

Disclaimer: The English language text below is provided by the Translation and Terminology Centre for information only; it confers no rights and imposes no obligations separate from those conferred or imposed by the legislation formally adopted and published. Only the latter is authentic. The original Latvian text uses masculine pronouns in the singular. The Translation and Terminology Centre uses the principle of gender-neutral language in its English translations. In addition, gender-specific Latvian nouns have been translated as gender-neutral terms, e.g. *chairperson*.

Text consolidated by Tulkošanas un terminoloģijas centrs (Translation and Terminology Centre) with amending laws of:

22 April 2004;
27 September 2007;
13 December 2007;
14 November 2008.

If a whole or part of a section has been amended, the date of the amending law appears in square brackets at the end of the section. If a whole section, paragraph or clause has been deleted, the date of the deletion appears in square brackets beside the deleted section, paragraph or clause.

The *Saeima*¹ has adopted and
the President has proclaimed the following Law:

Advertising Law

Chapter I General Provisions

Section 1.

Advertising is any form or any mode of announcement or endeavour associated with economic or professional activity, intended to promote the popularity of or demand for goods or services (including immovable property, rights and obligations).

[22 April 2004]

Section 2.

The purpose of this Law is:

1) to regulate the production and dissemination of advertising, as well as determine the rights, obligations and liabilities of persons involved in the production and dissemination of advertising;

2) to protect the interests of persons as well as the general public in the field of advertising; and

3) to promote fair competition.

Section 2.¹

The provisions of this Law shall be applied if it is not specified otherwise in the Unfair Commercial Practices Prohibition Law.

[13 December 2007]

¹ The Parliament of the Republic of Latvia

Chapter II

General Requirements for Advertising

Section 3.

(1) Advertising shall be lawful, truthful and objective and it shall be created in accordance with fair advertising practices. Advertising shall not reduce public confidence in advertising and it shall comply with the principles of fair competition.

(2) Only such announcements or visual representations as do not breach generally accepted ethical, humanitarian, morality, decency and propriety norms, shall be permitted to be included in advertising.

Section 4.

(1) Violence and war propaganda shall not be permitted in advertising.

(2) In advertising, it is prohibited:

1) to express discrimination against a person due to his or her race, skin colour, gender, age, religious, political or other convictions, national or social origin, financial status or other circumstances;

2) to exploit the effect created by fear or superstition;

3) to exploit the trust of a person and his or her lack of experience or knowledge;

4) to depict, use or in any other way mention either a natural person (as a private person or as an official) or his or her property without the consent of this person;

5) to defame, disparage or ridicule another person, or the activities, name (firm name), goods or services, or trade marks of another person;

6) to exploit the name, surname, name (firm name) or other identifying designation (including a trade mark) of another person without the consent of the person; and

7) to imitate the advertising text, slogan, visual representation, audio or other special effects of another advertiser without the consent of the advertiser or to carry out any other forms of activities which may create confusion or mislead in regard to the advertiser and the advertised goods or services.

(3) The provisions of Paragraph two, Clauses 6 and 7 of this Section are not applicable to comparative advertising if the provisions of Section 9 of this Law are complied with.

[13 December 2007]

Section 5.

(1) Advertising directed to children or advertising which has been created with the participation of children shall not threaten the rights or interests of children and in its creation, regard shall be had to the perception and psyche of children.

(2) Exploiting the natural credulity or lack of experience of children in advertising is prohibited.

(3) Exploiting children in alcoholic beverage and tobacco product advertising, and aiming alcoholic beverage and tobacco product advertising at children, are prohibited.

(4) In advertising directed to children, it is prohibited:

1) to include assertions, or visual or audio information, which could cause moral or physical harm to them or create feelings of inferiority;

2) to include encouragement for or encourage aggressiveness and violence, and discredit the authority of parents, guardians or teachers;

3) to draw attention to the fact that the acquisition of specific goods or services creates physical, social or psychological advantages over peers or that the lack of the relevant good creates the opposite result;

4) to unmistakably indicate that the acquisition of the good or service to be advertised is possible for any family, irrespective of its budget;

5) to directly invite children themselves or invite children to encourage their parents or other persons to purchase goods or use services; and

6) to portray children in dangerous situations.

