



SADER & ASSOCIATES
ADVOCATES & LEGAL CONSULTANTS

ADVERTISING LAW IN LEBANON

2013

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INTRODUCTION

Advertising is part of daily life, from street posters, print ads, and online campaigns to indirect advertising such as promotional events. A variety of laws dictate what may or may not be advertised or marketed and in which ways. Among these laws are the Penal Code, the Publications Law, the Consumer Protection Law, the Pharmacists Order Regulation, and the Bar Association Regulation. Government ministries, such as the Ministry of Information and the Ministry of the Interior, have oversight of these laws and are responsible for enforcement. In particular, all advertisements relating to commercial products or services must be submitted for approval before the Ministry of Economy and Trade five days prior to the running of the advertisement. The main laws which govern advertising content are listed here according to their area of focus:

REGULATION AND LICENSING

Regulation of advertisements and licensing thereof are governed by Decree Number 8861 (تنظيم الاعلانات والترخيص بها).

BROADCAST MEDIA

Radio and television broadcasting are governed by Law No 382 (البريد التلفزيوني والإذاعي).

ACCURACY

The accuracy of commercial advertisements is monitored by Decision No 88 (مراقبة صحة الاعلانات التجاري).

PRINT MEDIA

Publications are monitored by Decree No 1 (فرض رقابة على المطبوعات).

CONSUMER PROTECTION

The Consumer Protection Law (قانون حماية المستهلك) regulates advertisements and packaging to ensure that consumers are properly informed about goods and services.

I - PRODUCTS AND SERVICES BANNED FROM ADVERTISING

DOCTORS

The Medical Profession Regulation, Section 24, prohibits doctors from advertising their services except in announcements in a hospital or at their own clinics identifying the doctor's name and specialization.

GAMING

Banned from advertisement by Law No 1 of 1961. The law prohibits the advertisement any type of gaming that involves the placement of a bet in the form of a sum of money. However, advertisement of lotteries is legal; and see Sweepstakes below.

LEGAL SERVICES

Pursuant to the Beirut Bar Association Regulation, Section 86, attorneys who are members of the Bar may not



advertise their services or divulge the identity of any of their clients. All members of the Bar Association are attorneys, moreover the practice of law is restricted to those who are members of the Bar.

The Beirut Bar Association governs all attorneys across the country, with the exception of the Tripoli Bar Association, which governs the North of Lebanon. The same rules, however, apply to the Tripoli Bar Association.

OCCULT (PSYCHIC) SERVICES

The Penal Code, Section 768, prohibits all occult activities, making specific mention of practices related to “the spirits, hypnosis, palm reading, tarot reading, and anything that deals with the occult.” No illegal activities may be advertised.

POLITICAL CANDIDATES

Under Decision No. 183, Section 1, no political candidate may receive foreign funds toward campaigning or advertising. Thus foreign advertising of political candidates is forbidden in Lebanon. In essence, no political advertising is permitted. In practice this law is not always enforced.

PRESCRIPTION DRUGS

The Pharmacy Code, Section 47, prohibits the advertising of prescription pharmaceutical products, since it is a matter which relates to public health and the consumer must be protected from the competition available through possible advertisement which may lead the consumer to make grave errors in judgment.

PRODUCTS RELATED TO SEXUALITY

The Pharmacy Code, Section 47, prohibits any advertising which goes against public morals. This has been interpreted as a ban on products related to sexuality, as public discussion of sexuality is still a taboo in Lebanese society. The Minister of Information and the General Security Forces are responsible for enforcement of this law.

RELIGION

Section 9 of the Constitution allows for the freedom of religious thought and practice and establishes that the state is in charge of “guaranteeing the respect of the religious interests and personal status of all the people regardless of their creed.” In order to secure the freedom of worship for all religions, this section has been strictly interpreted as a prohibition on advertising of religious issues.

