



**Comparative study concerning the impact of control measures on
the televisual advertising markets in the EU Member States and
certain other countries**

CYPRUS

LEGAL REPORT

**Drafted by Patrikios Pavlou & Co
(Ms Andria ANDREOU & Mr Soteris FLOURENTZOU)**

TABLE OF CONTENT

INTRODUCTION	5
1. DEFINITIONS (ARTICLE 1 DIRECTIVE TVWF).....	7
➤ Television broadcasting :	7
➤ Broadcaster:	7
➤ Television Advertising:	7
➤ Surreptitious Advertising:	7
➤ Sponsorship:	8
➤ Tele-shopping:	8
➤ Other relevant legal definitions included in the 1998 Law	8
➤ Adverse Advertising:	8
➤ Political Advertising:	8
➤ Conclusion:	8
2. ADVERTISING RECOGNITION AND ADVERTISING/PROGRAMME SEPARATION (ARTICLE 10 TVWF DIRECTIVE)	9
a. Regulations	9
- Examination of the rules related to advertising and tele-shopping spots recognition	9
- Examination of the rules related to the separation between the commercial content and the programme.....	9
- Examination of the rules related to the isolated advertising and tele-shopping spots (allowed/prohibited; specific conditions, etc.).....	9
- Prohibition of the use of "subliminal techniques"	9
- Prohibition of surreptitious advertng and tele-shopping	9
b. Conclusions	10
3. RULES RELATED TO INSERTION AND TELE-SHOPPING SPOTS BETWEEN AND WITHIN THE PROGRAMMES (ARTICLE 11 TVWF DIRECTIVE)	11
a. Regulations	11
- Examination of the rules related to the insertion of advertising and tele-shopping spots between the programmes	11
- Examination of the rules related to the insertion of advertising and tele-shopping spots within the programmes	11
- Possible prohibitions of insertion of advertising and tele-shopping spots within certain types of programme.....	12
b. Conclusion	12

4. QUANTITATIVE RESTRICTIONS (ARTICLE 18 TVWF DIRECTIVE)	13
a. Regulations	13
- Examination of the legal maximum percentage of daily transmission time devoted to tele-shopping and advertising spots and for other forms of advertising (20% in the TVWF Directive)	13
- Examination of the maximum daily transmission time devoted to advertising messages (15% in the TVWF Directive).....	13
- Examination of the maximum daily transmission time devoted to advertising and tele-shopping spots within a given clock hour (20 % in the TVWF Directive).....	13
- Examination of the other possible quantitative restrictions	13
- The advertising of children toys either by radio or by television, is prohibited:.....	13
- The advertisement of betting offices and lucky/lottery games is prohibited from morning to eleven o'clock daily.	14
- Examination of the factors to take into account or not for the calculation of the advertising time	14
- Announcements made by the Station in connection with its own programmes and ancillary products directly derived from those programmes.	14
- Public service announcements and charity appeals broadcasted free of charge (// art. 18 .3 TVWF Directive).....	14
b. Conclusion	14
 5. QUANTITATIVE RESTRICTIONS RELATED TO TELE-SHOPPING PROGRAMMES (ARTICLE 18BIS TVWF DIRECTIVE)	 15
a. Regulations	15
- Examination of the minimum duration of windows devoted to tele-shopping programmes (15 minutes in the TVWF Directive)	15
- Examination of the maximum number of windows (8 in the TVWF Directive).....	15
- Examination of the maximum daily duration (3 hours in the TVWF Directive)	15
b. Conclusion	15
 6. SPONSORING (ARTICLE 17 TVWF DIRECTIVE)	 16
a. Regulations	16
- Examination of the rules related to editorial independence of the broadcaster	16
- Sponsor identification	16
- Examination of the rules related to the insertion of the sponsor's name or logo within the programme (beginning/end, break bumper, during all the programme)	16
- Identification of the programmes that cannot be sponsored.....	16
- Examination of the rules related to the content of the message (moving images, mention of the product, slogan, etc.)	16
b. Conclusions	17
 7. NEW ADVERTISING TECHNIQUES	 18

