcy is deemed to be the same as within the meaning of the Bankruptcy Act.

[RT I, 21.12.2012, 1 - entry into force 01.03.2013]

(2) [Repealed - RT I, 21.12.2012, 1 - entry into force 01.03.2013]

(3) [Repealed - RT I, 21.12.2012, 1 - entry into force 01.03.2013]

(4) Communication of the name and academic degrees of a trustee in bankruptcy and the office hours and reception hours, address and telecommunications numbers of the office to the public is not deemed to be advertising of a trustee in bankruptcy.

[RT I 2009, 68, 463 - entry into force 01.01.2010]

§ 15. Advertising of notaries and bailiffs

(1) Notaries and bailiffs shall not advertise themselves or their activities. A notary is deemed to be the same as within the meaning of the Notaries Act and a bailiff is deemed to be the same as within the meaning of the Bailiffs Act.

(2) Communication of the name of a notary or bailiff and the office hours and reception hours, address, telecommunications and account numbers of the office to the public is not deemed to be advertising.

§ 16. Advertising of patent attorneys

[Repealed - RT I, 21.12.2012, 1 - entry into force 01.03.2013]

§ 17. Advertising of tobacco products, products meant for consumption of tobacco products, products used similarly to tobacco products or components thereof

[RT I, 12.03.2015, 7 - entry into force 22.03.2015]

(1) Advertising of tobacco products is prohibited. Tobacco products are deemed to be the same as within the meaning of the Alcohol, Tobacco, Fuel and Electricity Excise Duty Act.

(2) A trade mark used to designate a tobacco product which does not express a tobacco product or the consumption thereof in words or depict it in picture and which designates also other goods or services in addition to a tobacco product may be used for the purpose of advertising such goods or services.

(3) A trade mark used to designate a tobacco product which expresses a tobacco product or the consumption thereof in words or depicts it in picture shall not be used in the cases specified in clauses 2 (2) 2–4) and 6) of this Act.

(4) The prohibition specified in subsection (1) of this section does not extend to:

- 1) speciality publications directed at handlers of tobacco products and publications printed and published in countries outside of the European Economic Area if these publications are not primarily intended for the internal market of the European Union;
- 2) presentation of tobacco products at speciality exhibitions, expositions or other similar events directed at handlers of tobacco products;
- 3) information related to offering for sale or sale of tobacco products directed exclusively at handlers of tobacco products.

(5) The provisions of this section also apply to the advertising of products associated with tobacco products and components thereof and to the use of trade marks designating such products. Products associated with tobacco products are deemed to be the same as within the meaning of the Tobacco Act.

[RT I, 12.03.2015, 7 - entry into force 22.03.2015]

§ 18. Advertising of narcotic drugs and psychotropic substances

(1) Advertising of narcotic drugs and psychotropic substances is prohibited. Narcotic drugs and psychotropic substances are deemed to be the same as within the meaning of the Act on Narcotic Drugs and Psychotropic Substances and Precursors thereof.

(2) Medicinal products which are narcotic drugs or psychotropic substances may be advertised to persons qualified to prescribe medicinal products, dispensing chemists and pharmacists pursuant to the requirements provided for in the Medicinal Products Act.

§ 19. Advertising of weapons and ammunition

(1) Advertising of weapons, firearm accessories and ammunition is prohibited, except on the sales premises, at speciality expositions or exhibitions or in speciality printed matter. Weapons, firearm accessories and ammunition are deemed to be the same as within the meaning of the Weapons Act.

(2) Advertising of weapons, firearm accessories or ammunition shall not contain:

- 1) an incitement to purchase or use weapons, firearm accessories or ammunition;
- 2) elements of violence or glorification of the use of weapons, firearm accessories or ammunition;
- 3) complicated terminology from specialised fields.

(3) Advertising of weapons or ammunition shall ensure distinguishability of weapons, firearm accessories or ammunition from other products of the same type.

§ 20. Advertising of explosive substances and pyrotechnic articles

(1) Advertising of explosive substances and pyrotechnic articles is prohibited, except on the sales premises, at speciality expositions or exhibitions or in speciality printed matter. Explosive substances and pyrotechnic articles are deemed to be the same as within the meaning of the Explosive Substances Act.