Section 6.

(1) Advertising, in which a special offer is made or a sale is announced, shall comply with general advertising requirements and the following shall be set out therein:

1) the subject of the special offer;

2) the date when the special offer or the sale starts and ends; and

3) the conditions on which the special offer or sale depend.

(2) In evaluating the compliance of the advertising of the special offer or sale with the provisions of this Section, the advertising shall be considered in its entirety.

[22 April 2004]

Section 7.

(1) Supplementary requirements in the field of advertising may be specified in other laws.

(2) Supplementary requirements in relation to advertising content, design or procedures for dissemination (including procedures for dissemination of advertising in particular mass media), for individual goods, groups of goods or services, shall be determined by the Cabinet.

(2) Local governments may, in compliance with the provisions of this Law and other regulatory enactments in the field of advertising, issue binding regulations in regard to dissemination of advertising in public places in the relevant administrative territory, also determining the places in which the dissemination of advertising for individual goods, groups of goods or services is prohibited.

[22 April 2004]

Chapter III Misleading and Comparative Advertising

Section 8.

(1) Misleading advertising is prohibited.

(2) Misleading advertising is such advertising as in any manner, including its manner of presentation, is directly or indirectly misleading or may be misleading and due to its misleading character, may affect the economic behaviour of a person, or is harmful or may be harmful to a competitor.

(3) In determining whether advertising is misleading, all its aspects shall be considered – individual component and overall content and design and, particularly, any information that is offered in the advertising regarding:

1) accessibility, properties, operation, content, manufacturing or distribution method and date, purpose, usage, quantity or the effect on the environment or human health of goods or

services, the geographical or commercial origins or the results which are expected from the use of goods, or the results of tests or inspections, or material features of goods or services;

2) the price or method for calculating price and the conditions under which goods are supplied or services are provided; and

3) the advertiser, including the identity and positive qualities, qualifications, property rights or awards of the advertiser.

Section 9.

(1) Comparative advertising is any advertising in which comparison is used which directly or indirectly indicates a competitor or goods or services offered by a competitor.

(2) The comparison shall be developed in accordance with principles of fair competition, utilising facts that may be proved.

(3) Comparative advertising, insofar as it pertains to a comparison, shall be permitted if all of the following conditions are complied with:

1) it shall not be misleading in accordance with Section 8 of this Law or other regulatory enactments;

2) it compares goods or services that are intended for one and the same needs or for one and the same purposes;

3) it objectively compares one or more material, related, verifiable and characteristic features of the relevant good or service, which may also include price;

4) it does not create confusion for market participants in relation to the advertiser and a competitor, or in relation to the advertiser and the trademark, name (firm name) or other distinguishing marks, goods or services of a competitor;

5) it does not bring into disrepute the trademarks, trade names, other distinguishing marks, goods, services or operations of a competitor and does not defame them;

6) it does not unfairly use the name (firm name), trade mark, trade name or other distinguishing marks of a competitor or the reputation of the designation of origin of a competing good;

7) it does not display goods or services as an imitation or copy of such good or services as there is a protected trade mark for or a trade name; and

8) in advertising goods with a designation of origin, the comparative advertising pertains to goods with the same designation of origin.

[13 December 2007]

Chapter IV

Provisions for the Production and Dissemination of Advertising

Section 10.

(1) Advertiser is a person who for the purposes of gaining commercial or other benefit, produces and disseminates advertising himself/herself, or on whose instructions and in whose interests another person produces or disseminates advertising.

(2) Advertiser shall be liable for the content of the advertising.

(3) Advertiser is entitled to produce, order, disseminate or provide for dissemination only such advertising as is not in contradiction with this Law and other regulatory enactments.

(4) The legal relations between an advertiser and the producer or disseminator of advertising shall be determined by this Law, other regulatory enactments and contracts entered into.

Section 11.

(1) A producer of advertising is a person who, pursuant to the order of an advertiser carries out the production, alteration or adaptation of advertising.

