

LAW

ON ADVERTISING

(...)

The terms used herein shall be interpreted as follows:

1) **advertising** means announcing through any advertising medium, a message recommending the advertiser, his activity, goods, services or any other recommendation aimed at convincing the recipient of the message to accept or use such activity, goods or services;

2) **advertisement message** means a message recommending the advertiser, his activity, goods or services;

3) **advertising medium** means a flyer, prospectus, product package, poster, photograph, card, panel, transparent, billboard, illuminated medium, display, motor vehicle, business communication medium (memo, envelope, business card), business stationary (greeting card, calendar, agenda) as well as all other media used to communicate the advertising message to the intended recipient;

4) **the advertiser** means a legal entity, and entrepreneur, or a physical person whose trade name, personality, activity, goods or services are recommended in the advertisement message;

5) **the producer of the advertisement message** means a legal entity or entrepreneur, registered for the provision of services relative to the design of advertising campaigns, the creation or production of advertisement messages, the planning or hiring of advertising space in public media, used in individual phases of the advertisement message process;

6) **carrier of the advertisement message** means any public medium (newspaper, radio programme, television programme, news agency service, Internet and other electronic editions of public media intended for public distribution and an undetermined number of users) consisting mainly of advertisement messages;

7) **other carriers of advertisement messages** means legal entities or entrepreneurs displaying an advertising medium or advertisement messages, in the display units on their business premises or in other places, as well as organisers of cultural and entertainment events, sports or other public events, aiming to communicate advertisement messages to their audience;

8) **recipient of advertisement message** means a consumer, user of services or any other person to whom the advertisement message is destined;

9) **point of sale** means a business space or an area where a registered activity is carried out in accordance with the law;

10) **open space** means a public area as well as any other area where advertising media can be displayed.

(...)

Article 64

It shall be forbidden to advertise tobacco and tobacco products, including any form of emphasis of an emblem or any other manufacturer's insignia on the product, in the press, on radio and television broadcasts, in cinema slides, films, panels, boards, stickers, advertising media in streets, public areas, public buildings, vehicles, books,

magazines, clothing items, stickers, posters and flyers where such stickers, posters or flyers are separate from tobacco and tobacco product packaging.

It shall be forbidden to distribute tobacco products for free or promote any discounts on tobacco products.

It shall be forbidden to emphasize an emblem or any other tobacco, or tobacco product manufacturer's insignia in the manner described in Paragraph 1 of the present Article or in any advertisement message where the manufacturer of tobacco or a tobacco product is recommended, including advertisement messages recommending sponsorship activity.

Advertising as set out in Paragraph 1 of the present Article shall not be constituted by emphasizing tobacco products at the point of sale or by the publication of information pertaining to the quality and other characteristics of the tobacco or tobacco products in expert books, magazines and other expert publications designed exclusively for producers or vendors of such products, or any use of the emblem or other manufacturer's insignia in business communication media and business representation of the given manufacturer.

Health hazard warnings

Article 65

Tobacco and tobacco product manufacturers shall mark and label the package of the aforementioned products in accordance with the law stipulating the production and sale of tobacco and tobacco products.

Prohibition of presentation of smoking and tobacco products in advertisement messages

Article 66

Advertisement messages shall not show smoking or pretend smoking of tobacco products, the package thereof, or tobacco smoke.

Article 67

The limitations and prohibitions stipulated by the present law on the advertising of tobacco products shall not extend to advertisement messages recommending giving up, combating the habit or the combat against smoking.

The advertisement message as envisaged in Paragraph 1 of the present Article shall not contain any emblems or any other insignia of a tobacco product manufacturer.

(...)

VII. SPONSORSHIP AND ADVERTISING

Article 88

(...)

Article 89

Manufacturers of tobacco products may not sponsor media, sports persons, sports contests or other contests or any individual persons or participants in such events.

Manufacturers of tobacco products or alcoholic beverages may not sponsor underage persons, their activities, or any persons or activities the audience of which consists mainly of underage persons.

(...)

A fine of Din 300,000 to 3,000,000 shall be levied for an offence committed by a company or a private person where such company or person:

(...)

12) shall be found advertising tobacco or tobacco products contrary to the prohibition stipulated by Article 64, Paragraph 1 herein;

13) shall be found distributing free tobacco products, offering promotional discounts on tobacco products or emphasizing the emblem or other insignia of a tobacco and tobacco product manufacturer in an advertisement message which is not recommending the said tobacco and tobacco product manufacturer, including messages in which a sponsorship activity is recommended, in breach of the prohibition as stipulated in Article 64, Paragraphs 2 and 3 herein;

14) shall be found showing smoking or pretend smoking of tobacco products, packaging thereof or tobacco smoke (Article 66) in their advertisement message;

15) shall be found using the emblem or other insignia of a manufacturer of tobacco products (Article 67, Paragraph 2), in an advertisement message in which giving up, combating the habit or combating smoking is being recommended

(...)

Article 109

A fine of Din 100,000 to 500,000 shall be levied on entrepreneurs found;

(...)

13) shall be found distributing free tobacco products, offering promotional discounts on tobacco products or emphasizing the emblem or other insignia of a tobacco and tobacco product manufacturer in an advertisement message which is not recommending the said tobacco and tobacco product manufacturer, including messages in which a sponsorship activity is recommended, in breach of the prohibition as stipulated in Article 64, Paragraphs 2 and 3 herein;

14) showing smoking or pretend smoking of tobacco products or tobacco smoke in an advertisement message (Article 66)

(...)

XI. TRANSITIONAL AND CONCLUDING

PROVISIONS

Article 110

The following provisions shall cease to be valid on the day of implementation of the present law:

- Articles 17 and 18, Article 39, Paragraph 1, sub-paragraphs 3) and 4) of the Law on health safety of food and general purpose goods (Official Journal of SFRY, No. 53/91 and Official Journal of SFRY, No. 24/94, 28/96 and 37/02);

- Articles 104 - 105, Articles 107 - 112 and Article 113, Paragraph 1, sub-paragraphs 16) - 18) and sub-paragraphs 20) - 26) of the Law on broadcasting (Official Journal of RS, No.. 42/02, 97/04 and 76/05).

Article 111

The present law shall come into force on the eighth day of publication thereof in the Official Journal of the Republic of Serbia, the implementation thereof commencing upon expiry of three months from the law coming into force.