8. GENERAL RULES RELATED TO ADVERTISING AND TELE-SHOPPING CONTENT (ARTICLE 12 TVWF DIRECTIVE)	19
a. Regulations	19
b. Conclusion	19
9. SPECIFIC PRODUCTS AND TARGETS	21
a. Regulations	21
- Tobacco products:	21
- Medicines:	21
- Alcoholic beverages:	21
- Minors	22
b. Conclusion	22
- Tobacco	22
- Medicines	22
- Alcohol	22
- Minors	23
- Other products	23

INTRODUCTION

Until 1998, the law in the Cyprus Republic dealing with television stations was the Law 29(I)/1992 - Television Stations Law of 1992 (“ο Περί Τηλεοπτικών Σταθμών Νόμος του 1992”).

In 1998, the Cyprus Republic implemented the Directive “TV Without Frontiers” (“TVWF Directive”) by enacting Law No. 7(I) of 1998 - the Radio and Television Stations Law of 1998 (“ο Περί Ραδιοφωνικών και Τηλεοπτικών Σταθμών Νόμος του 1998”) was enacted (‘the 1998 Law’).

The 1998 Law has been amended several times since its enactment in order to supplement various provisions most of which were necessary for further harmonization of the Law with the Directive TVWF.

The Regulations on Radio and Television Stations of 2000 (10/2000) (‘the 2000 Regulations’) were adopted in order to supplement the 1998 Law.

The 1998 Law contains provisions on advertising and tele-shopping standards for television *as well as radio*.

The Cyprus Radio-Television Authority (‘CRTA’) is the independent regulatory body established under the 1998 Law for monitoring the broadcasters (or the “Stations” which is the term preferred by the Cypriot legislators and used here for the purposes of this paper) in ensuring their compliance with the relevant 1998 Law and 2000 Regulations.

Sanctions which the CRTA is authorised to impose include:

1. Recommendations;
2. Warnings;
3. Fines; and
4. Suspension or withdrawal for a specific period of the Stations licence

The CRTA is concerned solely with **private** radio and television stations. Its responsibility does not extend to the Cyprus Broadcasting Corporation (CyBC), which according to law is a public broadcasting organisation because it is State owned and funded.

The applicability of the Law in the context of the Regulations

This issue was examined by the Supreme Court of Cyprus (Revisory Jurisdiction) in the case of *Antenna Limited v. Radio-Television Authority* (Case Number: 472/2002, 21 May 2003):

Facts: The CRTA imposed a disciplinary fine of CYP 22.000 on the Applicant Company because it was alleged the latter violated the provisions of Sections 33(2)(g) and 33(2)(h) of the 1998 Law and Paragraph ΣΤ.3 of the 2000 Regulations. The Applicant Company appealed to the Revisory Jurisdiction of the Supreme Court of Cyprus against the CRTA's judgment of the Authority arguing that Paragraph ΣΤ.3 of the 2000 Regulations is *ultra vires* of the Law and, in particular, of the authoritative Sections 51(1) and (2) of the Law which authorizes the CRTA to regulate the interruptions of advertisements by the issuance of regulations.

Held: Paragraph ΣΤ.3 of the Regulations is *ultra vires* Section 51(2) The CRTA does not have the power to abolish or amend express provisions of the Law. Paragraph ΣΤ.3 of the Regulations is *ultra vires* of Section 34(2) too on the same basis.

* * *

TELEVISION

1. DEFINITIONS (ARTICLE 1 DIRECTIVE TVWF)

The relevant legal definitions are provided in the Introductory Provisions of Part I of the 1998 Law:

➤ **Television broadcasting :**

‘μετάδοση’ (‘broadcasting’). ‘Broadcasting’ means the initial transmission by wire or over air, including that by satellite, in encoded or unencoded form, of radio or television programmes intended for the public intended for reception by the public. It does not include communication services providing items of information or other messages on individual demand such as telecopying, electronic data banks and other similar services.’(// art. 1 a. TVWF Directive)

