

Legal Extranet



Paraguay

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General Legal Overview:

Much of the advertising industry in Paraguay is regulated in general terms by national legislation. However, there is some specific legislation in terms of tobacco and alcoholic drinks, food, cinemas, sports, medicines, and toxic products, among others. Additionally, in the last years self-regulation in terms of Codes of Practice, Commitments and Honor Tribunals (non-judicial courts) has been increased, arising interesting norms, decisions and conclusions.

Basic Guide to Intellectual Property rights in the Territory:

Copyright

Law 1328/1998 regulates copyrights. According to said Law, a copyright protects all works of human ingenuity of a creative nature, in a literary or artistic environment, whatever its genre, form of expression, merit or purpose, nationality or domicile of the author or copyright holder, or place of publication of the work, and subsists for his/her lifetime and for a period of seventy years after his death. However, said term may vary according to circumstances.

Ideas contained in literary or artistic works per se; procedures, methods of operation or mathematical concepts; nor the ideological or technical content of scientific works, nor their industrial or commercial use; official texts of a legislative, administrative or judicial nature, nor their translations -without prejudice to the obligation to respect the original texts and to mention sources-; daily news; and simple facts or data are not be protected by Copyrights.

The title of a work, when it is original, is also protected by Law 1328 as part of said work, as well as translations, adaptations, transformations and arrangements.

Trade Marks

According to Law 1294/1998, trademarks are all signs that serve to distinguish products or services. They may consist of one or more words, themes, emblems, monograms, stamps, vignettes, embossments; names, fantasy words, letters and numbers with different forms or combinations; combinations and dispositions of colors, labels, containers and wrappings. Trademarks may also consist of the shape, presentation or conditioning of products or of their containers or wrappings, or of the means or places of sale of the products or corresponding services.

Since Paraguay is not part of the Protocol of Madrid, trademarks must be registered at the local Office of Industrial Property in order to obtain all legal guarantees and rights.

The registration of a trademark has a validity of ten years, and may be extended indefinitely for like periods through proper renewals.

The use of a trademark is obligatory. If a trademark is not used, an interested party shall cancel its registration upon request.

The owner of a right to exclusive use of a registered trademark may initiate action before a judicial authority against any person who breaches the trademark law. A breach may consist on:

(a) to apply or place a trademark or a similar distinguishing sign on products for which the trademark has been registered, or on products related to the services for which the trademark has been registered, or on containers, wrappers, or packaging of said products;

(b) to delete or modify the trademark with commercial purposes after the trademark has been applied or placed on products;

(c) to manufacture labels, containers, wrappers, packaging and other materials on which are duplicated the trademark or commercial name, and market or unlawfully possess said materials;

(d) to refill or reuse with commercial purposes containers, wrappers or packaging which bear the trademark or commercial name;

(e) to use in commerce a sign identical or similar to the trademark or commercial name for any products or services when such use may cause confusion or a risk of association with the owner of the registration;

(f) to use in commerce a sign identical or similar to the trademark or commercial name for any products or services or activities when such use may cause the owner an unjust

economic or commercial damage due to a dilution of the distinguishing force or of the commercial or advertising value of the sign, or due to the unjust exploitation of the prestige of the sign or its owner; and

(g) to use publicly a sign identical or similar to the trademark or commercial name, even if it is used for non-commercial purposes, when said use may cause a weakening of the distinguishing force or of the commercial or advertising value of the sign, or an unjust exploitation of its goodwill.

Unfair Trade Practices and Passing Off

According to Law 1034/1983, unfair trade practices are prohibited. Some unfair trade practices are:

- a) to use names or characteristic signs that may lead to confusion with others which are used by others legitimately;
- b) to imitate products of a competitor, or to carry out any other act that may create confusion with product or activities of a competitor ("passing off");
- c) to spread news or opinions related to products or activities of a competitor in order to harm his reputation or to take possession of the credits of his products;
- d) to use any mean against principles of professional ethic directly or indirectly that may harm the competitor.

In relation to Passing Off or fraudulent imitation, Criminal Law Nr. 1160/97 punishes any person who falsifies, imitates or -without authorization of titleholder- promotes a protected trademark, design, industrial design or utility design, or uses a patented invention.

Offended party shall impulse proceedings.

On the other hand, Law 1294/1998 also establishes that "A one- to three-year jail sentence, which cannot be suspended, and a fine equivalent to 1,000-3,000 minimum daily wages, shall be imposed:

- (a) on persons who falsify or adulterate a registered trademark;(b) on persons who fraudulently imitate a trademark;
- (c) on persons who knowingly have in warehouse, place on sale, sell or contribute to the sale of or circulate products or services that bear a trademark that is falsified, fraudulently imitated or unlawfully placed on products or services;
- (d) on persons who, with a fraudulent intent, apply or have applied on a product or service any false statement or false designation with respect to the nature, quality, quantity, number, weight or measure, the name of the manufacturer or the place or country where the product or service has been manufactured or dispatched; and
- (e) on persons who knowingly place on sale, sell or contribute to the sale of products or services that bear any of the false declarations mentioned in the preceding paragraph".

In order to unify both laws, there is a draft of law at the National Congress nowadays, which established more severe penalties for passing off.

Unfair Competition

According to Law 1294/1998, Unfair Competition is any act that is contrary to good practice and honest use with regard to industrial or commercial matters.

"Article 81. The following are considered acts of unfair competition, among others:

- a. acts that are susceptible of causing confusion or a risk of association with respect to products, services, a company or a business belonging to other persons;
- b. false descriptions of products or services through the use of words, symbols and other means, which tend to induce deception of the public with respect to the nature, quality or usefulness of products and services;
- c. false geographic indications on products or services, through the use of words, symbols or any other means which tend to induce deception of the public; and
- d. direct or indirect use or imitation of a geographic indication, even when the true origin of the product is also given, or when the geographic indication is translated or is accompanied by expressions such as genre, type, manner, imitation, or other similar expressions;
- e. use or dissemination of false indications or allegations, which are capable of disparaging or discrediting products or services or companies belonging to others;
- f. use or dissemination of indications or allegations susceptible of causing error or confusion with respect to origin, manufacture, aptitude for use or consumption or other characteristics of products and services owned by the user or disseminator or by other persons;
- g. use of a marketed product by a third party in order to mold, trace or otherwise improperly copy said product for commercial purposes, taking advantage of someone else's efforts or goodwill;
- h. Improper use of a trademark".

