



Responsible Marketing of Alcoholic Beverages in Europe

April 2005



Funded by The Brewers of Europe

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OF
ALCOHOLIC BEVERAGES
IN EUROPE**

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4th April, 2005

Responsible Marketing of Alcoholic Drinks in Europe

Canadean is an independent marketing analysis and consultancy company focused entirely on the drinks sector. We produce regularly updated reports and databases, as well as carrying out consultancy for clients.

This document constitutes the second edition of our study on the marketing of alcoholic drinks in Europe and focuses primarily on the self-regulatory and regulatory environment. Details of consumption trends, the legal controls on the sale and distribution of alcoholic beverages, and excise duties can still be found in the first edition.

The report was produced using responses to a questionnaire sent to all organisations involved in the self-regulation of marketing communications for alcoholic beverages. A list of the European bodies for all these organisations may be found in the appendices. This information has been supplemented by additional research, using authoritative sources and carried out by Canadean.

We would like to thank all respondents and in particular the European Advertising Standards Association (EASA) for their help in producing this report.

This report has been funded by The Brewers of Europe.

Any correspondence regarding our research methodology should be sent to me at the address printed earlier.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Kevin Baker", with a horizontal line underneath.

Kevin Baker

Director, Alcoholic Beverages

CONTENTS

PREFACE.....	5
INTRODUCTION	6
EUROPEAN OVERVIEW	11
COUNTRY PROFILES.....	17
AUSTRIA	19
BELGIUM.....	25
CYPRUS.....	45
CZECH REPUBLIC	47
DENMARK.....	67
ESTONIA	83
FINLAND	87
FRANCE	97
GERMANY.....	115
GREECE.....	133
HUNGARY	149
IRELAND	163
ITALY	187
LATVIA	203
LITHUANIA.....	207
LUXEMBOURG	217
MALTA.....	221
NETHERLANDS.....	233
POLAND	249
PORTUGAL.....	253
SLOVAKIA	271
SLOVENIA.....	277
SPAIN	281
SWEDEN	305
UNITED KINGDOM	321
BULGARIA.....	353
ROMANIA.....	363
TURKEY	377
NORWAY.....	391
SWITZERLAND.....	405
APPENDIX 1 - QUESTIONNAIRE	411
APPENDIX 2 - SOURCES	441

Preface

Public and political concern about the misuse of alcoholic beverages, and notably evidence from some EU member states of an increase in 'binge' drinking among young people, led to the publication, in June 2001, of the European Council's *Recommendation on the drinking of alcohol by young people, in particular children and adolescents* (2001/458/EC). In the same month, at a meeting in Luxembourg between the European Commission's Directorate General for Public Health and Consumer Protection (DG SANCO) and the stakeholders, the Commission asked the alcoholic beverages industry to produce a review of self-regulatory mechanisms for commercial communications in the EU and candidate countries.

As part of the European brewing industry's response to this request, The Brewers of Europe commissioned Canadean Limited, a British consultancy firm specialising in the provision of accurate, consistent and up-to-date data for the international beverage industry, to carry out a Europe-wide review. The results of this review constituted the first edition of the Canadean Report, entitled *Responsible Marketing of Alcoholic Drinks: Regulations and Enforcement*, which was published in 2002. The Report contained details of the regulatory environment for the marketing of alcoholic beverages in 29 European countries, including the 10 'first wave' candidate countries which subsequently acceded to the EU in May 2004. It also included background information on national consumption levels and retail controls.

DG SANCO welcomed the Canadean Report and in 2004 asked for evidence of continued progress in the field of self-regulation of commercial communications by the alcoholic beverages industry. The Brewers of Europe therefore commissioned Canadean Limited to update the Report, covering the 25 EU Member States together with Bulgaria, Norway, Romania, Switzerland and Turkey, and concentrating this time on the self-regulatory and legislative environment for commercial communications. The Brewers of Europe also sees this second edition of the Canadean Report as an important contribution to the Commission's report on the implementation of the European Council Recommendations on Alcohol and Young People, due in 2005.

Introduction

1. Legislation and self-regulation: complementary means to the same end

Commercial communications are a vital part of any market economy. They take various forms, including advertising, sponsorship, promotions and packaging. Whatever their form, it is essential that consumers have confidence in them. If only a tiny minority of commercial communications is perceived to be dishonest, offensive or socially irresponsible, public confidence in *all* commercial communications will be undermined. It is therefore in the interests of all concerned – the vast responsible majority of advertisers, agencies and media as well as consumers – that commercial communications should be regulated.

Historically the regulation of commercial communications has taken two forms: legislation and self-regulation. Although the two were once regarded – and sometimes still are - as alternative means to the same end, there is now a growing consensus that they function most effectively in combination, where their different strengths are able to complement one another. Legislation provides a framework, establishing clear basic principles, while the rules and procedures of self-regulation, designed to respond quickly and flexibly to changing public concerns, developments in the market place and new technologies, are better suited to dealing with the detail of commercial communications content, which the law tends to regard as trivial, but which matter very much to consumers.

1.1 Measures at European level

Commercial communications are regulated at European level by several pieces of 'framework' legislation: these include directives on misleading advertising, distance selling, e-commerce and cross-border television. The last of these, the *EU Broadcasting Directive 89/552/EEC*, better known as the Television Without Frontiers (TWF) Directive, contains a number of specific provisions relating to the advertising of alcoholic beverages; these provisions are also found in many national and sectoral self-regulatory codes (see below). To the extent that these provisions have been promulgated into national law, they provide a degree of commonality between EU Member States.

In addition to EU legislation, the European Council Recommendation (see Preface above) calls upon Member States, 'having regard to their different legal, regulatory or self-regulatory environments', to adopt appropriate measures to prevent commercial communications for alcoholic drinks from targeting minors or having special appeal to them. At the same time, the Recommendation calls upon the Commission to monitor the implementation of the proposed measures and to report back to the Council in 2005.

1.2 Measures at national level

There is no standard national regulatory landscape for commercial communications for alcoholic drinks, but this does not mean that they are generally unregulated: indeed, the contrary is the case. Most countries have some legislation on the subject, but its extent varies very widely from country to country. In some countries advertising and other forms of commercial communication are subject to restrictive legislation (often taking the form of total or partial bans, restrictions on media or types of marketing, etc.) or other forms of statutory regulation. In these circumstances, self-regulation is left little scope to operate and consequently a consumer with a complaint is likely to have to contact a statutory regulator, such as an Ombudsman, rather than a self-regulatory organisation (SRO).

In other countries legislation allows more scope for self-regulatory input and its provisions are extended and supplemented by self-regulatory codes and procedures. In a minority of countries, statutory controls are at a minimal level and the responsibility for regulating commercial communications is entrusted almost entirely to one or more SROs.

In addition to a general code of practice, usually modelled on the globally recognised International Code of Advertising Practice published and regularly updated by the International Chamber of Commerce (ICC), most national self-regulatory systems have also adopted specific rules on advertising for alcoholic beverages and in some countries these rules also apply to other forms of commercial communications, e.g. sales promotions or packaging. Elsewhere, commercial communications other than advertising are regulated by industry-funded social aspects

organisations (SAOs), which may offer pre-launch advice in important areas such as product names.

1.3 Self-regulation

Advertising self-regulation is a concept, not a single model; it takes a variety of forms, reflecting differing national, cultural, legal and commercial traditions. The term is in some ways unhelpful, suggesting only individual self-restraint on the part of the advertiser. Although 'internal' self-regulation of this kind, carried out within an individual marketing company, is increasingly a feature of the alcoholic drinks industry and makes an important contribution to achieving compliance, it is far from being the whole picture. National self-regulatory systems enjoy the support and co-operation of the three parts of the advertising industry - advertisers, agencies and the media - which put in place a code, by which they agree to be bound, together with an independent body, the SRO, to enforce it. This 'external' self-regulation, applied by an autonomous SRO, enables the code to be enforced, if needs be, even against an uncooperative advertiser.

In many countries self-regulation has proved its effectiveness in dealing with the detail of commercial communications. These can often be classed under the heading 'important trivia' - they are difficult for the law to deal with, but they are important to consumers. Attempting to address such matters by judicial means can be disproportionately costly, slow and inefficient. Self-regulation is based on the acceptance and co-operation of the industry regulated, so the regulator rarely finds it necessary to enforce decisions: companies will comply, even if they do not agree with every decision. This means that self-regulation can operate quickly and effectively, adapting flexibly to keep abreast of changes in the marketplace, public concerns and new communication techniques, and treating each case on its merits. Precisely because it is designed to regulate a legitimate commercial activity, self-regulation is less effective in dealing with the small minority of 'rogue traders' whose activities are not legitimate and who have no intention of co-operating with regulation of any kind, including of course legislation.

'Pure' self-regulation, i.e. a system of regulation which contains no legislative or statutory element, is now a rare phenomenon; indeed, it could be argued that the promulgation by Member States of the provisions of the Misleading Advertising and TWF Directives has created a *de facto* situation in which 'pure' self-regulation of advertising no longer exists anywhere in the EU. This is certainly the case as regards the alcoholic drinks sector, with the possible exception of 'internal' (i.e. company-specific) self-regulatory systems.

1.4 Co-regulation

Recent years have seen increased interest in co-regulation, which, like self-regulation, is often discussed as if it were a single model. However, co-regulation, too, is a concept: it may be defined as any system of regulation involving both self-regulatory and statutory elements. It will be apparent that this definition encompasses a wide spectrum of possible models, some of which already exist while others are theoretical. Where the statutory element consists of nothing more than minimal framework legislation, the form of co-regulation which results is likely to be very close to 'pure' self-regulation, able to operate effectively without undue constraints. At the other extreme, the statutory element may be so extensive that the role for self-regulation is reduced to little more than acting as the executive arm of a statutory regulator. At this point, the industry may well question the usefulness of a continued commitment to co-regulation, since the main advantages of self-regulation - flexibility and speed - are largely negated.

A well-established co-regulatory model is the British system for regulating broadcast advertising, which involves compulsory pre-clearance, by sectoral SROs funded by the broadcasters, to ensure compliance with a statutory code. November 2004 marked a significant shift of the balance towards self-regulation, with operational responsibility for broadcast advertising regulation passing from the government regulator Ofcom to the long-established national SRO, the Advertising Standards Authority (ASA). Another well-established (if unusual) model of co-regulation is the German system whereby unfair competition law (which covers commercial communications) is enforced, not by a statutory agency, but by an industry-funded body, the *Zentrale zur Bekämpfung Unlauteren Wettbewerbs* (Centre for Combating Unfair Competition). However, varying forms of co-regulation, involving a combination of statutory (usually legislative) and self-regulatory controls, are found in the great majority of European countries.

2. Self-regulation of commercial communications for alcoholic drinks.

2.1 Definition of commercial communications

The term 'commercial communications' includes all brand advertising or marketing communications to consumers, irrespective of the medium used, e.g. print, broadcast, cinema, posters, interactive advertising and the Internet, as well as consumer promotions, events, merchandising, point-of-sale material, packaging and labelling (including product names), sponsorship and communications with the on- and off-trade.

2.2 Self-regulatory codes

Most national self-regulatory systems have adopted general advertising codes based on the ICC Code (see 1.2 above). In some countries these codes have been expanded to meet local requirements, while other SROs prefer to interpret the more general provisions of the basic ICC Code to meet individual cases. It is of course a defining feature of self-regulation that its codes are applied in the spirit as well as to the letter.

In the majority of cases, general codes are supplemented by sector-specific rules governing the advertising of alcoholic beverages. These vary between a few rules modelled broadly on those in the TWF Directive (which of course applies only to television), to developed, detailed sub-codes covering such aspects as placement and timing restrictions in the broadcast media. Most SROs also have issue-specific rules covering advertising to children.

Recent years have seen the development and promulgation of two detailed alcoholic drinks industry codes: The Amsterdam Group *Common Standards for Commercial Communications* (1994) and The Brewers of Europe *Guidelines for Commercial Communications for Beer* (2003). These sectoral codes, whose provisions are virtually identical, are intended for use, where appropriate, by everyone involved with the marketing and sale of alcoholic beverages, including advertising agencies, trade associations, social aspects organisations, self-regulatory organisations and, obviously, the companies themselves. In addition to their codes, both organisations have published or will publish detailed guidance notes to assist in their implementation (e.g. for websites or promotions), together with a training module for use by drinks companies and marketing agencies. The codes have been promoted across the enlarged EU, to provide guidance and to assist companies, trade associations and SAOs in the development or updating of codes and enforcement mechanisms. They provide common standards for implementation throughout Europe, which can be adapted to reflect each national culture and regulatory environment, but are not meant to replace well-developed national systems.

In addition to these codes, many international drinks companies have their own in-house regulatory systems and codes. Many of their provisions go beyond the scope of national advertising codes and cover specific areas such as policy on sports sponsorship. Companies make considerable efforts to ensure that these rules are well known and understood internally by means of training sessions, and that they are strictly applied by means of internal control mechanisms and sanctions. These in-house mechanisms are not only applied internally, but also extend to external advertising and marketing agencies, often forming part of the contract, to ensure that the commercial communications which they deliver will comply with the rules of the drinks company. Together with pre-launch advice services (see 2.5 below), 'internal' self-regulation makes a valuable contribution towards preventing the appearance of inappropriate commercial communications, as well as, creating awareness within companies of social responsibility issues.

2.3 National self-regulatory organisations (SROs) and social aspects organisations (SAOs)

With few exceptions, the remit of national SROs is limited to paid-for advertising and does not extend towards other forms of commercial communications, e.g. sponsorship, events or product names. Some SROs have extended their remit to include sales promotions, but others regard promotions (as distinct from promotional advertising) as outside their remit. In these non-advertising areas of commercial communications, the role of SAOs is increasingly important. In addition to activities unrelated to commercial communications (e.g. proof-of-age schemes and training courses for bar staff), SAOs offer advice to companies in areas such as product naming and events.

The European Advertising Standards Alliance, which brings together national advertising self-regulatory organisations across the EU, produced in 2002 its *Common Principles and Operating*

Standards of Best Practice, whose purpose is to ensure that national SROs meet certain quality criteria, including independence from the industry which funds them.

2.4 Sectoral SROs

These are SROs set up and funded by sectors of the alcoholic beverages industry. Their remit generally covers all forms of commercial communications and they are designed to be flexible, in order to adapt to new marketing practices, although the majority of their activities are still focused on advertising.

2.5 Copy advice

Increased awareness of the importance of preventing inappropriate commercial communications before they happen has resulted in more and more SROs (national and sectoral) and SAOs offering copy advice, i.e. confidential, non-binding pre-publication guidance on individual advertisements and campaigns. Copy advice is not to be confused with pre-clearance (see below). In countries where copy advice is offered, the number of complaints has reduced significantly, thus demonstrating the potential value of extending this service to other European countries. A recent monitoring exercise commissioned by The Amsterdam Group and based on 2238 advertisements (television, press and outdoor posters) which appeared in 11 countries between January and September 2003, indicated an overall compliance rate of 95%.

2.6 Pre-clearance

This involves the compulsory examination of an advertisement for code compliance as a condition of publication or broadcast. Pre-clearance is consequently applicable only in circumstances where it can be enforced, notably in the UK, where broadcast advertising is regulated by a co-regulatory system which makes pre-clearance a statutory requirement. However, in Ireland the alcoholic drinks industry recently set up its own self-regulatory pre-clearance facility for drinks advertising in all media. Pre-clearance may also be used as a sanction (see 2.8 below).

2.7 Complaints handling

The first priority of most national and sectoral SROs remains the handling of complaints. In the case of alcoholic drinks advertising, the general absence of competitive claims makes intra-industry complaints a rarity, and there is no evidence of significant numbers of consumer complaints about alcohol-related issues. In most countries such complaints constitute a very small percentage of the total received, with fewer still being upheld.

Most SROs require complaints to be made in writing (letter, fax or e-mail) and consumer complaints are usually handled free of charge. When a complaint is received, the SRO staff first decides whether it falls within the remit of the code. If it does, the advertiser is invited to comment. If the complaint results from an unintentional mistake or omission, the advertiser often agrees to rectify it as soon as he is alerted by the SRO, making further action unnecessary. If the advertiser disagrees with the complainant, or fails to respond, the complaint is referred to the SRO's complaints panel. Complaints panels vary in composition, but in most cases a majority of the members are independent of the industry and the chairman of the panel should always be an independent person. The panel considers the complaint and reaches a decision, which is then communicated to both parties. Complaints of a simple nature may be dealt with in a few days, but most take several weeks – substantially less time than the judicial process.

2.8 Sanctions

In many cases, advertisers will co-operate voluntarily (if sometimes reluctantly) with SROs and SAOs. In cases of obduracy, the principal sanctions available to SROs are media refusal of the offending advertising and/or adverse publicity. In the UK, the SRO has introduced pre-clearance of poster advertising, for a two-year period, as a sanction in the case of any advertiser found to have breached the 'offence' provisions of its code in this highly visible medium. In the case of SAOs, a possible (and highly effective) sanction is for retailers to refuse to stock products from a company which fails to respect the decision of the SAO.

2.9 Creating consumer awareness

To ensure that consumers are aware of national self-regulatory systems and know how to complain, the majority of SROs undertake awareness campaigns, although these are dependent on the availability of resources. Over the last two years, the European Advertising Standards Alliance and

The Amsterdam Group have instituted a programme of national 'roadshows' to create awareness of self-regulatory systems in both existing and new EU member states as well as 'second wave' accession countries. These roadshows incorporate seminars to increase SRO, SAO and industry awareness of potential problems and to improve code compliance. This is combined with the development of a pan-European advertising campaign, which is planned to run on a national basis, using advertising time and space donated by the industry. High profile launching of national brewing codes, particularly in the new EU Member States, with press conferences involving government, health officials and consumer groups, also contributes to awareness.

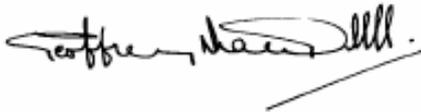
3. The status of self-regulation in Europe.

The European regulatory landscape is a varied and sometimes confused one; this is particularly true of national legislation. By contrast, the national self-regulatory rules relating to commercial communications for alcoholic drinks demonstrate a high degree of consistency.

This consistency does not extend to the means of achieving compliance. This is perhaps not surprising: like commercial communications themselves, self-regulation is a grass-roots activity which is most effective at national level. Diversity in cultural, commercial and legal traditions means that the mechanisms for applying self-regulatory standards are not identical in any two countries, but probably also means that they are more appropriate – and potentially more effective - than any single, harmonised method would be. Compliance, however, remains uneven and clearly there is work still to be done in terms of strengthening self-regulatory systems in some countries.

Throughout the industry, there is evidence of unprecedented awareness and activity. Internal company codes and compliance systems complement the activities of SROs and SAOs at national level. At EU level, drinks industry associations like the Brewers of Europe and The Amsterdam Group are working to encourage the adoption of their codes at national level and supporting efforts to promote best practice in self-regulation, to improve sub-optimal national systems and to encourage the setting up of effective self-regulatory systems in the minority of countries where one does not already exist.

This second edition of the Canadean Report shows that substantial progress has been and continues to be made: in the alcoholic beverages sector, self-regulatory activity is visible at every level, all over Europe. It takes a variety of forms: setting up or strengthening national and sectoral SROs, as well as adopting new or expanded industry and company codes, in particular to cover areas outside 'traditional' advertising, such as promotions, websites or sponsorship. Nor is such activity confined to long-established Member States such as Italy, Greece and Portugal: the introductory paragraphs to each chapter of the Report provide clear evidence that in more recent members, too - the Czech and Slovak Republics, Poland, Estonia, Latvia and Lithuania - and in accession countries like Bulgaria, the brewing industry has made great strides, both in setting up codes and in initiating the development of effective self-regulatory systems.



Geoffrey Draughn
Advertising Regulation Consultant

European Overview

European Union Members

Austria

Statutory legislation prohibits advertising spirits on television and radio and sets out controls for other alcoholic beverages. Misleading advertising is covered by an unfair competition law with the courts handling the majority of complaints, leaving the SRO to deal mainly with issues of taste and decency. Alcohol trade associations do not have a self-regulatory role.

Belgium

Because of Belgium's federal structure, legislative regulation of advertising occurs at national and community level with different restrictions across the two communities. With some exceptions for broadcast advertising, in general alcoholic beverages may advertise in all media. Regulation of alcoholic beverage advertising is largely through a comprehensive self-regulation programme under two codes, devised by drinks industry bodies but administered by the SRO.

Cyprus

Advertising in Cyprus is subject to legislative control with no role for self-regulation at present. All alcoholic beverages may advertise in any media subject to certain constraints.

Czech Republic

The Czech Republic has an established self-regulatory system although for broadcast advertising only ethical aspects fall within its remit, other elements being subject to statutory controls. Within certain constraints, alcoholic beverages may advertise in any media. There are a number other self-regulatory initiatives operating in the Czech Republic including the Forum PSR for the spirits industry and the Initiative of Responsible Brewers.

Denmark

Until 2003, the advertising of alcoholic drinks (2.8% abv and above) was banned from television and radio. Currently all alcoholic drinks may advertise in any media but are subject to regulation through a set of guidelines agreed by public authorities, consumer associations and the industry, which is more co-regulation than pure self-regulation. The comprehensive set of provisions for regulating alcoholic drinks effectively operate as an 'appendix' to the Ombudsman's rules but are applied by an independent body with a range of stakeholders.

Estonia

Advertising in Estonia is currently subject to significant legislative regulations which limit the advertising of alcoholic products, including prohibitions on Strong drinks using certain media. There are plans to introduce general and beer sector self-regulation. A Beer Code, whose aim is to impose a stricter regulation than currently applies from the Advertising Act, is expected to be finalised by June 2005.

Finland

All alcohol advertising was prohibited until 1995. Alcoholic beverages advertising is currently controlled by legislation that prohibits advertising for products over 22% abv and constrains it for other products over 1.2% abv. Because of the strong legislative environment, self-regulation is not an important element for alcohol advertising. There is no specific alcohol self-regulatory code but it is covered in a general sense by the ICC Code applied by the Council of Ethics in Advertising.

France

A statutory Code of Conduct imposes strict controls on the content, timing and place of alcohol advertising, including prohibiting it from television and cinema and restricting it in other media. Advertising that is allowed is subject to comprehensive self-regulatory controls, which include specific alcohol guidelines.

Germany

Advertising is subject to extensive legislative regulation. The German self-regulatory system has two SROs, one concerned exclusively with issues of taste and decency and the other with issues of misleadingness by the application of unfair competition law. Advertising of all alcoholic drinks is permitted subject to constraints on content.

Greece

Alcoholic drinks are lightly controlled by legislation and may advertise in all media. They are subject to self-regulation but this does not include an alcohol specific code, although it is planned to introduce one for beers. The spirits industry has had a code for self-regulation since 2003.

Hungary

Advertising of alcoholic drinks, which was once completely banned, is permitted subject to legislative regulation. It is allowed in all media subject to constraints on content, timing and place. Self-regulation is long established, although the Code does not yet include alcohol-specific regulations.

Ireland

Statutory regulation of advertising in Ireland is generally limited to framework legislation, allowing considerable scope for self-regulation.

The principal advertising self-regulatory organisation, the Advertising Standards Authority of Ireland (ASAI), is complemented by a drinks industry initiative, MEAS, a social aspects organisation that applies a code of practice for alcoholic drinks in non-broadcast areas. Pre-clearance through CCCI, another drinks industry self-regulatory initiative, is required for all alcohol beverage advertising.

Italy

In 2001, legislation required alcohol producers to set up a self-governing code for advertising, which was undertaken by including alcohol specific rules in the advertising tripartite Code. The Brewers Association is now looking to establish its own beer industry code. Advertising of alcoholic drinks is allowed in all media subject to constraints which apply particularly for spirits.

Latvia

Alcohol advertising in Latvia is subject to legislative regulations which prohibit spirits advertising on television and radio. Apart from this, alcoholic beverages may advertise in any media subject to constraints on their content and placement. An existing brewing industry self-regulatory initiative will shortly be joined by one for the advertising industry in general.

Lithuania

Alcoholic beverages may advertise in any media within legislative constraints on their content and placement, which varies for spirits and other alcoholic drinks. Although there is not a self-regulatory system at present, there is an advertising industry code. A self-regulatory system, however, is in the final stages of planning and an initiative by the beer sector is due to be launched.

Luxembourg

Advertising of alcoholic beverages in Luxembourg is controlled by self-regulation rather than legislation. Advertising of all alcoholic drinks is permitted in all media subject to constraints on content. A Code of Practice, including specific alcohol provisions, is applied by the advertising tripartite SRO.

Malta

Broadcast advertising is controlled by legislation but there are no restrictions in other media. The advertising of alcohol on television and radio is regulated by a set of guidelines which in general are also observed by other operators in the communications sector. Efforts to set up a self-regulatory body are being pursued.

Netherlands

Alcohol advertising is lightly controlled by legislation leaving it almost entirely regulated through self-regulation. The advertising SRO is responsible for the regulatory aspects of a drinks code that is drawn up by (separate) drinks SAO. Advertising is possible in all media subject to controls on content and place contained within the self-regulatory code.

Poland

Alcohol advertising in Poland is subject to legislative regulations which prohibit all but beer advertising, which may advertise in any media within constraints on its content, timing and placement. A new initiative will introduce self-regulation for beers supplied by the principal brewers.

Portugal

A statutory regulator oversees advertising that, for alcoholic beverages, is allowed in all media although when it may appear is restricted on radio and television. Self-regulation plays an important role through an alcohol specific code, employed by the advertising industry body but shared with a drinks industry self-regulatory initiative. A separate beer code and self-regulatory system is being considered by the brewer's industry body.

Slovakia

There has recently been a considerable relaxation in legislative restrictions on alcohol advertising, which had been completely banned until 2000. Advertising of all alcoholic drinks is permitted subject to constraints on content and placement. A self-regulatory code includes specific provisions relating to alcohol. There are currently no self-regulatory initiatives from the drinks sector although one is planned for beer.

Slovenia

There is significant legislative regulation of advertising, which prohibits the advertising of products with an abv above 15% and constrains the content, timing and place of the remainder. The self-regulatory advertising body is formally recognised by the statutory regulator whose Code includes specific rules for alcoholic drinks.

Spain

Legislation places some restrictions on alcohol advertising, which varies by Autonomous Regions. The General Advertising Law establishes that alcohol advertising is forbidden in those places where it cannot be sold or consumed. It also establishes that beverages over 20% abv cannot be advertised on television. The Television without Frontiers Law additionally establishes certain limits regarding the content of the advertising. The Laws approved by the different Autonomous Regions contain restrictions on alcohol advertising, not only regarding its content but also regarding the media where alcohol can or cannot be broadcasted or published. Self-regulation of alcoholic products is through specific industry codes.

Sweden

Legislative controls prohibit most advertising of alcoholic beverages over 2.25% abv although this has recently been relaxed to allow commercial advertising of products up to 15% abv in periodicals. Self-regulation of alcoholic beverages is correspondingly limited although there is a self-regulatory code from a drinks industry body.

United Kingdom

Alcohol advertising is permitted in all media within constraints on content. For broadcast advertising, recent changes mark a significant shift in the balance of the co-regulatory system, with operational responsibility passing from the government regulator Ofcom to the national SRO ASA, which already regulates non-broadcast advertising.

Candidate Countries

Bulgaria

Advertising in Bulgaria is subject to legislative control with new stricter rules for spirits advertising coming into force in 2005. Other alcoholic beverages may advertise in any media within certain constraints. The Union of Brewers in Bulgaria introduced a Code of Responsible Commercial Communications and Ethical Standards in February 2005 enforced through a newly formed Council of Self-regulation laying down the beginnings of a self-regulation system for the Bulgarian brewing sector.

Romania

Broadcast advertising of alcoholic beverages in Romania is subject to statutory controls but a recent initiative has created an advertising industry self-regulatory body which has a specific drinks code. Constrained by a lack of resources, it has ambitions to expand its role. Advertising of all alcoholic drinks is permitted in all media subject to restrictions on content, timing and place.

Turkey

A self-regulatory system operates within the framework of strong statutory controls which bans alcohol advertising from radio and television. The self-regulatory body uses an adapted ICC code which does not include specific alcohol rules.

Other European Countries

Norway

There is a total ban on the advertising of all alcoholic beverages with an abv over 2.5%. A number of industry self-regulatory operations provide a degree of control for the advertising of products that are permitted.

Switzerland

Advertising of alcoholic beverages is subject to significant legislative regulation which bans it from radio and television and severely restricts spirits advertising in the other media. Self-regulation of drinks is concerned mainly with protecting minors although the Swiss Association of the Alcoholic Industry is currently working on a self-regulation code.

COUNTRY PROFILES

AUSTRIA

The Regulatory/Self-regulatory Environment

Statutory legislation prohibits advertising spirits on television and radio and sets out controls for other alcoholic beverages. Misleading advertising is covered by an unfair competition law with the courts handling the majority of complaints, leaving the SRO to deal mainly with issues of taste and decency. Alcohol trade associations do not have a self-regulatory role.

Overview of Alcoholic Marketing Regulations

- Advertising in all media is regulated by legislation but there is no general legislation relating to the advertising of alcoholic beverages
- Spirits advertising is barred from television and radio and other alcoholic beverages have to comply with specific criteria on content
- Apart from this, alcoholic beverages may advertise in any media
- Misleading advertising is covered by an unfair competition law with the courts dealing with the majority of complaints
- The SRO, the Austrian Advertising Council (ÖWR), is consequently primarily concerned with issues of taste and decency
- Its Austrian Self-regulatory Code includes specific rules relating to alcohol

Statutory Authorities

- The **Ministry of Economic and Labour Affairs** is responsible for the enforcement of economic legislation, the media, advertising, unfair competition etc

Statutory Controls on Alcohol

- There is no general legislation regulating the advertising of alcohol
- Advertising is regulated by the **Unfair Competition Law** (1984) which bans all types of deceitful or misleading practices, including misleading advertising, in any media
- Controls on broadcasting are through the **Federal Act on the Austrian Broadcasting Corporation (ORF Act)** (1974) and **The Private Television Act** (2001)
- This bans advertising of spirits on television and radio
- Any advertising in the context of children, minors or drivers or sport is prohibited as is any that is not related to the product
- Advertising must not call upon consumers to consume alcohol along the lines of 'drink...'
- Companies primarily engaged in alcohol production may not sponsor programmes
- It also requires advertising of other alcoholic beverages to conform to certain criteria reflecting the provisions of the Television without Frontiers directive

- Advertising must not:
 - Be aimed specifically at minors or show them consuming alcohol
 - Encourage immoderate consumption of alcohol or present abstinence or moderation in a negative light
 - Create the impression that alcohol consumption contributes to social success or sexual success
 - Claim that alcohol has therapeutic qualities or that it is a stimulant, a sedative or a means of resolving personal conflicts
 - Link alcohol consumption with enhanced physical performance or driving
 - Place emphasis on high alcoholic content as being a positive quality of the beverage
- There is no specific federal legislation regulating alcohol advertising in the press, posters, cinema and the internet

Framework of Self-regulation

- Self-regulation is undertaken by the Austrian Advertising Council (ÖWR - Österreichischer Werberat)
- A tri-partite organisation restructured as an independent body in 1996 with members representing advertisers, advertising agencies and the media, it formulates and implements the Austrian Self-regulatory Code (Österreichische Selbstbeschränkungskodex)
- This is divided into general and specific rules, the latter including one relating to alcohol for advertising in print, broadcast media, cinema, outdoor advertising, naming and packaging, the internet and including promotions and direct marketing
- The coverage of the Code is extensive, addressing many of the provisions outlined in the questionnaire for alcoholic drinks, although it does not include elements relating to alcohol content
- The ÖWR currently provides copy advice for all forms of commercial communications
- The ÖWR handles complaints from consumers and competitors that fall within the remit of the Code, with a right of appeal for both complainant and advertiser
- It may issue an order to amend or discontinue an offending advertisement and can publicise its decision

The drinks sector associations Austrian Brewers' Association (Verband der Brauereien Österreichs) and Fachverband der Nahrungs- und Genussmittelindustrie Österreichs (representing the spirits sector) do not have their own codes but abide by that of the ÖWR

Questionnaire on Codes for Commercial Communications

Respondents

Responses to the Codes for Commercial Communications questionnaire were received from the following organisations:

National Body	Code of Commercial Communications
Fachverband der Nahrungs- und Genussmittelindustrie Food Industries Association of Austria (FIAA)	No Association specific code
Verband der Brauereien Österreichs Austrian Brewers' Association	No Association specific code
Verband der Spirituosenindustrie Austrian Spirit Producers Association (ASPA)	No Association specific code

Fachverband der Nahrungs- und Genussmittelindustrie

- The Food Industries Association of Austria does not have its own self-regulatory code

Verband der Brauereien Österreichs

- The Austrian Brewers Association was formed in 1947 to represents Austria's brewers
- It does not have its own self-regulatory code but abides by the ÖWR Code

Verband der Spirituosenindustrie

- The Austrian Spirit producers Association does not have its own self-regulatory code but abides by the ÖWR Code

Other Organisations

Österreichischer Werberat (ÖWR)

- The Österreichischer Werberat did not respond to the questionnaire. The following summary is drawn from the response kindly provided by Verband der Brauereien Österreichs as well as other published sources
- The primary organisation concerned with the self-regulation of alcohol is the Austrian Advertising Council (ÖWR - Österreichischer Werberat)
- The ÖWR was established in 1974 by the advertising industry with the aim of promoting self-discipline in advertising by supporting responsible behaviour and correcting abuses and undesirable developments

- It was restructured as an independent body in 1996, funded by the Society for Advertising Self-regulation (Gesellschaft zur Selbstkontrolle der Werbewirtschaft)
- An independent tri-partite body with members representing advertisers, advertising agencies and the media, it formulates and implements the Austrian Self-regulatory Code which applies to all media
- There are no other SRO's dealing with advertising and marketing

The Code

- The Austrian Self-regulatory Code (Österreichische Selbstbeschränkungskodex) was last updated in 1995 and includes specific rules for alcoholic drinks advertising
- The Code covers the advertising of all types of alcoholic beverages in print, broadcast media, cinema, outdoor advertising, naming and packaging, the internet and includes promotions and direct marketing
- Its coverage extends to non-advertising materials and activities but not statements to the media about issues of societal concern or educational messages

Basic principles

- The Code incorporates each of the basic principles:
 - Legal, decent, honest and truthful and conform to generally accepted principles of fair competition and good business practice
 - Prepared with a due sense of social responsibility and be based on principles of fairness and good faith
 - Under no circumstances be unethical, offend against generally prevailing standards of taste and decency or otherwise impugn human dignity and integrity

Misuse

- All the misuse provisions outlined in the questionnaire are addressed:
 - Commercial communications should not encourage excessive or irresponsible consumption, nor present abstinence or moderation in a negative way
 - Commercial communications should not suggest an association with violent, aggressive, dangerous or anti-social behaviour
 - Commercial communications should not show people who appear to be intoxicated or in any way imply that intoxication is acceptable

Minors

- Similarly, each of the provisions relating to minors is included:
 - Commercial communications should not be aimed at minors or show minors consuming the product
 - Commercial communications should not promote the product in media, programmes or at events where the majority of the audience are known to be minors
- The legal age to purchase alcohol is generally 16 (but 18 for spirits in some states)

Driving

- There is a prohibition on directly or indirectly associating consumption of alcohol with the act of driving vehicles of any kind

Hazardous activities

- Similarly there is a provision prohibiting consumption with the operation of potentially dangerous machinery or hazardous activities

Medical aspects

- Under medical aspects there is a provision that commercial communications must not attribute the property of preventing, treating or curing a human disease or refer to such properties
- There is not, however, the provision that commercial communications on health aspects of the product are allowed to the extent specifically permitted by the law of the country where the communication is made including reference to government-issued sensible drinking guidelines or limits

Alcohol content

- Neither of the provisions relating to alcohol content detailed in the questionnaire is addressed:
 - Commercial communications should not create any confusion as to the nature and strength of the product
 - Commercial communications should not present high alcoholic strength in itself as a positive quality of the brand or as a reason for choosing it. On the other hand, messages may not imply that consuming beverages of low alcohol content will avoid misuse (this prohibition does not apply to commercial communications for non-alcoholic beverages)

Performance

- The two clauses relating to performance are not explicitly detailed but they implicitly apply:
 - Commercial communications should not create the impression that consumption enhances mental ability or physical performance, e.g. when engaging in sports
 - Commercial communications should not create the impression that consumption enhances social or sexual success

Promotions & Sampling

- In relation to promotions and sampling, there is the provision that no promotion should encourage irresponsible or anti-social behaviour or alcohol misuse, in particular excessive consumption
- The Code, however, does not specify that sampling is allowed at licensed or private premises, trade fairs or occasions in accordance with local regulations and no sampling of the product should be offered to minors

Implementation of the Code and Other Principles

Pre-launch Services

- Österreichischer Werberat currently offers pre-launch copy advice

Complaints

- The ÖWR accepts complaints from both consumers and competitors which are handled free of charge
- Complaints must be submitted in writing, which will be rejected if the Presidency (made up of the Chairman and two Vice-chairman) considers that it does not fall within the remit of the Code, or if the complaint is the subject of judicial procedure at the time
- The Presidency informs the advertiser as well as the agency responsible and the media concerned who are invited to submit their comments
- If the advertiser and/or the agency agree to amend or discontinue the offending advertisement, the Presidency informs the complainant as well as the other members of the ÖWR, in writing
- If they decline to amend or discontinue the advertisement, or fail to respond, the complaint will be forwarded to the Council (made up of representatives of clients, media and the advertising industry together with academics concerned with the promotion of advertising standards through self-regulation appointed by the Society for Advertising Self-regulation) for consideration
- If the complaint is upheld, the advertiser or agency is instructed to amend or discontinue the advertisement within a certain period of time
- The complainant and the media are informed of the Council's decision
- Both the complainant and the advertiser have a right of appeal to the Council
- If the advertiser voluntarily agrees to amend or discontinue the offending advertisement and the complaint has already been made public by one of the parties concerned, the Council may publicly announce its intervention
- Where the Council issues an order to amend or discontinue an advertisement, it may publicise its decision, having first notified the advertiser of its intention to do so
- The ÖWR carries out monitoring of advertisements under its own initiative only in special circumstances or in areas of particular public concern

Publicity

- The ÖWR provides complaint statistics to the advertising industry, consumer bodies, the press and politicians and organises regular press conferences. It also conducts press briefings on an ad hoc basis
- It publishes an Annual Report and a quarterly report of cases it has handled

BELGIUM

The Regulatory/Self-regulatory Environment

Because of Belgium's federal structure, legislative regulation of advertising occurs at national and community level with different restrictions across the two communities. With some exceptions for broadcast advertising, in general alcoholic beverages may advertise in all media. Regulation of alcoholic beverage advertising is largely through a comprehensive self-regulation programme under two codes, devised by drinks industry bodies but administered by the SRO.

Overview of Alcoholic Marketing Regulations

- Legislation sets out broad conditions relating to broadcast advertising, including those for alcoholic beverages
- This arises at both national and, because of Belgium's federal structure, community levels
- Broadcast advertising is the responsibility of the French and Flemish language communities, which have differing controls on drinks advertising
- Apart from this, the regulation of alcoholic drinks advertising is through self-regulatory codes
- There are two of these, covering beers and other alcoholic beverages respectively, which are drinks industry initiatives but administered by the SRO, Jury of Advertising Ethics (JEP)
- Unusually, the JEP's copy advice is binding
- Alcoholic beverages may advertise in any media, apart from a ban on spirits advertising in broadcast media in the Francophone area

Statutory Authorities

- The **Federal Public Service Health, Food Chain Safety and Environment** is responsible for regulating the marketing and advertising of food products, including alcoholic drinks
- Amongst the French speaking community the **High Audiovisual Council** supervises the creation and application of laws relating to the audiovisual sector and is responsible for legislation on television and radio advertising
- It also publishes a Code of Advertising Standards
- Similarly, the **Flemish Media Commission** is responsible for supervision of the application of audiovisual legislation including television and radio advertising

Statutory Controls on Alcohol

- Belgium has a federal structure in which advertising regulations operate at both national and community (French, Flemish, and German) levels. Additionally, Belgian Royal Decrees affect advertising
- Alcohol advertising is regulated under Belgian law by the **Law on Commercial Practices and Consumer Protection and Information** (1991)

- Radio stations accepting advertisements for alcoholic beverages are required to give free air time to the government which can be used for health education programmes
- Advertising for alcoholic beverages on radio and television must not:
 - Be openly addressed to minors or show them consuming alcohol
 - Encourage immoderate consumption of alcohol or present abstinence or moderation in a negative light
 - Create the impression that alcohol consumption contributes to social or sexual success
 - Claim that alcohol has therapeutic qualities or that it is a stimulant, a sedative or a means of resolving personal conflicts
 - Link alcohol consumption with enhanced physical performance or driving
 - Appear close to or in programmes for young people
- There are no federal legislative restrictions on commercial communications for alcoholic beverages in the other media
- The Francophone National Broadcasting Company does not accept advertising for products of more than 20% abv

Framework of Self-regulation

- Self-regulation of alcoholic beverages in Belgium is primarily through the Jury of Advertising Ethics (Jury d'Ethique Publicitaire / Jury voor Ethische Praktijken inzake Reclame), an independent self-regulatory body set up in 1974 and financed by the advertising industry
- The JEP applies two codes for alcoholic beverages but is not responsible for their creation
 - The Code of Practice and Advertising – Beer (Code de conduite et de publicité-Bière) is formulated by the Arnoldus Group and relates only to beer
 - The Code of Publicity for Alcoholic Drinks (Code de publicité pour les boissons alcoolisées) is formulated by the FBVS (Fédération Belge des Vins et Spiritueux asbl) and covers the remaining alcoholic drink types
- Together they address all types of alcoholic beverage, but the JEP has responsibility only for the mass media while the Arnoldus Group picks up on most of the remaining forms of commercial communications for beer
- Although certain provisions covered by the questionnaire are not addressed specifically by the Codes, most of these are judged to be covered through their interpretation. If not specifically covered by the Code, the JEP uses the Code of Advertising Practice of the ICC
- Pre-launch copy advice is available from the JEP for all mass media commercial communications but it is not competent in the other areas. The advice is binding on the advertiser
- The JEP handles complaints only from consumers, consumer organisations and public authorities for advertisements in the mass media with no right of appeal against its decision
- It can decide to ask the media to suspend the advertisement if the advertiser refuses to comply
- The Arnoldus Group covers promotion activities on beer not addressed by the JEP
- It does not offer copy advice
- Complaints can be made by consumers about all media communications but it will forward appropriate complaints to the JEP. The remaining cases are heard by its complaints committee
- In case of discussions and/or refusal, the complaint is forwarded to the JEP

Questionnaire on Codes for Commercial Communications

Respondents

Responses to the Codes for Commercial Communications questionnaire were received from the following organisations:

National Body	Code of Commercial Communications
JEP Jury d'Ethique Publicitaire / Jury voor Ethische Praktijken inzake Reclame Jury of Advertising Ethics	Code of Practice and Advertising – Beer Code of Publicity for Alcoholic Drinks
Belgian Brewers	A member of the Arnoldus Group and abides by its Code
Arnoldus Group	Code de conduite et de publicité-Bière Code of Practice and Advertising – Beer

JEP

- The Jury of Advertising Ethics (JEP - Jury d'Ethique Publicitaire / Jury voor ethische Praktijken inzake Reclame) was set up in 1974 by the national advertising tripartite, The Advertising Council (Conseil de la publicité / Raad voor de Reclame)
- A self-regulatory body, its members include the Union of Belgian Advertisers, Association of Communication Companies, Belgian Association of Newspaper Publishers, Federation of Belgian Magazines, Union of Periodical Press Publishers, Association of Billboard Operators, Belgian Association of Audiovisual Media, Belgian Direct Marketing Association and Interactive Advertising Bureau

Belgian Brewers

- Belgian Brewers represents all brewers in Belgium and seeks to defend the general interests of the brewery sector in the economic, social and ethical spheres
- It is a member of the Arnoldus Group

Arnoldus Group

- The Group was launched in 1992 at the initiative of the Belgian Brewers
- Its aims include to take preventative action against alcohol abuse, promote sensible beer drinking and to develop a marketing code that is binding on all members of the Group
- Its members include hotel, restaurant cafes associations, beer wholesalers and distribution associations as well as Belgian Brewers
- The Group ensures strict compliance with a self-policing code and in accordance with this it seeks to oppose any kind of unjustifiable advertising or sales promotions

Other Organisations

FBVS

- A completed questionnaire was not received from the Belgian Federation of Wines and Spirits (Fédération Belge des Vins et Spiritueux asbl)
- A trade association for wine and spirits producers, it is responsible for the Code of Publicity for Alcoholic Drinks (Code de publicité pour les boissons alcoolisées) which is one of the two alcohol Codes applied by the JEP

Self-regulatory Initiatives

JEP

- The Jury of Advertising Ethics uses the ICC International Code of Advertising Practice supplemented by a number of sector specific codes, including two relating to alcoholic beverages
- Created by organisations representing beer and wines and spirits, the JEP is responsible only for their application
- The Arnoldus Group Code of Practice and Advertising – Beer (Code de conduite et de publicité-Bière) is formulated by the Arnoldus Group
- Covering only beer, it originally came into force in 1993 and was last reviewed in early 2004 with the changes coming into force in July 2004
- The Code of Publicity for Alcoholic Drinks (Code de publicité pour les boissons alcoolisées) was formulated by the FBVS (Fédération Belge des Vins et Spiritueux asbl)
- Covering all alcoholic beverages except beer, it originates from 1992

Belgian Brewers

- Belgian Brewers does not have its own self-regulatory code but abides by the Arnoldus Code
- As such, a separate entry is not included in this section for Belgian Brewers

Arnoldus Group

- The Group ensures strict compliance with its self-regulatory code, the Code of Practice and Advertising – Beer which came into force in 1993
- It has been officially recognised by the JEP, which is responsible for regulating compliance with the code for advertising in the mass media

Setting Up and Basic Principles of the Code

Creation of the Code

Stakeholders consulted during the formulation and creation of the Code

	JEP	Arnoldus Group
Consumer organisations	N	Y
NGO's	N	Y
Professional organisations	N	Y
Government departments	N	Y

JEP

- The sector specific codes for alcoholic beverages are not formulated by the JEP but by the professional organisations themselves. In this case The Arnoldus Group and Fédération Belge des Vins et Spiritueux respectively
- As such, the JEP undertook no consultation itself on the alcohol codes

Arnoldus Group

- All categories of stakeholder were consulted in formulating the Code
- This included the consumer organisation Zythos (beer consumers organisation and a member of EBCU), the NGO Jury d'Ethique Publicitaire and organisations representing HoReCa, distribution, beer wholesalers as well as The Brewers of Europe
- Government economic, health and consumers departments were also consulted

Coverage of the Code

Product types covered by the Code

	JEP	Arnoldus Group
Beer	Y	Y
Wine	Y	N
Spirits	Y	N
Cider	Y	N
Flavoured Alcoholic Beverages	Y	N

JEP

- The two Codes together cover all alcoholic beverages with an abv of greater than 1.2%

Arnoldus Group

- The Code of Practice covers beer only with an abv of over 1.2%

Brand advertising/marketing communications media covered by the Code	JEP	Arnoldus Group
Print	Y	Y
Broadcast media	Y	Y
Cinema	Y	Y
Outdoor events	Y	Y
Labelling (including product names)	N	N
Naming & Packaging	N	N
Internet	Y	N
<i>and including</i>		
Promotion	N	Y
Merchandising	N	Y
Point of sale material	N	Y
Sponsorship	N	Y
Electronic media	N	Y
Communications to on & off trade	N	Y
Product placement	N	Y
Direct marketing	N	Y

JEP

- The JEP is only responsible for advertisements in the mass media

Arnoldus Group

- Advertising on the internet is not yet covered by the Code
- All other areas of consumer communications are addressed apart from labeling and packaging

Other activities covered by the Code	JEP	Arnoldus Group
Non-advertising materials and activities	N	Y
Statements to the media, government agencies or the public about issues of societal concern such as the risks or benefits related to the consumption of the product(s)	N	Y
Educational messages about responsible drinking or the role of alcohol consumption in society	N	Y

JEP

- None of the other activities is covered by the Codes, which relate only to advertisements

Arnoldus Group

- The Code also covers point of sale material and sponsorship and statements about drinking and driving
- An educational message: “Une bière brassée avec savoir se déguste avec sagesse” (Beer brewed carefully, to be consumed with care) must be featured on all advertisements in the press, on posters and in cinema and television. A shortened version is employed for radio advertisements

Provisions of the Code

General Provisions

Basic principles included in the Code	JEP	Arnoldus Group
Be legal, decent, honest and truthful and conform to generally accepted principles of fair competition and good business practice	Y ¹	Y
Be prepared with a due sense of social responsibility and be based on principles of fairness and good faith	Y ¹	Y
Under no circumstances be unethical, offend against generally prevailing standards of taste and decency or otherwise impugn human dignity and integrity	Y ¹	Y

¹Under JEP's general Code only: not specifically detailed in the alcohol Codes

JEP

- Although not included specifically in the alcohol Codes, these basic principles are covered by the International Code of Advertising Practice of the ICC which the JEP applies

Arnoldus Group

- There are no provisions in the beer Code about decency etc. In these instances the JEP uses the ICC Code of Advertising Practice

Specific Provisions

Misuse	JEP	Arnoldus Group
Commercial communications should not encourage excessive or irresponsible consumption, nor present abstinence or moderation in a negative way	Y	Y
Commercial communications should not suggest an association with violent, aggressive, dangerous or anti-social behaviour	N	Y
Commercial communications should not show people who appear to be intoxicated or in any way imply that intoxication is acceptable	N	Y
Other	N	Y

JEP

- There is no specific provision that explicitly addresses an association with violent, aggressive or anti-social behaviour. In these instances the ICC Code is applied
- Neither is there one that covers showing people to be intoxicated, although showing people who appear to be intoxicated would be considered as an encouragement for excessive or irresponsible consumption which is forbidden by both Codes and consequently, even if there is no such provision, the Jury might consider it to be covered by the Code
- There is, however, a provision about not encouraging excessive or irresponsible consumption and also about presenting abstinence or moderation in a negative way which is considered to justify a claim that all misuse provisions are in effect covered

Arnoldus Group

- All three provisions are judged to be included within the Code although not specifically detailed
- The Code details that advertising should not encourage people to consume irresponsibly and excessively to an intoxicated state and also that it must not contain any criticism of abstinence, temperance or immoderate consumption
- Consequently to show people who appear intoxicated, or imply that intoxication is acceptable, is unacceptable to Arnoldus

Minors

	JEP	Arnoldus Group
Commercial communications should not be aimed at minors or show minors consuming the product	Y	Y
Commercial communications should not promote the product in media, programmes or at events where the majority of the audience are known to be minors	N	Y
Other	Y	Y

- The legal age under national law is 16 for beer and wine and 18 for spirits

JEP

- Although there is not a specific clause about promoting the product in media, programmes or at events where the majority of the audience are known to be minors, it would be considered as commercial communication aimed at minors, which is forbidden by both Codes
- There are additional provisions affecting minors in both the beer and wines and spirits Codes
- Beer advertising must not:
 - Make a connection between beer drinking and maturity, or express a relationship between non-consumption and immaturity
 - Encourage minors to buy beer by taking advantage of their lack of experience and credulity
 - Encourage minors to persuade their parents or other people to buy the beer referred to in the advertising
 - Take advantage of the confidence minors have in their parents, teachers or others
 - Show minors in dangerous situations

- Wines & Spirits advertising must not:
 - Show fashionable personalities drinking near minors or incite them to drink
 - Suggest that drinking is a sign of maturity or abstinence a sign of immaturity
 - Offer alcoholic drinks at a symbolic price or offer tastings intended specifically for minors

Arnoldus Group

- The Code stipulates that advertising may not be specifically addressed to minors by way of its content or means of communication and additionally, states that advertising should not be specifically targeted at minors
- Consequently, not promoting the product in media, programmes or at events where the majority of the audience are known to be minors means the same for Arnoldus as advertising may not be specifically addressed to minors by way of its content or means of communication
- In addition to these two provisions, it is forbidden to sell beer and other alcoholic beverages in automatic vending machines next to primary and secondary schools and in premises used by youth clubs and youth movements

Driving

	JEP	Arnoldus Group
Commercial communications should not directly or indirectly associate consumption with the act of driving vehicles of any kind	Y	Y

JEP

- Associating driving with drinking alcohol is prohibited

Arnoldus Group

- Associating driving with drinking alcohol is prohibited

Hazardous activities

	JEP	Arnoldus Group
Commercial communications should not associate consumption with the operation of potentially dangerous machinery or with the performance of potentially hazardous activities, or portray the act of consumption prior to or during activities, or in locations that are potentially hazardous (It should be borne in mind that those activities that might not otherwise be considered hazardous e.g. swimming or using simple hand tools, may be inadvisable after consuming an alcoholic beverage)	N	N
Other	N	Y

JEP

- This specific provision is not included but there are others concerning hazardous activities that are in both the beer and wines & spirits Codes

- Beer advertising must not:
 - Make a positive connection between beer drinking and good performance at work.
 - Imply that beer drinking is compatible with better athletic performance
- Wines & spirits advertising:
 - Can establish a relationship between alcoholic drinks and an intimate, pleasant or convivial environment but it cannot present this as improving social or sexual success, or suggest that it has a positive influence on a profession
 - Cannot establish a relationship between sporting performance and alcoholic drinks

Arnoldus Group

- The provision relating to hazardous activities is not included within the Code as it was considered there was not a need for it

Medical aspects

	JEP	Arnoldus Group
Commercial communications must not attribute the property of preventing, treating or curing a human disease or refer to such properties	Y ¹	Y
Commercial communications on health aspects of the product are allowed to the extent specifically permitted by the law of the country where the communication is made. This includes reference to government-issued sensible drinking guidelines or limits	N	N
Other	Y	Y

¹Beers only

JEP

- The Code de Conduite et de Publicité – Bière has a provision relating to preventing, treating or curing a disease but the Code de Publicité pour les Boissons alcoolisées doesn't
- This Code, however, states that advertising cannot refer to a recommendation or approval by a doctor or show medical or ancillary medical professionals, medical establishments or people wearing medical dress, or represent medical attributes

Arnoldus Group

- The provision about health aspects is not specifically included as it is already covered by the law
- There is additionally a requirement that advertising should not be specifically addressed to pregnant women

Alcohol content	JEP	Arnoldus Group
Commercial communications should not create any confusion as to the nature and strength of the product	N	Y
Commercial communications should not present high alcoholic strength in itself as a positive quality of the brand or as a reason for choosing it. On the other hand, messages may not imply that consuming beverages of low alcohol content will avoid misuse (this prohibition does not apply to commercial communications for non-alcoholic beverages)	Y	Y

JEP

- The Codes do not include a provision on confusing statements about the nature and strength of the product. There is only a provision about presenting the strength as a quality

Arnoldus Group

- Both alcohol content provisions are included within the Code
- The Code specifies the level of alcohol in a beer should be mentioned solely for information purposes and never cited as a property but also that all advertisements should include the educational message (Beer brewed carefully, to be consumed with care) and thus the Arnoldus Code stipulates that commercial communications should not create any confusion as to the strength (or alcohol level) of the products
- Additionally, the Code requires that commercial communications should not create any confusion as to the nature of the product (since all advertisements should mention at least the word 'beer')

Performance	JEP	Arnoldus Group
Commercial communications should not create the impression that consumption enhances mental ability or physical performance, e.g. when engaging in sports	Y	Y
Commercial communications should not create the impression that consumption enhances social or sexual success	Y	Y

JEP

- All performance provisions are included within the Code

Arnoldus Group

- All performance provisions are included within the Code

Promotions & Sampling (<i>including tasting</i>)	JEP	Arnoldus Group
No promotion should encourage irresponsible or anti-social behaviour or alcohol misuse, in particular excessive consumption	Y	Y
Sampling is allowed at licensed or private premises, trade fairs or occasions in accordance with local regulations. No sampling of the product should be offered to minors	Y	N
Other	Y	N

JEP

- Although included within the Codes, the JEP is not a competent authority for promotions
- Additionally, beer may not be sold by automatic machines near schools or youth clubs

Arnoldus Group

- There is no sampling provision because problems have not occurred in the market until recently (and then with FAB's and not beer)

Other provisions	JEP	Arnoldus Group
Other provisions	Y	N

JEP

- Both Codes include the provision that advertising must not be specifically directed at pregnant women

Arnoldus Group

- No other provisions are included apart from those detailed above

Implementation of the Code and Other Principles

The Self-regulatory Body

Organisation	JEP	Arnoldus Group
Organisation is a self-regulatory body	Y	
Organisation is a direct or indirect member of a self-regulatory body/bodies		Y

JEP

- The JEP is the self-regulatory body for advertisements in the mass media

Arnoldus Group

- The Arnoldus Group is a member of the JEP

Promotion of the Code	JEP	Arnoldus Group
Programme or initiatives to make consumers aware of the Code and the complaints mechanism	N	Y
Code promoted to:		
Public authorities	N	Y
Consumer organisations	N	Y
Staff in bars/restaurants/shops etc	N	N
Plans for a programme of activities to make consumers aware of Code/complaints mechanism in the future	N	Y
Training and information offered to marketers and advertisers	N	N
Information and training offered by other bodies	N	Y
Plans to offer training and information to marketers in the future	N	N

JEP

- The alcohol Codes are not promoted by the JEP; instead it is left to the professional organisations responsible (the FBVS and Arnoldus Group) to undertake this aspect
- The JEP does not offer training and has no plans to do so
- Advertisers, however, can contact them, without charge, for information and the JEP publish a book detailing the existing regulations, for which a charge is made

Arnoldus Group

- Consumers are made aware of the Code through the educational message 'Une bière brassée avec savoir se déguste avec sagesse' that is featured on every media message
- The complaints mechanism has not been promoted to consumers but it is planned to do this in the future
- The Code is promoted to public authorities and consumer organisations but not to retail staff
- Training is not undertaken by the Arnoldus Group and there are no plans to do so in the future but is being undertaken by individual member companies and by the trade association for cafés (HoReCa)

Pre-launch Services Offered

Copy advice offered for the following media:

	JEP	Arnoldus Group
Print	Y	N
Broadcast media	Y	N
Cinema	Y	N
Outdoor events	Y	N
Labelling (including product names)	N	N
Naming & Packaging	N	N
Internet	Y	N
<i>and includes:</i>		
Promotion	N	N
Merchandising	N	N
Point of sale material	N	N
Sponsorship	N	N
Electronic media	N	N
Communications to on & off trade	N	N
Product placement	N	N
Direct marketing	N	N
Pre-launch copy advice offered by another organisation		Y

JEP

- Pre-launch copy advice is available from the JEP for all mass media commercial communications
- It is not competent in the other areas

Arnoldus Group

- Copy advice is available through the JEP

Form of copy advice

	JEP
Copy advice offered is:	
Binding	Y
Free	Y
Available to all parties	Y
Available to all media groups	Y
Clearance implies future complaints are unlikely to be upheld	N

JEP

- The Jury of the JEP, which meets every 2 weeks, provides pre-launch copy advice to any advertiser, agency or media organisation without charge
- The advertisement should not be published until the case is concluded
- Unusually, the advice is binding on the advertiser, media or agency requesting it
- If they fail to confirm acceptance of the advice, the Jury may alert the media or ask them not to publish the advertisement
- It does not mean, however, that clearance of an advertisement at the pre-copy stage implies future complaints are unlikely to be upheld

Arnoldus Group

- Does not offer copy advice

Pre-clearance	JEP	Arnoldus Group
Pre-clearance is not a pre-condition for any media	Y	Y

JEP

- Pre-clearance is not available in Belgium

Arnoldus Group

- Pre-clearance is not available in Belgium

Complaints

Complaints handling	JEP	Arnoldus Group
Organisation includes a Complaints Committee	Y	Y
Deals with complaints from consumers only	Y	Y
Complaints are handled free	Y	Y
Handles complaints from:		
All media	N	Y
Only specific media	Y	

JEP

- The JEP (Jury d'Ethique Publicitaire) meets every 2 weeks under an independent President
- There are 16 members, who serve in a personal capacity, comprising 4 from advertisers, 4 from agencies and the remaining 8 from the media

- Complaints are handled from consumers (including consumer organisations and public authorities) only in respect of radio, television, outdoor, cinema, the internet and press advertisements
- Complaints from companies or competitors are dealt with through the courts
- Complaints must be submitted in writing explaining how it is believed the advertising violates the law or the Codes
- The Secretariat prepares the case for examination by the Jury and supervises the implementation of its decision
- An anonymous copy of the complaint is sent to the advertiser so that they can give their point of view
- The Jury then investigates the advertisement and decides whether the advertisement contravenes the Codes. It will first decide whether it has sufficient information or if further investigation is required and may ask to hear submissions from interested parties
- It gives a written decision as to whether the advertisement contravenes the Codes and, if it does, whether it should be modified or withdrawn
- If the advertiser refuses to comply, it will decide whether the media should be asked to suspend the advertisement

Arnoldus Group

- The JEP is responsible for regulating compliance of with the Code for advertising in the mass media with the Arnoldus Group regulating other beer promotion activities
- Complaints can be made by consumers about all media communications and are handled free. Competitors complaints are not accepted
- They are made in the first instance to the Belgian Brewers or Arnoldus Group which will forward appropriate complaints to the JEP
- Complaints are heard by a complaints committee made up of the Arnoldus Group Chairman and Secretary, together with the Board if considered necessary
- If the complaint is accepted contact is made with the responsible brewery
- If the complaint can be resolved than the complainant is informed
- If the decision is rejected the complaint is forwarded to the JEP for consideration

Appeals handling

	JEP	Arnoldus Group
Organisation offers an appeal procedure	N	N

JEP

- There is no appeal against the decision of the Jury

Arnoldus Group

- In the case of discussions and/or refusal, the complaint is forwarded to JEP

Compliance monitoring	JEP	Arnoldus Group
No systematic monitoring is undertaken	Y	Y
Monitors on its own initiative with the ability to react without a complaint being made	Y	N

JEP

- The JEP does not carry out systematic monitoring of advertisements
- However since 2003 the members of the Jury, or its Secretary, may propose to the Jury to investigate a case. Attention is given to specific areas or product categories or to advertisements similar to an investigated case
- This has so far occurred once, where the complaint was upheld

Arnoldus Group

- The Arnoldus Group does not undertake monitoring of advertisements and cannot react without a complaint being made

Sanctions available to the Complaints Committee	JEP	Arnoldus Group
Decisions of the complaints committee/self-regulatory body publicised	Y	Y ¹
Ability to impose additional sanctions if a company rejects the decision of the self-regulatory body/complaints committee	Y	Y
Compliance of committee decisions monitored	Y	Y

¹Only in cases where the company has refused to abide by the decision.