➤ **Broadcaster:**

‘σταθμός’ (‘station’). ‘Station’ means the natural or legal person who has editorial responsibility for the composition of schedules of television or radio programs who transmits them or has them transmitted by third parties.’(// art. 1 b. TVW Directive)

➤ **Television Advertising:**

‘διαφήμιση’ (‘advertisement’). ‘Advertisement’ means any form of announcement broadcast whether in return for payment or for similar consideration or broadcast for self-promotional purposes by a public or private undertaking in connection with a trade, business, craft or profession in order to promote the supply of goods or services including immovable property, rights and obligations in return of payment.’(// art. 1 c. TVWF Directive)

➤ **Surreptitious Advertising:**

‘συγκαλυμμένη διαφήμιση’ (‘surreptitious advertisement’). ‘Surreptitious Advertisement’ means the representation in words or pictures of goods, services, the name, the trade mark or the activities of a producer of goods or a provider of services in programs when such representation is intended by the Station to serve advertising and might mislead the public as to its nature. Such representation is considered to be intentional in particular if it is done in return for payment or for similar consideration (//art. 1 d. TVWF Directive).

➤ **Sponsorship:**

‘χορηγία’ (‘sponsorship’). ‘Sponsorship’ means any contribution made by a public or private undertaking not engaged in television broadcasting activities or in the production of audio-visual works, to the financing of television or radio programmes, with a view to promoting its trade mark, its image, its activities or its products’ (// art. 1 e. TVWF Directive).

➤ **Tele-shopping:**

‘τηλεμπορία’ (‘tele-shopping’). ‘Tele-shopping’ means direct offers broadcast to the public with the view to the supply of goods or services, including immovable property, rights and obligations, in return for payment’ (// art. 1 f. TVWF Directive).

➤ **Other relevant legal definitions included in the 1998 Law**

➤ **Adverse Advertising:**

‘αρνητική διαφήμιση’ (‘adverse advertisement’): ‘Adverse Advertisement’ means the announcement or message of any form that is broadcast in return for payment or for similar consideration and which aims unjustifiably to project a competitor or party in an unfavorable light.

➤ **Political Advertising:**

‘πολιτική διαφήμιση’ (‘political advertisement’). ‘Political Advertisement’ means the announcement or message of any form that is broadcast in return for payment or for similar consideration by a candidate in presidential elections.’

➤ **Conclusion:**

The definitions provided by the Directive have been implemented word for word. However, it should be noted that the 1998 Law provides definitions not covered and/or required by the Directive. The 1998 defines, for example, ‘political advertisement’.

* * *

2. **ADVERTISING RECOGNITION AND ADVERTISING/PROGRAMME SEPARATION (ARTICLE 10 TVWF DIRECTIVE)**

a. **Regulations**

Equivalent provision of the 1998 Law: Section 33(2)

- Examination of the rules related to advertising and tele-shopping spots recognition

Television and radio advertising and tele-shopping shall be readily recognizable as such and kept quite separate from other parts of the programme service by optical and acoustic means (// art/ 10.1 TVWF Directive).

- Examination of the rules related to the separation between the commercial content and the programme

Television and radio advertising and tele-shopping shall be readily recognizable as such and kept quite separate from other parts of the programme service by optical and acoustic means (// art. 10.1 TVWF Directive).

- Examination of the rules related to the isolated advertising and tele-shopping spots (allowed/ prohibited; specific conditions, etc.)

Isolated advertising and tele-shopping spots shall remain the exception (// art. 10.2 TVWF Directive).

- Prohibition of the use of "subliminal techniques"

Advertisement and tele-shopping shall not use subliminal techniques (// art. 10.3 TVWF Directive).

- Prohibition of surreptitious advertising and tele-shopping

Surreptitious advertising and tele-shopping shall be prohibited (// art. 10.4 TVWF Directive).

b. Conclusions

The provisions of the Directive have been implemented word by word.

The 2000 Regulations further provide that the word ‘announcement’ and its derivatives may be used in extensible cases; however they must be followed by the name of the advertised.’