SEXUAL SERVICES

Prohibited by the Publications Law of 1948, Section 31, Clause 8, and Section 12, Clause 5. Daily newspapers, magazines, and any other publications may not publish any writing or images which go against public morals. This prohibition is interpreted as including sexual services, which are forbidden under Lebanese Laws. Publication violating these regulations may be subject to penalties under the Penal Code, clauses 526 and 209.

TOBACCO PRODUCTS

Law No. 174 of 2011, Section 9, which entered into force in September 2012, prohibits advertising or promotion of tobacco products and sponsorship by tobacco companies. The ban is part of a government policy to minimize the use of tobacco..



II - REGULATIONS RELATED TO PRODUCT AND SERVICE ADVERTISING

Laws in different sectors have certain restrictions relating to specific products or services. However, for permitted products, there is no legislation which regulates the manner in which advertising should be done.

ALCOHOL (BEER, WINE, AND SPIRITS)

No specific restrictions or regulations

FIREARMS, WEAPONS, AND AMMUNITION

Written approval from the Ministry of Defense is required in order to advertise and sell firearms, weapons, and ammunition.

FOOD

The Consumer Protection Law provides restrictions concerning false information on food labels. Specific restrictions on advertisements for infant milk are provided in Law 47 dated 11/12/2008.

GAMING

Concerning advertisements of most games based on chance, see Products and Services Banned From Advertising. However no restrictions apply to advertising of lotteries, which are exclusively run by the State.

LEGAL SERVICES

See Products and Services Banned From Advertising.

MEDICAL DEVICES

No specific restrictions

MEDICAL SERVICES

See “Doctors” under Products and Services Banned From Advertising.

NONPROFIT FUNDRAISING

No specific restrictions

NUTRITIONAL SUPPLEMENTS

Decree No. 5518 dated December 14, 2010 provides that written approval from the Ministry of Public Health is required to advertise nutritional supplements.

OCCULT (“PSYCHIC”) SERVICES

See Products and Services Banned From Advertising.

PHARMACEUTICALS

Advertisements for over-the-counter medications are governed by the Prohibition of Misleading Advertisements



and Publicity in the Marketing of Over the Counter Medication. Concerning prescription medications, see Products and Services Banned From Advertising.

POLITICAL ADVERTISING

See Products and Services Banned From Advertising.

PRODUCTS RELATED TO SEXUALITY

See Products and Services Banned From Advertising.

RELIGION

See Products and Services Banned From Advertising.

SEX (ADULT) SERVICES

See Products and Services Banned From Advertising.

TOBACCO PRODUCTS

See Products and Services Banned From Advertising.

Toys

No specific restrictions.

III - REGULATIONS RELATED TO ADVERTISING METHODOLOGY

Regulation of advertising methodology is still in its nascent stages in Lebanon. One important element covered by the Consumer Protection Law is false or misleading advertising. Certain industry best practices do exist, such as restrictions on comparative advertising. This restriction is adhered to by all advertising agencies in Lebanon.

ADVERTISING TO CHILDREN

No specific restrictions

CELEBRITY ENDORSEMENTS

No current restrictions. However, reporters and news broadcasters are not allowed to appear in advertisements.

COMPARATIVE ADVERTISING

Comparative advertising is not acceptable in Lebanon. However, as there is no actual legislation to that effect, it is a customary practice in the industry.

CONTESTS

No specific restrictions on games of skill. Concerning games of chance, see Products and Services Banned From Advertising.



DECEPTIVE, FALSE, OR MISLEADING ADVERTISING

The Consumer Protection Law, as well as Decree No. 659 of 2005, Section 4 and Section 11, stipulate that brand owners must advertise information that is true and not misleading. False advertising specifically includes misrepresentation of any of the following:

- Composition of a product
 - The nature of a service
 - The place agreed upon for the offering of the service
 - A person's degrees or distinctions
 - A specific law deals also with over-the-counter medication; see Pharmaceuticals.

