

Legal Extranet



Finland

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National Association
 General Legal Overview
 Basic Guide to Intellectual Property rights in the Territory
 Self Regulatory Bodies
 Statutory Bodies
 Specific Legislation

National Association:

Markkinointiviestinnä Toimistojen Liitto MTL

Web link: <http://www.mtl.fi/>

General Legal Overview:

In Finland marketing directed to Consumers is mainly regulated by the Consumer Protection Act and business-to-business-marketing by the Act on Unfair Business Practices.

In addition there are specific regulations on marketing of certain type of products e.g. alcohol, tobacco, pharmaceuticals and foodstuff and on marketing in certain media e.g. television and direct marketing.

The International Chamber of Commerce has issued several self-regulatory codes that supplement the statutory legislation. The most central of these is the ICC International Code of Advertising Practice. In addition self regulation of marketing occurs also in the pharmaceutical industry where Pharma Industry Finland has issued a code for the Marketing of Medicinal Products and in direct marketing where the Finnish Direct Marketing Association has issued several self regulatory codes.

Basic Guide to Intellectual Property rights in the Territory:

Copyright

The Copyright Act provides legal protection to the original and unique expression of an idea, motive or subject of a literary or an artistic work of authorship. Works of authorship include, works of fine art, novels, musical scores, dramas, photographs, motion pictures, maps, other descriptive drawings or graphical or three dimensional works and computer programs. The author of a work enjoys, inter alia, exclusive distribution and reproduction rights to his/her work. As a general rule, copyrights to a work subsist until the end of the seventieth (70) year after the year in which the author deceased.

Trade Marks

Under the Trade Marks Act can exclusive right to a trade mark, as a special symbol to distinguish the goods or services of a business from the goods or services of others can be obtained either through registration or through establishment. A trade mark may consist of any symbol capable of being represented graphically and capable of distinguishing its proprietor's goods. A trade mark may consist particularly of one or more words (including personal names), a design, letter, numeral or the shape of goods or their packaging. An exclusive right to a trade mark means that no one other than the holder of the trade mark, without proper consent, may use in trade for his goods or services a symbol likely to be confused with the said trade mark, whether on the goods or on their packaging, in advertising or business documents, or otherwise, including oral use.

Unfair Trade Practices, Passing Off, Unfair Competition etc.

Under the Act on Unfair Business Practices slavish imitation of another entrepreneur's product or product package may when specific conditions apply be considered to be contrary to good business practice and thus prohibited by the Market Court. Such conditions may apply in the following situations:

The imitated product or product package is original and distinctive in relation to other similar products/product packages and characteristics for the entrepreneur in question. There is a risk of confusion between the original product/product package and the imitation and the risk of confusion has not been prevented by clearly using secondary signs such as a trademark or a trade name.

Finnish Direct Marketing Association

Lönnrotinkatu 11 A, 00120 Helsinki Tel +358 9 228 77 400

Web link: <http://www.ssml-fdma.fi>

Pharma Industry Finland (PIF)

Eteläranta 10, 00130 Helsinki Tel: +358 9 6150 4900

Web link: <http://www.pif.fi>

The Board of Business Practice

c/o Central Chamber of Commerce Word Trade Center, Helsinki
Aleksanterinkatu 17, 00100 Helsinki Tel +358 9 69 69 69

Web link: <http://www.keskuskauppakamari.fi>

The Council of Ethics in Advertising

c/o Central Chamber of Commerce Word Trade Center, Helsinki
Aleksanterinkatu 17, 00100 Helsinki Tel +358 9 69 69 69

Web link: <http://www.keskuskauppakamari.fi>

National Agency for Medicines

Mannerheimintie 103 B, 00300 Helsinki Tel: +358 9 473 341

Web link: <http://www.laakelaitos.fi>

National Food Agency (NFA)

