

CMS | Romania enacts law restricting ads for electronic cigarettes and heated tobacco products



On 22 July 2024, Romania enacted Law 232/2024, amending Advertising Law 148/2000 and Audiovisual Law 504/2002, which adds to the existing prohibition on advertising tobacco products by including the following: electronic cigarettes (including vape cigarettes), products for smokeless inhalation of tobacco substitutes, electronic devices for heating tobacco and products for smokeless inhalation of tobacco substitutes and pouches with nicotine for oral use.

The new obligations take effect on 25 July 2024.

The amendments impact manufacturers, distributors and retailers of electronic cigarettes, heated tobacco products and related products, as well as advertising companies and audiovisual media service providers. Companies affected by these amendments should carefully reconsider their marketing campaigns to avoid breaching the newly enacted provisions.

Amendments to the Advertising Law

The newly enacted law prohibits the advertising of electronic cigarettes, including vape cigarettes, products for smokeless inhalation of tobacco substitutes, electronic devices for heating tobacco and products for smokeless inhalation of tobacco substitutes and pouches with nicotine for oral use (“Vaping and Heating Products, Nicotine Pouches and Tobacco Substitutes”).

Law 232 now prohibits explicit advertising of Vaping and Heating Products, Nicotine Pouches and Tobacco Substitutes broadcasted in radio and television programmes and on public transport tickets.

Law 232 also prohibits advertising of Vaping and Heating Products, Nicotine Pouches and Tobacco Substitutes:

- on the premises of educational establishments and healthcare facilities or within 200 meters of their entrance, measured on a public street;
- in publications aimed mainly at minors, in theatres before, during and after performances for minors;
- where the advertising is aimed at minors, depicts minors consuming these products, suggests that such products have therapeutic properties or a stimulant or sedative effect or that can solve personal problems, gives a negative image of abstinence, emphasises the alcohol content of alcoholic beverages for the purpose of stimulating consumption, or links alcohol with driving a vehicle or does not contain warning inscriptions in Romanian for such products.

Before the entry into force of Law 232, the Advertising Law prohibited advertising for traditional tobacco products only while advertising for the above-mentioned products was allowed.

For non-compliance with the restrictions above, fines up to EUR 800 may be imposed along with certain measures, such as bans on advertising, cessation of publication, publication of the authority's decision in whole or in part or publication of one or more corrective announcements.

The author, the advertising company and the legal representative of the broadcaster will be jointly liable with the person who advertises in case of violation of the provisions of this law.

Amendments to the Audiovisual Law

Law 232 prohibits any form of audiovisual commercial communication for Vaping and Heating Products, Nicotine Pouches and Tobacco Substitutes. Before the entry into force of Law 232, the Audiovisual Law prohibited audiovisual commercial communications for cigarettes, other tobacco products, electronic cigarettes and refill containers only.

Non-compliance with this new prohibition is considered a misdemeanor and can be sanctioned with a fine of between approximately EUR 2,000 to EUR 40,000. For repeated misdemeanors, other sanctions may be imposed, such as the broadcasting of the text of the sanctioning decision for a certain period of time.

Final remarks

Law 232 continues the legislators' efforts to regulate vaping and heating products in Romania, following the entry into force of Law 64/2024. This law amended legislation on tobacco and prohibited the sale to minors of Vaping and Heating Products, Nicotine Pouches and Tobacco Substitutes. For more information on Law 64, see our article at the following link:

<https://cms-lawnow.com/en/alerts/2024/01/romanian-law-tightens-restrictions-on-sale-of-tobacco-electronic-cigarettes-heated-tobacco-products-and-related-products>

Law 232 aims to create a safer environment for consumers in Romania by prohibiting harmful advertising. According to the Statement of Reasons, the amendments introduced by Law 232 were prompted by the need to reduce the exposure of products to minors that can harm their health. This need arose due to the significant presence of street advertising for electronic cigarettes and the increased interest in smoking among children, driven by the emergence of new categories of tobacco products.

For more information on the enactments described in this article and on advertising rules in Romania, contact your CMS client partner or CMS experts: **Cristina Popescu, Carmen Turcu and Raluca Cretu.**