(2) A producer of advertising, in producing advertising, is entitled to express his/her creative ideas in any form, if the advertisement complies with the provisions of this Law and regulatory enactments, as well as the contract that has been entered into by the producer of the advertising and the advertiser.

(3) Paragraph two of this Section shall also be complied with in cases where the producer of the advertising alters, translates or otherwise adapts advertising for dissemination in Latvia, as well as in cases where the advertising is produced, altered or adapted by advertisers themselves.

[13 December 2007]

Section 12.

(1) Disseminator of advertising is a person who himself/herself disseminates advertising or provides an opportunity for advertisers to disseminate advertising.

(2) *[13 December 2007]*

(3) Disseminator of advertising has an obligation to separate advertising from other forms of information.

(4) Disseminator of advertising is prohibited from disseminating advertising for which he/she knows or should have known a dissemination prohibition exists.

(5) It is prohibited for a disseminator of advertising to accept advertising for dissemination from an advertiser or a person authorised by him/her without requesting the following information:

1) from a legal person – name (firm name), registration number and legal address; and

2) from a natural person – given name, surname and personal identity code.

(6) Disseminator of advertising has a duty to provide information regarding an advertiser to those institutions which, in accordance with this Law or other regulatory enactments, have the right to request such information. If a disseminator of advertising does not provide the requested information regarding an advertiser, the disseminator of advertising shall be liable for the content of the relevant advertisement.

[22 April 2004; 13 December 2007]

Part V

Government Policies and Supervision in the Field of Advertising

Section 13.

(1) Compliance with this Law shall be supervised within the scope of their competence by the Consumer Rights Protection Centre, the Competition Council, the Radio and Television Council, in the field of medicinal product advertising – the Health Inspectorate, and in the field of veterinary medicinal products – the Food and Veterinary Service (hereinafter – the Supervisory Institution).

(2) The Supervisory Institution, if necessary, is entitled to request that the State administrative authorities that are responsible for State control and supervision in relation to specified goods or services, shall verify the compliance of specific goods or services with the information referred to in advertising.

[27 September 2007; 13 December 2007]

Section 14.

(1) The Supervisory Institution shall evaluate the conformity of an advertisement to the requirements of regulatory enactments on the basis of a submission from a person, information provided by another institution or on its own initiative.

(2) The Supervisory Institution shall evaluate the conformity of an advertisement to the requirements of regulatory enactments within 20 days from the day that a submission by a person or information provided by another institution has been received or from the day when it has on its own initiative commenced the evaluation of the conformity of an advertisement to the requirements of regulatory enactments. If due to objective reasons it is not possible to evaluate the conformity of an advertisement to the requirements of regulatory enactments within such time period, the Supervisory Institution is entitled to extend the time period for the evaluation of the advertisement for a period up to four months, counting the time period from the day when the submission by a person was received or the information provided by another institution was received, or from the day when the Supervisory Institution has on its own initiative commenced the evaluation of the conformity of an advertisement to the requirements of regulatory enactments. The Supervisory Institution shall inform in writing the person who has submitted the submission or the institution, which has provided the relevant information regarding the extension of the time period for the evaluation of the advertisement.

(3) If the Supervisory Institution in evaluating an advertisement determines that the advertisement does not conform to the requirements of regulatory enactments, it shall take at least one of the decisions referred to in Section 15, Paragraph four of this Law. The Supervisory Institution shall inform the participants in the proceedings in writing of the decision taken.

(4) *[13 December 2007]*

(5) The Supervisory Institution shall not commence evaluation of the conformity of an advertisement to the requirements of regulatory enactments or shall terminate evaluation, if a decision has been taken regarding the termination of the investigation or in respect of the determined violation one of the following decisions has already been taken:

1) one of the decisions referred to in Section 15, Paragraph four of this Law; or

2) one of the decisions referred to in Section 15, Paragraph eight of the Unfair Commercial Practices Prohibition Law.

(6) The Supervisory Institution shall evaluate the conformity of the relevant advertisement to the Unfair Commercial Practices Prohibition Law and, if necessary, send the materials of the relevant case to the institution which supervises compliance with the provisions of the Unfair Commercial Practices Prohibition Law.