Vanha talvitie 5, 00580 Helsinki Tel +358 9 393 1500

Web link: <http://www.elintarvikevirasto.fi>

National Product Control Agency for Welfare and Health

Sörkinranta 2 A, 00530 Helsinki Tel: +358 9 3967 270

Web link: <http://www.sttv.fi>

The Finnish Consumer Agency & Consumer Ombudsman

Haapaniemenkatu 4 A, 00530 Helsinki Tel: +358 9 77 261

Web link: <http://www.kuluttajavirasto.fi>

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| | |
|-----------------------------------|---|
| Activity | Collateral Gifts |
| Country | Finland |
| Contact | Sinikka Virkkunen / Finnish Association of Marketing Communication Agencies (MTL) |
| General legal framework | Consumer Protection Act (38/1978), Chapter 2, Section 4 Unfair Business Practices Act (1061/1978), Section 3 The Consumer Ombudsman's Guidelines on word free in marketing http://www.kuluttajavirasto.fi/user/loadFile.asp?id=3768 (in Finnish) The Consumer Ombudsman's Guidelines on price expressions as a market-ing method http://www.kuluttajavirasto.fi/user/loadFile.asp?id=5165 (in English) The Guidelines of the Product Control Agency for Welfare and Health on alcohol advertising http://www.sttv.fi/alkoholi_frameset.htm (in Finnish) |
| General self-regulatory framework | ICC International Code of Sales Promotion http://www.iccwbo.org/home/statements_rules/statements/2002/code_of_sales_promotion.asp |
| Restrictions to the activity | As a rule collateral gifts are permitted. However, according to the Consumer Protection Act, "if several consumer goods or services are being marketed at one price or so that the purchase of a good or service entitles one to another good or service at a reduced price or to another specific benefit, the following information shall be clearly noted in the marketing: (1) the content and value of the offer and, for goods and services marketed at one price, their individual prices, unless the individual price of a good or service is less than EUR 10; (2) the conditions of the offer, especially its duration and the volume restrictions and other restrictions applying to it." If discounts, additional benefits or other specific benefits are offered in business to business marketing, the conditions for receiving the benefits shall, under the unfair Business Practice Act, be stated in a clear and com-prehensible manner and shall be easily accessible. In marketing of alcohol beverages no other product, which is not substan-tially necessary when drinking alcoholic beverage, may be given to the buyer as a collateral gift. |
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| Subject | Gaming & Betting |
| Country | Finland |
| Contact | Sinikka Virkkunen / Finnish Association of Marketing Communication Agencies (MTL) |
| General legal framework | The Lottery Act (1047/2001), Sections 11 and 62 |
| Restrictions to the activity | Gaming and betting is regulated under the Lottery Act stipulating that a gaming license may be granted for the sole use of the holder and only one license may be granted at a time for each of the following forms of gambling: (1) for running money lotteries, pools and betting; (2) for keeping slot machines available for use, operating casino games and running casino activities; and (3) for operating totalisator betting. The Lottery Act prohibits the promotion of any sales or brokering of any tickets or similar for any unauthorized gambling activity. The prohibition against promotion applies broadly in that it covers the publication or distribution of any advertising material and other similar activities. |
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| Activity | Prize Promotions |
| Country | Finland |
| Contact | Sinikka Virkkunen / Finnish Association of Marketing Communication Agencies (MTL) |
| General legal framework | Consumer Protection Act (38/1978), Chapter 2, Sections 4 b and 5 Unfair Business Practises Act (1061/1978), Section 3 The Consumer Ombudsman's Guidelines on promotional games http://www.kuluttajavirasto.fi/user/loadFile.asp?id=3786 (summary in Fin-nish) The Consumer Ombudsman's Guidelines on promotional games http://www.kuluttajavirasto.fi/user/loadFile.asp?id=4886 (summary in Eng-lish) |
| General self-regulatory framework | ICC International Code of Sales Promotion http://www.iccwbo.org/home/statements_rules/statements/2002/code_of_sales_promotion.asp (in English) |
| Restrictions to the activity | According to the Consumer Protection Act, no benefit based on chance shall be promised in marketing if the obtaining of such benefit presupposes consideration, purchase of consumer goods or services or making of a purchase offer. However, the aforementioned provision does not apply to ordinary recreational competitions in newspapers and magazines. If the marketing involves disposal by lottery, prize contests for the public or games, the conditions for participating in those shall be stated in a clear and comprehensible manner and shall be easily accessible. According to the Unfair Business Practices Act, a benefit that depends on a lottery or that is otherwise based on chance may not either be promised in business if receipt of the benefit requires the sale, purchase or ordering of a product or otherwise requires consideration. However, this provision shall not apply to prize contest tasks organised in newspapers and periodicals as customary entertainment. In addition, if the marketing involves disposal by lottery, prize contests for the public or games, the conditions for participating in the lottery, contest or game shall be stated in a clear and comprehensible manner and shall be easily accessible. According to the Guidelines of the National Product Control Agency for Welfare and Health regarding alcohol advertising, such marketing lotteries or public competitions, where alcohol beverages are given as prizes for consumer, are considered as inappropriate by virtue of the Alcohol Act. Therefore, a manufacturer or importer of alcohol beverages cannot organize marketing lotteries, where alcohol beverages are prizes either directly or indirectly, as gift voucher, by which alcohol beverages may also be acquired. According to the Code for the Marketing of Medicinal Products issued by Pharma Industry Finland, competitions organized for marketing purposes must relate to the company or the marketed product. The prizes shall be of reasonable monetary value and associated with the professional activities of the participants. |