JEP

- Decisions of the Jury are published on its website every month
- The advertiser has to confirm that they will respect the decision of the Jury. If not, the media are informed.
- If an advertiser refuses to withdraw or modify an advertisement in line with the Jury's decision, the media are requested to refuse or suspend the advertisement
- If the media concerned ignore the Jury's request, the Board of the Advertising Council may take legal action

Arnoldus Group

- Decisions of the committee are publicised in the press only if complaint has not been successfully resolved after a refusal by the company to abide by the decision
- Sanctions at its disposal include to suspend the advertisement, modify the advertisement, publicise the decision, issue an Ad alert to consumers, a formal warning, to expel the member or report its advice to the trade body/government department
- Respect for the decisions is monitored by the JEP

Awareness

Publication of Committee decisions

	JEP	Arnoldus Group
Report published of all the complaints and their outcome	Y	N

JEP

- Besides regularly publishing the Jury's decisions on its website, the JEP publishes an annual report

Arnoldus Group

- The JEP annual report, which is made available to the press, NGO's, trade associations and the government, contains information on the complaints and their solution. There is no specific publication from the Arnoldus Group itself

Analysis of Complaints

JEP	1999	2000	2001	2002	2003
Total Number of complaints received	90	180	269	165	191
Total number of complaints which required intervention <i>(the advertisement was in breach of the Code)</i>	79	87	60	54	47
Number of complaints about alcohol products	2	2	2	10	6
Total number of alcohol complaints which required intervention <i>(the advertisement was in breach of the Code)</i>	1	2	0	5	4

JEP

- Over the 5 years, only 2.5% of complaints received by the JEP have been in relation to alcohol products and they have accounted for under 4% the complaints that have required intervention
- In the last 2 years, however, this has been closer to 9%

Arnoldus Group

- Arnoldus Group does not publish details about the complaints it has dealt with

Recent Developments

JEP

- Since 2003, the members of the Jury, or its Secretary, may propose to the Jury to investigate a case. Attention is given to specific areas or product categories or to advertisements similar to an investigated case
- Revised alcohol Codes came into force in 2004

Arnoldus Group

- A revised Code came into force in 2004

Future Plans

JEP

- None identified at present

Arnoldus Group

- The Code is currently being reviewed with the target of completing this by early 2005
- Future reviews will be undertaken as necessary
- It is planned to promote the complaints mechanism to the public at some time in the future

General Comments

- In a number of instances, the analysis of the provisions covered by the Codes, shown in the tables above varies, between the JEP and the Arnoldus Group. As the JEP applies the Arnoldus Group's Code, this may be considered perplexing but is due to two factors
- The JEP applies the Code of Publicity for Alcoholic Drinks from the FBVS as well as the Arnoldus Group's Code of Practice and Advertising – Beer and so some variance may be expected
- The second reason, not unique to Belgium, is that of interpretation
- Although there may not be an explicit statement in the written Code relating to the provision in question, interpretation of one or more of the statements in the Code may provide coverage of it. This, of course, is one of the benefits of a self-regulatory code where the spirit as well as the letter can be taken into account

CYPRUS

The Regulatory/Self-regulatory Environment

Advertising in Cyprus is subject to legislative control with no role for self-regulation at present. All alcoholic beverages may advertise in any media subject to certain constraints.

Overview of Alcoholic Marketing Regulations

- Advertising is entirely regulated by legislation
- Commercial and public broadcasting abide by separate advertising Codes
- Alcoholic beverages may advertise in any media within legislative constraints on their content and placement
- At present there is no system of self-regulation for alcoholic beverage advertising

Statutory Authorities

- The **Cyprus Radio-Television Authority**, an independent regulatory body, has responsibility for the commercial television and radio networks
- It monitors implementation of the statutory advertising Code and hears complaints on advertising with powers to enforce its decisions
- The Authority has the right to examine possible violations, even if no complaint has been filed
- It does not have responsibility for advertising on the state-funded public service broadcasting organisation CyBC which abides by a separate advertising code

Statutory Controls on Alcohol

- The **Radio and Television Stations Law** (1998) provides for the Cyprus Radio-Television Authority and incorporates the Television without Frontiers Directive
- Television advertising for alcoholic beverages must not:
 - Be specifically addressed to minors or, in particular, depict them consuming alcohol
 - Link the consumption of alcohol to enhanced physical performance or driving
 - Encourage immoderate consumption of alcohol or present abstinence or moderation in a negative light
 - Create the impression that alcohol consumption contributes to social or sexual success
 - Claim that alcohol has therapeutic qualities or that it is a stimulant, a sedative or a means of resolving personal conflicts
 - Place emphasis on a high alcoholic content as a positive quality
- Public broadcasting is covered by the **Cyprus Broadcasting Corporation Law**

- Its **Advertising Code** includes a requirement that advertisements for alcoholic beverages with an abv of 1.2% and above must not be shown during, before and after programmes addressed to persons under 18, or those with a religious content
- Beverages with an abv of less than 1.2% that are presented as low alcoholic or non alcoholic beverages cannot be advertised before, between or after children's programmes
- There is no other specific legislation relating to the advertising of alcoholic beverages in other media

Framework of Self-regulation

- There is no self-regulatory organisation dealing with advertising currently operating in Cyprus

Codes for Commercial Communications

- There are currently no advertising self-regulatory organisations operating within Cyprus
- The only national member of any of the international organisations which participated in this survey is the Wines & Spirits Producers Association of Cyprus (WSPAC) from which no response was received
- There is currently no brewers association but there are plans to form one

CZECH REPUBLIC

The Regulatory/Self-regulatory Environment

The Czech Republic has an established self-regulatory system although for broadcast advertising only ethical aspects fall within its remit, other elements being subject to statutory controls. Within certain constraints, alcoholic beverages may advertise in any media. There are a number other self-regulatory initiatives operating in the Czech Republic including the Forum PSR for the spirits industry and the Initiative of Responsible Brewers.

Overview of Alcoholic Marketing Regulations

- Broadcast and advertising legislation regulates the commercial communication of alcoholic beverages in the Czech Republic, including comparative, misleading and unfair advertising in the broadcast media
- There are a number self-regulatory initiatives led by The Czech Advertising Standards Council (RPR - Rada pro reklamu) whose Code of Advertising Practice applies to all aspects of non-broadcast advertising and the ethical aspects of broadcast advertising (the other aspects are addressed by statutory controls). The Code includes specific rules relating to alcohol
- Alcoholic drinks advertising is also regulated through a number of drinks industry initiatives including codes applied by the Forum PSR and the Initiative of Responsible Brewers
- Alcoholic beverages may be advertised in any media but have to comply with a set of specific alcohol provisions

Statutory Authorities

- The **Council for Radio and Television Broadcasting** (Rada České republiky pro rozhlasové a televizní vysílání) was established by the Czech Government and has responsibility to observe the law for advertising in electronic media (Broadcasting Act 468/1991)
- The **Ministry of Industry and Trade** is responsible for the Advertising Act
- Local **Small Business Authorities** are responsible for observing the Advertising Act for local advertising

Statutory Controls on Alcohol

- The **Advertising Act** (1995) contains general provisions relating to advertising as well as provisions relating to specific product groups, including alcoholic drinks
- It requires that advertisements for alcoholic drinks must not:
 - Incite excessive use of alcoholic drinks or include negative or sarcastic comments on abstinence or moderation
 - Be directed at minors or, in particular, feature minors consuming alcoholic drinks
 - Link consumption of alcoholic drinks with enhanced performance or in connection with driving
 - Create an impression that the consumption of alcoholic drinks contributes to social or sexual success

- Allege that the alcohol content of the drink has curative properties, or stimulating or calming effects, or that it is a means to resolve personal problems
- Present the alcohol content of a drink as a positive property of the drink
- The **Broadcasting Act** (2001) also contains provisions relating to the advertising and sponsorship of alcoholic products in line with those of the Advertising Act
- Advertising of alcoholic beverages must not:
 - Be specially aimed at minors or, in particular, depict minors consuming alcoholic beverages
 - Link the consumption of alcohol to enhanced physical performance or to driving
 - Create the impression that the consumption of alcohol contributes to social or sexual success
 - Claim that alcohol has therapeutic qualities or a stimulating or sedative action or is a means to resolve personal conflicts
 - Encourage immoderate consumption of alcoholic beverages or present abstinence or moderation in an unfavourable light
 - Emphasise a high content of alcohol as a positive quality of the beverage
- Outside these restrictions, there are no statutory controls on advertising of alcohol across any of the media

Framework of Self-regulation

- Self-regulation of alcoholic drinks in the Czech Republic is addressed by three organisations. The Czech Advertising Standards Council (RPR - Rada pro reklamu) is supported by two drinks industry initiatives: the Forum PSR and the Initiative of Responsible Brewers
- Self-regulation is primarily through the RPR, an independent body, based upon the British Advertising Standards Authority, set up in 1994
- It operates a Code of Advertising Practice which includes specific provisions relating to alcohol
- Although it applies to all aspects of non-broadcast advertising, because there are statutory controls on comparative, misleading and unfair advertising it covers only the ethical aspects of broadcast advertising
- Applicable to all alcoholic drinks it covers all commercial communications apart from labelling, packaging, merchandising, point of sale, sponsorship, electronic media and product placement
- Its provisions are comprehensive when judged against those outlined in the questionnaire
- Copy advice and copy clearance are offered by the RPR
- The RPR has a complaints mechanism and appeal procedure whose decisions are publicised
- There will be a new campaign to promote the Code and the complaints mechanism during 2005
- There are a number of other self-regulatory initiatives operating in the Czech Republic including the Forum PSR (liquor industry) and the Initiative of Responsible Brewers (brewing industry)
- These operations have been set up to co-ordinate and support responsible, moderate alcohol consumption and to discourage their misuse
- Both have self-regulatory rules to which their members agree to adhere although the Forum PSR does not have its own complaints mechanism (which are redirected to the RPR)
- The Forum PSR is a social aspects organisation established by Czech producers and importers of strong alcoholic beverages in 2003 to co-ordinate and manage the efforts to support responsible alcohol beverage consumption and discourage possible abuse of their products
- Its Code of Conduct came into operation in 2003 after consultation with the RPR and covers all types of alcoholic beverages in all media. It is designed to be fully compatible with the RPR's Code on Alcohol

- It is intended to introduce initiatives to promote the Code, although the timing is currently uncertain
- The Initiative of Responsible Brewers was set in 2003 up by the principal brewers. They agreed to honour its Responsible Brewers' Code of Conduct, based upon the RPI Code which extends measures contained within Czech law, to regulate advertising, promotional activities and packaging design
- Co-ordinated by the Czech Beer and Malt Association, observance of the agreement is undertaken by a team comprising of one representative from each of the organisations involved. Arbitrators with expertise in specialist areas assist in resolving possible disputes

The scheme is implemented through brand managers, trade marketing, sales forces and advertising and marketing agencies

Questionnaire on Codes for Commercial Communications

Respondents

Responses to the Codes for Commercial Communications questionnaire were received from the following organisations:

National Body	Code of Commercial Communications
RPR - Rada pro reklamu Czech Advertising Standards Council	Kodex reklamy The Code of Advertising Practice
Forum PSR	Forum PSR Code of Conduct

RPR

- Unlike many of the other countries that acceded to the EU in 2004, self-regulation is relatively developed in the Czech Republic
- The main organisation is the Czech Advertising Standards Council (RPR - Rada pro reklamu) which was founded in 1994 by advertising agencies, the media and advertisers
- Its members are drawn from professional organisations representing advertisers, agencies and the media as well as individual media and commercial companies. It also counts The Forum PSR amongst its membership

Forum PSR

- A social aspects organisation formed by Czech producers and importers of strong alcoholic beverages in 2003 to co-ordinate and manage efforts to support responsible alcohol beverage consumption and discourage possible abuse of their products. Its current focus is on drinking and driving and underage drinking
- It speaks for its member companies on social aspects of alcohol consumption through its self-regulatory Code of Conduct
- Its member companies advocate the following values:
 - Sensible alcohol consumption is a natural part of European cultural tradition and belongs to the modern lifestyle
 - Effective alcohol drinking policy balances legislation, self-regulation and personal responsibility
 - Education is the best form of prevention
 - They will consistently expand self-control and corporate social responsibility
 - The alcohol producers have a legitimate and important role to play in combating alcohol abuse
 - To seek to conduct its business responsibly and in accordance with the laws and regulations to which such business activities are subject
 - To uphold a series of social policies, which help reduce the negative consequences of alcohol consumption and promote understanding of the role of alcohol in society
 - Education is the best form of prevention
- It does not have a complaints mechanism, instead it co-operates with the RPR in this field

Other Organisations

- Currently there are not any The Brewers of Europe or CEEV members operating in the Czech Republic. There are, however, a number of other SRO's, including those which interface the alcoholic drinks industry, which have not been covered by the survey

Initiative of Responsible Brewers

- Amongst these is the Initiative of Responsible Brewers (Inciativa odpovědných výrobců piva) which was set up by the principal brewers
- As The Responsible Brewers Initiative was not covered by this survey, this summary is drawn from published sources
- They agreed to honour its Responsible Brewers' Code of Conduct which applies to marketing and other methods of sales support for beers
- Established in 2003 by the principal brewers representing 80% of the market, but open to all breweries, to develop an ethical, self-regulatory environment in the Czech beer industry, co-ordinate and manage the efforts of beer producers and sellers to support moderate beer consumption and to discourage misuse of their products
- The initiative is co-ordinated by the Czech Beer and Malt Association
- They undertook to co-operate with State administration authorities in generating solutions that would support the long term fight against the abuse of beer drinking and in particular develop projects relating to the prevention of excessive consumption. They also agreed to co-operate with representatives of other industries in preparing positive changes in the social climate of society
- Amongst other aims, it also undertook to support preventative programmes and the Czech Brewers and Malt Association's Czech Beer Initiative

Code

- It agreed to adhere to a new Code of Responsible Brewers, based upon the RPR Code and which extends measures contained within Czech law to regulate advertising, promotional activities and packaging design
- Advertisements will not:
 - Feature or foster irresponsible drinking and not evaluate abstinence and alcohol restraint in a negative or ironical manner
 - Set out to encourage a general increase in the consumption of alcohol by individual consumers but will instead be directed towards brand selling to develop brand loyalty, or to persuade people to change brands or type of alcoholic beverage
 - Be directed at under 18 year olds. No one featured consuming beer must look younger than 18 years of age and they must be older than 21. Under 18's will not be depicted except where it would be usual for them to appear such as family scenes and in background crowds but will not be shown, or implied, that they are drinking alcoholic beverages
 - Imply that alcoholic beverage consumption is essential to business and social success or acceptance, or that refusal is a sign of weakness
 - Suggest that beer consumption should lead in any way to sexual success. Advertising indicating excessive sexuality, sexual stimulations, yielding, nakedness or partial nakedness presented in a distasteful way, presentation of women or men in whatever compromising situation or advertising presenting strong drinks as an appropriate tool to abolish sexual inhibitions or fear in general
 - Emphasise higher alcohol content of beer as its advantage but information about alcohol content for consumers can be included
 - Neither downgrade nor exaggerate the real alcohol content of beer

- Claim that alcohol has curative qualities or that it can be a stimulant, sedative or tranquilliser. It must not be presented as means of solving personal problems
- Present alcohol in beer as a stimulative or tranquillising beverage. It can mention refreshing attributes of beer, but will not imply that performance can be improved through consumption of such drink
- Suggest consumption of beer with a high alcohol content under circumstances, which are generally judged as dangerous or illegal, e.g. preceding or during any operation requiring sobriety, skill or precision. Examples of such operations are motor vehicle driving, aeronautics or such other forms of transport, work or sport, which require intense psychical concentration or extreme physical effort
- Suggest or depict consumption of beer near sacred places and cemeteries
- Depict pregnant and nursing women consuming beer
- Claim or suggest that beer is consumed by members of religious groups which ban their members from consuming alcohol beverages
- Be based on featuring aggressive or antisocial behaviour
- Be placed in commercial breaks before, during or immediately after television shows or radio programs intended for children
- Be directed specially towards children and persons younger than 18 and must not be placed in any media whose target audience is primarily younger than 18
- Additionally:
 - Events and competitions directed primarily at persons under age of 18 will not be linked through sponsorship to any beer brand in order to encourage its consumption. Events or activities which form part of a member's Corporate Social Responsibility activities are acceptable
 - Promotion events will exclude activities which encourage excessive beer consumption. Consumers who attend promotions will be encouraged to assume personal responsibility for their decision to drink or not to drink, and for the quantity consumed
 - On Campus promotions will be arranged in a manner which meets with the approval of the university authorities and care will be taken to avoid serving alcoholic beverages to under-age consumers
 - The alcoholic strength of product will not be used as the principal subject of a label
 - The packaging of products will not include elements primarily addressed persons under the age of 18
 - Labels will not convey any sexual symbols
- In the context of the provisions set out in the questionnaire, this Code covers almost all of the specific provisions noted but goes well beyond it in many other areas. However, as always, much depends upon the interpretation placed upon the written clauses by the parties applying the rules
- The members agreed to abide by this self-regulatory Code and also will try, initially through the Czech Brewers and Maltsters Association, to ensure that other entities in the beer sector respect its objectives

Complaints

- Observance of the agreement is undertaken by a team comprising of one representative from each of the organisations involved. Arbitrators with expertise in specialist areas will assist in resolving possible disputes
- The scheme is implemented through brand managers, trade marketing, sales forces and advertising and marketing agencies

Publicity

- The initiatives are promoted to the media and public and it has its own web site in order to communicate to the public the limits accepted voluntarily that will be enforced by means of ethical self-regulation

Self-regulatory Initiatives

Rada Pro Reklamu

- The Czech Advertising Standards Council, which was founded in 1994, is the only SRO in the Czech Republic with responsibility for advertising in all media
- It is the official advisor for 'advertising law' changes
- The Code of Advertising Practice (Kodex reklamy) came into force in 1995 and was last updated in 2004. The Code applies to all aspects of non-broadcast advertising and the ethical aspects of broadcast advertising (the other parts are addressed by statutory controls)
- It is currently being reviewed, which expected to be completed by early 2005

Forum PSR

- A Social Responsibility Organisation established in 2003 by a group of Czech producers and importers of strong alcohol beverages to co-ordinate and manage the efforts to support responsible alcohol beverage consumption and to discourage possible abuse of their products
- Its members abide by its Code of Conduct but the Forum PSR does not have its own complaints mechanism, although complainants can be made to the RPR
- Its Code is designed to be fully compatible with the RPR's Code on Alcohol

Setting Up and Basic Principles of the Code

Creation of the Code

Stakeholders consulted during the formulation and creation of the Code

	Rada Pro Reklamu	Forum PSR
Consumer organisations	N	N
NGO's	N	N
Professional organisations	Y	N
Government departments	N	N
Others	Y	Y

Rada Pro Reklamu

- The Code of Advertising Practice was formulated after consultations with a range of bodies and professional organisations that included the Association of Communications Agencies, advertisers and media organisations, and is based upon the British Advertising Standards Authority
- No consumer organisation or NGO was involved as there were no members of the RPR that represented these areas
- It is intended to review the Code in early 2005

Forum PSR

- The Forum PSR Code of Conduct was introduced in 2003. Its members accept the self-regulatory measures in advertising and promotional activities and packaging design
- Consultation on its formulation and creation was limited to the SRO, the RPR
- Its Code is supposed to be fully compatible with the RPR's Code on Alcohol

Coverage of the Code

Product types covered by the Code

	Rada Pro Reklamu	Forum PSR
Beer	Y	Y
Wine	Y	Y
Spirits	Y	Y
Cider	Y	Y
Flavoured Alcoholic Beverages	Y	Y

Rada Pro Reklamu

- The Code covers all alcoholic beverages

Forum PSR

- The Code covers all alcoholic beverages

Brand advertising/marketing communications media covered by the Code

	Rada Pro Reklamu	Forum PSR
Print	Y	Y
Broadcast media	Y	Y
Cinema	Y	Y
Outdoor events	Y	Y
Labelling (including product names)	N	Y
Naming & Packaging	N	Y
Internet	Y	Y
<i>and including</i>		
Promotion	Y	Y
Merchandising	N	Y
Point of sale material	N	Y
Sponsorship	N	Y
Electronic media	Y	Y
Communications to on & off trade	N	Y
Product placement	N	Y
Direct marketing	Y	Y

Rada Pro Reklamu

- The Code applies to all aspects of non-broadcast advertising and all the ethical aspects of broadcast advertising (other aspects - comparative, misleading and unfair advertising - are covered by statutory controls)

Forum PSR

- All commercial communications forms are covered by the Code

Other activities covered by the Code

	Rada Pro Reklamu	Forum PSR
Non-advertising materials and activities	N	N
Statements to the media, government agencies or the public about issues of societal concern such as the risks or benefits related to the consumption of the product(s)	N	N
Educational messages about responsible drinking or the role of alcohol consumption in society	N	N

Rada Pro Reklamu

- The Code only covers advertising activities, although educational messages about responsible drinking will be included in the current update of the Code

Forum PSR

- There are no references to non-advertising materials and activities, statements about the risks or benefits related to alcoholic products or responsible drinking educational messages in the Code

Provisions of the Code

General Provisions

Basic principles included in the Code

	Rada Pro Reklamu	Forum PSR
Be legal, decent, honest and truthful and conform to generally accepted principles of fair competition and good business practice	Y	N
Be prepared with a due sense of social responsibility and be based on principles of fairness and good faith	Y	Y
Under no circumstances be unethical, offend against generally prevailing standards of taste and decency or otherwise impugn human dignity and integrity	Y	Y
Other	Y	N

Rada Pro Reklamu

- Besides the three basic principles, there are the requirements that alcohol advertising:
 - Has to meet the principles of fair competition
 - As a matter of general principle, not be allowed to threaten the good name of advertising as such, or undermine its credibility as a service provided to consumers

Forum PSR

- The Code does not include a specific provision that commercial communications should be legal, decent, honest and truthful, although it is assumed to apply

Specific Provisions

Misuse	Rada Pro Reklamu	Forum PSR
Commercial communications should not encourage excessive or irresponsible consumption, nor present abstinence or moderation in a negative way	Y	Y
Commercial communications should not suggest an association with violent, aggressive, dangerous or anti-social behaviour	Y	Y
Commercial communications should not show people who appear to be intoxicated or in any way imply that intoxication is acceptable	Y	Y

Rada Pro Reklamu

- All three misuse provisions are incorporated in the Code, which prohibits alcohol advertising that:
 - Indicates an irresponsible attitude towards drinking alcoholic drinks, especially in view of the amount consumed
 - Indicates excessive consumption of alcoholic drinks or implications thereof and advertising which approves of excessive consumption of alcoholic drinks
 - Contains anything that might result in any acts of violation or any support of such
 - Supports aggression or physical violence
 - Shows consumption of strong drinks in miserable, poor or distasteful environments
 - Indicates consumption of strong drinks under circumstances which are generally considered to be unsuitable, unreasonable or illegal

Forum PSR

- All misuse provisions are included in the Forum PSR Code

Minors

	Rada Pro Reklamu	Forum PSR
Commercial communications should not be aimed at minors or show minors consuming the product	Y	Y
Commercial communications should not promote the product in media, programmes or at events where the majority of the audience are known to be minors	Y	Y

- The legal age under national law is 18 years

Rada Pro Reklamu

- The provisions relating to minors are included in the Code. Advertising for alcoholic beverages must not:
 - Use children in advertising of strong drinks
 - Specially focus on children

Forum PSR

- Both provisions relating to minors are incorporated in the Code

Driving

	Rada Pro Reklamu	Forum PSR
Commercial communications should not directly or indirectly associate consumption with the act of driving vehicles of any kind	Y	Y

Rada Pro Reklamu

- Although not specifically covered, the effects of other provisions are considered to have the same effect as this statement. Advertising for alcoholic beverages must not:
 - Indicate an irresponsible attitude towards drinking alcoholic drinks especially in view of the amount consumed
 - Indicate consumption of strong drinks under circumstances which are generally considered unsuitable, unreasonable or illegal

Forum PSR

- Associating drinking and driving is prohibited by the Code

Hazardous activities

	Rada Pro Reklamu	Forum PSR
Commercial communications should not associate consumption with the operation of potentially dangerous machinery or with the performance of potentially hazardous activities, or portray the act of consumption prior to or during activities, or in locations that are potentially hazardous (It should be borne in mind that those activities that might not otherwise be considered hazardous e.g. swimming or using simple hand tools, may be inadvisable after consuming an alcoholic beverage)	Y	N

Rada Pro Reklamu

- The Code covers hazardous activities. Advertising for alcoholic beverages must not:
 - Indicate an irresponsible attitude towards drinking alcoholic drinks, especially in view of the amount consumed
 - Indicate consumption of strong drinks under circumstances which are generally considered unsuitable, unreasonable or illegal
 - Indicate excessive consumption of strong drinks or implications thereof, advertising which supports excessive consumption of strong drinks

Forum PSR

- The Code does not include a hazardous activity provision. Its exclusion was not a deliberate act; rather it was not considered when the Code was being prepared

Medical aspects

	Rada Pro Reklamu	Forum PSR
Commercial communications must not attribute the property of preventing, treating or curing a human disease or refer to such properties	Y	Y
Commercial communications on health aspects of the product are allowed to the extent specifically permitted by the law of the country where the communication is made. This includes reference to government-issued sensible drinking guidelines or limits	Y	N
Other	Y	N

Rada Pro Reklamu

- All the medical provisions are included
- Advertising must not claim that alcoholic drinks have healing effects or advertising indicating such healing effects
- In addition to these provisions, there is the requirement that advertising should not present persons whose dresses (appearance, etc.) creates an impression that they work as health-service professionals

Forum PSR

- In relation to the provision on health aspects, the Code states that it is believed that sensible drinking, for most people, can be part of a balanced and healthy lifestyle but it is not claimed that alcohol is a medicine. Advertising and promotional materials will not imply that alcohol has an ability to prevent, treat or cure certain diseases

Alcohol content

	Rada Pro Reklamu	Forum PSR
Commercial communications should not create any confusion as to the nature and strength of the product	Y	N
Commercial communications should not present high alcoholic strength in itself as a positive quality of the brand or as a reason for choosing it. On the other hand, messages may not imply that consuming beverages of low alcohol content will avoid misuse (this prohibition does not apply to commercial communications for non-alcoholic beverages)	Y	N

Rada Pro Reklamu

- Both alcohol provisions are incorporated into the Code. Advertising for alcoholic beverages must not:
 - Indicate in an unsuitable way that the product has an extraordinary or fast-working effect
 - Involve information that the healing product is harmless only because of its natural origin
 - Contain expressions that might discredit alcoholic drinks by giving them colloquial names which either decrease or exaggerate the actual alcohol content of the beverage
- In addition there are circumstances relating to children which impacts on advertising for alcoholic drinks. It must not:
 - Feature underage persons and must use only those who are or seem to be older than 25 years of age
 - Use children in advertising of alcoholic drinks
 - Especially focus on children

Forum PSR

- There are no specific provisions relating to alcohol content, rather the Code speaks for all alcoholic beverages

Performance

	Rada Pro Reklamu	Forum PSR
Commercial communications should not create the impression that consumption enhances mental ability or physical performance, e.g. when engaging in sports	Y	Y
Commercial communications should not create the impression that consumption enhances social or sexual success	Y	Y

Rada Pro Reklamu

- Provisions which prohibit creating the impression that alcohol improves performance are included within the Code. Advertising for alcoholic drinks must not:
 - Indicate in an inconvenient way that the product has an extraordinary effect or that it works fast
 - Indicate excessive sexuality, sexual stimulations, yielding, nakedness or partial nakedness presented in a distasteful way, present women in whatever compromising situation or present strong drinks as an appropriate tool to abolish sexual inhibitions or fear in general

Forum PSR

- Both performance provisions are included within the Code

Promotions & Sampling (*including tasting*)

	Rada Pro Reklamu	Forum PSR
No promotion should encourage irresponsible or anti-social behaviour or alcohol misuse, in particular excessive consumption	N	N
Sampling is allowed at licensed or private premises, trade fairs or occasions in accordance with local regulations. No sampling of the product should be offered to minors	Y	N

Rada Pro Reklamu

- Only the sampling provision is included in the Code

Forum PSR

- There are no specific provisions relating to promotions and sampling contained within the Code because they are considered to fall within the general remit of commercial communications

Implementation of the Code and Other Principles

The Self-regulatory Body

Organisation

	Rada Pro Reklamu	Forum PSR
Organisation is a self-regulatory body	Y	N
Organisation is a direct or indirect member of a self-regulatory body/bodies	N	Y

Rada Pro Reklamu

- The RPR is the primary self-regulatory body for advertising in the Czech Republic

Forum PSR

- Forum PSR has been a member of the RPR since 2003

Promotion of the Code	Rada Pro Reklamu	Forum PSR
Programme or initiatives to make consumers aware of the Code and the complaints mechanism	Y	N
Plans for a programme of activities to make consumers aware of Code/complaints mechanism in the future		Y
Code promoted to:		
Public authorities	Y	N
Consumer organisations	Y	N
Staff in bars/restaurants/shops etc	N	N
Training and information offered to marketers and advertisers	Y	N
Information and training offered by other bodies	Y	
Plans to offer training and information to marketers in the future	Y	Y

Rada Pro Reklamu

- The Code and the complaints mechanism is promoted to consumers through the website, print and television
- There will be a new promotional campaign starting in 2005
- The Code is promoted to the State government, ministry and regional government through seminars
- It is not promoted to retail staff as they are required to abide by the law
- Training is offered on self-regulation and the Code to advertisers and marketers. No charge is made for this
- Information is offered on the website about the RPR and self-regulation

Forum PSR

- At present there are no initiatives to make consumers aware of the Code nor is there to promote it to interested parties such as public authorities and retail staff because the Forum PSR has not existed long enough to implemented one
- It is planned, however, to introduce initiatives to promote the Code to public authorities and inform the public and retail staff about the Code in the future, although the timing is currently uncertain
- It is planned to make training and information available to marketers and advertisers within the next 2 years

Pre-launch Services Offered

Copy advice offered for the following media:

	Rada Pro Reklamu	Forum PSR
Print	Y	N
Broadcast media	Y	N
Cinema	Y	N
Outdoor events	Y	N
Labelling (including product names)	N	N
Naming & Packaging	N	N
Internet	Y	N
<i>and includes:</i>		
Promotion	Y	N
Merchandising	N	N
Point of sale material	Y	N
Sponsorship	N	N
Electronic media	Y	N
Communications to on & off trade	Y	N
Product placement	N	N
Direct marketing	Y	N
Pre-launch copy advice offered by another organisation		Y

Rada Pro Reklamu

- Pre-launch copy advice is available for a wide range of media from the RPR

Forum PSR

- Pre-launch copy advice is not available from the Forum PSR but is from the RPR

Form of copy advice

	Rada Pro Reklamu
Copy advice is offered to:	
Advertisers	Y
Agencies	Y
Media	Y
Pre-Clearance is offered	Y

Rada Pro Reklamu

- Copy advice is available from the RPR to advertisers, advertising agencies and the media whether they are members or not
- The advice is normally given within 7 days by the Arbitration Committee
- Pre-clearance is available from the RPR to advertisers, advertising agencies and the media whether they are members or not
- It is hoped to increase the awareness and usage of this service

Forum PSR

- Pre-launch copy advice is not available from the Forum PSR but is from the RPR

Complaints

Complaints handling	Rada Pro Reklamu	Forum PSR
Organisation includes a Complaints Committee	Y	N
Deals with complaints from:		
Consumers	Y	
Competitors	Y	
Complaints are handled Free	Y	
Complaints mechanism available from another body		Y

Rada Pro Reklamu

- Complaints are accepted, for the media it has responsibility for, from both consumers and competitors. There is no charge
- They are handled by the Arbitration Committee which is composed of 13 members and 2 observers. The members are made up of 2 lawyers, 2 representatives each from advertising agencies and advertisers and 4 from the media, a psychologist, a sexologist and the President of the RPR who presides
- The complaint is forwarded to the advertiser and/or the advertising agency concerned who are asked to respond within 7 days
- The Secretariat then prepares a case which is considered by the Arbitration Committee. It may decide to invite the advertiser and/or advertising agency to attend to supply supplemental explanations
- For advertisements found to have broken the Code, the advertiser is invited to withdraw or amend it. If they do, the complainant and publisher are notified
- When the advertiser does not comply, the complainant, publisher and the relevant associations whom the complaint concerns are notified of the decision

Forum PSR

- Forum PSR does not have a complaints mechanism and does not plan to introduce one but it is available through RPR and any complaints made to Forum PSR would be redirected to them (where it would have to be considered under their Code, although it is designed to be fully compatible with the RPR's Code on Alcohol)

Appeals

Appeals handling

	Rada Pro Reklamu
Organisation offers an appeal procedure	Y
Appeals permitted from Agency or Advertiser	Y
Appeals are handled free	Y

Rada Pro Reklamu

- The party commissioning the advertisement or the advertising agency may appeal the decision, for which there is no charge, within 7 days of being notified of it
- It is heard by the Arbitration Committee and 3 days grace is allowed for the decision to be actioned if it goes against the advertiser

Forum PSR

- Forum PSR does not have a complaints mechanism

Monitoring

Compliance monitoring

	Rada Pro Reklamu	Forum PSR
Monitors advertising on its own behalf	Y	N
Monitors selected media	Y	
Monitors a sample of advertisements	Y	
Monitors on its own initiative with the ability to react without a complaint being made	Y	

Rada Pro Reklamu

- The Secretariat monitors a sample of press, television, radio and outdoor advertising on an ongoing basis. It does not have the resources to monitor all activity
- It is able to react to its own monitoring without a complaint and has done so around 15 times in the last 3 years. None of these have been upheld

Forum PSR

- No monitoring is undertaken by Forum PSR

Sanctions

Sanctions available to the Complaints Committee

	Rada Pro Reklamu
Decisions of the complaints committee/self-regulatory body publicised	Y
Ability to impose additional sanctions if a company rejects the decision of the self-regulatory body/complaints committee	Y
Compliance of committee decisions monitored	Y

Rada Pro Reklamu

- Decisions of the Arbitration Committee are published monthly on their website and are released to the press, radio and television
- In the event of non-compliance with the RPR's rulings, it may ask the media to refuse an advertisement or enlist the help of the advertising agencies' professional body, but these sanctions are seldom necessary
- Compliance with decisions is monitored by RPR in the press and on radio, television and outdoor through its Secretariat's sampling activity

Forum PSR

- Forum PSR does not have a complaints mechanism. However, if a member did break the Code it may send a warning and, if necessary, cancel their membership

Awareness

Publication of Committee decisions

	Rada Pro Reklamu
Report published of all the complaints and their outcome	Y

Rada Pro Reklamu

- RPR publishes decisions of the Arbitration Committee monthly on its website and through a monthly press release to the specialist press dealing with advertising

Forum PSR

- Forum PSR does not have a complaints mechanism.

Analysis of Complaints

Rada Pro Reklamu	1999	2000	2001	2002	2003
Total Number of complaints received	19	45	44	51	59
Total number of complaints which required intervention <i>(the advertisement was in breach of the Code)</i>	3	13	6	8	5
Total Number of complaints about alcohol products received	0	2	3	1	1
Total number of alcohol complaints which required intervention <i>(the advertisement was in breach of the Code)</i>	0	2	2	1	1

Rada Pro Reklamu

- Only 3% of the complaints received by the RPR over the past 5 years have related to alcoholic products
- 17% of the complaints that were judged to require intervention by the Arbitration Committee related to alcoholic products, although this amounted to only 6 over the 5 years

Forum PSR

- Forum PSR does not have a complaints mechanism

Recent Developments

Rada Pro Reklamu

- The Code of Advertising Practice was last updated in 2004

Forum PSR

- The Forum PSR Code of Conduct was introduced in 2003

Future Plans

Rada Pro Reklamu

- There will be a new campaign to promote the Code and the complaints procedure to the public starting in 2005
- Advertisers will be encouraged to use the pre-launch copy advice service more
- The RPR's Code of Conduct will be reviewed in 2005
- There will be regular reviews thereafter

Forum PSR

- Forum RPR's Code of Conduct will be reviewed in 2005
- It is planned to introduce initiatives to inform the public and retail staff about the Code although the timing is currently uncertain
- Within the next 2 years it is expected that Forum PSR will have a programme offering training and information to marketers and advertisers

DENMARK

The Regulatory/Self-regulatory Environment

Until 2003, the advertising of alcoholic drinks (2.8% abv and above) was banned from television and radio. Currently all alcoholic drinks may advertise in any media but are subject to regulation through a set of guidelines agreed by public authorities, consumer associations and the industry, which is more co-regulation than pure self-regulation. The comprehensive set of provisions for regulating alcoholic drinks effectively operate as an 'appendix' to the Ombudsman's rules but are applied by an independent body with a range of stakeholders.

Overview of Alcoholic Marketing Regulations

- Advertising alcoholic drinks of 2.8% abv and above was banned from television and radio until 2003 but is currently permitted in all media subject to restrictions on content and place
- Alcohol marketing was controlled by the Consumer Ombudsman's Guidelines according to the Marketing Practice Law but in 2000 it was replaced by new co-regulatory rules created after discussions between the Ministry of Trade and Ministry for Health and organisations representing consumers, producers, distributors and traffic safety
- The Common Standards for Commercial Communication on Alcohol, which applies to all alcoholic beverages, is applied by the independent body The Committee on Danish Common Standards for Commercial Communications
- The Code addresses almost all of the provisions outlined in the questionnaire for alcoholic drinks

Statutory Authorities

- Advertising in general is subject to legislative action in the form of the **Market Court** with consumer complaints handled by the Ombudsman (Forbrugerombudsmanden), a public official
- Compliance with the Danish Broadcasting Act, which controls advertising on television and radio, is through the **Radio and Television Advertisements Board**

Statutory Controls on Alcohol

- The Ombudsman enforces the provisions on advertising in the **Marketing Practices Law**. The Ombudsman negotiates with consumer organisations and relevant trade associations to arrive at guidelines which can be accepted by the associations and become the basis for 'orders'. These orders can be imposed on the associations that have accepted the guidelines
- Consumers may complain to the Ombudsman about goods or services which, if considered justified, is brought before the courts
- Alcohol marketing was controlled by the Consumer Ombudsman's Guidelines according to the Marketing Practice Law but in 2000 it was replaced by new co-regulatory rules. The **Common Standards for Commercial Communication on Alcohol (CDCS)** was created after discussions between the Ministry of Trade and Ministry for Health with organisations representing consumers, producers, distributors and traffic safety and is managed by the Committee on the Danish Common Standards for Commercial Communications

- Advertising on radio and television is controlled by the **Danish Broadcasting Act** with compliance through the Radio and Television Advertisements Board, and the CDCS can handle complaints from television and radio
- Advertisements of alcoholic drinks of 2.8% abv and above were banned from television and radio until 2003
- The **Executive Order Concerning Radio and Television Advertising and Programme Sponsorship** (2003) was drawn up under the Broadcasting Act
- In addition to general conditions, it contains specific provisions relating to alcoholic beverages, including requirement that advertisements must not:
 - Be directed at minors, and especially not show minors drinking alcohol
 - Associate consumption with improved physical performance or driving
 - Create the impression consumption promotes success in the social or sexual area
 - Suggest alcohol has any therapeutic properties, stimulating or sedating effect
 - Suggest it may be used to solve personal conflicts
 - Incite excessive consumption or present temperance or moderation in a negative light
 - Attach particular importance to a high alcohol content as a positive quality

Framework of Self-regulation

- Co-regulation of alcoholic beverages in Denmark is through the Committee on Danish Common Standards for Commercial Communications (CDCS) which applies The Common Standards for Commercial Communication on Alcohol
- CDCS, an independent, non-political organisation that counts The Danish Brewers Association, Association of Danish Spirit Producers and the Wines and Spirits Organisation in Denmark amongst its members, was formed in 2000
- Its Code, applicable to all alcoholic drinks, was arrived at after extensive consultation with all stakeholders and covers all forms of commercial communications. The coverage of its provisions is comprehensive
- CDCS does not offer copy advice
- It has a complaints mechanism and either party may appeal their decision. Decisions are publicised

Questionnaire on Codes for Commercial Communications

Respondents

Responses to the Codes for Commercial Communications questionnaire was received from the following organisation:

National Body	Code of Commercial Communications
Bryggeriforeningen Danish Brewers' Association	Common Standards for Commercial Communications on Alcohol

Bryggeriforeningen

- The Danish Brewers' Association (Bryggeriforeningen) aims to promote and defend the interests of its members vis-à-vis the Danish parliament and through communication and co-operation with consumers, organisations and public authorities
- It is the biggest contributor to the GODA (Association of Sensible Alcohol Attitudes) which organises campaigns that develop responsible attitudes towards alcohol and prevents its misuse
- It is also a member of the Committee on the Danish Common Standards for Commercial Communications and provides its Secretariat

Other Organisations

Committee on the Danish Common Standards for Commercial Communications (CDCS)

- The Danish co-regulatory system for the marketing of beer and other alcoholic beverages was created when a new set of guidelines for commercial communications of alcoholic beverages was agreed upon by public authorities, consumer associations and the industry in 2000
- The purpose was to find a balance between the marketing interests of the industry and the concern for consumer protection
- Consequently, based on a political wish and as an alternative to "hard law", the independent, non-political Committee on Danish Common Standards for Commercial Communications (CDCS) was set up to ensure that companies and organisations would respect these guidelines
- The Danish Brewers Association (Bryggeriforeningen), Association of Danish Spirit Producers (Foreningen af Danske Spiritusfabrikanter) and the Wines and Spirits Organisation in Denmark (Vin og Spiritus Organisationen i Danmark) are amongst its members
- The questionnaire was not sent to CDCS but is covered by the Danish Brewers' Association response

Reklame Forum

- The Association of Danish Advertisers' mission is to obtain the most favourable conditions for its members' advertising, promotions, and market communications
- It lobbies and influences authorities in order to prevent curtailing legislation or other restrictions on advertising and market contact and works to make marketing and advertising respected by the public, as well as by organisations and authorities, as a dynamic prime mover in society

- Its legal experts offer the members service on laws and regulations, interpretation of rules and ethics covering the entire field of marketing, etc

Foreningen af Danske Spiritusfabrikanter

- A completed questionnaire was not received from this organisation but it is a member of the Committee on the Danish Common Standards for Commercial Communications

Vin og Spiritus Organisationen i Danmark

- VSOD is not a national member of any of the international organisations covered by the survey and was not sent a questionnaire to complete
- It is, however, member of the Committee on the Danish Common Standards for Commercial Communications

Self-regulatory Initiatives

Committee on the Danish Common Standards for Commercial Communications

- The Common Standards for Commercial Communication on Alcohol (Håndhævelsesudvalget) is managed by the Committee on the Danish Common Standards for Commercial Communications
- Its Code was negotiated between a group of stakeholder who agreed to set up this independent committee in order to ensure companies and organisations respected the rules
- Its Secretariat is provided by The Danish Brewers Association
- There are currently no plans to review the Code, which came into force in 2000
- The questionnaire was completed by the Danish Brewers Association in respect of the rules and Code of CDCS

Bryggeriforeningen

- The permanent committee of CDCS includes a representative from the Danish Brewers' Association which also provides its Secretariat
- It completed the questionnaire as a member and provider of the Secretariat
- However, as other industry bodies are also covered by CDCS, the answers have been shown under CDCS in the following analysis

Reklame Forum

- In response to the questionnaire, it stated that Reklame Forum was not the appropriate body to answer questions about guidelines for the brewing industry and the questionnaire should instead be referred to Bryggeriforeningen

Setting Up and Basic Principles of the Code

Creation of the Code

Stakeholders consulted during the formulation and creation of the Code	CDCS
Consumer organisations	Y
NGO's	Y
Professional organisations	N
Government departments	Y
Others	Y

CDCS

- The Common Standards for Commercial Communication on Alcohol was created after extensive discussion with a wide range of interested parties
- The Danish Consumer Council, the main consumers' organisation which represents the interests of consumers and is independent of public authorities and commercial interests, was involved in the consultation as was Alkoholpolitisk Landsråd (temperance movement)
- No professional organisations participated because the expertise lies within the industry and authorities, but government departments were involved in the form of the Ministries of Health, Industry and Foodstuffs
- A large number of other parties were also involved in the consultation including Bryggerforeningen (the Danish Brewers' Association), Dansk Handel N Service (Danish Commerce & Services), Danske Reklamebureauers Brancheforening (Danish Association of Advertising Agencies), De Samvirkende Købmandsforeninger i Danmark (the Federation of Retail Grocers in Denmark), Foreningen af Danske Spiritusfabrikanter (Association of Danish Spirit Producers), Forbrugerrådet (Danish Consumer Council), HORESTA (the national employers' association and trade association of the hotel, restaurant and tourism industry) and Vin og Spiritus Organisationen i Danmark (the Wine & Spirits Organisation in Denmark)

Coverage of the Code

Product types covered by the Code	CDCS
Beer	Y
Wine	Y
Spirits	Y
Cider	Y
Flavoured Alcoholic Beverages	Y

CDCS

- The Code applies to all alcoholic beverages with an abv of 2.8% and above
- Commercial communications of alcoholic beverages with an abv of less than 2.8% must not be easily mistaken for or interact with commercial communications for products with a higher abv

Brand advertising/marketing communications media covered by the Code	CDCS
Print	Y
Broadcast media	Y
Cinema	Y
Outdoor events	Y
Labelling (including product names)	Y
Naming & Packaging	Y
Internet	Y
<i>and including</i>	
Promotion	Y
Merchandising	Y
Point of sale material	Y
Sponsorship	Y
Electronic media	Y
Communications to on & off trade	Y
Product placement	Y
Direct marketing	Y

CDCS

- All forms of commercial communication are covered by the Code

Other activities covered by the Code	CDCS
Non-advertising materials and activities	N
Statements to the media, government agencies or the public about issues of societal concern such as the risks or benefits related to the consumption of the product(s)	N
Educational messages about responsible drinking or the role of alcohol consumption in society	N

CDCS

- There are no specific rules on non-advertising materials and activities, statements to the media, governments, or public or on educational messages
- These aspects have never been an issue but the Board would be able to take up a case in respect of them

Provisions of the Code

General Provisions

Basic principles included in the Code	CDCS
Be legal, decent, honest and truthful and conform to generally accepted principles of fair competition and good business practice	Y
Be prepared with a due sense of social responsibility and be based on principles of fairness and good faith	Y
Under no circumstances be unethical, offend against generally prevailing standards of taste and decency or otherwise impugn human dignity and integrity	Y
Other	Y

CDCS

- In addition to the basic principles, commercial communications must pay special attention to the social, health and consumer aspects connected with the consumption of alcohol

Specific Provisions

Misuse	CDCS
Commercial communications should not encourage excessive or irresponsible consumption, nor present abstinence or moderation in a negative way	Y
Commercial communications should not suggest an association with violent, aggressive, dangerous or anti-social behaviour	Y
Commercial communications should not show people who appear to be intoxicated or in any way imply that intoxication is acceptable	N

CDCS

- The provision covering commercial communications not showing people who appear to be intoxicated or imply that intoxication is acceptable is not specified as a specific provision in the Code. However, it is judged that this would be a major breach of the Code as it is not in the Danish tradition

Minors	CDCS
Commercial communications should not be aimed at minors or show minors consuming the product	Y
Commercial communications should not promote the product in media, programmes or at events where the majority of the audience are known to be minors	Y

- The legal age under national law is 16 years old but no absolute age limit as regards the terms "children" and "adolescents" has been established when it comes to commercial communications
- A natural starting point may be 18 years, which is the age of majority and the voting age. However, the companies must pay attention to the situations in which the group of children and adolescents, as regards age, lies just around 18 years, e.g. 15-21 years. The Code may apply to such situations

CDCS

- The Code requires that irrespective of form, commercial communications for alcoholic beverages must not be aimed at children and adolescents
- It emphasises that children/adolescents and alcohol do not belong together. Therefore, it is important that commercial communications for alcoholic beverages are prepared in such a way that no wrong signals regarding the consumption of alcohol are sent to adolescents
- They should also contribute to supporting the wish of society that children do not drink alcohol and that adolescents do not start drinking alcohol too early in life
- Commercial communications must not use individuals who, due to their youthful appearance, give the impression that young people drink alcoholic beverages
- Commercial communications of alcoholic beverages must not:
 - Take place at/in/near schools, high schools, day-care centres, playgrounds, children's and youth clubs and other institutes mostly used by children and adolescents
 - Take place in connection with events, for instance movies, which are specifically aimed at children and adolescents
 - Take place in media which are aimed specifically at children and adolescents
 - Take place in connection with pages aimed at children and adolescents in written as well as electronic media
 - Take place in the form of sponsorship of events or programmes which are specifically aimed at children and adolescents
 - Show role models which specifically appeal to children and adolescents
 - Use pictures, individuals, cartoons or icons, which specifically appeal to children and adolescents

Driving

	CDCS
Commercial communications should not directly or indirectly associate consumption with the act of driving vehicles of any kind	Y

CDCS

- Driving is covered by the Code

Hazardous activities

	CDCS
Commercial communications should not associate consumption with the operation of potentially dangerous machinery or with the performance of potentially hazardous activities, or portray the act of consumption prior to or during activities, or in locations that are potentially hazardous (It should be borne in mind that those activities that might not otherwise be considered hazardous e.g. swimming or using simple hand tools, may be inadvisable after consuming an alcoholic beverage)	Y

CDCS

- Hazardous activities are covered by the Code

Medical aspects	CDCS
Commercial communications must not attribute the property of preventing, treating or curing a human disease or refer to such properties	Y
Commercial communications on health aspects of the product are allowed to the extent specifically permitted by the law of the country where the communication is made. This includes reference to government-issued sensible drinking guidelines or limits	Y

CDCS

- The Code must be regarded as supplementary to the provisions of the food legislation
- Among other aspects, this prohibits commercial communications from stating that a foodstuff has been recommended by physicians or that it may prevent, ease or positively affect any diseases or symptoms of disease
- Pictures of health staff and the like are also prohibited

Alcohol content	CDCS
Commercial communications should not create any confusion as to the nature and strength of the product	Y
Commercial communications should not present high alcoholic strength in itself as a positive quality of the brand or as a reason for choosing it. On the other hand, messages may not imply that consuming beverages of low alcohol content will avoid misuse (this prohibition does not apply to commercial communications for non-alcoholic beverages)	Y

CDCS

- The Code applies to products with an abv of 2.8% and over but commercial communications for products with an abv of less than this must not be easily mistaken for, or interact with, the commercial communications of alcohol with a higher strength
- There has never been a tradition in emphasising the alcohol content in Denmark but if there was such a campaign, the Board can bring up the matter

Performance	CDCS
Commercial communications should not create the impression that consumption enhances mental ability or physical performance, e.g. when engaging in sports	Y
Commercial communications should not create the impression that consumption enhances social or sexual success	Y

CDCS

- Commercial communications must not give the impression that a certain amount of consumption is healthy, ensures success or improves the consumer's mental or physical capacity

Promotions & Sampling (<i>including tasting</i>)	CDCS
No promotion should encourage irresponsible or anti-social behaviour or alcohol misuse, in particular excessive consumption	Y
Sampling is allowed at licensed or private premises, trade fairs or occasions in accordance with local regulations. No sampling of the product should be offered to minors	Y

CDCS

- Sampling and promotion is not separated from the rest of the commercial communications
- It is an integrated part of commercial communication therefore part of all the provisions

Other provisions	CDCS
Other provisions	Y

CDCS

- In addition to the provisions already covered, the Code requires that:
 - Advertisers should pay special attention to the selection of advertising medium as well as to the content and design of the advertisement
 - Commercial communications should not appear or seem insistent, provocative or in any other way specifically persuasive
 - Individuals whose opinion or appearance will carry special weight due to their status or position in society must not be used
 - Commercial communications are not allowed in workplaces, colleges and similar institutes of education. However, to the extent that a license or occasional authorisation to serve alcoholic beverages in these places has been granted, commercial communications may take place in connection with this, insofar as it is limited to what is practically necessary
 - Commercial communications must not show consumption of alcoholic beverages in workplaces, colleges and similar institutes of education
 - The observance of the Code starts within the individual company

Implementation of the Code and Other Principles

The Co-regulatory Body

Organisation

	Vin og Spiritus Organisationen i Danmark	Bryggeriforeningen	Foreningen af Danske Spiritusfabrikker	CDCS
Organisation is a co-regulatory body				Y
Organisation is a direct or indirect member of a co-regulatory body/bodies	Y	Y	Y	

CDCS

- The Committee on the Danish Common Standards for Commercial Communications is a co-regulatory body, some of whose members are drawn from drinks industry organisations

Bryggeriforeningen

- A member of The Committee on the Danish Common Standards for Commercial Communications

Foreningen af Danske Spiritusfabrikanter

- A member of The Committee on the Danish Common Standards for Commercial Communications

Vin og Spiritus Organisationen i Danmark

- A member of The Committee on the Danish Common Standards for Commercial Communications

Promotion of the Code

	CDCS
Programme or initiatives to make consumers aware of the Code and the complaints mechanism	Y
Code promoted to:	
Public authorities	Y
Consumer organisations	Y
Staff in bars/restaurants/shops etc	Y
Others	Y
Training and information offered to marketers and advertisers	Y

CDCS

- Consumer awareness of the Code and its complaints mechanism is built through the internet and The Danish Consumer Council. This is further raised by issuing a press release when there is a serious breach of the Code
- This will be improved in future through a more accessible website
- It is promoted to the Health Ministry and public authorities by meetings and personal contacts while the consumer organisation, The Danish Consumer Council, is one of the two permanent members of the Board
- The Code is promoted to retail staff through their trade associations and is additionally promoted to politicians and advertising agencies through meetings and personal contacts. A representative of the trade association for advertisers is a member of the Board
- Information on the rules is readily available to all interested parties from the Council

Pre-launch Services Offered

Copy advice offered for the following media:	CDCS
Print	N
Broadcast media	N
Cinema	N
Outdoor events	N
Labelling (including product names)	N
Naming & Packaging	N
Internet	N
<i>and includes:</i>	
Promotion	N
Merchandising	N
Point of sale material	N
Sponsorship	N
Electronic media	N
Communications to on & off trade	N
Product placement	N
Direct marketing	N

CDCS

- Pre-launch copy advice is not offered and there are no plans to do so as it is believed that the true nature of self-regulation is expressed by the companies' actions through internalising the rules. The companies themselves must understand and "obey" the rules, and must want to obey the rules
- The purpose of the Code is that the company will comply with the letter and the spirit of the Code – and not to go to the limits (in trying to "test the Code")
- The philosophy of the Board is: if a company doubts whether a campaign/commercial communication will breach the Code or not, then don't go on with the idea/advertising – stop it or change it

Pre-clearance is a pre-condition for:

	CDCS
Print	N
Broadcast media	N
Cinema	N
Outdoor events	N
Labelling (including product names)	N
Naming & Packaging	N
Internet	N
and includes:	
Promotion	N
Merchandising	N
Point of sale material	N
Sponsorship	N
Electronic media	N
Communications to on & off trade	N
Product placement	N
Direct marketing	N

CDCS

- Pre-clearance is not a requirement for any media for the same reasons that pre-copy advice is not available: if a company doubts whether a campaign/commercial communication will breach the Code or not, then don't go on with the idea/advertising – stop it or change it

Complaints**Complaints handling**

	CDCS
Organisation includes a Complaints Committee	Y
Deals with complaints from all parties	Y
Complaints are handled free	Y
Handles complaints from all media	Y

CDCS

- Complaints about the marketing of an alcoholic beverage, verbally or in writing, are made in the first instance to the Secretariat which is obliged to present it to the Committee on Danish Common Standards for Commercial Communications
- It must concern a current marketing initiative or one that has taken place not more than one year earlier and there is no charge to the complainant

- The Committee can take cases on their own initiative or from organisations or persons. It also settles cases involving companies which are not members of the trade associations that are represented in the committee
- The Committee was formed in 2000 with a lawyer as Chairman. The permanent committee consists of a representative from The Danish Brewers' Association and a representative from the Danish Consumer Council
- Other members are Danske reklamebureauers Brancheforening (Danish Association of Advertising Agencies), Dansk Handel & Service (Danish Commerce & Services), De Samvirkende Købmandsforeninger i Danmark (Federation of Retail Grocers in Denmark), Foreningen af Danske Spiritusfabrikanter (Association of Danish Spirit Producers), HORESTA (the national employers' association and trade association of the hotel, restaurant and tourism industry in Denmark) and Vin og Spiritus Organisationen i Danmark (The Wine & Spirits Organisation in Denmark)
- The rulings of The Committee are made by the members of the committee alone. If a complaint about a member of one of the affiliated trade associations is brought before the committee, the association in question occupies the trade representative's seat
- All of the trade associations have access to representation at the meetings. This may contribute to the trade associations expressing viewpoints which derive from discussions in the committee when advising their members. These discussions are normative due to the fact that the general opinions across the committee are predictable to a certain extent and therefore prevent concrete cases from occurring

Appeals

Appeals handling	CDCS
Organisation offers an appeal procedure	N

CDCS

- There is no appeal of the decisions made by the Committee

Monitoring

Compliance monitoring	CDCS
Monitors advertising on its own behalf	Y
Monitors all media	Y
Monitors a sample of advertisements	Y
Monitors on its own initiative with the ability to react without a complaint being made	Y

CDCS

- Although the Committee can undertake monitoring in any media this is not done systematically
- It can monitor on its own initiative with the ability to react without a complaint being made. This has happened once in the last three years (in 2003) in which case the complaint was upheld

Sanctions

Sanctions available to the Complaints Committee	CDCS
Decisions of the complaints committee publicised	Y
Ability to impose additional sanctions if a company rejects the decision of the complaints committee	Y
Compliance of committee decisions monitored	N

CDCS

- If the committee finds that the rules have been broken, the committee can express criticism of the company/persons responsible for the advertisement in question
- In this instance the criticism would be given to the offending organisation and published in the Annual Report
- The committee can make the criticism public if the offence is repeated or in very serious cases the criticism can be made public by the committee. This would be via an immediate press release as well as being included in the Annual Report
- Until now all decisions have been followed by the companies
- In general the companies see the criticism of a commercial communication as a big enough punishment in itself: they want to avoid any damage to their brand/company-name
- At the moment compliance with committee decisions is not monitored but this is under consideration

Awareness

Publication of Committee decisions	CDCS
Report published of all the complaints and their outcome	Y

CDCS

- Decisions of the Committee are made available in press releases and the annual report
- It provides details of who complained, a description of the complaint, remarks from the company involved and the decision of the committee

Analysis of Complaints

CDCS	2000	2001	2002	2003	2004
Total Number of complaints about alcohol products received	2	5	1	14	19
Total number of alcohol complaints which required intervention (the advertisement was in breach of the Code)	2	4	1	5	6
Number of different advertisements to which these relate (individual advertisements judged to be in breach of the Code)	2	4	1	5	6

The Committee deals only with complaints relating to alcohol advertising

CDCS

- The number of complaints is low
- Complaints received about different advertisements that required intervention have not risen above 6 in any year

Recent Developments

CDCS

- There have been no changes since the Code was introduced in 2000

Future Plans

CDCS

- Consideration is being given to monitoring compliance of committee decisions

ESTONIA

The Regulatory/Self-regulatory Environment

Advertising in Estonia is currently subject to significant legislative regulations which limit the advertising of alcoholic products, including prohibitions on Strong drinks using certain media. There are plans to introduce general and beer sector self-regulation. A Beer Code, whose aim is to impose a stricter regulation than currently applies from the Advertising Act, is expected to be finalised by June 2005.