[RT I 2009, 69, 464 - entry into force 04.07.2010]

- (2) Advertising of explosive substances or pyrotechnic articles shall not contain:
- 1) an incitement to purchase or use explosive substances or pyrotechnic articles;
 - 2) elements of violence or glorification of the use of explosive substances or pyrotechnic articles;
 - 3) complicated terminology from specialised fields.

§ 21. Advertising of gambling

[Repealed -RT I, 04.03.2015, 3 - entry into force 01.06.2015]

§ 22. Advertising of health services

(1) Advertising of health services, including artificial insemination, is prohibited.

(2) Health services and health care providers are deemed to be the same as within the meaning of the Health Services Organisation Act and artificial insemination is deemed to be the same as within the meaning of the Artificial Insemination and Embryo Protection Act.

(3) Information on a health care provider shall include the number of the activity licence of the health care provider.

(4) The following is not deemed to be advertising of health services:

1) information concerning the name, working hours, place of business and speciality of a health care provider, the name, speciality, academic degree and contact details of a health care professional, the list of health services provided and publication of a price list;

[RT I, 10.04.2014, 1 - entry into force 20.04.2014]

2) provision of information by health care providers concerning their work in the press;

3) application of the measures necessary for finding donors.

§ 23. Advertising of infant formulae

(1) Advertising of infant formulae is prohibited.

(2) The prohibition specified in subsection (1) of this section does not extend to specialised publications and scientific publications concerning child care printed and published in the Member States of the European Union, except Estonia.

(3) The prohibition specified in subsection (1) of this section does not extend to publications printed and published outside of the European Union unless these publications are intended principally for the Estonian market.

§ 24. Advertising of works which contain pornography or promote violence or cruelty

(1) Advertising of works which contain pornography or promote violence or cruelty is prohibited.

(2) Works which contain pornography or promote violence or cruelty are deemed to be the same as within the meaning of the Act to Regulate Dissemination of Works which Contain Pornography or Promote Violence or Cruelty.

§ 25. Advertising of services offered for satisfaction of sexual desire

(1) Advertising of services offered for satisfaction of sexual desire, including advertising of prostitution or advertising referring to such services, is prohibited.

(2) Advertising contributing to intermediation of prostitution is prohibited.

Chapter 4 RESTRICTIONS ON ADVERTISING OF GOODS AND SERVICES

§ 26. Advertising of plant protection products

Advertising of plant protection products shall comply with the requirements provided for in Article 66 of Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (OJ L 309, 24.11.2009, p. 1–50).

[RT I, 25.11.2011, 3 - entry into force 26.11.2011]

§ 27. Advertising of biocidal products

(1) Advertising of biocidal products shall not include the expressions "madala riskiastmega biotsiid" ["low-risk biocidal product"], "mittemürgine" ["non-toxic"], "ohutu" ["safe"] or any other words or expressions with the same meaning. Biocidal products are deemed to be the same as within the meaning of the Biocides Act.

(2) Advertising of biocidal products shall include the following sentences which shall be clearly distinguishable from the rest of the text: "Kasutage biotsiidi ohutult! Enne kasutamist lugege lisatud teave alati läbi!" ["Use the biocidal product safely! Always read the accompanying information before use!"]

(3) In advertising of biocidal products the word "biotsiid" ["biocidal product"] may be replaced with the name of the product type being advertised.

§ 28. Advertising of alcohol

(1) Advertising of alcohol is prohibited:

1) in and on the buildings and territories in the use of pre-school child care institutions, basic schools, upper secondary schools, vocational educational institutions, hobby schools, permanent camps for the youth and project camps for the youth and in close proximity thereof, except outside schooling and education period when an event for adults takes place on such premises;

[RT I 2010, 44, 262 - entry into force 01.09.2010]

2) in and on the buildings intended for sports, except on the sales premises of alcoholic beverages;

3) in and on the buildings and territories of health care and social welfare institutions;

4) in and on the buildings and territories of the Defence Forces, the National Defence League and the police;

[RT I 2009, 62, 405 - entry into force 01.01.2010]

5) in and on the buildings and territories of custodial institutions;

6) in and on the buildings and territories of cinemas, museums and performing arts institutions, except on the sales premises of alcoholic beverages;

7) in printed matter which is directed principally at children or on a page of printed matter where information directed principally at children is published;

8) at the location and during the time of the events directed principally at children and on the tickets of such events;

9) in television and radio programmes from 7.00 to 21.00;

[RT I, 06.01.2011, 1 - entry into force 16.01.2011]

10) on video tapes, DVD-s, compact discs or in any other data media or on the packaging thereof offered for sale on a retail basis;

11) on the front or back cover of newspapers or magazines;

12) as outdoor advertising, except outdoor advertising of alcoholic beverages with low ethanol content.