A manufacturer, industrialist or businessperson who may suffer damages due to unfair competition has the right to file judicial action with civil and commercial courts in order to demand that said unfair competition cease, or to prevent its repetition, and to obtain

Image Rights:

reparation for said damages (article 82).

The judicial action against unfair competition shall prescribe two years after the unfair act has become known with certainty, or four years computed from the time said act was committed for the last time, whichever term expires first (article 83).

According to Constitution of 1992, everyone has the right to freely express his personality, to be creative, and to forge his own identity and image. Therefore, protection of the privacy, dignity, and private image of each individual is guaranteed. Although there is not a specific regulation on private image, Copyright Law and the Criminal Code include norms and protections for image rights.

Asociación Paraguaya de Anunciantes Publicitarios - Paraguayan Association of Publishing Advertisers (APAP)

Tel. +595 21 212-672 E-mail: apap@quanta.com.py
Personal Contact: José Rubbiani

Cámara de Anunciantes del Paraguay - Paraguayan Chamber of Advertisers (CAP)

Pitiantuta 640 - Asunción. Tel. +595 21 230-068 E-mail: anunciantes@telesurf.com.py;
cap@cap.org.py

Web link: www.cap.org.py

Personal Contact: Liz García de Zúñiga

Consejo de Autorregulación Publicitaria - Advertising Self-Regulatory Council (CONAR)

Pitiantuta 640 - Asunción Tel. +595 21 213-639

Personal Contact: Luz Armadans (larmadans@cerneco.org.py)

Comision Nacional de Telecomunicaciones ? National Council of Telecommunication (CONATEL)

Yegros 437. Asuncion. Tel. (+595 21) 440020

Web link: www.conatel.gov.py

Personal Contact: Ing. Jorge Gabriel Pavetti Pellegrini

Centro de Regulación, Normas y Estudios de la Comunicación - Center for Regulation, Normalization and Studies on Communication (CERNECO)

Pitiantuta 640 c/ Juan de Salazar - Asunción. Tel. +595 21 203629 E-mail:
cerneco@cerneco.org.py

Web link: www.cerneco.com.py

Personal Contact: Luz Serena Armadans

Collateral Gifts	26 May 2006
Gaming & Betting	26 May 2006
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Data Protection/Privacy	26 May 2006
Motors	26 May 2006
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Activity	Collateral Gifts	
Country	Paraguay	
Contact	Carlos Cazaña Portella (Carlos.Cazana@berke.com.py)	
General legal framework	Collateral gifts (also known as free gifts or premiums) do not have a specific legislation in Paraguay. However, it may be applied norms related to consumer rights (Law 1334/98) and promise to give (Paraguayan Civil Code).	
General self-regulatory framework	There is not specific self-regulatory framework related to collateral gifts in Paraguay.	
The subject of the rules	No specific legislation	
Restrictions relating to products or services	<i>Tobacco</i>	No specific legislation
	<i>Alcoholic beverages</i>	No specific legislation
	<i>Pharmaceuticals</i>	No specific legislation
	<i>Financial products and services</i>	No specific legislation
	<i>Others</i>	No specific legislation
Restrictions to the activity	There are not specific formal advertising restrictions. In terms of contents, it must be considered that consumer has got the right to "receive advertised product or service at promised term, amount, quality and price" (article 6° of Law 1334/98).	
Restrictions to the media	<i>Cinema</i>	No specific legislation
	<i>Direct Mail</i>	No specific legislation
	<i>E-mail</i>	No specific legislation
	<i>Web</i>	No specific legislation
	<i>Outdoor</i>	No specific legislation
	<i>Press</i>	No specific legislation
	<i>Radio</i>	No specific legislation
	<i>SMS</i>	No specific legislation
	<i>TV</i>	No specific legislation
	<i>Others</i>	No specific legislation
Restrictions to the public	<i>Children and adolescents</i>	No specific legislation
	<i>Others</i>	No specific legislation
Restrictions relating to the contents	<i>Environmental claims</i>	No specific legislation
	<i>Others</i>	No specific legislation
Other conditions	No specific legislation	
Sanctions	No specific legislation	
Upcoming changes	It is not foreseen that Government will introduce new legislation related specifically to advertising of collateral gifts.	