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| Subject | Alcohol | |
| Country | Finland | |
| Contact | Sinikka Virkkunen / Finnish Association of Marketing Communication Agencies (MTL) | |
| General legal framework | Alcohol Act (1143/1994), Chapter 5 Decision of Ministry of Social Affairs and Health on advertising of strong alcohol beverages and other sales promotion and on the provision of product information in relation thereto (841/1995 and 728/1996) Guidelines of the National Product Control Agency for Welfare and Health regarding alcohol advertising http://www.sttv.fi/alkoholi_frameset.htm (in Finnish) | |
| Restrictions relating to products or services | <i>Alcoholic beverages</i> | Advertising (directly or indirectly) or otherwise promoting the sales of strong alcoholic beverages is, as a rule, prohibited. Advertising, indirect advertising and other sales promotion aimed at consumers of mild alcoholic beverages and beverages containing at least 1.2 percentage by volume of ethyl alcohol as well as linking such alcoholic beverages to advertising or sales promotion of another product or service is prohibited if: 1) it is aimed at minors or other persons to whom alcoholic beverages may not be sold, or if such persons are depicted in it; 2) consumption of alcohol is linked to driving a vehicle; 3) the alcohol content of an alcoholic beverage is emphasized as a positive quality; 4) an abundant consumption of alcohol is described in positive terms, or temperance or moderate consumption of alcohol in negative terms; 5) it gives an idea that alcohol increases the functional capacity or makes one socially or sexually more successful; 6) it gives an idea that alcohol has medical or therapeutic properties or that is refreshes, calms or is a means to settle conflicts; and if 7) it is contrary to good manners, it uses methods that are inappropriate from the viewpoint of the consumer or otherwise gives untruthful or misleading information about alcohol, its use, effects or other properties. The aforementioned provisions are not applied to advertising in foreign printed matter circulated in Finland whose main purpose is not the advertising of alcoholic beverages. |
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| Subject | Tobacco | |
| Country | Finland | |
| Contact | Sinikka Virkkunen / Finnish Association of Marketing Communication Agencies (MTL) | |
| General legal framework | Act of measures to reduce smoking (693/1976), Chapter 4, particularly Section 8 Decree of measures to reduce smoking (225/1997) | |
| Restrictions relating to products or services | <i>Tobacco</i> | Direct and indirect marketing and other sales promotion of tobacco products prohibited. This concerns also tobacco, tobacco imitations and smoking instruments. The marketing prohibition is not applied to marketing in such foreign printed work whose main purpose is not the advertising of tobacco, tobacco product, tobacco imitations or smoking instruments. It is prohibited to connect tobacco, tobacco product, tobacco imitation and smoking instrument with sale or transfer of other products or with services. |
| Restrictions to the media | <i>Radio</i> | According to Section 27, Subsection 1 of the Act on Television and Radio Activity (744/1998), programme sponsored by company manufacturing mainly tobacco products may not be broadcasted on radio or TV. |
| | <i>TV</i> | According to Section 27, Subsection 1 of the Act on Television and Radio Activity (744/1998), programme sponsored by company manufacturing mainly tobacco products may not be broadcasted on radio or TV. |
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| Activity | Data Protection/Privacy | |
| Country | Finland | |
| Contact | Sinikka Virkkunen / Finnish Association of Marketing Communication Agencies (MTL) | |
| General legal framework | Personal Data Act (523/1999) Act on the Protection of Privacy in Electronic Communications (516/2004) Population Information Act (507/1993) | |
| General self-regulatory framework | Guidelines of the Office of the Data Protection Ombudsman http://www.tietosuoja.fi/ Guidelines for the use of personal data of consumers and data protection in marketing, issued by the Finnish Direct Marketing Association Guidelines of Nordic Consumer Ombudsmen on sales and marketing on the Internet (2002) | |
| Restrictions to the activity | <p>When processing personal data of private persons one must comply with the Personal Data Act. The general principles applicable are: (1) the data controller's obligation to act diligently; (2) the requirement of necessity of the processed data; (3) the requirement of accuracy (the obligation to correct inaccuracies); (4) the data controller's obligation to plan the processing beforehand and to use the data only for a specified purpose; and (5) the data subject's right to inspect the personal data file. Personal data of private persons may be processed for marketing purposes under certain conditions specified in the Personal Data Act. The most relevant prerequisites are: (i) consent by the data subject; (ii) a relevant connection between the marketer and the data subject (customer connection); or (iii) the collection of personal data for the acquisition of new customers. As regards point (iii) above, personal data may be collected and registered for direct advertising, distance selling, other forms of direct marketing, market research or opinion research, provided that the data subject has not prohibited such collection or registration, and further provided that: (a) the personal data files are used for marketing campaigns that are specified in advance and short in duration, and such use, due to the personal data involved, does not jeopardise the protection of the data subject's privacy; (b) the personal data files contain only data concerning the data subject's name, rank or profession, age, gender and native language, one identifying characteristic and the data subject's contact information; or (c) the personal data files contain only data concerning the data subject's duties and position in business or public office, and such data is used only for sending information related to the data subject's work duties. The processing of sensitive personal data and personal identification numbers is, as a general rule, prohibited. Data subjects may prohibit the use of their personal data for the purpose of direct advertising, distance selling, or other forms of direct marketing or for market or opinion research. With respect to such use of personal data, the marketer must provide the data subject with the name of the data file from which the personal data were obtained as well as the name and contact information of the data controller of the file. In telephone sales such information must be given if requested.</p> | |