(2) Alcohol and alcoholic beverages of low ethanol content are deemed to be the same as within the meaning of the Alcohol Act.

(3) Advertising of alcohol shall not:

1) contain a direct incitement to buy or consume alcohol;

2) contain characters from cartoon animation, three-dimensional animation or children's literature;

3) present information, events or activities in a manner which may suggest that the consumption of alcohol contributes towards social or sexual success, enhances physical performance or is important for achieving positive results in certain fields;

4) link the consumption of alcohol to driving;

5) claim that alcohol is a stimulant, a sedative or a means of resolving conflicts;

6) present abstinence or moderation in consumption of alcohol in a negative light;

7) place emphasis on high ethanol content as being a positive quality of beverages;

8) contain information that by purchasing alcohol goods or services may be obtained for free or at a lower cost than usual.

(4) Advertising of alcohol shall not imitate or use well-known actors, actresses, sportsmen, musicians, entertainers or any other well-known persons as well as their pictures, voices or images or references to such persons. An actor or actress may be used in advertising of alcohol if the actor or actress does not advertise alcohol through their personal example but plays the role of a character.

(5) Advertising of alcohol shall not depict the roles or characters known mainly from films, television, music or entertainment programmes or events directed principally at children.

(6) The following shall be deemed to be prohibited advertising:

1) distribution of a product or printed matter related to alcohol to children free of charge;

2) presentation of alcohol outside the sales premises of alcohol, except at exhibitions, fairs or other similar events where the relevant products are introduced;

3) giving alcohol to take along for free upon offer for sale or sale of goods or services, except in catering establishments for consumption on the premises;

4) the possibility to obtain alcoholic beverages as an award, prize, gift or other benefit of a sales promotion campaign organised for the purpose of increasing the sale of goods or services.

(7) Advertising of alcohol shall include the textual warning: "Tähelepanu! Tegemist on alkoholiga. Alkohol võib kahjustada teie tervist." ["Attention! This is an alcoholic beverage. Alcohol may cause damage to your health."] The warning shall, given ordinary attention, be noticeable, understandable and clearly distinguishable from other information.

(7¹) The provisions of subsection (7) of this section do not apply to exhibiting a trade mark used to designate alcohol on the sales premises of alcohol.
[RT I 2009, 38, 255 - entry into force 18.07.2009]

(8) A trade mark used to designate alcohol which does not express alcohol or the consumption thereof in words or depict it in picture and which designates also other goods or services in addition to alcohol may be used for the purpose of advertising such goods or services.

(9) A trade mark used to designate alcohol which expresses alcohol or the consumption thereof in words or depicts it in picture shall not be used in the cases specified in clauses 2 (2) 2) – 4) and 6) of this Act.

§ 29. Advertising of financial services

(1) For the purposes of this Act, financial services mean the services provided to customers by the subjects of financial supervision specified in the Financial Supervision Authority Act or the financial services provided by other persons within the meaning of the Credit Institutions Act.
[RT I, 11.06.2013, 3 - entry into force 01.07.2013]

(2) Advertising of financial services shall include an invitation to examine the terms and conditions of the financial services and to consult an expert, as necessary.