Overview of Alcoholic Marketing Regulations

- Advertising is currently regulated entirely by legislation but initiatives from the advertising and brewing sectors will establish industry and brewing specific self-regulatory systems during 2005
- Advertising controls differ between Strong (abv over 22%) and Low Alcohol (abv between 3% and 22%) drinks
- Strong products have to comply with an extensive range of regulations, including being prohibited from using a variety of media and being restricted to certain times on television and radio
- Advertising of Low Alcohol products is slightly less curtailed but is again restricted to certain times on radio and television

Statutory Authorities

- The **Estonian Consumer Protection Board** is a national authority whose task is to protect consumer's rights, represent their interests and develop and implement consumer policy
- It supervises the consumer market, settles consumer complaints and informs and advises consumers, providing an inexpensive alternative to the civil courts
- Its decisions serve as guidelines for trade enterprises. It is entitled to impose fines and prescriptive orders in case of the violation of the CPA and other regulations
- Together with other state and local government institutions, the Board also monitors misleading advertising and product-labelling amongst other aspects
- It regulates advertising under the Advertising Act
- **Local Authorities** supervise advertising at exhibitions and other public events, outdoor advertising, in or on public vehicles and taxis, advertising in stores or advertising events

Statutory Controls on Alcohol

- Conditions for the advertising of alcohol are set out in the **Advertising Act (1997)**
- It prohibits advertising which promotes:
 - Initiation of the use of alcoholic beverages
 - Contains a direct appeal to purchase or consume such beverages
 - Is directed primarily at persons under 21 (children or young people)

- It additionally specifies separate regulations for advertising Strong drinks (with an abv above 22%) and Low Alcohol drinks (between 3% and 22% abv)
- Advertising of Strong alcoholic beverages is prohibited:
 - Between 7.00 and 21.00 on television or radio
 - On video cassettes, video games, compact discs or by any other technical media
 - On the front or back cover of newspapers or magazines
 - In printed publications that are directed principally at children or young people or on printed matter containing information published principally for children or young people
 - In cinemas, museums, theatres and concert halls, except for places within them where alcohol is sold or places designated for its consumption
 - In, on, or in close proximity to a building housing a nursery school, school, other educational institution, children's or youth centre
 - In a stadium, permanent sports arena or gymnasium, or in or on any other space or structure intended for sports
 - As outdoor advertising, except on buildings in which Strong alcoholic beverages are sold
 - In, on, or on the territory of a hospital or other health care facility
 - Inside or on the outside of public transport vehicles and taxis
 - That includes symbols of the state or local governments
 - That includes references to or images of characters from film, television, pop music, entertainment, sports or other public figures, or characters from cartoon animation or three-dimensional animation
 - Which contain information, events, or activities which may suggest that the consumption of Strong alcoholic beverages is important for achieving positive results in certain fields
 - That employs sales promotion activities using public displays in areas where Strong alcoholic beverages are not sold
 - Or sell or distribute free of charge to children or young people a product or printed matter related to Strong alcoholic beverages
- Advertising of Low Alcohol beverages is prohibited:
 - Between 7.00 and 20.00 on television or radio
 - In or on a building housing a nursery school, school, other educational institution, children's or youth centre or in close proximity to it
 - In a stadium, permanent sports arena or gymnasium, or in or on any other building or structure intended for sports
 - In or on the territory of a hospital or other health care facility
 - In printed publications which are directed principally at children or young people, or on printed matter containing information published principally for children or young people
 - In cinemas, museums, theatres and concert halls, with the exception of places within such sites where alcohol is sold
 - That contains references to or visual images of characters from film, television, pop music, entertainment, sports or other public figures, or characters from cartoon animation or three-dimensional animation
 - That includes information, events, or activities which may suggest that the consumption of alcoholic beverages is important for achieving positive results in certain fields
 - Which involve the sale or distribution free of charge to children or young people product or printed matter related to low-alcohol beverages as a method of advertising low-alcohol beverages

- The **Broadcasting Act** (1995), which applies to all broadcasters established in Estonia, requires that television advertising for alcoholic beverages shall not:
 - Be aimed specifically at minors or depict minors consuming these beverages
 - Link the consumption of alcohol to enhanced physical performance or to driving
 - Create the impression that the consumption of alcohol contributes towards social or sexual success
 - Claim that alcohol has therapeutic qualities or that it is a stimulant, a sedative or a means of resolving conflicts
 - Encourage immoderate consumption of alcohol or present abstinence or moderation in consumption of alcohol in a negative light
 - Place emphasis on high alcoholic content as being a positive quality of beverages

Framework of Self-regulation

- There is presently no self-regulatory system for advertising in Estonia although advertisers, agencies and the media have announced plans to establish an advertising standards system during 2005

The Estonian Breweries Association is separately drawing up a self-regulatory Code for Commercial Communications of beer which is due to be signed by June 1st 2005

Codes for Commercial Communications

- There are currently no Estonian national members of any of the international organisations which participated in the survey
- The Estonian Breweries Association was, however, contacted to participate
- Although they do not have a self-regulatory system in place, the Estonian Breweries Association is separately drawing up a self-regulatory Code for Commercial Communications of Beer which is due to be signed by June 1st 2005
- The aim of the Code is to set out and impose a stricter regulation than currently stated in the Advertising Act
- The Consumer Protection Board of Estonia has participated in the decision making process for this Code
- It was not possible for them at this stage to provide any details on their proposed Code and its operation

FINLAND

The Regulatory/Self-regulatory Environment

All alcohol advertising was prohibited until 1995. Alcoholic beverages advertising is currently controlled by legislation that prohibits advertising for products over 22% abv and constrains it for other products over 1.2% abv. Because of the strong legislative environment, self-regulation is not an important element for alcohol advertising. There is no specific alcohol self-regulatory code but it is covered in a general sense by the ICC Code applied by the Council of Ethics in Advertising.

Overview of Alcoholic Marketing Regulations

- All alcohol advertising was prohibited until 1995 and all matters relating to the manufacture, import and sale of alcoholic drinks over 2.8% abv were determined and controlled by the state alcohol monopoly Alko
- Alko now has a monopoly on the retail sale of alcoholic beverages with an abv over 4.7%, since the law only allows the sale in retail shops of fermented beverages with an alcohol content lower or equal to 4.7%
- Direct and indirect advertising and sales promotion of alcoholic beverages of over 22% are prohibited
- Drinks with an abv less than 1.2% are authorised for any media
- Products with an abv between 1.2% and 22% are subject to restrictions on content and place in all media
- There is no self-regulatory code relating to alcoholic drinks but they are covered in a general sense by the ICC Code applied by The Council of Ethics in Advertising

Statutory Authorities

- The **Finnish Consumer Agency** (Kuluttajavirasto) is responsible for consumer affairs and enforcement of the Consumer Protection Act
- It is headed by the **Consumer Ombudsman** (Kuluttaja-asiamies) who is the public authority responsible for consumer affairs and enforcement of consumer legislation. The Ombudsman can operate on his own initiative or on complaints from consumers
- If no result is achieved a ban can be imposed on the infringing party (possibly with a penalty) and if this is not accepted the case can be brought before the Market Court
- Advertising is subject to legislative control in the form of the **Market Court** (Markkinatuomioistuin) which is a special court for marketing cases. It can order the suspension or correction of an advertisement and may also impose a fine
- A case based on the Consumer Protection Act is initiated at the Market Court by a petition by the Consumer Ombudsman. It also has jurisdiction over the Alcohol Act
- The **National Product Control Agency for Welfare and Health** (Sosiaali- ja terveydenhuollon tuotevalvontakeskus, STTV), which functions under the **Ministry of Social Affairs and Health**, is responsible for the control of alcohol advertising
- It drafts the Rules for Advertising of Alcohol and undertakes monitoring and surveillance of alcohol advertising

- It has the authority to prohibit advertising that is contrary to the Alcohol Act. This may be done on a permanent or preliminary basis. The prohibition can also be the subject of a conditional fine. Their decisions may be appealed in the final instance to the Market Court
- The **Finnish Communications Regulatory Authority (FICORA)** is the broadcasting regulatory authority whose responsibilities include supervising broadcasters to ensure that they operate in compliance with the regulations on advertising, sponsorship and teleshopping in the Act on Television and Radio Operations
- Customers can turn to FICORA with complaints relating to the Act on Television and Radio Operations

Statutory Controls on Alcohol

- Between 1976 and 1995 all alcohol advertising was prohibited. All matters relating to the manufacture, import and sale of alcoholic drinks over 2.8% abv were determined and controlled by the state alcohol monopoly Alko
- Alko Inc., an independent, State-owned company administered and supervised by the Ministry of Social Affairs and Health, now has a monopoly on the retail sale of alcoholic beverages with an abv over 4.7%
- The law only allows the sale in retail shops of fermented beverages, which must have an alcohol content lower than or equal to 4.7% abv
- The **Act on Television and Radio Operations** implements the Television Without Frontiers Directive and contains the rules on television advertising and sponsorship
- The **Alcohol Act** bans direct and indirect advertising and other sales promotion of alcoholic beverages of over 22% abv
- Drinks with an abv less than 1.2% are authorised for any media
- Advertising of alcoholic beverages with an abv between 1.2% and 22% are subject to restrictions in all media
- Advertising, indirect advertising and other sales promotion of these products and other sales promotions aimed at consumers and linking it to advertising or sales promotion of another product or service must not:
 - Be aimed at minors or depicted them in it
 - Link consumption to driving a vehicle
 - Emphasise the alcoholic strength as a positive quality
 - Describe immoderate consumption in positive terms, or temperance or moderate consumption in negative terms;
 - Gives an idea that alcohol enhances physical functions or makes one socially or sexually more successful
 - Suggest that alcohol has medical or therapeutic properties or that it refreshes, calms or is a means of resolving personal conflicts
 - Contrary to good manners, uses methods that are inappropriate from the viewpoint of the consumer or otherwise gives untruthful or misleading information about alcohol, its use, effects or other properties
- There are certain exceptions to the prohibition on advertising of products over 22% abv relating to approved trade journals and on licensed premises and on premises where alcoholic beverages are retailed or produced

Framework of Self-regulation

- Because of the strong legislative environment, self-regulation is not an important element for alcohol advertising
- Two independent bodies under the Central Chamber of Commerce of Finland deal with disputes related to marketing between companies (LTL) and for ethically unacceptable advertising practices (MEN) respectively
- The Council of Ethics in Advertising (MEN) deals mainly with complaints from consumers and with issues that are deemed to have public significance
- It applies the ICC Code which has no provisions specifically relating to alcohol but most of the specific provisions outlined in the questionnaire are addressed by legislation and in the STTV guidelines
- It does not offer copy advice
- The Council of Ethics in Advertising handles complaints from consumers and advertisers for commercial communications in all media. There is no appeal
- No sanctions are available to the Council if its decisions are ignored because it gives only statements that are recommendations by nature

Questionnaire on Codes for Commercial Communications

Respondents

Responses to the Codes for Commercial Communications questionnaire were received from the following organisations:

National Body	Code of Commercial Communications
<p>LTL Liiketalautakunta Board of Business Practice</p> <p>MEN Mainonnan eettinen neuvosto The Council of Ethics in Advertising</p>	<p>ICC Code</p>
<p>Panimoliitto Federation of the Brewing and Soft Drinks Industry</p>	<p>No Code</p>
<p>FFDIF/FABIA Finnish Food And Drink Industries' Federation Alcoholic Beverages Industries' Association</p>	<p>No Code</p>

LTL

- The Board of Business Practice (Liiketalautakunta) is an independent body under the Central Chamber of Commerce of Finland
- The LTL was set up to promote self-regulation and to prevent unfair competition and unfair trade practices
- It deals with disputes related to marketing between companies but the actual jurisdiction is held by the Market Court

MEN

- The Council of Ethics in Advertising (Mainonnan eettinen neuvosto) is another independent body under the Central Chamber of Commerce of Finland
- Set up in 2001, it issues statements on whether or not an advertisement or advertising practice is ethically acceptable
- The MEN continues the work of the earlier Council of Equality in Advertising but it has the powers to take a wider view on whether various advertising methods are acceptable
- It deals mainly with requests from consumers and with issues that are deemed to have public significance

Panimoliitto

- The Federation of the Brewing and Soft Drinks Industry promotes the interests of producers of beer, cider, long drinks, soft drinks and mineral waters in Finland
- It operates in connection with the Finnish Food and Drink Industries' Federation which represents and promotes the interests of Finnish food and drink industries

FFDIF/FABIA

- The Finnish Alcoholic Beverages Industries' Association also operates in connection with the Finnish Food and Drink Industries' Federation

Self-regulatory Initiatives

LTL

- The Board of Business Practice issues statements on whether or not a practice is contrary to good business practice and whether or not it violates the International Code of Advertising Practice
- It seeks to provide individual traders and companies with a rapid and effective procedure to handle disputes concerning unfair trade practices

MEN

- The MEN does not have a specific code relating to alcohol but issues statements, based on the ICC International Code of Advertising Practice and other corresponding codes and guidelines, on whether or not an advertisement or advertising practice is ethically acceptable
- The MEN may also develop the principles of ethics in advertising but does not issue statements on whether an advertisement or advertising practice is against the law
- The Council mainly deals with requests from consumers and with issues that are deemed to have public significance

Panimoliitto

- Panimoliitto does not have a code applying to the advertising of alcohol
- It believes that there is no requirement to develop a self-regulatory system because the authorities have established firm rules to follow

FFDIF/FABIA

- Because of the strict legal controls on alcohol advertising, the authorities control and follow the activities of the drinks industry very carefully
- As a consequence, there are limited possibilities to take self-regulatory action
- FFDIF/FABIA does not have a code applying to the advertising of alcohol
- It believes that there is no need at present to develop a self-regulatory system because the authorities have set out the rules to follow

Setting Up and Basic Principles of the Code

Creation of the Code

Stakeholders consulted during the formulation and creation of the Code

	MEN
Consumer organisations	N
NGO's	N
Professional organisations	N
Government departments	N

MEN

- Applies the ICC Code but does not apply the law
- Statutory legislation covers the advertising of alcoholic beverages which means that STTV controls alcohol advertising

Coverage of the Code

Product types covered by the Code

	MEN
Beer	N
Wine	N
Spirits	N
Cider	N
Flavoured Alcoholic Beverages	N

MEN

- The ICC Code applies to all products but there are no provisions specifically relating to alcohol
- The ICC Code applies to all media and also non-advertising materials and activities, statements about issues of societal concern and educational messages
- Most of the specific provisions outlined in the questionnaire are addressed by legislation and in the STTV guidelines

Implementation of the Code and Other Principles

The Self-regulatory Body

Organisation

	MEN
Organisation is a self-regulatory body	Y

MEN

- The Council of Ethics in Advertising is a self-regulatory body applying the ICC International Code of Advertising Practice and other corresponding codes and guidelines

Promotion of the Code	MEN
Programme or initiatives to make consumers aware of the Code and the complaints mechanism	Y
Training and information offered to marketers and advertisers	N

MEN

- The Code is available on the Central Chamber of Commerce webpage
- Training and information for marketers and advertisers is not available

Pre-launch Services Offered

Copy advice offered for the following media:	MEN
Print	N
Broadcast media	N
Cinema	N
Outdoor events	N
Labelling (including product names)	N
Naming & Packaging	N
Internet	N
<i>and includes:</i>	
Promotion	N
Merchandising	N
Point of sale material	N
Sponsorship	N
Electronic media	N
Communications to on & off trade	N
Product placement	N
Direct marketing	N

MEN

- Pre-launch copy advice is not available from The Council of Ethics in Advertising or from any other organisation in Finland

Complaints

Complaints handling	MEN
Organisation includes a Complaints Committee	Y
Deals with complaints from all parties	Y
Complaints:	
Charges Consumers	N
Charges Competitors	Y
Handles complaints from all media	Y

MEN

- The Council of Ethics in Advertising handles complaints from consumers and advertisers for commercial communications in all media
- It is made up a chairman, vice-chairman and between 4 and 6 members appointed by Central Chamber of Commerce
- There is no charge for consumers to make a complaint but competitors incur a fee of 1000 euros
- Complaints must be in writing giving details of why the advertising or advertising practice is ethically unacceptable
- The 'defendant' is provided with details of the complaint and given the opportunity to respond within a reasonable period of time set by the Council
- The Council may also take the initiative to find further information if it considers it necessary
- After consideration, the Council gives its statement in writing to each party. It may decide not to issue a statement for a specified reason when the reasons behind such a decision must be stated

Appeals

Appeals handling	MEN
Organisation offers an appeal procedure	N

MEN

- There is no appeal from the decision

Monitoring

Compliance monitoring	MEN
Monitors advertising on its own behalf	N
Monitors on its own initiative with the ability to react without a complaint being made	Y

MEN

- The MEN does not systematically monitor advertising as this is undertaken by STTV
- The Council can take up cases on its own initiative, which it has done about 10 times over the past 3 years

Sanctions

Sanctions available to the Complaints Committee	MEN
Decisions of the complaints committee/self-regulatory body publicised	N ¹
Ability to impose additional sanctions if a company rejects the decision of the self-regulatory body/complaints committee	N

¹Made available only on web site

MEN

- Decisions of the Council are not publicised but are made available on its internet WebPages
- There are no additional sanctions available to the Council if its decisions are ignored because it gives only statements that are recommendations by nature
- The officials (STTV) and market court may impose sanctions

Awareness

Publication of Committee decisions	MEN
Report published of all the complaints and their outcome	Y

MEN

- The statements as a whole are published. It has been issued once so far and it is unknown when the next will be issued
- It is available to everyone

Analysis of Complaints

MEN	2001	2002	2003
Total Number of complaints received	5	21	46
Number of complaints about alcohol products	0	0	2

MEN

- Alcohol has been an insignificant component of the total number of complaints that the Council of Ethics in Advertising has received since its formation

Recent Developments

MEN

- The Council of Ethics in Advertising became operational in 2001

Future Plans

MEN

- None identified

FRANCE

The Regulatory/Self-regulatory Environment

A statutory Code of Conduct imposes strict controls on the content, timing and place of alcohol advertising, including prohibiting it from television and cinema and restricting it in other media. Advertising that is allowed is subject to comprehensive self-regulatory controls, which include specific alcohol guidelines.

Overview of Alcoholic Marketing Regulations

- The Loi Evin restricts and strictly controls the direct and indirect advertising of all alcoholic beverages
- Alcoholic drinks advertising is not permitted on television and cinema. It is allowed on all other media subject to strict restrictions on content, timing and place and the inclusion of an educational message about alcohol
- Self-regulation of advertising is an important controlling element for alcohol advertising that is permitted
- Advertising in general is regulated by the SRO Bureau de Vérification de la Publicité (BVP) through its general Notes of Guidance which is supplemented by sectoral guidelines, including one for alcohol
- The BVP is a signatory to the Self-regulation Code of Ethics for Commercial Communication on Alcoholic Beverages, which was agreed in 2004 and is shared with a number of other organisations, including the SAO Entreprise & Prévention and drinks sector trade associations
- Coverage of the Code is comprehensive, addressing all of the provisions outlined in the questionnaire for alcoholic drinks

Statutory Authorities

- The **Superior Audiovisual Council (CSA: Conseil supérieur de l'audiovisuel)** is an independent administrative authority with the responsibility to guarantee broadcasting freedom. Its remit includes regulating the content of radio and television advertisements
- The CSA's opinions are solicited by the government on a range of areas including Government bills on broadcasting and the adoption of rules concerning in particular, advertising on Radio France and on television
- The **Directorate-General of Competition, Consumer Affairs and Fraud Prevention (DGCCRF: Direction Générale de la Concurrence, de la Consommation et de la Répression des Fraudes)** has general powers in the field of misleading advertising and fraud

Statutory Controls on Alcohol

- Advertising is regulated by the **Loi Evin**, passed in 1991. It restricts and strictly controls the direct and indirect advertising of all alcoholic beverages (those over 1.2% abv)
- A Code of Conduct, drawn up by the **Conseil Supérieur de l'Audiovisuel**, lays down detailed rules for the implementation of that Law

- Advertising of alcoholic drinks is not permitted on television
- Alcoholic drinks over 1.2% abv are permitted to advertise on radio but they are severely restricted and are allowed only between midnight to 5.00 pm every day apart from Wednesday (midnight to 7.00 am.) on private stations
- Alcoholic beverages are not allowed to advertise in cinemas but are allowed to use outdoor posters subject to certain restrictions
- Advertising is permitted at places such as wine fairs and wine museums
- It is permitted to advertise in the press, apart from youth magazines, subject to restrictions
- Direct mail and point of sale are allowed subject to restrictions
- On delivery vehicles alcoholic beverages are limited to name of product, name and address of producer or importer
- Sponsorship of cultural or sporting events by alcohol companies is not permitted
- For authorised advertisements, what can be shown or described is restricted so that the message and images should only refer to the qualities of the product such as:
 - Degree of alcohol
 - Name of product
 - Composition
 - Origin
 - Means of production
 - Name and address of the manufacturer
 - Information on the product
 - Selling conditions
 - Ways to prepare and drink
- Since January 2005 it has also included colour, taste and smell of products and references to appellations of origin
- No advertising should be targeted at the young or show people drinking
- In addition to these restrictions, an educational message about alcohol must be included in all advertising that is permitted (apart from that directed at the trade) to the effect that 'Pour votre santé, attention à l'abus d'alcool' or 'L'abus d'alcool est dangereux pour la santé, à consommer avec modération', depending upon media
- The NGO ANPAA (Association Nationale de Prévention en Alcoologie et Addictologie) has brought infringements before the courts, which can impose significant penalties

Framework of Self-regulation

- The "Loi Evin" restricts the commercial communication of alcoholic beverages but is difficult to interpret and so guidelines for common application of the regulations were formulated and adopted by most alcoholic beverages producer professional organisations
- The advertising industry SRO, Bureau de Vérification de la Publicité (BVP) adopted its own code based on these guidelines
- Subsequently members of the drinks industry SAO, Entreprise & Prévention, adopted specific guidelines for the naming, packaging and distribution of new products
- Because some brands and magazines were prosecuted for falling foul of the Evin law, alcoholic beverage producers, media organisations, communication agencies and the BVP considered it

was necessary to review the existing Codes (including the case law) and merge them into a single one

- In 2004 the Self-regulation Code of Ethics for Commercial Communication on Alcoholic Beverages (Code d'autodiscipline et de déontologie en matière de communication et de commercialisation de boissons alcoolisées) was adopted by all the organisations involved including Entreprise & Prévention, the BVP and various sectoral trade associations
- It is applicable to all alcoholic drinks and covers all forms of commercial communications in which alcohol advertising is permitted. The coverage of its provisions is comprehensive
- The BVP offers non-binding copy advice but not copy clearance for media open to alcoholic drinks advertising
- It has a complaints mechanism but there is no appeal against the decision. Decisions are not publicised
- The drinks industry SAO, Entreprise & Prévention, was responsible for drawing up the drinks advertising Code and offers copy advice for all media options that are open to alcoholic drinks
- It does not, however, have its own complaints mechanism which is through the BVP (who now shares its Code)

Questionnaire on Codes for Commercial Communications

Respondents

Responses to the Codes for Commercial Communications questionnaire were received from the following organisations:

National Body	Code of Commercial Communications
Brasseurs de France	Signatory of the Entreprise & Prévention Code of Self-regulation and Ethics for Communication and Marketing of Alcoholic Beverages
FEVIS Fédération Française des Vins Spéciaux	Signatory of the Entreprise & Prévention Code of Self-regulation and Ethics for Communication and Marketing of Alcoholic Beverages
FFS Fédération Française des Spiritueux	No Code of Commercial Communications
SEC Syndicat des Exportateurs du Cognac	No Code of Commercial Communications
Entreprise & Prévention	Code of Self-regulation and Ethics for Communication and Marketing of Alcoholic Beverages

Entreprise & Prévention

- A Social Aspect Organisation formed in 1990 by major beer, wine and spirits companies with the objective of counteracting alcohol abuse
- Its mission is to:
 - Contribute to the fight against the over-consumption of alcohol and its social consequences
 - Promote self-regulation and to continue to apply current regulations in a responsible manner
 - Facilitate discussions between public bodies and the professional partners
 - Develop prevention proposals that could become attractive to the public

Brasseurs de France

- Brasseurs de France, a professional organisation representing brewers, did not complete the questionnaire, explaining that it had signed the 'Code d'autodiscipline et de déontologie en matière de communication et de commercialisation de boissons alcoolisées' of Entreprise et Prévention
- Entreprise et Prévention has responded on behalf of the Code's signatories

FFS

- Fédération Française des Spiritueux is a professional organisation representing French spirit producers and distributors dealing with matters arising out of their production, import and marketing
- It did not complete the questionnaire, explaining that it was not fillable by the organisation and referred to the response by Entreprise & Prévention

SEC

- The Syndicat des Exportateurs de Cognac does not have a Code for Commercial Communications in place which its members have to follow
- Most members of SEC, however, are also directly or through their affiliation to a Spirits group, members of Entreprise & Prévention whose Code they apply

Other Organisations

BVP

- The Advertising Verification Bureau (BVP : Bureau de Vérification de la Publicité) did not respond directly to the questionnaire
- The BVP was originally established in 1935 as the Office for Checking Advertisements (Office de Contrôle des Annonces). It was restructured in 1971, at the government's initiative, in order to give self-regulation a more important role
- An advertising self-regulation organisation, its aim is to promote legal, decent, honest and truthful advertising
- Its members include organisations representing advertisers, media and advertising agencies, as well as sectoral trade associations
- The BVP's Notes of Guidance (Recueil des Recommandations) are endorsed by its members and regularly updated. It contains both general rules and sector- and product-specific guidelines, including one for alcohol, and covers all forms of advertising
- The BVP works with the associations from various sectors of the industry to develop specific guidelines for self-regulation of their specific advertising
- At the initiative of either the BVP, sectoral or industry associations or the public authorities, ad hoc Technical Committees are set up to draft or modify the general or sectoral rules. The sector concerned participates in the drafting assisted by the Chairman, Director General and the BVP's legal department
- The BVP is a signatory to the Code d'autodiscipline et de déontologie en matière de communication et de commercialisation de boissons alcoolisées which it applies as a sector guideline
- Although a questionnaire was not completed, the self-regulatory role of the BVP is analysed in the following tables from published sources

Self-regulatory Initiatives

Entreprise & Prévention

- Operates the Self-regulation Code of Ethics for Commercial Communication on Alcoholic Beverages (Code d'autodiscipline et de déontologie en matière de communication et de commercialisation de boissons alcoolisées)

- This came into force in 2004 and is shared with a number of other organisations, including the BVP and various sectoral trade associations
- In 1991 the “Loi Evin”, which restricts the commercial communication of alcoholic beverages, came into force. Because the law is difficult to interpret, guidelines for common application of the regulations were formulated and adopted by most alcoholic beverages producer professional organisations. The BVP (the SRO) adopted its own code based on these guidelines
- In 1996, Entreprise & Prévention members adopted specific guidelines for the naming, packaging and distribution of new products
- In 2003, because some brands and magazines were prosecuted for falling foul of the Evin law, alcoholic beverage producers, media organisations, communication agencies and the BVP felt it was necessary to review the existing Codes (including the case law) and merge them into a single one. This has been adopted by all the organisations involved including Entreprise & Prévention and BVP

Setting Up and Basic Principles of the Code

In the following analysis of the Code, responses are attributed only to Entreprise & Prévention. In fact they have completed the questionnaire on behalf of the other bodies that are signatories to the 2004 revision, including the BVP (which are referred to separately later in respect to implementation of the Code)

Creation of the Code

Stakeholders consulted during the formulation and creation of the Code

	Entreprise & Prévention
Consumer organisations	N
NGO's	N
Professional organisations	Y
Government departments	N

Entreprise & Prévention

- A wide range of professional organisations were consulted in drawing up the new Code
- These included:
 - Alcoholic beverage organisations : Entreprise & Prévention, Brasseurs de France, Fédération Française des Spiritueux, Fédération Française des Vins Spéciaux, Bureau National Interprofessionnel du Cognac and UDA (Union des annonceurs)
 - Media organisations: Association pour la Promotion de la Presse Magazine and Union de la Publicité Extérieure (billboards)
 - Communication agency organisation: Association des Agences Conseils en Communication
 - Self-regulatory organisation: Bureau de Vérification de la Publicité (BVP)
- All the stakeholders consulted became signatories of the Code
- Consumer organisations and NGOs were not consulted because they are not involved in the implementation of the Evin law
- No government department was consulted as it attaches more importance to regulation than self-regulation

Coverage of the Code

Product types covered by the Code

	Entreprise & Prévention
Beer	Y
Wine	Y
Spirits	Y
Cider	Y
Flavoured Alcoholic Beverages	Y

Entreprise & Prévention

- The Code covers all alcoholic beverages of all strengths

Brand advertising/marketing communications media covered by the Code

	Entreprise & Prévention
Print	Y
Broadcast media	Y ¹
Cinema	Y
Outdoor events	N
Labelling (including product names)	Y
Naming & Packaging	Y
Internet	Y
<i>and including</i>	
Promotion	Y
Merchandising	Y
Point of sale material	Y
Sponsorship	Y
Electronic media	Y
Communications to on & off trade	Y
Product placement	Y
Direct marketing	Y

¹Radio: television advertising of alcohol forbidden

Entreprise & Prévention

- Because advertising of alcohol is forbidden in cinemas and on television they are not included but all other media types are

Other activities covered by the Code

	Entreprise & Prévention
Non-advertising materials and activities	Y
Statements to the media, government agencies or the public about issues of societal concern such as the risks or benefits related to the consumption of the product(s)	N
Educational messages about responsible drinking or the role of alcohol consumption in society	Y

Entreprise & Prévention

- All types of commercial communications are covered by the Code but this does not extend to statements about the risks or benefits of alcoholic drink consumption as this is not considered a commercial communication and the topic is not an issue
- The Code requires that all promotional activities at the point of sale include educational messages

Provisions of the Code

General Provisions

Basic principles included in the Code

	Entreprise & Prévention
Be legal, decent, honest and truthful and conform to generally accepted principles of fair competition and good business practice	N
Be prepared with a due sense of social responsibility and be based on principles of fairness and good faith	Y
Under no circumstances be unethical, offend against generally prevailing standards of taste and decency or otherwise impugn human dignity and integrity	N

Entreprise & Prévention

- The specific principles are not included because they are judged not to be necessary as compliance to them is believed to apply without saying

Specific Provisions

Misuse

	Entreprise & Prévention
Commercial communications should not encourage excessive or irresponsible consumption, nor present abstinence or moderation in a negative way	Y
Commercial communications should not suggest an association with violent, aggressive, dangerous or anti-social behaviour	Y
Commercial communications should not show people who appear to be intoxicated or in any way imply that intoxication is acceptable	Y

Entreprise & Prévention

- All misuse provisions are included

Minors

	Entreprise & Prévention
Commercial communications should not be aimed at minors or show minors consuming the product	Y
Commercial communications should not promote the product in media, programmes or at events where the majority of the audience are known to be minors	Y

- Under French law the legal age is 18 years apart for beers, wines and cider in HORECA where it is 16 years

Entreprise & Prévention

- All provisions relating to minors are included

Driving

	Entreprise & Prévention
Commercial communications should not directly or indirectly associate consumption with the act of driving vehicles of any kind	Y

Entreprise & Prévention

- Advertising is not allowed to associate alcohol consumption with driving

Hazardous activities

	Entreprise & Prévention
Commercial communications should not associate consumption with the operation of potentially dangerous machinery or with the performance of potentially hazardous activities, or portray the act of consumption prior to or during activities, or in locations that are potentially hazardous (It should be borne in mind that those activities that might not otherwise be considered hazardous e.g. swimming or using simple hand tools, may be inadvisable after consuming an alcoholic beverage)	Y

Entreprise & Prévention

- Hazardous activities are covered by the provisions

Medical aspects

	Entreprise & Prévention
Commercial communications must not attribute the property of preventing, treating or curing a human disease or refer to such properties	Y
Commercial communications on health aspects of the product are allowed to the extent specifically permitted by the law of the country where the communication is made. This includes reference to government-issued sensible drinking guidelines or limits	N

Entreprise & Prévention

- Commercial communications on health aspects are not allowed under the Evin law

Alcohol content

	Entreprise & Prévention
Commercial communications should not create any confusion as to the nature and strength of the product	Y
Commercial communications should not present high alcoholic strength in itself as a positive quality of the brand or as a reason for choosing it. On the other hand, messages may not imply that consuming beverages of low alcohol content will avoid misuse (this prohibition does not apply to commercial communications for non-alcoholic beverages)	Y

Entreprise & Prévention

- Provisions relating to alcoholic content are included

Performance

	Entreprise & Prévention
Commercial communications should not create the impression that consumption enhances mental ability or physical performance, e.g. when engaging in sports	Y
Commercial communications should not create the impression that consumption enhances social or sexual success	Y

Entreprise & Prévention

- Reference is made to both performance provisions in the Code

Promotions & Sampling (including tasting)

	Entreprise & Prévention
No promotion should encourage irresponsible or anti-social behaviour or alcohol misuse, in particular excessive consumption	Y
Sampling is allowed at licensed or private premises, trade fairs or occasions in accordance with local regulations. No sampling of the product should be offered to minors	Y

Entreprise & Prévention

- Promotions and sampling provisions are included in the Code

Other provisions

	Entreprise & Prévention
Other provisions included within the Code	Y

Entreprise & Prévention

- The Code includes guidance on the way to interpret the Evin law (advertising content, media allowed) and about distribution (alcoholic beverages to be sold in different departments to non-alcoholic beverages)

Implementation of the Code and Other Principles

The Self-regulatory Body

Organisation

	BVP	Entreprise & Prévention
Organisation is a self-regulatory body	Y	N
Organisation is a direct or indirect member of a self-regulatory body/bodies		Y

BVP

- The Advertising Verification Bureau is the principal advertising self-regulation body in France
- Its members include organisations representing advertisers, media and advertising agencies, as well as sectoral trade associations
- Its Notes of Guidance (Recueil des Recommandations) contain both general rules and sector specific guidelines, including those for alcoholic drinks

Entreprise & Prévention

- Entreprise & Prévention is not a self-regulatory body itself but became member of the BVP in 2004
- However, one of its roles has been to develop the Code d'autodiscipline et de déontologie en matière de communication et de commercialisation de boissons alcoolisées

Promotion of the Code

	Entreprise & Prévention
Programme or initiatives to make consumers aware of the Code and the complaints mechanism	N
Code promoted to:	
Public authorities	Y
Consumer organisations	Y
Staff in bars/restaurants/shops etc	N
Training and information offered to marketers and advertisers	Y

Entreprise & Prévention

- Entreprise & Prévention has no complaints mechanism itself because it considers that the very restrictive nature of Loi Evin means that there is no need for one that includes consumers
- All signatories of the Code may promote their self-regulation policy to consumer organisations if they consider it can be useful
- There is no promotion directly to staff in bars but the Code points out that educational messages have to be given and 'designated drivers' actions have to be set up by brands during their promotional activities in bars, discos or shops
- Information sessions are offered to marketers and advertisers on a voluntary basis. Led by Entreprise & Prévention, they explain how to interpret the Evin law and explain the reason why it is necessary to respect the Code
- This is available to all interested parties without charge

Pre-launch Services Offered

Copy advice offered for the following media:

	BVP	Entreprise & Prévention
Print	Y	Y
Broadcast media	Y ¹	Y ¹
Cinema	N ²	N
Outdoor events	Y	Y
Labelling (including product names)	Y	Y
Naming & Packaging	Y	Y
Internet	Y	Y
<i>and includes:</i>		
Promotion		Y
Merchandising		Y
Point of sale material		Y
Sponsorship		Y
Electronic media		Y
Communications to on & off trade		Y
Product placement		Y
Direct marketing		Y

¹Radio only, television advertising of alcohol is not permitted

²Cinema advertising of alcohol is not permitted

BVP

- The BVP offers formal copy advice as well as informal consultations and opinions by phone and visit
- In its procedures, the BVP makes specific reference to the existing laws and regulations, which might come into play if questionable advertising content was presented to the public

Entreprise & Prévention

- Copy advice is available for all media options that are open to alcoholic drinks

Form of copy advice

	BVP	Entreprise & Prévention
Copy advice offered is:		
Binding	N ¹	N
Free	N	Y
Available to members only	Y	Y
Available to all media groups	Y	Y
Clearance implies future complaints are unlikely to be upheld	N	N

¹Binding on television advertisements, although this medium is not permitted for alcoholic drinks

BVP

- Advertisers are required to submit the final version of their television commercials to the BVP for pre-clearance. The advice, which is binding on the advertiser, is charged for. It is a legal requirement to have a completed registration form to advertise on television, which the BVP carries out. (alcoholic drinks are not permitted to use this medium)
- Advertisers and media members of the BVP can also seek copy advice at the pre-publication stage for other non-television advertising, which is non-binding
- The copy advice department is staffed by specialists in the legal aspects of advertising and the BVP make no charge for this service

Entreprise & Prévention

- The pre-launch copy advice offered by Entreprise & Prévention is available to all members of the organisation
- The advice, provided by the Director within one day, is without charge but does not imply that future complaints about the commercial communication are unlikely to be upheld
- Some of the other signatories of the Code (such as the BVP) also offer non-binding advice to their members

Pre-clearance is a pre-condition for:	BVP
Print	N
Broadcast media	Y
Cinema	N
Outdoor events	N
Labelling (including product names)	N
Naming & Packaging	N
Internet	N
and includes:	
Promotion	N
Merchandising	N
Point of sale material	N
Sponsorship	N
Electronic media	N
Communications to on & off trade	N
Product placement	N
Direct marketing	N

BVP

- Pre-clearance is not a pre-condition for any of the communication channels open to alcoholic drink and there are no plans to change this

Complaints

Complaints handling

	BVP	Entreprise & Prévention
Organisation includes a Complaints Committee	Y	N
Deals with complaints from all parties	Y	
Complaints are handled free	Y	
Handles complaints from all media	Y	

BVP

- The BVP deals with complaints from both consumers and competitors which are handled free of charge
- Complaints are made to the BVP's legal and self-regulation department
- If an infringement is apparent, the advertiser is requested either to substantiate his claims, modify them to comply with the rules or to cease publication of the advertisement

Entreprise & Prévention

- Entreprise & Prévention does not have its own complaints committee
- As brands and media owners can be prosecuted for breaking the Evin law, they have to be very prudent
- If the media think that an advertisement does not respect the Code it will refuse it. They may also ask the BVP for advice
- In this context, it is considered that there is no need for sanctions (apart from that of being refused by the media)

Appeals

Appeals handling

	BVP
Organisation offers an appeal procedure	N

BVP

- The BVP does not permit appeals against its decisions

Monitoring

Compliance monitoring

	BVP	Entreprise & Prévention
Monitors advertising on its own behalf	Y	N
Monitors selected media	Y	
Monitors on its own initiative with the ability to react without a complaint being made	Y	

BVP

- Monitoring is undertaken on all published advertising except television
- It may in some cases lead to a formal complaint

Entreprise & Prévention

- As it does not have a complaints mechanism, Entreprise & Prévention does not undertake monitoring

Sanctions

Sanctions available to the Complaints Committee

	BVP
Ability to impose additional sanctions if a company rejects the decision of the self-regulatory body/complaints committee	Y
Compliance of committee decisions monitored	N

- In case of non-compliance with its decision, and after giving notice to the advertiser, the BVP will ask the media concerned to cease publication of the advertisement
- Other sanctions at its disposal are formal warnings and adverse publicity

Awareness

Publication of Committee decisions

	BVP
Report published of all the complaints and their outcome	N

- The BVP occasionally organises press conferences and meetings and also participates in conferences, seminars, workshops etc
- The BVP provides information related to self-regulatory codes and legislation related to advertising to members and students and publishes a regular newsletter

Analysis of Complaints

BVP

- Details on the number of complaints dealt with by the BVP are not available

Recent Developments

BVP

- Code d'autodiscipline et de déontologie en matière de communication et de commercialisation de boissons alcoolisées came in to force in 2004

Entreprise & Prévention

- Code d'autodiscipline et de déontologie en matière de communication et de commercialisation de boissons alcoolisées came into force in 2004'

Future Plans

BVP

- None identified

Entreprise & Prévention

- None identified

GERMANY

The Regulatory/Self-regulatory Environment

Advertising is subject to extensive legislative regulation. The German self-regulatory system has two SROs, one concerned exclusively with issues of taste and decency and the other with issues of misleadingness by the application of unfair competition law. Advertising of all alcoholic drinks is permitted subject to constraints on content.

Overview of Alcoholic Marketing Regulations

- Advertising is governed by civil law so state and government authorities have no right of action
- In addition to EU legislation, Germany has a considerable number of laws, including Treaties among the Federal States, which have a direct bearing on advertising but there are no specific laws restricting advertising of alcoholic drinks
- Advertising of all alcoholic drinks is permitted in all media subject to restrictions on content
- Zentrale zur Bekämpfung unlauteren Wettbewerbs e.V. (Zentrale), a trade association, is judicially authorised to enforce statutory law on misleadingness and unfair competition although it does not have statutory powers
- The German Advertising Standards Council (DW) is a tripartite self-regulatory organisation that deals with issues of taste and decency. It operates a number of product and sector specific codes and rules including the Code of Conduct on Commercial Communication for Alcoholic Beverages
- The Code covered most of the provisions outlined in the questionnaire for alcoholic drinks but an update of the Code, which came into force in 2005, addresses most of the remainder

Statutory Authorities

- Advertising falls within the scope of civil law and State and government regulatory authorities have no right of action
- The Unfair Competition Law authorises competitors, certain trade associations, chambers of commerce and consumer associations to enforce statutory law if competition laws are infringed
- Broadcasting is subject to legislation of the **Länder** (states). Because of the transfrontier nature of broadcasting, the Governors of the states usually decide on common regulations concerning broadcasting
- The **media authorities** (Landesmedienanstalten) are the regulatory bodies responsible for licensing and regulating terrestrial, cable and satellite commercial channels in each German state. They are empowered to draw up and enforce guidelines on television and radio advertising and sponsoring
- Zentrale zur Bekämpfung unlauteren Wettbewerbs (Zentrale) is one of the more important institutions as it has a formal (judicially authorised) right to instigate legal action against those infringing laws concerning advertising

Statutory Controls on Alcohol

- There are no specific laws restricting advertising of alcoholic drinks in any media, but the German government has implemented the Television Without Frontiers provisions through the **State Treaty for Broadcasting** between the German Federal States
- Advertising for alcoholic beverages must not:
 - Be addressed particularly to minors and no one associated with the consumption of alcoholic beverages in advertising should seem to be a minor
 - Link the consumption of alcohol to physical performance or driving
 - Claim that alcohol has therapeutic qualities or that it is a stimulant, a sedative or a means of resolving personal problems
 - Encourage immoderate consumption of alcohol or present abstinence or moderation in a negative light
 - Place undue emphasis on the alcoholic content of beverages
- Advertising of alcohol, instead, is voluntarily regulated by the rules of the German Advertising Council (DW), which includes alcohol specific rules
- The **Law on the Protection of Minors** (2003) contains a ban on alcohol advertising in cinemas before 6.00 pm

Framework of Self-regulation

- The advertising industry implicitly adheres to the ICC Code but no general advertising code has been formally adopted. Advertising is subject to extensive detailed legislation and the adoption of a formal code might encourage legislators to incorporate it into legislation, thus eroding the scope for self-regulation
- Two organisations deal with separate aspects of self-regulation
- The self-regulation of issues of taste and decency is addressed by The German Advertising Standards Council (DW - Deutscher Werberat)
- It formulates and operates the Code of Conduct on Commercial Communication for Alcoholic Beverages which covered all aspects of commercial communications, apart from labelling and naming & packaging, and applies to all alcoholic drinks. It was extended to cover all commercial communications when a revised Code was introduced in January 2005
- Its coverage of the provisions outlined in the questionnaire is extensive and has been improved further by the new Code
- The DW does not give pre-publication advice since this may be perceived as censorship
- There is a complaints mechanism and an appeals procedure
- Details of the complaints it has received and their outcomes is not published
- Issues of misleadingness and unfair competition are dealt with by The Centre for Protection against Unfair Competition (Zentrale - Zentrale zur Bekämpfung unlauteren Wettbewerbs)
- A trade association, it enforces statutory law and does not have codes
- It offers copy advice but only to its members for legal provisions concerning unfair commercial practices
- Complaints are dealt with by the Executive Secretariat but Zentrale only expresses its legal opinion and there is no final decision as such
- If the advertiser does not comply, the Zentrale can initiate court action whose decision can be appealed
- An annual report is published detailing the most important action taken, including statistics but not individual complaints

Questionnaire on Codes for Commercial Communications

Respondents

Responses to the Codes for Commercial Communications questionnaire were received from the following organisations:

National Member	Code of Commercial Communications
DW Deutscher Werberat German Advertising Standards Council	Product specific code: Code of Conduct on Commercial Communication for Alcoholic Beverages
Zentrale Zentrale zur Bekämpfung unlauteren Wettbewerbs e.V.	A trade association which enforces statutory law

DW

- The German Advertising Standards Council (Deutscher Werberat – DW) deals with issues of taste and decency.
- It is part of the industry tripartite the ZAW (German Advertising Federation), whose aims are to ensure, through self-regulation, the conditions for the smooth functioning of the advertising business and to promote best practice in advertising, in both form and substance, so as to prevent abuses and malpractice
- The DW was established in 1972 and shares a common membership with the ZAW
- Its Secretariat is provided by the ZAW

Zentrale

- The Centre for Protection against Unfair Competition (Zentrale zur Bekämpfung unlauteren Wettbewerbs – Zentrale) is responsible for issues of misleadingness and unfair competition
- Funded by industry to assist in the advancement of fair competition by raising public awareness, participating in legal research and, where appropriate, by co-operating with the competent judicial authorities to combat unfair competition, it also deals with a number of specialised subjects including internet/new media
- It was established in 1912 with membership drawn from Chambers of Commerce, trade corporations, industrial and commercial associations and individual companies
- The Zentrale is an associate member of the ZAW and the ZAW is an associate member of the Zentrale

Self-regulatory Initiatives

DW

- The German advertising industry implicitly adheres to the ICC Code but no general advertising code has been formally adopted. Advertising is already subject to extensive detailed legislation and the adoption of a formal code might encourage legislators to incorporate it into legislation, thus further eroding the scope for self-regulation
- It operates a number of product and sector specific codes and rules including the Code of Conduct on Commercial Communication for Alcoholic Beverages which came into force in 1998
- The Deutscher Werberat adopted new rules about advertising for alcoholic beverages in 2004 which came into force in January 2005
- It states that producers and importers of alcoholic beverages acknowledge their obligation to shape commercial communication for their products in such a way that it does not promote harmful consumption of alcoholic beverages
- In accepting this obligation, the producers and importers of alcoholic beverages wish to:
 - Prevent representations and claims made in commercial communication for their products from being misconstrued as promoting alcohol abuse or harmful consumption of alcoholic beverages
 - Prevent commercial communication for their products from being misconstrued as being addressed at minors
 - Ensure, as far as they are able, compliance with all laws relating to commercial communication for alcoholic beverages
 - In the framework of the competitive market to promote compliance and combat non-compliance with the Code of Conduct

Zentrale

- The Zentrale is a trade association which enforces statutory law. It does not implement codes

Setting Up and Basic Principles of the Code

Creation of the Code

Stakeholders consulted during the formulation and creation of the Code

	DW
Consumer organisations	N
NGO's	N
Professional organisations	N
Government departments	N

DW

- None of the identified stakeholders were consulted by the DW when formulating the Code because it is believed that it should have a self-disciplinary character in a strict sense without any mandatory influence from the public and other groups outside the advertising industry

Zentrale

- The Zentrale does not have a code, instead it enforces statutory law

Coverage of the Code

Product types covered by the Code

	DW
Beer	Y
Wine	Y
Spirits	Y
Cider	Y
Flavoured Alcoholic Beverages	Y

DW

- All alcoholic beverages are covered by the Rules of Conduct of the Deutscher Werberat on Advertising and Teleshopping for Alcoholic Beverages

Brand advertising/marketing communications media covered by the Code

	DW
Print	Y
Broadcast media	Y
Cinema	Y
Outdoor events	Y
Labelling (including product names)	Y
Naming & Packaging	Y
Internet	Y
<i>and including</i>	
Promotion	Y
Merchandising	Y
Point of sale material	Y
Sponsorship	Y
Electronic media	Y
Communications to on & off trade	Y
Product placement	Y
Direct marketing	Y

DW

- Labelling and naming & packaging were not included in the previous Code because they were not considered by the DW to be advertising measures
- From 2005 the rules were extended to apply to all forms of commercial communication including direct marketing, sponsorship and sales promotion

Other activities covered by the Code	DW
Non-advertising materials and activities	N
Statements to the media, government agencies or the public about issues of societal concern such as the risks or benefits related to the consumption of the product(s)	N
Educational messages about responsible drinking or the role of alcohol consumption in society	N

DW

- None of these other activities are covered by the Rules as they are not considered to be advertising measures

Provisions of the Code

General Provisions

Basic principles included in the Code	DW
Be legal, decent, honest and truthful and conform to generally accepted principles of fair competition and good business practice	Y
Be prepared with a due sense of social responsibility and be based on principles of fairness and good faith	Y
Under no circumstances be unethical, offend against generally prevailing standards of taste and decency or otherwise impugn human dignity and integrity	Y ¹

¹In general operating principles

DW

- The unethical/taste & decency principle is included within the DW's general Operating Principles and therefore apply to all commercial communications but are not stated specifically for alcoholic beverages

Specific Provisions

Misuse	DW
Commercial communications should not encourage excessive or irresponsible consumption, nor present abstinence or moderation in a negative way	Y
Commercial communications should not suggest an association with violent, aggressive, dangerous or anti-social behaviour	Y
Commercial communications should not show people who appear to be intoxicated or in any way imply that intoxication is acceptable	Y

DW

- All aspects on misuse are included
- The new Code uses a new definition of 'abuse'

Minors	DW
Commercial communications should not be aimed at minors or show minors consuming the product	Y
Commercial communications should not promote the product in media, programmes or at events where the majority of the audience are known to be minors	Y
Other	Y

- The legal age is 18 years apart from light alcoholic beverages (beer, wine) where it is 16 years

DW

- The Deutscher Werberat 's alcohol rules additionally include the provisions:
 - Commercial communications should not show minors encouraging consumption or being encouraged to consume
 - Commercial communications should not contain the claim that minors are not mature enough for alcoholic beverages, as to not activate minors to start drinking
 - Communications should not claim that certain people have already consumed alcoholic beverages in their youth
- The new Code includes the provision that commercial communications should not be conveyed by media the majority of whose editorial content addresses minors

Driving	DW
Commercial communications should not directly or indirectly associate consumption with the act of driving vehicles of any kind	Y

DW

- A ban on associating consumption with driving is included within the Code
- The new Code includes vehicles other than cars (such as bicycles)

Hazardous activities	DW
Commercial communications should not associate consumption with the operation of potentially dangerous machinery or with the performance of potentially hazardous activities, or portray the act of consumption prior to or during activities, or in locations that are potentially hazardous (It should be borne in mind that those activities that might not otherwise be considered hazardous e.g. swimming or using simple hand tools, may be inadvisable after consuming an alcoholic beverage)	N

DW

- Although the specific restriction about hazardous activities is not included there should be no portrayal of situations in which safety regulations are violated
- The new Code includes the requirement that commercial communications for alcoholic beverages should not show consumption in situations constituting a breach of safety rules but the wider remit of the hazardous activities is not fully addressed

Medical aspects	DW
Commercial communications must not attribute the property of preventing, treating or curing a human disease or refer to such properties	Y
Commercial communications on health aspects of the product are allowed to the extent specifically permitted by the law of the country where the communication is made. This includes reference to government-issued sensible drinking guidelines or limits	N
Other	Y

DW

- Additional provisions are:
 - No reference should be made to medical recommendations or medical reports nor should there be any portrayal of persons in the professional clothing or carrying out the duties of a member of the medical profession, the nursing profession or of the pharmaceutical trade
 - No statements should be made claiming that alcoholic beverages have the effects of a medicinal drug

Alcohol content	DW
Commercial communications should not create any confusion as to the nature and strength of the product	N
Commercial communications should not present high alcoholic strength in itself as a positive quality of the brand or as a reason for choosing it. On the other hand, messages may not imply that consuming beverages of low alcohol content will avoid misuse (this prohibition does not apply to commercial communications for non-alcoholic beverages)	Y

DW

- The rules included only the requirement that messages must not imply that consuming low alcohol beverages will avoid misuse
- The statement about not presenting high strength as a positive quality was not incorporated because experience in Germany had shown that advertisements emphasising high strength practically did not occur and because the general clause that forbids any call for excessive consumption was believed to already cover this provision
- The new Code, however, includes the requirement that a commercial communication should not present high alcohol content as a positive quality of a brand or as a reason to purchase it
- Additionally they should not give the impression that a beverages low alcohol content prevents harmful consumption

Performance	DW
Commercial communications should not create the impression that consumption enhances mental ability or physical performance, e.g. when engaging in sports	Y
Commercial communications should not create the impression that consumption enhances social or sexual success	Y
Other	Y

DW

- There is a requirement additionally that no statements should be made that refer to:
 - Disinhibiting effects of alcoholic beverages
 - The cure or relief of anxiety
 - Elimination or overcoming of psycho-social conflicts

Promotions & Sampling *(including tasting)*

	DW
No promotion should encourage irresponsible or anti-social behaviour or alcohol misuse, in particular excessive consumption	N
Sampling is allowed at licensed or private premises, trade fairs or occasions in accordance with local regulations. No sampling of the product should be offered to minors	N

DW

- Promotions and Sampling was not considered by the DW to be advertising measures in the strict sense and was not included
- The new Code, however, relates to any communication instrument by a business enterprise with the primary objective of promoting the sale of goods or services, excluding editorial content

Other provisions

	DW
Inclusion additional provisions	Y

DW

- The Rules of Conduct on Advertising and Teleshopping for Alcoholic Beverages additionally require that no presentations should be made that derogate abstention in general or in special cases

Implementation of the Code and Other Principles

The Self-regulatory Body

Organisation

	DW	Zentrale
Organisation is a self-regulatory body	Y	Y
Organisation is a direct or indirect member of a self-regulatory body/bodies	Y	

DW

- The Deutscher Werberat has been embedded into the ZAW organisation since 1972

Zentrale

- Even though the Zentrale enforces statutory law, it is a private trade organisation and is therefore seen as an SRO

Promotion of the Code	DW
Programme or initiatives to make consumers aware of the Code and the complaints mechanism	Y
Code promoted to:	
Public authorities	Y
Consumer organisations	Y
Staff in bars/restaurants/shops etc	N
Training and information offered to marketers and advertisers	N
Plans to offer training and information to marketers in the future	N

DW

- The Code and associated complaints mechanism is promoted to consumers through regular press conferences
- A range of public authorities and consumer organisations is similarly reached through regular press conferences together with ad hoc occasions like meetings
- It is not promoted to staff in bars and restaurants etc
- Training is not offered and there are no plans to do so in the future

Pre-launch Services Offered

Copy advice offered for the following media:

	DW	Zentrale
Print	N	Y ¹
Broadcast media	N	Y ¹
Cinema	N	Y ¹
Outdoor events	N	Y ¹
Labelling (including product names)	N	Y ¹
Naming & Packaging	N	Y ¹
Internet	N	Y ¹
<i>and includes:</i>		
Promotion	N	Y ¹
Merchandising	N	Y ¹
Point of sale material	N	Y ¹
Sponsorship	N	Y ¹
Electronic media	N	Y ¹
Communications to on & off trade	N	Y ¹
Product placement	N	Y ¹
Direct marketing	N	Y ¹
Other	N	Y ¹
Pre-launch copy advice offered by another organisation	Y	

¹ Only for legal provisions concerning unfair commercial practices

DW

- As a general rule, the DW does not give pre-publication advice since this may be perceived as censorship
- It is available, however, from the Zentrale

Zentrale

- Copy advice is offered by the Zentrale to its members. This covers all forms of commercial communications but only for legal provisions concerning unfair commercial practices

Form of copy advice	Zentrale
Copy advice offered is:	
Non-binding	Y
Free	Y
Available to members only	Y
Available to all media groups	Y
Clearance implies future complaints are unlikely to be upheld	Y

DW

- Copy advice is not offered

Zentrale

- The copy advice offered by the Zentrale is an exclusive service for members only because of the Law on Legal Advice (Rechtsberatungsgesetz)
- The advice is not binding but clearance at this stage implies that future complaints are unlikely to be upheld
- The advice is provided by the Executive Secretariat (lawyers) and is normally provided within 1 to 3 days depending upon the complexity of the case

Pre-clearance is a pre-condition for:

	Zentrale
Print	N
Broadcast media	N
Cinema	N
Outdoor events	N
Labelling (including product names)	N
Naming & Packaging	N
Internet	N
and includes:	
Promotion	N
Merchandising	N
Point of sale material	N
Sponsorship	N
Electronic media	N
Communications to on & off trade	N
Product placement	N
Direct marketing	N

DW

- Pre-clearance is not a pre-condition for any of the media and there are no plans to introduce it

Zentrale

- Pre-clearance is not a pre-condition for any of the media and there are no plans to introduce it

Complaints

Complaints handling

	DW	Zentrale
Organisation includes a Complaints Committee	Y	Y ¹
Deals with complaints from:		
All parties		Y
Consumers only	Y	
Complaints are handled free	Y	Y
Handles complaints from all media	Y	Y
Complaints mechanism available from another body	Y	Y

¹Complaints are dealt with by the Executive Secretariat

- Complaints about taste and decency from consumers are handled by the Deutscher Werberat while those alleging misleadingness or unfair competition are transferred to the Centre for Combating Unfair Competition (Zentrale)
- Due to German legislation, a complaint from a competitor is generally considered a complaint about an issue of 'competition law' and therefore should be handled by the Zentrale

DW

- The German Advertising Council (DW) has 13 members made up of four representing advertisers, three the media, two advertising agencies and one the advertising profession. The remaining three are co-opted from the advertising industry
- Complaints relating to all media are made in the first instance to the Secretariat which decides whether it is admissible
- If the complaint is manifestly unfounded it is rejected otherwise the Secretariat passes it to the Jury (Deutscher Werberat)
- The advertiser or agency is invited to comment and can offer to withdraw or amend the advertisement
- If they dispute the complaint, the case is considered by all members of the DW and an opinion is issued
- The decision has immediate effect

Zentrale

- Zentrale does not have a complaints committee but the Executive Secretariat deals with complaints
- They can be made by both consumers and competitors and are handled free of charge The complainant's identity is treated in the strictest confidence
- The Executive Secretariat decides whether the complaint is of substance
- If it appears to be so the, Executive Secretary writes to the advertiser or agency asking them to sign an undertaking to amend or discontinue the advertising. This declaration contains a penalty clause
- Legal action is threatened in the case of non-compliance
- If they are unwilling to amend or discontinue the advertisement, the Executive Secretary decides whether to institute legal proceedings for unfair competition
- The complaint can also be brought before the Board of Conciliation of the Chamber of Commerce

Appeals

Appeals handling

	DW	Zentrale
Organisation offers an appeal procedure	Y	N
Appeals permitted from both parties	Y	N
Appeals are handled free	Y	N

DW

- A complainant can appeal if the Executive Management rejects the initial complaint in which case it is then considered by the Deutscher Werberat
- If a complaint is rejected, only the complainant may appeal. If a complaint is upheld only the advertiser may appeal
- Appeals against the initial ruling made by the DW on a complaint follow the same procedure as the initial complaint

Zentrale

- The Zentrale only expresses its legal opinion (interpretation of the law); there is no final decision as such
- If the advertiser does not comply, the Zentrale can initiate court action
- Both parties can appeal against the court decision

Monitoring

Compliance monitoring

	DW	Zentrale
Monitors advertising on its own behalf	N ¹	N
Monitors on its own initiative with the ability to react without a complaint being made	Y ¹	

¹ *Except in exceptional circumstances*

DW

- A statistical survey of the complaints received and their treatment is undertaken for all media once a year
- The DW generally does not carry out monitoring, even if the Code allows it to do so
- In cases of special interest (such as a large number of complaints about a particular advertisement) the DW monitors the development of the campaign
- If similar advertisements to the one in question appears the DW may also intervene on its own behalf but this has occurred only twice over the past 3 years

Zentrale

- Does not undertake monitoring on its own behalf

Sanctions

Sanctions available to the Complaints Committee

	DW	Zentrale
Decisions of the complaints committee/self-regulatory body publicised	N	Y/N
Ability to impose additional sanctions if a company rejects the decision of the self-regulatory body/complaints committee	Y	Y
Compliance of committee decisions monitored	Y	Y

DW

- In general, the decisions of the DW are not published and there are no plans to do so
- The only exception is where there has been a refusal to withdraw or amend an advertisement that has been criticised by the DW when it may publish its decision as a public reprimand
- There are no further sanctions at its disposal
- The decisions of DW are monitored and the public notified if the decision has not been respected

Zentrale

- There are no formal decisions as such, so not all action is published. However, important cases are communicated in press releases and published in the annual yearbook
- Compliance with the decision is monitored and if the advertiser breaches the undertaking, which always includes a penalty clause, the Zentrale will claim the penalty
- In addition, the Zentrale can initiate court action. If this course is taken, the advertiser is liable to a disciplinary fine if he contravenes the court's decision

Awareness

Publication of Committee decisions

	DW	Zentrale
Report published of all the complaints and their outcome	N	N

DW

- The Deutscher Werberat does not publish a report of the individual complaints it has received and their outcomes
- Its Annual Report contains a report on complaints without going into detail on each

Zentrale

- Zentrale does not publish a report of all the complaints that have been made and their outcome but an annual report is published giving the most important action taken, including statistics

Analysis of Complaints

Deutscher Werberat	1999	2000	2001	2002	2003
Total Number of complaints received	401	1139	694	1985	606
Total number of complaints which required intervention <i>(the advertisement was in breach of the Code)</i>	188	268	305	81	51
Number of complaints about alcohol products	11	24	14	14	33
Number of different advertisements to which these relate <i>(individual advertisements judged to be in breach of the Code)</i>	4	18	5	1	7
Total number of alcohol complaints which required intervention <i>(the advertisement was in breach of the Code)</i>	N/A	N/A	N/A	1	9
Total number of complaints considered under the alcohol provisions of the Code	N/A	N/A	N/A	6	11
Number of complaints under the alcohol provisions of the Code requiring intervention <i>(the advertisement was in breach of the Code)</i>	N/A	N/A	N/A	0	4

DW

- In most years the number of complaints about the advertising of alcohol products has amounted to less than 25 and the number of different advertisements these related to less than 10
- Complaints about alcohol advertising have been only 2% of the total over the 5 years
- More than half of the complaints about alcohol advertisements have been under the general provisions of the Code rather than the specific alcohol rules
- Over the two years for which information is available, alcohol advertisements accounted for under 8% of all complaints judged to be in breach of the Code

Zentrale	1999	2000	2001	2002	2003
Total Number of cases received	22697	21491	19907	21447	18708
Number of complaints about alcohol products ²	15	15	15	15	15
Total number of alcohol complaints which required intervention ² <i>(the advertisement was in breach of the Law)</i>	12	12	12	12	12

¹ Zentrale does not count individual complaints; only cases, see number of ads

² Estimated

Zentrale

- Complaints about alcoholic products are estimated to be an insignificant component of the total dealt with by the Zentrale at around 15 a year
- Most of these were judged to be in breach of the law

Recent Developments

DW

- A revised Code came into force in 2005
- Amongst the changes were:
 - The rules now apply to all commercial communications. That is, includes direct marketing, sponsorship and sales promotion
 - The provisions relating to 'abuse' have changed (not promote harmful consumption of alcoholic beverages or trivialize such consumption and not display any person who has visibly consumed too much alcohol or gives the impression that such consumption is acceptable)
 - The provisions relating to safety have been expanded to include driving vehicles other than cars (not show any person drinking or promoting drinking while driving a vehicle)
 - The provisions relating to alcohol content has been changed to include a reference to low alcohol (not give the impression that a beverage's low alcohol content prevents harmful consumption)

GREECE

The Regulatory/Self-regulatory Environment

Alcoholic drinks are lightly controlled by legislation and may advertise in all media. They are subject to self-regulation but this does not include an alcohol specific code, although it is planned to introduce one for beers. The spirits industry has had a code for self-regulation since 2003.

