

13 Latvia (LV)

13.1 Introduction

There are three regulations that specifically refer to alcohol marketing and advertising in Latvia. “Handling of Alcoholic Beverages Law”, “Radio and Television Law” and “Advertising Law”. They all are statutory.

The statutory “Handling of Alcoholic Beverages Law” regulates various activities with alcoholic beverages (preparation for processing, processing, production, packaging, labeling, storage, loading, disembarking, transfer, transport, import, export, distribution, purchase, marketing, elimination etc.), as well as advertising of alcoholic beverages. The Law is applicable also to retail trade in alcoholic beverages on trains, aeroplanes and ships, if these means of transport are registered in Latvia.

The statutory “Radio and Television Law” determines the procedures for the formation, registration, operation and supervision of broadcasting organisations in the jurisdiction of the Republic of Latvia.

The purpose of the “Advertising Law” is to regulate the production and distribution of advertising, as well as to determine the rights, obligations and liabilities of persons involved in the production and distribution of advertising; to protect the interests of persons as well as the general public in the field of advertising; and to promote fair competition.

The National Radio and Television Council (henceforth - the Council) is an independent institution- a fully autonomous institution, which represents the interests of the public in the field of electronic mass media. The Council will be established by the Saeima, electing nine members to it. The Consumer Rights Protection Centre (henceforth – the Centre) is a State civil institution under the supervision of the Ministry of Economics, which protects consumer rights and interests. The Competition Council is a State civil institution under the supervision of the Ministry of Economics which realizes State policy in the field of competition development and protection.

Regulation		Statutory / Non-statutory
1	Handling of alcoholic Beverages law	Statutory
2	Radio and Television Law	Statutory
3	Advertising Law	Statutory

13.2 Handling of alcoholic Beverages law

Name of regulation:

1 Handling of alcoholic Beverages law

Is this statutory or non-statutory regulation?

Statutory

Who made the text of this regulation?

Ministry of Finance of the Republic of Latvia

Which types of marketing are controlled by in this regulation?

All

Which alcoholic beverages are subject to this regulation? (in VOL.)

Alcoholic beverages > 0,5% VOL.

Whom is this regulation directed at or who has to adhere to it?

This regulation is directed at persons who make any activities with alcoholic beverages as well as the advertising of alcoholic beverages.

Additional comments

In alcoholic beverage advertisement, it is prohibited to:

- 1 represent persons consuming alcoholic beverages;
- 2 utilise symbols of the State of Latvia;
- 3 express an opinion regarding alcoholic beverages as a means of medical treatment;
- 4 associate alcoholic beverage consumption with sports activities or driving a means of transport;
- 5 express views that alcoholic beverages have stimulative or calmativ effects or they help to solve personal problems;
- 6 present negative abstinence or moderation of consumption of alcohol in a negative light.

The advertisement of alcoholic beverages shall include information, which warns against the negative effects of the usage of alcohol. At least 10 per cent of the size of the relevant advertisement shall be allocated to such information. The information shall be provided at the bottom of the advertisement with black letters on a white background; moreover, the letters shall be of such size that the title covers the (technically) greatest possible part of the area intended for the text.

13.2.1 Bans

Any bans on alcohol marketing practices in this regulation or code regarding the following marketing or advertising aspects are indicated with 'yes' in the following table. If a ban regarding this aspect is absent it is indicated with 'no'.

BANS						
	Location	Time	Media-channel	Type of product	Target-group*	Advertiser
Yes or No	Yes	No	No	No	No	No

* other than young people

Remarks per bans:

Location: Alcoholic beverage advertisements are prohibited:

- 1 In educational and medical treatment institutions and on the walls of such buildings and constructions;
- 2 On letter correspondence and postal parcel items;
- 3 On the external pages (cover) of books, magazines, newspapers and annexes thereof;
- 4 On public means of transport and therein.

13.2.2 Elements of Council Recommendation

Any elements of the Council Recommendation that are forbidden by this regulation or code (either literally or formulated in other words) are indicated with 'yes' in the following table. If an element is not forbidden at all, it is indicated with 'no'.

ELEMENTS											
	A Production	B Styles	C Children	D Drugs	E Violence	F Success	G Encouragement	H Events	I Media	J Free	K Other
Yes or No	No	No	Yes	No	No	Yes	No	Yes	No	Yes	No

Remarks on elements

- C It is prohibited to involve persons less than 18 years of age in the handling of alcoholic beverages.
- F In alcoholic beverage advertisement it is prohibited to create an impression that consumption of alcoholic beverages ensures success in social or sexual fields.
- H It is prohibited to sponsor entertainment events for children and sporting events if the information regarding sponsorship includes an indication to any alcoholic beverage (except the name of the sponsor), as well as utilisation of alcoholic beverages.
- J It is prohibited to offer alcoholic beverages free of charge (except the tasting thereof), as a gift or as a compensation for the purchase of other goods or for the receipt of services.