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Subject	Gaming & Betting	
Country	Paraguay	
Contact	Carlos Cazaña Portella (Carlos.Cazana@berke.com.py)	
General legal framework	Mainly Law 1016/97 regulates gaming and betting.	
General self-regulatory framework	There is not specific self-regulatory framework related to gaming and betting in Paraguay.	
The subject of the rules	No specific legislation	
Restrictions relating to products or services	<i>Tobacco</i>	No specific legislation
	<i>Alcoholic beverages</i>	No specific legislation
	<i>Pharmaceuticals</i>	No specific legislation
	<i>Financial products and services</i>	No specific legislation
	<i>Others</i>	No specific legislation
Restrictions to the activity	Advertising of gaming and betting has no specific formal restrictions.	
Restrictions to the media	<i>Cinema</i>	No specific legislation
	<i>Direct Mail</i>	No specific legislation
	<i>E-mail</i>	No specific legislation
	<i>Web</i>	No specific legislation
	<i>Outdoor</i>	No specific legislation
	<i>Press</i>	No specific legislation
	<i>Radio</i>	No specific legislation
	<i>SMS</i>	No specific legislation
	<i>TV</i>	No specific legislation
	<i>Others</i>	No specific legislation
Restrictions to the public	<i>Children and adolescents</i>	No specific legislation
	<i>Others</i>	No specific legislation
Restrictions relating to the contents	<i>Environmental claims</i>	No specific legislation
	<i>Others</i>	No specific legislation
Other conditions	No specific legislation	
Sanctions	No specific legislation	
Upcoming changes	There is information that the National Committee of Games of Chance (CONAJZAR), the official authority in charge of regulation of all games of chance, is working on a draft of law that will modify Law 1016/97, improving and completing regulation of gaming and betting.	
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Activity	Prize Promotions	
Country	Paraguay	
Contact	Carlos Cazaña Portella (Carlos.Cazana@berke.com.py)	
General legal framework	Mainly Law 1016/97 and Law 1334/98 regulate prize promotions. Besides, they might be municipal ordinances. For the city of Asunción, prize promotions are regulated by Municipal Ordinance N° 25041.	
General self-regulatory framework	There is not specific self-regulatory framework related to prize promotions in Paraguay.	
The subject of the rules	No specific legislation	
Restrictions relating to products or services	<i>Tobacco</i>	No specific legislation
	<i>Alcoholic beverages</i>	No specific legislation
	<i>Pharmaceuticals</i>	No specific legislation
	<i>Financial products and services</i>	No specific legislation
	<i>Others</i>	No specific legislation
Restrictions to the activity	Advertising of prize promotions has no specific formal restrictions. However, previous to initiation of advertising, authorizations from Municipality and from the National Committee of Games of Chance (CONAJZAR) shall be obtained. As relevant information, prizes that consist on movable properties shall be located at places where any person may analyze them. In case of real property, they shall be available. The organizer of the promotion shall owe all prizes, or he shall be entitled enough to transfer their property.	
Restrictions to the media	<i>Cinema</i>	No specific legislation
	<i>Direct Mail</i>	No specific legislation
	<i>E-mail</i>	No specific legislation
	<i>Web</i>	No specific legislation
	<i>Outdoor</i>	No specific legislation
	<i>Press</i>	No specific legislation
	<i>Radio</i>	No specific legislation
	<i>SMS</i>	No specific legislation
	<i>TV</i>	No specific legislation
	<i>Others</i>	No specific legislation
Restrictions to the public	<i>Children and adolescents</i>	No specific legislation
	<i>Others</i>	No specific legislation
Restrictions relating to the contents	<i>Environmental claims</i>	No specific legislation
	<i>Others</i>	No specific legislation
Other conditions	No specific legislation	
Sanctions	No specific legislation	

Upcoming changes	There is information that the National Committee of Games of Chance (CONAJZAR), the official authority in charge of regulation of all games of chance, is working on a draft of law that will modify Law 1016/97, improving and completing regulation of games of chance in general.
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Activity	Data Protection/Privacy	
Country	Paraguay	
Contact	Carlos Cazaña Portella (Carlos.Cazana@berke.com.py)	
General legal framework	Advertising that affects data protection and privacy is regulated by the National Constitution, as well as Law 1682/2001 and Law 1969/2002.	
General self-regulatory framework	Advertising that affects data protection and privacy is mentioned at the Advertising Self-Regulation Code of CERNECO, dated August 20, 1998.	
The subject of the rules	No specific legislation	
Restrictions relating to products or services	<i>Tobacco</i>	No specific legislation
	<i>Alcoholic beverages</i>	No specific legislation
	<i>Pharmaceuticals</i>	No specific legislation
	<i>Financial products and services</i>	No specific legislation
	<i>Others</i>	No specific legislation
Restrictions to the activity	<p>According to National Constitution, in terms of electromagnetic communication signals, "...Government officials may not violate personal or family privacy or the other fundamental rights ensured by this Constitution" (article 30) and "Personal and family privacy, as well as the respect of private life, are inviolable (...).The protection of the privacy, dignity, and private image of each individual is hereby guaranteed" (article 33).Legislation related to data protection is not applied to databases, information sources of newspapers nor right to give an opinion and to inform (article 1 of Law 1969/2002). It is licit to publish personal information or references if it is done for scientific, statistic or survey reason, or to explore public opinion or market situation, as long as investigated persons and entities are not individualized. In fact, it is forbidden to publish or to disseminate sensible information of individualized persons or that may be individualized.Information related to economical situation may only be published or disseminated only when authorization has been duly granted, due to legal obligations or when it comes from public sources of information.According to the Advertising Self-Regulation Code of CERNECO, dated August 20, 1998, it will not be allowed advertising that includes pictures, photos, references and expressions of alive people, entities or institutions (unless authorization has been duly obtained previously), reflects lack of respect to dignity of people or institutions, shows lack of respect for private property, and/or includes disrespectful images of good name and reputation of death people. Previously mentioned norms may not be applied in case of pictures of groups or crowds of people, as in case of advertising of books, pictures, TV and radio programs, and similar activities, according to circumstances.</p>	
Restrictions to the media	<i>Cinema</i>	No specific legislation
	<i>Direct Mail</i>	No specific legislation
	<i>E-mail</i>	No specific legislation
	<i>Web</i>	No specific legislation
	<i>Outdoor</i>	No specific legislation
	<i>Press</i>	No specific legislation
	<i>Radio</i>	No specific legislation
	<i>SMS</i>	No specific legislation
	<i>TV</i>	No specific legislation
	<i>Others</i>	No specific legislation