| Restrictions to the media | <i>Others</i> | <p>According to the Act on the Protection of Privacy in Electronic Communications, companies may not, as a general rule, approach private persons by electronic means (including, among other, e-mail and SMS messages) in marketing purposes without the prior consent from the relevant persons. A company may, however, use contact information of previous customers when advertising products belonging to the same group of products as the product in connection with which the contact details was obtained. The private person must be given an option to object to further use of his/her contact details, both in connection with the actual sales and later in every electronic message. According to the guidelines of the Nordic Consumer Ombudsmen, a company that collects personal data on the Internet should present its operating principals on its website. The company should also clearly indicate which information is necessary for the contractual relationship and which information is voluntary. The consent of the consumer is required if the information is used for direct marketing or if the information is passed on to a third party. When the marketing is targeted to children and young people stricter requirements apply. Normally, personal data should not be collected on minors who are not capable of entering into agreements. If personal data on a child is collected, the prior consent of a parent should be obtained.</p> |
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| Subject | Health & Beauty |
| Country | Finland |
| Contact | Sinikka Virkkunen / Finnish Association of Marketing Communication Agencies (MTL) |
| General legal framework | The Food Act (361/1995) Decree of the Ministry of Trade and Industry on Nutritional Supplements (571/2003) The Cosmetics Decree (189/1996) Decision of the Ministry of Trade and Industry on Cosmetic Products (190/1996) The Consumer Protection Act (38/1978) |
| Restrictions to the activity | Section 6 of the Food Act stipulates that all information on foodstuffs that is given on packaging, leaflets, in advertising or otherwise must be truthful and sufficient. The provision of misleading information is prohibited. References to effects relating to the prevention, treating or healing of human diseases are prohibited as a general rule. Furthermore, Chapter 2, Section 1 of the Consumer Protection Act which is applicable to all consumer products (e.g. cosmetics and foodstuff) stipulates that no conduct that is inappropriate or otherwise unfair from the point of view of consumers shall be allowed in marketing. Marketing that does not convey information necessary in respect of the health or economic security of consumers shall always be deemed unfair. |
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|------------------------------|--|
| Activity | Comparative advertising |
| Country | Finland |
| Contact | Sinikka Virkkunen / Finnish Association of Marketing Communication Agencies (MTL) |
| General legal framework | The Consumer Protection Act (38/1978, as amended), Chapter 2, Section 4a The Unfair Business Practices Act (1061/78, as amended), Section 2 |
| Restrictions to the activity | In the Consumer Protection Act comparative advertising is defined as advertising where a competitor, or goods or service marketed by a competitor, can be directly or indirectly recognised. Comparative advertising shall be allowed, in so far as concerns the comparison, provided that: (1) it is not false or misleading; (2) it pertains to goods or services that are used for the same purpose or for the fulfillment of the same need; (3) the comparison is impartial and pertains to essential, significant, verifiable and representative characteristics of the goods or services, or to the price of the goods or services; (4) it does not give rise to a danger of confusing the advertiser and the competitor, their trademarks, trade names, other distinguishing marks or goods and services; (5) it does not belittle or dishonor the competitor's trademark, trade name, other distinguishing mark, good or service, operations or circumstances; (6) it does not take unfair advantage of the reputation of the competitor's trademark, trade name or other distinguishing mark, nor of the original appellation of the good or service marketed by the competitor; (7) it does not represent a good or service as a copy or reproduction of another good or service protected by a trademark. Otherwise, comparative advertising shall be subject to the provisions on advertising and marketing elsewhere in the Consumer Protection Act. The rules described above shall also apply to comparative advertising in business-to-business marketing. |
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| Subject | Financial products and services | |
| Country | Finland | |
| Contact | Sinikka Virkkunen / Finnish Association of Marketing Communication Agencies (MTL) | |
| General legal framework | The Securities Markets Act (495/1989) Credit Institutions Act (1607/1993) Act on Investment Firms (579/1996) Consumer Protection Act (38/1978 Chapter 6a and Chapter 7) Insurance Contracts Act (543/1994) | |
