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Advertise in Russian or Pay the Penalty

By Olga Razumovskaya

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Registered trademarks, like Mi Piace, can be in English, but "pizzeria" can't. **Vladimir Filonov**

The Federal Anti-Monopoly Service is planning to expand a crackdown on advertising using foreign words, with initial hearings in a spate of recent cases expected this week.

The issue of using foreign words in advertising began attracting renewed attention about a year ago, and the interest is not going to subside, said the deputy head of the Moscow branch of the service, Alexander Tarkhov. If anything, the service is pursuing lawbreakers with renewed vigor.

"Over the past year [we have seen] a great interest by both federal and local government agencies in the city's appearance," Tarkhov told The Moscow Times. "Advertising is a big part of its image."

Words like "sale," "discount" and "free Wi-Fi" may soon disappear from advertisements, to be replaced by sometimes clumsy but legal Russian equivalents, or phonetic transliterations in Cyrillic — if they can be found in a dictionary.

Although the law on advertising that addresses the rules and exceptions around foreign words and phrases came into force in 2006, Tarkhov said the recent enforcement impetus is also because of the fact that his "department is small and only really got around to the problem now."

Another law that affects the situation is the one that mandates Russian as the official language of the country.

"According [to these laws] advertising should be done in the official language" of the country, said Alexei Lvov, head of the legal department at law firm Nalogovik. "These demands also stem from the idea that the consumer may be misled by advertising in a foreign language as to the content of the advertisement as a whole, the product that is being advertised and its producer," he said. "But there are exceptions to any rule."

Foreign words are permitted as long as they are accompanied by a translation. But if they are part of a registered brand name, trademark or service mark, or the name of a television or radio show, they do not have to be translated.

Companies use this clause as a loophole by registering slogans as trademarks.

Clarification or Condescension?

Tarkhov says the service has nothing against words in English but wants companies to abide by the law.

"I am not against this. I am all for using foreign words. English is the language of international communication," he said.

Many words and phrases have now become common catch phrases, especially among Muscovites, he added. "But the law states, 'do the translation.' So let them use words like 'fashion' [in English] but have a translation in the ad someplace where it doesn't ruin the design."

Olga Belobrovtseva, strategic marketing director at IQ Marketing, which is the only domestic advertising agency to have won two Cannes Golden Lions, the Oscars of international advertising, believes that the law is condescending. "Our people are much smarter then they are being given credit for," she said.

"If a person does not understand something, he needs to have the right to find this out on his own. This is the kind of advertising we should be doing — the kind that educates and inspires," she said.

Advertisers maintain that often when a translation is included, it is either done in such a tiny font that it is meaningless or a bigger one that destroys the creative concept and aesthetics. Puns are often lost in translation as well.

Belobrovtseva cited as an example an advertising campaign by Adidas. Their ubiquitous slogan "Impossible is nothing" was translated into Russian as "Impossible is possible," she said.

The beauty and the concept are gone, she said, adding that Russia was the only country that used subtitles in another Adidas commercial where children picked star soccer players to be on their teams.

“The whole world watched this commercial undubbed and with no subtitles. Why should we be any different?” she said.

Recent Cases

In early November the Moscow branch of Federal Anti-Monopoly Service released a statement announcing that it initiated three separate cases against companies that used English words in promoting their products.

Yaposhka-City, owner of Japanese fast-food chain Yaposha, got in trouble for putting up a billboard that said “Happy New Menu” with the words “happy” and “new” spelled out in English on a building facade.

Trade Retail’s sportswear store, Bogner, and Potential, owner of Bar BQ Cafe, drew the service's ire for the use of the phrases “new collection” and “Halloween” — both comprehensible for anyone with a basic understanding of English.

Results of the investigations by the service and possible fines against the three companies are expected in the coming days.

Companies face fines of 100,000 rubles to 500,000 rubles ($3,200 to $16,000) for breaking the law, which increase in case of a repeat offense.

Yaposhka-City did not respond to a request for comment.

Advertisers believe that while in most cases products and services can be promoted without the use of foreign — usually English — words, they can be an effective tool for attracting specific target audiences to certain types of products.

Belobrovtseva said using foreign words can help an advertisement stand out, make a slogan memorable, create an aura of prestige around a product and even trick consumers into believing that they're buying an imported item when they really aren’t.

But it’s a double-edged sword, she said, since they may sometimes alienate or confuse potential consumers and can result in legal trouble for the advertiser.

Other countries are more tolerant toward the use of foreign words in advertising, said Lvov, of the Nalogovik law firm. Belarus and Kazakhstan allow the use of Russian language in advertisements, he said.

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