Restrictions to the public	<i>Children and adolescents</i>	No specific legislation
	<i>Others</i>	No specific legislation
Restrictions relating to the contents	<i>Environmental claims</i>	No specific legislation
	<i>Others</i>	No specific legislation
Other conditions	No specific legislation	
Sanctions	No specific legislation	
Upcoming changes	It is not foreseen that Government will introduce new legislation related specifically to advertising that affects data protection and privacy.	
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Subject	Motors	
Country	Paraguay	
Contact	Carlos Cazaña Portella (Carlos.Cazana@berke.com.py)	
General legal framework	Advertising of motors (cars, motorbikes, etc.) does not have a specific legislation in Paraguay.	
General self-regulatory framework	There is not specific self-regulatory framework related to motors in Paraguay.	
The subject of the rules	No specific legislation	
Restrictions relating to products or services	<i>Tobacco</i>	No specific legislation
	<i>Alcoholic beverages</i>	No specific legislation
	<i>Pharmaceuticals</i>	No specific legislation
	<i>Financial products and services</i>	No specific legislation
	<i>Others</i>	No specific legislation
Restrictions to the activity	There are not specific formal advertising restrictions.	
Restrictions to the media	<i>Cinema</i>	No specific legislation
	<i>Direct Mail</i>	No specific legislation
	<i>E-mail</i>	No specific legislation
	<i>Web</i>	No specific legislation
	<i>Outdoor</i>	No specific legislation
	<i>Press</i>	No specific legislation
	<i>Radio</i>	No specific legislation
	<i>SMS</i>	No specific legislation
	<i>TV</i>	No specific legislation
	<i>Others</i>	No specific legislation
Restrictions to the public	<i>Children and adolescents</i>	No specific legislation
	<i>Others</i>	No specific legislation
Restrictions relating to the contents	<i>Environmental claims</i>	No specific legislation
	<i>Others</i>	No specific legislation
Other conditions	No specific legislation	
Sanctions	No specific legislation	
Upcoming changes	It is not foreseen that Government will introduce new legislation related specifically to advertising of motors.	
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Subject	Health & Beauty	
Country	Paraguay	
Contact	Carlos Cazaña Portella (Carlos.Cazana@berke.com.py)	
General legal framework	Advertising of products related to health and beauty (such as cosmetics, shampoos, powders, creams, etc.) do not have an specific legislation in Paraguay.	
General self-regulatory framework	A norm related to products that are jeopardy is included at the Advertising Self-Regulation Code of CERNECO, dated August 20, 1998.	
The subject of the rules	No specific legislation	
Restrictions relating to products or services	<i>Tobacco</i>	No specific legislation
	<i>Alcoholic beverages</i>	No specific legislation
	<i>Pharmaceuticals</i>	No specific legislation
	<i>Financial products and services</i>	No specific legislation
	<i>Others</i>	No specific legislation
Restrictions to the activity	According to the Advertising Self-Regulation Code of CERNECO, advertising of products that are toxic, poisonous, or inflammable potentially, but that may cause confusion to consumers who might consider them harmless, must alert of potential danger that said products may suppose using big font letters, clearly and at visible places.	
Restrictions to the media	<i>Cinema</i>	No specific legislation
	<i>Direct Mail</i>	No specific legislation
	<i>E-mail</i>	No specific legislation
	<i>Web</i>	No specific legislation
	<i>Outdoor</i>	No specific legislation
	<i>Press</i>	No specific legislation
	<i>Radio</i>	No specific legislation
	<i>SMS</i>	No specific legislation
	<i>TV</i>	No specific legislation
	<i>Others</i>	No specific legislation
Restrictions to the public	<i>Children and adolescents</i>	No specific legislation
	<i>Others</i>	No specific legislation
Restrictions relating to the contents	<i>Environmental claims</i>	No specific legislation
	<i>Others</i>	No specific legislation
Other conditions	No specific legislation	
Sanctions	No specific legislation	
Upcoming changes	There are being several changes continuously in norms related to products of health and beauty for members of MERCOSUR are harmonizing their legislations in this field. However, we ignore nowadays if said changes will affect advertising of health and beauty products.	

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Activity	Comparative advertising	
Country	Paraguay	
Contact	Carlos Cazaña Portella (Carlos.Cazana@berke.com.py)	
General legal framework	Law 1334/98 rules comparative advertising.	
General self-regulatory framework	Comparative advertising is included at the Advertising Self-Regulation Code of CERNECO, dated August 20, 1998.	
The subject of the rules	No specific legislation	
Restrictions relating to products or services	<i>Tobacco</i>	No specific legislation
	<i>Alcoholic beverages</i>	No specific legislation
	<i>Pharmaceuticals</i>	No specific legislation
	<i>Financial products and services</i>	No specific legislation
	<i>Others</i>	No specific legislation
Restrictions to the activity	According to Law 1334/98, comparative advertising will not be allowed when superiority of a product or service over others is incited through fraudulent actions or general and impartial declarations. It is established at the Advertising Self-Regulation Code of CERNECO that comparative advertising shall be impartial and its purpose must be to inform about proved advantages of the product in comparison to its competence. Comparative advertising shall not denigrate any competitor product, distort its image, trademark or company, nor affect reputation or fame of third parties. It will allow as long as: a) Comparison takes place among comparative products; b) Comparison is based on scientific or statistic facts duly supported; c) Comparison is positive, which means that it is based on advantages of advertised products and not on disadvantages of compared products; d) Rights of third parties are respected; e) Comparison is allowed by applicable norms and regulations.	
Restrictions to the media	<i>Cinema</i>	No specific legislation
	<i>Direct Mail</i>	No specific legislation
	<i>E-mail</i>	No specific legislation
	<i>Web</i>	No specific legislation
	<i>Outdoor</i>	No specific legislation
	<i>Press</i>	No specific legislation
	<i>Radio</i>	No specific legislation
	<i>SMS</i>	No specific legislation
	<i>TV</i>	No specific legislation
	<i>Others</i>	No specific legislation
Restrictions to the public	<i>Children and adolescents</i>	No specific legislation
	<i>Others</i>	No specific legislation
Restrictions relating to the contents	<i>Environmental claims</i>	No specific legislation
	<i>Others</i>	No specific legislation
Other	No specific legislation	