13.2.3 Procedures connected to the regulation

It is indicated whether the following procedures are ('yes' or 'no') connected to the regulation.

PROCEDURES						
	Pre-launch advice	Systematically searching for violations	Possibility to complain and to start a procedure	System of appeal	Sanctions increase of violators	Results published or publicly announced
Yes or No	No	Yes	Yes	Yes	Yes	Yes

Remarks per procedure:

Systematic search for violations - The Systematic search for violations is done by the Consumer Rights Protection Centre, the Competition Council and the Radio and Television Council within the respective spheres of their competence (hereinafter - the Supervisory Institution).

Possibility to complain - Complaints can be made to the Supervisory Institution.

And during a procedure a marketing practice can still be used. Matters regarding possible violations within the field of advertising shall be examined within ten days from the day that a complaint has been received. If violations of this Law have been determined, the Supervisory Institution is entitled to take a decision, but if under certain circumstances it is not possible, the Supervisory Institution is entitled to take a decision regarding extension for ten days of the term for review of the matter.

System of appeal - An appeal regarding a decision by the Supervisory Institution may be filed with to a court within one month from the day the decision is taken. There is no law which defines after how many days, months or years legal process should be released; judicial system is very impacted that's why it takes about three to six months till first proceeding is denoted. Official legal proceedings can go as the far as European Court.

Sanctions - Sanctions, where appropriate, are imposed by the court and can be a fine (for physical persons up to 215 €, but for legal persons- up to 715 €). For the publication and distribution of unlawful advertisements, a fine for physical persons can rise up to 350 €, but for legal persons- up to 14 285 €. This procedure is part of Latvian Administrative Violation Code. Other sanctions can be deprivation of liberty for a term not exceeding two years, or a fine not exceeding eighty times the minimum monthly wage, with or without deprivation of the right to engage in entrepreneurial activity for a term of not less than two years and not exceeding five years. This procedure is part of Criminal Law.

Results published - All decisions taken by the Supervisory Institution are public and accessible to any interested person.

Legal processes in Latvia are public and sentences made in court are accessible to each interested person.

13.3 Radio and Television Law

Name of regulation:

2 Radio and Television Law

Is this statutory or non-statutory regulation?

Statutory

Who made the text of this regulation?

Ministry of Economics of the Republic of Latvia

Which types of marketing are controlled by in this regulation?

Advertising and marketing in electronical mass media

Which alcoholic beverages are subject to this regulation? (in VOL.)

Alcoholic beverages > 0,5% VOL.

Beer and wine

Whom is this regulation directed at or who has to adhere to it?

Advertising and marketing producers and distributors in electronic mass media have to adhere to this regulation.

Additional comments

Commercials and teleshops for alcoholic beverages shall comply with the following provisions:

- 1 they may not link the consumption of alcohol to enhanced physical performance or to operating means of transportations;
- 2 they may not claim that alcohol has therapeutic qualities or that it has the effect of a stimulant or a sedative or that it helps to resolve personal problems;
- 3 they may not encourage immoderate consumption of alcohol or present abstinence or moderation in the use of alcohol in a negative light;
- 4 they may not emphasise the alcoholic content of alcoholic beverages.

13.3.1 Bans

Any bans on alcohol marketing practices in this regulation or code regarding the following marketing or advertising aspects are indicated with 'yes' in the following table. If a ban regarding this aspect is absent it is indicated with 'no'.

BANS						
	Location	Time	Media-channel	Type of product	Target-group*	Advertiser
Yes or No	No	No	No	Yes	No	No

* other than young people

Remarks per ban

Type of product - Commercials and teleshops for beer and wine are permitted, but commercials and teleshops for other alcoholic beverages are prohibited.

13.3.2 Elements of Council Recommendation

Any elements of the Council Recommendation that are forbidden by this regulation or code (either literally or formulated in other words) are indicated with 'yes' in the following table. If an element is not forbidden at all, it is indicated with 'no'.

ELEMENTS											
	A Production	B Styles	C Children	D Drugs	E Violence	F Succes	G Encouragement	H Events	I Media	J Free	K Other
Yes or No	No	No	Yes	Yes	Yes	No	No	No	Yes	No	No

Remarks per element

- C Commercials and teleshops for alcoholic beverages shall comply with the following provisions- they may not be aimed at minors, and minors shall not participate in them.
- D Commercials and teleshops for tobacco products and smoking are prohibited.
- E Violence is prohibited in commercials and teleshops.
- I Commercials and teleshops for alcoholic beverages shall not comply with the following provisions- they may not be aimed at minors, and minors shall not participate in them.