Overview of Alcoholic Marketing Regulations

- Alcoholic drinks are lightly controlled by legislation
- All products may advertise in any media subject to restrictions on content
- Self-regulation has been reformed with a new body, The Advertising Self-regulation Council (SRC), applying its Code of Advertising – Communication Practice
- This is a version of the ICC Code with no alcohol specific rules, although the SRC recently agreed with the Greek Brewers' Association to add an appendix covering self-regulation for beer products to their Code
- The spirits body, Federation of Greek Distillates and Spirits, has its own Self-regulation Code, but does not have a complaints mechanism for it
- Both Codes partly address the provisions outlined in the questionnaire for alcoholic drinks directly, although this broadens somewhat when considering implicit coverage

Statutory Authorities

- The **National Broadcasting Council** (ESR Ethniko Symvoulío Radiotileorassís) is responsible for television and radio
- Outdoor advertising is regulated by the **Ministry of the Environment and Public Works**

Statutory Controls on Alcohol

- Advertising of alcoholic beverages is covered by **Presidential Decree 100/2000** which implemented the Television Without Frontiers Directive
- This requires that advertising of alcoholic drinks should not:
 - Be aimed specifically at minors or show them consuming alcohol
 - Encourage immoderate consumption of alcohol or present abstinence or moderation in a negative light
 - Create the impression that alcohol consumption contributes to social success or sexual success
 - Claim that alcohol has therapeutic qualities or that it is a stimulant, a sedative or a means of resolving personal conflicts
 - Link alcohol consumption with enhanced physical performance or driving
 - Place emphasis on high alcoholic content as being a positive quality of the beverage

- A 1986 **Ministerial Decision on Alcoholic Drinks Manufacturing and Selling** additionally bans any advertisement that contains:
 - Misleading or inaccurate claims or designs and layouts which might mislead consumers about the product or the conditions for its purchase
 - Denigrating claims or references
 - Claims which are inconsistent with the category and nature of the advertised drink or with its geographical origin
- There is no specific federal legislation regulating alcohol advertising in the press, posters, cinema and the internet

Framework of Self-regulation

- The Hellenic Advertising Agencies' Association had fulfilled the role of national SRO in co-operation with the Greek Advertisers Association (SDE)
- However, legislation changing the role of the National Broadcasting Council provided for the formation of an independent self-regulatory body which led to the founding of The Advertising Self-regulation Council (SRC) in December 2003
- Its Greek Code of Advertising – Communication Practice is a version of the ICC Code
- All alcoholic beverages are covered by the Code but there are currently no product sector specific rules for them
- Applicable to all media apart from the internet, the Code addresses the majority of the provisions outlined in the questionnaire for alcoholic drinks either explicitly or implicitly
- It offers pre-launch copy advice which is non-binding but clearance does mean that future complaints are unlikely to be upheld
- The Advertising Self-regulation Council has a complaints committee whose decisions can be appealed. Its decisions are publicised on its website
- SRC agreed with the Greek Brewers' Association in 2004 to add an appendix covering self-regulation for beer products to their Code
- The Federation of Greek Distillates and Spirits (SEAOP) has a Self-regulation Code which came into force in 2003. It does not, however, have a complaints mechanism
- Applicable to spirits, cider and flavoured alcoholic beverages in all media, the Code addresses many of the provisions outlined in the questionnaire for alcoholic drinks and many of the rest are stated to be covered as it is taken as granted that European Advertising Standards Alliance Self-regulation Codes are being endorsed
- Pre-launch copy advice is not offered

Questionnaire on Codes for Commercial Communications

Respondents

Responses to the Codes for Commercial Communications questionnaire were received from the following organisations:

National Body	Code of Commercial Communications
SRC Advertising Self-regulation Council	Greek Code of Advertising – Communication Practice
SEAOP Federation of Greek Distillates and Spirits	Self-regulation Code

SRC

- The EDEE (Enossi Diafimistikon Etairion Ellados or Hellenic Advertising Agencies' Association) had fulfilled the role of national SRO since 1977. It had been run in co-operation with the Greek Advertisers Association (SDE)
- Legislation changing the role of the National Broadcasting Council provided for the formation of an independent self-regulatory body which led to the founding of The Advertising Self-regulation Council (SRC) in December 2003

SEAOP

- The Federation of Greek Distillates and Spirits is a member of CEPS

Other Organisations

Greek Brewers' Association

- A completed questionnaire was not received from the Greek Brewers' Association
- SRC agreed with the Greek Brewers' Association in 2004 to add an appendix covering self-regulation for beer products to their Code
- This set of rules is a similar version of the TAG Principles

Self-regulatory Initiatives

SRC

- The Greek Code of Advertising – Communication Practice came into force in 1973 and was last updated in 1995
- There are no plans at the moment for it to be reviewed in the near future
- An appendix covering self-regulation for beer products is being added to the Code in agreement with the Greek Brewers' Association

SEAOP

- The Self-regulation Code originally came into force in April 2003 and is in the process of being reviewed

Setting Up and Basic Principles of the Code

Creation of the Code

Stakeholders consulted during the formulation and creation of the Code	SRC	SEAOP
Consumer organisations	Y	N
NGO's	N	N
Professional organisations	Y	Y
Government departments	Y	Y
Others	Y	N

SRC

- The Greek Code of Advertising – Communication Practice is a Greek version of the ICC Code
- The Hellenic Advertising Agencies' Association and Greek Advertisers' Association were consulted on the Code as was the Consumer Institute (INKA)
- The government departments of The Ministry of Press and Ministry of Development were also consulted

SEAOP

- The Self-regulation Code was formulated after consultation with the Advertising Agencies Association and Hellenic Advertisers Association as well as the Ministry of Health and Ministry Of Press
- It was not possible to consult with the Greek SRO because it was not founded until later (January 2004)
- Similarly there was not a consumer organisation actively involved in the specific issue at the time to consult

Coverage of the Code

Product types covered by the Code	SRC	SEAOP
Beer	Y	N
Wine	Y	N
Spirits	Y	Y
Cider	Y	Y
Flavoured Alcoholic Beverages	Y	Y

SRC

- All alcoholic beverages are covered by the Code but there is not a product sector specific code for them
- In agreement with the Greek Brewery Manufacturers, an appendix covering self-regulation for beer products will be added to the Code

SEAOP

- The Code covers spirits, cider and flavoured alcoholic drinks only

Brand advertising/marketing communications media covered by the Code

	SRC	SEAOP
Print	Y	Y
Broadcast media	Y	Y
Cinema	Y	Y
Outdoor events	Y	Y
Labelling (including product names)	Y	Y
Naming & Packaging	Y	Y
Internet	N	Y
<i>and including</i>		
Promotion	Y	Y
Merchandising	Y	Y
Point of sale material	Y	Y
Sponsorship	Y	Y
Electronic media	Y	Y
Communications to on & off trade	Y	Y
Product placement	Y	Y
Direct marketing	Y	Y

SRC

- The Code covers all commercial communications apart from the Internet where the SRC does not yet have the structure to cover it

SEAOP

- All commercial communication channels are covered by the Code

Other activities covered by the Code

	SRC	SEAOP
Non-advertising materials and activities	N	Y
Statements to the media, government agencies or the public about issues of societal concern such as the risks or benefits related to the consumption of the product(s)	N	Y
Educational messages about responsible drinking or the role of alcohol consumption in society	N	N

SRC

- The Code covers only advertising and does not extend to non-advertising materials and activities
- Statements and messages about consumption are not referred to as they are not applicable within the general code

SEAOP

- The Code includes awareness campaigns and The 'Drink Responsibly' motto is included in all communication material
- Educational messages are not within the Code but they are provided by other activities of the organisation (the Bob Campaign)

Provisions of the Code

General Provisions

Basic principles included in the Code

	SRC	SEAOP
Be legal, decent, honest and truthful and conform to generally accepted principles of fair competition and good business practice	Y	N
Be prepared with a due sense of social responsibility and be based on principles of fairness and good faith	Y	N
Under no circumstances be unethical, offend against generally prevailing standards of taste and decency or otherwise impugn human dignity and integrity	Y	N
Other	Y	N

SRC

- In addition to these basic principles, there is also the requirement that no advertisement should be such as to impair public confidence in advertising

SEAOP

- Although implied, these general provisions are not explicitly stated in the Code

Specific Provisions

Misuse

	SRC	SEAOP
Commercial communications should not encourage excessive or irresponsible consumption, nor present abstinence or moderation in a negative way	Y	Y
Commercial communications should not suggest an association with violent, aggressive, dangerous or anti-social behaviour	Y	N
Commercial communications should not show people who appear to be intoxicated or in any way imply that intoxication is acceptable	N	N
Other	N	Y

SRC

- The Code does not make direct reference to the provision about intoxicated persons

SEAOP

- The Code mainly focuses on commercial communication to young people. It is taken as granted that European Advertising Standards Alliance Self-regulation Codes are being endorsed
- In addition to EASA and Self-regulation Codes, there are a number of provisions restricting commercial communications in places, or TV programs, where the majority of the audience are known to be youngsters

Minors

	SRC	SEAOP
Commercial communications should not be aimed at minors or show minors consuming the product	Y	Y
Commercial communications should not promote the product in media, programmes or at events where the majority of the audience are known to be minors	Y	Y
Other	N	Y

- The legal age in Greece is 17 years

SRC

- The provisions relating to minors are included in the Code

SEAOP

- In addition to EASA and Self-regulation Codes, there are a number of provisions restricting commercial communications in places, or TV programs, where the majority of the audience are known to be youngsters

Driving	SRC	SEAOP
Commercial communications should not directly or indirectly associate consumption with the act of driving vehicles of any kind	Y	Y

SRC

- The Code contains the provision relating to driving

SEAOP

- The provision relating to driving is included within the Code

Hazardous activities	SRC	SEAOP
Commercial communications should not associate consumption with the operation of potentially dangerous machinery or with the performance of potentially hazardous activities, or portray the act of consumption prior to or during activities, or in locations that are potentially hazardous (It should be borne in mind that those activities that might not otherwise be considered hazardous e.g. swimming or using simple hand tools, may be inadvisable after consuming an alcoholic beverage)	Y	Y

SRC

- Hazardous activities are covered by the Code

SEAOP

- Hazardous activities are addressed by the Code

Medical aspects	SRC	SEAOP
Commercial communications must not attribute the property of preventing, treating or curing a human disease or refer to such properties	Y	N
Commercial communications on health aspects of the product are allowed to the extent specifically permitted by the law of the country where the communication is made. This includes reference to government-issued sensible drinking guidelines or limits	Y	Y

SRC

- The provisions relating to medical aspects are contained within the Code

SEAOP

- The provision relating to attributing preventative health qualities of alcoholic beverages is not included

Alcohol content	SRC	SEAOP
Commercial communications should not create any confusion as to the nature and strength of the product	N	N
Commercial communications should not present high alcoholic strength in itself as a positive quality of the brand or as a reason for choosing it. On the other hand, messages may not imply that consuming beverages of low alcohol content will avoid misuse (this prohibition does not apply to commercial communications for non-alcoholic beverages)	N	N

SRC

- There are no provisions relating to alcohol content

SEAOP

- Provisions relating to alcohol are not specifically included within the Code but are covered by the European Self-regulating Codes (EASA)

Performance	SRC	SEAOP
Commercial communications should not create the impression that consumption enhances mental ability or physical performance, e.g. when engaging in sports	Y	Y
Commercial communications should not create the impression that consumption enhances social or sexual success	Y	Y

SRC

- The Code contains both performance provisions

SEAOP

- The performance provisions are included within the SEAOP's Code

Promotions & Sampling (<i>including tasting</i>)	SRC	SEAOP
No promotion should encourage irresponsible or anti-social behaviour or alcohol misuse, in particular excessive consumption	Y	Y
Sampling is allowed at licensed or private premises, trade fairs or occasions in accordance with local regulations. No sampling of the product should be offered to minors	Y	Y
Other	N	Y

SRC

- The promotion and sampling provisions are covered by the Code

SEAOP

- In addition to these promotion and sampling provisions, there is a rule that that no long-distance sampling or selling is allowed to minors

Other provisions

	SRC	SEAOP
Other provisions	N	Y

SRC

- There are no other provisions outside those listed earlier

SEAOP

- An additional requirement is that the sponsoring of activities on TV programmes addressed mainly to minors or youngsters is prohibited

Implementation of the Code and Other Principles

The Self-regulatory Body

Organisation

	SRC	SEAOP
Organisation is a self-regulatory body	Y	N
Organisation is a direct or indirect member of a self-regulatory body/bodies		Y

SRC

- The Advertising Self-regulation Council is the newly formed independent self-regulatory body for advertising in Greece

SEAOP

- The SEAOP does not regulate the operation of the Code itself. The advertising methods and activities of its member companies are monitored by the Greek self-regulatory body, SRC

Promotion of the Code	SRC	SEAOP
Programme or initiatives to make consumers aware of the Code and the complaints mechanism	N	N
Code promoted to:		
Public authorities	Y	Y
Consumer organisations	Y	N
Staff in bars/restaurants/shops etc	N	N
Others	N	Y
Plans for a programme of activities to make consumers aware of Code/complaints mechanism in the future	Y	Y
Training and information offered to marketers and advertisers	Y	N
Information and training offered by other bodies		Y ¹
Plans to offer training and information to marketers in the future	Y	

¹Training planned by SRC

SRC

- As a newly established body, the SRC's structure does not yet permit promotion of the Code and complaints mechanism to the public
- It is planned to undertake this in the future but timing has yet to be decided
- It has, however, been promoted to the Ministry of Development and the Consumer Institute (INKA)
- Training and information is not yet offered to advertisers and marketers but it is planned to do so some time in the future

SEAOP

- The Code has not yet been promoted to consumers but the parameters of a programme to make consumers aware of the Code are to be agreed with the Ministry of Health
- It has not been promoted to consumer organisations because there is not a specific organisation that deals with the issue but will be promoted to retail staff once the Code has been reviewed
- The Ministry of Health and Ministry of Transport have been sent all the necessary material and they have been involved in the reviewing process
- Training and advice to marketers and advertisers is currently not available and there are no plans to offer it in the immediate future but will be available through the SRC

Pre-launch Services Offered

Copy advice offered for the following media:

	SRC	SEAOP
Print	Y	N
Broadcast media	Y	N
Cinema	Y	N
Outdoor events	Y	N
Labelling (including product names)	Y	N
Naming & Packaging	Y	N
Internet	N	N
<i>and includes:</i>		
Promotion	Y	N
Merchandising	Y	N
Point of sale material	Y	N
Sponsorship	Y	N
Electronic media	Y	N
Communications to on & off trade	Y	N
Product placement	Y	N
Direct marketing	Y	N

SRC

- A pre-launch copy advice service is offered by the SRC for all media apart from the internet

SEAOP

- Copy advice is not offered by the SEAOP

Form of copy advice

	SRC
Copy advice offered is:	
Non-binding	Y
Chargeable	Y
Available to all parties	Y
Available to all media groups	Y
Clearance implies future complaints are unlikely to be upheld	Y

SRC

- Pre-launch copy advice is provided by the First Degree Committee and is available to anyone for a fee of €150
- The advice, usually provided within 5 days, is non-binding but clearance does mean that future complaints are unlikely to be upheld

Pre-clearance is a pre-condition for:

	SRC
Print	N
Broadcast media	N
Cinema	N
Outdoor events	N
Labelling (including product names)	N
Naming & Packaging	N
Internet	N
and includes:	
Promotion	N
Merchandising	N
Point of sale material	N
Sponsorship	N
Electronic media	N
Communications to on & off trade	N
Product placement	N
Direct marketing	N

SRC

- Pre-clearance is not offered by SRC and is not a condition for advertising in any media

Complaints

Complaints handling

	SRC	SEAOP
Organisation includes a Complaints Committee	Y	N
Deals with complaints from all parties	Y	
Complaints are chargeable to competitors only	Y	
Handles complaints from only specific media	Y	
Complaints mechanism available from another body		Y

SRC

- Complaints about advertising in any media apart from the Internet can be made by consumers or competitors
- Consumer complaints are handled without charge but those from competitors incur a €400 fee
- Complaints, detailing the articles of the Code which are allegedly breached, must be made in writing to the First Degree Committee
- The parties are invited to a meeting with the Committee where representatives state their case in person
- In cases where insufficient evidence is available the Committee may seek expert advice from an independent body
- Deliberations take place behind closed doors
- There is also the possibility of a “fast track” procedure that is adopted in cases involving a threat to consumer safety or health, the likelihood of grave offence to public feeling, the risk of bringing advertising into disrepute or in flagrant cases of misleading advertising. In these cases, the procedure takes place within three days of notification
- Decisions are communicated to the parties concerned in writing, together with the reasons for them and reference to the relevant articles of the Code

SEAOP

- Complaints about advertising can be made to the SRC. The SEAOP does not have a complaints committee of its own

Appeals

Appeals handling	SRC
Organisation offers an appeal procedure	Y
Appeals permitted from both parties	Y
Appeals are handled free	Y ¹

¹Competitors incur a fee

SRC

- Appeals, which can be made by either party, must be addressed in writing to the Second Degree Committee within 15 days of notification of a First Degree Committee decision
- There is a charge of €800 for appeals from competitors but not from consumers
- The procedure followed is the same as the one of the First Degree Committee
- The decisions are final and take immediate effect but a period of grace may be granted according to the media and to the kind of modifications required
- Period of grace cannot exceed 30 days and in any case providing the advertising does not endanger consumer health or safety or provoke general public disapproval

Monitoring

Compliance monitoring

	SRC	SEAOP
Monitors advertising on its own behalf	Y	N
Monitors selected media	Y	
Monitors all advertisements	Y	
Monitors on its own initiative with the ability to react without a complaint being made	Y	

SRC

- The SRC monitors all new television advertisements daily
- It can, and has, reacted to advertisements without a complaint being made

SEAOP

- SEAOP does not monitor advertising

Sanctions

Sanctions available to the Complaints Committee

	SRC
Decisions of the complaints committee/self-regulatory body publicised	Y
Ability to impose additional sanctions if a company rejects the decision of the self-regulatory body/complaints committee	Y
Compliance of committee decisions monitored	Y

SRC

- The decisions of the committees are published on the SRC website where details of the identity of both parties, the advertisement and decision are entered weekly
- If a company rejects the decision, the Committee may instruct the media to withdraw the advertisement
- Compliance of the advertisers with the decisions is monitored, mainly through the reaction of the competition and through its own monitoring

SEAOP

- As it does not have a complaints handling procedure, there are no sanctions that the organisation can apply

Awareness

Publication of Committee decisions

Report published of all the complaints and their outcome	SRC Y
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SRC

- Decisions are published on the website

Analysis of Complaints

SRC

- No details are currently available on the number of complaints as SRC was set up in December 2003

Recent Developments

SRC

- The SRC was formed in December 2003. It arose out of the self-regulatory system that was operated by the EDEE (Hellenic Advertising Agencies' Association)
- In agreement with the Greek Brewers Association, an appendix covering self-regulation is being added to the Code

SEAOP

- SEAOP launched its Self-regulation Code in 2003

Future Plans

SRC

- As a newly established body, SRC's structure has not yet permitted it to promote its Code and complaints mechanism to the public, but it is planned to undertake this sometime in the future
- Training and information is not yet offered to advertisers and marketers but it is planned to do so

SEAOP

- The Self-regulation Code is currently being reviewed
- The parameters of a programme to make consumers aware of the Code are to be agreed with the Ministry of Health
- The Code will be promoted to retail staff once it has been reviewed

HUNGARY

The Regulatory/Self-regulatory Environment

Advertising of alcoholic drinks, which was once completely banned, is permitted subject to legislative regulation. It is allowed in all media subject to constraints on content, timing and place. Self-regulation is long established, although the Code does not yet include alcohol-specific regulations.

Overview of Alcoholic Marketing Regulations

- Although advertising of alcohol was banned in 1972 it became increasingly tolerated. It was legalised, under strict controls, on commercial stations in 1996
- Advertising of all alcoholic drinks is currently permitted in all media subject to restrictions on content, timing and place
- The Hungarian Code of Advertising, which does not include specific rules on alcoholic beverages, is applied by the self-regulatory body The Hungarian Advertising Self-regulatory Board
- The Code currently addresses few of the provisions outlined in the questionnaire for alcoholic drinks but an update of the Code is currently underway and is expected to address these shortcomings

Statutory Authorities

- The **Consumer Protection Authority** (Fogyasztóvédelmi Főfelügyelőség) is responsible through the Law on Consumer Protection to protect the life, health and safety of consumers, protect their interests, provide information to consumers and take part in consumer's education. It is also responsible for most of the Law on Advertising
- It undertakes fact finding on consumers complaints and takes relevant measures, including monitoring advertising
- The **Hungarian Competition Authority** (Gazdasági Versenyhivatal) initiates proceedings on unfair manipulation of consumer choice, restrictive agreements, abuse of dominant position and merger control under the Competition and Business Advertising Acts. It also handles misleading and competitive advertising
- The main supervisory body overseeing broadcasting is the **National Radio and Television Board** (ORTT). Created by the 1996 Law on Radio and Television Broadcasting its responsibilities include supervising the observation of the media law, including the amount of time taken up by advertising, and has the authority to fine broadcasters or even to suspend broadcasting

Statutory Controls on Alcohol

- Advertising of alcohol was expressly banned by a 1972 decree but subsequently became increasingly tolerated. It was legalised, under strict controls, on commercial stations in 1996
- **The Law on Radio and Television Broadcasting** (1996) incorporates the Television Without Frontiers Directive
- It requires that advertising of alcoholic drinks should not:
 - Be aimed specifically at minors or show them consuming alcohol
 - Encourage immoderate consumption of alcohol, show over consumption of alcohol in a positive light or present abstinence in a negative light
 - Create the impression that alcohol consumption contributes to social success or sexual success
 - Claim that alcohol has therapeutic qualities or that it is a stimulant, a sedative or a means of resolving personal conflicts
 - Link alcohol consumption with enhanced physical performance or driving
 - Convey the impression that alcoholism can be avoided by the consumption of low alcohol products or place emphasis on high alcoholic content as being a positive quality of the beverage
 - Apart from low alcohol drinks, be broadcast during prime time (television 6.30 pm to 9.30 pm, radio 6.30 am to 9.30 am)
 - Be broadcast directly before and after programmes made for minors
- Advertising is also regulated by the **Law on Economic Advertising Activity** (1997) which seeks to achieve fair communication with consumers, protect the interests of enterprises, observe the requirements of fair business practices and facilitate the sale of goods and services
- It sets out general and specific regulations for advertising, including the prohibition of advertising of alcoholic beverages:
 - In printed material fundamentally targeted at children or juveniles
 - On the front cover of printed materials
 - In theatres and cinemas before 8 pm as well as immediately preceding, during and immediately after programmes for children or juveniles
 - On toys and their packaging
 - In education and health institutions or within 200 metres of their entrance
- Additionally, alcoholic beverages may not:
 - Be targeted at children or juveniles
 - Depict children or juveniles
 - Encourage extreme alcohol consumption
- Control in first instance is through the Consumer Protection Authority or the Office of Economic Competition. Courts are used in relation to specific sections
- The Act recognises the role of self-regulation in Hungary

Framework of Self-regulation

- Self-regulation of alcoholic beverages is addressed by the Hungarian Advertising Self-regulatory Board (ÖRT - Önszabályozó Reklám Testület), the sole self-regulatory body for the advertising sector in Hungary. It was formed in 1996 although self-regulation goes back to 1981
- It formulates and operates the Hungarian Code of Advertising, which does not include specific rules on alcoholic beverages
- The Code covers all aspects of commercial communications apart from labelling, packaging and direct marketing and applies to all alcoholic drinks but, because there is no alcohol specific code, its coverage of the provisions outlined in the questionnaire is thin
- Many of these aspects, however, are addressed by broadcast legislation and it is planned to add them as part of a current revision of the Code. This will consequently give the Code much greater coverage of the provisions
- The ÖRT provides non-binding copy advice but not pre-clearance of advertisements
- There is a complaints mechanism and appeals can be made if the rules of procedure have been breached
- Decisions are publicised but the identity of the advertiser and the brand are not disclosed
- The Code is currently in the final stages of being reviewed and the changes will be used as an opportunity to improve the awareness of the Code amongst the public. It is also proposed to introduce monitoring of advertisements

Questionnaire on Codes for Commercial Communications

Respondents

Responses to the Codes for Commercial Communications questionnaire were received from the following organisations:

National Body	Code of Commercial Communications
ÖRT Önszabályozó Reklám Testület Hungarian Advertising Self-regulatory Board	Hungarian Code of Advertising
Association of Hungarian Brewers	None

ÖRT

- Self-regulation in Hungary dates back to 1981 but the current system was completely overhauled in 1996 when The Hungarian Advertising Self-regulatory Board (ÖRT -Önszabályozó Reklám Testület) was created
- Its membership covers trade associations from the advertising, advertising agencies, outdoor, publishing, manufacturing, direct marketing and marketing sectors

Association of Hungarian Brewers

- The Association of Hungarian Brewers does not have a self-regulatory role or a code for commercial communications
- Members of the Association, however, use their own codes for commercial communications

Self-regulatory Initiatives

- The Hungarian Code of Advertising (Magyar Reklámetikai Kódex) originally came into force in 1981 and was last reviewed in 2001
- It regards the legal stipulations as being known and uses definitions more detailed than the statute law, and sometimes more strictly. The Code is applied in the spirit as well as the word
- A review of the Code is currently underway and expected to be completed by the end of March 2005
- The Code does not currently include specific provisions relating to alcoholic beverages

Setting Up and Basic Principles of the Code

Creation of the Code

Stakeholders consulted during the formulation and creation of the Code	ÖRT
Consumer organisations	N
NGO's	N
Professional organisations	Y
Government departments	N

ÖRT

- No consumer organisations or NGO's were consulted but a range of professional organisations were, including the Advertising Association, Hungarian Association of Communication Agencies, Direct Marketing Association, Association of Spirit Importers, Association of Breweries, Association of Spirit Producers etc
- Government departments did not feature in the consultation because the Code is independent from the government

Coverage of the Code

Product types covered by the Code	ÖRT
Beer	Y
Wine	Y
Spirits	Y
Cider	Y
Flavoured Alcoholic Beverages	Y

ÖRT

- The Code covers all types of alcoholic beverages as all require special responsibility in their commercial communications

Brand advertising/marketing communications media covered by the Code	ÖRT
Print	Y
Broadcast media	Y
Cinema	Y
Outdoor events	Y
Labelling (including product names)	N
Naming & Packaging	N
Internet	Y
<i>and including</i>	
Promotion	Y
Merchandising	Y
Point of sale material	Y
Sponsorship	Y
Electronic media	Y
Communications to on & off trade	Y
Product placement	N
Direct marketing	Y

ÖRT

- The Code covers all aspects of commercial communications apart from labelling, packaging and direct marketing. Product placement is a very difficult area to categorise and in Hungary belongs to the media

Other activities covered by the Code	ÖRT
Non-advertising materials and activities	N
Statements to the media, government agencies or the public about issues of societal concern such as the risks or benefits related to the consumption of the product(s)	Y
Educational messages about responsible drinking or the role of alcohol consumption in society	Y

ÖRT

- The Code uses a definition of advertising that corresponds with that used by legislation which is that all (non personal) commercial communication is advertising
- A public service advertisement may only generate a sense of danger to the extent its specifics demand

Provisions of the Code

General Provisions

Basic principles included in the Code	ÖRT
Be legal, decent, honest and truthful and conform to generally accepted principles of fair competition and good business practice	Y
Be prepared with a due sense of social responsibility and be based on principles of fairness and good faith	Y
Under no circumstances be unethical, offend against generally prevailing standards of taste and decency or otherwise impugn human dignity and integrity	Y
Other	Y

ÖRT

- All of the basic principles are included within the Code but additionally specifies that no advertisement may be such as to reduce the reputation of the advertising profession or undermine public confidence in the advertising activity
- Also there is the requirement that individuals and organisations in the advertising profession, within the framework of the self-regulation of the advertising trade, shall support the freedom of speech in commerce at all times

Specific Provisions

Misuse	ÖRT
Commercial communications should not encourage excessive or irresponsible consumption, nor present abstinence or moderation in a negative way	N
Commercial communications should not suggest an association with violent, aggressive, dangerous or anti-social behaviour	Y
Commercial communications should not show people who appear to be intoxicated or in any way imply that intoxication is acceptable	N

ÖRT

- Although not in the current Code, the provisions that commercial communications should not encourage excessive or irresponsible consumption and should not show people who appear to be intoxicated will be covered in the new Code
- The Advertising Act and Act of Radio and Television however, currently prohibit featuring excessive consumption and it is planned to include this provision in the new Code which will consequently extend its coverage to all media

Minors	ÖRT
Commercial communications should not be aimed at minors or show minors consuming the product	N
Commercial communications should not promote the product in media, programmes or at events where the majority of the audience are known to be minors	N

- The legal age in Hungary is 18 years

ÖRT

- The provisions relating to minors do not feature in the Code
- Legislation, however, imposes restrictions on advertising and minors that cover these provisions
- It is planned to refer to persons under 25 years old rather than minors in the new Code

Driving	ÖRT
Commercial communications should not directly or indirectly associate consumption with the act of driving vehicles of any kind	N

ÖRT

- Currently driving does not feature in the Code although it will appear in the revision
- This aspect, however, is covered by the Radio and Television Act and it is planned to include this provision in the new Code which will consequently extend its coverage to all media

Hazardous activities	ÖRT
Commercial communications should not associate consumption with the operation of potentially dangerous machinery or with the performance of potentially hazardous activities, or portray the act of consumption prior to or during activities, or in locations that are potentially hazardous (It should be borne in mind that those activities that might not otherwise be considered hazardous e.g. swimming or using simple hand tools, may be inadvisable after consuming an alcoholic beverage)	N

ÖRT

- Provisions relating to hazardous activities will appear in the new Code but this aspect is presently not covered
- Hazardous activities, however, are covered by the Radio and Television Act and it is planned to include this provision in the new Code which will consequently extend its coverage to all media

Medical aspects	ÖRT
Commercial communications must not attribute the property of preventing, treating or curing a human disease or refer to such properties	N
Commercial communications on health aspects of the product are allowed to the extent specifically permitted by the law of the country where the communication is made. This includes reference to government-issued sensible drinking guidelines or limits	N

ÖRT

- The provisions relating to medical aspects will be included in the new Code but presently are not covered
- It is again, however, prohibited by the Radio and Television Act and it is planned to include this provision in the new Code which will consequently extend its coverage to all media

Alcohol content	ÖRT
Commercial communications should not create any confusion as to the nature and strength of the product	N
Commercial communications should not present high alcoholic strength in itself as a positive quality of the brand or as a reason for choosing it. On the other hand, messages may not imply that consuming beverages of low alcohol content will avoid misuse (this prohibition does not apply to commercial communications for non-alcoholic beverages)	N

ÖRT

- The alcohol content provisions are not in the current Code but will be in the revision
- Again, the Radio and Television Act prohibits this aspect and it is planned to include this provision in the new Code which will consequently extend its coverage to all media

Performance	ÖRT
Commercial communications should not create the impression that consumption enhances mental ability or physical performance, e.g. when engaging in sports	N
Commercial communications should not create the impression that consumption enhances social or sexual success	N

ÖRT

- The performance provisions will be included in the new Code but are not presently covered
- They are prohibited by the Radio and Television Act and it is planned to include this provision in the new Code which will consequently extend its coverage to all media

Promotions & Sampling (<i>including tasting</i>)	ÖRT
No promotion should encourage irresponsible or anti-social behaviour or alcohol misuse, in particular excessive consumption	N
Sampling is allowed at licensed or private premises, trade fairs or occasions in accordance with local regulations. No sampling of the product should be offered to minors	N

ÖRT

- Promotions and sampling are regulated by law but do not feature in the Code

Implementation of the Code and Other Principles

The Self-regulatory Body

Organisation	ÖRT
Organisation is a self-regulatory body	Y

ÖRT

- The ÖRT is the principal self-regulatory body in Hungary

Promotion of the Code	ÖRT
Programme or initiatives to make consumers aware of the Code and the complaints mechanism	N
Code promoted to:	
Public authorities	Y
Consumer organisations	N
Staff in bars/restaurants/shops etc	N
Others	Y
Plans for a programme of activities to make consumers aware of Code/complaints mechanism in the future	Y
Training and information offered to marketers and advertisers	Y

ÖRT

- Because of financial considerations, the Code and its complaints mechanism has not been promoted to the public
- It is planned, however, to make consumers aware of the new Code through activity surrounding its launch
- Public authorities in the form of the Hungarian Competition Authority, Consumer Protection Authority, Ministries and Members of Parliament have been addressed through presentations and personal meetings
- Consumer organisations have not been covered because currently they are underdeveloped in Hungary
- Retail staff are not presently addressed as they are covered by advertisers own material although the ÖRT is willing to do so if invited
- The Code was sent to lecturers and the ÖRT often undertakes lectures about self-regulation to students
- The ÖRT offers presentations about the European and Hungarian Legal and Ethical environment and the TAG Code to advertisers and marketers, which available free to members of ÖRT but is also available to any other industrial association

Pre-launch Services Offered

Copy advice offered for the following media:

	ÖRT
Print	Y
Broadcast media	Y
Cinema	Y
Outdoor events	Y
Labelling (including product names)	N
Naming & Packaging	N
Internet	Y
<i>and includes:</i>	
Promotion	Y
Merchandising	Y
Point of sale material	Y
Sponsorship	Y
Electronic media	Y
Communications to on & off trade	Y
Product placement	N
Direct marketing	Y

ÖRT

- Pre-launch copy advice is available from ÖRT for all commercial communications apart from labelling, packaging and direct marketing

Form of copy advice

	ÖRT
Copy advice offered is:	
Non-binding	Y
Free	Y
Available to all parties	Y
Available to all media groups	Y
Clearance implies future complaints are unlikely to be upheld	N

ÖRT

- Non-binding pre-launch copy advice is provided by the Ethical Ad-hoc Committee, which consists of 5 members, to advertisers, agencies and media
- It is available to members and non-members of the organisation alike and is free to all parties
- The Committee is convened within a week of the request and a written opinion is produced in the following days
- Clearance at this stage does not imply that future complaints are unlikely to be upheld considering the new information

Pre-clearance is a pre-condition for:	ÖRT
Print	N
Broadcast media	N
Cinema	N
Outdoor events	N
Labelling (including product names)	N
Naming & Packaging	N
Internet	N
and includes:	
Promotion	N
Merchandising	N
Point of sale material	N
Sponsorship	N
Electronic media	N
Communications to on & off trade	N
Product placement	N
Direct marketing	N

ÖRT

- Pre-clearance is not a pre-condition for commercial communications in any of the media

Complaints

Complaints handling	ÖRT
Organisation includes a Complaints Committee	Y
Deals with complaints from all parties	Y
Complaints are handled free	Y
Handles complaints from only specific media	Y

ÖRT

- Complaints are handled by the Ad Hoc Committee
- Five strong, it is chaired by an ex-university lecturer and composed of a lawyer and one representative each from advertisers, media and agencies. All of them are independent, as none is involved in his own or a competitors case
- Complaints can be made by both consumers and competitors and are handled free. It covers all of the media defined above
- They go directly to the Ad Hoc Committee without being pre-vetted by the Secretariat

- Consumer complaints are notified to the advertiser who is asked to respond within 5 days. The complainant and the advertiser are invited to try to resolve the problem between themselves
- If no agreement is reached, the ÖRT convenes a meeting, attended by both parties, at which the Ad-hoc Committee makes a ruling on the case
- In the case of competitor complaints, the details are sent to the competitor and they are called within 5 days by the Secretariat to discuss the case
- The committee then examines the case and arrives at a decision

Appeals

Appeals handling	ÖRT
Organisation offers an appeal procedure	Y

ÖRT

- The parties may appeal, if the rules of procedure have been breached, to the ÖRT's President
- The President of the Board considers the appeal with two legal advisors and may reject or uphold the appeal, and where a serious breach procedure is apparent, instruct the Committee to reconsider the case

Monitoring

Compliance monitoring	ÖRT
Monitors advertising on its own behalf	N

ÖRT

- Advertisements are currently not monitored because of financial constraints but it is planned to launch a quarterly monitoring procedure in the future
- It is planned that this monitoring will allow the ÖRT to inform the advertiser about a 'bad' advertisement and call for them to change it if they intend to use it again

Sanctions

Sanctions available to the Complaints Committee	ÖRT
Decisions of the complaints committee/self-regulatory body publicised	Y
Ability to impose additional sanctions if a company rejects the decision of the self-regulatory body/complaints committee	Y
Compliance of committee decisions monitored	N

ÖRT

- A quarterly newsletter is published by the ÖRT of all its decisions but the identity of the advertiser and the brand are not disclosed
- If an advertiser rejects the decision of the Committee the ÖRT can inform the media not to publish the advertisement in future
- No monitoring of compliance with the decisions of the Committee is undertaken

Awareness

Publication of Committee decisions	ÖRT
Report published of all the complaints and their outcome	Y

ÖRT

- A quarterly newsletter is published detailing the cases and what may be learnt from the decisions that are made about the complaints
- It also runs seminars to increase awareness of self-regulation and build better contacts with advertisers and agencies

Analysis of Complaints

ÖRT

- A detailed breakdown of the number of complaints the ÖRT deals with is not available
- The number of complaints received annually is reported to be only around 10 and relate mainly to sex and advertising

Recent Developments

ÖRT

- The current Code was reviewed in 2001

Future Plans

ÖRT

- The Code is currently in the final stages of being reviewed which is expected to be complete by the end of March 2005
- A number of significant additions in respect of misuse, driving, hazardous activities, medical aspects, alcohol content and performance will be incorporated into this revision
- The new Code will be used as an opportunity to improve the awareness of the Code amongst the public
- It is planned to introduce quarterly monitoring of advertisements

IRELAND

The Regulatory/Self-regulatory Environment

Statutory regulation of advertising in Ireland is generally limited to framework legislation, allowing considerable scope for self-regulation. The principal advertising self-regulatory organisation, the Advertising Standards Authority of Ireland (ASAI), is complemented by a drinks industry initiative, MEAS, a social aspects organisation that applies a code of practice for alcoholic drinks in non-broadcast areas. Pre-clearance through CCCI, another drinks industry self-regulatory initiative, is required for all alcohol beverage advertising.

Overview of Alcoholic Marketing Regulations

- Legislation sets out broad conditions relating to broadcast advertising, including a code of standards which contains specific provisions relating to alcohol
- This includes recognition of a voluntary Code whereby spirit based alcoholic drinks are not advertised on radio or television
- Otherwise, regulation of alcoholic drinks advertising is through self-regulatory codes
- Alcoholic beverages may advertise in any media, apart from the voluntary ban on spirits advertising in broadcast media
- The Minister for Health and Children has received Government approval for the drafting of the Alcohol Products Bill (Control of Advertising, Sponsorship, and Marketing Practices/Sales Promotions) which will allow the Minister to introduce a series of regulations which will restrict where alcohol advertisements can be placed, limit content, ban drinks industry sponsorship of youth leisure activities and require a health warning on alcohol advertisements

Statutory Authorities

- The **Director of Consumer Affairs** administers general consumer protection legislation and has powers to pursue cases of advertising and marketing practices considered to be in breach of the law
- The **Broadcasting Commission of Ireland (BCI)** is responsible for a number of areas in relation to radio and television including the development of codes and rules in relation to advertising standards and their monitoring
- The **Broadcasting Complaints Commission (BCC)**, an independent statutory body, evaluates and judges complaints from members of the public about broadcast material including advertisements in contravention of the Code of Standards, Practice and Prohibition in Advertising, Sponsorship and other forms of Commercial Promotion in Broadcast Services

Statutory Controls on Alcohol

- The **Codes of Standards, Practice and Prohibitions in Advertising, Sponsorship and other forms of Commercial Promotion in Broadcasting Services** were drawn up by the Minister for Arts, Culture and the Gaeltacht
- They apply to the State broadcasting authority RTE (Radio Telefís Éireann) and the independent services licensed by the Broadcasting Commission of Ireland (BCI)
- In addition to general conditions, it contains specific provisions relating to alcohol including recognition of a voluntary code whereby spirit based alcoholic drinks are not advertised on radio or television
- Provisions relating to alcoholic beverages, including where soft drinks are promoted as mixers, include the requirement that advertisements must not:
 - Encourage young people and other non-drinkers to begin drinking and must be cast towards brand selling and identification only
 - Encourage immoderate consumption of alcohol or present abstinence in a negative light
 - Claim alcohol has therapeutic qualities or is a stimulant, sedative, tranquiliser or means of resolving personal conflicts
 - Place emphasis on high alcoholic content as being a positive quality
 - Aim advertisements specifically at minors or present minors consuming them
 - Create the impression that consumption contributes towards sexual attraction and success or social success
 - Link consumption to enhanced physical performance or driving
- Additionally, there is recognition of the voluntary ban on advertising spirits on television and radio
- Broadcasting advertisements in or around programmes primarily intended for the young is prohibited
- There are no laws specifically relating to alcohol advertising in the cinema or press, on outdoor or the internet or through promotions and merchandising

Framework of Self-regulation

- Self-regulation of alcoholic beverages in Ireland is addressed by three organisations. The Advertising Standards Authority for Ireland (ASAI) is complemented by two drinks industry initiatives that apply specifically to alcoholic drinks advertising: Mature Enjoyment of Alcohol in Society (MEAS) and Central Copy Clearance Ireland (CCCI)
- Self-regulation of advertising is primarily through the ASAI, an independent self-regulatory body set up in 1981 and financed by the advertising industry
- ASAI applies two codes: the Code of Sales Promotion Practice and the Code of Advertising Standards for Ireland and which applies to advertising and sales promotions in all media. It includes specific regulations relating to alcohol
- Applicable to all alcoholic drinks, they were arrived at after extensive consultation with all stakeholders and cover the majority of commercial communications although not labelling, packaging, merchandising, point of sale, sponsorship and product placement
- The coverage of its provisions is comprehensive and non-binding copy advice is offered by ASAI
- ASAI offers a complaints mechanism and either party may appeal their decision. The decisions are publicised
- ASAI does not offer copy clearance but Central Copy Clearance Ireland (CCCI), a self-regulatory body set up in 2003, funded by the drinks industry in Ireland, and operated by the advertising

bodies, the Association of Advertisers in Ireland (AAI) and the Institute of Advertising Practitioners in Ireland (IAPI), provides independent vetting for all alcoholic-related advertising, judged against the ASAI Codes. No alcohol-related product advertisement will be published in any media until it has obtained prior clearance from CCCI

- Mature Enjoyment of Alcohol in Society (MEAS) is a social aspects organisation established in 2002 by the principal companies and trade organisations in the drinks industry but is operationally independent from the drinks companies
- Its Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks came into force in May 2004 after consultation with representatives from all categories of stakeholders
- Applicable to all types of alcoholic drinks, it generally addresses areas not covered by ASAI
- MEAS offers a non-binding advisory service for all commercial communications apart from broadcast media where responsibility lies with ASAI and CCCI
- Its Independent Complaints Panel hears complaints relating to all commercial communications for alcoholic beverages apart from national advertising broadcast media, cinemas, outdoor and national sponsorships which fall within the remit of the ASAI. Its decisions are publicised
- A campaign to promote the Code to the public is planned for 2005
- Guidance Notes, developed in consultation with the industry, provide additional advice on promotional practices and multiple drinks servings
- In January 2005, The Drinks Industry Group of Ireland, in agreement with advertisers, advertising agencies and the relevant media suppliers, implemented voluntary codes to limit the exposure of young people to alcoholic drink advertising on television and radio, in cinemas and on outdoor/ambient media
- The Drinks Industry Group of Ireland has also agreed a Code of Sponsorship to ensure the promotion of and adherence to the highest standards in sponsorship of events. The Code is intended to complement the ASAI Codes in addition to the regulations, legislation and voluntary codes covering the sale and general marketing of alcohol drinks in the Republic of Ireland

Questionnaire on Codes for Commercial Communications

Respondents

Responses to the Codes for Commercial Communications questionnaire were received from the following organisations:

National Body	Code of Commercial Communications
ASAI Advertising Standards Authority for Ireland	Code of Advertising Standards for Ireland Code of Sales Promotion Practice
The Irish Brewers' Association	No Association specific code <i>Members are signatories to the MEAS Code of Practice and subscribe to other voluntary codes via CCCI</i>
MEAS The Mature Enjoyment of Alcohol in Society	MEAS Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks

ASAI

- The Advertising Standards Authority for Ireland is the independent self-regulatory body set up and financed by the advertising industry and committed in the public interest to promoting the highest standards of advertising and sales promotion
- Its objective is to ensure that all commercial advertisements and promotions are 'legal, decent, honest and truthful'

The Irish Brewers' Association

- The Irish Brewers' Association represents Ireland's major brewers
- It is a member of the umbrella organisation Drinks Industry Group of Ireland and its member companies are also members of MEAS

MEAS

- Mature Enjoyment of Alcohol in Society or MEAS (the Irish word for respect), is a social aspects organisation established by the principal companies and trade organisations in the drinks industry but is operationally independent from the drinks companies
- Its origins lie in the umbrella organisation, the Drinks Industry Group of Ireland (DIGI), established in 1981. DIGI had both an economic and social aspects remit. In order to better support the development and implementation of social responsibility initiatives, MEAS was established in 2002 to exclusively promote and support social responsibility within the industry. MEAS became operational in 2003
- A core value of MEAS is that we must respect alcohol and when we consume it we must respect ourselves and respect others. In order to reduce alcohol abuse and related harm it will:
 - Promote social responsibility among producers, marketers, distributors and retailers of alcohol in Ireland
 - In partnership with Government and other appropriate bodies promote the mature enjoyment of alcohol amongst consumers

Other Organisations

Irish Whiskey Distillers Association (IWDA)

- IWDA (a member of CEPS) did not complete the questionnaire, explaining that an Irish Industry response was being coordinated by MEAS
- The organisation is associated in the main with Irish Distillers who in turn are members of MEAS, and as such IWDA are covered by the MEAS Code

ISA

- The Irish Spirits Association (a member of CEPS) was established in 1997 to promote the interests of the Irish spirits industry in a national and international context. Membership is open to all branded spirits manufacturers
- A completed questionnaire was not received but ISA is signatory to the MEAS Code

Drinks Industry Group of Ireland (DIGI)

- Established in 1981, DIGI acts as an umbrella organisation for the major interests in the drinks industry in Ireland including the Irish Brewers Association, Wine and Spirit Association of Ireland and Cider Industry Council
- DIGI had both an economic and social aspects remit. In order to better support the development and implementation of social responsibility initiatives, MEAS was established in 2002
- DIGI subsequently concerned itself exclusively with the industry's economic issues but has recently adopted a voluntary code to limit exposure of young people to alcoholic drinks advertising in certain media and also a code relating to sponsorship
- As both came into force after the questionnaire was completed, DIGI were not surveyed but details have been included using guidance provided by other parties

Self-regulatory Initiatives

ASAI

- The Advertising Standards Authority for Ireland operates two codes: the Code of Advertising Standards for Ireland and Code of Sales Promotion Practice
- The Advertising Code came into force in 1981 and the Sales Promotion Code in 1988
- Both were last reviewed in 2001 and is planned to review them again in 2005

The Irish Brewers' Association

- The Irish Brewers' Association does not have its own self-regulatory code but abides by the ASAI, MEAS and CCCI Codes

MEAS

- The MEAS Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks' (The MEAS Code) came into force in May 2004
- It replaced the Drinks Industry Group of Ireland Code on the Naming, Packaging and Merchandising of Single-Serve Alcoholic Beverages in the Republic of Ireland published in 1996

Central Copy Clearance Ireland CCCI

- Central Copy Clearance Ireland (CCCI) was set up in 2002 by the drinks sector to provide an independent pre-publication vetting service for all alcoholic-related advertising, judged against the ASAI Codes

Drinks Industry Group of Ireland (DIGI)

- In January 2005 DIGI adopted voluntary codes to limit exposure of young people to alcoholic drink advertising on television and radio, in cinemas and on outdoor/ambient media
- The Drinks Industry Group of Ireland has also agreed a Code of Sponsorship to ensure the promotion of and adherence to the highest standards in sponsorship of events
- The Code is intended to complement the ASAI Codes in addition to the regulations, legislation and voluntary codes covering the sale and general marketing of alcohol drinks in the Republic of Ireland
- The Voluntary Codes and the Code of Sponsorship were formulated after consultation by DIGI, the Association of Advertisers in Ireland and the Institute of Advertising Practitioners in Ireland with the Health Promotion Unit of the Department of Health and Children in Ireland
- They apply to all alcoholic beverages with strength of over 1.2% abv

Setting Up and Basic Principles of the Code

Creation of the Code

Stakeholders consulted during the formulation and creation of the Code

	ASAI	MEAS
Consumer organisations	Y	Y
NGO's	Y	Y
Professional organisations	Y	Y
Government departments	Y	Y
Others	N	Y

ASAI

- There was extensive consultation on the Code with groups representing all categories of stakeholder
- The main consumer organisations consulted were the Consumers' Association of Ireland, Disability Federation of Ireland, Forum of People with Disabilities, National Association for mentally handicapped of Ireland and the National Women's Council
- NGOs involved included Chambers of Commerce Ireland, Data Protection Commissioner, Earthwatch, European Advertising Standards Alliance, ICC Irish National Committee, Irish Churches' Council for Television and Radio Affairs, National Rehabilitation Institute as well as other organisation representing medical, dental and other allied professions
- The Association of Advertisers in Ireland, Institute of Advertising Practitioners in Ireland, National Newspapers of Ireland, Regional Newspaper Association of Ireland, Drinks Industry Group, Incorporated Law Society (solicitors), Honourable Society of Kings Inns (barristers) together with various marketing and public relations institutes contributed to the Codes
- Finally, the Office of the Director of Consumer Affairs and all government departments were involved in the consultation process

MEAS

- Representatives from all categories of stakeholder were consulted in the formulation of the Code
- The largest consumer organisation in Ireland, The Consumer Association of Ireland (CAI), was consulted and nominates one of the five members of the Independent Complaints Panel (ICP), which adjudicates on complaints received under the Code
- All key relevant NGOs were consulted including The National Parents Council (Primary), whose representative sits on the ICP, the National Youth Council of Ireland and Youthreach
- Professional bodies consulted were The Advertising Standards Authority for Ireland (ASAI), The Institute of Advertising Practitioners in Ireland (IAPI), The Association of Advertisers in Ireland (AAI) and Central Copy Clearance Ireland (CCCI)
- Government Departments who contributed to the Code's formulation included the Department of Enterprise, Trade and Employment, the Department of Health and Children, the Department of Justice, Equality and Law Reform and An Garda Síochána (Irish Police Force)
- Consultation additionally extended to the major supermarket chains, The Hotels Federation of Ireland, Retailers' Representative Association (RGDATA), the Drinks Industry in Ireland including the principal and distributing companies in Ireland, as well as the principal on-license organisations (the Licensed Vintners Association and the Vintners' Federation of Ireland) and the off-license trade organisation NOffLA together with the UK SAO The Portman Group

Coverage of the Code

Product types covered by the Code

	ASAI	MEAS
Beer	Y	Y
Wine	Y	Y
Spirits	Y	Y
Cider	Y	Y
Flavoured Alcoholic Beverages	Y	Y

ASAI

- The Codes cover all alcoholic beverages with a strength of over 1.2% abv.
- Other products with strengths below this would be subject to the general provisions of the Code

MEAS

- The Code applies to all pre-packaged and draught alcoholic drinks with an alcoholic strength above 0.5% abv
- It also includes all drinks served from permanent dispenser units which are marketed for sale and consumption in the Republic of Ireland, on a direct, or on an electronic basis
- In addition the Code also applies to products developed or marketed primarily as alcoholic 'drinks', even if they are classified as food stuffs rather than drinks for the purpose of licensing or customs and excise legislation, or even if they appear to be solid, in jellied form, in vaporised form, or heavily textured (or can be made to be, for example, by freezing or shaking), rather than liquid

Brand advertising/marketing communications media covered by the Code	ASAI	MEAS
Print	Y	Y
Broadcast media	Y	N
Cinema	Y	N
Outdoor events	Y ¹	Y
Labelling (including product names)	N	Y
Naming & Packaging	N	Y
Internet	Y	N
<i>and including</i>		
Promotion	Y	Y
Merchandising	N	Y
Point of sale material	N	Y
Sponsorship	N	Y ²
Electronic media	Y	Y
Communications to on & off trade	N	Y
Product placement	N	Y
Direct marketing	Y	Y

¹ Advertising/posters displayed but not the event itself

² Local only

ASAI

- Labelling, naming and packaging and an advertisers' own website are not considered advertisements under the Code. The separate Code operated by MEAS applies for labelling and packaging in Ireland
- Point of sale is covered if it is a promotion. If no sales promotional material is involved then it is outside the remit of the Code

MEAS

- National sponsorships and cinema advertising are handled by the DIGI voluntary codes
- Advertising beyond point of sale is covered by the Broadcasting Commission of Ireland and the ASAI Codes

Other activities covered by the Code	ASAI	MEAS
Non-advertising materials and activities	N	Y
Statements to the media, government agencies or the public about issues of societal concern such as the risks or benefits related to the consumption of the product(s)	N	Y
Educational messages about responsible drinking or the role of alcohol consumption in society	N	N

ASAI

- Non-advertising materials and activities are not included because they are not advertising, unless they are sales promotion and then they are covered
- Similarly, statements to the media are not covered because they are not advertising
- Non-commercial advertising is not covered by the Code so educational messages would not be considered under this Code

MEAS

- Non-advertised activities included in the Code are provisions that forbids multiple drinks servings in a single glass in a bid to prevent the excessive consumption of alcohol and another that requires all alcoholic product promotional activities (e.g. sampling) to be responsible and adhere to the spirit as well as the letter of the Code
- Under the MEAS Code organisations, when undertaking activities to promote a product, such as the issuing of statements and educational responsibility messages, via any media, must not in any direct or indirect way:
 - Suggest any association with bravado, or with violent, aggressive, dangerous or anti-social behaviour
 - Suggest any association with acceptance of, or allusion, to illicit drugs
 - Suggest any association with sexual success or prowess
 - Suggest that consumption of the drink can lead to social, sporting or business success or popularity
 - Encourage illegal, irresponsible or immoderate consumption, such as binge-drinking, drunkenness or drink-driving
 - Suggest that the product can enhance mental or physical capabilities
- Educational messages about responsible drinking are currently not covered but this area is under discussion and may be provided for in the Code in the future

Provisions of the Code

General Provisions

Basic principles included in the Code

	ASAI	MEAS
Be legal, decent, honest and truthful and conform to generally accepted principles of fair competition and good business practice	Y	Y
Be prepared with a due sense of social responsibility and be based on principles of fairness and good faith	Y	Y
Under no circumstances be unethical, offend against generally prevailing standards of taste and decency or otherwise impugn human dignity and integrity	Y	Y
Other	Y	Y

ASAI

- Besides the three basic principles, the general provisions of the Code require:
 - An advertisement should not bring advertising into disrepute
 - Primary responsibility for observing the Code rests with advertisers
 - An unreasonable delay in responding may be considered a breach of the Code
 - The Code is applied in the spirit as well as in the letter

MEAS

- In addition to the three basic principles there is a requirement that the Code is applied in the spirit as well as the letter

Specific Provisions

Misuse	ASAI	MEAS
Commercial communications should not encourage excessive or irresponsible consumption, nor present abstinence or moderation in a negative way	Y	Y
Commercial communications should not suggest an association with violent, aggressive, dangerous or anti-social behaviour	Y	Y
Commercial communications should not show people who appear to be intoxicated or in any way imply that intoxication is acceptable	N	Y

ASAI

- There are no specific requirements re showing persons who appear to be intoxicated but inclusion of such behaviour would be viewed as “not socially responsible” under the Code
- Additionally an advertisement may refer to the social dimension or refreshing attributes of a drink but should not portray drinking as a challenge nor should it be suggested that those who drink are brave or daring

MEAS

- All misuse provisions are included within the Code

Minors	ASAI	MEAS
Commercial communications should not be aimed at minors or show minors consuming the product	Y	Y
Commercial communications should not promote the product in media, programmes or at events where the majority of the audience are known to be minors	Y	Y
Other	Y	Y

- The legal age under national law is 18 years

ASAI

- In addition to these provisions there is the requirement that:
 - Anyone depicted in an alcohol advertisement should be over twenty-five and should appear to be over twenty-five
 - Treatments that are likely to appeal to minors should not be used. Advertisements should not feature characters (real or fictitious), motifs, colours or styles that are likely to appeal particularly to minors in a way that would encourage them to drink