DISGUISED ADS AND ADVERTORIALS

No specific restrictions

FREE GIFTS/SAMPLES

Free gifts and samples are accepted in Lebanon with some exceptions depending on the type of products; for example, per the new tobacco law, distribution of free samples of cigarettes or other tobacco products is prohibited.

LIMITS TO FREE SPEECH

No restrictions unless it contains comparative advertising or defamation or is libelous.

LENGTH OF COMMERCIAL, VOLUME, AND SIMILAR RESTRICTIONS

No restrictions except for political campaigns which must distribute their advertising campaign across networks. There is no legally mentioned length for political ads, but each television station must specify the air time for such campaigns during a day.

RIGHTS OF PRIVACY

If a person is depicted in an advertisement, that person's prior written approval from the person must be obtained.

PRODUCT DEMONSTRATIONS

No current restrictions unless it is proved to be false or misleading.

REGIONAL PUBLIC AND/OR COMMUNITY STANDARDS

No specific restrictions

REBATES

Rebates are regulated under Decision No. 87 dated March 1, 1972, which dictates that notice should be sent to the Ministry of Economy and Trade before offering rebates.

SEX IN ADVERTISING

Prohibited.



SPONSORSHIPS

Sponsorships are accepted in Lebanon but depend on the type of products (for example, per the new tobacco law, sponsorship by tobacco companies is prohibited). It is the practice that industries which are prohibited from advertising are prohibited from sponsoring, especially when the event sponsored is outside their industry.

SUBLIMINAL ADVERTISING

No specific restrictions

SWEEPSTAKES OFFERS

Prior written approval from the national lottery is required to advertise a sweepstakes or to hold one.

TELEMARKETING

No specific restrictions

TIE-IN OFFERS

No restrictions, however the advertiser should inform the Ministry of Economy and Trade one week before advertising tie-in offers.

USE OF A PUBLIC PERSON'S IMAGE OR NAME

In order to use a public person's image or name, the advertiser must obtain prior written approval from the person.

USE OF CHILDREN IN ADVERTISING

No specific restrictions

USE OF FOREIGN LANGUAGE IN ADVERTISING

No specific restrictions

USE OF MODELS AS DOCTORS, NURSES, LAWYERS, OR OTHER PROFESSIONALS

The use of models in advertising as doctors, nurses, lawyers, or other professionals is governed and in most cases banned by the regulations of these professions, since it is considered misrepresentation, which is banned by the Penal Code.

VIOLENCE IN ADVERTISING

No restrictions unless it is against public morals. There are no written rules concerning violence in advertising, but in practice the industry uses guidelines similar to those used in the television rating system.

IV - REGULATIONS RELATED TO MEDIA CHANNELS

Generally, restrictions related to media channels concern advertisements which may be offensive to public morals or may deceive the consumer. There are, however, no specific government or non-government agencies which monitor advertisements, but the Ministry of Interior does have the authority to interfere in cases which are brought



to its attention and which contravene these laws. Moreover, Decision No 88 of 1975 for the Monitoring of Accuracy of Commercial Advertisements does require that advertisements to be broadcast or in print to be submitted to the Consumer Protection Department of the Ministry of Economy and Trade five days prior to broadcast or print for notification purposes. However, in practice this rule is rarely followed.

BILLBOARD ADVERTISING

Decree No. 8861 dated July 25, 1996 regulates the location of billboard advertisements.

DIGITAL MEDIA ADVERTISING

There are no regulations specific to digital media advertising. However, Decree No. 8861 (issued July 25, 1996), Regulation of Advertisement and their Official Authorization, applies to all types of advertising media with the exception of those covered by specific legislation such as radio, television, and print magazines. The decree defines what is meant by advertisement, and stipulates that in all advertisements consideration should be given to the preservation of the national pride and the general peace in terms of values, environment, and the natural landscape, as well as heritage and historical sites.