* * *

3. RULES RELATED TO INSERTION AND TELE-SHOPPING SPOTS BETWEEN AND WITHIN THE PROGRAMMES (ARTICLE 11 TVWF DIRECTIVE)

a. Regulations

Equivalent provision of the 1998 Law: Section 33(2)

- Examination of the rules related to the insertion of advertising and tele-shopping spots between the programmes

Advertisement and tele-shopping spots shall be inserted between programmes (// art. 11 .1 TVWF Directive).

- Examination of the rules related to the insertion of advertising and tele-shopping spots within the programmes

Provided the conditions of paragraphs (σ) to (θ)¹ of this section are fulfilled, advertisement and tele-shopping spots may also be inserted during programmes in such a way that the integrity and value of the programme, taking into account natural breaks in and the duration and nature and the rights of the rights holders are not prejudiced (// art. 11 .1 TVWF Directive).

In programmes consisting of autonomous parts, or in sports programmes and similarly structured events and performances comprising intervals, advertisement and tele-shopping shall only be inserted between the parts or in the intervals (// art. 11 .2 TVWF Directive).

The transmission of audiovisual works, such as feature films of long length and films produced for television (excluding series, serials, light entertainment programmes and documentaries), provided their scheduled duration is more than forty-five minutes, may be interrupted once for each period of 45 minutes. A further interruption shall be allowed if their scheduled duration is at least 20 minutes longer than the two or more complete periods of 45 minutes (// art. 11.3 TVW Directive).

Where programs, other than those covered by paragraph (σ)² are interrupted by advertising or tele-shopping spots, a period of at least 20 minutes should elapse between each successive advertising break within the program (// art. 11.4 TVWF Directive).

Paragraph ΣT, Section 3 of the 2000 Regulations provides that ‘interruptions in the middle of a programme for advertising, tele-shopping and trailers should not exceed 3½ minutes’ (≠ art. 11 TVWF Directive, stricter than the Directive).

¹ i.e. (f) to (j)

² i.e. (f)

- Possible prohibitions of insertion of advertising and tele-shopping spots within certain types of programme

Advertising and tele-shopping shall not be inserted in any broadcast of a religious service. News and current affairs programs, documentaries, religious programs and children's programmes, when their scheduled duration is less than 30 minutes, shall not be interrupted by advertising or by tele-shopping. If their scheduled duration is 30 minutes or longer, the provisions of the previous paragraphs shall apply (// art. 11.5 TVWF Directive).

Paragraph Γ, Section 2 of the 2000 Regulations provides that 'The direct or indirect advertising of products or services by journalists during the current affairs programmes is prohibited' (≠ art. 11 TVWF Directive).

News bulletins may be interrupted only once half-way through for insertion of advertisements or tele-shopping messages.

b. Conclusion

The Directive has been correctly implemented, notwithstanding the following differences.

As to the interruption of programmes the regulation specifies that it concern feature films "of long length" which can be however implied from the terms of the Directive.

While news programmes cannot be interrupted, "news bulletins" can be interrupted once half-way through for insertion of advertisements or tele-shopping messages.

According to the 2000 Regulations:

Paragraph Γ, Section 2 provide that 'The direct or indirect advertising of products or services by journalists during the current affairs programmes is prohibited'.

Paragraph ΣΤ, Section 3 provide that 'interruptions in the middle of a programme for advertising, tele-shopping and trailers should not exceed 3½ minutes'.

* * *

4. QUANTITATIVE RESTRICTIONS (ARTICLE 18 TVWF DIRECTIVE)

a. Regulations

Equivalent provision of the 1998 Law: Section 34

- Examination of the legal maximum percentage of daily transmission time devoted to tele-shopping and advertising spots and for other forms of advertising (20% in the TVWF Directive)

The proportion of transmission time devoted to tele-shopping spots, advertising spots and other forms of advertising, with the exception of tele-shopping windows within the meaning of Section 34A, shall not exceed 20% of the daily transmission time (// Art. 18.1 TVWF Directive).

- Examination of the maximum daily transmission time devoted to advertising messages (15% in the TVWF Directive)

The transmission time for advertising spots shall not exceed 15% of the daily transmission time (// art. 18.1 TVWF Directive).