MEAS

- The Code includes, in addition to the above, a number of other provisions relating to minors:
 - Must not incorporate images of people who are, or look, as if they are, under twenty-five years of age
 - Products covered by the Code must not use words such as 'lemonade' or 'soft drink' or 'fruit drink' in the brand or associated product labelling in any way which can cause confusion with existing popular drinks which are non alcoholic
 - All alcoholic drinks must be clearly distinguished when on display. In the on-trade flavoured alcoholic drinks, for example, must not be placed alongside soft drinks
 - When coolers/fridges are used in stores, every reasonable effort must be made not to place alcoholic drinks and soft drinks in close proximity as this could cause confusion'

DIGI

- The DIGI Voluntary Codes in relation to alcohol advertising on broadcast and outdoor/ambient media state that:
 - No radio or television advertising for alcohol should be booked where more than 33% of the audience is under the age of eighteen
 - Alcohol advertising will only be shown in cinemas with films targeting an adult audience and where it is deemed that at least 75% of the attendances will be aged 18 or over
 - Alcohol advertising will not be placed within 100 metres of a primary or secondary school entrance
- The Code of Sponsorship states that:
 - All sponsored events should be of primary appeal to individuals over the legal drinking age
 - Alcohol Drinks Companies will not sponsor any individuals or teams below the legal drinking age
 - Branded merchandise should not be designed to overtly appeal to those below the legal drinking age
 - Children's sizes in branded merchandise will not be produced for any sponsorship

Driving

	ASAI	MEAS
Commercial communications should not directly or indirectly associate consumption with the act of driving vehicles of any kind	Y	Y
Other	Y	N

ASAI

- The Code additionally requires that advertisements should not suggest that a product can mask the effects of alcohol in tests on drivers; advertisements for breath testing devices should include a prominent warning on the dangers of drinking and driving

MEAS

- The Code includes a requirement that activities should not encourage drink-driving

Hazardous activities

	ASAI	MEAS
Commercial communications should not associate consumption with the operation of potentially dangerous machinery or with the performance of potentially hazardous activities, or portray the act of consumption prior to or during activities, or in locations that are potentially hazardous (It should be borne in mind that those activities that might not otherwise be considered hazardous e.g. swimming or using simple hand tools, may be inadvisable after consuming an alcoholic beverage)	Y	N

ASAI

- Hazardous activities are covered by the Code

MEAS

- Although not including a specific hazardous activities clause, the Code states that communications should not be associated with dangerous' behaviour or encourage illegal, irresponsible or immoderate consumption

Medical aspects

	ASAI	MEAS
Commercial communications must not attribute the property of preventing, treating or curing a human disease or refer to such properties	Y	Y
Commercial communications on health aspects of the product are allowed to the extent specifically permitted by the law of the country where the communication is made. This includes reference to government-issued sensible drinking guidelines or limits	N	N

ASAI

- Government issued sensible drinking guidelines are non-commercial advertising and thus do not come within the terms of the ASAI Codes

MEAS

- The MEAS Code has been developed to ensure that alcohol is sold and promoted in a socially responsible manner and only to those 18 years and over
- Once this criteria has been met it is then at the discretion of individual organisations what information is contained on a product's packaging, legislation permitting

Alcohol content

	ASAI	MEAS
Commercial communications should not create any confusion as to the nature and strength of the product	Y	Y
Commercial communications should not present high alcoholic strength in itself as a positive quality of the brand or as a reason for choosing it. On the other hand, messages may not imply that consuming beverages of low alcohol content will avoid misuse (this prohibition does not apply to commercial communications for non-alcoholic beverages)	Y	Y

ASAI

- Alcohol content of drinks is covered by the Codes

MEAS

- The alcohol content provisions are covered by the Code

Performance

	ASAI	MEAS
Commercial communications should not create the impression that consumption enhances mental ability or physical performance, e.g. when engaging in sports	Y	Y
Commercial communications should not create the impression that consumption enhances social or sexual success	Y	Y

ASAI

- The performance provisions are covered by the Codes
- The Code also requires that advertisement should not imply that drinking can contribute to business success or that those who do not drink are less likely to be successful than those who do

MEAS

- The performance provisions are covered by the Code

Promotions & Sampling (including tasting)

	ASAI	MEAS
No promotion should encourage irresponsible or anti-social behaviour or alcohol misuse, in particular excessive consumption	Y	Y
Sampling is allowed at licensed or private premises, trade fairs or occasions in accordance with local regulations. No sampling should be offered to minors	N	Y

ASAI

- Sampling is not specifically covered by the Codes but advertisements (which would include promotions) should not be aimed at minors

MEAS

- The Code has been developed to ensure alcohol is sold and promoted in a socially responsible manner and only to those 18 years and over
- Advisory Notes have been developed to support the Code and to provide more detailed guidelines than that afforded by the Code in relation to promotional activity (including sampling) and events (on and off trade) and multiple servings of products
- The Responsible Servings of Alcohol refers to the MEAS Code and Guidelines Notes and provides direction on responsible serving and promotional practices

Other provisions

	ASAI	MEAS
Other provisions included in the Code	N	Y

MEAS

- A further requirement is that companies must not require sponsored parties to feature alcohol branding on children's size replica sports kit. No other merchandise bearing the brand name or logo of an alcoholic drink should be aimed at children or have a particular appeal to them

Implementation of the Code and Other Principles

The Self-regulatory Body

Organisation

	ASAI	MEAS
Organisation is a self-regulatory body	Y	Y

ASAI

- The Advertising Standards Authority for Ireland is the independent self-regulatory body set up and financed by the advertising industry and committed in the public interest to promoting the highest standards of advertising and sales promotion

MEAS

- A self-regulatory body established by the drinks industry in Ireland dedicated exclusively to addressing alcohol abuse and misuse in Ireland
- Through the development of its Code of Practice MEAS is playing a leading role to ensure that the highest standards are being set in relation to the naming, packaging and promotion of alcoholic drinks in Ireland

Promotion of the Code

	ASAI	MEAS
Programme or initiatives to make consumers aware of the Code and the complaints mechanism	Y	Y
Code promoted to:		
Public authorities	Y	Y
Consumer organisations	Y	Y
Staff in bars/restaurants/shops etc	N	Y
Others	Y	N

ASAI

- The ASAI runs national press, television and radio advertising on an ad-hoc basis which has generated 65% awareness of the Authority amongst consumers
- The Code is promoted through the annual report of the Authority to Government departments and the Office of the Director of Consumer Affairs. This is widely circulated each year, promoting the Authority and the Codes
- The Consumers Association of Ireland receives the Complaints Bulletins, which include the Complaints Committee's adjudications, as well as the Annual Report
- The ASAI Codes relate to advertising and sales promotions, not to actually selling of the product and so the Codes are not promoted to retail staff
- The Codes are widely promoted through the Annual Report and regular Complaints Bulletins which are sent to advertisers, agencies and media members, to journalists and other interested parties

MEAS

- The Code was launched via a press release in May 2004 and received extensive coverage in the national media. Copies of the Code were distributed to all key stakeholders, including government and non government organisations, which included the broader drinks and hospitality industries
- It is available to the consumer on the MEAS web site
- The Consumer Association of Ireland has agreed to assist with raising consumer awareness of the Code
- The members of the stakeholder organisations, and the wider general public, are to be the primary focus of an extensive advertising campaign scheduled for 2005 which it is envisaged will result in a greater awareness of the Code
- It has been promoted to the relevant Governmental Departments, state sponsored bodies including Fáilte Ireland (provides training to the hospitality industry) and An Garda Síochána (who have distributed the Code to all Garda stations in Ireland)
- Copies were forwarded to relevant personnel in these bodies on the Code's launch and the findings of the Independent Complaints Panel will be forwarded to the relevant personnel and organisations
- In respect of staff, the Licensed Vintners Association, the Vintners Federation of Ireland, the National Off-Licence Association of Ireland, the retailers' representative association, RGDATA, the Irish Hotels Federation and the Restaurants Association of Ireland are all signatories to the MEAS Code and have disseminated copies to their members
- The MEAS Code is referred to in the course material of the relevant Fáilte Ireland training courses, in particular the course material to the Responsible Serving of Alcohol Programme

Training and Information

	ASAI	MEAS
Training and information offered to marketers and advertisers	N	Y
Information and training offered by other bodies	N	Y
Plans to offer training and information to marketers in the future	N	Y

ASAI

- Training is not offered to marketers and advertisers and there are no plans to introduce it

MEAS

- Member companies have committed to ensuring the content of the Code is advised to relevant personnel
- MEAS Advisory Service Executive provides advice to marketers, advertisers and other interested bodies. The MEAS Advisory Service Executive also meets with relevant personnel in organisations subscribing to the MEAS Code to discuss the Code and its provisions

Pre-launch Services Offered

Copy advice offered for the following media:

	ASAI	MEAS
Print	Y	Y
Broadcast media	Y	N
Cinema	Y	N
Outdoor events	Y	Y ¹
Labelling (including product names)	N	Y
Naming & Packaging	N	Y
Internet	Y	Y
<i>and includes:</i>		
Promotion	Y	Y
Merchandising	N	Y
Point of sale material	Y	Y
Sponsorship	N	Y ²
Electronic media	Y	Y
Communications to on & off trade	Y	Y
Product placement	N	Y
Direct marketing	Y	Y

¹ Local sponsorship/provisions

² Local only

ASAI

- Copy advice is offered for advertising media and promotions

MEAS

- Copy advice is provided for all commercial communications apart from broadcast media where responsibility lies with other bodies

Form of copy advice

	ASAI	MEAS
Copy advice offered is:		
Non-binding	Y	Y
Free	Y	Y
Available to all parties	Y	Y
Available to all media groups	Y	Y
Clearance implies future complaints are unlikely to be upheld	N	N

ASAI

- Pre-launch copy advice is available for the ASAI to all that request it without charge. It is usually provided by the Chief Executive or Assistant Chief Executive within 24 hours
- Clearance at this stage does not imply that future complaints are unlikely to be upheld
- If outdoor media is involved the ASAI would probably advise care be taken to avoid areas where minors might be, such as schools

MEAS

- An Advisory Service is available to organisations or individuals planning to launch or re-launch any alcoholic drink or any promotional material or activity or merchandising arrangements that they are intending to undertake that is covered by the Code
- The advice, which is provided by the MEAS Advisory Service Executive, is normally given within 5 working days, is free and is not binding on the advertiser
- The Advisory Service is independent of MEAS's Complaints Panel and the advice it offers does not bind the Independent Complaints Panel to a decision either to uphold or to dismiss a subsequent complaint

Pre-clearance is a pre-condition for:

	National
Print	Y
Broadcast media	Y
Cinema	Y
Outdoor events	Y
Labelling (including product names)	N
Naming & Packaging	N
Internet	Y
and includes:	
Promotion	¹
Merchandising	N
Point of sale material	N
Sponsorship	¹
Electronic media	N
Communications to on & off trade	N
Product placement	N
Direct marketing	N
Clearance implies future complaints are unlikely to be upheld	N

¹ Includes advertising of sponsorships and national promotions, including on the internet

Central Copy Clearance Ireland

- Central Copy Clearance Ireland (CCCI) was set up by the DIGI (Drinks Industry Group of Ireland), AAI and IAPI in 2003 to provide a pre-publication copy clearance service for all alcohol-related advertising in all Irish media from Ireland and abroad
- It provides an independent pre-publication vetting service for all alcoholic-related advertising, judged against the ASAI Codes
- In addition to mainstream advertising its remit includes the advertising of sponsorships and national promotions placed in Republic of Ireland media. Internet advertising and promotions produced or placed on Irish-based websites are also covered
- Under this agreed system no alcohol-related product advertisement will be published in any media in the Republic of Ireland until it has obtained prior clearance from CCCI
- All Irish media have agreed to honour these new arrangements

ASAI

- CCCI provides pre-vetting under the ASAI Codes
- While no guarantees are or can be given that pre-clearance will prevent the advertisement subsequently being found in breach of the Code, the fact that it has been examined against the Code requirements can help to highlight possible problems that can be addressed prior to publication

MEAS

- It is not obligatory to seek the advice of the MEAS Advisory Service prior to the launch of a product or promotion

Complaints

Complaints handling

	ASAI	MEAS
Organisation includes a Complaints Committee	Y	Y
Offers a provision for the time delay in complaint handling	Y	Y
Deals with complaints from all parties	Y	Y
Complaints are handled free	Y	Y
Only handles complaints from specific media	Y	Y

ASAI

- The Complaints Committee is made up of 14 members, including the Independent Chairperson
- It includes 4 nominees of the director of Consumer Affairs, 2 independent lay members appointed by the Board, 6 industry members appointed by the Board and a non-industry person appointed by the Board (who is the Chief Executive, Broadcasting Commission of Ireland)
- In the first instance complaints, which are handled free of charge and can be from consumers or competitors, are made in writing (by post, fax or via on-line complaints form)
- They can relate to advertising in any of the media detailed earlier
- The complaint is first evaluated by the Secretariat which considered whether it is within the remit of ASAI

- If it is, the complaint is sent to the advertisers for comments. Advertisers are requested to reply within 10 days of the date of the letter from the ASAI
- When those comments are received the Secretariat evaluates the complaint again and if it considers necessary, prepares a draft recommendation which is sent to the Complaints Committee
- The Committee either accept or reject the Secretariat's draft recommendation

MEAS

- The Independent Complaints Panel comprises of nominees from the Consumers Association of Ireland, National Parents Council – Primary, the Drinks Industry Group of Ireland (whose nominee will not be employed by the industry), a recognised expert on issues concerning alcohol and society and a chairperson (not currently or formerly employed by the drinks industry) nominated by the Chief Executive of MEAS. It meets bimonthly
- A complaint in the first instance is made in writing or electronically to the Code Secretariat. The names of the public who make complaints remain confidential, except in exceptional circumstances when permission would first be sought from the complainant, but competitor's complaints are dealt with on a named basis. MEAS may itself be a complainant, in which case it would be named
- Complaints relating to national advertising broadcast media, cinemas, outdoor and national sponsorships are not handled as they fall within the remit of other codes
- The Secretariat highlights the Code section under which the particular complaint appears to fall but may also highlight any other Code section which may be relevant and the company is requested to respond
- The Code Secretariat subsequently prepares a 'dossier' of information for and against the complaint on which both the complainant and the company can make additional comments. If the complainant raises any further points, the dossier is amended and the company given an opportunity to respond
- The final version is then sent to both the complainant and the company and made available to the panel for consideration
- The panel may seek expert assistance at any stage. Should this be required details of their opinion is made available to the company, which is given the opportunity respond
- The Panel is not bound to restrict its consideration of the product's packaging, promotion or merchandising to the narrow terms of the complaint but may consider it under any section of the Code that it considers relevant, regardless of whether this section relates to the specific complaint or has been highlighted in the dossier by the Code Secretariat or otherwise

Appeals

Appeals handling

	ASAI	MEAS
Organisation offers an appeal procedure	Y	Y
Appeals permitted from both parties	Y	N
Appeals are handled free	Y	Y

ASAI

- Either party can appeal the decision for which there is no charge
- The Secretariat's draft recommendation is sent to both parties to the complaint before being submitted to the Complaints Committee. Any further comments are submitted with the draft recommendation to the Committee for final decision
- The Complaints Committee's decisions take immediate effect

MEAS

- If the Panel does not find against the company the decision is final but may consider other complaints against the same product made in the future, provided that they are based on different grounds or relate to amended or new packaging or promotional material or activity
- If the Panel finds against the company they are able to make representational comment on the panel's provisional decision which will be considered by the panel before it makes a final decision
- The Panel will consider any additional representations from the company and will make a final decision. It will then not consider further representations from the company unless the company presents fresh information which became available to it after the final decision. The Panel will not be bound by any enactment or rule of law relating to the admissibility of evidence in legal proceedings
- Depending upon the stages it goes through, the process may take from 21 to 49 or more working days to completion but the time limits at the various stages may be extended or shortened at the discretion of the Code Secretariat in consultation with the Chair of the ICP
- In the case of Code breaches concerning packaging or point of sale materials, a timetable for implementing the necessary changes will be notified in writing to the company concerned

Monitoring

Compliance monitoring

	ASAI	MEAS
Does not undertake structured monitoring	Y	Y
Monitors on its own initiative with the ability to react without a complaint being made	Y	Y

ASAI

- The ASAI does not undertake structured monitoring
- It does monitor advertisements in any of the media covered by its Codes but this is only very occasionally where particular problems arise. This has occurred about 3 times

MEAS

- It does not undertake structured monitoring but in fulfilling its role as a social aspects organisation in Ireland, MEAS would become aware of most, if not all, breaches of the Code directly or indirectly (through industry and non industry sources) in respect to media and commercial communication forms that are relevant to the Code
- It has the ability to react to a commercial communication on its own initiative but, as a new Code, it has not had the occasion to investigate a breach that was not already the subject of a complaint

Sanctions

Sanctions available to the Complaints Committee

	ASAI	MEAS
Decisions of the complaints committee/self-regulatory body publicised	Y	Y
Ability to impose additional sanctions if a company rejects the decision of the self-regulatory body/complaints committee	Y	Y
Compliance of committee decisions monitored	N	Y

ASAI

- Decisions of the Complaints Committee are publicised by email to newspapers, radio and television stations, magazines (in all cases both to journalists and advertising managers) and published on the ASAI website. This occurs about every six weeks or so
- In all cases, where a complaint has been upheld the advertisers must comply with the decision which may be that the advertisement as a whole is in breach and therefore must be withdrawn, or a part of it is in breach and therefore must be amended or in some circumstances can only be shown in the case of television or cinema advertising, outside of children's programming
- All decisions are publicised
- Compliance of committee decisions in not monitored

MEAS

- All decisions are published via a press notice issued shortly after decisions have been made final
- Where a breach of the Code concerns packaging or point of sale materials, a timetable for implementing the necessary changes will be given to the company. Retailers will be requested to dispose of stocks of either any product whose packaging has been found in breach of the Code, or any point of sale material found in breach of the Code, after the date specified by the Code Secretariat
- In the event that a MEAS member company chooses not to make the required changes to their product, representatives would be asked to explain their position and the company may be expelled from membership
- Should any Code signatory other than a MEAS member company not adhere to a Panel decision, it may be removed from the list of Code signatories
- The Code Secretariat may advise the relevant Government Ministers, alcohol interest groups, the Gardaí and licensing authorities of any company(ies) who choose not to comply with the Panel's decisions. They may also notify the media

Awareness

Publication of Committee decisions

	ASAI	MEAS
Report published of all the complaints and their outcome	Y	Y

ASAI

- The Complaints Committee's Case Reports on each case are published

MEAS

- An annual report submitted to relevant Government Ministers, alcohol interest groups, the Gardaí, licensing authorities, the media and members of the public who request it

Analysis of Complaints

ASAI	1999	2000	2001	2002	2003
Total Number of complaints received	640	812	879	1174	1234
Total number of complaints which required intervention <i>(the advertisement was in breach of the Code)</i>	133	236	147	236	241
Number of different advertisements to which these relate <i>(individual advertisements judged to be in breach of the Code)</i>	72	67	75	84	77
Total Number of complaints about alcohol products received	22	28	50	85	43
Total number of alcohol complaints which required intervention <i>(the advertisement was in breach of the Code)</i>	17	23	7	41	6
Number of different advertisements to which these relate <i>(individual advertisements judged to be in breach of the Code)</i>	2	5	3	14	3
Total number of complaints considered under the alcohol provisions of the Code	17	8	22	34	18
Number of complaints under the alcohol provisions of the Code requiring intervention <i>(the advertisement was in breach of the Code)</i>	2	4	4	23	6

ASAI

- Over the 5 years under 5% of the total number of complaints received by ASAI were for alcohol products
- Just under 10% of complaints that were in breach of the Code (required intervention) related to alcohol products
- If just the number of different advertisements (rather than the total number of complaints received) that required intervention are considered, alcohol products accounted to 7% of the total, or 27
- 42% of complaints about alcohol products were considered under the specific alcohol provisions of the Code and 33% of these required intervention
- The number of complaints about alcohol products dropped following the formation of CCCI which introduced obligatory pre-vetting of all alcohol advertisements

MEAS

- As the MEAS Code was launched in May 2004, no analysis of complaints is yet available

Recent Developments

ASAI

- The provisions of the 2001 edition of the Code of Advertising Standards were introduced in April 2002
- This included a number of changes to the provisions relating specifically to alcoholic drinks
- Amongst the new requirements were (changes in italics);
 - *Under broadcasting regulatory requirements, advertising of spirit based alcohol drinks (i.e. whiskey, gin, vodka, brandy etc.) is not permitted on radio or television broadcasting services*
 - Should not imply that drinking *can contribute* to social or business success or distinction or that those who do not drink are less likely to be acceptable or successful than those who do
 - *Should not link in any way the consumption of alcohol to aggressive or anti-social behaviour*
 - Advertisements should not be directed at *minors (those under 18 years)* or in any way encourage them to start drinking
 - Anyone depicted in an alcohol advertisement *should be over twenty-five* and should appear to be over twenty-five
 - *Treatments that are likely to appeal to minors should not be used.* Advertisements should not feature characters (real or fictitious), *motifs, colours or styles that are likely to appeal particularly to minors* in a way that would encourage them to drink
 - *Alcohol advertising should not be placed in media primarily intended for minors. Advertisers should take account of the age profile so that advertisements are communicated, so far as is possible, to adults*
 - Advertisements should not claim that alcohol has therapeutic qualities or that it is a stimulant, a sedative *or a means of resolving personal conflict*
 - Advertisements should not depict *any association with* activities or locations where drinking alcohol would be unsafe or unwise. In particular, advertisements should not associate the consumption of alcohol with operating machinery, driving, any activity relating to water or heights, or any other occupation that requires concentration in order to be done safely
- Prior to 2003 the Chairman of the Authority was also Chairman of the Complaints Committee. In 2003, the Board appointed an independent Chairperson of the Complaints committee

MEAS

- MEAS was established in 2002 and became operational in 2003
- In 2004 the MEAS Code replaced the 1996 Drinks Industry Group Code of Practice on the Naming, Packaging and Merchandising of Single - Serve Alcoholic Beverages in the Republic of Ireland
- It updated, expanded and improved on the 1996 Code in a number of key areas. While the 1996 Code applied to single serve alcoholic beverages with an alcoholic strength in excess of 1.2 per cent alcohol by volume, the MEAS Code applies to all pre-packaged and draught alcoholic drinks with an alcoholic strength above 0.5% abv. It also includes all drinks served from permanent dispenser units which are marketed for sale and consumption in the Republic of Ireland, on a direct, or on an electronic basis
- A pre launch Advisory Service is available from MEAS
- The Independent Arbitration Panel provided for under the 1996 Code was replaced by a larger Independent Complaints Panel whose membership includes nominees from stakeholders

CCCI

- Central Copy Clearance Ireland was set up in 2003 to provide an independent pre-publication copy clearance for all alcohol-related advertising in all Irish media judged against ASAI Codes
- On its formation, no alcohol-related product advertisement could be published until it had obtained prior clearance from CCCI

Future Plans

ASAI

- The Code will be reviewed again in 2005

MEAS

- The Code will be reviewed periodically to ensure the highest standards and practice in the marketing, promotion and sale of alcohol are met
- The Code will be promoted to consumers through an advertising campaign in 2005
- Meeting with marketers and advertisers are taking place to promote the Code and Guidance Notes

CCCI

- New codes relating to sponsorship by alcohol companies and the placement of marketing communications in broadcast media, print, outdoor signage and cinema are currently in development with the Department of Health and Children

General

- The Minister for Health and Children has received Government approval for the drafting of the Alcohol Products Bill (Control of Advertising, Sponsorship, and Marketing Practices/Sales Promotions)
- The bill will allow the Minister to introduce a series of regulations which will restrict where alcohol advertisements can be placed, limit content, ban drinks industry sponsorship of youth leisure activities and require a health warning on alcohol advertisements
- The office of the Parliamentary Council is currently drafting the bill

ITALY

The Regulatory/Self-regulatory Environment

In 2001, legislation required alcohol producers to set up a self-governing code for advertising, which was undertaken by including alcohol specific rules in the advertising tripartite Code. The Brewers Association is now looking to establish its own beer industry code. Advertising of alcoholic drinks is allowed in all media subject to constraints which apply particularly for spirits.

Overview of Alcoholic Marketing Regulations

- Advertising is regulated by a highly structured, quasi-judicial system where competence for advertising communication in specific sectors on alcohol and alcohol related problems is attributable to different bodies
- Advertising for all alcoholic products is permitted in all media subject to constraints on content, timing and place
- In particular, spirits are not allowed to advertise on radio and television from 4 p.m. to 7 p.m
- Additionally, there are controls, especially relating to spirits, to protect minors by restricting when and where advertisements may be placed

Statutory Authorities

- Advertising is regulated by a highly structured, quasi-judicial system where competence on advertising communication in specific sectors on alcohol and alcohol related problems is attributable to different bodies
- The **Authority for Competition and Marketing** (Autorità garante della concorrenza e del mercato) has responsibilities that include jurisdiction over misleading and comparative advertising
- The **Authority for Equal Protection of Communications** (AGCOM - Autorità per le garanzie nelle comunicazioni) was established by Law n. 249/1997. It is an independent authority accountable to Parliament with broad responsibilities for supervising and enforcing compliance with legislation in the telecommunications, media and press-publishing sectors. Amongst its responsibilities is the monitoring of advertising

Statutory Controls on Alcohol

- Until the early 1990's, self-regulation had been the primary method of controlling advertising when, often under the stimulus of EU initiatives, a raft of legislation on advertising was introduced
- In 1991 the **Ministerial Decree 425**, which was an application of the Television Without Frontiers Directive, was passed

- It requires television advertising of alcoholic drinks should not:
 - Clearly refer to minors or depict minors drinking alcoholic beverages.
 - Depict people driving and drinking alcoholic beverages
 - Give the viewers the impression that drinking equals social or sexual success
 - Lead the viewer to believe that alcoholic beverages possess therapeutic qualities or could resolve psychological problems
 - Encourage abuse of alcoholic beverages or present abstinence or sobriety in an unfavourable light
 - Portray the alcohol content of alcoholic beverages as a positive quality of the beverage
- The **Act on Alcohol and Alcohol Related Problems** (2001) included the requirement for producers to set up a self-governing code for advertising
- A code had to be agreed and adopted by television, radio, advertising agencies and alcohol producers setting out rules for alcohol advertising
- In addition, it sets out a range of legislative controls that apply to the advertising of alcohol (with an abv of more than 1.2%). Advertising is not allowed:
 - During and 15 minutes before and after programmes specifically devoted to children and adolescents
 - If it suggests that alcohol has therapeutic properties which are not officially recognised by the Ministry of Health
 - Where it shows children and adolescents consuming alcohol or shows alcohol consumption in a positive light
- It is also forbidden to:
 - Directly or indirectly advertise alcoholic beverages in places primarily attended by minors (under 18 years)
 - Advertise spirits (products with an abv exceeding 21%) on radio and television from 4 p.m. to 7 p.m
 - Advertise spirits in daily and periodical press addressed to minors
 - Advertise spirits in cinemas during films addressed to minors

Framework of Self-regulation

- Self-regulation was the primary method of controlling advertising until the early 1990's when legislation started to play an increasing role
- The advertising self-regulatory body, the Institute for Advertising Self-regulation (IAP) operates a Code of Advertising Self-regulation which includes specific rules relating to alcoholic beverages and which applies to all commercial communications
- This fulfilled the requirement included in the 2001 Act on Alcohol and Alcohol Related Problems that producers set up a self-governing code for advertising
- The Code covers most of the provisions detailed in the questionnaire
- The IAP provides copy advice, for which a fee is charged, which binds the Board not to intervene ex officio against the advertisement
- It does not provide pre-clearance of alcohol advertising
- Complaints, for which there is generally no charge, can be made by all parties. The decision can be appealed (for which a charge is made for competitors) except for those cases which go directly to its Jury rather than to the Review Board

- In addition to requiring the withdraw of the offending advertisement, the Jury may order that summaries of its decisions be published, including the names of the parties involved. If an advertiser refuses to comply with its decision, this non-compliance may be made public
- The decisions are publicised
- The various drinks associations do not have their own codes but abide by the IAP Self-regulation Code for Advertising
- ASSOBIRRA, the Italian Brewers' Association, is currently working on a beer industry code-of conduct on commercial communication which should-be ready by the end of 2005 and implemented soon after
- Its member companies apply their own internal codes and guidelines. They are moving towards a more structured codification of their rules

Questionnaire on Codes for Commercial Communications

Respondents

Responses to the Codes for Commercial Communications questionnaire were received from the following organisations:

National Body	Code of Commercial Communications
ASSOBIRRA Associazione degli Industriali della Birra e del Malto Italian Brewers' Association	None Abides by the IAP Code of Advertising Self-Regulation
FEDERVINI Federazione Italiana Industriali Produttori, Esportatori ed Importatori di Vini, Acquaviti, Liquori, Sciroppi, Aceti ed Affini	None Abides by the IAP Code of Advertising Self-Regulation

ASSOBIRRA

- The Italian Brewers' Association (ASSOBIRRA - Associazione degli Industriali della Birra e del Malto) does not currently have its own commercial communication code
- It has complied with the IAP Code since its inception in 1966 through the Italian Association of Advertisers (UPA)
- The ASSOBIRRA has always been very sensitive about the beer industry's social responsibility. In 1991 it sponsored the establishment of the Permanent Observatory on Young People and Alcohol, a SAO based on the work of a Scientific Committee made up of a number of well known experts which has carried out research on alcohol related issues
- The ASSOBIRRA wanted to have a complete and reliable picture of the Italian alcohol market so that it could help set up a common policy of its members
- More recently, it has felt the need for a better code of responsible attitudes by working on a new code which will bind all of its members
- The three major Italian brewers, which account for 65% of the market and 90% of Italian production, already have their own company Codes or guidelines which they adhere to
- It is currently working on a beer industry code of conduct on commercial communication which should be ready by the end of 2005 and implemented soon after, which will also include the key elements of these Codes as well as the main elements of the existing self-regulation Code
- In this context, the Codes applied by Birra Peroni (SABMiller) and Heineken are analysed here as a basis for a beer industry approach

FEDERVINI

- The Italian Wines and Spirits Federation FEDERVINI does not have its own code but complies with the IAP Code of Advertising Self-regulation

Other Organisations

IAP

- A response to the questionnaire was not received from The Institute for Advertising Self-regulation
- The self-regulatory system was originally set up in 1963 but the Institute for Advertising Self-Regulation 1977 (IAP- Istituto dell'Autodisciplina Pubblicitaria) was formed in 1997
- Its members include the Association of Advertisers as well as associations representing advertising and media bodies

Code

- Its Code of Advertising Self-regulation (Codice dell'Autodisciplina Pubblicitaria) includes specific rules relating to alcoholic beverages that apply to all commercial communications
- Advertisements for alcoholic beverages must:
 - Not be in contrast with a requirement that the styles of drinking behaviour depicted project moderation, rectitude and responsibility
 - This principle aims to safeguard the primary interest of the population in general, and that of children and adolescents in particular, in a family, social and working environment protected from the negative consequences of alcohol abuse
- In particular, advertising must not:
 - Encourage the excessive, uncontrolled, and hence damaging consumption of alcoholic beverages
 - Depict situations suggesting either an unhealthy attachment or an addiction to alcohol, or the belief that resorting to alcohol can solve personal problems
 - Target or refer to minors even only indirectly, or depict minors consuming alcohol
 - Associate the consumption of alcoholic beverages with the driving of motorised vehicles
 - Lead the public to believe that the consumption of alcoholic beverages promotes clearness of mind and enhances physical and sexual performance, or that the failure to consume alcohol implies physical, mental or social inferiority
 - Depict sobriety and abstemiousness as a negative value
 - Induce the public to disregard the different drinking styles associated with the specific characteristics of individual beverages, and to ignore the personal conditions of the consumer
 - Stress the alcoholic strength of a beverage as the main theme of the advertisement
- The Code covers most of the provisions detailed in the questionnaire

Advice

- The Advertising Review Board of the IAP provides copy advice for which a fee is charged
- Subject to the validity and completeness of the information supplied, approval binds the Board not to intervene ex officio against the advertisement
- It does not provide pre-clearance of alcohol advertising

Complaints: Advertising Review Board

- Complaints, for which there is no charge when heard by the Review Board, can be made by all parties
- They are initially considered by the Advertising Review Board, which has a quorum of 5 members, although the Secretariat is also responsible for resolving minor complaints and disputes under the supervision of the Review Board
 - The Board is made up of 15 experts in legal matters, consumer affairs, advertising techniques and communications media
 - If the complaint indicates a clear prima facie breach of the Code, the Board may instruct the advertiser to change the advertisement to comply with the Code or, in the case of a flagrant breach, it may summarily order the advertisement's immediate withdrawal
 - The order, together with a brief rationale, is sent immediately to the parties concerned, who may appeal within 10 days
 - If no appeal is received the order acquires the status of an adjudication. In the event of an appeal, the case is referred to the Jury
 - If the complaint raises a serious issue of public offence or involves the assessment of evidence, the Review Board may refer it directly to the Jury
 - Competitor complaints must be referred to the Jury

Complaints: The Jury

- The Jury considers complaints referred to it by the Advertising Review Board, directly to it by consumer bodies or companies as well as appeals against the adjudications of the Advertising Review Board. Consumer complaints are handled free of charge, while a fee is charged for handling competitor complaints
- It is made up of a President and 9 - 15 members, all eminent lawyers, academics and experts in consumer affairs and in advertising communications and independent of the advertising industry
 - The Jury meets in camera and has a quorum of 3
 - The President appoints a Jury member as rapporteur and arranges for copies of the complaint to be sent to the parties concerned, for comments and supporting evidence which are required within 12 working days
 - A hearing before the Jury is held concentrating primarily on aspects which cannot be dealt with satisfactorily in writing. Parties may be assisted or represented by lawyers and/or experts
 - A specially delegated member of the Review Board participates in the proceedings for the specific purpose of protecting the interests of consumers and of advertising in general
 - In exceptional circumstances, if additional evidence is required the case is referred back to the rapporteur for further evidence and documentation after which the hearing is resumed. If new evidence comes to light which appears to breach the Code, it will be added to the dossier
 - A summary of the adjudication is immediately sent to the parties concerned and a full judgement is communicated to the Secretariat, which forwards copies to the parties concerned and to other interested organisations
 - If the Jury finds a breach of the Code, the parties concerned (including the media) are obliged to withdraw the advertisement immediately
 - The average time between the submission of a case and a decision by the Jury is 20 days
- The decision of the Jury is final

Sanctions

- In addition to requiring the withdraw of the offending advertisement, the Jury may order that summaries of its decisions be published, including the names of the parties involved
- If an advertiser refuses to comply with its decision, the Jury will make this non-compliance public in whatever media it sees fit
- Where this does not result in the withdrawal or modification of the advertisement, the professional association to which the advertiser belongs may take further action
- Decisions are published on its website and in an annual report

Self-regulatory Initiatives

FEDERVINI

- Does not have its own code but abides by the Self-regulation Code for Advertising (Codice di autodisciplina pubblicitaria) which is within the remit of the IAP
- The FEDERVINI responded to the questionnaire on the basis of this membership and so the response is applicable for other signatories of the Code, such as the ASSOBIRRA

ASSOBIRRA

- Does not have its own code but abides by the Self-regulation Code for Advertising which is within the remit of the IAP
- Member companies of the ASSOBIRRA have their own internal company Codes. Two of these, for Birra Peroni and Heineken, are analysed here

Birra Peroni

- Complies with the SABMiller Alcohol Manifesto. Historically SABMiller ensured its marketing conformed to industry codes in each of its countries of operation. SABMiller, however, has developed its Code of Commercial Communication which will be integrated into the business during 2004 and 2005

Heineken Italia

- Does not yet have a formal code but abides by its own rules and guidelines for media buying, production and commercial communication which are attached to contracts signed with its media buying agency and to advertising briefs
- When its rules and guidelines are more severe than the law requires, letters are sent to the media networks to advise them about its policy
- A booklet was issued in 2003 to communicate the values and principles of Heineken Italia to its employees
- The company has judged it time to issue a comprehensive Code for Commercial Communication that summarizes all rules and guidelines that are currently spread across different documents. Beside the importance of having rules in place, it is aware that consumers are asking to be better informed and reassured about them
- Heineken Italia is currently working on this while at the same time Heineken International is revisiting the rules and guidelines of the Group: a newly revised edition of "Heineken (brand) rules and guidelines" was issued in 2004
- For all subjects not mentioned in its rules and guidelines, Heineken Italia acts in accordance with Italian laws and with the self-regulatory Code issued by the IAP

Setting Up and Basic Principles of the Code

Creation of the Code

Stakeholders consulted during the formulation and creation of the Code

	FEDERVINI	ASSOBIRRA Birra Peroni	ASSOBIRRA Heineken
Consumer organisations	N	N	N
NGO's	N	N	N
Professional organisations	Y	N	N
Government departments	Y	N	N

FEDERVINI

- The specific rules within the IAP Code relating to alcoholic beverages were reviewed in 2001 following a change in legislation on alcohol and alcohol related problems which necessitated an update in self-regulation provisions
- No consumer organisation or NGO was consulted as the Self-regulation Code is based on an agreement between advertisers, the media and companies
- There was consultation, however, with industrial, media and advertisers associations and with the Minister of Communications and Authority for Communications (the statutory regulator for broadcast media)

ASSOBIRRA

- The Birra Peroni and Heineken Italia documents are internally created documents

Coverage of the Code

Product types covered by the Code

	FEDERVINI	ASSOBIRRA Birra Peroni	ASSOBIRRA Heineken
Beer	Y	Y	Y
Wine	Y	Y	N
Spirits	Y	Y	N
Cider	Y	Y	N
Flavoured Alcoholic Beverages	Y	Y	N

FEDERVINI

- The Code covers all alcoholic beverages

ASSOBIRRA

- The Birra Peroni Code covers all alcoholic drinks while Heineken Italia rules are for beer only

Brand advertising/marketing communications media covered by the Code	FEDERVINI	ASSOBIRRA Birra Peroni	ASSOBIRRA Heineken
Print	Y	Y	Y
Broadcast media	Y	Y	Y
Cinema	Y	Y	Y
Outdoor events	Y	Y	Y
Labelling (including product names)	N	Y	N
Naming & Packaging	N	Y	N
Internet	Y	Y	Y
<i>and including</i>			
Promotion	Y	Y	Y
Merchandising	Y	Y	Y
Point of sale material	Y	Y	Y
Sponsorship	Y	Y	Y
Electronic media	Y	Y	Y
Communications to on & off trade	N	Y	Y
Product placement	N	Y	N
Direct marketing	Y	Y	N

FEDERVINI

- Labelling is not included in its coverage as there is an EU Directive on this matter

ASSOBIRRA

- The Birra Peroni Code covers all commercial communication channels while Heineken Italia does not cover labelling, packaging, product placement and direct marketing
- In addition to adhering to Italian law, Heineken Italia does not plan to use television between 4 pm and 7 pm and in the cinema it avoids chains that do not wish, or cannot, comply with a requirement not to show its advertisements before films for children
- It also avoids any association with risky sports (such as motor sports) or activities in the production of advertising and in sponsorships and promotions. All commercials must be legally checked with an external lawyer before shooting

Other activities covered by the Code	FEDERVINI	ASSOBIRRA Birra Peroni	ASSOBIRRA Heineken
Non-advertising materials and activities	N	Y	
Statements to the media, government agencies or the public about issues of societal concern such as the risks or benefits related to the consumption of the product(s)	Y	Y	Y
Educational messages about responsible drinking or the role of alcohol consumption in society	N	Y	Y

FEDERVINI

- Non-advertising activities are not covered by the Code but statements about societal concern are.
- Educational messages are not included because this has not yet been requested.

ASSOBIRRA

Birra Peroni

- Non advertising materials included are POS materials, gadgets, consumer promotions etc
- The SABMiller internet site has a section dedicated to promoting the sensible use of alcohol
- SABMiller promotes the responsible use of alcohol through campaigns under the slogan 'Drink Responsibility, Drive Responsibility, Live Responsibility' and advertising materials and initiatives to prevent underage access to alcohol using print and radio commercials

Heineken Italia

- In its booklet "Heineken Italia Values and Principles" it states its aim is to 'fulfil this generation's needs without compromising the chance that following generations are able to fulfil their own'
- Its International "Alcohol Policy" sets out that Heineken promotes responsible consumption of alcohol and believes well informed consumers can be self-responsible
- A TV and press campaign on responsible consumption was aired in 2004 using the 'don't drink and drive' message
- The campaign was the result of a study on the way Italian young adults relate themselves to alcohol and on effective communication language to reach this target
- It advises people attending some of our sponsored events on the risk of 'drinking and driving', sometimes offering packages to join the event by train

Provisions of the Code

General Provisions

Basic principles included in the Code

	FEDERVINI	ASSOBIRRA Birra Peroni	ASSOBIRRA Heineken
Be legal, decent, honest and truthful and conform to generally accepted principles of fair competition and good business practice	Y	Y	Y
Be prepared with a due sense of social responsibility and be based on principles of fairness and good faith	Y	Y	Y
Under no circumstances be unethical, offend against generally prevailing standards of taste and decency or otherwise impugn human dignity and integrity	Y	Y	Y
Other	N	Y	N

FEDERVINI

- All three basic principles are included within the Code

ASSOBIRRA

Birra Peroni

- In addition to these basic principles there is the requirement that commercial communications:
 - Must be in keeping with local cultural values
 - Be mindful of sensitiveness relating to culture, gender, race and religion

Heineken Italia

- The basic principles comes with the Heineken brand “rules and guidelines” which are generically applied to other brands

Specific Provisions

Misuse

	FEDERVINI	ASSOBIRRA Birra Peroni	ASSOBIRRA Heineken
Commercial communications should not encourage excessive or irresponsible consumption, nor present abstinence or moderation in a negative way	Y	Y	Y
Commercial communications should not suggest an association with violent, aggressive, dangerous or anti-social behaviour	Y	Y	Y
Commercial communications should not show people who appear to be intoxicated or in any way imply that intoxication is acceptable	Y	Y	Y
Other	Y	N	N

FEDERVINI

- In addition to these three misuse provisions, there are the requirements that:
 - Quotations and mentions regarding technical and scientific experimentation should be used in a suitable way
 - Advertising must not damage the moral, civil and religious beliefs of the citizens
 - Advertising messages towards children must not damage them from the psychological, moral and physical point of view

ASSOBIRRA

Birra Peroni

- All the misuse provisions are included

Heineken Italia

- The basic principles comes within the Heineken brand “rules and guidelines” which are generically applied to other brands

Minors	FEDERVINI	ASSOBIRRA Birra Peroni	ASSOBIRRA Heineken
Commercial communications should not be aimed at minors or show minors consuming the product	Y	Y	Y
Commercial communications should not promote the product in media, programmes or at events where the majority of the audience are known to be minors	Y	Y	Y
Other	Y	Y	Y

- The legal age in Italy is 18 years

FEDERVINI

- In addition the two provisions relating to minors, there are bans on the advertising of alcoholic beverages during programmes on television for minors and also that minors should not appear in advertisements for alcoholic beverages

ASSOBIRRA

Birra Peroni

- In addition to the provisions relating to minors there is the requirement that:
 - Commercial communication will not incorporate images of people who are, or look as if they are, under the legal drinking age unless there is no suggestion that they have just consumed, are consuming or are about to consume alcohol
 - Commercial communication may not employ characters or icons, which have unique appeal to children

Heineken Italia

- The provisions relating to minors are covered

Driving	FEDERVINI	ASSOBIRRA Birra Peroni	ASSOBIRRA Heineken
Commercial communications should not directly or indirectly associate consumption with the act of driving vehicles of any kind	Y	Y	Y
Other	N	Y	Y

FEDERVINI

- It is not permitted to associate drinking and driving under the IAP Code

ASSOBIRRA

Birra Peroni

- In addition to the driving provision there is the requirement that commercial communications must not depict or suggest consumption of alcohol beverages under circumstances that are generally regarded as irresponsible, improper or illegal, e.g. before, or during any operation requiring sobriety, skill or precision
- The company has also run in Italy a country a specific campaign with Valentino Rossi in order to avoid alcoholic use while driving

Heineken Italia

- Motor sports are additionally not sponsored

Hazardous activities

	FEDERVINI	ASSOBIRRA Birra Peroni	ASSOBIRRA Heineken
Commercial communications should not associate consumption with the operation of potentially dangerous machinery or with the performance of potentially hazardous activities, or portray the act of consumption prior to or during activities, or in locations that are potentially hazardous (It should be borne in mind that those activities that might not otherwise be considered hazardous e.g. swimming or using simple hand tools, may be inadvisable after consuming an alcoholic beverage)	Y	Y	Y

FEDERVINI

- Consumption must not be associated with hazardous activities

ASSOBIRRA

Birra Peroni

- The hazardous activities provision is addressed

Heineken Italia

- The hazardous activities provision is addressed

Medical aspects

	FEDERVINI	ASSOBIRRA Birra Peroni	ASSOBIRRA Heineken
Commercial communications must not attribute the property of preventing, treating or curing a human disease or refer to such properties	Y	Y	N
Commercial communications on health aspects of the product are allowed to the extent specifically permitted by the law of the country where the communication is made. This includes reference to government-issued sensible drinking guidelines or limits	N	Y	N
Other	N	Y	N

FEDERVINI

- The provision relating to allowing commercial communications on health aspects to the extent allowed by the law is not considered necessary because it is a basic principle stated in a draft EU Directive on health claims

ASSOBIRRA

Birra Peroni

- In addition to the provisions detailed, commercial communications may not claim that alcohol has curative qualities, nor offer it expressly as a stimulant, sedative or tranquilliser

Heineken Italia

- The health aspects provisions are not addressed. Heineken Italia guidelines just say that drinking can't transform people or make them better and stronger
- Additionally there is no need to say that we can communicate only what is permitted by law

Alcohol content	FEDERVINI	ASSOBIRRA Birra Peroni	ASSOBIRRA Heineken
Commercial communications should not create any confusion as to the nature and strength of the product	Y	Y	N
Commercial communications should not present high alcoholic strength in itself as a positive quality of the brand or as a reason for choosing it. On the other hand, messages may not imply that consuming beverages of low alcohol content will avoid misuse (this prohibition does not apply to commercial communications for non-alcoholic beverages)	Y	Y	Y

FEDERVINI

- Both provisions relating to alcohol content are incorporated

ASSOBIRRA

Birra Peroni

- The provisions relating to alcohol content are covered

Heineken Italia

- The omission in relation to alcohol content is already set by law

Performance	FEDERVINI	ASSOBIRRA Birra Peroni	ASSOBIRRA Heineken
Commercial communications should not create the impression that consumption enhances mental ability or physical performance, e.g. in sports	Y	Y	Y
Commercial communications should not create the impression that consumption enhances social or sexual success	Y	Y	Y
Other	N	Y	N

FEDERVINI

- Both performance provisions are included in the Code

ASSOBIRRA

Birra Peroni

- In addition to the performance provisions detailed, there is a requirement that commercial communications may not imply that alcohol beverage consumption is essential to business, academic, sporting or social success or portray nudity or suggest that alcohol beverages can contribute directly to sexual success or seduction

Heineken Italia

- All of the performance provisions are included

Promotions & Sampling (<i>including tasting</i>)	FEDERVINI	ASSOBIRRA Birra Peroni	ASSOBIRRA Heineken
No promotion should encourage irresponsible or anti-social behaviour or alcohol misuse, in particular excessive consumption	Y	Y	Y
Sampling is allowed at licensed or private premises, trade fairs or occasions in accordance with local regulations. No sampling of the product should be offered to minors	Y	Y	Y

FEDERVINI

- The sampling and promotions provisions are incorporated within the Code

ASSOBIRRA

Birra Peroni

- Promotions and sampling are addressed in the Code

Heineken Italia

- The Heineken brand address these provisions and it is never allowed in public places
- Sampling of other brands is allowed in public places in accordance with local regulations

Other provisions	FEDERVINI	ASSOBIRRA Birra Peroni	ASSOBIRRA Heineken
Other provisions	N	Y	N

FEDERVINI

- There are no other provisions relating to alcoholic beverages not included in the provisions above

ASSOBIRRA

Birra Peroni

- There is additionally a requirement that commercial communications may not depict or include pregnant women

Implementation of the Code and Other Principles

The Self-regulatory Body

Organisation	FEDERVINI	ASSOBIRRA Birra Peroni	ASSOBIRRA Heineken
Organisation is a self-regulatory body	N	N	N
Organisation is a direct or indirect member of a self-regulatory body/bodies	Y	Y	Y

FEDERVINI

- FEDERVINI complies with the IAP Code which is managed through the IAP's own regulatory system. It does not have an independent self-regulatory body of its own
- The analysis of the IAP system earlier in this section details the complaints process
- Federvini does not promote the Self-regulatory Code and respect for it to consumers as other organisations and self-regulatory bodies have this task. There are no plans to do so in the future
- Federvini does not offer training itself on the Code but many of its member companies do

ASSOBIRRA

Birra Peroni

- Birra Peroni has been a member of the ASSOBIRRA since 1966 and a direct member of the UPA (Utenti Pubblicità Associati) since 2003
- All members of the UPA agree to the Italian Advertising Self-regulation Code issued by the IAP (Institute of Advertising Self Regulation)
- It also has a Control Committee made up of 10 to 15 people that work on consumer and company warning

Heineken Italia

- Heineken Italia is a member of the ASSOBIRRA and a member of the UPA and so complies with the IAP self-regulatory Code
- It is playing a role within the ASSOBIRRA to create a common alcohol policy amongst the members and believes a further step could be to have a common self-regulatory code on communication among brewers
- It still has various rules and guidelines rather than a comprehensive code but in 2004 it took the opportunity to inform the main authorities and consumer organisation as well as a number of journalists about its CSR program and Alcohol Policy during the launch of its 'Don't drink and drive' commercial
- In 2004 the whole company was trained in its alcohol policy and on the risk of non-responsible consumption of alcohol
- Marketers and advertising Agencies are informed about Heineken Italia's communication rules and guidelines and the Alcohol Policy is available on the Company's intranet
- It is planned to combine the different rules and guidelines into a single Communication Code in 2005

LATVIA

The Regulatory/Self-regulatory Environment

Alcohol advertising in Latvia is subject to legislative regulations which prohibit spirits advertising on television and radio. Apart from this, alcoholic beverages may advertise in any media subject to constraints on their content and placement. An existing brewing industry self-regulatory initiative will shortly be joined by one for the advertising industry in general.

Overview of Alcoholic Marketing Regulations

- Advertising is currently largely regulated by legislation but an initiative from the advertising sector will shortly establish an industry self-regulatory system
- It will join one relating to beer set up and operated by the brewing industry body
- Advertising for spirits is prohibited on radio and television
- Apart from this, alcoholic beverages may advertise in any media within regulatory constraints on their content and placement
- Beer advertising, however, is additionally subject to a self-regulatory code

Statutory Authorities

- The **National Broadcasting Council of Latvia** (Nacionālā Radio un Televīzijas padome) is an independent administrative authority created in 1995 to guarantee broadcasting freedoms
- Its mandate is to represent the interests of society in the area of electronic mass media, primarily by supervising broadcasters' compliance with legislation and how they ensure freedom of speech and information
- Its responsibilities include examining, analysing and compiling recommendations, complaints and any other information submitted by viewers and listeners concerning the operation of the electronic mass media
- In relation to advertising, following research it is able to:
 - Oblige the advertiser to supplement the advertising concerned with additional information
 - Demand they exclude certain elements
 - Forbid the distribution of the advertising
 - Demand the withdrawal of the advertising
 - Enforce an administrative punishment

Statutory Controls on Alcohol

- **The Radio and Television Law** (1995) determines the procedures for the formation, registration, operation and supervision of broadcasting organisations and incorporates the Television Without Frontiers Directive
- Advertising for beer and wine is allowed on radio and television but is prohibited for other alcoholic beverages

- Advertising for alcoholic beverages must not:
 - Be aimed at minors, and minors must not participate in them
 - Link consumption to enhanced physical performance or to operating a means of transportation
 - Claim that alcohol has therapeutic qualities or that it has the effect of a stimulant or a sedative or that it helps to resolve personal problems
 - Encourage immoderate consumption of alcohol or present abstinence or moderation in a negative light
 - Emphasise the alcoholic content of alcoholic beverages
 - Create the impression that the consumption of alcoholic beverages ensures success socially or sexually
- The provisions do not apply to the transmissions of sporting or similar events in which advertising occurs in the background of the event (advertising placards in stadiums, trademarks, etc) and it is not possible to avoid it
- The **Advertising Law** sets out a range of criteria to be followed by advertising
- It includes a requirement that alcoholic beverage advertising must not exploit children and must not be aimed at them
- Compliance with the Act is supervised by the Consumer Rights Protection Centre, the Competition Council, the State Pharmaceutical Inspection and the Radio and Television Council within the spheres of their competence

Framework of Self-regulation

- There is presently no overall self-regulatory system for advertising in Latvia although advertisers, agencies and the media have announced plans to launch an advertising standards system
- There is currently, however, a system for the self-regulation of beer advertising through the Brewers' Association of Latvia Self-regulation Code
- Applicable to beers only, the Code's provisions cover most of the areas addressed by the questionnaire
- Compliance is through a Business Ethics Commission formed of all members of the Union

Questionnaire on Codes for Commercial Communications

- The only Latvian national members of any of the international organisations which participated in the survey is the Association of Latvian Spirits Producers and Distributors (LADRIA) which did not respond

Brewers' Association of Latvia

- The Brewers' Association of Latvia (Latvijas Alus Daritaju Savieniba), which is not a member of The Brewers of Europe, was also contacted to participate in the survey. Although they did not complete the questionnaire, they provided details of their self-regulatory Code
- The Brewers' Association of Latvia Self-regulation Code abides by four basic principles:
 - Beer is a part of a lifestyle, national traditions and national pride
 - Beer producers are responsible for the provision of information to consumers on the valid legislation
 - Informed consumer shall be responsible for their own actions
 - Any activities of a beer producer who has joined the Code must comply with the concept of responsible beer consumption

Code

- The Code requires that:
 - Customers should be informed on the specific properties of beer, including the negative consequences of excessive and irresponsible consumption
 - No term, description and information should be used which distorts or does not provide a true view on the product or which misleads customers in advertising and labelling of the products
- Advertising and promotions of beer should not:
 - Depict or promote irresponsible drinking
 - Refer to persons under 18 years of age. Therefore nobody consuming beer and looking younger than 18 years must be depicted in the advertisements, and they must look older than 21 years. They may be in the background, however, not using alcoholic drinks
 - Create an impression that refusal to consume alcohol is a sign of weakness
 - Stress the alcohol content of the beer as a primary factor
 - Decrease nor exaggerate the alcohol content of beer
 - Directly indicate that it provides a better effect if consumed in bigger quantities although they focus on the refreshing characteristics of beer
 - Promote consumption of beer under conditions which are dangerous or illegal i.e. being or acting in conditions that require forethought, skills or exactness. Examples of such activities are driving vehicles, flying, sports or work requiring intense psychological concentration or extreme physical strength
 - Depict pregnant women, or women with children, who are consuming beer
 - Contain negative (derisive, cruel, etc.) information on other competing companies and their products or their business
 - Include comparisons to particular products of other producers or associations
 - Use the motto 'Beer for free!' in beer advertisements, marketing events and campaigns
 - Place beer advertisements in media whose target audience are children or the audience is below 18 years of age

- In children's charity, educational events and competitions where persons below 18 years of age participate, sponsorship must not be related to a particular brand of beer
- The Code covers much of the ground outlined by the detailed provisions in the questionnaire, although the medical and performance aspects are not explicitly covered. It, however, goes beyond the provisions in a number of areas

Compliance

- Members of the Association agree to accept self-discipline extending above the requirements of the laws and regulations as a mandatory precondition for compliance with the Code
- This is executed through a Business Ethics Commission formed of all members of the Union
- Measures open to it for non-compliance with the Code are:
 - A warning or official warning released to the mass media
 - Suspension of membership of the Association
 - Exclusion from the Association

LITHUANIA

The Regulatory/Self-regulatory Environment

Alcoholic beverages may advertise in any media within legislative constraints on their content and placement, which varies for spirits and other alcoholic drinks. Although there is not a self-regulatory system at present, there is an advertising industry code. A self-regulatory system, however, is in the final stages of planning and an initiative by the beer sector is due to be launched.