DIRECT MAIL ADVERTISING

No specific restrictions

EMAIL ADVERTISING (SPAM)

No specific restrictions

NEWSPAPER ADVERTISING

Regulated by Decree No. 8861 (issued on July 25, 1996). See description at Digital Media Advertising.

PERIODICAL ADVERTISING

Regulated by the Publication Code, Decree No. 1 (dated January 1, 1977). Article 12 prohibits any publication which goes against public morals.

RADIO ADVERTISING

Law No. 382, issued November 4, 1994, regulates radio advertisements.

SOCIAL MEDIA ADVERTISING

No specific restrictions

TELEMARKETING

No specific restrictions

TELEVISION ADVERTISING

There are restrictions on advertisements which deceive the consumer and may cause harm to consumers' health and well-being, or which go against public morals. One law applicable to television advertising is Decree No. 7997



issued on February 22, 1996, in Chapter 4 on advertisements.

Restrictions on television advertising include:

- Advertisements which may mislead the consumer or may harm the public health and morals are prohibited
 - Advertisements must be clear as to their nature and must be easily differentiated from the regular program. A television break is required between the program and the ads
 - Persons such as news anchors, or program anchors (mainly in political subjects) are prohibited from appearing in advertisements
 - An advertisement may be broadcast between two television programs; or within one television program as long as it does not interrupt the flow of idea of the program
 - Advertising related to programs with sensitive content, including thrillers and programs containing sexuality, may not be broadcast prior to 9:30pm
 - Advertising of events is subject to permission

V - REGULATORY AGENCIES

MINISTRY OF ECONOMY AND TRADE IN LEBANON | وزارة الاقتصاد والتجارة اللبنانية

Riad Al Soleh Street, Azarieh Building, 5th Floor

Beirut, Lebanon

Tel: [961] (1) 982 360

Web: www.economy.gov.lb

Regulates advertising; responsible for protecting the customer by controlling and surveying the products in markets. All advertisements relating to commercial products or services must be submitted for approval before the Ministry of Economy and Trade five days prior to the running of the advertisement [Decision No 88 Issued on 22 of April 1975]

DIRECTORATE GENERAL OF PUBLIC SECURITY | المديرية العامة للأمن العام اللبناني

Adliyyeh – Sami Al Soleh Street

Beirut, Lebanon

Tel: [961] (1) 386 810

Fax: [961] (1) 394 302

Web: www.general-security.gov.lb, [www.info@economy.gov.lb](mailto:info@economy.gov.lb)

Responsible for surveillance of audiovisual broadcasting means and movie recording cassettes. Prepares studies related to the organization of the surveillance acts (which include the viewing of advertisements and examining of print work) of printed publications and recordings, as well as organizing surveillance acts on the press and media censorship. Ensures proper implementation of the laws and rules related to the affairs of censorship and media.

MINISTRY OF INTERIOR AND MUNICIPALITIES | وزارة الداخلية والبلديات اللبنانية

Hamra – Sanai3

Beirut, Lebanon

Email: info@moim.gov.lb



Tel: [961] (1) 754 200

Fax: [961] (1) 750084

Web: www.moim.gov.lb

Among other things, has the authority to take action against any ad which is deemed to go against public morals, or deceives the consumer.

ORDER OF PHARMACISTS OF LEBANON | نقابة صيادلة لبنان

Adliyyeh – Kornish Al Nahr

Beirut, Lebanon

Email: opl@opl.org.lb

Tel: [961] (1) 611 081

Fax: [961] (1) 425 247

Web: www.opl.org.lb

Among other things, responsible for overseeing that the ban on the advertisement of pharmaceuticals is respected.

BEIRUT BAR ASSOCIATION | نقابة المحامين في بيروت

Museum Street, near the Court House

Beirut, Lebanon

Email: info@bba.org.lb

Tel: [961] (1) 422204

Fax: [961] (1) 427980

Web: www.bba.org.lb

Among many other things, ensures that member lawyers do not engage in any advertisement activities of their services.