- Examination of the maximum daily transmission time devoted to advertising and tele-shopping spots within a given clock hour (20 % in the TVWF Directive)

The proportion of advertising spots and tele-shopping spots within a given hour shall not exceed 20% (// art. 18.2 TVWF Directive).

- Examination of the other possible quantitative restrictions

Other rules more restrictive than the TVWF Directive are:

- The advertising of children toys either by radio or by television, is prohibited:
 - o From the morning to ten o'clock the night daily;
 - o From the morning to eleven o'clock the night during:
 - (i) School holidays, as these are determined in the each of the existing Regulations on Function of Public Schools Middle and Elementary Education;
 - (ii) Saturdays and Sundays;
 - (iii) The days that precede the above.

- The advertisement of betting offices and lucky/lottery games is prohibited from morning to eleven o'clock daily.
- Examination of the factors to take into account or not for the calculation of the advertising time

For the purposes of this section, advertising does not include:

- Announcements made by the Station in connection with its own programmes and ancillary products directly derived from those programmes.
- Public service announcements and charity appeals broadcasted free of charge (// art. 18 .3 TVWF Directive).

b. Conclusion

The rules of the Directive have been literally implemented.

Other rules more restrictive than the TVWF Directive are related to the advertising of children toys and the advertisement of betting offices and lucky/lottery games.

* * *

5. QUANTITATIVE RESTRICTIONS RELATED TO TELE-SHOPPING PROGRAMMES (ARTICLE 18BIS TVWF DIRECTIVE)

a. Regulations

Equivalent provision of the 1998 Law: Section 34A

- Examination of the minimum duration of windows devoted to tele-shopping programmes (15 minutes in the TVWF Directive)

Windows devoted to tele-shopping broadcast by a channel not exclusively devoted to tele-shopping shall be of a minimum uninterrupted duration of fifteen minutes (//art.18bis. 1 TVWF Directive).

- Examination of the maximum number of windows (8 in the TVWF Directive)

The maximum number of windows per day shall be eight (// art. 18bis. 1 TVWF Directive).

- Examination of the maximum daily duration (3 hours in the TVWF Directive)

Their overall duration shall not exceed three hours per day (// art. 18bis. 2 TVWF Directive). They must be clearly identified as tele-shopping windows by optical and acoustic means.

b. Conclusion

The Directive has been correctly implemented.

* * *

6. SPONSORING (ARTICLE 17 TVWF DIRECTIVE)

a. Regulations

Equivalent provision of the 1998 Law: Section 35

- Examination of the rules related to editorial independence of the broadcaster

The content and scheduling of sponsored programs may in no circumstances be influenced by the sponsor in such a way as to affect the responsibility and editorial independence of the broadcaster (or Station) in respect of the programmes (// art. 17. 1.a. TVWF Directive).

- Sponsor identification

They must be clearly identified as such by (// art. 17.1 b. TVWF Directive).

- Examination of the rules related to the insertion of the sponsor's name or logo within the programme (beginning/end, break bumper, during all the programme)

They must be clearly identified as such by the name and/or logo of the sponsor at the beginning and/or the end of the programme (// art. 17.1 b. TVWF Directive).

- Identification of the programmes that cannot be sponsored

News and current affairs programmes may not be sponsored (// art. 17.4 TVWF Directive).

- Examination of the rules related to the content of the message (moving images, mention of the product, slogan, etc.)

They must not encourage the purchase or rental of the products or services of the sponsor or third party, in particular by making special promotional references to those products or services (// art. 17.1 c. TVWF Directive).

Sponsorship of radio-television programmes by a natural or legal person whose principal activity includes the manufacture or sale of products or the provision of services the advertising of which is prohibited by clauses (4) and (5) (tobacco and medicines) of the 1998 Law, is prohibited (// art. 17.2 and 17.3 TVWF Directive).