Overview of Alcoholic Marketing Regulations

- General advertising and specific alcohol legislation regulates the commercial communication of alcoholic beverages but an initiative from the advertising sector will shortly establish an industry self-regulatory system
- It will join one relating to beer that is currently in the final stages of planning
- Spirits are prohibited from advertising on television and radio at certain times and may not use posters
- Apart from this, alcoholic beverages may advertise in any media within legislative constraints on their content and placement, which varies for spirits and other alcoholic drinks

Statutory Authorities

- The **Radio and Television Commission of Lithuania** is an independent institution accountable to the Seimas (Parliament) with the powers of regulation and supervision of commercial radio and television broadcasters
- Amongst its responsibilities are the supervision and observance of the terms of licensing, including advertising
- The **Ministry of Justice: National Consumer Rights Protection Board** ensures compliance with the Advertising Law amongst other consumer protection rights
- Adherence to the Alcohol Act is through the **State Tobacco and Alcohol Control Service (STACS)**

Statutory Controls on Alcohol

- The **Advertising Law** (2000) details general controls on advertising and sets out the right of advertising self-regulatory institutions representing advertising activity operators to voluntarily regulate and control advertising by its own members and specify regulations that do not contradict the law
- There are no clauses specifically relating to the advertising of alcohol
- The **Law on Alcohol Control** (1995) identifies specific restrictions on the advertising of alcoholic beverages and harmonises with the Television without Frontiers Directive
- Its objectives include the reduction of general alcohol consumption, alcohol abuse and the damage it causes to health and the economy
- It includes a range of criteria that advertising of alcoholic beverages (abv of more than 1.0%) has to comply with

- All advertising for alcoholic beverages must not:
 - Be aimed at children and teenagers under the age of 18
 - Make use of persons under the age of 18
 - Make use of sports figures, physicians, politicians, art and science personages and other prominent public figures, their person, name, likeness, etc
 - Link alcohol use with:
 - The improvement of physical well-being
 - Driving
 - Improvement of mental activity, personal problem solving
 - Stimulating, sedating and other beneficial characteristics
 - Social well-being, increased sexual energy
 - Favourably portray immoderate use of alcoholic beverages or present a negative portrayal of abstinence and moderation
 - Present a higher concentration in alcohol content as an advantage in alcoholic beverages
 - Present false and misleading information about alcoholic beverages
- Additionally, there are a range of specific prohibitions for the different media:
 - Television and radio advertising of products with an abv exceeding 22% is prohibited between 15.00 and 22.30 (from 8.00 at the weekend and school holidays)
 - All alcoholic product advertising is prohibited in programmes aimed at children and adolescents
 - Advertising on the outside covers of newspapers and magazines is not permitted nor is it allowed in newspapers and magazines aimed at children and adolescents
 - Outdoor advertising is not allowed apart for beer, wine and cider but this has to carry a health warning
 - It is banned at mass events (concerts, circus, disco and other public events, theatre performances and cinemas) apart from company and brand names (at events that are not intended for those under 18 years) for products with an abv up to 13%
 - It is also not allowed at learning, science and educational institutions, all healthcare institutions, inside and outside public transport facilities and on postcards, envelopes and stamps sent by post
 - There are limitations on what may be shown in places that sell alcoholic beverages which includes the name and address, trade mark, type of trade (wholesale or retail) of the manufacturer and trade enterprise, names and groups of the beverages, the word 'we trade in' or 'we sell', the alcoholic strength, prices, products it is made from (such as grape, grain), special indications regarding use and information regarding the harm to health caused by alcohol
 - Alcoholic beverages cannot be used as lottery, game and contest prizes to under 18 year olds
 - Outlets with the right to sell alcoholic beverages may not use sales promotion techniques that:
 - Release a certain amount of goods as a bonus without payment
 - Apply discounts to the fixed price to holders of coupons published in the mass media
 - Organise the distribution of free samples of new alcoholic beverages
 - Supply alcoholic beverages to lotteries, competition or games as prizes
 - Organise retailer competitions to promote alcoholic beverages
 - Sell specialised advertising supplements designed to promote alcoholic beverages

Framework of Self-regulation

- There is presently no overall self-regulatory system for advertising in Lithuania but the Advertising Law establishes the right to voluntarily control advertising
- Advertisers, agencies and the media have, however, announced plans to launch an advertising standards system
- Additionally, The Lithuanian Brewers Association is presently in the final stages of planning for a self-regulatory body and code

Questionnaire on Codes for Commercial Communications

Respondents

A response to the Codes for Commercial Communications questionnaire was received from the following organisation:

National Body	Code of Commercial Communications
Lithuanian Brewers Association	Code of Honour of Lithuanian Brewers*

* Agreed by Lithuanian Brewers Association in December 2004

- In common with many of the countries that acceded to the EU in 2004, self-regulation is relatively undeveloped in Lithuania
- There are currently no Lithuanian national members of any of the international organisations which participated in the survey apart from the Lithuanian Brewers Association

Lithuanian Brewers Association

- The Lithuanian Brewers Association represents the interests of brewers operating in Lithuania although not all breweries currently belong to the Association
- It is the only Baltic State which acceded to the European Union in 2004 that currently has a brewers association with membership of The Brewers of Europe

Self-regulatory Initiatives

Lithuanian Brewers Association

- The Association has prepared a Code of Honour of Lithuanian Brewers.
- Compiled from The Code of Responsible Brewers of Czech Republic, The Code of Ethics of Russian Beer and Alcohol Beverages Makers and Essential Elements for a Code of Beer prepared by The Brewers of Europe, the core principles have been agreed amongst the Association members
- The basic pillars of the Code are that:
 - Beer is a natural part of the Lithuanian life style, tradition and national pride
 - Beer producers are responsible for informing consumers according to the current legislation
 - An informed consumer is responsible for his actions
- The Code is divided into four sections:
 - Rules of self-regulation in advertising
 - Rules related to promotions
 - Rules for packaging
 - Rules of honourable competition
- The Association responded to the questionnaire analysed below on the basis of draft proposals which have subsequently been agreed (December 2004)

Other Organisations

- There is currently no self-regulation of advertising in general although the Advertising Law has established the right to voluntarily control advertising
- Advertisers, agencies and the media, however, have plans for an advertising standards system
- No details are currently available

Setting Up and Basic Principles of the Code

Creation of the Code

Stakeholders consulted during the formulation and creation of the Code

	Lithuanian Brewers Association
Consumer organisations	Y
NGO's	N
Professional organisations	N
Government departments	Y

Lithuanian Brewers Association

- The main consumer organisation consulted during the formulation of the Code was the Consumer Rights Defence Association
- The governmental organisation The National Consumer Rights Board was also consulted
- The Code has received a positive reaction from the regulators

Coverage of the Code

Product types covered by the Code

	Lithuanian Brewers Association
Beer	Y
Wine	N
Spirits	N
Cider	N
Flavoured Alcoholic Beverages	N

Lithuanian Brewers Association

- The Code relates to beers only
- It is proposed that the strength of any product must not exceed 9.5% abv

Brand advertising/marketing communications media covered by the Code

	Lithuanian Brewers Association
Print	Y
Broadcast media	Y
Cinema	N
Outdoor events	Y
Labelling (including product names)	Y
Naming & Packaging	Y
Internet	Y
<i>and including</i>	
Promotion	Y
Merchandising	Y
Point of sale material	Y
Sponsorship	Y
Electronic media	Y
Communications to on & off trade	Y
Product placement	Y
Direct marketing	Y

Lithuanian Brewers Association

- The Code covers all commercial communications channels apart from cinema where alcohol advertising is prohibited by law

Other activities covered by the Code

	Lithuanian Brewers Association
Non-advertising materials and activities	Y
Statements to the media, government agencies or the public about issues of societal concern such as the risks or benefits related to the consumption of the product(s)	Y
Educational messages about responsible drinking or the role of alcohol consumption in society	Y

Lithuanian Brewers Association

- The Code also covers non-advertising information in the mass media and information provided to the Government about the positive or negative features of beer related to social behaviour and education on the reasonable use of beer

Provisions of the Code

General Provisions

Basic principles included in the Code

	Lithuanian Brewers Association
Be legal, decent, honest and truthful and conform to generally accepted principles of fair competition and good business practice	Y
Be prepared with a due sense of social responsibility and be based on principles of fairness and good faith	Y
Under no circumstances be unethical, offend against generally prevailing standards of taste and decency or otherwise impugn human dignity and integrity	Y

Lithuanian Brewers Association

- The three basic principles are included within the Code

Specific Provisions

Misuse

	Lithuanian Brewers Association
Commercial communications should not encourage excessive or irresponsible consumption, nor present abstinence or moderation in a negative way	Y
Commercial communications should not suggest an association with violent, aggressive, dangerous or anti-social behaviour	Y
Commercial communications should not show people who appear to be intoxicated or in any way imply that intoxication is acceptable	Y

Lithuanian Brewers Association

- All misuse provisions are addressed

Minors

	Lithuanian Brewers Association
Commercial communications should not be aimed at minors or show minors consuming the product	Y
Commercial communications should not promote the product in media, programmes or at events where the majority of the audience are known to be minors	Y

- The legal age in Lithuania is 18 years

Lithuanian Brewers Association

- Both of the provisions relating to minors are incorporated into the Code
- Advertising must not be placed immediately before, during or after television shows and radio programmes intended for children

Driving

	Lithuanian Brewers Association
Commercial communications should not directly or indirectly associate consumption with the act of driving vehicles of any kind	Y

Lithuanian Brewers Association

- The requirement that communications should not link consumption with driving is covered

Hazardous activities

	Lithuanian Brewers Association
Commercial communications should not associate consumption with the operation of potentially dangerous machinery or with the performance of potentially hazardous activities, or portray the act of consumption prior to or during activities, or in locations that are potentially hazardous (It should be borne in mind that those activities that might not otherwise be considered hazardous e.g. swimming or using simple hand tools, may be inadvisable after consuming an alcoholic beverage)	Y

Lithuanian Brewers Association

- Hazardous activities are covered

Medical aspects

	Lithuanian Brewers Association
Commercial communications must not attribute the property of preventing, treating or curing a human disease or refer to such properties	Y
Commercial communications on health aspects of the product are allowed to the extent specifically permitted by the law of the country where the communication is made. This includes reference to government-issued sensible drinking guidelines or limits	N
Others	Y

Lithuanian Brewers Association

- The Code does not address allowing commercial communications on health aspects of the product to the extent permitted by the law
- It does require, however, that advertising should not create confusion that beer has curing, stimulating, somniferous or sedative features

Alcohol content

	Lithuanian Brewers Association
Commercial communications should not create any confusion as to the nature and strength of the product	Y
Commercial communications should not present high alcoholic strength in itself as a positive quality of the brand or as a reason for choosing it. On the other hand, messages may not imply that consuming beverages of low alcohol content will avoid misuse (this prohibition does not apply to commercial communications for non-alcoholic beverages)	Y

Lithuanian Brewers Association

- The alcohol content requirements are incorporated in the Code

Performance

	Lithuanian Brewers Association
Commercial communications should not create the impression that consumption enhances mental ability or physical performance, e.g. when engaging in sports	Y
Commercial communications should not create the impression that consumption enhances social or sexual success	Y

Lithuanian Brewers Association

- Giving the impression of enhanced performance and success from consumption of alcohol is precluded under the Code

Promotions & Sampling *(including tasting)*

	Lithuanian Brewers Association
No promotion should encourage irresponsible or anti-social behaviour or alcohol misuse, in particular excessive consumption	Y
Sampling is allowed at licensed or private premises, trade fairs or occasions in accordance with local regulations. No sampling of the product should be offered to minors	Y

Lithuanian Brewers Association

- The promotions and sampling provisions are incorporated under the Code

Implementation of the Code and Other Principles

- As the Code is still in preparation, information is currently not available on how it will be implemented and policed

Recent Developments

Lithuanian Brewers Association

- Following a period of consultation with stakeholders, the Lithuanian Brewers Association introduced the first self-regulatory system for beer in Lithuania in December 2004.

Future Plans

Lithuanian Brewers Association

- The code was agreed by the seven leading Lithuanian brewers in December 2004.

LUXEMBOURG

The Regulatory/Self-regulatory Environment

Advertising of alcoholic beverages in Luxembourg is controlled by self-regulation rather than legislation. Advertising of all alcoholic drinks is permitted in all media subject to constraints on content. A Code of Practice, including specific alcohol provisions, is applied by the advertising tripartite SRO.

Overview of Alcoholic Marketing Regulations

- There are no legal restrictions on alcohol advertising in Luxembourg
- Advertising of all alcoholic drinks is permitted in all media subject to constraints on content covered by the Television Without Frontier Directive
- The Code of Advertising Practice, which includes specific rules on alcoholic beverages, is applied by the self-regulatory body The Luxembourg Commission for Advertising Standards (CLEP)
- The Code restricts the content, but not place or timing, of alcohol advertising
- Advertising on the television station CLT is covered by its own Code of Practice

Statutory Authorities

- The **Luxembourg Consumer Union** (Union Luxembourgeoise des Consommateurs) is responsible for consumer protection and trade practices
- The **Independent Broadcasting Commission** (Commission indépendante de la Radiodiffusion (Service des Médias et des Communications)) controls advertising and sponsorship on radio and television through a statutory code

Statutory Controls on Alcohol

- The **Electronic Media Law** of 1991 incorporates the Television Without Frontiers Directive requiring television advertising for alcoholic drinks not to:
 - Be openly addressed to minors or depict them consuming alcoholic drinks
 - Link alcohol consumption with enhanced physical performance or driving
 - Create the impression that alcohol consumption contributes to social success or sexual success
 - Claim that alcohol has therapeutic qualities or that it is a stimulant, a sedative or a means of resolving personal conflicts
 - Encourage immoderate consumption of alcohol or present abstinence or moderation in a negative light
 - Place emphasis on high alcoholic content as being a positive quality
- Apart from this there are no statutory controls on the advertising of alcoholic beverages in Luxembourg

Framework of Self-regulation

- Self-regulation of alcoholic drinks in Luxembourg is through the advertising tripartite The Luxembourg Commission for Advertising Standards (**CLEP** - Commission Luxembourgeoise pour l'Ethique en Publicité) which was founded in 1994
- It formulates and operates the Code of Advertising Practice which includes specific rules on alcoholic beverages
- The Code applies to all alcoholic drinks and for advertising in all media. The coverage of its provisions is extensive
- The CLEP provides non-binding copy advice and also offers pre-clearance
- Pre-clearance for advertising on CLT (Compagnie Luxembourgeoise de Télévision) is carried out by its sales department for compliance with its own Code of Practice
- The CLEP has a complaints mechanism but for most situations there is no appeal procedure
- Its decisions are not publicised
- If the advertiser refuses to suspend or withdraw the advertisement judged to have contravened the Code, the media are informed

Questionnaire on Codes for Commercial Communications

Response to Questionnaire

- There were no responses from the national member of any of the international organisations which participated in the survey

Other Organisations

Luxembourg Commission for Advertising Standards

- Self-regulation in Luxembourg began in 1993 with the formation of the Luxembourg Advertising Council (Conseil Luxembourgeois de la Publicité - CLP)
- The Luxembourg Commission for Advertising Standards (Commission Luxembourgeoise pour l'Ethique en Publicité -CLEP) followed a year later
- CLEP's is entirely funded by the CLP. Its members represent advertisers and agencies but not the media, although they are represented on the CLP
- Its Code of Advertising Practice (Code de Déontologie de la Publicité) is based on the ICC Code and includes specific provisions relating to alcoholic beverages
- The Code covers all media
- Its members agree to adhere to the spirit as well as the letter of the Code

Code

- Advertising of alcoholic beverages must not:
 - Encourage irresponsible and excessive consumption by underlining the momentarily pleasant effect of alcohol. It should not give a negative image of abstinence or sobriety
 - Be addressed directly to minors and include them in the advertisements. It must not use personalities particularly admired by minors with an aim of encouraging them to consume alcohol
 - Link consumption with driving a vehicle
 - Create a positive association between alcohol consumption and work, sexuality, professional or social success
 - Suggest a positive effect on health or physical wellbeing
 - Suggest any relation between alcohol consumption and physical performance, particularly within the framework of sporting events. A trademark does create a direct bond between alcohol consumption and sporting performance
- The Code covers most of the ground outlined by the detailed provisions in the questionnaire

Advice

- The CLEP provides non-binding copy advice through the Ethics Jury to all parties
- There is no fee for this service, which takes up to six days to provide
- Agencies, advertisers or the media may send material to the Jury for pre-clearance. A response is given within one week
- Print media are expected to comply with the Jury's advice, but are not obliged to do so
- Pre-clearance for advertising on the CLT (Compagnie Luxembourgeoise de Télévision) is carried out by its sales department, the IPL, for compliance with its own Code of Practice. The IPL may consult the CLEP

Compliance

- Consumer and competitor complaints are handled free of charge. The CLEP can also make complaints on its own behalf
- If the complaint is judged justified the advertiser is initially advised of the complaint and asked to comment
- If the advertiser believes that the complaint is unfounded, the case is considered by the Ethics Jury
- This is made up of 12 persons elected from the membership of the CLP under the chairmanship of a thirteenth independent person. To reflect the CLP's tripartite nature, advertising agencies, media organisations and advertisers each propose four members
- The complaints handling process takes from one to six months, depending on the complexity of the case, and the Jury can call on its expert consultants for advice in arriving at the decision
- The decision is communicated to the complainant and the advertiser, but remains confidential and is not published
- In most cases there is no appeal but may be reviewed if new evidence is produced
- It does not carry out monitoring
- The CLEP can require the modification of any advertisement. If this is refused it may instruct the media to refuse the advertising
- If the advertiser refuses to suspend or withdraw the advertisement, the media are informed

Awareness

- The CLEP does not provide information or publish a newsletter or an annual report

MALTA

The Regulatory/Self-regulatory Environment

Broadcast advertising is controlled by legislation but there are no restrictions in other media. The advertising of alcohol on television and radio is regulated by a set of guidelines which in general are also observed by other operators in the communications sector. Efforts to set up a self-regulatory body are being pursued.

Overview of Alcoholic Marketing Regulations

- Alcoholic beverages may advertise in any media within legislative constraints on their content and placement
- Legislation regulates the commercial communication of alcoholic beverages on television and radio through the Malta Broadcast Authority
- In addition to its general rules on advertising, the Authority has specific guidelines for alcoholic drinks which include restrictions on when they may be broadcast
- There is no specific legislation regulating alcohol advertising in the press, posters, cinema and the internet although the Malta Broadcasting Authority Guidelines regulating advertising of alcohol on radio and television have in general been observed by operators in the communications sectors outside of broadcasting
- There is currently no SRO operating in the field of advertising or alcoholic beverages although the alcoholic drinks industry initiative, The Sense Group, is currently working up a Code of Practice for the industry

Statutory Authorities

- Radio and television broadcasting services in Malta are under the supervision and control of the **Broadcasting Authority**

Statutory Controls on Alcohol

- Television and radio advertising is regulated by the **Broadcasting Act** (1991) which sets out general standards for advertising and specific requirements for alcoholic beverages. It incorporates the requirements of the Television Without Frontiers Directive
- Advertising for alcoholic beverages may not:
 - Be aimed specifically at minors or, in particular, depict minors acquiring or consuming such beverages
 - Link the consumption of alcohol to enhanced physical performance or to driving
 - Create the impression that the consumption of alcohol contributes towards social or sexual success
 - Claim that alcohol has therapeutic qualities or that it is a stimulant, or sedative or a means of resolving personal conflicts
 - Encourage immoderate consumption of alcohol or present abstinence there from or moderation therein in a negative light
 - Place emphasis on high alcoholic content as being a positive quality of the beverages

- The Broadcasting Authority operates a specific set of guidelines for alcoholic drinks advertising
- It includes a ban on alcoholic drinks advertising before 7 pm and during or around minor's programmes
- Alcoholic drinks advertising must not:

Protection of young people

- Be directed at people under 18 years of age or use treatments likely to be of particular appeal to them
- Include any personality whose example people under 18 years of age are likely to follow or who has a particular appeal to people under 18 years of age
- Feature children

Unacceptable treatments

- Blatantly imply that drinking is essential to social success or acceptance or that refusal is a sign of weakness. Nor blatantly imply that the successful outcome of a social occasion is dependent on the consumption of alcohol
- Suggest that regular solitary drinking is acceptable or that drinking is a means of resolving personal problems
- Imply that drinking is an essential part of daily routine or can bring about a change in mood
- Suggest or imply that drinking is an essential attribute of masculinity or femininity. References to daring, toughness or bravado in association with drinking are not acceptable
- Be advertised in a context of aggressive, anti-social or irresponsible behaviour
- Depict or imply excessive drinking in any manner whatsoever
- Offer alcohol as therapeutic, or as a stimulant, sedative, tranquilliser or source of nourishment. While advertisements may refer to refreshment after physical performance, they shall not give any impression that performance can be improved by drink
- Suggest that a drink is preferable because of its higher alcohol content or intoxicating effect and shall not place undue emphasis on alcoholic strength

Safety

- Include anything that may promote drinking while driving or whilst using potentially dangerous machinery
- Show them being consumed in a working place environment

Cut-price Offers, etc

- Include any reference to "cut-price drinks", "happy hour drinks", "buy two and get one free", "money-off coupons" and similar advertisements that encourage excessive or immoderate consumption. Alcoholic drink retailers may however advertise price reductions for their stock

Humour

- Advertisements may employ humour but not so as to circumvent the intention of the guidelines
- The guidelines do not apply to any advertisements or promotional campaigns undertaken to dissuade the public from excessive or immoderate drinking
- There is no specific legislation regulating alcohol advertising in the press, posters, cinema and the internet

Framework of Self-regulation

- Efforts to set up a self-regulatory system for advertising in Malta have so far failed despite the importance of having a self-regulatory body being appreciated and subscribed to by a number, but not all, of the operators in the commercial communications sector
- To date, the high running cost and lack of leadership by any one body which represents the different market sectors has lead to a stand-still
- Nevertheless, The Sense Group, a SAO set up and funded by the alcoholic drinks industry, is working up a proposed Code of Practice for the drinks industry which will introduce an element of self-regulation for alcoholic drinks

Questionnaire on Codes for Commercial Communications

Respondents

Responses to the Codes for Commercial Communications questionnaire were received from the following organisations:

National Body	Code of Commercial Communications
Malta Federation of Industry	None
The Sense Group	None ¹

¹Code planned

Malta Federation of Industry

- The Malta Federation of Industry was set up by industry to defend its interests and promote its development. Amongst its aims and objectives are:
 - To provide a central national organisation for the promotion and protection of all interests pertaining to local industry
 - To promote, support or oppose any legislative or other measures which affect the aforesaid interests represented in these and other developments
 - To promote concerted action by the constituents of any section or sections of the various branches of industry
 - To co-operate with and/or to act as an authoritative medium of communication between local industry and Government departments, services, all constituted Authorities, Unions, Associations, Societies, Chambers of Industry and/or Commerce
- It is a member of The Brewers of Europe

The Sense Group

- The Sense Group is autonomous organisation formed in 1997 by the major producers and importers of alcoholic beverages in Malta
- Funded entirely by the alcohol industry, its aims are to promote moderate, sensible and responsible drinking
- Its activities have included awareness campaigns, encouraging ethical responsibility in serving alcoholic drinks and informing the public about developments regarding alcohol consumption but it is presently working on a Code of Practice for the Industry which will include a section on commercial communications

Other Organisations

- Currently there is no code for commercial communications operating in Malta. EASA does not have a member operating in the country
- The importance of having a self-regulatory body is appreciated and subscribed to by a number, but not all, operators in the commercial communications sector

- However, the potential members from industry have considered the cost of an efficiently and effectively run body too high
- This allied to the lack of leadership by any one body which represents the different market sectors has led to a standstill
- Efforts to set up a self-regulatory body along the lines of the UK's ASA had been made by the Malta Chapter of the International Advertising Association but have not produced any satisfactory results due to the lack of interest shown by commercial and industrial organisation in general. It believes that to achieve a desired level of credibility and acceptance such a body should extend beyond the alcohol sector

Self-Regulatory Initiatives

The Sense Group

- The need for a Code for Commercial Communications has long been felt by the alcoholic beverages industry which considers that self-regulation is far more effective than legislative measures
- A Code, however, is judged futile without a self-regulatory body to enforce its provisions
- A proposed Code of Practice for the drinks industry will introduce an element of self-regulation for alcoholic drinks. It is still being finalised but the following responses for The Sense Group represent the current understanding
- It may be subject to change before being introduced
- It should be noted that the Malta Broadcasting Authority Guidelines regulating advertising of alcohol in radio and television have in general been observed by operators in the communications sector outside of broadcasting

Setting Up and Basic Principles of the Code

Creation of the Code

Stakeholders consulted during the formulation and creation of the Code

	The Sense Group
Consumer organisations	N
NGO's	N
Professional organisations	Y
Government departments	N

The Sense Group

- There is no code at present but the Code of Practice for the Industry is expected to be launched soon containing elements relating to commercial communications
- There are no consumer organisations that would have given an input to the Code and no professional organisation was involved because it was not thought necessary
- Similarly, consulting government departments was not thought necessary but a communications agency helped in drafting the Code

Coverage of the Code

Product types covered by the Code

	The Sense Group
Beer	Y
Wine	Y
Spirits	Y
Cider	Y
Flavoured Alcoholic Beverages	Y

The Sense Group

- The provisions will cover all alcoholic beverages

Brand advertising/marketing communications media covered by the Code

	The Sense Group
Print	Y
Broadcast media	Y
Cinema	N
Outdoor events	N
Labelling (including product names)	N
Naming & Packaging	N
Internet	N
<i>and including</i>	
Promotion	Y
Merchandising	Y
Point of sale material	N
Sponsorship	Y
Electronic media	N
Communications to on & off trade	N
Product placement	N
Direct marketing	N

The Sense Group

- The Code will cover print and broadcasting plus sponsorship, promotions and merchandising which were considered the media in which the relevant issues in communications occur

Other activities covered by the Code

	The Sense Group
Non-advertising materials and activities	Y
Statements to the media, government agencies or the public about issues of societal concern such as the risks or benefits related to the consumption of the product(s)	N
Educational messages about responsible drinking or the role of alcohol consumption in society	N

The Sense Group

- The Code will also cover happy hours and open bars
- Statements and educational messages do not feature in the Code

Provisions of the Code

General Provisions

Basic principles included in the Code

	The Sense Group
Be legal, decent, honest and truthful and conform to generally accepted principles of fair competition and good business practice	Y
Be prepared with a due sense of social responsibility and be based on principles of fairness and good faith	Y
Under no circumstances be unethical, offend against generally prevailing standards of taste and decency or otherwise impugn human dignity and integrity	Y

The Sense Group

- All of the basic principles will be included within the Code

Specific Provisions

Misuse

	The Sense Group
Commercial communications should not encourage excessive or irresponsible consumption, nor present abstinence or moderation in a negative way	Y
Commercial communications should not suggest an association with violent, aggressive, dangerous or anti-social behaviour	Y
Commercial communications should not show people who appear to be intoxicated or in any way imply that intoxication is acceptable	Y
Other	Y

The Sense Group

- In addition to these misuse provisions, there will also be the requirement that commercial messages should not suggest an association with sexual success

Minors

	The Sense Group
Commercial communications should not be aimed at minors or show minors consuming the product	Y
Commercial communications should not promote the product in media, programmes or at events where the majority of the audience are known to be minors	Y

- The legal age under national law is 16 years

The Sense Group

- The proposed Code includes both provisions relating to minors

Driving

	The Sense Group
Commercial communications should not directly or indirectly associate consumption with the act of driving vehicles of any kind	Y

The Sense Group

- The provision relating to driving will feature in the Code

Hazardous activities

	The Sense Group
Commercial communications should not associate consumption with the operation of potentially dangerous machinery or with the performance of potentially hazardous activities, or portray the act of consumption prior to or during activities, or in locations that are potentially hazardous (It should be borne in mind that those activities that might not otherwise be considered hazardous e.g. swimming or using simple hand tools, may be inadvisable after consuming an alcoholic beverage)	Y

The Sense Group

- The hazardous activities provision will feature in the Code

Medical aspects	The Sense Group
Commercial communications must not attribute the property of preventing, treating or curing a human disease or refer to such properties	N
Commercial communications on health aspects of the product are allowed to the extent specifically permitted by the law of the country where the communication is made. This includes reference to government-issued sensible drinking guidelines or limits	N

The Sense Group

- None of the provisions on medical aspects will appear in the Code

Alcohol content	The Sense Group
Commercial communications should not create any confusion as to the nature and strength of the product	N
Commercial communications should not present high alcoholic strength in itself as a positive quality of the brand or as a reason for choosing it. On the other hand, messages may not imply that consuming beverages of low alcohol content will avoid misuse (this prohibition does not apply to commercial communications for non-alcoholic beverages)	Y

The Sense Group

- There is no provision that commercial communications should not create confusion about the nature and strength of a product in the proposed Code

Performance	The Sense Group
Commercial communications should not create the impression that consumption enhances mental ability or physical performance, e.g. when engaging in sports	Y
Commercial communications should not create the impression that consumption enhances social or sexual success	Y

The Sense Group

- Both performance provisions will appear in the Code

Promotions & Sampling *(including tasting)*

	The Sense Group
No promotion should encourage irresponsible or anti-social behaviour or alcohol misuse, in particular excessive consumption	Y
Sampling is allowed at licensed or private premises, trade fairs or occasions in accordance with local regulations. No sampling of the product should be offered to minors	Y ¹
Other	Y

¹ Will be included in final draft of the Code

The Sense Group

- The provision on sampling had not been included in the draft proposals but will be included in the final version
- Provisions relating to happy hours and open bars are also included in the Code

Implementation of the Code and Other Principles

The Self-regulatory Body

Organisation

	The Sense Group
Organisation is a self regulatory body	Y

The Sense Group

The Sense Group is a self-regulatory body. There are no others currently operative in Malta

Promotion of the Code

	The Sense Group
Programme or initiatives to make consumers aware of the Code and the complaints mechanism	Y
Code promoted to:	
Public authorities	Y
Consumer organisations	N
Staff in bars/restaurants/shops etc	Y
Training and information offered to marketers and advertisers	N
Plans to offer training and information to marketers in the future	N

The Sense Group

- It is planned that the Code will be promoted to the public through PR. At present there is no complaints mechanism
- Further activity is difficult because of the resources and expertise required
- It will be promoted to public authorities through sending them copies and inviting them to discussions about it
- There are no consumer organisations that deal directly with alcohol issues but copies of the Code will be distributed to all establishments selling alcoholic beverages
- Training is not provided to marketers and advertisers. The Sense Group would like to in the future but this depends upon the resources available

Pre-launch Services Offered

Copy advice offered for the following media:

	The Sense Group
Print	N
Broadcast media	N
Cinema	
Outdoor events	N
Labelling (including product names)	N
Naming & Packaging	N
Internet	N
<i>and includes:</i>	
Promotion	N
Merchandising	N
Point of sale material	N
Sponsorship	N
Electronic media	N
Communications to on & off trade	N
Product placement	N
Direct marketing	N
Other	
Pre-launch copy advice offered by another organisation	N

The Sense Group

- Copy advice is currently not available for any commercial communication channel in Malta but there are plans to offer one in the future and The Sense Group may be involved in its provision
- Pre-clearance is not a requirement for any media in Malta

Complaints

Complaints handling

	The Sense Group
Organisation does not have a Complaints Committee	Y

The Sense Group

- Complaints are made to the Malta Broadcasting Authority which has the right to suspend the advert and to publicise the decision
- The Sense does not offer a complaints facility, any it receives are forwarded to the Malta Broadcasting Authority

Monitoring

Compliance monitoring

	The Sense Group
Does not monitor advertising	Y

The Sense Group

- The Sense Group does not undertake any monitoring

Future Plans

The Sense Group

- The Sense Group plans to introduce a Code of Practice for the Industry which will include a section on commercial communications
- This will be promoted to consumers, public authorities and retail staff
- Copy advice is currently not available but there are plans to offer one in the future and The Sense Group may be involved in its provision
- There are discussions to restrict sponsorship by alcoholic products to young persons and to restrict their direct marketing, and in particular mail shots, which may be realised

NETHERLANDS

The Regulatory/Self-regulatory Environment

Alcohol advertising is lightly controlled by legislation leaving it almost entirely regulated through self-regulation. The advertising SRO is responsible for the regulatory aspects of a drinks code that is drawn up by (separate) drinks SAO. Advertising is possible in all media subject to controls on content and place contained within the self-regulatory Code.

Overview of Alcoholic Marketing Regulations

- Other than the Television Without Frontiers Directive, the Dutch system of regulation is entirely self-regulatory
- Responsibility for the self-regulation of alcoholic drinks is split between two organisations
- Stichting Verantwoord Alcoholgebruik (STIVA) draws up the Code for Alcoholic Beverages. It does not have a regulatory role
- Stichting Reclame Code (SRC), the industry tripartite and the Dutch consumer organisation Consumentenbond, is responsible for the regulatory aspects of the Code. The STIVA Code is included within its own Advertising Code
- The Code applies to all alcoholic beverages in all media
- Its coverage of the provisions outlined in the questionnaire for alcoholic drinks is comprehensive and goes beyond it in a number of areas
- All alcoholic products may advertise in any media subject to constraints on content and place

Statutory Authorities

- There are currently no statutory authorities with specific responsibility for the regulation of advertising. Responsibility for complaints about advertising on television and radio has been delegated to the self-regulatory body, the **SRC** (Stichting Reclame Code)
- The Dutch Government intends to establish a Statutory Authority “de Consumenten Autoriteit” which will become operational in 2006 as a result of the Unfair Competition Directive
- The Media Law requires franchisees whose activities include advertising to be affiliated to the SRC
- The **Dutch Media Authority** (Commissariaat voor de Media) enforces the rules in the Dutch Media Law as well as in the regulations based on this act for all broadcasters and cable operators

Statutory Controls on Alcohol

- There is no general legislation regulating the advertising of alcohol
- Advertising is regulated by the **Unfair Competition Law**, which bans all types of deceitful or misleading practices, including misleading advertising
- The **Media Law**, whose remit extends to surreptitious advertising and sponsorship, covers all television and radio stations

- The Television Without Frontiers Directive is incorporated into The Netherlands through self-regulation via the Dutch Advertising Code, requiring that television advertising for alcoholic beverages must not:
 - Be openly addressed to minors
 - Link alcohol consumption with enhanced physical performance or driving
 - Create the impression that alcohol consumption contributes to social success or sexual success
 - Claim that alcohol has therapeutic qualities or that it is a stimulant, a sedative or a means of resolving personal conflicts
 - Encourage immoderate consumption of alcohol or present abstinence or moderation in a negative light
 - Place emphasis on high alcoholic content as being a positive quality

Framework of Self-regulation

- The Government delegated the handling of complaints about television and radio advertising to the self-regulatory authority Stichting Reclame Code (SRC). It also has extensive responsibilities for self-regulation in other media
- Established in 1964, it has members from the media, advertisers and agencies and the Dutch consumer organisation Consumentenbond
- Its Nederlandse Reclame Code includes a number of sector specific codes including The Advertising Code for Alcoholic Beverages which it applies but does not formulate
- Instead this is the responsibility of Stichting Verantwoord Alcoholgebruik (STIVA), a SAO founded in 1978 by Dutch producers and importers of beer, wines and spirits
- Last revised in 2001 but currently under review, it was arrived at after extensive consultation and covers all forms of commercial communications. The coverage of its provisions is comprehensive
- Pre-launch copy advice is currently not available but there are plans to introduce it
- It has a complaints mechanism and either party may appeal their decision. Decisions are publicised

Questionnaire on Codes for Commercial Communications

Respondents

Responses to the Codes for Commercial Communications questionnaire were received from the following organisations:

National Body	Code of Commercial Communications
SRC Stichting Reclame Code Advertising Code Foundation	Code for Alcoholic Beverages
CBK Centraal Brouwerij Kantoor	Code for Alcoholic Beverages
Koninklijke Vereniging van Nederlandse Wijnhandelaren The Royal Association of Dutch Wine Merchants	Code for Alcoholic Beverages
CG Commissie Gedistilleerd	Code for Alcoholic Beverages
STIVA Stichting Verantwoord Alcoholgebruik	Code for Alcoholic Beverages

SRC

- Established in 1964, Stichting Reclame Code (Advertising Code Foundation) is the Dutch self-regulatory authority
- Its members include organisations representing advertisers, advertising agencies and the media together with Consumer Organisation (CB)
- The Media Law obliges all broadcasters who carry advertising to be members of the SRC and membership is conditional on their examining advertising for compliance with the Code

STIVA

- A SAO founded in 1978 by Dutch producers and importers of beer, wines and spirits, Stichting Verantwoord Alcoholgebruik aims to promote responsible market behaviour by:
 - Coordinating and communicating self-regulation of alcohol adverts
 - Promoting scientific research concerning the consequences of alcohol use
 - Providing information and education about responsible use and prevention of misuse

Other Organisations

- The SRC/STIVA have answered the questionnaire on behalf of the drinks sector in the Netherlands
- As a consequence, the questionnaire was not answered by the other organisations it was sent to: Centraal Brouwerij Kantoor (CBK: Brewers of Europe member), Koninklijke Vereniging van Nederlandse Wijnhandelaren (The Royal Association of Dutch Wine Merchants: CEEV member) and Commissie Gedistilleerd (CG: CEPS member)

Self-regulatory Initiatives

SRC / STIVA

- The questionnaire was completed jointly by the SRC and the STIVA in relation to the Dutch self-regulatory environment
- The STIVA does not have a regulatory role but seeks to promote responsible market behaviour by coordinating and communicating self-regulation of alcohol advertisements
- As such it has been responsible for drawing up the Code for Alcoholic Beverages which has been included within the Dutch Advertising Code since 1978
- The SRC is responsible for the regulatory aspects of the Code

Setting Up and Basic Principles of the Code

Creation of the Code

Stakeholders consulted during the formulation and creation of the Code

	STIVA
Consumer organisations	Y
NGO's	N
Professional organisations	Y
Government departments	Y

SRC

- The Nederlandse Reclame Code includes a number of sector specific codes including The Advertising Code for Alcoholic Beverages
- The formulation of this Code is the responsibility of the STIVA

STIVA

- Originating from 1978, The Alcohol Advertising Code was last revised in 2001 when the changes come into force at the start of 2002
- A review of the Code is expected to be completed by April 2005
- The Consumer Organisation (CB) was consulted during the formulation of the Code but no NGOs were approached because the STIVA negotiated with the Ministry of Health, Welfare and Sports
- Professional organisations consulted included SRC, bva (the advertisers' organisation), VEA (advertising agencies organisation) and one of the SRC affiliated media. Sector organisations included beer (CBK), wines and spirits bodies

Coverage of the Code

Product types covered by the Code

	STIVA
Beer	Y
Wine	Y
Spirits	Y
Cider	Y
Flavoured Alcoholic Beverages	Y

STIVA

- The Code covers all alcoholic beverages with an abv of 0.5% or more

Brand advertising/marketing communications media covered by the Code

	STIVA
Print	Y
Broadcast media	Y
Cinema	Y
Outdoor events	Y
Labelling (including product names)	Y
Naming & Packaging	Y
Internet	Y
<i>and including</i>	
Promotion	Y
Merchandising	Y
Point of sale material	Y
Sponsorship	Y
Electronic media	Y
Communications to on & off trade	Y
Product placement	Y
Direct marketing	Y
Other	Y

STIVA

- All types of marketing communications media are covered by the Code
- There are elements within it that address specific constraints the Code applies relating to minors
- Thus advertising of alcoholic beverages may not reach a public which consists of more than 25% minors. In the case of cinemas and events the reach is measured in terms of attendance figures
- They may also not be broadcast on radio and television immediately before or after or during programmes which are listened to or viewed by more than 25% minors
- Finally, youth broadcasting stations may not carry any advertising for alcoholic beverages

Other activities covered by the Code

	STIVA
Non-advertising materials and activities	Y
Statements to the media, government agencies or the public about issues of societal concern such as the risks or benefits related to the consumption of the product(s)	Y
Educational messages about responsible drinking or the role of alcohol consumption in society	Y

STIVA

- Non-advertising material and activities covered by the Code are promotions in the hotel and catering industry and trade fairs
- The Code includes a requirement to include an educational slogan in certain media or at certain times or programming: 'Enjoy, but be moderate'

Provisions of the Code

General Provisions

Basic principles included in the Code

	STIVA
Be legal, decent, honest and truthful and conform to generally accepted principles of fair competition and good business practice	Y
Be prepared with a due sense of social responsibility and be based on principles of fairness and good faith	Y
Under no circumstances be unethical, offend against generally prevailing standards of taste and decency or otherwise impugn human dignity and integrity	Y

STIVA

- All the basic principles are included in the Code:

Specific Provisions

Misuse

	STIVA
Commercial communications should not encourage excessive or irresponsible consumption, nor present abstinence or moderation in a negative way	Y
Commercial communications should not suggest an association with violent, aggressive, dangerous or anti-social behaviour	Y
Commercial communications should not show people who appear to be intoxicated or in any way imply that intoxication is acceptable	Y

STIVA

- The Code covers the misuse provisions

Minors

	STIVA
Commercial communications should not be aimed at minors or show minors consuming the product	Y
Commercial communications should not promote the product in media, programmes or at events where the majority of the audience are known to be minors	Y
Other	Y

- The legal age for alcohol purchase is 16 years for alcoholic drinks with an abv of less than 15%. For alcoholic drinks with an abv greater than 15% the legal purchase age is 18 years

STIVA

- Minors are extensively addressed in the Code. Additional provisions are:
 - Recommendation of alcoholic beverages by promotion teams may not be aimed at minors. This form of recommendation is not permitted in places where 25% or more of the public consists of minors at that point in time
 - Advertising of alcoholic beverages is not permitted on billboards, bus shelters and display panels located in sight of alcohol and drug rehabilitation clinics or schools largely attended by minors, along highways or roads outside built-up areas
 - Advertising of alcoholic beverages may not make any use of illustrations, cartoons, symbols or idols intended to reach minors in particular
 - Advertising of alcoholic beverages may not suggest that the consumption of alcoholic beverages is a sign of adulthood and that abstinence from alcohol consumption is a sign of immaturity
 - The provision of objects bearing advertisements for alcoholic beverages to persons who have not yet reached the legal age for purchasing the alcoholic beverage in question free of charge or at less than half the normal retail price is not permitted

Driving

	STIVA
Commercial communications should not directly or indirectly associate consumption with the act of driving vehicles of any kind	Y
Other	Y

STIVA

- The Code requires that the advertising of alcoholic beverages may not establish a link between the consumption of alcoholic beverages and active participation in traffic using a vehicle of any kind
- This provision does not apply if and in so far as the recommendation contains a warning against active participation in traffic after the consumption of alcohol

Hazardous activities	STIVA
Commercial communications should not associate consumption with the operation of potentially dangerous machinery or with the performance of potentially hazardous activities, or portray the act of consumption prior to or during activities, or in locations that are potentially hazardous (It should be borne in mind that those activities that might not otherwise be considered hazardous e.g. swimming or using simple hand tools, may be inadvisable after consuming an alcoholic beverage)	Y
Other	Y

STIVA

- There is also a requirement that the advertising of alcoholic beverages may not be displayed on an individual sportsman or on sporting teams or on vehicles used by the sportsman or sporting team in performing speed sports

Medical aspects	STIVA
Commercial communications must not attribute the property of preventing, treating or curing a human disease or refer to such properties	Y
Commercial communications on health aspects of the product are allowed to the extent specifically permitted by the law of the country where the communication is made. This includes reference to government-issued sensible drinking guidelines or limits	N
Other	Y

STIVA

- There is no provision relating to health aspects of the product being allowed to the extent specifically permitted by the law because the government has not issued such guidelines
- There are the requirements, however that advertising may not be aimed at pregnant women and also may not refer to the possible health benefits of consuming alcoholic beverages

Alcohol content	STIVA
Commercial communications should not create any confusion as to the nature and strength of the product	Y
Commercial communications should not present high alcoholic strength in itself as a positive quality of the brand or as a reason for choosing it. On the other hand, messages may not imply that consuming beverages of low alcohol content will avoid misuse (this prohibition does not apply to commercial communications for non-alcoholic beverages)	Y
Other	Y

STIVA

- There is also a provision that the advertising of an alcoholic beverage, including the brand name, generic name and packaging may not arouse the impression that the beverage is a soft drink, lemonade or other non-alcoholic beverage

Performance

	STIVA
Commercial communications should not create the impression that consumption enhances mental ability or physical performance, e.g. when engaging in sports	Y
Commercial communications should not create the impression that consumption enhances social or sexual success	Y
Other	Y

STIVA

- Additional performance provisions are that the advertising may not refer to the disinhibiting effects of alcoholic beverages such as the reduction or elimination of fears or feelings of inner and social conflict
- Also that it may not suggest that the consumption of alcoholic beverages enhances professional performances

Promotions & Sampling *(including tasting)*

	STIVA
No promotion should encourage irresponsible or anti-social behaviour or alcohol misuse, in particular excessive consumption	Y
Sampling is allowed at licensed or private premises, trade fairs or occasions in accordance with local regulations. No sampling of the product should be offered to minors	Y
Other	Y

STIVA

- The Code includes a number of other provisions relating to promotions. During promotions it is not permitted to:
 - Offer alcoholic beverages free of charge or to sell them at less than half the normal retail price
 - Offer more than one drink with discount per client
 - Simultaneously offer a drink with discount and a free gift

Other provisions

	STIVA
Other provisions	Y

STIVA

- The Code includes a range of additional provisions:
 - The collective advertising of categories of alcoholic beverages is not permitted
 - The advertising of alcoholic beverages is permitted only where the brand or trade names are shown. In the case of wine reference to the place or district of origin will suffice
 - All the rules in the Code apply to sporting and events sponsorship. Linkage of a brand name of an alcoholic beverage to an event is permitted

- Advertising under which an alcoholic beverage is offered by a member of the industry or with the active co-operation of a member of the industry to private individuals free of charge or at less than half the normal retail price of the alcoholic beverage is not permitted. At trade fairs exhibitors are allowed to offer visitors an alcoholic beverage on request
- Members of the industry are not permitted to provide professional tap facilities free of charge or for a token payment at gatherings, events and festivities
- There is a further intention relating to parallel advertising. It requires the industry should observe restraint (in terms of print run, duration and format of brand name or logo) with respect to the use of parallel advertising for advertising of alcoholic beverages on articles not related to the industry

Implementation of the Code and Other Principles

The Self-regulatory Body

Organisation	STIVA	SRC
Organisation is a self-regulatory body	Y	Y
Organisation is a direct or indirect member of a self-regulatory body/bodies	Y	

SRC

- Stichting Reclame Code applies the Netherlands Advertising Code which includes the Code for Alcoholic Beverages drawn up by the STIVA

STIVA

- The STIVA has been an indirect member of the SRC since 1978

Promotion of the Code	STIVA
Programme or initiatives to make consumers aware of the Code and the complaints mechanism	Y
Code promoted to:	
Public authorities	Y
Consumer organisations	Y
Staff in bars/restaurants/shops etc	Y
Others	Y
Training and information offered to marketers and advertisers	Y

STIVA

- The Code is promoted to all interested parties
- The Alcohol Code is promoted to the public through its website while they are made aware of the complaints mechanism through the SRC website
- The Code is promoted to public bodies, including the Ministry of Health, Welfare and Sports and other ministries, by mentioning it in letters, conversations, meetings etc
- Awareness campaigns and different kinds of courses promote it to bar, restaurant and retail staff
- The Consumer Organisation, bva (advertisers) VEA (advertising agencies) and one of the SRC affiliated media are members of the SRC and thus exposed to its general and specific codes
- The STIVA undertakes training for advertisers and marketers which is free and available to anyone interested
- Training for marketers is through symposium explaining the articles in the Code
- Guidelines for promotional activities are available and will be sent to those interested in it on request. It is possible to ask questions by phone, fax or e-mail about the Code which will be answered as soon as possible
- Additionally, the STIVA offers information about the Code during educational programmes for students and information about the Code is also given by NOC-NSF, an umbrella organisation for sports in the Netherlands, during training for bar staff in sports canteens

Pre-launch Services Offered

Copy advice offered for the following media:

	STIVA
Print	N
Broadcast media	N
Cinema	N
Outdoor events	N
Labelling (including product names)	N
Naming & Packaging	N
Internet	N
<i>and includes:</i>	
Promotion	N
Merchandising	N
Point of sale material	N
Sponsorship	N
Electronic media	N
Communications to on & off trade	N
Product placement	N
Direct marketing	N
Pre-launch copy advice offered by another organisation	N

STIVA

- Pre-launch copy advice is currently not available but there are plans to introduce it, although the timetable is currently unknown

Pre-clearance is a pre-condition for:

	STIVA
Print	N
Broadcast media	N
Cinema	N
Outdoor events	N
Labelling (including product names)	N
Naming & Packaging	N
Internet	N
and includes:	
Promotion	N
Merchandising	N
Point of sale material	N
Sponsorship	N
Electronic media	N
Communications to on & off trade	N
Product placement	N
Direct marketing	N

CBK

- Pre-clearance is not a pre-condition for any media and there are no plans to introduce pre-clearance

Complaints

Complaints handling

	SRC
Organisation includes a Complaints Committee	Y
Offers a provision for the time delay in complaint handling	Y
Deals with complaints from all parties	Y
Charges Consumers	Y ¹
Charges Competitors	Y ²
Handles complaints from all media	Y

¹ Only in specific instances

² Varies by organisation

SRC

- Complaints are handled by the Reclame Code Commissie (Advertising Code Committee), the collective name used for a committee of five members
- It is presided over by an independent lawyer, the other four members represent the Consumentenbond (consumer organisation), bva (advertisers' organisation), VEA (advertising agencies organisation) and one of the SRC affiliated media
- Complaints can be made by consumers, competitors and other organisations and in relation to all commercial communications including the channels noted above
 - The service is normally free to consumers. They are only charged if the chairman has set aside the complaint, and the complainant has filed an objection to the entire Advertising Code Committee when the fee is € 12
 - If the objection or appeal is entirely or partially well-founded, the sum is refunded according to the decision of the Advertising Code Committee
 - Any individual acting in a professional capacity or on behalf of a firm or organisation that files a complaint eligible for handling by the Advertising Code Committee, or files an objection with the entire Advertising Code Committee for the setting aside of his complaint by the chairman, is charged of € 228
 - Members of entrepreneurs' organisations participating in the Stichting Reclame Code, or organisations in consultation with one for which a Special Advertising Code has been drawn up and which make a financial contribution to the Stichting Reclame Code, are charged € 114
 - Church, ideological, charitable, cultural, scientific or other organisations and institutions in the Netherlands established for the common benefit are treated similarly to consumers
- All complaints must be submitted in writing (including e-mail) explaining why the advertising in question is believed to violate the Advertising Code
- A copy is sent to the advertiser who is given 14 days to put forward a defence which is then sent to the complainant
- The chairman of the Advertising Code Committee can invite parties to file additional written statements. The complainant and the advertiser can choose to explain their standpoint orally
- The meetings are public if one or both parties give an oral explanation. Either party however, can object to a public hearing but a request for holding the hearing behind closed doors is granted only when there is good reason to refrain from holding a public hearing
- The Committee sends its decision to the parties involved. If the chairman of the Committee considers a case urgent, he can rule that it is handled within 14 days
- Some complaints are not accepted by the Committee. Its chairman can set aside a complaint if he feels that the Committee will not allow the complaint or the EASA cross-border procedure applies
- In this case, the complainant can lodge an objection with the entire Advertising Code Committee
- The chairman is also authorised to grant 'chairman's allowance' when he feels that the complaint will prompt the Committee to make a private recommendation
- This situation may arise when the party at whom the complaint is directed has admitted its validity or when, after receipt of the defence the chairman thinks that the complaint can be dealt with by means of a chairman's allowance
- If a complaint is allowed by the chairman and the advertiser feels that the complaint has been wrongly allowed, he can lodge an objection (free of charge) with the entire Advertising Code Committee
- Should a large number of complaints be submitted about certain advertising, the chairman can refuse to handle complaints of the same nature

Appeals

Appeals handling

	SRC
Organisation offers an appeal procedure	Y
Appeals permitted from both parties	Y
Appeals are handled free	N

SRC

- Either party can appeal a decision of the Advertising Code Committee but all parties have to pay a fee to do so. Consumers are charged € 23 while individuals acting in a professional capacity have to pay € 228
- Appeals, which have to be lodged within 14 days (7 in urgent cases), are heard by the Board of Appeal (College van Beroep) which is put together in the same way as the Advertising Code Committee
- It sends a copy of the appeal to the other party, which is allowed 14 days to put forward a defence. If desired, both parties can explain their standpoint orally
- No appeal of the Board of Appeal's decisions is permitted

Monitoring

Compliance monitoring

	SRC
Monitors advertising on its own behalf	N
Monitors on its own initiative with the ability to react without a complaint being made	Y ¹

¹Has the ability but is not exercised

SRC

- Because of matters of arbitrariness and because the Secretariat does not have enough manpower to overcome this argument, monitoring is not undertaken
- It can monitor on its own initiative with the ability to react without a complaint being made but has done so only occasionally

Sanctions

Sanctions available to the Complaints Committee

	SRC
Decisions of the complaints committee/self-regulatory body publicised	Y
Ability to impose additional sanctions if a company rejects the decision of the self-regulatory body/complaints committee	Y
Compliance of committee decisions monitored	N

SRC

- Decisions of the Advertising Code Committee are made available on the internet as frequently as the decisions are made and are also available from the Secretariat on demand
- Sanctions available to the SRC include fines, suspension of radio and television advertising or to publicise the decision
- Compliance with its decisions is not monitored because it is not necessary. Most of the time advertisers follow the recommendation and if not the Secretariat is frequently warned by complainants

Awareness

Publication of Committee decisions

	SRC
Report published of all the complaints and their outcome	Y

SRC

- Besides the case by case publication of decisions an annual report is available on the website

Analysis of Complaints

SRC	1999	2000	2001	2002	2003
Total Number of complaints received	1430	1934	2640	2730	2465
Total number of complaints which required intervention <i>(the advertisement was in breach of the Code)</i>	376	373	459	344	298
Total Number of complaints about alcohol products received	27	12	17	92	99
Total number of alcohol complaints which required intervention <i>(the advertisement was in breach of the Code)</i>	11	11	5	40	70
Total number of complaints considered under the alcohol provisions of the Code	27	12	17	92	99
Number of complaints under the alcohol provisions of the Code requiring intervention <i>(the advertisement was in breach of the Code)</i>	11	11	5	40	70

The number of different advertisements to which the complaints refer is not available

SRC

- Over the 5 years 2% of complaints received by the SRC have been in relation to alcohol products which accounted for 7% of the complaints that required intervention
- Alcohol products, however, have been running at a comparatively high level over the past 2 years. In 2003 they amounted to 4% of all complaints but 23% of those that required intervention
- Information is not available about the number of different commercial that they applied to

Recent Developments

SRC

- None

STIVA

- A new Advertising Code for Alcoholic Beverages came into force in 2002

Future Plans

SRC

- None identified

STIVA

- Following a review an updated version of the Advertising Code for Alcoholic Beverages is due to come into force in April 2005
- Planned changes include:
 - The advertising of alcoholic beverages may not use colours, lay-out, sound, music or for minors typical expressions and language which are typically aimed at minors according to objective criteria
 - The internet sites of brands are not allowed to have chatboxes or other one-to-one communication tools on their website
 - The advertising of alcoholic beverages may not consist of sending SMS to minors, nor ringtones, mobile phone games or logo's, nor use product placement in games for the internet or other computer games specifically aimed at minors
 - The slogan coverage provision will increase from 40% to 100%
 - Together with the new Code an information book will be published for marketers in which they can find non-binding practical, additional information on the articles in the Code
- There are plans to introduce pre-launch copy advice in April 2005

POLAND

The Regulatory/Self-regulatory Environment

Alcohol advertising in Poland is subject to legislative regulations which prohibit all but beer advertising, which may advertise in any media within constraints on its content, timing and placement. A new initiative will introduce self-regulation for beers supplied by the principal brewers.

Overview of Alcoholic Marketing Regulations

- Advertising is currently largely regulated by legislation
- Advertising for all products apart from beer (and wines in particular instances) are prohibited
- Beers may advertise in any media within regulatory constraints on their content, timing and placement
- Beer advertising of the main brewers, however, is additionally subject to a newly established self-regulatory code

Statutory Authorities

- The **National Radio and Television Council** (KRRiT - Krajowa Rada Radiofonii i Telewizji) responsibilities include advertising in the broadcast media
- The **State Agency for Solving Alcohol-Related Problems** (PARPA) founded by the Act on Upbringing in Sobriety and Counteracting Alcoholism is responsible, amongst other activities, for monitoring alcohol advertising in the media and on billboards and intervening when the law is broken by drinks producers or businesses that co-operate with them. In these cases it acts before the courts in the capacity of a Public Prosecutor

Statutory Controls on Alcohol

- Advertising any alcoholic drink (over 1.5% abv) was banned in all media by a 1982 law but not always effectively enforced. Controls have recently been relaxed
- The **Broadcasting Act** incorporates the Television Without Frontiers Directive
- The **Upbringing in Sobriety and Counteracting Alcoholism Act** (1982) sets out restrictions on the advertising of alcohol
- Initially advertising of all types of alcohol was prohibited which led to non-alcoholic brands being heavily advertised
- This circumvented the regulations because the non-alcoholic brands used the brewery's main product's name, but included a small qualifier stating that the beer advertised was non-alcoholic. This subsequently led to a tightening of the controls
- Restrictions on beer advertising were imposed in 2001 but relaxed in 2003
- Advertising and promotion of all alcoholic beverages apart from beer remains prohibited
- Advertising that is permitted must not:
 - Be targeted at the under aged
 - Be executed by forming associations with:

- Sexual attractiveness
- Relaxation or leisure
- Fitness
- Learning, work, or professional success
- Personal health or success
- Advertising of beer, or its promotion, is not permitted:
 - On television, radio and at cinemas and theatres between 6 am and 8 pm except for advertisements provided by an organiser of a qualified or professional sports event during such an event
 - On video cassettes and other media
 - In press for children and youth
 - On newspaper or magazine covers
 - On posts, billboards, and other fixed and mobile advertisement displays, unless 20% of the advertisement area is covered with visible and legible notices on the harmful effects of alcohol consumption or of the ban of alcohol sales to the under aged
 - With the participation of the under aged
- It is not permitted to advertise or promote any product, service or business where the brand, trade mark, graphic layout, or packaging exploits a similarity to, or is identical to, an alcoholic product
- Sponsorships may not be advertised at sport events, music shows, or other mass events by any drinks company whose principal business is alcoholic beverages with abv's of 8% to 18%, in any manner other than publishing the company's brand and logo, inside a newspaper or magazine, on an invitation, entrance ticket, poster, information product or billboard relative to the specific event
- But sponsoring information may be broadcast on the radio and television and presented on billboards, provided that it is limited to communicating the company's brand or logo for beverages with an abv of up to 18%, but no such information can be given on television by an individual, or using the image of an individual
- Beer advertising, promotion in POS (sale serving outlets) is free from any restrictions
- Any organisation that provides any service for advertising alcoholic beverages is required to pay 10% of the remuneration for alcoholic beverage advertising to a dedicated account established by the minister for physical culture, sports and finance, which is used towards subsidising extracurricular sports activities for youth and children

Framework of Self-regulation

- A voluntary code of conduct for advertising and promoting beer was agreed in 1998 amongst a group of brewers
- It sought to protect the underage, banned product placement and did not allow role model elements and association with sex, success, driving and medical aspects in advertising
- There were no controls and no sanctions and was not always observed
- In September 2004 work on the Charter of Commercial Communication Rules for the Beer Industry in Poland was started by brewers representing 85% of the Polish beer market. It has not yet been formally adopted
- It will be policed by the Commission for Commercial Communication Standards in the Beer Industry

Questionnaire on Codes for Commercial Communications

Respondents

- The only Polish national member of any of the international organisations which participated in the survey is the Union of Brewing Industry Employers in Poland, which did not respond. It is a member of The Brewers of Europe

Union of Brewing Industry Employers in Poland

- Polish Brewers (Związek Pracodawców Przemysłu Piwowarskiego w Polsce -ZPPP) is the principal organisation representing brewers in Poland
- It has been integral in creating a new self-regulatory system for advertising beer in Poland

Commission for Commercial Communication Standards in the Beer and Selected Industry

- The draft proposal of the Commission was established in late 2004 but it has not yet been signed

Charter

- A Charter of Commercial Communication Rules for the Beer Industry in Poland was initially adopted which set out a range of provisions relating to the advertising of alcohol:
 - A basic rule of honesty and respect for the law
 - To not include offensive messages
 - Have a respect for religious feelings
 - Include no association with sex
 - Not promote excessive consumption
 - Protect children and audiences under 18
 - No association with being adult
 - Protection of health (no curative effects, misleading images, protection of pregnant and breastfeeding women, suggest beer has the properties of a stimulating, anaesthetic or sedative drug)

Role

- The role of the Commission for Commercial Communication Standards in the Beer Industry is to:
 - Monitor compliance with the Charter
 - Apply sanctions against signatories that breach the Charter
 - Initiate the development of the Charter
 - Present annual reports to the government and non-governmental organisations connected with the beer industry
- The Commission has several permanent members: a chairperson and a representative from each of the brewers (when this is more than five, the Brewers will elect five representatives), Public television will also be given the right to appoint a member
- Its work will be based on cases filed by the brewer signatories
- It will have a range of sanctions at its disposal for non-compliance:
 - Require the brewer signatory to stop the activity
 - Publish the resolution together with the justification on the beer industry web-site within 6 months
 - Publish an announcement in the press by the brewer signatory
- PARPA has welcomed the initiative

PORTUGAL

The Regulatory/Self-regulatory Environment

A statutory regulator oversees advertising that, for alcoholic beverages, is allowed in all media although when it may appear is restricted on radio and television. Self-regulation plays an important role through an alcohol specific code, employed by the advertising industry body but shared with a drinks industry self-regulatory initiative. A separate beer code and self-regulatory system is being considered by the brewer's industry body.