conditions	
Sanctions	No specific legislation
Upcoming changes	It is not foreseen that Government will introduce new legislation related specifically to comparative advertising in a short-term.
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Subject	Financial products and services	
Country	Paraguay	
Contact	Carlos Cazaña Portella (Carlos.Cazana@berke.com.py)	
General legal framework	Law 861/96 and Law 1334/98 regulate advertising of financial products and services.	
General self-regulatory framework	Advertising of financial products and services is included at the Advertising Self-Regulation Code of CERNECO, dated August 20, 1998.	
The subject of the rules	No specific legislation	
Restrictions relating to products or services	<i>Tobacco</i>	No specific legislation
	<i>Alcoholic beverages</i>	No specific legislation
	<i>Pharmaceuticals</i>	No specific legislation
	<i>Financial products and services</i>	No specific legislation
	<i>Others</i>	No specific legislation
Restrictions to the activity	According to Law 861/96, it is forbidden use of terms such as "bank", "banking", "banker", "financing", "financial", similar or confusing terms, at generic names, without previous authorization of the Central Bank of Paraguay. It is forbidden the use of "central" and "national" at financing entities that are not public. The Advertising Self-Regulation Code of CERNECO establishes that advertising of finance products and services can not include assertions that may lead to confusion in terms of conditions, risks, profits or losses, terms, limitations, interest rate, tax charges, etc., in relation to offered loans, investments or insurances.	
Restrictions to the media	<i>Cinema</i>	No specific legislation
	<i>Direct Mail</i>	No specific legislation
	<i>E-mail</i>	No specific legislation
	<i>Web</i>	No specific legislation
	<i>Outdoor</i>	No specific legislation
	<i>Press</i>	No specific legislation
	<i>Radio</i>	No specific legislation
	<i>SMS</i>	No specific legislation
	<i>TV</i>	No specific legislation
	<i>Others</i>	No specific legislation
Restrictions to the public	<i>Children and adolescents</i>	No specific legislation
	<i>Others</i>	No specific legislation
Restrictions relating to the contents	<i>Environmental claims</i>	No specific legislation
	<i>Others</i>	No specific legislation
Other conditions	No specific legislation	
Sanctions	No specific legislation	

Upcoming changes	It is not foreseen that Government will introduce new legislation related specifically to advertising of finance products and services in a short-term.
Last updated	26 May 2006

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Subject	Pharmaceuticals	
Country	Paraguay	
Contact	Carlos Cazaña Portella (Carlos.Cazana@berke.com.py)	
General legal framework	Law 1119/97, Law 836/80, Resolutions of the Ministry of Public Health and Welfare Numbers 2/91, 291/94 and 503/99, regulate advertising of pharmaceutical products.	
General self-regulatory framework	There is not specific self-regulatory framework related to advertising of pharmaceuticals in Paraguay.	
The subject of the rules	No specific legislation	
Restrictions relating to products or services	<i>Tobacco</i>	No specific legislation
	<i>Alcoholic beverages</i>	No specific legislation
	<i>Pharmaceuticals</i>	No specific legislation
	<i>Financial products and services</i>	No specific legislation
	<i>Others</i>	No specific legislation
Restrictions to the activity	<p>According to Law 836/80 and Law 1119/97, pharmaceutical products shall be registered previous to advertising and commercialization. Advertising of a pharmaceutical product that includes only one active principle, generic name of said active principle must appear next to trademark or fictitious name, using font size letters clearly legible and with the same proportion. Advertising shall be adjusted to conditions and requirements of registered specialty. It is forbidden any advertising that grants false therapeutic properties, or that may lead to mistake or confusion to public in relation to characteristics, quality or origin of products. Advertising cannot induce to auto-medication, abuse or uncertain use of pharmaceutical products, nor include expressions that guarantee healing or special virtues of pharmaceutical products. Prizes, collateral gifts and similar methods cannot be used for promotion and public sale of pharmaceutical products. National health authorities are empowered to limit, condition or forbid advertising and promotion of pharmaceuticals due to public welfare or consumer protection. It is forbidden advertising that may induce or provoke injuries to psycho-mental welfare of people, or prejudicial practices, moral conventions and principles of medical deontology. Advertising of pharmaceutical prescription products is forbidden with the exception of advertising informing available stock of a products when there has been a lack of said product for more than thirty days, or when it is meant exclusively for health professionals. Advertising of pharmaceutical products that has been authorized to be sold without prescription is limited to composition, therapeutic use, dosage, and contraindications. It is forbidden to use images of children, teenagers or family situations at advertising of pharmaceuticals.</p>	
Restrictions to the media	<i>Cinema</i>	No specific legislation
	<i>Direct Mail</i>	No specific legislation
	<i>E-mail</i>	No specific legislation
	<i>Web</i>	No specific legislation
	<i>Outdoor</i>	No specific legislation
	<i>Press</i>	No specific legislation
	<i>Radio</i>	No specific legislation
	<i>SMS</i>	No specific legislation
	<i>TV</i>	No specific legislation
	<i>Others</i>	No specific legislation

Restrictions to the public	<i>Children and adolescents</i>	No specific legislation
	<i>Others</i>	No specific legislation
Restrictions relating to the contents	<i>Environmental claims</i>	No specific legislation
	<i>Others</i>	No specific legislation
Other conditions	No specific legislation	
Sanctions	No specific legislation	
Upcoming changes	There are being several changes continuously in norms related to pharmaceutical products for members of MERCOSUR since they are harmonizing their legislations in this field.	
Last updated	26 May 2006	

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Activity	Direct Marketing	
Country	Paraguay	
Contact	Carlos Cazaña Portella (Carlos.Cazana@berke.com.py)	
General legal framework	Advertising by direct marketing (letters) does not have a general legislation in Paraguay. See other appendixes for norms that affect it specifically.	
General self-regulatory framework	There is not specific self-regulatory framework related to advertising by direct marketing in Paraguay.	
The subject of the rules	No specific legislation	
Restrictions relating to products or services	<i>Tobacco</i>	No specific legislation
	<i>Alcoholic beverages</i>	No specific legislation
	<i>Pharmaceuticals</i>	No specific legislation
	<i>Financial products and services</i>	No specific legislation
	<i>Others</i>	No specific legislation
Restrictions to the activity	We may mentioned Asunción's Municipal Ordinance Nr. 38, dated December 30th, 1996, which establishes that advertising that consist on offers forwarded to general public through media, directly, at the public thoroughfares, at domicile, direct mail (letters), telephone or other similar means, must includes offerer's personal or commercial name, domicile, phone number and other information required to locate and identify him. Offers disseminated without giving said information, just giving postal boxes or simple domicile information, personal or commercial names that are false, unreal or that were not registered previously; initials or confidential phone codes, will be considered as infractions.	
Restrictions to the media	<i>Cinema</i>	No specific legislation
	<i>Direct Mail</i>	No specific legislation
	<i>E-mail</i>	No specific legislation
	<i>Web</i>	No specific legislation
	<i>Outdoor</i>	No specific legislation
	<i>Press</i>	No specific legislation
	<i>Radio</i>	No specific legislation
	<i>SMS</i>	No specific legislation
	<i>TV</i>	No specific legislation
	<i>Others</i>	No specific legislation
Restrictions to the public	<i>Children and adolescents</i>	No specific legislation
	<i>Others</i>	No specific legislation
Restrictions relating to the contents	<i>Environmental claims</i>	No specific legislation
	<i>Others</i>	No specific legislation
Other conditions	No specific legislation	