Part E, Section 3 of the 2000 Regulations provides that programmes which are being sponsored shall be identified by the name and/or the logo of the sponsor, which appears at the beginning and/or the end of the programmes. The continued or intermittent display of the trade name, the title and/or the mark of the products or services offered by the sponsor on the screen is prohibited and is prohibited according to all relevant restrictions contained in the relevant provisions of the Law.

b. Conclusions

The Directive has been correctly implemented.
However, weather bulletins, stock exchange bulletins and the currency bulletins, and the sports briefing are exempt from the above prohibition which can be considered as less restrictive than the Directive.

* * *

7. NEW ADVERTISING TECHNIQUES

Not applicable

The 1998 Law and the 2000 Regulations do not include any specific provisions regarding split-screen advertising and/or any other new advertising techniques.

The CRTA has not yet adopted a position in this regard. This might be because the TV stations do not use such techniques and also because the provisions on advertising already have a bearing on the subject.

Regarding the latter, Section 33(2) (a) of the 1998 Law provides: ‘television advertising and tele-shopping shall be readily recognizable as such and kept separate from other parts of the programme service by optical and acoustic means.’

In addition, Section 33(2) (f) of the 1998 Law provides that ‘in programmes consisting of autonomous parts, or in sport programmes and similarly structured events and performances comprising intervals, advertisements and tele-shopping shall only be inserted between the parts or the intervals.’

* * *

8. GENERAL RULES RELATED TO ADVERTISING AND TELE-SHOPPING CONTENT (ARTICLE 12 TVWF DIRECTIVE)

a. Regulations

Equivalent provision of the 1998 Law: Section 33 (3)

Television advertising and tele-shopping shall not:

- (a) prejudice respect for human dignity (// art. 12 a. TVWF Directive);
- (b) include any discrimination on grounds of race, sex, religion or nationality (// art. 12 b. TVWF Directive);
- (c) be offensive to religious or political beliefs (// art. 12 c. TVWF Directive);
- (d) encourage behavior prejudicial to health or to safety (// art. 12 d. TVWF Directive);
- (e) encourage behavior prejudicial to the protection of the environment (// art. 12 e. TVWF Directive).

b. Conclusion

The provisions of the Directive have been correctly implemented.

Specific rules that may be considered more restrictive than the TVWF Directive are provided for in the Regulations 2000 under the subhead 'Advertisements of Political Parties, Associations, Organisations, Charity Institutions etc.' which state that:³

- (a) Advertisements of or on behalf of any body, the aims of which are in full or in part of political nature, are not allowed.
Advertisements of political parties, associations, organisations, clubs, etc, are allowed, since they are concerned with sport, art or cultural events organised by them.
Advertisements that have relation with subjects of labour disputes or mention current public policy are prohibited
- (b) Advertisements from or in favour of any body, whose aims are in full or for the main reason of religious nature, are not allowed.
- (c) The needs of charity organisations are not allowed to be announced in public by advertisement. This however, does not preclude the announcement of actions taken for supporting reasons of charity or art events.

³ Regulations on Advertisements, Tele-shopping Messages and Sponsoring Programmes (Regulation 50), D. – Special Categories of Advertisements, Section 8.

The 1998 Act does not provide any specific rules for the protection of consumers. However, the Regulations provide that advertisements shall be in accordance with the provisions of the Trade Descriptions Law (ο περί Εμπορικών Περιγραφών Νόμος) which prohibits the misrepresentation of any products and/or services.⁴

* * *

⁴ Ibid n.3 at part B, Section 5(1).

9. SPECIFIC PRODUCTS AND TARGETS

a. Regulations

Equivalent provision of the 1998 Law: Section 33 (4) provides:

- Tobacco products:

All forms of advertising and tele-shopping for cigarettes and other tobacco products shall be prohibited (// art. 13 TVWF Directive).

Sponsoring by a natural or legal person whose principal activity includes the manufacture or sale of products or the provision of services the advertising of which is prohibited is also prohibited. (// art. 17.2 TVWF Directive).

- Medicines:

Equivalent provision of the 1998 Law: Section 33 (5) provides:

(a) Advertising for medicinal products and medical treatment available only on prescription and tele-shopping for medical treatment are prohibited (// art.14 § 1 TVWF Directive)

(b) The tele-shopping for medicinal products for which a trade license is required according to the Drugs (Control of Quality, Procurement and Price) Laws of 1967 to 1995, and also the tele-shopping for medical treatment shall be prohibited (// art.14 § 2 TVWF Directive).