13.3.3 Procedures connected to the regulation

It is indicated whether the following procedures are ('yes' or 'no') connected to the regulation.

PROCEDURES						
	Pre-launch advice	Systematically searching for violations	Possibility to complain and to start a procedure	System of appeal	Sanctions in case of violators	Results published or publically announced
Yes or No	No	Yes	Yes	Yes	Yes	Yes

Remarks per procedure

Systematic search for violations - The search for violations is done by the Consumer Rights Protection Centre, the Competition Council and the Radio and Television Council within the respective spheres of their competence (hereinafter- the Supervisory Institution).

Possibility to complain- Complaints can be made to the Supervisory Institution. And during a procedure a marketing practice can still be used. Matters regarding possible violations within the field of advertising shall be examined within ten days from the day that a complaint has been received. If violations of this Law have been determined, the Supervisory Institution is entitled to take a decision, but if under certain circumstances it is not possible, the Supervisory Institution is entitled to take a decision regarding extension for ten days of the term for review of the matter.

System of appeal - An appeal regarding a decision by the Supervisory Institution may be filed with to a court within one month from the day the decision is taken. There is no law which defines after how many days, months or years legal process should be released; judicial system is very impacted that's why it takes about three to six months till first proceeding is denoted. Official legal proceedings can go as the far as European Court.

Sanctions - Sanctions, where appropriate, are imposed by the court and can be a fine (for physical persons up to 215 €, but for legal persons- up to 715 €). For the publication and distribution of unlawful advertisements, a fine for physical persons can rise up to 350 €, but for legal persons- up to 14 285 €. This procedure is part of Latvian Administrative Violation Code. Other sanctions can be deprivation of liberty for a term not exceeding two years, or a fine not exceeding eighty times the minimum monthly wage, with or without deprivation of the right to engage in entrepreneurial activity for a term of not less than two years and not exceeding five years. This procedure is part of Criminal Law.

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13.4 Advertising Law

Name of regulation:

3 Advertising Law

Is this statutory or non-statutory regulation?

Statutory

Who made the text of this regulation?

Ministry of Economics of the Republic of Latvia

Which types of marketing are controlled by in this regulation?

All

Which alcoholic beverages are subject to this regulation? (in VOL.)

Alcoholic beverages > 0,5% VOL.

Whom is this regulation directed at or who has to adhere to it?

Advertising and marketing producers and distributors have to adhere to this regulation.

13.4.1 Bans

Any bans on alcohol marketing practices in this regulation or code regarding the following marketing or advertising aspects are indicated with 'yes' in the following table. If a ban regarding this aspect is absent it is indicated with 'no'.

BANS						
	Location	Time	Media-channel	Type of product	Target-group*	Advertiser
Yes or No	No	No	No	No	No	No

* other than young people

13.4.2 Elements of Council Recommendation

Any elements of the Council Recommendation that are forbidden by this regulation or code (either literally or formulated in other words) are indicated with 'yes' in the following table. If an element is not forbidden at all, it is indicated with 'no'.

ELEMENTS											
	A Production	B Styles	C Children	D Drugs	E Violence	F Succes	G Encouragement	H Events	I Media	J Free	K Other
Yes or No	No	No	Yes	Yes	Yes	No	No	No	Yes	No	No

Remarks on elements

- C Exploiting children in alcoholic beverage and tobacco product advertising, and aiming alcoholic beverage and tobacco product advertising at children, are prohibited.
- D Exploiting children in alcoholic beverage and tobacco product advertising, and aiming alcoholic beverage and tobacco product advertising at children, are prohibited.
- E Violence and war propoganda shall not be permitted in advertising.
- I Exploiting children in alcoholic beverage and tobacco product advertising, and aiming alcoholic beverage and tobacco product advertising at children, are prohibited.

13.4.3 Procedures connected to the regulation

It is indicated whether the following procedures are ('yes' or 'no') connected to the regulation.

PROCEDURES						
	Pre-launch advice	Systematically searching for violations	Possibility to complain and to start a procedure	System of appeal	Sanctions in case of violators	Results published or publically announced
Yes or No	No	Yes	Yes	Yes	Yes	Yes

Remarks per procedure

Systematic search for violations - The search for violations is done by the Consumer Rights Protection Centre, the Competition Council and the Radio and Television Council within the respective spheres of their competence (hereinafter- the Supervisory Institution).

Possibility to complain- Complaints can be made to the Supervisory Institution. And during a procedure a marketing practice can still be used. Matters regarding possible violations within the field of advertising shall be examined within ten days from the day that a complaint has been received. If violations of this Law have been determined, the Supervisory Institution is entitled to take a decision, but if under certain circumstances it is not possible, the Supervisory Institution is entitled to take a decision regarding extension for ten days of the term for review of the matter.

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