VI - KEY LAWS AND REGULATIONS

تنظيم الاعلانات والترخيص بها

المديرية العامة للأمن العام اللبناني

REGULATION OF ADVERTISEMENTS AND LICENSING THEREOF

DIRECTORATE GENERAL OF PUBLIC SECURITY

Decree Number 8861 Issued on the 25th of July 1996

This decree law regulates all types of advertisements with the exception of radio, television, and magazine advertisements, which are regulated under a specific law. The law enumerates what is meant by advertisement, and stipulates that in all advertisements consideration should be given to the preservation of the national pride and the general peace in terms of values, environment, and the natural landscape, as well as heritage and historical sites.

منع نشر الاعلانات والدعاية المضللة للجمهور في ترويج المستحضرات الطبية الجاهزة

وزارة الصحة العامة

PROHIBITION OF MISLEADING ADVERTISEMENTS AND PUBLICITY IN THE MARKETING OF OVER THE COUNTER



MEDICATION

MINISTRY OF PUBLIC HEALTH

Decision No 127 Issued on the 10th of May 1962

This Decision is specific to the over the counter medications and is an absolute prohibition of placing misleading advertisements' and publicity in over the counter medication.

البث التلفزيوني والإذاعي

وزارة الاعلام

المديرية العامة للأمن العام اللبناني

RADIO AND TELEVISION BROADCASTING

MINISTRY OF INFORMATION

Directorate General of Public Security

Law No 382 Issued on the 4th of November 1994

Requires television and radio broadcasters not to broadcast any advertisement which is misleading to the consumer, can cause harm to the consumer's safety and interests, and which go against public order.

مراقبة صحة الاعلانات التجارية

وزارة الاقتصاد والتجارة

MONITORING OF THE ACCURACY OF COMMERCIAL ADVERTISEMENTS

MINISTRY OF ECONOMY AND TRADE, CONSUMER PROTECTION DEPARTMENT

Decision No 88 Issued on 22 April 1975

All advertisements pertaining to commercial products or services must be sent for approval to the Ministry of Economy and Trade 5 days prior to it being broadcast. This law regulates conditions of the ads, which must include information regarding the nature of the goods, their constituent elements, and their price.

فرض رقابة على المطبوعات

المديرية العامة للأمن العام اللبناني

MONITORING OF PUBLICATIONS

DIRECTORATE GENERAL OF PUBLIC SECURITY

Decree No 1 Issued on 1/1/1977

Places conditions upon the publication industry, with the chief aim of protecting public morals

قانون العقوبات

المديرية العامة للأمن العام اللبناني

PENAL CODE

DIRECTORATE GENERAL OF PUBLIC SECURITY

Decree No 340 Issued on 1/3/1943

The penal code places sanctions on prohibited activities, which may not be advertised, such as occult services or sexual advertisements.



قانون حماية المستهلك
وزارة الاقتصاد والتجارة

CONSUMER PROTECTION LAW

MINISTRY OF ECONOMY AND TRADE, CONSUMER PROTECTION DEPARTMENT

Law No 659 Issued on 4/2/2005

Enacted to ensure that consumers are at all times fully aware of the nature of products and that they are not misled or deceived in advertisements and packaging.

VII - ADVERTISING PRE-CLEARANCE AGENCIES

Decision No 8 of 22 April 1975 requires advertisements for commercial products and services to be submitted for approval to the Ministry of Economy and Trade within five days prior to the placement of the advertisements.

TRENDS

The Lebanese advertising and marketing arena is governed by many individual legislations, some of which have been applied to advertising although not meant as such initially. As digital advertising becomes more common, it is to be expected that legislators will tackle issues specifically related to this medium. However, there is currently no new legislation pending.



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LARA SALEM

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Lara Salem joined SADER & Associates in 2010, as a legal consultant with an emphasis on special projects. Salem has extensive experience in legal research, writing and providing advice to SADER & Associates' clients.

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