Sanctions	No specific legislation
Upcoming changes	It is not foreseen that Government will introduce new legislation related specifically to advertising of finance products and services in a short-term.
Last updated	26 May 2006

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Activity	E-mail	
Country	Paraguay	
Contact	Carlos Cazaña Portella (Carlos.Cazana@berke.com.py)	
General legal framework	Advertising using e-mail does not have a specific legislation in Paraguay.	
General self-regulatory framework	There is not specific self-regulatory framework related to advertising by e-mail in Paraguay.	
The subject of the rules	No specific legislation	
Restrictions relating to products or services	<i>Tobacco</i>	No specific legislation
	<i>Alcoholic beverages</i>	No specific legislation
	<i>Pharmaceuticals</i>	No specific legislation
	<i>Financial products and services</i>	No specific legislation
	<i>Others</i>	No specific legislation
Restrictions to the activity	There are not specific formal advertising restrictions.	
Restrictions to the media	<i>Cinema</i>	No specific legislation
	<i>Direct Mail</i>	No specific legislation
	<i>E-mail</i>	No specific legislation
	<i>Web</i>	No specific legislation
	<i>Outdoor</i>	No specific legislation
	<i>Press</i>	No specific legislation
	<i>Radio</i>	No specific legislation
	<i>SMS</i>	No specific legislation
	<i>TV</i>	No specific legislation
	<i>Others</i>	No specific legislation
Restrictions to the public	<i>Children and adolescents</i>	No specific legislation
	<i>Others</i>	No specific legislation
Restrictions relating to the contents	<i>Environmental claims</i>	No specific legislation
	<i>Others</i>	No specific legislation
Other conditions	No specific legislation	
Sanctions	No specific legislation	
Upcoming changes	At the Regulation, Normalization and Study Centre for Communication (CERNECO) it is being prepared a draft of law to regulate spam e-mail, which will be filed at the National Congress for its consideration.	
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Activity	Coupons	
Country	Paraguay	
Contact	Carlos Cazaña Portella (Carlos.Cazana@berke.com.py)	
General legal framework	Advertising of coupons (for discounts, for example) does not have a specific legislation in Paraguay. However, it may be applied norms related to consumer rights (Law 1334/98) and promise to give (Paraguayan Civil Code).	
General self-regulatory framework	There is not specific self-regulatory framework related to advertising of coupons in Paraguay.	
The subject of the rules	No specific legislation	
Restrictions relating to products or services	<i>Tobacco</i>	No specific legislation
	<i>Alcoholic beverages</i>	No specific legislation
	<i>Pharmaceuticals</i>	No specific legislation
	<i>Financial products and services</i>	No specific legislation
	<i>Others</i>	No specific legislation
Restrictions to the activity	There are not specific formal advertising restrictions. In terms of contents, it must be considered that consumer has got the right to "receive advertised product or service at promised term, amount, quality and price" (article 6° of Law 1334/98).	
Restrictions to the media	<i>Cinema</i>	No specific legislation
	<i>Direct Mail</i>	No specific legislation
	<i>E-mail</i>	No specific legislation
	<i>Web</i>	No specific legislation
	<i>Outdoor</i>	No specific legislation
	<i>Press</i>	No specific legislation
	<i>Radio</i>	No specific legislation
	<i>SMS</i>	No specific legislation
	<i>TV</i>	No specific legislation
	<i>Others</i>	No specific legislation
Restrictions to the public	<i>Children and adolescents</i>	No specific legislation
	<i>Others</i>	No specific legislation
Restrictions relating to the contents	<i>Environmental claims</i>	No specific legislation
	<i>Others</i>	No specific legislation
Other conditions	No specific legislation	
Sanctions	No specific legislation	
Upcoming changes	It is not foreseen that Government will introduce new legislation related specifically to advertising of coupons in a short-term.	

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Activity	Sponsorship	
Country	Paraguay	
Contact	Carlos Cazaña Portella (Carlos.Cazana@berke.com.py)	
General legal framework	Advertising related to sponsorship does not have an own general legislation in Paraguay. See other appendixes for norms that affect it specifically (tobacco, alcohol, etc.).	
General self-regulatory framework	There is not specific self-regulatory framework of advertising related to sponsorship in Paraguay.	
The subject of the rules	No specific legislation	
Restrictions relating to products or services	<i>Tobacco</i>	No specific legislation
	<i>Alcoholic beverages</i>	No specific legislation
	<i>Pharmaceuticals</i>	No specific legislation
	<i>Financial products and services</i>	No specific legislation
	<i>Others</i>	No specific legislation
Restrictions to the activity	There are not general restrictions. For specific restrictions, see other appendixes (tobacco, alcohol, etc.). However, we may comment that according to Law 1866/2002, any firm, trademark, person or company that sponsors a sport club or entity are entitled to terminate their contract with said club or entity in case of serious or persistent misconducts of members of the fan clubs organized by said club or entity.	
Restrictions to the media	<i>Cinema</i>	No specific legislation
	<i>Direct Mail</i>	No specific legislation
	<i>E-mail</i>	No specific legislation
	<i>Web</i>	No specific legislation
	<i>Outdoor</i>	No specific legislation
	<i>Press</i>	No specific legislation
	<i>Radio</i>	No specific legislation
	<i>SMS</i>	No specific legislation
	<i>TV</i>	No specific legislation
	<i>Others</i>	No specific legislation
Restrictions to the public	<i>Children and adolescents</i>	No specific legislation
	<i>Others</i>	No specific legislation
Restrictions relating to the contents	<i>Environmental claims</i>	No specific legislation
	<i>Others</i>	No specific legislation
Other conditions	No specific legislation	
Sanctions	No specific legislation	
Upcoming changes	It is not foreseen that Government will introduce new legislation specifically of advertising related to sponsorship in a short-term.	