| Restrictions relating to products or services | <i>Financial products and services</i> | Securities may not be marketed or acquired in business by giving untruthful or misleading information or by acting contrary to good practice or other-wise unfairly. According to Chapter 10 of the Credit Institutions Act, credit institutions must when marketing their products supply their customers with all information that might affect the customer's decision-making in relation to the product or service. Credit institutions must not give untruthful or misleading information in their marketing or otherwise act unfairly or contrary to good practice in relation to the customer. It is further forbidden for a credit institution to use contractual terms which are not accordant to its activities or which are regarded as unreasonable for the customer. Under the Securities Market Act, a broker is obliged to provide its customers with information relating to the investment service or the securities offered which may have a material effect on the decision-making of the customer. Further credit institutions and investment firms must not in their marketing give untruthful or misleading information on the deposit and investor protection arrangements. Consumer credits are subject to the provisions of Chapter 7 of the Consumer Protection Act. According to these provisions, a consumer credit agreement shall be made in writing and shall contain the minimum information prescribed in the Act. A consumer shall always have the right to pay the credit before its maturity. In general, the terms and conditions of a consumer credit agreement shall not be unfair or unreasonable from a consumer's point of view. |
| Restrictions to the media | <i>Others</i> | Provisions on the distance marketing of financial services and products are contained in Chapter 6a of the Consumer Protection Act. These provisions are applicable where financial products are marketed and a contract is concluded by means of information networks or telephone without the customer meeting the service provider face to face. In general, customers are given a right to familiarise themselves with the service provider and receive advance information on the service and on contractual terms and conditions before deciding whether to conclude a contract. Advance information and contractual terms and conditions must be given to the customer in writing or through some other durable medium. The service provider must also inform the customers of redress procedures and the costs of the offered services. In distance marketing, customers have a right to withdraw from a contract within 14 days from the conclusion of the contract (this does not apply to contracts relating to financial services or products whose price depends on fluctuations on the financial market.) Additional provisions on the distance marketing of insurance products are contained in the Insurance Contracts Act. |
| Upcoming changes | The Financial Supervision Authority is in the process of issuing a Standard on Marketing of Financial Services and Products, which is not yet in force but available in draft form. | |
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| | | |
|---|--|--|
| Subject | Financial products and services | |
| Country | Finland | |
| Contact | Sinikka Virkkunen / Finnish Association of Marketing Communication Agencies (MTL) | |
| General legal framework | The Securities Markets Act (495/1989) Credit Institutions Act (1607/1993) Act on Investment Firms (579/1996) Consumer Protection Act (38/1978 Chapter 6a and Chapter 7) Insurance Contracts Act (543/1994) | |
| Restrictions relating to products or services | <i>Financial products and services</i> | Securities may not be marketed or acquired in business by giving untruthful or misleading information or by acting contrary to good practice or other-wise unfairly. According to Chapter 10 of the Credit Institutions Act, credit institutions must when marketing their products supply their customers with all information that might affect the customer's decision-making in relation to the product or service. Credit institutions must not give untruthful or misleading information in their marketing or otherwise act unfairly or contrary to good practice in relation to the customer. It is further forbidden for a credit institution to use contractual terms which are not accordant to its activities or which are regarded as unreasonable for the customer. Under the Securities Market Act, a broker is obliged to provide its customers with information relating to the investment service or the securities offered which may have a material effect on the decision-making of the customer. Further credit institutions and investment firms must not in their marketing give untruthful or misleading information on the deposit and investor protection arrangements. Consumer credits are subject to the provisions of Chapter 7 of the Consumer Protection Act. According to these provisions, a consumer credit agreement shall be made in writing and shall contain the minimum information prescribed in the Act. A consumer shall always have the right to pay the credit before its maturity. In general, the terms and conditions of a consumer credit agreement shall not be unfair or unreasonable from a consumer's point of view. |
| Restrictions to the media | <i>Others</i> | Provisions on the distance marketing of financial services and products are contained in Chapter 6a of the Consumer Protection Act. These provisions are applicable where financial products are marketed and a contract is concluded by means of information networks or telephone without the customer meeting the service provider face to face. In general, customers are given a right to familiarise themselves with the service provider and receive advance information on the service and on contractual terms and conditions before deciding whether to conclude a contract. Advance information and contractual terms and conditions must be given to the customer in writing or through some other durable medium. The service provider must also inform the customers of redress procedures and the costs of the offered services. In distance marketing, customers have a right to withdraw from a contract within 14 days from the conclusion of the contract (this does not apply to contracts relating to financial services or products whose price depends on fluctuations on the financial market.) Additional provisions on the distance marketing of insurance products are contained in the Insurance Contracts Act. |
| Upcoming changes | The Financial Supervision Authority is in the process of issuing a Standard on Marketing of Financial Services and Products, which is not yet in force but available in draft form. | |
| Last updated | 21 September 2005 | |

