



COLUMBIA
Duarte, Garcia & Associates



Country Report

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Duarte, Garcia & Associates - DG&A

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1. Topic:	Sanction for infringing consumer protection legal regime.
Who:	Superintendence of Industry and Commerce
When:	November 16, 2001
What happened:	<p>With sanctions that surpass US\$180.000.00, Superintendence of Industry and Commerce fined Supermarkets “Éxito” for non-observance of consumer protection regulations related to goods and services’ advertisement by means of financing method.</p> <p>Equally, big department stores “Carrefour”, “Carulla Vivero”, “Cafam”, “Surtimax”, “El Bodegón de Colombia” and “El Tía” were fined US\$78.076.00, US\$56.100.00, US\$57.000.00, US \$1.076.00, US\$2.310.00, and US\$1.100.00, respectively, for infringing advertising regulations of the Consumer Protection Statute.</p> <p>The Superintendent of Industry and Commerce stated: “information and advertising given by supplier or manufacturer is highly important in consumer relations for it allows consumers to make a decision. When that information is not truthful, nor enough, or induces to error, sanctions must be imposed”.</p> <p>Regarding Supermarkets “Éxito”, the Superintendence carried out an evaluation of the interest rate applicable to sales on the instalments plan announced in the advertising leaflet “Precio Estrella No. 123” corresponding to the period from 1 and 15 of June 2001.</p> <p>In accordance to the sale on the instalments plan price stated by the supermarket for goods indicated in the catalogue, interest rate actually charged to the consumer at purchasing surpasses legal limits, in accordance to the legal interest rate in force when the leaflet circulated.</p> <p>Besides the fine, Superintendence ordered the re-liquidation of all operations and reimbursement of capital to clients for a value equivalent to the interest paid in excess.</p>

	Regarding “Carrefour”, “Carulla Viviero”, “Cafam”, “Surtimax”, “El Tía” and “El Bodegón de Colombia”, Superintendence fined them for offering free Products or at less value, being it false.
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2. Topic:	Advertising with incentives
Who:	Superintendence of Industry and Commerce – Legal Opinion.
When:	August 14, 2001
What Happened:	<p>Article 16 of Decree 3466 / 1982 states that advertising with incentives cannot induce to error to the consumer in relation to good’s value, quality, or suitability. Induction to error is presumed when the price is raised at the same time it is advertised or during the next six months.</p> <p>Incentives are so understood as free and accessory to the good or service offered to the consumer. For that reason, when a magazine subscription contract is unilaterally finished, no amount whatsoever might be deducted for the value of the incentive, if the company that has ended the contract intends to reimburse the subscription value.</p>

3. Topic:	TV advertising for presidential candidates.
Who:	National Television Commission
When:	April 18, 2002
What Happened:	<p>In order to establish clear rules for paid political TV advertising, the National Television Commission considered necessary to increase the number of regular TV political advertisements for each thirty minutes of programming, and to establish a maximum number of daily presentations of these kind of advertising.</p> <p>Those who are authorized to put on air paid political advertising, must comply with the following conditions:</p> <ol style="list-style-type: none"> 1. Four (4) regular commercial messages of paid political TV advertising may be transmitted for each 30 minutes of programming. 2. Each commercial message may be up to 30 seconds long.

	<p>3. Paid political advertising cannot be transmitted during children TV hours.</p> <p>4. Television service concessionary by subscription can only transmit paid political advertising during their own production programming.</p> <p>5. Those who transmit paid political advertising of one candidate, cannot refuse to transmit the same advertising under the same conditions to other candidates.</p> <p>6. Paid political advertising can only be used to promote presidential candidates, and they cannot contain offensive or calumnious expressions or images related to other candidates.</p> <p>7. No more than ten regular commercial messages by candidate are allowed per day.</p> <p>No more than 4 regular commercial messages of paid political advertising are allowed in PRIME hours, it is, between 19:00 and 22:30 hours</p> <p>8. Only one regular commercial message by candidate can be put on air for each 30 minutes of programming.</p> <p>FEES</p> <p>Operators, concessionary and contractors of the television service must contract this kind of advertising at a lesser fee than half the commercial fee in force for the previous 6 months to the election date.</p>
Comment	This regulation was in force only during the 2002 presidential campaign.