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Subject	Alcohol	
Country	Paraguay	
Contact	Carlos Cazaña Portella (Carlos.Cazana@berke.com.py)	
General legal framework	Advertising of alcohol is regulated under Laws 836/80, 1333/98, 1334/98, 1642/2000, 1680/2001, and 2874/2006; under Decree of Ministry of Public Health and Welfare Nr. 8314/95; and under Resolution of Ministry of Public Health and Welfare Nr. 503/99. For Law 1333/98, which regulates advertising and promotion of alcohol and tobacco specifically, a beverage is considered alcoholic if it has an alcoholic rank of 4 Gay-Lussac degrees and superior. Alcoholic rank must be mentioned at the label of the product.	
General self-regulatory framework	Advertising of alcohol is mentioned at the Advertising Self-Regulation Code of CERNECO, dated August 20, 1998.	
The subject of the rules	No specific legislation	
Restrictions relating to products or services	<i>Tobacco</i>	No specific legislation
	<i>Alcoholic beverages</i>	No specific legislation
	<i>Pharmaceuticals</i>	No specific legislation
	<i>Financial products and services</i>	No specific legislation
	<i>Others</i>	No specific legislation
Restrictions to the activity	According to Law 1333/89, advertising or promotion of alcoholic beverages is prohibited until said products are duly registered at the Ministry of Public Health and Welfare, that must also authorize said advertising. Any advertising through national written medias (newspapers, magazines), at public thoroughfares, at public institutions and places and through means such as vouchers, tickets, posters, banners, murals and stickers, must include, as well as TV spots, shall include within the context of the publicity, at an space no minor to 10% of total of ad, the following text, which must appear clearly and with contrast: "ITS EXCESSIVE CONSUME IS PREJUDICIAL FOR HEALTH. ITS SALE TO MINORS OF 20 YEARS OLD IS PROHIBITED. This is an advice from the Ministry of Public Health and Welfare". According to Law 836/80 and Law 1333/98, advertising of alcoholic beverages must refer only to their quality, origin and manufacturing techniques. It cannot relate pretended beneficial effects for health to alcoholic beverages. It can not associate them to personal psychological welfare, home (unless people that appear are all adults and participate on a typical adult meeting), labors, sex, economic welfare, social promotion, to encourage excessive and irresponsible consume of the product, nor to use children, adolescents nor characters related to children. In terms of sports, advertising is forbidden for alcoholic drinks of more than 5.5° Gay-Lussac (measured at 20° Celsius). Content of advertising must be informative and not persuasive. Indirect promotion of alcoholic beverages based on promotions, matches, games, prizes or gifts can not mention proceedings nor details of said promotion directly, and must be limited to instruct public to go to distribution points in order to obtain said information.	
Restrictions to the media	<i>Cinema</i>	According to Law 1333/98, advertising of alcoholic beverages at cinemas will be allowed only during exhibition of films recommended for adults.
	<i>Direct Mail</i>	According to Law 1333/98, advertising of alcoholic beverages through direct mail must be targeted only for adults.
	<i>E-mail</i>	According to Law 1333/98, advertising of alcoholic beverages through e-mail must be targeted only for adults.
	<i>Web</i>	According to Law 1333/98, advertising of alcoholic beverages at web sites must be targeted only for adults.
	<i>Outdoor</i>	According to Law 1333/98, posters or murals within cities installed at sale stores, fronts, buildings, flat roofs, public or private properties must have a maximum size