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| Subject | Pharmaceuticals | |
| Country | Finland | |
| Contact | Sinikka Virkkunen / Finnish Association of Marketing Communication Agencies (MTL) | |
| General legal framework | The Medicines Act (395/1987), Sections 91-94 The Medicines Decree (693/1987), Sections 25-25 i | |
| General self-regulatory framework | The Code for the Marketing of Medicinal Products issued by Pharma Industry Finland (PIF) http://www.pif.fi/tiedostot/folder_16/kE2jBclb.pdf (in English) | |
| Restrictions relating to products or services | <i>Pharmaceuticals</i> | According to the Medicines Act marketing of pharmaceuticals shall encourage on appropriate use of pharmaceuticals. Marketing of pharmaceuticals may not persuade people to unnecessary use of pharmaceuticals, give false or exaggerating impression of preparation's composition, origin or medical meaning and it may not otherwise be inappropriate. Only pharmaceuticals referred to in the Medicines Act may be marketed or advertised as pharmaceuticals. Marketing or advertising products which are to be sold only on prescription or which contain narcotics, is prohibited unless aimed at persons entitled to prescribe those pharmaceuticals. Marketing of pharmaceuticals may not include groundless claims regarding alleged healthful properties of a product and it may not be directed at children. In addition, marketing of pharmaceuticals may not otherwise give exaggerated or misleading impression of the actions of pharmaceuticals. |
| Restrictions to the media | <i>Web</i> | If the marketing or advertisement of prescription only medicines is carried out through electronic media, such as extranets and other limited access systems, it must be assured that unauthorized persons cannot access it. |
| | <i>Others</i> | According to the Act of Television and Radio Activity (744/1998), if the sponsor of the radio or TV programme is a company, activity of which includes manufacturing or selling of pharmaceuticals or medical care, the company's name or sign may be presented, as a rule, in context of the programme. In this context pharmaceuticals or medical cares available only on prescription in Finland may not be highlighted. According to the Code for the Marketing of Medical Products, when sponsoring TV or radio broadcasts, the sponsorship element must be clearly and understandably separate from the rest of the programme offer or programme intro through the showing of the company name or logo. The name or logo of the company must be shown immediately before the programme or at its end (sponsor logo). Furthermore sponsorship must not encourage the viewers to purchase the sponsor's or a third party's products. According to the Code for the Marketing of Medical Products, television and radio advertisements of pharmaceuticals shall be submitted for preliminary inspection to PIF. |
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| Activity | Direct Marketing | |
| Country | Finland | |
| Contact | Sinikka Virkkunen / Finnish Association of Marketing Communication Agencies (MTL) | |
| General legal framework | Personal Data Act (523/1999), Section 19 Act on the Protection of Privacy in Electronic Communications (516/2004), Chapter 7 Population Information Act (507/1993), Section 27 Consumer Protection Act (38/1978), Chapter 2, Section 2a and Chapter 6: Door-to-door selling and distance selling The Consumer Ombudsman's Guidelines for the electronic trader http://www.kuluttajavirasto.fi/user/loadFile.asp?id=4733 (in Finnish) | |
| General self-regulatory framework | The rules of fair play issued by the Finnish Direct Marketing Association http://www.ssml-fdma.fi/main_pelisaannot_reilupeli.html (in Finnish) ICC International Code of Direct Marketing http://www.iccwbo.org/home/statements_rules/rules/2001/code_of_direct_marketing.asp (in English) ICC International Code of Direct Selling http://www.iccwbo.org/home/statements_rules/statements/1999/code_of_direct_selling.asp (in English) ICC Guidelines on Advertising and Marketing on the Internet http://www.iccwbo.org/home/statements_rules/rules/1998/internet_guidelines.asp (in English) | |
| Restrictions to the activity | According to the Consumer Protection Act, consumer goods or services shall not be marketed by delivering them to consumers without an express order and by requiring that the consumer pays for them, returns them, safe-keeps them or undertakes other measures in respect of them. According to the Personal Data Act, personal data may be collected and registered (without the consent of the data subject and without a customer relationship) for direct advertising, distance selling, or other forms of direct marketing, or for market or opinion research, provided that the data subject has not prohibited such collection or registration, and further provided that: (i) the personal data files are used for marketing campaigns that are specified in advance and short in duration, and such use, due to the personal data involved, does not jeopardise the protection of the data subject's privacy; (ii) the personal data files contain only data concerning the data subject's name, rank or profession, age, gender and native language, one identifying characteristic and the data subject's contact information; or (iii) the personal data files contain only data concerning the data subject's duties and position in business or public office, and such data is used only for sending information related to the data subject's work duties. The processing of sensitive personal data and personal identification numbers is, as a general rule, prohibited. Data subjects may prohibit the use of their personal data for the purpose of direct advertising, distance selling, or other forms of direct marketing or for market or opinion research. With respect to these uses of personal data, the marketer must provide the data subject with the name of the data file from which the personal data were obtained, and the name and contact information of the data controller of the file. In telephone sales such information must be given if requested. The possibility to prohibit direct marketing shall be clearly announced by the marketer, both when the data is collected and later in every marketing message. The opt-out should be available easily and without separate cost. Direct marketing shall also be clearly and unambiguously recognized as marketing. | |
| Restrictions to the media | <i>Others</i> | According to the Act on the Protection of Privacy in Electronic Communications, direct marketing by automatized callsystems and telefax machines, e-mails, text messages, speech messages, voice messages or picture messages may be directed only at private persons, who have given prior consent for that (opt-in). However, when a service provider or a salesman in connection with the sales of products and services receives contact information on a private person, he may use this contact information in direct marketing of products belonging to the same product group of products and services. The private person must be given an option to object to further use of the contact details, both in connection with the actual sales and later in every marketing message. Direct marketing to corporations is allowed, if the corporation has not expressly prohibited it. Prohibiting direct marketing should be possible easily and without separate cost. |
| Last updated | 21 September 2005 | |