(3) Any advertisement in which consumer credit is offered or the arrangement of consumer credit contracts is offered shall indicate the annual percentage rate of charge by means of a representative example.
[RT I 2010, 77, 590 - entry into force 01.07.2011]

(3¹) Any advertisement in which consumer credit is offered or the arrangement of such contracts is offered which contain an interest rate or any other figures related to credit costs for the consumer shall indicate the following information by means of a representative example in a clear, concise and clearly distinguished manner:

- 1) the interest rate;
 - 2) the amount of credit drawn down or the upper credit limit;
 - 3) the annual percentage rate of charge;
 - 4) where applicable, the duration of the consumer credit contract;
 - 5) in the case of a consumer credit contract the object of which is the acquisition of a thing, provision of a service or financing of another object of the contract, the cash price of the object of the contract (net price) and the amount of prepayment where applicable;
 - 6) where applicable, the total amount payable by the consumer and the sum of repayments.
- [RT I, 13.03.2014, 4 - entry into force 01.07.2014]

(3²) If interest rate is set out, it shall be indicated whether fixed, non-fixed or both interest rates are used as well as the fees included in the total cost of credit for the consumer.
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

(3³) Where a collateral contract, in particular an insurance contract, has to be entered into in order to obtain a credit or to obtain it on the terms and conditions offered and the costs related to the collateral contract cannot be determined in advance, information on the obligation to enter into a collateral contract and its annual percentage rate of charge shall be provided in a clear, concise and clearly distinguished manner.
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

(3⁴) A credit broker shall, in addition to the provisions of subsections (3)–(3³) of this section, disclose also the extent of its powers in accordance with clause 417¹(1) 1) of the Law of Obligations Act.
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

(4) [Repealed - RT I 2010, 77, 590 - entry into force 01.07.2011]

(5) [Repealed - RT I 2010, 77, 590 - entry into force 01.07.2011]

(6) In an advertisement in which consumer credit is offered or the arrangement of consumer credit contracts is offered and in the cases specified in clauses 2 (2) 2)–4) and 6) of this Act, a provider of financial services may only exhibit such trademark which conforms to the provisions of subsection (7) of this section.
[RT I, 11.06.2013, 3 - entry into force 01.07.2013]

(7) Any advertisement in which consumer credit is offered or the arrangement of consumer credit contracts is offered shall be responsible and balanced. An advertisement may not suggest that taking consumer credit is a risk-free and simple opportunity to solve financial problems or induce consumers to ill-advised borrowing.
[RT I, 11.06.2013, 3 - entry into force 01.07.2013]

(8) The information specified in subsections (2)–(3⁴) of this section shall be presented in such font and font size which, given ordinary attention, makes it noticeable, understandable and clearly distinguishable from other information.
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

§ 29¹. Advertising of advocates, sworn translators and patent attorneys

Advocates, companies of advocates, sworn translators, patent attorneys and companies of patent attorneys may advertise their activities if the advertising is not contrary to the requirements for the professional ethics and the advertising does not invite people to enter into a contract. An advocate and a company of advocates are deemed to be the same as within the meaning of the Bar Association Act, a sworn translator is deemed to be the same as within the meaning of the Sworn Translators Act, and a patent attorney and a company of patent attorneys are deemed to be the same as within the meaning of the Patent Attorneys Act.
[RT I, 21.12.2012, 1 - entry into force 01.03.2013]

§ 29². Advertising of gambling

(1) Advertising of gambling, a gaming location and organiser of gambling (hereinafter *advertising of gambling*) is prohibited if the organiser of gambling has no operating permit required under the Gambling Act.

(2) Gambling, including commercial lottery, gaming location and organiser of gambling are deemed to be the same as within the meaning of the Gambling Act.

(3) Advertising of gambling shall not contain an incitement to participate in gambling or visit a gaming location or information which may suggest that gambling contributes towards social success.

(4) Advertising of gambling shall include the textual warning: "Tähelepanu! Tegemist on hasartmängu reklaamiga. Hasartmäng pole sobiv viis rahaliste probleemide lahendamiseks. Tutvuge reeglitega ja käituge vastutustundlikult!" ["Attention! This is advertising of gambling. Gambling is not a suitable means for solving financial problems. Examine the rules and behave responsibly!"]. The warning shall, given ordinary attention, be noticeable, understandable and clearly distinguishable from other information.

(5) Advertising of games of chance is prohibited except:

- 1) on the premises where a games of chance is organised;
- 2) on board a water craft or aircraft used for international carriage of passengers;
- 3) in the building of a passenger terminal of an airport or port which provides international regular services;
- 4) in a hotel where gaming premises for games of chance are located;
- 5) on the website of an organiser of games of chance;
- 6) advertising communicated by post, e-mail or phone provided that the client has subscribed to it, it is communicated only to the client's own postal or e-mail address or the telephone number used by the client and the client is able to terminate the communication of advertising at any time by notifying the organiser of the games of chance of one's wish.