		of fifty square meters. In case of national highways and routes, maximum size is seventy square meters. Use of street banners (banners that are installed above a street at a proper level) for advertising of alcoholic beverages is prohibited. It is prohibited installation of posters, murals, stickers or other similar means, as well as distribution of flyers, sampling and dissemination of advertising by sound means, of alcoholic beverages, within and up to one-hundred and fifty meters about of educative institutions, health establishments, and public offices. At sport fields and social clubs, only posters that enunciate product or trademarks, with the text mentioned at the Key general restrictions, may carry out advertising of alcoholic beverages. Tasting or free offer of a alcoholic product to a potential consumer in order to obtain his acceptance or refusal may be only carried out through adult promoters, and delivered only to adult potential consumers.
	<i>Press</i>	According to Law 1333/98, advertising of alcoholic beverages printed at newspapers, magazines, flyers or stickers must have a maximum size of nine hundred square centimeters (six columns per thirty centimeters).
	<i>Radio</i>	According to Law 1333/98, advertising of alcohol is banned from 6 hours AM to 1 hour PM, except in case of political, economical and social programs, radio news at noon aimed for adult audience. Promotions of alcoholic beverages, and advertising of local and international social, cultural and sport events that refer only to trademark of the product, and do not refer to consume neither proceedings nor promotions, are also excluded from this prohibition. Radio spots cannot be longer than thirty seconds and their daily frequency cannot be higher than ten times per each trademark, per each product and per each mean.
	<i>SMS</i>	According to Law 1333/98, advertising of alcoholic beverages through telephone must be targeted only for adults.
	<i>TV</i>	According to Law 1333/98, TV advertising of alcohol must include at the end of each ad a badge with the text mentioned previously at Key general restrictions, and its time-length may not be inferior to three seconds. Also, advertising of alcohol is banned in case of local programs from 6 hours AM to 8 hours PM, except in case of political, economical and social programs, TV news at noon aimed for adult audience. Promotions of alcoholic beverages, and advertising of local and international social, cultural and sport events that refer only to trademark of the product, and do not refer to consume neither proceedings nor promotions, are also excluded from this prohibition. In case of cable TV, provisions of Law 1333/98 will be applied only in case of programs self produced or made, or local. TV spots cannot be longer than thirty seconds and their daily frequency cannot be higher than ten times per each trademark, per each product and per each mean.
	<i>Others</i>	No specific legislation
Restrictions to the public	<i>Children and adolescents</i>	No specific legislation
	<i>Others</i>	No specific legislation
Restrictions relating to the contents	<i>Environmental claims</i>	No specific legislation
	<i>Others</i>	No specific legislation
Other conditions	No specific legislation	
Sanctions	No specific legislation	
Upcoming changes	It is not foreseen that Government will introduce new legislation related specifically to advertising of alcoholic products in a short-term.	
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Subject	Tobacco	
Country	Paraguay	
Contact	Carlos Cazaña Portella (Carlos.Cazana@berke.com.py)	
General legal framework	Advertising of tobacco products is regulated under Laws 836/80, 1333/98, 1334/98, 1680/2001, and 2874/2006; under Decree of Ministry of Public Health and Welfare Nr. 8314/95; and under Resolution of Ministry of Public Health and Welfare Nr. 503/99. For Law 1333/98, which regulates advertising and promotion of alcohol and tobacco specifically, a tobacco product includes said vegetal product at its original format and any derived product such as cigarettes with or without filter, cigars, cut for pipes and any elaborated form of tobacco, and any product that contains it.	
General self-regulatory framework	Advertising of tobacco products is mentioned at the Advertising Self-Regulation Code of CERNECO, dated August 20, 1998.	
The subject of the rules	No specific legislation	
Restrictions relating to products or services	<i>Tobacco</i>	No specific legislation
	<i>Alcoholic beverages</i>	No specific legislation
	<i>Pharmaceuticals</i>	No specific legislation
	<i>Financial products and services</i>	No specific legislation
	<i>Others</i>	No specific legislation
Restrictions to the activity	According to Law 1333/89, advertising or promotion of tobacco products is prohibited until said products are duly registered at the Ministry of Public Health and Welfare, that must also authorize said advertising. Any advertising through national written medias (newspapers, magazines), at public thoroughfares, at public institutions and places and through means such as vouchers, tickets, posters, banners, murals and stickers, must include, as well as TV spots, shall include within the context of the publicity, at an space no minor to 10% of total of ad, the following text, which must appear clearly and with contrast: "SMOKING PRODUCES CANCER AND RESPIRATORY ILLNESSES. This is an advice from the Ministry of Public Health and Welfare". According to Law 836/80 and Law 1333/98, advertising of tobacco products must refer only to their quality and origin. It cannot relate pretended beneficial effects for health to tobacco products. It can not associate them to personal psychological welfare, home (unless people that appear are all adults and participate on a typical adult meeting), sports, sex, economic welfare, social promotion, to encourage excessive and irresponsible consume of the product, nor to use children, adolescents nor characters related to children. Content of advertising must be informative and not persuasive. Indirect promotion of tobacco products based on promotions, matches, games, prizes or gifts can not mention proceedings nor details of said promotion directly, and must be limited to instruct public to go to distribution points in order to obtain said information.	
Restrictions to the media	<i>Cinema</i>	According to Law 1333/98, advertising of tobacco products at cinemas will be allowed only during exhibition of films recommended for adults.
	<i>Direct Mail</i>	According to Law 1333/98, advertising of tobacco products through direct mail must be targeted only for adults.
	<i>E-mail</i>	According to Law 1333/98, advertising of tobacco products through e-mail must be targeted only for adults.
	<i>Web</i>	According to Law 1333/98, advertising of tobacco products at web sites must be targeted only for adults.
	<i>Outdoor</i>	According to Law 1333/98, posters or murals within cities installed at sale stores, fronts, buildings, flat roofs, public or private properties must have a maximum size of fifty square meters. In case of national highways and routes, maximum size is seventy square meters. Use of street banners (banners that are installed above a

		street at a proper level) for advertising of tobacco products is prohibited. It is prohibited installation of posters, murals, stickers or other similar means, as well as distribution of flyers, sampling and dissemination of advertising by sound means, of tobacco products, within and up to one-hundred and fifty meters about of educative institutions, health establishments, and public offices. At sport fields and social clubs, only posters that enunciate product or trademarks, with the text mentioned at the Key general restrictions, may carry out advertising of tobacco products. Tasting or free offer of a tobacco product to a potential consumer in order to obtain his acceptance or refusal may be only carried out through adult promoters, and delivered only to adult potential consumers.
	<i>Press</i>	According to Law 1333/98, advertising of tobacco products printed at newspapers, magazines, flyers or stickers must have a maximum size of nine hundred square centimeters (six columns per thirty centimeters).
	<i>Radio</i>	According to Law 1333/98, advertising of tobacco products is banned from 6 hours AM to 1 hour PM, except in case of political, economical and social programs, radio news at noon aimed for adult audience. Promotions of tobacco products, and advertising of local and international social, cultural and sport events that refer only to trademark of the product, and do not refer to consume neither proceedings nor promotions, are also excluded from this prohibition. Radio spots cannot be longer than thirty seconds and their daily frequency cannot be higher than ten times per each trademark, per each product and per each mean.
	<i>SMS</i>	According to Law 1333/98, advertising of tobacco products through telephone must be targeted only for adults.
	<i>TV</i>	According to Law 1333/98, TV advertising of tobacco products must include at the end of each ad a badge with the text mentioned previously at Key general restrictions, and its time-length may not be inferior to three seconds. Also, advertising of tobacco is banned in case of local programs from 6 hours AM to 8 hours PM, except in case of political, economical and social programs, TV news at noon aimed for adult audience. Promotions of tobacco products, and advertising of local and international social, cultural and sport events that refer only to trademark of the product, and do not refer to consume neither proceedings nor promotions, are also excluded from this prohibition. In case of cable TV, provisions of Law 1333/98 will be applied only in case of programs self produced or made, or local. TV spots cannot be longer than thirty seconds and their daily frequency cannot be higher than ten times per each trademark, per each product and per each mean.
	<i>Others</i>	No specific legislation
Restrictions to the public	<i>Children and adolescents</i>	No specific legislation
	<i>Others</i>	No specific legislation
Restrictions relating to the contents	<i>Environmental claims</i>	No specific legislation
	<i>Others</i>	No specific legislation
Other conditions	No specific legislation	
Sanctions	No specific legislation	
Upcoming changes	It is not foreseen that Government will introduce new legislation related specifically to advertising of tobacco products in a short-term.	
Last updated	26 May 2006	

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