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| Activity | Coupons |
| Country | Finland |
| Contact | Sinikka Virkkunen / Finnish Association of Marketing Communication Agencies (MTL) |
| General legal framework | Consumer Protection Act (38/1978), Chapter 2, Sections 1 and 4 Unfair Business Practices Act (1061/1978), Section 3 The Consumer Ombudsman's Guidelines on price expressions as a marketing Method http://www.kuluttajavirasto.fi/user/loadFile.asp?id=5165 (in English) The Consumer Ombudsman's Guidelines on word free in marketing http://www.kuluttajavirasto.fi/user/loadFile.asp?id=3768 (in Finnish) |
| Restrictions to the activity | When coupons are offered in marketing the general provision in Chapter 2, Section 1 of the Consumer Protection Act shall be taken into account. According to said provision, no conduct that is inappropriate or otherwise unfair from the point of view of consumers shall be allowed in marketing. Furthermore, marketing that does not convey information necessary in respect of the health or economic security of consumers shall always be deemed unfair. Also the provisions of the Consumer Protection Act regarding additional benefits shall be taken into account when coupons are offered in marketing. Accordingly, if several consumer goods or services are being marketed at one price or so that the purchase of a good or service entitles one to another good or service at a reduced price or to another specific benefit, the following information shall be clearly noted in the marketing: (1) the content and value of the offer and, for goods and services marketed at one price, their individual prices, unless the individual price of a good or service is less than EUR 10; (2) the conditions of the offer, especially its duration and the volume restrictions and other restrictions applying to it. Similarly, under the Unfair Business Practices Act, if discounts, additional benefits or other specific benefits are offered in business to business marketing the conditions for receiving the benefits shall be stated in a clear and comprehensible manner and shall be easily accessible. In marketing of alcoholic beverages no other product, which is not substantially necessary when drinking alcoholic beverages, may be given to the buyer as a collateral gift of alcoholic beverage. This shall also be taken into account if offering coupons in marketing of alcoholic beverages. |
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| | | |
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| Activity | E-mail | |
| Country | Finland | |
| General legal framework | Act on the Protection of Privacy in Electronic Communications (516/2004), Chapter 7 The Consumer Ombudsman's Guidelines for the electronic trader http://www.kuluttajavirasto.fi/user/loadFile.asp?id=4733 (in Finnish) The comment of the Consumer Ombudsmen of the Nordic countries on sales and marketing practised via Internet http://www.kuluttajavirasto.fi/user/loadFile.asp?id=4890 (in Finnish) | |
| Restrictions to the activity | According to the Act on the Protection of Privacy in Electronic Communications, direct marketing by e-mails (also by automatized callsystems and telefax machines, text messages, speech messages, voice messages or picture messages) may be directed only at private persons, who have given prior consent for that (opt-in). However, if a service provider or a salesman in connection with the sales of products and services receives contact information from a private person, he may use this contact information in direct marketing of products belonging to the same product group or otherwise corresponding products and services. Other kind of direct marketing may be directed at a private individual only if the person has not expressly forbidden it. Private individual, as well as corporations, must be given an option to forbid further use of the contact details easily and without separate cost, both when the data is collected and later in every marketing message. Direct marketing addressed at corporations is allowed, if the corporation has not expressly forbidden it (opt-out). Corporations shall be able to forbid direct marketing easily and without separate cost. The possibility to forbid direct marketing shall be clearly informed by the company carrying out direct marketing. Direct marketing shall also be clearly and unambiguously recognized as marketing. | |
