

DOMINICAN REPUBLIC

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Is there case law or any statutory regulation governing advertising and promotion incentives? Are there any special consumer protection laws? What role do free gifts, tie-in offers, sweepstakes, rebates and other benefits, play in this context?

Consumer Protection Law (358-05) does not allow free gifts or other benefits when they are tied to a purchase requirement or obligation. Also if a consumer has been granted a gift during a special offer, he/she is not obliged to return it, if principal services / purchases are terminated.

In your jurisdiction, are there any industry sectors which are subject to special regulations for advertising and promotion incentives (for instance the health products and pharmaceutical industries in some countries)? Please name applicable statutes and self-regulatory codes.

Although there are special regulations for several industry sectors such as tobacco and health products, there are no special rules for promotion incentives.

Does industry self-regulation replace or supplement government and legislative regulation of advertising and promotion incentives? Is self-regulation an effective tool?

In the Dominican Republic there is no a self regulation tool.

To what extent do promotional incentives extended to staff in public institutions pose legal issues in your jurisdiction (i.e., paying for travel and accommodation costs on the occasion of conferences, personal entertainment, hidden education sponsoring, sponsoring of school snacks for promotional purposes)?

In the Dominican Republic we do not have *express* limitations and prohibitions for promotional incentives extended to staff in public institutions.

Are there any formal disclosure requirements for promotional incentives (i.e., rule of separation of procurement from personal dealings, rules of employer consent requirements, written form requirements, adequacy of consideration granted for a service)?

In the Dominican Republic, procurement rules (340-06) induce some basic rules to avoid any unwelcome exposure:

- a. Public institution Management has to authorize the visit and clearly express who should attend in their representation;
- b. No confidential information or privileged technical information that can be perceived as an advantage to other competitors during the visit – trip (Art. 66.1.1)
- c. Limitation as much as possible any social or parallel event that is not necessary for the business purpose of this visit is advisable.