(6) Advertising of totems is prohibited:

- 1) in and on the buildings and territories in the use of pre-school child care institutions, basic schools, upper secondary schools, vocational educational institutions, hobby schools, permanent youth camps and youth project camps and in close proximity thereof, on websites directed at children, at the place and during the time of holding an event which is mostly directed at children and on the tickets for such event;
- 2) in television and radio programmes;
- 3) on the front and back covers of newspapers or magazines, unless published together with the sponsor's announcement;
- 4) as outdoor advertising, unless published together with the sponsor's announcement.

(7) Advertising of games of skill is prohibited:

- 1) in and on the buildings and territories in the use of pre-school child care institutions, basic schools, upper secondary schools, vocational educational institutions, hobby schools, permanent youth camps and youth project camps and in close proximity thereof, on websites directed at children and before and during television and radio programmes which are mostly directed at children;
- 2) on the front and back covers of newspapers or magazines, unless published together with the sponsor's announcement;
- 3) as outdoor advertising, unless published together with the sponsor's announcement.

(8) Advertising of lotteries is prohibited in and on the buildings and territories in the use of pre-school child care institutions, basic schools, upper secondary schools, vocational educational institutions, hobby schools, permanent youth camps and youth project camps and in close proximity thereof, on websites directed at children, before and during television and radio programmes which are mostly directed at children and at the

place and during the time of holding an event which is mostly directed at children and on the tickets for such event.

(9) A trade mark of an organiser of totos, games of skill or lotteries may be exhibited only if it conforms to the provisions of subsection (3) of this section. A trade mark of an organiser of games of chance which does not express a game of chance, a gaming location of a games of chance or a chance of winning in words or depict them in picture may be exhibited outside the places specified in subsection (5) of this section provided that the trade mark conforms to the provisions of subsection (3) of this section. Communication of a trade mark of an organiser of gambling to the public is prohibited at the places and during the times specified in clause (7) 1) of this section.

(10) Communication of information on commercial lotteries to the public is not deemed to be advertising of gambling.

(11) The provisions concerning advertising of gambling apply to advertising of the activities taking place on gaming premises.

[RT I, 04.03.2015, 3 - entry into force 01.06.2015]

Chapter 5 SUPERVISION

§ 30. State supervision

[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

(1) State supervision over compliance with the requirements provided for in this Act and legislation established on the basis thereof, except the requirements provided for in §§ 14 and 15 and 29¹ of this Act, shall be exercised by the Consumer Protection Board.

(2) In addition to the provisions of subsection (1) of this section, state supervision shall also be exercised by the following law enforcement authorities:

- 1) the State Agency of Medicines over compliance with the requirements provided for in Chapter 2 and § 18 of this Act with regard to advertising of medicinal products;
- 2) the Health Board over compliance with the requirements provided for in Chapter 2 of this Act with regard to advertising of medical devices and over compliance with the requirements provided for in Chapter 2 and § 22 of this Act with regard to advertising of health services;
- 3) the Agricultural Board over compliance with the requirements provided for in Chapter 2 and § 26 of this Act with regard to advertising of plant protection products;
- 4) the rural municipality or city government within its administrative territory with regard to outdoor advertising.

(3) The persons provided for in the Bankruptcy Act shall exercise supervision over compliance with the requirements specified in § 14 of this Act pursuant to the procedure provided by law.

(4) The persons provided for in the Notaries Act and the Bailiffs Act shall exercise supervision over compliance with the requirements specified in § 15 of this Act pursuant to the procedure provided by law.

(5) The persons provided for in the Bar Association Act, the Sworn Translators Act and the Patent Attorneys Act shall exercise supervision over compliance with the requirements specified in § 29¹ of this Act pursuant to the procedure provided by law.

[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

§ 31. Special state supervision measures

[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

In order to exercise state supervision provided for in this Act, a law enforcement authority may apply the special state supervision measures provided for in §§ 30 and 50 of the Law Enforcement Act on the basis of and pursuant to the procedure provided for in the Law Enforcement Act.