| Restrictions to the media | <i>Others</i> | According to the Personal Data Act (523/1999) the data subject may prohibit processing of his personal data e.g. in direct marketing. |
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| | |
|-----------------------------------|--|
| Activity | Sponsorship |
| Country | Finland |
| Contact | Sinikka Virkkunen / Finnish Association of Marketing Communication Agencies (MTL) |
| General legal framework | Act on Television and Radio Activity (744/1998), Chapter 4, particularly Sections 26 and 27 The Consumer Ombudsman's Guidelines on sponsorship and other market-ing in schools http://www.kuluttajavirasto.fi/user/loadFile.asp?id=3772 (in English) The Consumer Ombudsman's Guidelines on minors, marketing and pur-chases http://www.kuluttajavirasto.fi/user/loadFile.asp?id=5603 (in English) |
| General self-regulatory framework | ICC International Code on Sponsorship http://www.iccwbo.org/home/statements_rules/rules/2003/International%20Code%20on%20Sponsorship.asp (in English) |
| Restrictions to the activity | According to the Act on Television and Radio Activity a sponsor may not influence on the content or the placing of sponsored television or radio pro-gramme so, that it would influence on the responsibility carrying or on the editorial independence of the broadcaster in respect of programmes. The sponsor's name or sign shall be clearly presented in the beginning or at the end of sponsored television or radio programmes. It is not allowed to encourage buying or renting the products or services of the sponsor or third party by, e.g., referring to the products or services in question. A programme sponsored by a company manufacturing mainly tobacco prod-ucts may not be broadcasted on TV or radio. If the sponsor of the programme is a company, whose activity includes manufacturing or sale of pharmaceuticals or medical care, the company's name or sign can be presented in context of the programme. Pharmaceuti-cals or medical cares, which are only available on prescription in Finland, may not be highlighted in this context. According to the Code for the Marketing of Medical Products issued by Pharma Industry Finland, a company can engage in sponsorship only through its business name or logo. Sponsorship comprises any operations the purpose of which is to support one or several persons, company or event, or part thereof, financially or otherwise, in such person's or party's scientific, artistic, sport-related or other pursuit and which entail rights con-ferred to the sponsor to promote its own business operations. When spon-soring TV or radio broadcasts, the sponsorship element must be clearly and understandably separate from the rest of the programme offer or pro-gramme intros through the showing of the company name or logo. The name or logo of the company must be shown immediately before the pro-gramme or at its end (sponsor logo). Furthermore sponsorship must not encourage the viewers to purchase the sponsor's or a third party's products. Under the Alcohol Act, advertising (directly or indirectly) or otherwise pro-moting the sales of strong alcoholic beverages is, as a rule, prohibited and hence a producer of strong alcohol beverage may not, as a rule, engage in sponsorship. Furthermore, advertising (directly or indirectly) or otherwise promoting the sales of mild alcohol beverages is prohibited if aimed at mi-nors. Hence, the name of an alcohol beverage should not be used in the sponsorship of e.g. TV and radio programmes, events or sports competi-tions meant for minors. In addition news and current affairs programmes broadcasted on TV or ra-dio may not be sponsored. |
| Last updated | 21 September 2005 |

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