Overview of Alcoholic Marketing Regulations

- Advertising of alcoholic beverages is permitted in all media subject to restrictions on content, timing and place. This includes a ban on advertising on radio and television during much of the day
- An educational message must be incorporated in advertising for most media
- The Advertising Regulatory Commission (CACMP) is responsible for investigating alleged breaches of the advertising regulations and imposing sanctions
- In cases of misleading advertising or where it is dangerous to health or consumer safety, it can order cessation or suspension of an advertisement. Its decisions are subject to judicial review
- The Consumer Institute monitors advertising on its own initiative and accepts complaints. It has the power to instigate legal proceedings which are then referred to the CACMP

Statutory Authorities

- The **Advertising Regulatory Commission** (CACMP- Comissao de Aplicação de Coimas em Matéria de Publicidade) is responsible for investigating alleged breaches of the advertising regulations and imposing sanctions
- In cases of misleading advertising or where it is dangerous to health or consumer safety, it can order cessation or suspension of an advertisement. Its decisions are subject to judicial review
- The **Consumer Institute** (IC -Instituto do Consumidor) monitors advertising on its own initiative and receives complaints
- It has the power to instigate legal proceedings which are then referred to the CACMP

Statutory Controls on Alcohol

- The **Television Law** (1998) implements the Television Without Frontiers Directive
- The **Advertising Law** (2001) outlines the regulations for advertising in general and also incorporates the Television Without Frontiers Directive, although unusually the rules are extended to cover media outside radio and television
- Alcoholic beverage advertising in all media must not:
 - Be aimed specifically at minors and, in particular, depict minors consuming these beverages
 - Encourage excessive consumption of alcohol
 - Despise non-consumers of alcoholic beverages

- Suggest any form of success, social success, or any special skill as a result of its consumption
- Claim that alcoholic beverages have therapeutic qualities or a stimulant or sedative effect
- Link the consumption of alcohol to enhanced physical performance or to driving
- Place emphasis on alcoholic content as a positive quality of the beverage
- Associate alcoholic beverage advertising and any national symbols identified in the Portuguese Constitution
- No advertising is permitted on television and radio between 7.00 a.m. and 10.30 p.m
- Advertising of any event where minors participate (sports events, cultural activities etc) must not make any, direct or indirect, reference to alcoholic beverage brands
- Other restrictions on advertising are that beers and spirits are not allowed to advertise in cinemas and on billboards and alcohol advertising is not permitted in educational establishments or in magazines aimed at minors

Framework of Self-regulation

- Self-regulation has an important role to play in alcoholic drinks advertising
- The advertising industry body, The Civil Institute of Advertising Self-regulation (ICAP) has incorporated elements of the drinks industry Código de Boas Práticas de Comunicação Comercial de Bebidas Alcoólicas as a sector specific code within its Code of Advertising Practice
- Covering all commercial communications, its provisions address the basic principles for commercial communications outlined in the questionnaire and goes beyond it in some areas
- It offers non-binding copy advice but not pre-clearance
- The ICAP has a complaints mechanism and there is a right of appeal for both parties. The decisions are publicised
- The drinks industry code, the Código de Boas Práticas de Comunicação Comercial de Bebidas Alcoólicas is subscribed to by a range of associations representing the alcoholic drinks and allied sector representative organisations, media and advertising associations and individual companies
- Covering all commercial communications apart from labelling and packaging, its provisions address most of the principles outlined in the questionnaire
- Copy advice is not offered
- Complaints are heard by the Permanent Commission for The Monitoring of the Code of Good Practices of Commercial Communications of Alcoholic Beverages which is made up of representatives drawn from the beer, wine and spirits industry, advertising agencies and media. There are no appeals from its decisions
- If there are any doubts on the part of the Commission, the complaint might be sent to the ICAP for an independent evaluation
- In case of a refusal to follow the Code, the member will be excluded and the decision made public but at present there is not an annual report detailing complaints and their decisions
- The APCV is currently working on its own code for beer
- It is planned that this will involve an independent external complaints procedure administered by the ICAP, probably together with the consumers association DECO
- It is not currently known if this code will be incorporated into the ICAP Code as a sector specific section

Questionnaire on Codes for Commercial Communications

Respondents

Responses to the Codes for Commercial Communications questionnaire were received from the following organisations:

National Body	Code of Commercial Communications
ICAP Instituto Civil da Autodisciplina da Publicidade Civil Institute of Advertising Self-regulation	Codigo de Conduta
APCV Associação Portuguesa dos Produtores de Cerveja Portuguese Brewers Association	Codigo de Boas Praticas de Comunicação Comercial de Bebidas Alcoolicas

ICAP

- The Civil Institute of Advertising Self-regulation (ICAP- Instituto Civil da Autodisciplina da Publicidade) was established by the Portuguese Advertisers' Association (APAN), the Portuguese Advertising Agencies Association (APAP) and media representatives in 1991
- A non-profit organisation, its members are made up of advertisers, agencies and the media

APCV

- The Portuguese Brewers Association (Associação Portuguesa dos Produtores de Cerveja) is the national brewers association in Portugal

Other Organisations

AEVP

- A member of CEEV, Associação das Empresas de Vinho de Porto did not respond to the questionnaire but is a signatory to the Codigo de Boas Praticas de Comunicação Comercial de Bebidas Alcoolicas

FEVIN

- A member of CEEV, Federação dos Vinhos e Espirituosos de Portugal did not respond to the questionnaire but is a signatory to the Codigo de Boas Praticas de Comunicação Comercial de Bebidas Alcoolicas

ANEBE

- A member of CEPS, Associação Nacional de Empresas de Bebidas Espirituosas did not respond to the questionnaire but is a signatory to the Codigo de Boas Praticas de Comunicação Comercial de Bebidas Alcoolicas

Self-regulatory Initiatives

ICAP

- The Code of Advertising Practice (Codigo de Conduta) is based on the ICC Code. Last updated in 2003, it covers all media
- It incorporates a sector specific code relating to alcoholic drinks based upon the Codigo de Boas Praticas de Comunicação Comercial de Bebidas Alcoolicas but the ICAP has subscribed to, and included in its own code, only those rules directly linked with advertising
- Not unexpectedly, therefore, the responses about coverage of the Code are similar although there is some variance due to the interpretation of the questions and the fact that the ICAP addresses only the advertising elements of the Code

APCV

- The Codigo de Boas Praticas de Comunicação Comercial de Bebidas Alcoolicas came into force in 2001
- It was subscribed to by a range of associations representing the alcoholic drinks sector which besides the APCV included ANEBE, FEVIN and ANEBE. Signatories also included other drinks and allied sector representative organisations, media and advertising associations and individual companies
- The Code was last reviewed in November 2003 and there are currently no plans to undertake a further review
- The APCV was the only drinks sector organisation to respond to the questionnaire and so the responses in relation to the Code are shown only under its heading, although the other drinks associations are signatories to it and so also apply the Code
- The APCV is currently putting together its own code for beer which will involve an external complaints procedure administered by the ICAP, probably together with the consumers association DECO

Setting Up and Basic Principles of the Code

Creation of the Code

Stakeholders consulted during the formulation and creation of the Code

	APCV
Consumer organisations	N
NGO's	N
Professional organisations	Y
Government departments	N

ICAP

- The Code of Advertising Practice incorporates elements of the Codigo de Boas Praticas de Comunicação Comercial de Bebidas Alcoolicas: it includes around 20 clauses of the 35 in the current alcohol Code. As a consequence, these specific alcohol rules were not separately negotiated

APCV

- Consultation on the Code was limited to professional organisations, amongst who were stakeholders, National Associations of advertising and advertising agencies, press, radio and the Institute Civil of Auto-regulation of Marketing

Coverage of the Code

Product types covered by the Code

	ICAP	APCV
Beer	Y	Y
Wine	Y	Y
Spirits	Y	Y
Cider	Y	Y
Flavoured Alcoholic Beverages	Y	Y

ICAP

- The alcohol Code covers all alcoholic beverages with an abv of 1.2% abv or more

APCV

- The Code covers all alcoholic drinks with an abv of 1.2% or more

Brand advertising/marketing communications media covered by the Code

	ICAP	APCV
Print	Y	Y
Broadcast media	Y	Y
Cinema	Y	Y
Outdoor events	Y	Y
Labelling (including product names)	Y	N
Naming & Packaging	Y	N
Internet	Y	Y
<i>and including</i>		
Promotion	Y	Y
Merchandising	Y	Y
Point of sale material	Y	Y
Sponsorship	Y	Y
Electronic media	Y	Y
Communications to on & off trade	Y	Y
Product placement	Y	Y
Direct marketing	Y	Y

ICAP

- The Code covers all forms of commercial communication

APCV

- The Code covers all commercial communications apart from labelling and packaging

Other activities covered by the Code

	ICAP	APCV
Non-advertising materials and activities	N	N
Statements to the media, government agencies or the public about issues of societal concern such as the risks or benefits related to the consumption of the product(s)	N	N
Educational messages about responsible drinking or the role of alcohol consumption in society	Y ¹	Y ¹

¹ Selected media

ICAP

- The Code covers only elements directly linked with advertising
- It does cover the educational message “Be responsible, Drink moderately” which has to be included in alcohol advertising in press, radio, posters and through film or video in cinemas and theatres or closed circuit television

APCV

- There is no coverage of non-advertising activities or statements but educational messages is covered by the ‘Be responsible. Drink moderately’ slogan in press, radio and television

Provisions of the Code

General Provisions

Basic principles included in the Code

	ICAP	APCV
Be legal, decent, honest and truthful and conform to generally accepted principles of fair competition and good business practice	Y	Y
Be prepared with a due sense of social responsibility and be based on principles of fairness and good faith	Y	Y
Under no circumstances be unethical, offend against generally prevailing standards of taste and decency or otherwise impugn human dignity and integrity	Y	Y

ICAP

- All of the basic principles are covered by the Code

APCV

- All of the basic principles are included in the Code

Specific Provisions

Misuse

	ICAP	APCV
Commercial communications should not encourage excessive or irresponsible consumption, nor present abstinence or moderation in a negative way	Y	Y
Commercial communications should not suggest an association with violent, aggressive, dangerous or anti-social behaviour	Y	Y
Commercial communications should not show people who appear to be intoxicated or in any way imply that intoxication is acceptable	Y	Y
Other	Y	Y

ICAP

- In addition to these provisions, there is the requirement for commercial communications not to associate irresponsible alcohol consumption with health

APCV

- In addition to these provisions, there is a requirement for commercial communications not to associate irresponsible alcohol consumption with health.

Minors

	ICAP	APCV
Commercial communications should not be aimed at minors or show minors consuming the product	Y	Y
Commercial communications should not promote the product in media, programmes or at events where the majority of the audience are known to be minors	Y	Y
Other	Y	Y

- The legal age under national law is 16 years

ICAP

- Advertisements must also not use minors, or persons that may be confused for minors, drinking or encouraging the consumption of alcoholic beverages
- Advertisements must not suggest that the consumption of alcoholic beverages is a sign of maturity and non-consumption of immaturity
- Additionally, in all schools frequented mainly by minors, no posters or other advertising material for alcoholic beverages should be posted, distributed or in general be made available

APCV

- All of the provisions relating to minors are included in the Code

Driving

	ICAP	APCV
Commercial communications should not directly or indirectly associate consumption with the act of driving vehicles of any kind	Y	Y
Other	Y	Y

ICAP

- The Code additionally includes the requirement that advertisements must not portray situations where safety is put into jeopardy as a result of the consumption of alcoholic beverages

APCV

- The provision relating to driving is included within the Code
- The Code additionally includes the requirement that advertisements must not portray situations where safety is put into jeopardy as a result of the consumption of alcoholic beverages

Hazardous activities

	ICAP	APCV
Commercial communications should not associate consumption with the operation of potentially dangerous machinery or with the performance of potentially hazardous activities, or portray the act of consumption prior to or during activities, or in locations that are potentially hazardous (It should be borne in mind that those activities that might not otherwise be considered hazardous e.g. swimming or using simple hand tools, may be inadvisable after consuming an alcoholic beverage)	Y	Y

ICAP

- The Code requires that advertisements must not portray situations where safety is put into jeopardy as a result of the consumption of alcoholic beverages

APCV

- The Code additionally includes the requirement that advertisements must not portray situations where safety is put into jeopardy as a result of the consumption of alcoholic beverages

Medical aspects

	ICAP	APCV
Commercial communications must not attribute the property of preventing, treating or curing a human disease or refer to such properties	Y	Y
Commercial communications on health aspects of the product are allowed to the extent specifically permitted by the law of the country where the communication is made. This includes reference to government-issued sensible drinking guidelines or limits	Y	Y

ICAP

- Advertisements must not suggest that an irresponsible consumption of alcoholic beverages has a positive effect on the general physical condition
- Additionally they must not associate irresponsible consumption of alcoholic beverages with health
- All alcoholic beverage advertisements on television, posters and in the press must include the educational message 'Be responsible, drink moderately'

APCV

- Advertisements must not suggest that an irresponsible consumption of alcoholic beverages has a positive effect on the general physical condition
- Additionally they must not associate irresponsible consumption of alcoholic beverages with health

Alcohol content

	ICAP	APCV
Commercial communications should not create any confusion as to the nature and strength of the product	N	N
Commercial communications should not present high alcoholic strength in itself as a positive quality of the brand or as a reason for choosing it. On the other hand, messages may not imply that consuming beverages of low alcohol content will avoid misuse (this prohibition does not apply to commercial communications for non-alcoholic beverages)	Y	N

ICAP

- There is no provision relating to the avoidance of confusion as to the nature and strength of the product

APCV

- The Code does not include these provisions on alcohol strength

Performance

	ICAP	APCV
Commercial communications should not create the impression that consumption enhances mental ability or physical performance, e.g. when engaging in sports	Y	Y
Commercial communications should not create the impression that consumption enhances social or sexual success	Y	Y
Other	Y	Y

ICAP

- Advertisements additionally must not suggest that the consumption of alcoholic beverages has a positive effect on work capacity

APCV

- Both performance provisions are included within the Code
- Advertisements additionally must not suggest that the consumption of alcoholic beverages has a positive effect on work capacity

Promotions & Sampling *(including tasting)*

	ICAP	APCV
No promotion should encourage irresponsible or anti-social behaviour or alcohol misuse, in particular excessive consumption	N	Y
Sampling is allowed at licensed or private premises, trade fairs or occasions in accordance with local regulations. No sampling of the product should be offered to minors	N	Y

ICAP

- The Code covers only advertising aspects of commercial communications

APCV

- Both promotions & sampling provisions are included within the Code

Other provisions

	ICAP	APCV
Other provisions	Y	Y

ICAP

- Additionally, the Code requires that advertising must not target pregnant women
- Advertisements must not transmit recommendations or advice made by health professionals nor by any other characters dressed in uniforms typical of those jobs unless it is done with a pedagogic aim
- Also there is a requirement that advertisements must in particular be considerate of pregnant women, minors and elderly people with special needs

APCV

- Additionally, the Code requires that advertising must not target pregnant women
- Advertisements must not transmit recommendations or advice made by health professionals nor by any other characters dressed in uniforms typical of those jobs unless it is done with a pedagogic aim
- Also there is a requirement that advertisements must in particular be considerate of pregnant women, minors and elderly people with special needs

Implementation of the Code and Other Principles

The Self-regulatory Body

Organisation

	ICAP	APCV
Organisation is a self-regulatory body	Y	Y
Organisation is a direct or indirect member of a self-regulatory body/bodies		Y

ICAP

- The ICAP is a self-regulatory body

APCV

- The APCV is a member of the Permanent Commission to Monitor the Code which is responsible for updating the Code
- However, from 2005 the Permanent Commission will establish an agreement with ICAP or another independent body for full independent monitoring of all commercial communications of alcoholic drinks. This is foreseen to come into force from April 2005

Promotion of the Code

	ICAP	APCV
Programme or initiatives to make consumers aware of the Code and the complaints mechanism	Y	N
Code promoted to:		
Public authorities	Y	N
Consumer organisations	Y	N
Staff in bars/restaurants/shops etc	N	N
Plans for a programme of activities to make consumers aware of Code/complaints mechanism in the future		Y
Training and information offered to marketers and advertisers	N	N
Plans to offer training and information to marketers in the future	N	N

ICAP

- A press campaign is designed to build awareness of the Code and complaints mechanism with consumers
- The Code is promoted to central government bodies through meetings, presentations, agreements, etc
- It is similarly promoted to the consumer bodies DECO and IC-Consumer Institute
- Because of a lack of resources, it is not promoted to retail staff
- Training and information is currently not offered to marketers and there are no plans to introduce such a service

APCV

- There is currently no programme to inform the consumers about the Code
- It is currently, however, working on its own beer code which once completed will be promoted in conjunction with the Portuguese national consumers association
- The current Code has not been promoted to any of the bodies listed
- It offers no training to marketers or advertisers and nor is there a plan to do so

Pre-launch Services Offered

Copy advice offered for the following media:

	ICAP	APCV
Print	Y	N
Broadcast media	Y	N
Cinema	Y	N
Outdoor events	Y	N
Labelling (including product names)	Y	N
Naming & Packaging	Y	N
Internet	Y	N
<i>and includes:</i>		
Promotion	Y	N
Merchandising	Y	N
Point of sale material	Y	N
Sponsorship	Y	N
Electronic media	Y	N
Communications to on & off trade	Y	N
Product placement	Y	N
Direct marketing	Y	N
Pre-launch copy advice offered by another organisation		Y

ICAP

- Copy advice is available for all media through the ICAP

APCV

- Copy advice is not available from the APCV but is through the ICAP, the advertising self-regulatory body

Form of copy advice

	ICAP
Copy advice offered is:	
Non-binding	Y
Chargeable	Y
Available to all parties	Y
Available to all media groups	Y
Clearance implies future complaints are unlikely to be upheld	N

ICAP

- The copy advice offered by the ICAP is not binding and clearance at this stage does not imply that future complaints about that advertisement are unlikely to be upheld
- The advice is available for a fee to members and non-members of ICAP alike and may be requested by advertisers, agencies or the media
- The cost is € 400+ VAT for members of the ICAP but increases to € 700 + VAT for non-members
- The copy advice is provided by Jury and Cabinet. That from the Cabinet takes 2 days but the Jury requires 15 days from the initial request

APCV

- Copy advice is not given

Pre-clearance is a pre-condition for:

	ICAP
Print	N
Broadcast media	N
Cinema	N
Outdoor events	N
Labelling (including product names)	N
Naming & Packaging	N
Internet	N
and includes:	
Promotion	N
Merchandising	N
Point of sale material	
Sponsorship	N
Electronic media	N
Communications to on & off trade	N
Product placement	N
Direct marketing	N

ICAP

- Pre-clearance is not a requirement for advertising

Complaints

Complaints handling

	ICAP	APCV
Organisation includes a Complaints Committee	Y	Y
Deals with complaints from all parties	Y	Y
Complaints are handled:		
Free		Y
Charges Competitors only	Y	
Handles complaints from all media:	Y	N

ICAP

- The ICAP handles complaints from competitors and from consumers and consumer associations. They can be in respect of any media
- There is no charge for a consumer to lodge a complaint but there is a fee for competitors. This varies for members of the ICAP (€ 850 + VAT) and non-members (€ 1500 + VAT)
- Complaints are considered by the Jury which is composed of a President and two Vice-Presidents, who are lawyers, and ten members (six permanent and four substitutes). The Jury is structured in two sections with equal powers, each consisting of one of the Vice-Chairmen and three members (with two alternates)
- Following receipt of the complaint, the advertiser is invited to respond to the complaint within five working days
- The parties involved may, if they wish, attempt to reach an agreement
- If they choose not to do so, or are unable to agree, the Jury section will consider the case
- The process (assuming that there is no appeal) takes about 10 working days

APCV

- Complaints about commercial communications can be made in respect of any of the media apart from packaging and labelling and can be from consumers or competitors. There is no charge to lodge a complaint
- Complaints are made to the Permanent Commission for The Monitoring of the Code of Good Practises of Commercial Communications of Alcoholic Beverages which is made up of 5 representatives drawn from the beer, wine and spirits industry, advertising agencies and media
- The complaint is evaluated by the Permanent Commission and if judged to be valid, the member will be requested to follow the Code
- If there are any doubts on the part of the Commission, the complaint might be sent to the ICAP for an independent evaluation

Appeals

Appeals handling

	ICAP	APCV
Organisation offers an appeal procedure	Y	N
Appeals permitted from both parties	Y	
Appeals are handled free	N ¹	

¹Only competitors are charged for an appeal

ICAP

- There is a right of appeal for the complainant to the Plenary comprising the Chairman, the two Vice-Chairmen and all six members, which acts as the appeals body
- The other party has 5 working days to reply. After this the Plenary decides the case
- The decisions of the Plenary are binding on members of the ICAP

APCV

- There is no appeal from the Committee

Monitoring

Compliance monitoring

	ICAP	APCV
Monitors advertising on its own behalf	N	Y

ICAP

- ICAP does not undertake monitoring on its own behalf because of a lack of resources
- There is, however, a Commission formed by the industry, advertisers and the agencies that monitors all press, outdoor and television advertising for alcoholic beverages for full code compliances
- That commission may bring subjects to the ICAP if it judges fit

APCV

- Systematic monitoring is undertaken by the Permanent Commission based on daily clipping
- These will be soon sent (systematically) to a third party (independent body) for copy-advice
- It has the ability to monitor advertising on its own initiative and react without a complaint being made but this has never happened

Sanctions

Sanctions available to the Complaints Committee

	ICAP	APCV
Decisions of the complaints committee/self-regulatory body publicised	Y	N
Ability to impose additional sanctions if a company rejects the decision of the self-regulatory body/complaints committee		Y
Compliance of committee decisions monitored	N	Y

ICAP

- Decisions of the Jury are published on its website within 5 days of the decision
- It is also published in its newsletter
- Compliance with the decisions of the Jury is not monitored because of a lack of resources

APCV

- The decisions of the Committee are not published unless there is a refusal of the advertiser to comply with the decision
- As this has not occurred, no decisions have been published
- In case of refusal to follow the Code, the member will be excluded and the decision made public
- A daily clipping service allows a degree of monitoring of the decisions of the Committee and action will be taken if it is found that a decision has not been respected

Awareness

Publication of Committee decisions

	ICAP	APCV
Report published of all the complaints and their outcome	Y	N

ICAP

- An annual report detailing complaints and their outcomes will be published for the first time in 2005

APCV

- No report is available of complaints and their outcome

Analysis of Complaints

ICAP

- Details are currently not available.

Recent Developments

ICAP

- The Code of Advertising Practice was updated in 2003.

APCV

- The Code de Boas Praticas de Commercial Comunicação de Bebidas Alcoolicas was reviewed in 2003.

Future Plans

ICAP

- An annual report detailing complaints and their outcomes will be published for the first time in 2005.

APCV

- APCV is working on its own beer code which will be publicised in conjunction with the national consumer organisation when it is launched.

SLOVAKIA

The Regulatory/Self-regulatory Environment

There has recently been a considerable relaxation in legislative restrictions on alcohol advertising, which had been completely banned until 2000. Advertising of all alcoholic drinks is permitted subject to constraints on content and placement. A self-regulatory code includes specific provisions relating to alcohol. There are currently no self-regulatory initiatives from the drinks sector although one is planned for beer.

Overview of Alcoholic Marketing Regulations

- Advertising in all media is regulated by legislation, which banned all alcohol advertising until 2000
- Advertising of all alcoholic drinks is permitted in all media subject to constraints on content and placement
- The timing of advertising for alcoholic drinks, apart from beer, is additionally restricted on television
- The Ethical Principles of Advertising Practise in Slovakia, which includes specific rules on alcoholic beverages, is applied by the self-regulatory body, the Advertising Standards Council

Statutory Authorities

- The **Council for Broadcasting and Retransmission** (Rada pre vysielanie a retransmisiu) regulates advertising in all electronic media
- The **Ministry of Culture** (Ministerstvo kultúry SR) and **Ministry of Health** (Ministerstvo zdravotníctva SR) are responsible for the control of other aspects of advertising

Statutory Controls on Alcohol

- The Advertising Law of 2001 relaxed statutory controls on the advertising of alcohol which until then had been prohibited from using any media. It had been opened up to radio and television the year previously (but with restrictions on alcohol products apart from beer) but the use of other media became a possibility under the 2001 law
- The **Act on Broadcasting and Retransmission** (2000) incorporates the Television Without Frontiers Directive and stipulates that television advertising for all alcoholic beverages must not:
 - Be aimed at minors and especially must not show minors consuming them
 - Link their consumption to enhanced physical performance or driving a motor vehicle
 - State they have therapeutic qualities, or are stimulant or sedative, or help to resolve personal problems
 - Create the impression that their consumption contributes towards social and sexual success
 - Encourage immoderate consumption or present abstinence or sobriety as a negative
 - Emphasise a beverage's alcoholic content as being a mark of its quality
- Additionally television advertising for all alcoholic beverages, apart from beer, is prohibited from 6.00 a.m. till 10.00 p.m

- The **Advertising Act** (2001) stipulates general requirements for advertising and includes specific provisions for alcoholic beverages
- Advertising for alcoholic drinks must not:
 - Associate consumption of alcohol with positive effects on physical or mental performance
 - Claim they have curative, stimulating or sedative effects or that they help to solve personal problems
 - Encourage non-moderate consumption of alcohol or present abstinence or sobriety as shortcomings
 - Stress the alcohol content of drinks as the mark of their quality
 - Be targeted at under-aged persons. No person considered as under-aged must have any connection with the consumption of alcoholic drinks in advertising

Framework of Self-regulation

- Self-regulation of alcoholic drinks in the Slovak Republic is through the Advertising Standards Council (RPR - Rada Pre Reklamu) which was founded in 1995 based upon the UK non-broadcast regulatory system
- It formulates and operates the Ethical Principles of Advertising Practise in Slovakia, which includes specific rules on alcoholic beverages
- The Code applies to all alcoholic drinks and for advertising in all media. Its provisions address most of those outlined in the questionnaire
- Non-binding copy advice is offered by the RPR but it does not offer copy clearance
- The RPR has a complaints mechanism but there is no appeal procedure. Its decisions are publicised
- It can apply a number of sanctions including instructing the media to refuse or withdraw an offending advertisement
- There are currently no other self-regulatory bodies with responsibility for alcoholic drinks operating in the Slovak Republic although the Slovak Beer and Malt Association is understood to be currently preparing a brewers self-regulation code

Questionnaire on Codes for Commercial Communications

Response to Questionnaire

- The only Slovak Republic national member of any of the international organisations which participated in the survey is the Advertising Standards Council (Rada Pre Reklamu or RPR), which did not respond

Slovak Advertising Standards Council

- The RPR was established in 1995 by advertisers, agencies and the media to fulfil the need for a functioning body for ethical self-regulation
- Its principal goal is the codification and updating of a formal set of Ethical Principles of Advertising Practice in the Slovakia, application of these principles in society and monitoring of ethics in advertising
- Its experts were important participants in the formulation of the first law on advertising passed in 1996 and have subsequently assisted government in the development of other legislation relating to marketing communications
- The Ethical Principles of Advertising Practice valid in the Slovak Republic came into force in 1995 and was last updated in 2004. It includes specific provisions relating to alcoholic beverages
- It is not a substitute for advertising's legal regulations but ties into it by stating ethical principles.
- It applies to commercial communications in television, radio, transmitters of audiovisual works, press, billboards, public transport, posters and leaflets as well as other communication means which enable information to be broadcast

Code

- Advertising of alcoholic beverages must not:

Alcohol Characteristics

- Inappropriately communicate a specific product as having an extraordinary effect or to be highly effective
- Emphasise the content of alcohol in beverages as a sign of their quality: include expressions that soften the effect of alcohol as a beverage by describing it in slang which either decreases or exaggerates the real content of alcohol in the beverage

Consumers

- State that alcohol is consumed by members of social groups which usually do not agree with the use of alcohol or which includes indications of alcohol consumption by individuals considered to be under age or their consumption of alcohol is to be considered inappropriate
- Be aimed predominately at consumers younger than 18 years

Opinions

- Indicate an irresponsible attitude towards alcohol consumption mainly with regard to the amount of used alcohol

Place

- Indicate consumption near cemeteries and other sacred places
- Indicate consumption anywhere where it is prohibited in general
- Show alcohol consumption in socially poor or socially degrading environments

Circumstances

- Show consumption under such circumstances which are generally considered as inappropriate, unreasonable or against the law

Children

- Use underage juveniles or fictitious individuals or characters resembling or acting like underage juveniles
- Be aimed mainly at consumers younger than 18 years

Effects

- Indicate excessive alcohol consumption or results of its excessive consumption, or approve excessive alcohol consumption
- Indicate a failure in safety or lack of respect for law and public order

Aggression or physical violence

- State any healing effects of alcohol or which indicate such effects
- Alcoholic beverages advertising must not be placed in media designed for youth, on billboards in the immediate neighbourhood of schools, children's playgrounds and similar facilities mainly for juveniles
- The Code covers most of the ground outlined by the detailed provisions in the questionnaire and goes beyond them in a number of areas

Advice

- The RPR provides non-binding copy advice through the Arbitration Committee
- There is a fee for this service, which takes about a month to process
- Pre-clearance is not available in the Slovak Republic

Compliance

- The RPR handles complaints from both consumers and competitors free of charge
- The Secretariat can process complaints from individuals without revealing their identity but if it is from a legal entity it will be processed without protecting it
- If the complaint is judged to be valid, the Secretariat will request a response from the advertiser
- In certain circumstances the advertiser or advertising agency may be asked by the RPR to suspend the campaign pending a decision
- After receiving the response, if the advertisement is in clear breach of the Code the RPR may require the campaign to be terminated immediately

- The Arbitration Committee will then consider the complaint. The Committee is made up of nine members. Two are lawyers (specialists in press, media and advertising law), three work in advertising, two in the media and the remaining two are representatives from the Association of Direct Marketing and the Director of the Office of the Licensing Council
- If the complaint is upheld, the Arbitration Committee may instruct the advertiser to terminate or amend his campaign
- There is no appeal from this decision
- The RPR monitors advertisements on its own initiative
- It has a variety of sanctions at its disposal. It may instruct the media to refuse or withdraw an offending advertisement or may order the publication of a corrective statement

Awareness

- The press is informed of all decisions of the Arbitration Committee which are published each month in a leading advertising trade journal
- Information is also available on its website
- The RPR additionally organises seminars to inform government officials about the theory and practice of self-regulation

Slovak Beer and Malt Association

- A questionnaire was also sent to the Slovak Beer and Malt Association, a brewers association operating in the country although not a member of The Brewers of Europe, who responded
- It subscribes to the RPR and so abides by the Ethical Principles of Advertising Practice valid in the Slovak Republic
- The Slovak Beer and Malt Association is currently preparing a brewers self-regulation code but no further details are currently available

SLOVENIA

The Regulatory/Self-regulatory Environment

There is significant legislative regulation of advertising, which prohibits the advertising of products with an abv above 15% and constrains the content, timing and place of the remainder. The self-regulatory advertising body is formally recognised by the statutory regulator whose Code includes specific rules for alcoholic drinks.

Overview of Alcoholic Marketing Regulations

- Advertising in all media is regulated by legislation but the role of the self-regulatory body, Slovenian Advertising Chamber (SOZ - Slovenska Oglaševalska Zbornica) is formally recognised by the statutory regulator, The Market Inspectorate
- The advertising of all alcoholic beverages was prohibited until 2002 when the rules were relaxed
- Currently advertising for any alcoholic beverage with an abv up to 15% is allowed in any media within regulatory constraints on their content, timing and placement. They are, however, required to carry a warning message on health hazards
- Stronger alcoholic beverages are not permitted to advertise in any media
- The SOZ Slovenian Code of Advertising Practice includes specific rules on alcoholic beverages

Statutory Authorities

- The **Market Inspectorate** (*Trzni inšpektorat RS*) is part of the Ministry of Economic Relations and Development and is responsible for marketing practice, including marketing communications
- It monitors, initiates legal proceedings in cases of marketing practices and deals with complaints from customers and companies. It can order cessation of illegal advertising campaigns
- Monitoring of alcohol advertising is the responsibility of the **Ministry of Health: Health Inspectorate** rather than Market Inspectorate

Statutory Controls on Alcohol

- Advertising of all alcoholic drinks was prohibited until 2002 when those with a maximum abv of 15% abv were allowed to advertise in certain circumstances
- Advertising is extensively controlled by a number of different pieces of legislation. Amongst these are the following
- The **Mass Media Act** (2001) prohibits the advertising of alcoholic beverages via mass media (newspapers and magazines, radio and television stations, electronic publications but not bulletins, catalogues, other forms of publication of information intended exclusively for advertising, business communication, educational processes or the internal work of companies, institutions etc) unless stipulated otherwise by law
- The **Law on RTV Slovenia** (1994) regulates public television and radio, including advertising
- The **Law on Public Media Prohibited from Advertising Alcoholic Drinks and Tobacco Products in the Public Media** (1979) defines media in which advertising for alcoholic drinks is prohibited

- **Law on Criteria Governing Consumer Information on Alcoholic Drinks and Tobacco Products (1979)**
- **Law on Consumer Protection (1998)** includes provisions on misleading advertising
- Beverages with an abv of more than 15% are not permitted to advertise in any media
- Other alcoholic beverages may advertise in bulletins, catalogues and brochures intended for the purposes of advertising and business communication. It is also permitted in newspapers and magazines and to a limited extent on radio and television. This advertising must contain a warning message on health hazards
- Advertising on television and radio is not permitted between 7 am and 9.30 pm
- Outdoor media advertising for permitted products is not allowed along roads and within 300 metres of schools as well as on stadiums and other sports infrastructure
- Material intended for business communications or other means of advertising in stores does not have to carry the health message

Framework of Self-regulation

- Self-regulation of alcoholic drinks in Slovenia is primarily addressed by the Slovenian Advertising Chamber (Slovenska Oglaševalska Zbornica or SOZ) which was formed in 1994
- It formulates and operates the Slovenian Code of Advertising Practice, which includes specific rules on alcoholic beverages
- The Code applies to all alcoholic drinks and for advertising in all media. Its provisions address those detailed in the questionnaire
- Non-binding copy advice is offered by the SOZ which, if abided by, makes it unlikely that any subsequent complaints will be upheld. It does not offer copy clearance
- The SOZ has a complaints mechanism and appeal procedure. Its decisions are publicised
- It has a variety of sanctions at its disposal for non-compliance with its decisions including instructing the media to withdraw or suspend an offending advertisement. It may also instigate criminal proceedings or personal liability proceedings in the civil courts

Questionnaire on Codes for Commercial Communications

Questionnaire

Slovenska Oglaševalska Zbornica

- The only Slovenian national member of any of the international organisations which participated in the survey is The Slovenian Advertising Chamber (Slovenska Oglaševalska Zbornica or SOZ) which did not respond
- Formed in 1994 and with members from advertisers, agencies and the media, the SOZ operates the Slovenian Code of Advertising Practice
- The Code is a body of established rules and principles and the SOZ states that it serves to remind other sectors of society that advertising in Slovenia is equipped with a self-regulatory mechanism and thus can be trusted in its entirety
- It was modeled on several existing codes, notably the ICC Code and the Code of the Advertising Standards Authority for Ireland and includes specific rules for alcoholic beverages
- The Code is applied in the spirit as well as the letter and so interpretation of its provisions depend not only on the written Code but primarily on the understanding of the purpose for which the provision was designed
- Its Advertising Arbitration Court is recognised by the Market Inspectorate as a body competent to provide it with opinions on the compliance of advertisements with consumer protection legislation

Code

- The Slovenian Code of Advertising Practice applies to any advertising message that is published or broadcast in any media
- Advertising of alcohol must not:
 - Create the impression that its consumption possibly increases physical or psychological fitness
 - Create the impression that its consumption presents a condition for social or sexual success
 - Include claims it can improve working efficiency
 - Hint at a positive relation between its consumption and practising sports
 - Be orientated towards young people and must not show them drinking alcohol nor encourage them to do so by showing people who are their role models
 - Include symbols, images or role models with which young people identify
 - Be published or broadcast in media specifically aimed at young people
 - Encourage over consumption of alcoholic drinks
 - Present its consumption while driving or participating in potentially dangerous activities, unless such presentations are used for the purpose of social campaigns aimed at over consumption of alcohol
 - Create ideas that would encourage consumers to believe that its consumption can have healing effects on ones health
 - Encourage over consumption or reckless consumption of alcoholic drinks nor present abstinence or moderate consumption in a negative way
 - Be unclear about the nature of an alcoholic product and the quantity of alcohol in the product being advertised
 - Allege the small quantity of alcohol in a product as a statement of the product's safety. It can however, report the quantity with the intention to inform consumers

- Advertising can include information about the quantity of alcohol in a product but if so it must not stress the high quantity of alcohol as a positive quality
- Advertising must not be broadcast on the radio, television or in the cinema during or immediately before or after a programme listened to or watched mostly by young people.
- All companies which produce alcoholic drinks may not sponsor events or programmes designed mostly for teenagers for all companies
- Free samples of alcoholic drinks must not be given to young people
- The Code covers the ground outlined by the detailed provisions in the questionnaire and goes beyond them in a number of areas

Advice

- The SOZ offers copy advice which is given through its Advertising Arbitration Court
- If the advertiser or agency abides by the Court's advice, any complaints subsequently received are unlikely to be upheld
- Members and non-members of the SOZ can request copy advice for which a charge is made (which is lower for members)
- Pre-clearance of advertisements is not available in Slovenia

Compliance

- Complaints about an advertisement are made to the Advertising Arbitration Court, which is made up of seven members elected by the General Assembly from nine candidates proposed by the Slovenian Association of Advertisers (three), the Slovenian Association of Advertising Agencies (three) and the Slovenian Association of Media (three)
- All complaints are handled free of charge
- On receipt of the complaint the Advertising Arbitration Court notifies the media, advertising agency and advertiser concerned and asks for comments
- It then considers the complaint and comes to decision, which must be within one month of receiving it
- All parties to the complaint are notified of the outcome and the decision is published in a daily newspaper and, if possible, in one of the professional advertising publications
- The Advertising Arbitration Court may, on request, reconsider its decision. The Court's second decision is final
- The SOZ has a variety of sanctions at its disposal. It may instruct the media to withdraw or suspend an offending advertisement or if the campaign has already ended, it may order the publication of a corrective statement and the right to a response from the complainant
- It may also instigate criminal proceedings or personal liability proceedings in the civil courts

SPAIN

The Regulatory/Self-regulatory Environment

Legislation places some restrictions on alcohol advertising, which varies by Autonomous Regions. The General Advertising Law establishes that alcohol advertising is forbidden in those places where it cannot be sold or consumed. It also establishes that beverages over 20% abv cannot be advertised on television. The Television without Frontiers Law additionally establishes certain limits regarding the content of the advertising. The Laws approved by the different Autonomous Regions contain restrictions on alcohol advertising, not only regarding its content but also regarding the media where alcohol can or cannot be broadcasted or published. Self-regulation of alcoholic products is through specific industry codes.

Overview of Alcoholic Marketing Regulations

- Advertising in Spain is regulated on a federal and regional level. Many of the Autonomous Regions have extended national legislation or imposed their own rules for alcoholic beverages
- According to the national laws, alcoholic beverages may be advertised in any media, apart from spirits on television. Nevertheless, according to the Laws approved by the different Autonomous Regions, alcohol advertising is forbidden, or has important restrictions, in other media (radio, outdoors, press, etc)
- Apart from this, regulation of alcoholic drinks advertising is through self-regulatory codes, including two drinks industry initiatives
- The Spanish advertising self-regulatory organisation, Autocontrol, does not have specific rules relating to alcohol in its Code but it applies the spirits industry Code and participates in the application of the Spanish Brewers Code
- Both the spirits and beer Codes have a set of comprehensive provisions addressing almost all of the aspects outlined in the questionnaire and include restrictions on the content, timing and place of alcohol advertising

Statutory Authorities

- Advertising in Spain is regulated on a federal and regional level
- At the national level, the **Ministerio de Industria, Turismo y Comercio** (Ministry for Industry, Tourism and Trade) has powers to enforce most of the provisions related to Spanish television and the internet (new media) national legislation. Within this the Ministry and in relation to television advertising, the Secretaría de Estado de Telecomunicaciones y para la Sociedad de la información (SETSI) has powers concerning the audiovisual sector, including the authority to order the withdraw of a commercial and to impose financial penalties on the broadcaster
- There is a regulatory authority for television in Catalonia (**Consell de l'Audiovisual de Catalunya**) and in Navarra (**Consejo Audiovisual de Navarra**) and a consultative Council exists for the Community of Madrid (**Consejo Audiovisual de la Comunidad de Madrid**)
- There are also regulatory authorities for television in Andalusia and Galicia (**Consejo Audiovisual de Andalucía** and **Consejo Audiovisual de Galicia**)

Statutory Controls on Alcohol

- Under the **General Advertising Law** (1988) no advertising can take place where selling or consuming alcohol is not permitted, which means, for example, that advertising is not permitted in sports stadiums
- Television Advertising of alcoholic beverages with an abv of over 20% is prohibited on television
- Other products, under the FEBE and the Brewers Codes, may only be shown after 8.30 pm
- National regulations relating to television advertising is contained in the **Television Without Frontiers Law**. The legal concepts were subsequently clarified at a meeting between the Ministry and broadcasters and enshrined in a document which establishes clearer rules regarding television advertising
- Advertising must not:
 - Be openly addressed to minors or show them consuming alcohol
 - Encourage immoderate consumption of alcohol or present abstinence or moderation in a negative light
 - Create the impression that alcohol consumption contributes to social success or sexual success
 - Claim that alcohol has therapeutic qualities or that it is a stimulant, a sedative or a means of resolving personal conflicts
 - Link alcohol consumption with enhanced physical performance or driving
- Spain has 17 Autonomous Regions, many of which have extended national legislation or imposed their own rules for advertising alcoholic beverages. These Autonomous Regions have established different restrictions relating to advertising in other media

Framework of Self-regulation

- Self-regulation of alcoholic beverages in Spain is addressed by a number of organisations. Autocontrol is supported by a brewer's initiative through Spanish Brewers (Cerveceros de España) and a spirits initiative via Federación Española de Bebidas Espirituosas (FEBE)
- Autocontrol, the Spanish advertising self-regulatory organisation set up in 1995 but replacing an older organisation, has a General Code of Advertising Practice which does not include specific rules relating to alcohol
- Its Complaint Committee (Jury), however, is in charge of applying the FEBE Code and also participates in the application of the Spanish Brewers Code
- It offers non-binding copy advice but not copy clearance
- Autocontrol offers a complaints mechanism and either party may appeal. Decisions are publicised
- Cerveceros de España represents Spanish brewers and applies the Código de Autorregulación Publicitaria de Cerveceros de España, a self-regulatory code relating only to beer
- Originating from 1995 and last updated in 2004, it was arrived at after extensive consultation
- The Code covers all aspects of commercial communications and it comprehensively covers the provisions outlined in the questionnaire, going beyond it in a number of areas. It requires a compulsory message recommending responsible consumption be included in advertising
- It does not offer copy advice which instead is available through Autocontrol (of which it is a member)

- The Spanish Brewers offers a complaints mechanism but it does not offer an appeals procedure itself. In case of a disagreement or non-compliance, the complaint will be forwarded to Autocontrol for handling by their Jury
- Individual decisions are not publicised but the Complaints Committee publishes an annual report, detailing all the cases it has dealt with
- Federación Española de Bebidas Espirituosas (FEBE) represents the spirits sector and applies the Código FEBE de autorregulación publicitaria
- A self-regulatory code originating from 1999, it covers all of the provisions detailed in the questionnaire apart from promotions and sampling, but goes beyond them in a number of areas. Visual advertising must include a message indicating that moderation is a basic premise for responsible consumption
- It does not have a complaints mechanism itself: Autocontrol's Complaint Committee is in charge of applying the FEBE Code

Questionnaire on Codes for Commercial Communications

Respondents

Responses to the Codes for Commercial Communications questionnaire were received from the following organisations:

National Body	Code of Commercial Communications
Autocontrol Asociación para la Autorregulación de la Comunicación Comercial	No specific alcohol code <i>(but in charge of applying FEBE's Code and also participates in the application of the Spanish Brewers Code)</i>
Cerveceros de España Spanish Brewers	Código de Autorregulación Publicitaria de Cerveceros de España

Autocontrol

- The Asociación para la Autorregulación de la Comunicación Comercial, 'Autocontrol', which was formed in 1995 when it replaced Autocontrol de la Publicidad S.L., has members drawn from advertisers, advertising agencies and the media
- It aims to promote self-discipline in advertising by supporting responsible behaviour and correcting abuses and undesirable developments
- In particular, its aims include:
 - Drawing up advertising codes of ethics, both general and sectoral, which cover the basic rules of conduct to be respected in advertising
 - To settle controversies and conflicts which may arise as a result

Spanish Brewers

- An organisation founded in 1922 to represent Spanish brewers, it took on its current name in 1995
- It represents companies responsible for almost all of Spanish beer production

Fundación Alcohol y Sociedad

- A SAO member of TAG, it forwarded its questionnaire to FEBE which it indicated was in charge of this subject

Other Organisations

FEBE

- Federación Española de Bebidas Espirituosas, a member of CEPS, represents companies that produce and distribute spirits and its derived products
- A completed questionnaire was not received from the FEBE's but its Code is applied by Autocontrol

Self-regulatory Initiatives

Autocontrol

- Asociación para la Autorregulación de la Comunicación Comercial (Autocontrol) does not have a code for alcohol, or any special provisions relating to alcohol in its General Code of Advertising Practice (which contains no provisions on the advertising of any specific product or service categories)
- However, Autocontrol's Complaint Committee is in charge of applying the FEBE Code
- It also participates in the application of the Spanish Brewers Code when there is a disagreement between the Cerveceros de España and CECU (Spanish Consumers and Users Confederation), or where the advertiser refuses to change or cancel the offending advertisement
- In these cases the complaint is forwarded to Autocontrol for handling by its Jury

Spanish Brewers

- Operates the Código de Autorregulación Publicitaria de Cerveceros de España
- Originating from 1995, it underwent a major review and update in 2003 with smaller changes, relating to the Complaints Committee, coming into force during 2004

FEBE

- Federación Española de Bebidas Espirituosas operates the Código FEBE de autorregulación publicitaria
- It sets out the ethical principles and rules that must be observed for spirits advertising (products other than wine and beer) but in compliance with legislation and without prejudice to the obligations deriving from the Code of Advertising Conduct of Autocontrol
- Advertising must:
 - Be legal
 - In good faith and good trading practice
 - Truthful and identifiable as advertising
 - Not be misleading about its alcoholic strength
 - Be carried out with a sense of social responsibility in both content and form
 - Not encourage abuse among consumers
 - Visual advertising must include a message indicating that moderation is a basic premise for responsible consumption

Consumption

- Advertising may not:
 - Suggest that consumption can contribute towards sexual or professional success, enhance sexual attraction or help overcome shyness
 - Depict situations in which it is inferred that consumption helps to lessen or resolve problems of social maladjustment, anxiety or inner conflict and, in general, may never suggest that solitary consumption helps to resolve problems of this kind
 - Show situations in which it may be inferred that consumption enhances physical or mental performance
 - Attribute the ability to prevent, treat or cure diseases to beverages or refer to any therapeutic properties

- Depict situations of consumption abuse
- Present high alcoholic strength as a positive quality or allow it to be inferred that low alcoholic strength justifies immoderate consumption
- Depict abstinence or moderation in consumption in a negative manner
- Associate beverages with situations of violence, aggression, danger or antisocial behaviour
- Associate consumption with carrying out a job that involves responsibility over third parties or engaging in a high-risk activity, or suggest that it has a positive effect on performance
- Advertising may, however, underline the pleasure of social intercourse, conviviality or fraternisation associated with responsible consumption but not suggest that non-consumption is synonymous with immaturity, failure in social or professional life or business or that non-consumers are less accepted or less successful than consumers

Driving

- Advertising must not:
 - Suggest that a minimal amount of alcohol can be consumed without danger to driving and road safety or depict situations associated with the driving of motor vehicles, except in the case of campaigns aimed at making society aware of the risks involved in abusive consumption of such beverages and of the need to behave responsibly
 - Be placed in motor vehicle magazines

Minors

- Advertising must not:
 - Be specifically aimed at minors, pregnant women or persons receiving medical treatment or depict such persons consuming such beverages
 - Use images, drawings, icons, fictional characters or well-known personalities directly connected with minors
 - Occur on television or radio or in cinemas during or immediately before or after programmes specifically aimed at minors or whose audience is mostly comprised of minors
 - Occur on television until the main evening news programme, and in any case not before 20:30
 - Be placed in publications aimed at minors or in the pages for minors in publications not specifically aimed at them
- Direct advertising and, in particular, the distribution of leaflets, graphical advertising and other advertising by any means to a consumer or a specific group of consumers must be aimed only at adults and so its external presentation must give the name of the adult and its content must include the phrase "Not suitable for minors"

Corporate

- Corporate advertising must not be used as indirect advertising for particular beverages or brands whose advertising is prohibited in the medium through which it is disseminated
- It must ensure that the advertising avoids any reference to a beverage or a brand, even if it is not mentioned expressly, whose advertising is prohibited in the medium by the use of arguments, slogans, images, logos or motifs which could be associated with the beverage or brand by the consumer
- It must not immediately precede, follow or coincide with advertising campaigns for brands or beverages when the persons for whom they are intended could establish a direct link between them through the use of common slogans, images, logos or motifs

Brand Extension

- Advertising of a product using a brand name identical or similar to that of one of the beverages to which the Code applies must not be used as a form of indirect advertising in media in which this advertising is prohibited

Sponsorship

- The FEBE members must not sponsor:
 - Events specifically aimed at minors or in which mostly minors participate
 - Events broadcast by television, when the main objective of the sponsorship is a beverage whose advertising is banned on television
- The Code covers all of the ground outlined by the detailed provisions in the questionnaire apart from promotions and sampling, but goes beyond them in a number of areas

Complaints

- FEBE members undertake to lodge complaints against the advertising of other member companies in the first instance, and prior to recourse to the Law Courts, with Autocontrol
- Complaints can also be made by the FEBE itself, member companies and by consumers
- Members agree to comply immediately with its decisions by withdrawing the advertising or making changes to it
- The FEBE may expel any member which continues using advertising declared to be contrary to advertising legislation or the Code by the Autocontrol Tribunal or a Law Court
- It has the right to resort to the Law Courts should one of its members fail to comply with a decision handed down by the Tribunal

Setting Up and Basic Principles of the Code

Creation of the Code

Stakeholders consulted during the formulation and creation of the Code

	Cerveceros de España
Consumer organisations	Y
NGO's	N
Professional organisations	Y
Government departments	Y

Spanish Brewers

- Cerveceros de España consulted a wide range of interested parties when drawing up their Code. The Consumers' Association of Spain (UCE) was involved with the original Code in 1995 while the Spanish Consumers and Users Confederation (CECU) contributed to the 2003 revision
- The advertising self-regulation organisation, Autocontrol, was also consulted along with a range of Government departments including the National Consumption Institute (Ministry of Health), Youth Institute and Women Institute (both Ministry of Works and Social Affairs), The Ministry of Education and the General Direction for Minors' Protection

Autocontrol

- Autocontrol's Code of Advertising Practice does not include any specific provisions relating to alcoholic drinks
- As a consequence its Code is not addressed here, although alcoholic drinks will be governed by the general provisions of the Code

Coverage of the Code

Product types covered by the Code

	Cerveceros de España
Beer	Y
Wine	N
Spirits	N
Cider	N
Flavoured Alcoholic Beverages	N

Spanish Brewers

- As an association of brewers, the Código de Autorregulación Publicitaria de Cerveceros de España relates only to beers
- The general principles of the Code relate to beers above 1% abv (1% abv and lower strength products are considered to be non-alcoholic under Spanish Law)
- There are, however, some specific rules to specifically protect minors that also take non-alcoholic beers into account because minors may not be sufficiently prepared to differentiate between alcoholic and non-alcoholic

Brand advertising/marketing communications media covered by the Code

	Cerveceros de España
Print	Y
Broadcast media	Y
Cinema	Y
Outdoor events	Y
Labelling (including product names)	Y
Naming & Packaging	Y
Internet	Y
<i>and including</i>	
Promotion	Y
Merchandising	Y
Point of sale material	Y
Sponsorship	Y
Electronic media	Y
Communications to on & off trade	Y
Product placement	Y
Direct marketing	Y

Spanish Brewers

- The Code covers all forms of advertising and marketing

Other activities covered by the Code

	Cerveceros de España
Non-advertising materials and activities	N
Statements to the media, government agencies or the public about issues of societal concern such as the risks or benefits related to the consumption of the product(s)	N
Educational messages about responsible drinking or the role of alcohol consumption in society	N

Spanish Brewers

- The Code restricts itself to commercial communications and does not extend to these other activities

Provisions of the Code

General Provisions

Basic principles included in the Code

	Cerveceros de España
Be legal, decent, honest and truthful and conform to generally accepted principles of fair competition and good business practice	Y
Be prepared with a due sense of social responsibility and be based on principles of fairness and good faith	Y
Under no circumstances be unethical, offend against generally prevailing standards of taste and decency or otherwise impugn human dignity and integrity	Y

Spanish Brewers

- The Code includes all basic principles

Specific Provisions

Misuse

	Cerveceros de España
Commercial communications should not encourage excessive or irresponsible consumption, nor present abstinence or moderation in a negative way	Y
Commercial communications should not suggest an association with violent, aggressive, dangerous or anti-social behaviour	Y
Commercial communications should not show people who appear to be intoxicated or in any way imply that intoxication is acceptable	Y
Other	Y

Spanish Brewers

- In addition to the core provisions on misuse, the Code requires that advertising for beer should not:
 - Present beer consumption as a way to solve problems
 - Target pregnant women or people going under medical treatment
 - Associate beer consumption with tobacco or drugs
 - Present beer consumption as a way to avoid shyness
- Additionally, a compulsory message recommending responsible consumption on behalf of the brand's company should be included in advertising

Minors

	Cerveceros de España
Commercial communications should not be aimed at minors or show minors consuming the product	Y
Commercial communications should not promote the product in media, programmes or at events where the majority of the audience are known to be minors	Y
Other	Y

- Under Spanish Law the legal age is 18 years in the majority of its regions but 16 years old in a few

Spanish Brewers

- In addition to these provisions relating to minors, there is the requirement that advertising should not:
 - Use design codes that could appeal to minors
 - Use outdoor locations that can be seen from the entrance or exits of schools
 - Be broadcasted on TV before 8.30 p.m

Driving

	Cerveceros de España
Commercial communications should not directly or indirectly associate consumption with the act of driving vehicles of any kind	Y
Other	Y

Spanish Brewers

- In addition to a prohibition on associating consumption with driving there is the requirement not to suggest that there is a safe alcohol consumption level to drive
- Motoring events sponsorship and advertising in motor media are prohibited

Hazardous activities

	Cerveceros de España
Commercial communications should not associate consumption with the operation of potentially dangerous machinery or with the performance of potentially hazardous activities, or portray the act of consumption prior to or during activities, or in locations that are potentially hazardous (It should be borne in mind that those activities that might not otherwise be considered hazardous e.g. swimming or using simple hand tools, may be inadvisable after consuming an alcoholic beverage)	Y

Spanish Brewers

- The Code includes the provision relating to hazardous activities

Medical aspects

	Cerveceros de España
Commercial communications must not attribute the property of preventing, treating or curing a human disease or refer to such properties	Y
Commercial communications on health aspects of the product are allowed to the extent specifically permitted by the law of the country where the communication is made. This includes reference to government-issued sensible drinking guidelines or limits	N

Spanish Brewers

- The Centro de Información Cerveza y Salud, funded by The Brewers of Spain but independent of it, promotes research on the benefits of moderate beer consumption and at the same time disseminates information on the conclusions to these and other studies
- This is a communication-type activity that has nothing to do with commercial communications covered by the Code. No Spanish brewer is using health claims on commercial communications

Alcohol content

	Cerveceros de España
Commercial communications should not create any confusion as to the nature and strength of the product	N
Commercial communications should not present high alcoholic strength in itself as a positive quality of the brand or as a reason for choosing it. On the other hand, messages may not imply that consuming beverages of low alcohol content will avoid misuse (this prohibition does not apply to commercial communications for non-alcoholic beverages)	Y

Spanish Brewers

- The Code establishes that no reference should be made to the strength of the product as a positive characteristic
- In Spain beer is considered as a refreshment hence the importance of its strength is not used as a relevant value in commercial communications. Most of the beers produced in Spain have an abv of 4.5 – 5%

Performance

	Cerveceros de España
Commercial communications should not create the impression that consumption enhances mental ability or physical performance, e.g. when engaging in sports	Y
Commercial communications should not create the impression that consumption enhances social or sexual success	Y
Other	Y

Spanish Brewers

- The Code additionally includes the provision that commercial communications should not contain any sexist reference showing an inappropriate role of women in society

Promotions & Sampling (including tasting)

	Cerveceros de España
No promotion should encourage irresponsible or anti-social behaviour or alcohol misuse, in particular excessive consumption	Y
Sampling is allowed at licensed or private premises, trade fairs or occasions in accordance with local regulations. No sampling of the product should be offered to minors	Y
Other	Y

Spanish Brewers

- The Code additionally requires that any promotional material should not appeal to minors

Implementation of the Code and Other Principles

The Self-regulatory Body

Organisation

	Autocontrol	Cerveceros de España
Organisation is a self-regulatory body	Y	Y
Organisation is a direct or indirect member of a self-regulatory body/bodies		Y

Autocontrol

- Autocontrol is the Spanish advertising self-regulatory body

Spanish Brewers

- Besides being a self-regulatory body itself, Cerveceros de España has been a member of Autocontrol for almost 3 years

Promotion of the Code

	Autocontrol	Cerveceros de España
Programme or initiatives to make consumers aware of the Code and the complaints mechanism	N	Y
Code promoted to:		
Public authorities		Y
Consumer organisations		Y
Staff in bars/restaurants/shops etc		N

Autocontrol

- The FEBE and the Spanish Brewers Association are responsible for promoting their own Codes. Autocontrol does not promote their alcohol Codes

Spanish Brewers

- Consumers are made aware of the Code and associated complaints mechanism through a Communications Plan
- This includes providing information about the Code's principles through CECU (Spanish Consumers and Users Confederation) to their associates such as magazines and website
- Additionally, every press release from Cerveceros de España includes a reference to the existence of the Code and its associated complaints mechanism
- Information is also available on its own website
- It is promoted to public authorities, including health, social and well-being authorities at national, regional and local level. They are sent a copy of the Code with a covering letter
- The CECU signed the Code and so are well informed about it. Other consumer organisations such as OCU, CEACU, UNAE and FUCI are sent a copy of the Code with a covering letter
- It is not promoted to retail staff because this aspect is currently not a target area

Promotion of the Code	Autocontrol	Cerveceros de España
Training and information offered to marketers and advertisers	N	Y

Autocontrol

- The FEBE and the Spanish Brewers Association are responsible for promoting their own Codes

Spanish Brewers

- The principal professional associations are provided with information about the Code together with copies of the document
- Advertisers are informed about the Code's existence and details about its rules through the Advertisers Association while marketers are informed through the brewing companies
- No training, however, is running yet

Pre-launch Services Offered

Copy advice offered for the following media:

	Autocontrol	Cerveceros de España
Print	Y	N
Broadcast media	Y	N
Cinema	Y	N
Outdoor events	Y	N
Labelling (including product names)	Y	N
Naming & Packaging	Y	N
Internet	Y	N
<i>and includes:</i>		
Promotion	Y	N
Merchandising	Y	N
Point of sale material	Y	N
Sponsorship	Y	N
Electronic media	Y	N
Communications to on & off trade	N	N
Product placement	N	N
Direct marketing	Y	N
Pre-launch copy advice offered by another organisation		Y

Autocontrol

- Copy advice is offered for all commercial communications channels apart from communications to on and off trades and product placement

Spanish Brewers

- Cerveceros de España does not offer copy advice and there are no plans for it to do so
- Copy advice, however, is available through Autocontrol to all its associates

Form of copy advice

	Autocontrol
Copy advice offered is:	
Non-binding	Y
Free	Y ¹
Available to all parties	Y
Available to all media groups	Y
Clearance implies future complaints are unlikely to be upheld	N

¹Chargeable for non-members only

Autocontrol

- Copy advice is available to all parties although it is free only for Autocontrol's members (non-members are charged 375 Euros per copy advice)
- It is provided by the Copy Advice Team, part of Autocontrol's staff who all have a legal background. Generally Copy Advice is provided in 72 hours but when it is requested by TV operators the answer is given in 24 hours
- The advice is non-binding and does not imply that future complaints are unlikely to be upheld as the Jury is completely independent from the Copy Advice Team. In practice, only a few advertisements previously cleared at pre-copy stage have been complained afterwards before the Jury
- In the Jury's Rules, it is expressly established that if an advertiser does not agree with the criteria established by a copy advice, it can ask for Revision before the Jury
- In that case, the Jury is entirely free to establish a different criteria than the one established by the Copy Advice Team

Spanish Brewers

- Copy advice is not offered by Cerveceros de España

Pre-clearance is a pre-condition for:

	Autocontrol
Print	N
Broadcast media	N
Cinema	N
Outdoor events	N
Labelling (including product names)	N
Naming & Packaging	N
Internet	N
and includes:	
Promotion	N
Merchandising	N
Point of sale material	N
Sponsorship	N
Electronic media	N
Communications to on & off trade	N
Product placement	N
Direct marketing	N
Other	N

Autocontrol

- There is no system of pre-clearance in Spain

Complaints

Complaints handling

	Autocontrol	Cerveceros de España
Organisation includes a Complaints Committee	Y	Y
Deals with complaints from all parties	Y	Y
Complaints are handled free	Y ¹	Y
Handles complaints from all media	Y	Y

¹No charge is made for consumers, consumers organisations or members of Autocontrol

Autocontrol

- Complaints are made in writing to Autocontrol's Secretariat who verifies that it has been submitted in accordance with the Code
- Complaints Committee's Rules and that it falls within the scope of its activity and of the Codes
- If so, it is forwarded to the complained party who has five working days to answer it. Both parties may present as much evidence as they consider necessary or useful for justifying their positions
- It is possible to try to solve the complaint through Autocontrol's mediation within the five working days if any of the parties request it (mainly the complained company). If no formal agreement is reached within that time-limit, the Jury will adjudicate
- Once the time-limit has elapsed, or if an answer is received before this, the Complaints Committee (a Section) meets in order to discuss and adjudicate on the case submitted
- The Complaints Committee, (Jurado de la Publicidad) is divided into five different Sections of four members each plus the Chairman of the Jury. All members are independent experts in Law, Economics or Commercial Communications, mainly University professors, retired industry practitioners or with an academic background. None is actively employed in the advertising industry or in any other interest group or organisation; considered essential for independence and credibility. 25% of Jury members are appointed by common agreement between Autocontrol and the Spanish National Institute on Consumers Affairs (Instituto Nacional de Consumo)
- The work of the Jury is governed by the principles (independence, impartiality, transparency, contradictorial debate, etc.) established in the EC/98/257 Recommendation. In 2000, Autocontrol's Complaints Committee was included by the European Commission (DG SANCO) in its EEJ-Net (European Extra-judicial Network). In Spain the Consumers Arbitration Council (Sistema arbitral de consumo) and Autocontrol's Jury are the only two systems making part of the EEJ-Net
- Complaints are considered by any of the five Sections of the Complaints Committee. Both parties have the right to challenge any member of the Jury within the Rules
- The Complaints Committee, or its Chairman, may order further evidence or the attendance of both parties before the Jury in order to defend their positions, if it finds it appropriate or necessary
- The whole process is normally completed within fifteen days
- There is no charge for individual consumers, consumers' organisations or Autocontrol members to bring a complaint but a charge of 2,000 Euros is made to non-members