Sponsoring of the above mentioned medical products is prohibited (±// art. 17.3 TVWF Directive).

- Alcoholic beverages:

Equivalent provision of the 1998 Law: Section 33 (6) provides:

Advertising and tele-shopping for alcoholic beverages shall comply with the following conditions:

(a) It may not be aimed specifically at minors nor depict minors consuming these beverages (// art. 15 a. TVWF Directive);

(b) It shall not link the consumption of alcohol to enhanced physical performance or to vehicle driving (// art. 15 b. TVWF Directive);

(c) It shall not create the impression that the consumption of alcohol contributes towards social or sexual success (// art. 15 c. TVWF Directive);

(d) It shall not claim that alcoholic beverages have therapeutic qualities or that it is a stimulant, a sedative or a means of resolving personal conflicts (// art. 15 d. TVWF Directive);

- (e) It shall not encourage immoderate consumption of alcohol or present abstinence or moderation in a negative light (// art. 15 e. TVWF Directive);
- (f) It shall not place emphasis on high alcoholic content as being a positive quality of the beverages (// art. 15 f. TVWF Directive).

- Minors

Equivalent provision of the 1998 Law: Section 33 (7) provides:

- (a) Advertising shall not cause moral or physical detriment to minors, and shall therefore comply with the following criteria for their protection:
 - (i) it shall not directly exhort minors to buy a product or a service by exploiting their inexperience or credulity (// art.16.a TVWF Directive);
 - (ii) it shall not directly encourage minors to persuade their parents or others to purchase the goods or services being advertised (// art.16.b TVWF Directive);
 - (iii) it shall not exploit the special trust minors place in parents, teachers or other persons (// art.16.c TVWF Directive);
 - (iv) it shall not unreasonably show minors in dangerous situations (// art.16.d TVWF Directive).
- (b) Tele-shopping shall comply with the requirements referred to in paragraph (a) above and in addition shall not exhort minors to contract for the sale or rental of goods or services (//art. 16 TVWF Directive).

b. Conclusion

- Tobacco

The Directive has been correctly implemented.

- Medicines

The provisions of the Directive have been correctly implemented. However, if sponsorship of medicines that cannot benefit from advertising is prohibited, the regulation does not stipulate that concerning the other medicines the sponsor can only promote its name or image. Therefore, the regulation should be considered as less restrictive than the Directive.

- Alcohol

The regulation is a word by word implementation of the Directive.

- Minors

The regulation is a word by word implementation of the Directive.

- Other products

The Regulations 2000 are more restrictive than the TVWF Directive in that they provide under the subheading 'Unacceptable to advertise products or services' that 'Advertising the following products or services is prohibited:

- (a) all tobacco products;
- (b) all drugs and medical treatments available only on medical prescription;
- (c) betting predictions;
- (d) betting and betting agents; For the purposes of the current paragraph the national lottery and 'bets' of OPAP are not considered to be as bets;
- (e) fire-arms and shooting organisations;
- (f) pornography;
- (g) grant of loans except of banks and other financial institutions;
- (h) marriage agents and mail clubs;
- (i) fortune prediction and similar;
- (j) businessmen or others in relation to death or burial;
- (k) non-licensed job finding offices;
- (l) hypnotism, hypnotherapy, spiritual services.

Further additional restrictive provisions are contained in the subheading 'Services for weight loss', in the Regulations 2000 as follows:⁵

'Advertisements for services aimed at weight loss or silhouette controlling is permitted provided that:

- (a) These services are based on diet or/and exercise and this is mentioned and in the advertisement;
- (b) According to the opinion of specialists, these services are effectual, they do not harm health and any assertions related to them are criteria cued;
- (c) The financial consequences by these services are available in writing for the interested parties before of any commitment.'

* * *

⁵ Regulations on Advertisements, Tele-shopping Messages and Sponsoring Programmes (Regulation 50), D. – Special Categories of Advertisements, Section 9.