[22 April 2004; 13 December 2007]

Section 14.¹

(1) The Competition Council shall supervise the conformity of an advertisement to the requirements of regulatory enactments, if the violation in the field of advertising causes or may cause significant harm to competition.

(2) If the conformity of an advertisement with the requirements of regulatory enactments is evaluated on the basis of a person's submission, this person shall indicate documentary justified information therein regarding the facts proving that the violation has caused or may cause significant harm to competition.

(3) In determining whether the violation causes or may cause significant harm to competition, the Competition Council has the rights provided for in Section 7, Paragraph three and Section 23, Paragraph four, Clause 2 of the Competition Law.

(4) If the violation in the field of advertising causes or may cause significant harm to competition, the Competition Council shall examine and take any of the decisions referred to in Section 15, Paragraph three and Paragraph four, Clauses 1, 2, 3, 4 and 6 of this Law.

(5) If the Competition Council determines that violation has not caused or cannot cause significant harm to competition, it shall take a decision regarding non-initiation of the case or a decision regarding the termination of the investigation of the case.

[14 November 2008]

Section 15.

(1) In evaluating the conformity of an advertisement to the requirements of regulatory enactments, the Supervisory Institution is entitled to request and receive clarification, information or documents from an advertiser, producer of advertising or disseminator of advertising and, if it is particularly necessary for the clarification of circumstances in a concrete case, evidence regarding the preciseness, accuracy and compliance with the provisions of this Law and other regulatory enactments of an announcement (assertion) in advertising, as well as to specify the time period for the submission thereof.

(2) If the evidence requested in accordance with Paragraph one of this Section is not submitted within the specified time period or it is submitted incompletely, the Supervisory Institution is entitled to view the announcement (assertion) offered in the advertising as imprecise or inaccurate.

(3) The Supervisory Institution in evaluating the nature and essence of the advertisement, as well as other aspects is entitled to propose that the advertiser, producer of the advertisement or disseminator of the advertisement:

1) within a specified time period ensure the conformity of the advertisement to the requirements of regulatory enactments; and

2) in writing undertake to rectify the determined violation within a specified time period.

(3¹) If the conformity of the advertisement to the requirements of regulatory enactments is not ensured within the time period specified in accordance with Paragraph three, Clause 1 of this Section, the Supervisory Institution is entitled to take one or more of the decisions referred to in Paragraph four of these Regulations.

(3²) If advertiser, producer of the advertisement or disseminator of the advertisement in accordance with Paragraph three, Clause 2 of this Section undertakes in writing to rectify the determined violation within a specified time period, the Supervisory Institution shall not take the decisions referred to in Paragraph four of this Section. In signing the written undertaking, the advertiser, producer of the advertisement or disseminator of the advertisement has acknowledged his or her fault in the determined violation. If the undertaking is not implemented, the Supervisory Institution shall take one or more of the decisions referred to in Paragraph four of

this Section and the advertiser, producer of the advertisement or disseminator of the advertisement shall be held to liability in accordance with regulatory enactments.

(4) If the advertisement does not conform to the requirements of regulatory enactments, the Supervisory Institution is entitled to take one or more decisions by which:

1) the advertiser is instructed to provide through advertising or goods labelling, or in another manner, additional information that is essential from the point of view of protection of persons or the performer of economic activities, or the lawful rights of the performer of professional activities;

2) particular elements (information, visual representations, audio or other special effects) are requested to be deleted from the advertising;

3) dissemination of the advertising is prohibited;

4) recall of the advertising is requested;

5) an administrative sanction is applied according to the procedures specified by law; or

6) the advertiser or disseminator of the advertisement is instructed to terminate the violation and determine a time period for the termination of the violation.

(5) The decisions referred to in Paragraph four of this Section the Supervisory Institution is entitled to take also if there is no evidence regarding losses incurred.

(6) In its decision, the Supervisory Institution shall set out the grounds for taking such.

(7) In taking a decision, the Supervisory Institution shall have regard to the lawful interests of the advertiser and other persons involved.

