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Advertising labeling from september 1, 2023: What can you be fined for?

From September 1, 2023, the penalties for non-compliance with legislation in the field of advertising activities have become stricter. For placing online advertising without labeling, a fine of 700,000 rubles is possible. That is why it is particularly important for all advertisers to understand how to work with advertising materials under the new rules.

On September 1, 2022, amendments to Federal Law No. 38-FZ "On Advertising" dated 13.03.2006 came into force. All online advertising must be labeled, and information about it is transmitted to Roskomnadzor through the advertising data operator (ADO). No special sanctions for failure to comply with these norms have been applied so far. Advertisers are obliged to provide information on the placement of advertisements, to Roskomnadzor through the advertising data operator. Operators of social advertising are exempt from this obligation. The information must be provided within 30 days after the end of the calendar month in which the advertisement was distributed. The information is recorded in the Unified Register of Internet Advertising.

One of the key requirements for advertising information is the mandatory placement of the label "advertisement", as well as an indication of the advertiser or a site with information about the advertiser (part 16 of Article 18.1 of the Federal Law "On Advertising"). Only advertising that has been assigned an identifier may be distributed on the Internet (part 17 of Article 18.1 of the Federal Law "On Advertising"). If an organization places its own advertising materials on its Internet resource, they must also be marked. If press releases are of an advertising nature, the information about them is accounted for in the general order regardless of whether such materials are distributed free of charge or for a fee (Letter of Roskomnadzor dated 14.11.2022 No. 03-100982).

In the opinion of the Federal Antimonopoly Service of Russia, it is not necessary to label advertising in Telegram if it is used as a messenger for exchanging messages between specific users. But labeling is obligatory if the resource is used to convey information to a wide range of users through the offered service opportunities (via Telegram channels). Such advertising falls under Article 18.1 of the Federal Law "On Advertising" (Information from the official website of the Federal Antimonopoly Service of Russia).

As indicated above, as of September 1, 2023, Federal Law No. 274-FZ dated 24.06.2023 "On Amendments to the Code of the Russian Federation on Administrative Offenses" came into force, according to which the distribution of advertising on the Internet without an identifier assigned by the ODS, or violation of the requirements for its placement entails an administrative fine: for individuals – up to 100,000 rubles; for officials – up to 200,000 rubles; for legal entities – up to 500,000 rubles. If a legal entity fails to submit advertising data to Roskomnadzor, the fine will be: up to 200,000 for an official; up to 700,000 for a legal entity. Thus, if you publish advertising materials on the Internet and use various messengers to inform a wide range of people, we recommend that you correlate your actions with the requirements of the Federal Law "On Advertising" in order to avoid fines from regulatory authorities.

We provide legal services in all regions where we operate, including complex intellectual property and digital law matters. For more information on how this news may affect your business, please contact us by any convenient means.

Practice areas

[ANTITRUST AND COMPETITION](#)

Locations

RUSSIA

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