[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

§ 31¹. Specifications concerning state supervision

A law enforcement authority may only enter, on the conditions provided for in § 50 of the Law Enforcement Act, the territory or building used in the business or professional activities of the person placing, producing

or publicising advertising in the presence of the person subject to supervision, a representative or employee thereof.

[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

§ 31². Supervision by Financial Supervision Authority

The Financial Supervision Authority exercises supervision over compliance with the requirements provided for in Chapter 2 and § 29 of this Act with regard to advertising of financial services provided to customers by the subjects of financial supervision specified in the Financial Supervision Authority Act.

[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

§ 32. Penalty payment rate

[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

Upon failure to comply with a precept, the upper limit of the penalty payment imposed pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act is 3200 euros.

[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

Chapter 6 LIABILITY

§ 33. Violation of general requirements for advertising

(1) The placing, producing or publicising of advertising which violates the general requirements for advertising is punishable by a fine of up to 300 fine units.

[RT I 2009, 38, 255 - entry into force 18.07.2009]

(2) The same act, if committed by a legal person, is punishable by a fine of up to 10 000 euros.

[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 34. Violation of prohibition on advertising of goods and services

(1) The placing, producing or publicising of advertising which ignores the prohibition on advertising of goods and services

is punishable by a fine of up to 300 fine units.

[RT I 2009, 38, 255 - entry into force 18.07.2009]

(2) The same act, if committed by a legal person, is punishable by a fine of up to 10 000 euros.

[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 35. Violation of restrictions on and requirements for advertising of goods and services

(1) The placing, producing or publicising of advertising whereby the restrictions on or requirements for advertising of goods and services are violated

is punishable by a fine of up to 300 fine units.

[RT I 2009, 38, 255 - entry into force 18.07.2009]

(2) The same act, if committed by a legal person, is punishable by a fine of up to 10 000 euros.

[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 36. Proceedings

(1) [Repealed -RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) Extra-judicial proceedings concerning the misdemeanours provided for in §§ 33–35 of this Act shall be conducted by the Consumer Protection Board and the following administrative authorities according to their competence:

1) the State Agency of Medicines in the case of violation of the requirements provided for in Chapter 2 and § 18 of this Act with regard to advertising of medicinal products;

[RT I 2009, 67, 461 - entry into force 01.01.2010]

2) the Health Board in the case of violation of the requirements provided for in Chapter 2 of this Act with regard to advertising of medical devices and in the case of violation of the requirements provided for in Chapter 2 and § 22 of this Act with regard to advertising of health services;

[RT I 2009, 67, 461 - entry into force 01.01.2010]

3) the Agricultural Board in the case of violation of the requirements provided for in Chapter 2 and § 26 of this Act with regard to advertising of plant protection products;

[RT I 2009, 34, 224 - entry into force 01.01.2010]

- 4) the Financial Supervision Authority in the case of violation of the requirements provided for in Chapter 2 and § 29 of this Act with regard to advertising of financial services provided to customers by the subjects of financial supervision specified in the Financial Supervision Authority Act;
- 5) the rural municipality or city government within its administrative territory in the case of violation of the requirements for outdoor advertising.

Chapter 7

IMPLEMENTING PROVISIONS

§ 37.–§ 51.[Omitted from this text.]

§ 51¹. Implementing provision

Advertisements of financial services conforming to the legislation in force before 1 July 2013 may be publicised until the expiry of their term of publicising, but not longer than until 1 October 2013.
[RT I, 11.06.2013, 3 - entry into force 01.07.2013]

§ 52. Entry into force of Act

This Act enters into force on 1 November 2008.

¹Council Directive 84/450/EEC relating to the approximation of the laws, regulations and administrative provisions of the Member States concerning misleading advertising (OJ L 250, 19.09.1984, pp. 17–20), as amended by Directive 97/55/EC of European Parliament and of the Council amending Directive 84/450/EEC concerning misleading advertising so as to include comparative advertising (OJ L 290, 23.10.1997, pp. 18–23) and Directive 2005/29/EC of the European Parliament and of the Council concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council (Unfair Commercial Practices Directive) (OJ L 149, 11.06.2005, pp. 22–39).