(8) The decision referred to in Paragraph four, Clause 3 of this Section may be taken by the Supervisory Institution also if an advertisement that does not conform to the requirements of regulatory enactments has not yet been disseminated, but its dissemination is imminent. The conformity of the non-disseminated advertisement to the requirements of regulatory enactments shall be evaluated according to the procedures specified in Section 14 of this Law.

(9) In order to prevent the distribution of advertisements not conforming to the requirements of regulatory enactments or to reduce the consequences thereof, the Supervisory Institution is entitled to place the undertaking referred to in Paragraph three, Clause 2 of this Section in its home page or place the decision taken partially or fully in its home page and publish it in the newspaper *Latvijas Vēstnesis* [the official gazette of the Government of Latvia] (the expenditures associated with publication shall be covered by the person responsible for the distribution of the recall of the advertisement).

[22 April 2004; 13 December 2007]

Section 16.

(1) Recall of advertising shall be disseminated by means of the same mass media as that through which the advertising not conforming to the requirements of regulatory enactments was disseminated. If this is not possible, the recall of advertising may be disseminated by another method.

(2) The person responsible for the dissemination of the recall of advertising, the content of the recall, as well as the method by which the recall of advertising is to be disseminated shall be set out in the decision regarding the recall of advertising. The person who has been indicated in the decision by the Supervisory Institution as the responsible person shall cover the expenditures for the dissemination of the recall of advertising.

[22 April 2004; 13 December 2007]

Section 17.

(1) A decision of the Supervisory Institution may be appealed to a court according to the procedures specified in regulatory enactments. The appeal of a decision shall not suspend the execution of the decision.

(2) The court may also determine the violations of Section 3, Paragraph one, Section 4, Paragraph two, Clauses 4, 5, 6 and 7, Sections 8 and 9 of this Law concurrently with the Supervisory Institution.

(3) In examining the disputes referred to in Paragraph two of this Section, the court has the rights of the Supervisory Institution, which are provided for in Section 15, Paragraphs one and two, Paragraph four, Clauses 1, 2, 3, 4 and 6 of this Law.

[22 April 2004; 13 December 2007; 14 November 2008]

Section 17.¹

(1) If the Supervisory Institution has a basis to consider that the advertisement does not conform to the requirements of regulatory enactments and may cause immediate and significant harm, it is entitled to take the decisions referred to in Section 15, Paragraph four, Clause 1, 2 or 3 as a temporary measure.

(2) The decision regarding the temporary measure shall be in effect from the moment of its announcement up to the moment when the relevant decision is revoked or amended by a Supervisory Institution decision or the final decision of the Supervisory Institution comes into effect.

(3) The decision regarding the temporary measure of the Supervisory Institution may be appealed in the administrative district court within 10 days after its coming into effect. The appeal of such decision shall not suspend the execution thereof.

(4) The application regarding the decision of the Supervisory Institution regarding the temporary measure shall be examined by the court according to written procedure within 14 days.

(5) The decision of the court regarding the decisions referred to in Paragraph four of this Section may not be appealed and shall come into effect from the moment it is taken.

[13 December 2007]

Chapter VI Liability for Violations of the Law

Section 18.

Persons who have not complied with the requirements of this Law shall be held to liability in accordance with laws and other regulatory enactments.

Section 19. [22 April 2004]

Informative Reference to European Union Directives

This Law contains legal norms arising from:

1) Council Directive 84/450/EEC of 10 September 1984 relating to the approximation of the laws, regulations and administrative provisions of the Member States concerning misleading advertising;

2) Directive 97/55/EC of European Parliament and of the Council of 6 October 1997 amending Directive 84/450/EEC concerning misleading advertising so as to include comparative advertising;

3) Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 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'); and

4) Directive 2006/114/EC of the European Parliament and of the Council of 12 December 2006 concerning misleading and comparative advertising.

[22 April 2004; 13 December 2007]

This Law has been adopted by the *Saeima* on 20 December 1999.

President

V. Vīķe-Freiberga

Rīga, 10 January 2000