

/ Romania: New regulation regarding trading and advertising of food products

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Draft bill on amending the Regulatory Code for Audiovisual Content. One of the changes aims at prohibiting the appearance of minors in commercials for food products

The initiators of the bill have considered the need to clarify certain aspects from a legislative point of view and to strengthen the already existing norms relating to the correct information of the public, the right of reply and the protection of minors.

Some of the major amendments suggested by the National Audiovisual Council (NAC) with impact on the retail market are as follows:

1. prohibition of distributing information which claims that food products and supplements and natural mineral waters have properties preventing, treating and curing human diseases;
2. commercials and teleshopping for food supplements may only contain the information from the presentation brochure of the product which has been approved by the competent authorities;
3. prohibition of encouraging the consumption of food products by using minors in commercials.

As regards audiovisual productions of any type, the obligation to inform the minor, the parents or the legal representative with regard to their rights before filming or recording has been extended, whereas any written agreement must expressly include the articles which regulate the protection of the minor, depending on his/her age.

Furthermore, where audiovisual commercial communications are concerned, besides the obligation to observe the principles of protecting the minor, correctly informing the public, respecting human dignity and ensuring fair competition, and other principles currently regulated, the initiators have expressly included the prohibition of using unfair, misleading or aggressive trade practices as well.

The Regulatory Code for Audiovisual Content, with the amendments suggested and presented by the members of NAC, has been published on the Council webpage, and is subject to public debate for 30 days. Possible suggestions will be analysed, the final vote will be cast and the new Code will enter into force when published in the Official Gazette.

New mandatory information to be brought to the attention of consumers in case of sale of products obtained from frozen food products

The Order of the National Authority for Consumer Protection (NACP) No. 183/2016 sets out the conditions for informing consumers which have to be fulfilled by the economic operators selling bread, bakery and pastry products obtained from frozen products on the territory of Romania, as well as by mass caterers which use frozen food products when preparing their menus.

The Order defines “frozen food products”, these being bread, bakery and pastry products, meat/ products of animal origin, vegetables, and fruit.

Economic operators selling bread, bakery and pastry products obtained from frozen products, as well as mass caterers which use frozen food products when preparing their menus have the obligation to inform consumers by displaying the remark “defrosted product/produced with defrosted product” in a visible place, in a readable and understandable manner, which does not allow

erasure, as the case may be, on a poster, on the label, sale package, in the offered menu, or on other similar elements accompanying the product.

If it is ascertained that hygienic-sanitary conditions have not been complied with when transporting, handling, storing or selling the frozen products, the NACP informs the relevant competent institutions, whereas specific sanctions will be implemented according to the applicable special legislation.

The aforementioned Order of the NACP was published in the Official Gazette on September 20, 2016 and entered into force on October 20, 2016.

Draft bill regarding the donation of food products which are close to their expiry date has been sent for promulgation

On 18 October 2016, the Deputies Chamber adopted a draft bill regarding the reduction of food product wastage. According to the proposed amendments, the legal entities performing trade activities with food products will be bound to take action in view of minimizing the wastage of food products starting from the manufacturing, processing, depositing or commercialisation of such products in all industries, including hospitality and food services.

Practically, the food products which are close to their expiry date, but still safe for consumption, will not be subject to destruction any more. The bill sets forth the obligation to donate such products to humanitarian foundations and associations, hospitals, orphanages, nursing homes and other similar entities.

The products that are not appropriate for human consumption will be delivered to associations which host animals, provided that they are not harmful to their health. If the products are not adequate for animal use either, they will serve for agricultural purposes or for obtaining biogas.

The suggested fines to be applied for breaching the donation rules are up to RON 10,000 RON for retailers.

The bill was sent to the attention of the Romanian President in view of promulgation.

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