Spanish Brewers

- The Complaints Committee (Comisión de Seguimiento) was set up in 2003, concurrently with the revision of the Code and consists of 2 members of CECU and 2 members of Cerveceros de España
- It accepts any complaint from consumers, organisations and competitors concerning any commercial communication for Spanish beers
- The complaint has to be made in writing (including email) to the Complaints Committee
- Both the complainant and the advertiser are notified of its receipt and given a time schedule for dealing with it
- The Complaints Committee thoroughly studies the complaint according to the principles contained in the Code and notifies the complainant and the advertiser about its decision
- Where the commercial communication does not comply with the Code's principles, the advertiser will be requested to withdraw or adapt it
- If it is found to comply, the complainant is informed accordingly

Appeals

Appeals handling

	Autocontrol	Cerveceros de España
Organisation offers an appeal procedure	Y	N ²
Appeals permitted from both parties	Y	
Appeals are handled free	Y ¹	

¹No charge is made for consumers, consumers organisations or members of Autocontrol

²In cases of disagreement the complaint is forwarded to Autocontrol

Autocontrol

- Any of the involved parties can appeal the decision of the Section before the Full Session of the Jury (Pleno del Jurado), within the time-limit of four working days of the Section's formal notification of its decision
- There is no charge for consumers, consumer's associations and members of Autocontrol but non-members are charged 2,150 Euros
- Once the appeal is received the Secretariat forwards it to the other party, which has another four days to answer it
- The Full Session of the Complaints Committee meets in order to discuss and adjudicate on the appeal. New evidence would only be admitted if it could not have been submitted before for temporal or objective reasons. The Full Session of the Complaints Committee may also order new evidences if it finds it appropriate
- Decisions are effective as soon as they are firm, which is either when the time established for appealing has elapsed or when the Full Session of the Complaints Committee has adjudicated on the appeal and the decision has been formally communicated to the parties

Spanish Brewers

- There is no appeals procedure through Cerveceros de España.
- In case of a disagreement between the CECU and brewers, or where the advertiser refuses to change or cancel the offending advertisement, the complaint will be forwarded to Autocontrol for handling by their Jury

Monitoring

Compliance monitoring

	Autocontrol	Cerveceros de España
No monitoring is undertaken	Y	Y

Autocontrol

- Autocontrol does not currently undertake monitoring

Spanish Brewers

- No monitoring of advertising is undertaken on its own behalf because of a lack of resources
- It has to receive a complaint for it to be able to act on an advertisement

Sanctions

Sanctions available to the Complaints Committee

	Autocontrol	Cerveceros de España
Decisions of the complaints committee/self-regulatory body publicised	Y	Y
Ability to impose additional sanctions if a company rejects the decision of the self-regulatory body/complaints committee	Y	Y
Compliance of committee decisions monitored	N ¹	Y

¹No systematic monitoring

Autocontrol

- Decisions of the Committee are publicised through a monthly newsletter (paper and via e-mail), and through the website
- Besides declaring that the advertisement is in breach of the rules, the Jury's decision may:
 - Ask the company to modify its advertisement
 - Ask the company to withdraw its advertisement
 - Admonish the advertiser
 - Declare that the resolution must be made public in the way Autocontrol's Board of Directors may consider appropriate, whenever the Jury believes that the case is especially serious
- If a member of Autocontrol does not comply with the decision it may receive an admonition, or even be expelled from Autocontrol for particularly serious cases
- Decisions of the Committee are not monitored on a systematic basis but Autocontrol is normally aware of breaches or non-compliance with a decision of the Jury because the complainant usually informs Autocontrol about this fact

Spanish Brewers

- Continuous rejection of a Complaints Committee decision will be sanctioned by expelling the member of Cerveceros de España
- Rejection of the Comisión de Seguimiento decision entails a complaint being submitted to Autocontrol who will review it to decide whether the complaint should be upheld or not
- If it decides that the advertiser has broken the Code it will recommend that the advertisement is modified, suspended or will publicise the decision
- Compliance with the decisions of the Complaints Committee is undertaken by monitoring the advertisement is question. To date, all decisions of the Committee have been respected by the advertiser

Awareness

Publication of Committee decisions

	Autocontrol	Cerveceros de España
Report published of all the complaints and their outcome	Y	Y

Autocontrol

- Autocontrol publishes all of the Jury's decisions in its monthly newsletter and e-mail bulletin, as well as on its website
- It also publishes in its Annual Report, January newsletter and e-mail bulletin and on its website, details of the number of resolutions over the year, kind of complainant (consumers, companies etc.), outcome of the complaints, basis of the complaint (misleading advertising, comparative advertising etc.) and the media in which the complained advertisement was published/broadcast
- It is freely available to all parties through the website

Spanish Brewers

- An annual report was published for the first time in 2005, about the cases analysed during 2004 by the Complaint's Committee formed by Cerveceros de España and CECU. The report informs about the complaint and the Committee's decision
- It was published on its website and sent to national, regional and local authorities and consumer organisations

Analysis of Complaints

Autocontrol	1999	2000	2001	2002	2003
Total Number of complaints received	93	95	105	126	179
Total number of complaints which required intervention (the advertisement was in breach of the Code)	50	45	56	64	91
Total Number of complaints about alcohol products received	9	1	6	4	14
Total number of alcohol complaints which required intervention (the advertisement was in breach of the Code)	7	0	4	4	6
Total number of complaints considered under the alcohol provisions of the Code	8	0	4	2	4
Number of complaints under the alcohol provisions of the Code requiring intervention (the advertisement was in breach of the Code)	7	0	3	2	4

Autocontrol

- Over the 5 years 6% of complaints received by Autocontrol have been in relation to alcohol products which accounted for 7% of the complaints that required intervention
- Over the same time period 3% were considered under the alcohol Code and 89% of these were upheld, but this amounted to only 16 complaints that were upheld
- Information is not available about the number of different commercial that they applied to

Spanish Brewers	2004
Total Number of complaints received	5
Total number of complaints requiring intervention (the advertisement was in breach of the Code)	5
Number of different advertisements to which these relate	4

Spanish Brewers

- Only 2004 figures are available as the complaints system became operative in 2003
- All of the complaints related to beer (the committee does not deal with complaints about other alcoholic beverages)
- In total, 5 cases have breached the Code

Recent Developments

Autocontrol

- In Spain there are 17 Autonomous Regions, that are competent in statutory legislation and so only a short reference to the changes affecting regional laws that regulate alcohol advertising are made.
- Madrid: Law 5/2002 (sobre drogodependencias y otros trastornos adictivos) was approved which established different restrictions on alcohol advertising, not only in reference to the content of that advertising, but also relating to the different media where it could be published
- It must also be taken into account that also in 2002 the Central State Government started to prepare a draft State bill on alcohol advertising. There were different versions of that draft bill, but due to the change of Government that took place in March 2004, this draft has been left aside (at least for the moment)
- Andalusia: Law 4/1997 (de prevención y asistencia en materia de drogas) was modified by Law 12/2003. The modifications mainly referred to places where alcohol can or cannot be sold. In Spain, there is a general principle established by the Spanish General Advertising Law that prohibits alcohol advertising in those places where they cannot be sold or consumed. Therefore, these modifications of the Andalusian Law affect advertising
- Extremadura: Law 2/2003 (de la convivencia y el ocio de Extremadura) established different restrictions on alcohol advertising, not only in reference to the content of that advertising, but also relating to the different media where it could be published

Spanish Brewers

- The original 1995 Code made a commitment to abide by the general principles for commercial communications. It was updated in 2003 which resulted in the addition of a number of new restrictions on the commercial communication of beers
- Many of the new terms specifically related to minors and included non-alcoholic beers in their remit. A responsible consumption message was also introduced and restrictions on commercial communications allied to motoring prohibited:
 - Obligation to include message 'X Brand recommends responsible consumption' in outdoor advertising
 - In TV spots this must last for 3 seconds in a 30 second spot or 5 seconds in longer commercials
 - Commercial communications cannot depict situations where beer is consumed together with psychoactive drugs or tobacco, target under 18's, and must not make any sexist reference that is misleading about women's role in society
 - Commercial communications for both alcoholic and non-alcoholic beers must not use designs or communication codes that are intended to appeal to minors
 - No product, promotional material or drink must be produced or distributed if it is specially design for minors, including non-alcohol beer
 - Commercial communications can not be located in visible places at the entrance or exit to schools
 - Commercial communications for non-alcohol beer must also not be featured in print media specifically targeted to minors. In theatres, cinemas and on TV and radio advertisements are forbidden immediately before, during or after programmes specifically targeting minors
 - No non-alcohol beer brand can sponsor any event specifically targeted at minors
 - It is not allowed to advertise or sponsor motor magazines, television or radio programmes. It is also prohibited to sponsor motor competition events
- The Complaints Committee was formed by The Brewers of Spain and Consumers & Users Confederation during 2003. In future, any member of the Association repeatedly failing to heed the decisions of the Committee may be expelled
- In 2004 the complaints section of the Code was modified to conform to the Recommendations and Guidelines for Responsible Commercial Communications of the Brewers of Europe and gives a more detailed definition of responsibilities and functions of the Comisión de Seguimiento
- The explanation of the complaints procedure (who can make a complaint, to whom, following what process etc.) has been enhanced
- Cerveceros de España has also stressed its commitment, along with CECU, to improve communication of the Code and the consumer's right to ensure that they are complied with
- An annual report was published for the first time in 2005, about the cases analysed during 2004 by the Complaint's Committee formed by Cerveceros de España and CECU. In total, 5 cases have breached the Code. The report informs about the complaint and the Committee's decision

Future Plans

Autocontrol

- The current State Government is planning to present a draft bill in order to unify the minimum age for consumption for the whole of Spain to 18, applied to any kind of alcoholic beverage (in most of Spain it is already 18 years old, but there are still Regions that permit consumption from aged 16 for beverages under 20°). It may be possible that the Government will also include provisions relating to alcohol advertising when preparing that draft
- In Baleares, there is also draft legislation related to alcohol advertising

SWEDEN

The Regulatory/Self-regulatory Environment

Legislative controls prohibit most advertising of alcoholic beverages over 2.25% abv although this has recently been relaxed to allow commercial advertising of products up to 15% abv in periodicals. Self-regulation of alcoholic beverages is correspondingly limited although there is a self-regulatory code from a drinks industry body.

Overview of Alcoholic Marketing Regulations

- Strong legislative controls prohibited the advertising of all alcoholic beverages apart from those with an abv up to 2.25% (light beers) and, in some instances, at the point of sale
- However, as a result of the Gourmet case, the Alcohol Act was amended in 2003. Previously there was a ban on advertising spirits, wine or strong beer using commercial advertisements in periodicals or other journals but is now permitted for products with an abv less than 15%
- The main marketing regulations in the Alcohol Act are not particularly specific. The Consumer Agency consequently drew up guidelines containing detailed stipulations
- The Code of Statutes of the Swedish Consumer Agency are not legislation but more an expression of the Consumer Agency's interpretation of the stipulations in the legislation and are extremely authoritative statements on the practical implications of the legislation
- The Consumer Agency decided that the guidelines should continue to apply for the marketing of regular beer, strong beer and wine after the Gourmet decision in 2003. The guidelines that, with the exception of regular beer, did not apply to consumer advertising, now also apply for advertising in printed media to consumers
- A new Guideline is under construction in co-operation with the Swedish Brewers Association, the Swedish Spirits and Wine Suppliers, the Association of Swedish Advertisers, the Council on Market Ethics and the Swedish Consumer Agency which will be ready in spring 2005
- The Consumer Agency/Consumer Ombudsman applies the legislation although it is the Market Court that makes the final decision

Statutory Authorities

- The **Consumer Agency** (*Konsumentverket*) is the public authority responsible for consumer issues and is headed up by the Ombudsman
- The **Consumer Ombudsman** (*Konsumentombudsmannen*) has a duty to intervene in cases with a general consumer interest. He also publishes Guidelines or Directives on marketing in different sectors which are developed in consultation with business
- The Ombudsman is responsible for the application of Marketing Law and applies, inter alia, the Competition Law and is the supervisory authority for the marketing provisions of the Radio and Television Law
- The Ombudsman acts as prosecutor in cases of infringements which can be on his own initiative or at the request of a company harmed by a competitor's activities where there is a case of general consumer interest. In minor cases he may order the company to stop contravening the Marketing Law, otherwise the final decision is with the Market Court
- Companies and organisations may file certain types of cases directly with the court. The final decision rests with the Market Court

- The **Market Court** is made up of economic experts and lawyers. Companies and organisations may file certain types of case directly with the Court, whose decisions are final
- The Swedish Broadcasting Commission is generally the authority which monitors how broadcasters adhere to the rules on advertising but the Consumer Agency is responsible for the control of alcohol advertising

Statutory Controls on Alcohol

- Systembolaget is the state alcohol monopoly, which has a retail monopoly on the sale of all beverages with an abv over 2.25%
- Statutory regulations include the Alcohol Act, Food Labeling Decree and the Marketing Practices Act but they are also moulded by practices from the Market Court and the Consumer Agency/Consumer Ombudsman in connection with the Marketing Practices Act and the Agency's guidelines
- Additionally, The Swedish Consumer Agency has issued guidelines for the marketing of regular beer
- **The Marketing Practices Act** is general and applies to all marketing in all media in Sweden but also applies to areas that are regulated through special legislation
- The **Alcohol Act** does not have its own system of sanctions for infringements but has been coupled to the Marketing Practices Act and its sanctions. A marketing measure contrary to its regulations is therefore contrary to the Marketing Practices Act
- Due to this link the Consumer Agency/Consumer Ombudsman has been entrusted with applying the legislation although in common with the Marketing Practices Act, it is the Market Court that makes the final decision
- The Act contains stipulations on the marketing of spirits, wine, strong beer and beer and indirectly to the marketing of low alcohol drinks (e.g. low alcohol beer, cider). It applies to marketing directed at consumers
- According to the Alcohol Act, regular beer, along with strong beer & cider, over 2.25% abv is an alcoholic drink and covered by its special stipulations for marketing
- Advertising of strong and regular beer, wine and distilled spirits was banned in 1979 but allowed for beer with an abv up to 2.25%. Since these light beers have the same brands and nearly the same containers as stronger beers, this means that de facto there has been beer advertising in Sweden
- Moderate marketing of alcoholic beverages is, however, allowed at sale points, i.e. retail monopoly stores and in restaurants. Advertising is also allowed in professional journals
- Commercial broadcast advertising of any type of alcoholic beverages has not been allowed
- For permitted advertising, in consideration of the health risks that are connected with use of alcohol, special moderation must be observed in the marketing of alcoholic beverages to consumers. Advertising or other marketing devices consequently should not be intrusive, specially targeted or encourage the consumption of alcohol
- It is expressly stated that marketing may not be especially directed at, or portray, children and young people under the age of 25
- The Alcohol Act was amended in 2003 as a result of the Gourmet case to apply only to alcoholic drinks that are over 15 percent alcohol by volume
- A magazine publisher, Gourmet International Products, published alcoholic drinks advertising. It was censured by the Consumer Ombudsman but took its case to the European Court of Justice which ruled that the prohibition on alcohol advertising did not necessarily contravene the EC Treaty provided the objective of protecting public health could not be achieved by less extensive statutory measures. The Swedish national courts were left to judge this and in 2003 the Market

Court upheld a judgement that a ban on all alcohol advertising was not compatible with the EC Treaty and could not be applied to the advertisement published by Gourmet Magazine

- The Alcohol Act was extended from 2005 to include regulations regarding description, picture and also that marketing in periodicals should have information texts decided by the Government
- The text of the legislation is not so specific, but the preliminary work for the Act contains certain statements that specify the meaning of the legislation and put it into concrete form
- In the preliminary work to the old Act, the legislator emphasised that the requirement for special moderation should be viewed against the background of the aim to ensure that marketing does not contribute to maintaining or increasing the consumption of alcoholic beverages, nor contribute to a positive attitude to the use of these types of beverages. Strict limitations and restraint are therefore required with regard to the distribution channels and the content etc. of the advertising, as well as with regard to different marketing methods
- Examples given of intrusive and specially targeted advertising include outdoor advertising, direct advertising, film advertising, etc. These methods can therefore be contrary to the requirement for special moderation
- At the same time it states that advertising must ensure that consumers have access to objective information enabling them to make an informed and rational choice between different products. An example of an acceptable distribution channel for advertising is the shop environment
- Those who produce, sell or mediate the sale of alcoholic beverages in their business may only leave these kinds of beverages as gifts in the form of product samples. In connection with services or sales of other goods, alcoholic drinks may not be given as gifts. The purpose of the stipulations is that alcoholic drinks are not to be given away or offered as a sales inducement for other goods
- The main marketing regulations in the Alcohol Act are motivated by alcohol policy and they are not particularly specific. The Consumer Agency consequently drew up guidelines, after discussions with the Swedish Brewers' Association and other concerned trade and industry organisations, containing detailed stipulations concerning prohibited and permitted advertising. A new guideline will be ready in spring 2005
- Despite the fact that the guidelines are published under the heading "The Code of Statutes of the Swedish Consumer Agency" they are not legislation but more an expression of the Consumer Agency's interpretation of the stipulations in the legislation but as they are also based to a large extent on earlier practices and statements in the legislation's preliminary work, they are extremely authoritative statements on the practical implications of the legislation. What the legislation's stipulations mean in practice however is determined in the final analysis by the Market Court

Swedish Consumer Agency's Guidelines for the Marketing of Regular Beer

- A new Guideline is under construction in co-operation with the Swedish Brewers Association, the Swedish Spirits and Wine Suppliers, the Association of Swedish Advertisers, the Council on Market Ethics and the Swedish Consumer Agency. The guideline will be ready spring 2005

The Swedish Consumer Agency's Guidelines for The Marketing of Spirits, Wine and Strong Beer

- Likewise, the new guideline will be ready in spring 2005

Framework of Self-regulation

- The opportunity for self-regulation is limited because of the extensive legislative regulations applying to the advertising of alcoholic drinks
- Advertising of low alcohol beers is permitted

- The principal self-regulatory organisation dealing with advertising is the Council on Market Ethics (MER) which applies the ICC Code of Marketing and Advertising Practice across all sectors and media
- It does not have an alcohol specific code nor offer copy advice or pre-clear advertisements
- It offers a complaints mechanism which is open to all parties
- The Swedish Spirits & Wine Suppliers introduced its Ethical rules for Swedish Spirits & Wine Suppliers, in June 2004
- Covering all commercial communications apart from labelling, product placement and direct marketing, its provisions address the basic principles for commercial communications outlined in the questionnaire
- It offers non-binding copy advice and, unusually, complaints are handled by The Alcohol Suppliers Supervisory Ombudsman. This is an independent position, financed by SSWS

Questionnaire on Codes for Commercial Communications

Questionnaire

A response to the Codes for Commercial Communications questionnaire was received from the following organisation:

National Body	Code of Commercial Communications
SSWS Sprit och vinleverantörersföreningen The Swedish Spirits & Wine Suppliers	Ethical rules for Swedish Spirits & Wine Suppliers

SSWS

- The Swedish Spirits and Wine Suppliers was formed in 1998 and its members are importers and producers of spirits and wines
- Its role centres on the dialogue with the retail monopoly and contacts with the government, political bodies, authorities, media and the general public to contribute to a modern, generally accepted and respected alcohol policy
- It acts in a variety of areas including:
 - Relations with the Retail Monopoly (Systembolaget) and on trade businesses
 - Alcohol policy in general and alcohol taxation in particular
 - Comprehensive regulations for advertising and marketing
 - Media relations and interests

Other Organisations

MER

- MarknadsEtiska Rådet (the Council on Market Ethics) did not complete the questionnaire
- Self-regulation began in the 1950s but was subsequently marginalised by the introduction of statutory regulations
- In the 1980's concern for adequate consumer protection led to a political process to test self-regulation as a complement to legislation and the activities of the Consumer Ombudsman, resulting in the establishment of 10-12 sectoral SROs
- The MER was founded by ICC Sweden and the Business Committee on Market Law which consists of 22 trade associations. These two bodies are its Principals
- It is the principal self-regulatory organisation dealing with advertising and applies the ICC Code of Marketing and Advertising Practice across all sectors and media. Where an issue is not covered by the ICC Codes, the MER may establish new rules by means of case-law
- It does not have an alcohol specific code but co-operates with the Swedish Brewers association on issues of common interest
- The MER does not offer copy advice or pre-clear advertisements
- It offers a complaints mechanism which is open to all parties

- Consumer complaints are free but a basic fee for other complaints is often waived
- The Secretariat sends a copy of the complaint to the advertiser for his comments
- If the Secretariat considers the case to be one of substance, it is brought before the Board (where a sectoral SRO exists, e.g. for direct marketing, cases are normally referred to that body)
- Only the Chairman or the full Board can decide whether or not a complaint is admissible
- Both parties are informed of the outcome and the Board's decisions are published in full
- The process takes from one to six months, depending on the complexity of the case
- There is no appeal from the decision
- The MER's decisions are circulated widely via the press and television including the names of the advertiser and, where relevant, the advertising agency
- Upholding a complaint is a powerful sanction as should an advertisement found to be in breach of the Code(s) appear again, a competitor or the Ombudsman may take action in the Market Court
- The Court is likely to hold that the advertisement contravenes "good market practice" and is therefore illegal; it will then apply the sanctions of the Marketing Law
- Information on the MER's activities is disseminated to industry, consumers and relevant government and political bodies. It publishes its opinions on individual cases and an Annual Report
- The MER undertakes publicity campaigns on an ad hoc basis, sometimes in collaboration with the Consumer Ombudsman/Board

Swedish Brewers' Association

- Svenska Bryggareföreningen did not complete the questionnaire
- The Swedish Brewers' Association, founded in 1885, is the trade organisation of the Swedish breweries, maltsters, soft drinks and bottled water producers
- The threat provided by the temperance movement was one of the reasons behind the creation of the association. A powerful influence in Swedish alcohol politics for more than 100 years, it led to combined action by the Brewing Industry as a balancing factor in the political debate and decision making

Self-Regulatory Initiatives

SSWS

- The Swedish Spirits & Wine Suppliers code, Ethical rules for Swedish Spirits & Wine Suppliers, came into force in June 2004

Setting Up and Basic Principles of the Code

Creation of the Code

Stakeholders consulted during the formulation and creation of the Code

	SSWS
Consumer organisations	Y
NGO's	Y
Professional organisations	N
Government departments	Y

SSWS

- There was a great deal of contact with the National Consumer Board in the formulation of the Code
- Other bodies consulted included The Council on Market Ethics and the government department, The Social Ministry
- No professional organisations were consulted as none were relevant

Coverage of the Code

Product types covered by the Code

	SSWS
Beer	Y
Wine	Y
Spirits	Y
Cider	Y
Flavoured Alcoholic Beverages	Y

SSWS

- The Code covers all alcoholic beverages provided by SSWS's members (which, as an organisation of producers and importers of wine and spirits, are unlikely to have much application to other products)

Brand advertising/marketing communications media covered by the Code

	SSWS
Print	Y
Broadcast media	Y
Cinema	Y
Outdoor events	Y
Labelling (including product names)	N
Naming & Packaging	N
Internet	Y
<i>and including</i>	
Promotion	Y
Merchandising	Y
Point of sale material	Y
Sponsorship	Y
Electronic media	Y
Communications to on & off trade	Y
Product placement	N
Direct marketing	N

SSWS

- The Code covers all forms of commercial communications apart from labelling, product placement and direct marketing
- Their inclusion was not discussed rather than being a deliberate omission and might be incorporated in the future

Other activities covered by the Code

	SSWS
Non-advertising materials and activities	Y
Statements to the media, government agencies or the public about issues of societal concern such as the risks or benefits related to the consumption of the product(s)	Y
Educational messages about responsible drinking or the role of alcohol consumption in society	Y
Other	Y

SSWS

- Other activities covered by the Code include promotional material and press releases
- The statements related to the risks or benefits of alcohol are in respect of research findings that alcohol can be good for health

Provisions of the Code

General Provisions

Basic principles included in the Code	SSWS
Be legal, decent, honest and truthful and conform to generally accepted principles of fair competition and good business practice	Y
Be prepared with a due sense of social responsibility and be based on principles of fairness and good faith	Y
Under no circumstances be unethical, offend against generally prevailing standards of taste and decency or otherwise impugn human dignity and integrity	Y
Other	Y

SSWS

- The Code includes all three basic principles but additionally refers to the relationship with the state retail monopoly

Specific Provisions

Misuse	SSWS
Commercial communications should not encourage excessive or irresponsible consumption, nor present abstinence or moderation in a negative way	Y
Commercial communications should not suggest an association with violent, aggressive, dangerous or anti-social behaviour	Y
Commercial communications should not show people who appear to be intoxicated or in any way imply that intoxication is acceptable	Y

SSWS

- The Rules include all misuse provisions

Minors	SSWS
Commercial communications should not be aimed at minors or show minors consuming the product	Y
Commercial communications should not promote the product in media, programmes or at events where the majority of the audience are known to be minors	Y

SSWS

- Provisions relating to minors are fully addressed by the Code

Driving

	SSWS
Commercial communications should not directly or indirectly associate consumption with the act of driving vehicles of any kind	Y

SSWS

- Associating consumption with driving is prohibited by the Code

Hazardous activities

	SSWS
Commercial communications should not associate consumption with the operation of potentially dangerous machinery or with the performance of potentially hazardous activities, or portray the act of consumption prior to or during activities, or in locations that are potentially hazardous (It should be borne in mind that those activities that might not otherwise be considered hazardous e.g. swimming or using simple hand tools, may be inadvisable after consuming an alcoholic beverage)	Y

SSWS

- The hazardous activities provisions are incorporated

Medical aspects

	SSWS
Commercial communications must not attribute the property of preventing, treating or curing a human disease or refer to such properties	Y
Commercial communications on health aspects of the product are allowed to the extent specifically permitted by the law of the country where the communication is made. This includes reference to government-issued sensible drinking guidelines or limits	Y

SSWS

- Both medical provisions are included

Alcohol content

	SSWS
Commercial communications should not create any confusion as to the nature and strength of the product	Y
Commercial communications should not present high alcoholic strength in itself as a positive quality of the brand or as a reason for choosing it. On the other hand, messages may not imply that consuming beverages of low alcohol content will avoid misuse (this prohibition does not apply to commercial communications for non-alcoholic beverages)	Y

SSWS

- Alcohol content provisions are covered

Performance	SSWS
Commercial communications should not create the impression that consumption enhances mental ability or physical performance, e.g. when engaging in sports	Y
Commercial communications should not create the impression that consumption enhances social or sexual success	Y

SSWS

- Both performance provisions are included

Promotions & Sampling (including tasting)	SSWS
No promotion should encourage irresponsible or anti-social behaviour or alcohol misuse, in particular excessive consumption	Y
Sampling is allowed at licensed or private premises, trade fairs or occasions in accordance with local regulations. No sampling of the product should be offered to minors	N

SSWS

- The sampling provision is not included within Swedish Spirits and Wine Suppliers' Code

Implementation of The Code And Other Principles

The Self-regulatory Body

Organisation	SSWS
Organisation is a self regulatory body	Y
Organisation is a direct or indirect member of a self-regulatory body/bodies	Y

SSWS

- The Swedish Spirits and Wine Suppliers is a new member of Council on Market Ethics (MER)

Promotion of the Code	SSWS
Programme or initiatives to make consumers aware of the Code and the complaints mechanism	Y
Code promoted to:	
Public authorities	Y
Consumer organisations:	N
Staff in bars/restaurants/shops etc	N
Training and information offered to marketers and advertisers	Y

SSWS

- Consumers are informed of the Code and complaints procedure through the website and media activities
- It is promoted to The Social Ministry, Nation Consumer Board and The National Public Health Institute through mailings and letters
- Consumer organisations do not feature as there are no relevant entities while it is not promoted directly to staff in outlets but rather through their trade organisation
- Training and information is provided to members of the SSWS only
- Information on the entire Code is offered by special information classes to every member of the organisation. No charge is made

Pre-launch Services Offered

Copy advice offered for the following media:

	SSWS
Print	Y
Broadcast media	Y
Cinema	Y
Outdoor events	Y
Labelling (including product names)	Y
Naming & Packaging	N
Internet	Y
<i>and includes:</i>	
Promotion	Y
Merchandising	Y
Point of sale material	Y
Sponsorship	Y
Electronic media	Y
Communications to on & off trade	Y
Product placement	N
Direct marketing	N

SSWS

- Advice is available to members on whether an advertisement complies with the Code

Form of copy advice

	SSWS
Copy advice offered is:	
Non-binding	Y
Free	Y
Available to members only	Y
Clearance implies future complaints are unlikely to be upheld	N

SSWS

- Copy advice is free but it is not binding on the advertiser
- It does not imply that future complaints are unlikely to be upheld

Pre-clearance is a pre-condition for:

	SSWS
Print	N
Broadcast media	N
Cinema	N
Outdoor events	N
Labelling (including product names)	N
Naming & Packaging	N
Internet	N
and includes:	
Promotion	N
Merchandising	N
Point of sale material	N
Sponsorship	N
Electronic media	N
Communications to on & off trade	N
Product placement	N
Direct marketing	N

SSWS

- Pre-clearance of marketing communications is not offered by the SSWS and there are no plans to introduce it

Complaints

Complaints handling

	SSWS
Organisation includes a Complaints Committee	Y
Deals with complaints from all parties	Y
Complaints are handled free	Y
Handles complaints from all media	Y

SSWS

- Complaints are handled by The Alcohol Suppliers Supervisory Ombudsman
- This is an independent position, financed by the SSWS, with the aim of monitoring commercial communications covered by the Code, in order to avoid cases being taken to the National Consumer Ombudsman or Market Court
- Complaints from consumers and competitors can relate to any media and are handled free of charge
- The complaint goes directly to the Ombudsman, without being screened by other parties, who is then responsible for making a decision on the case

Appeals

Appeals handling

	SSWS
Organisation offers an appeal procedure	Y
Appeals permitted from both parties	Y
Appeals are handled free	Y

SSWS

- The decision of the Ombudsman can be appealed to the Market Ethical Court by either party in the case without charge
- This decision then cannot be further appealed

Monitoring

Compliance monitoring

	SSWS
Monitors advertising on its own behalf	Y
Monitors all media	Y
Monitors all advertisements:	Y
Monitors on its own initiative with the ability to react without a complaint being made	Y

SSWS

- The Swedish Spirits & Wine Suppliers has recently introduced a system of monitoring commercial communications
- The monitoring covers all advertisements on a continuous basis
- SSWS is able to react to a commercial communication without a complaint being made

Sanctions

Sanctions available to the Complaints Committee

	SSWS
Decisions of the complaints committee/self-regulatory body publicised	Y
Ability to impose additional sanctions if a company rejects the decision of the self-regulatory body/complaints committee	Y
Compliance of committee decisions monitored	N

SSWS

- The decisions of the Ombudsman are made available through the website
- If the decision is rejected by the company, a fee may become payable decided by the Ombudsman or Council

Awareness

Publication of Committee decisions

	SSWS
Report published of all the complaints and their outcome	Y

SSWS

- An annual report on all the cases dealt with and their outcomes is published on the website

Analysis of Complaints

SSWS

- Because the Code is new, compliance with the decisions is not yet monitored

Recent Developments

- As a result of the Gourmet case, the Alcohol Act was amended in 2003. A ban on spirit, wine or strong beer commercial advertisements in periodicals or other journals was loosened to allow it for products with an abv less than 15%
- The Alcohol Act was extended from 2005 to include regulations regarding description, picture and also that marketing in periodicals should have information texts decided by the Government

SSWS

- The SSWS launched their Ethical rules for Swedish Spirits & Wine Suppliers Code during 2004
- Allied to this was the introduction of an appeals procedure and programme of monitoring of commercial communications

Future Plans

- A new Guideline is under construction in co-operation with the Swedish Brewers Association, the Swedish Spirits and Wine Suppliers, the Association of Swedish Advertisers, the Council on Market Ethics and the Swedish Consumer Agency which will be ready in spring 2005

UNITED KINGDOM

The Regulatory/Self-regulatory Environment

Alcohol advertising is permitted in all media within constraints on content. For broadcast advertising, recent changes mark a significant shift in the balance of the co-regulatory system, with operational responsibility passing from the government regulator Ofcom to the national SRO ASA, which already regulates non-broadcast advertising.

Overview of Alcoholic Marketing Regulations

- There is no general law prohibiting the advertising of alcohol, which may use all media subject to restrictions on content
- The statutory regulator for broadcast advertising, Ofcom, was recently formed from the merger of a number of different regulators
- It took the view that a self-regulatory approach to broadcast advertising regulation was better equipped to handle the changes in the market and a single point of contact for advertising issues was preferable to the existing fragmented system
- Television and radio advertising, which was formerly regulated by statutory authorities, has moved to a co-regulatory system with the industry self-regulatory body, the Advertising Standards Authority. It now deals with broadcast and non-broadcast issues in advertising
- There is mandatory pre-clearance of advertising before broadcast
- In the non-broadcast media, statutory regulation is limited to the general legislative framework within which the self-regulatory system plays an important role
- Labelling and below-the-line promotion of alcoholic drinks is controlled through a self-regulating scheme run by The Portman Group

Statutory Authorities

- **Ofcom** (Office of Communications) is the statutory regulator for the UK communications industries, with responsibilities across television, radio, telecommunications and wireless communications services. One of its duties is to apply adequate protection for audiences against offensive or harmful material
- Ofcom was set up by the Communications Act 2003 and is the combination of five previous regulators: ITC, Radio Authority, Radiocommunications Agency, BSC and Oftel
- The Communications Act 2003 placed a duty on Ofcom, in reviewing its functions to have regard to the extent to which its duties were likely to be furthered or secured by effective self-regulation
- It took the view that a self-regulatory approach to broadcast advertising regulation may be better equipped to handle the growing issues of convergence raised by the growth of digital communications than the existing statutory system
- It also believed that a single point of contact for consumers for advertising issues across all media might serve the public better than the existing fragmented approach to advertising regulation
- Ofcom investigated the possibility of contracting out its broadcast advertising regulatory functions to a self-regulator in a co-regulatory partnership, and encouraged a proposal from the advertising

and broadcasting industries for a new self-regulatory approach for television and radio advertising regulation

- Under this proposal, a new body would have responsibility for drawing up, reviewing and enforcing a television and radio advertising code. Ofcom would retain back-stop powers over the new system, and would monitor its effectiveness
- Parliament subsequently agreed with this proposal and so from November 2004 complaints about advertising on television and radio are dealt with by the Advertising Standards Authority rather than Ofcom
- Ofcom contracted out the regulation of broadcast advertising content on television and radio to new co-regulatory bodies. The ASA now operates a “one stop shop” for the self-regulation of advertising content across all media in a co-regulatory partnership with Ofcom
- Behind the ‘one-stop’ shop front of the new ASA, three new bodies deal with broadcast advertising.
 - A complaints adjudications body **ASA (B)** (Advertising Standards Authority Broadcast Ltd)
 - Receiving and resolving complaints about broadcast advertising will be the responsibility of ASA (B)
 - Viewers and listeners will send their complaints to it and any received by Ofcom will also be passed directly to ASA (B), even if the person concerned asks Ofcom to deal with it
 - A code body **BCAP** (Broadcast Committee of Advertising Practice Ltd)
 - A Committee of representatives from across the broadcasting and advertising industry responsible for standards in broadcast advertising content
 - BCAP has taken over Ofcom’s existing Codes on advertising content and is responsible for setting, reviewing and revising them as necessary
 - Code changes proposed by BCAP must be agreed by Ofcom and, as Ofcom retains all its legal powers it is ultimately able to insist on Code changes, although it would not normally seek to do so
 - BCAP will also conduct research and co-ordinate the action required to ensure compliance with the advertising codes, for example, by monitoring broadcast advertisements and teleshopping services
 - Copy Clearance for specific advertisements remains the responsibility of the Broadcast Advertising Clearance Centre (BACC), the Radio Advertising Clearance Centre (RACC), or the British Television Shopping Association (BTSA). However, BCAP will give advice, information, training and support on matters relating to broadcast advertising self-regulation to broadcast licensees and the advertising industry
 - A funding body **Basbof** (Broadcast Advertising Standards Board of Finance Ltd)
 - The new broadcast advertising self-regulatory system is funded via a voluntary levy on broadcast advertising collected via a newly incorporated company, Basbof
- In addition to the regulation of standards in broadcast advertising spots, ASA (B)/BCAP has taken over responsibility for teleshopping and other non-spot advertising content, any broadcast output involving a transactional element that Ofcom has determined is subject to Advertising Code provisions and advertising content on broadcast interactive services which fall within the scope of Ofcom’s Guidance to Broadcasters on the Regulation of Interactive Television Services
- Ofcom retains responsibility for the ITC Code of Programme Sponsorship and for the Sponsorship elements of the Radio Advertising and Sponsorship Code
- The **Office of Fair Trading** (OFT) is responsible inter alia for the enforcement of the Control of Misleading Advertisements (Amendment) regulations in non-broadcast media
- **Trading Standards Departments** operating within local government are responsible for the enforcement of a wide range of consumer protection legislation including The Trade Description Act and Consumer Protection Act

- Departments co-operate through the Local Authorities Co-ordinating Body on Food and Trading Standards (LACOTS)

Statutory Controls on Alcohol

- There is no specific legislation on alcohol advertising in the United Kingdom
- **The Broadcasting Act** (1990 & 1996) implemented the Broadcasting Without Frontiers Directive
- The **Control of Misleading Advertisements (Amendment) Regulations** (2000) permit the Director General of Fair Trading to take action against misleading non-broadcast advertising and confirm the powers of the broadcasting regulators to remove misleading advertisements from transmission
- Ofcom took over the responsibilities of the former Independent Television Commission (ITC) in December 2003 under the **Communications Act** (2003) which encouraged it towards contracting-out functions to a co-regulatory partnership with effective self-regulation

Framework of Self-regulation

- Self-regulation is provided by a number of different bodies
- The Advertising Standards Authority (ASA) is the independent body set up by the advertising industry to police the rules laid down in advertising codes
- Previously responsible for standards in non-broadcast media only, in November 2004 the ASA assumed powers in respect of television and radio advertisements, in a co-regulatory partnership with the statutory regulator, Ofcom
- The 2003 Communications Act placed a duty on Ofcom to have regard to the extent to which its duties were likely to be furthered or secured by effective self-regulation
- It took the view that a self-regulatory approach to broadcast advertising regulation may be better equipped to handle the growing issues of convergence raised by the growth of digital communications and that a single point of contact for advertising issues across all media would be better than the existing fragmented approach to advertising regulation
- Ofcom contracted out the regulation of broadcast advertising content on television and radio to new self-regulatory bodies alongside the ASA
- A complaints adjudications body ASA (Broadcast) receives and resolves complaints about broadcast advertising
- A code body BCAP (Broadcast Committee of Advertising Practice), made up of representatives from across the broadcasting and advertising industry, has taken over Ofcom's existing Codes on advertising content and is responsible for setting, reviewing and revising them as necessary
- Proposed changes to the Codes must be agreed by Ofcom
- The Codes, which were arrived at after extensive consultations, address most of the provisions detailed in the questionnaire explicitly or implicitly for the areas of commercial communication it is responsible for
- The rules relating to alcohol advertising were revised for implementation from 2005 with the intention of reducing the appeal of alcohol advertising to children and young teenagers, reduce the sexual content of some alcohol advertising and ensuring that advertising doesn't encourage or condone anti-social behaviour or excessive or binge drinking
- The ASA offers pre-launch copy advice for print, cinema, outdoor, electronic media and promotions and direct marketing but not for radio and television which is the responsibility of the

Broadcast Advertising Clearance Centre (BACC), the Radio Advertising Clearance Centre (RACC), or the British Television Shopping Association (BTSA)

- Pre-clearance of radio and television advertising for alcoholic products is mandatory but is given by the BACC and the RACC
- The ASA offers a complaints procedure which can be appealed if additional relevant evidence becomes available or a there was substantial flaw in the Council's adjudication or in the process
- Its decisions are fully publicised
- The UK's leading drinks producers set up the Portman Group whose responsibilities includes a Code of Practice which regulates industry standards in the naming, packaging and 'below the line' promotion of alcoholic drinks
- The result of extensive consultations, its specific nature means that it does not match some of the provisions detailed in the questionnaire
- Non-binding copy advice is available from the Portman Group in relation to its specific sphere of competence but not pre-clearance
- There is a complaints procedure for the Code but no appeal from its decisions, which are publicised
- The brewing industry trade association, the British Beer and Pub Association, has published Point of Sale Promotions – A Good Practice Guide for Pub Owners & Licensees. New Standards will be published in 2005
- This is not strictly self-regulation. It is not a formal code and there is no complaints procedure. It sets out guidance for an area that has recently attracted considerable interest from the authorities

Questionnaire on Codes for Commercial Communications

Respondents

Responses to the Codes for Commercial Communications questionnaire were received from the following organisations:

National Body	Code of Commercial Communications
ASA The Advertising Standards Authority Limited	British Code of Advertising, Sales Promotion and Direct Marketing BCAP Radio Advertising Standards Code BCAP Television Advertising Standards Code
BBPA British Beer and Pub Association	Point of Sale Promotions – A Good Practice Guide for Pub Owners and Licensees
GVA The Gin and Vodka Association of Great Britain	None
The Portman Group	Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks

ASA

- The Advertising Standards Authority (ASA) is the independent body set up by the advertising industry to police the rules laid down in advertising codes
- It has the support and commitment of the advertising industry through the Committee of Advertising Practice (CAP) which comprises representatives of broadcasters licensed by Ofcom, advertisers, agencies, direct marketers and interactive marketers
- The ASA became a 'one-stop shop' for advertising in November 2004
- Previously responsible for standards in non-broadcast media only, the ASA assumed powers in respect of television and radio advertisements, under contract from the communications regulator Ofcom
- The ASA system works in a co-regulatory partnership with Ofcom
- Since commercial television began in 1955, broadcast advertisements have been subject to statutory standards codes. The changes involve day-to-day responsibility for the television and radio advertising Codes being contracted out to the Broadcast Committee of Advertising Practice (BCAP or CAP (Broadcast))
- Ofcom's licensees, the commercial television channels and radio stations, must continue to observe the Codes but, if advertisements mislead or cause harm or distress, the matter will be dealt with first by the ASA, and not Ofcom

- The current television and radio advertising Codes will now be the responsibility of CAP (Broadcast) to maintain. Any changes will have to be supported by evidence, subject to public consultation, and would have to be approved by Ofcom
- In addition, a new independent Advertising Advisory Committee (AAC) will advise CAP (Broadcast) on the Codes
- Ofcom regulates only television and radio. It does not regulate non-broadcast media
- For this reason, Ofcom's contractual relationship is with the separate legal entities ASA (Broadcast) and CAP (Broadcast)
- The non-broadcast ASA and CAP remain quite independent of any relationship with Ofcom
- Television channels and radio stations will have a continuing responsibility to 'clear' the ads they run prior to transmission. The clearance centres, BACC and RACC, will continue to do most of this pre-clearance work
- The ASA and CAP Copy Advice, operating in non-broadcast media, will liaise with the clearance centres so that consistency can be achieved across media

British Beer and Pub Association

- Representing the brewing and pub sector, its aims are to:
 - Promote sensible/responsible drinking
 - Promote the social and commercial positives associated with brewing and pubs
 - Represent/defend the sector before Government and government bodies in the UK and EU
 - Protect the commercial freedom of members
- It has close connections with other hospitality and leisure industry groups and provides information and services to members on legislative and regulatory developments relevant to the sector
- The Association issued the Point of Sale Promotions – A Good Practice Guide for Pub Owners & Licensees

The Portman Group

- The Portman Group was set up in 1989 by the UK's leading drinks producers which together supply the majority of the alcohol sold in the UK
- It is funded by a group of companies for whom it speaks on social aspects of alcohol but does not represent any drinks company, or other part of the trade, on any other matter
- Underpinning its actions is the belief that:
 - The consumption of alcohol in moderation is compatible with a healthy lifestyle
 - Effective alcohol policy balances legislation, self-regulation and personal responsibility
 - Targeted measures are more effective than blanket controls in a society where alcohol misuse is a minority problem
 - Education is the best form of prevention
 - Enlightened self-interest/corporate social responsibility is positively good for business
 - The drinks industry has a legitimate and important role to play in combating alcohol misuse
- In addition to its members, the Portman Group has over 125 signatories to its Code of Practice, which encourages responsible marketing by the drinks industry
- The Portman Group's Code of Practice regulates industry standards in the naming, packaging and 'below the line' promotion of alcoholic drinks

- First adopted in 1996, it was last reviewed in 2002. There are no plans to undertake a further review in the near future
- The Code complements and is consistent with a number of other Codes governing the advertising and marketing of alcoholic drinks in the UK

The Gin and Vodka Association of Great Britain

The Association did not complete the Survey because they are working on a Code which is still in draft form and no more information could be given at this time

Other Organisations

Broadcast Advertising Clearance Centre (BACC)

- In order to fulfill the conditions of their licences, as well as providing a service to advertisers and advertising agencies, most broadcasters contribute to running the Broadcast Advertising Clearance Centre (BACC) which was set up in 1993 under its present title
- A specialist body, the BACC is responsible for the pre-transmission examination and clearance of finished television advertisements
- With the exception of a minority of local advertisements, which may be cleared by the broadcaster concerned, all finished advertisements appearing on BACC member stations must be viewed and given clearance by BACC prior to transmission
- Although the submission of pre-production scripts is not compulsory, the great majority of advertisers and agencies avail themselves of this service. Consequently it is unusual for a finished commercial to be rejected when it is viewed by BACC and only a small proportion require some amendment before being cleared for transmission
- Ofcom grants licences to broadcasters; it is a condition of these licences that the broadcasters ensure that all the advertising which they transmit complies with the Code and that it has procedures in place to enable them to do so
- Should a broadcaster fail to have adequate procedures to pre-vet advertising, Ofcom is empowered to impose sanctions, including financial penalties and, in extreme cases, the curtailment and eventual rescinding of the broadcaster's licence
- The BACC provides advice on pre-production scripts through two teams
- The broadcasters exercise professional control over the activities of the BACC through the Copy Committee, which consists of senior representatives from television companies
- This Committee directs policy and offers guidance on contentious advertisements particularly where a resolution cannot be reached in the normal course of discussion
- BACC routinely requires substantiation to be provided in support of claims in advertisements and this substantiation is referred, where appropriate, to one of the specialist consultants retained by the BACC
- BACC also publishes extensive Notes of Guidance which expand and clarify the rules contained in the Code
- The court of appeal for agencies is the Copy Committee
- Broadcasters do not have to accept a BACC-approved advertisement/campaign, the ultimate decision to accept any advertiser or to broadcast any campaign lies with the television broadcaster itself
- The BACC does not monitor advertisements because they are pre-cleared

Radio Advertising Clearance Centre (RACC)

- The RACC is commercial radio's advertising body funded by commercial radio stations who pay quarterly copy clearance fees
- It is administered by the industry trade association, the Commercial Radio Companies Association (CRCA)
- The RACC was set up in 1996 in response to the commercial radio industry's wish to establish its own advertising clearance body
- The industry required a script clearance service which was medium-specific, responsive to radio's special characteristics while maintaining high standards of consumer protection
- The objectives of the RACC are to:
 - Clear radio advertisement scripts carefully and consistently
 - Get radio advertising on-air swiftly within the Code rules
 - Give useful but firm advice to RACC users
 - Explain why a script breaches the Advertising Code and advise how that script could be amended to bring it within the Code rules
 - Conduct open debates on RACC script clearance decisions and policies
 - Keep RACC users informed of Advertising Code, legislative and regulatory matters which affect radio copy
- From November 2004, following the contracting out of broadcasting media advertising regulation by Ofcom to the ASA, radio advertising is self-regulated (within a co-regulatory partnership with Ofcom) for the first time
- The Radio Industry's Advertising Code of Practice has been transferred from Ofcom to BCAP and is known as the CAP (Broadcast) Radio Advertising Standards Code
- A new body, the Broadcast Committee of Advertising Practice or BCAP, on which radio broadcasters and advertisers, the CRCA and the RACC sit, now 'own' the Code and will review and amend its rules periodically
- The RACC also provides a set of Radio Copy Guidelines. They are not additional rules but a reference source containing basic reminders for all personnel who 'clear', produce or write radio copy
- The RACC is responsible for clearing "special category" and national advertisements under its rules. Local commercials are cleared by the radio station although the RACC will clear these when requested
- 'Special category' advertisements must be cleared centrally by the RACC, whether for local, regional or national broadcast, and includes any advertisement for alcoholic drinks
- The RACC examines pre-production scripts for compliance with the Code
- In the event of non-compliance it is discussed with the advertising agency involved and upon agreement a revised script is approved
- The RACC does not monitor because of pre-vetting

Setting Up and Basic Principles of the Code

Creation of the Code

Stakeholders consulted during the formulation and creation of the Code

	ASA	BBPA	Portman Group
Consumer organisations	Y	N	Y
NGO's	Y	Y	Y
Professional organisations	Y	N	Y
Government departments	Y	N	Y
Others	N	Y	N

ASA

- All stakeholders were consulted in the formulation of the Codes
- Professional organisation involved included the Advertising Association, Broadcast Advertising Clearance Centre and the Radio Advertising Clearance Centre
- Government departments involved were The Department of Health, Department for Trade and Industry and the Home Office

British Beer and Pub Association

- The Guidance originates from 2001 and incorporates elements from the ASA British Codes of Advertising and Sales Promotion and the Portman Group Code of Practice on the Naming, Packaging and Merchandising of Alcoholic Drinks
- The Guidelines are currently being reviewed to expand on the responsibilities of staff, publicans and companies specific to point of sale promotions

The Portman Group

- There were extensive consultations with stakeholders during the formulation of the Portman Code of Practice
- Consumer organisations involved included the Consumers Association and the Advertising Standards Authority while the NGO's, Alcohol Concern and Alcohol Focus Scotland, were also consulted
- All the drinks associations contributed, including the British Beer and Pub Association, Wine and Spirit Association, and Scotch Whisky Association
- The Department of Health and the Home Office were also consulted

Coverage of the Code

Product types covered by the Code

	ASA	BBPA	Portman Group
Beer	Y	Y	Y
Wine	Y	Y	Y
Spirits	Y	Y	Y
Cider	Y	Y	Y
Flavoured Alcoholic Beverages	Y	Y	Y

ASA

- The Codes cover all alcoholic beverages with the following qualifications:

CAP

- The main provisions apply to drinks with over 1.2% alcohol
- Low alcohol drinks are defined as having between 0.5% and 1.2% alcohol and for these ads advertising must not encourage irresponsible consumption or depict activities that require complete sobriety

TV

- Advertisements for drinks with 1.2% alcohol or less are exempt from provisions prohibiting:
 - The suggestion that an alcoholic drink is to be preferred because of its alcoholic content
 - Showing, implying or encouraging immoderate drinking
 - Publicising sales promotions entailing multiple purchases

Radio

- There are no exceptions

British Beer and Pub Association

- The guidance covers all alcoholic drinks regardless of strength

The Portman Group

- The Code covers all alcoholic drinks with an abv over 0.5%

Brand advertising/marketing communications media covered by the Code

	ASA	BBPA	Portman Group
Print	Y	Y	Y*
Broadcast media	Y	N	N
Cinema	Y	N	N
Outdoor	Y	N	N
Labelling (including product names)	Y	Y	Y
Naming & Packaging	N	Y	Y
Internet	N ¹	N	Y
<i>and including</i>			
Promotion	Y	Y	Y
Merchandising	N	Y	Y
Point of sale material	N	Y	Y
Sponsorship	Y ²	N	Y
Electronic media	Y ³	N	Y
Communications to on & off trade	Y ³	N	Y
Product placement	N	Y	N
Direct marketing	Y	Y	N
Other	Y	N	Y

¹ Banners, pop-ups and sales promotions are covered

² Radio only

³ Only if it is a marketing communication

* Point of sale material only

ASA

- Most commercial communication channels are covered by the ASA although merchandising and promotions are not, but these areas are addressed by other bodies
- Sponsorships are only covered by the Radio Code
- Electronic media and communications to the on and off trade are addressed only for marketing communications
- The internet in general is not covered but pop-ups, banners and sales promotions are
- In addition to the channels listed, the ASA covers video commercials and viewdata services

British Beer and Pub Association

- The Guidance deals with point of sale occasions but also includes references to British Codes of Advertising and Sales Promotion and the Portman Group Code of Practice

The Portman Group

- The Code addresses the naming, packaging and promotional material for alcoholic drinks
- In addition to those listed, the Code includes sampling, press releases, branded merchandise and advertorials
- Educational materials are exempt
- The media not covered are generally excluded because they are regulated by other bodies

Other activities covered by the Code

	ASA	BBPA	Portman Group
Non-advertising materials and activities	N	N	N
Statements to the media, government agencies or the public about issues of societal concern such as the risks or benefits related to the consumption of the product(s)	Y	Y	Y
Educational messages about responsible drinking or the role of alcohol consumption in society	Y	Y	N

ASA

- The Codes cover only advertisements and other marketing communications and not non-advertising materials and activities
- Statements to the media, government agencies or the public about issues of societal concern are only covered if they are in an advertisement, covering such aspects as health claims
- Educational messages are again only addressed if they are in an advertisement

British Beer and Pub Association

- Because the Guidance deals only with items which would apply in practice in public houses non-advertising materials are not covered
- Concerns regarding over consumption, anti-social behaviour and common standards of decency are addressed by the Guidance as is the educational message to drink responsibility

The Portman Group

- The Code does not cover non-marketing materials and activities
- Press releases to promote a brand are included but unbranded corporate press releases (such as financial reports) are not
- Educational messages are not covered by the Code as they might be required for activity aimed at minors

Provisions of the Code

General Provisions

Basic principles included in the Code

	ASA	BBPA	Portman Group
Be legal, decent, honest and truthful and conform to generally accepted principles of fair competition and good business practice	Y	Y	N
Be prepared with a due sense of social responsibility and be based on principles of fairness and good faith	Y	Y	N
Under no circumstances be unethical, offend against generally prevailing standards of taste and decency or otherwise impugn human dignity and integrity	Y	Y	N
Other	Y	Y	N

ASA

- The second of the listed principles is covered to the extent of social responsibility and fairness
- In addition to these basic principles, the ASA Codes require that advertising must not mislead directly or by implication and also must not bring advertising into disrepute

British Beer and Pub Association

- There is the additional requirement that the principles should be applied in both in the spirit of and the letter of the Guidance

The Portman Group

- The Code states that it seeks to ensure that alcohol is promoted in a socially responsible manner and only to those over 18
- The Code does not cover taste and decency issues
- Not showing people who appear to be intoxicated or imply that intoxication is acceptable is not included in the Code but there is a provision not to encourage illegal, irresponsible or immoderate consumption, such as binge-drinking, drunkenness or drink-driving

Specific Provisions

Misuse

	ASA	BBPA	Portman Group
Commercial communications should not encourage excessive or irresponsible consumption, nor present abstinence or moderation in a negative way	Y	Y	Y ¹
Commercial communications should not suggest an association with violent, aggressive, dangerous or anti-social behaviour	Y	Y	Y
Commercial communications should not show people who appear to be intoxicated or in any way imply that intoxication is acceptable	Y	Y	Y ¹
Other	Y	N	Y

¹ Partial

ASA

- A number of additional provisions, assessed as referring to misuse but which also appear under other headings, are incorporated into the Codes
- Advertising for alcoholic beverages must not:
 - Imply drinking is essential to social success or acceptance or that refusal is a sign of weakness
 - Suggest alcohol can contribute to sexual success or attractiveness, masculinity, femininity or sporting achievements
 - Suggest regular solitary drinking is acceptable or that drinking can overcome problems
 - Suggest alcohol has therapeutic qualities or nutritive properties
 - Link the product with illicit drugs, the operation of dangerous machinery, behaviour or places that would be dangerous after consuming alcohol or with driving
 - Suggest a beverage is to be preferred because of its higher alcohol content
 - Exploit the young, immature or mentally or socially vulnerable

British Beer and Pub Association

- Each of the provisions are adapted to the specifics within the Guidance and annex relate to point of sale

The Portman Group

- The Code includes the provision that communications should not encourage excessive or irresponsible consumption but does not include the prohibition on presenting abstinence in a negative way
- It also prohibits any association with illicit drugs

Minors

	ASA	BBPA	Portman Group
Commercial communications should not be aimed at minors or show minors consuming the product	Y	Y	Y
Commercial communications should not promote the product in media, programmes or at events where the majority of the audience are known to be minors	Y	Y	Y
Other	Y	N	N

- The legal age under national law for purchase is 18 years

ASA

- A range of additional provisions relating to minors appear in the different Codes

CAP

- Activity for alcoholic beverages is not permitted if more than 25% of the audience are known to be under 18
- People shown drinking should not be, or look, under 25
- If younger models are shown in social family situations it must be clear they are not drinking
- Must not feature real or fictitious characters likely to appeal particularly to under 18's in a way that might encourage them to drink

Radio

- Advertising for alcoholic beverages must not be broadcast in or around programming aimed particularly at under 18's
- Not use treatments likely to appeal to under 18's
- Voiceovers should sound at least 25 years old
- There should be no children's voices

TV

- Advertising for alcoholic drinks must not appeal particularly to people under 18
- Specifically, anyone associated with drinking must be, and must look, at least 25 years old or 18 years old if the product has less than 1.2% alcohol
- Advertisements must not include personalities whose example people under 18 are likely to follow or who have a particular appeal to them
- Children must not be seen or heard

British Beer and Pub Association

- It is an offence to serve young people below the legal age. The Guidance states that promotions must comply with the advertising and Portman Group Codes which cover this aspect. Staff training is essential

The Portman Group

- The Code requires that activity must not have a particular appeal to the under 18's or incorporate images of people who are, or look as if they are under 25
- In relation to sponsorships, producers and distributors should not engage in sponsorships where those under 18 comprise more than 25% of the participants, audiences or spectators. There is no audience restriction, however, in relation to the other activities

Driving

	ASA	BBPA	Portman Group
Commercial communications should not directly or indirectly associate consumption with the act of driving vehicles of any kind	Y	N	Y

ASA

- Advertising must not associate consumption with driving

British Beer and Pub Association

- It is not relevant to the category of activity covered by this Guidance
- Other campaign material exists and are supported by BBPA to address this area

The Portman Group

- A drink, packaging and any promotional material must not encourage illegal, irresponsible or immoderate consumption, such as binge-drinking, drunkenness or drink driving

Hazardous activities

	ASA	BBPA	Portman Group
Commercial communications should not associate consumption with the operation of potentially dangerous machinery or with the performance of potentially hazardous activities, or portray the act of consumption prior to or during activities, or in locations that are potentially hazardous (It should be borne in mind that those activities that might not otherwise be considered hazardous e.g. swimming or using simple hand tools, may be inadvisable after consuming an alcoholic beverage)	Y	N	N

ASA

- The provision about hazardous activities is included in the Codes but there are additional conditions for CAP and radio

CAP

- There should be no activity related to water or heights or any other occupation requiring concentration to be done safely

Radio

- There is an exception for drink driving messages

British Beer and Pub Association

- It is not relevant to the category of activity covered by this Guidance

The Portman Group

- There is no specific reference to hazardous activities

Medical aspects

	ASA	BBPA	Portman Group
Commercial communications must not attribute the property of preventing, treating or curing a human disease or refer to such properties	Y	N	N
Commercial communications on health aspects of the product are allowed to the extent specifically permitted by the law of the country where the communication is made. This includes reference to government-issued sensible drinking guidelines or limits	N	N	N

ASA

- All of the Codes have a general rule prohibiting medicinal claims in relation to products unauthorised by the MHRA
- They also prohibit encouraging excessive consumption of alcohol

CAP

- Marketing communications should not suggest that any alcoholic drink has therapeutic qualities or can enhance mental or physical capabilities

Radio

- Advertisements must not offer alcohol as therapeutic, or as a stimulant, sedative, tranquiliser or source of nourishment / goodness

Television

- Nutrition claims must be supported by sound scientific evidence and must not give a misleading impression of the nutritional or health benefits of the product as a whole

British Beer and Pub Association

- It is not relevant to the category of activity covered by this Guidance

The Portman Group

- Neither of the medical provisions are included in the Code but medicinal claims would be illegal (the Code does not disallow any suggestion that the product can enhance mental or physical capabilities)

Alcohol content	ASA	BBPA	Portman Group
Commercial communications should not create any confusion as to the nature and strength of the product	N	Y	Y
Commercial communications should not present high alcoholic strength in itself as a positive quality of the brand or as a reason for choosing it. On the other hand, messages may not imply that consuming beverages of low alcohol content will avoid misuse (this prohibition does not apply to commercial communications for non-alcoholic beverages)	Y	Y	Y

ASA

- The provision relating to causing confusion about the nature and strength of a product is not covered directly but is addressed by general misleading and irresponsibility clauses

British Beer and Pub Association

- Both alcohol provisions are incorporated

The Portman Group

- The Code requires that the alcoholic nature of a drink should be communicated on its packaging with absolute clarity
- Also a drink, its packaging and any promotional material or activity should not have the alcoholic strength, relatively high alcohol content, or the intoxicating effect, as a dominant theme

Performance	ASA	BBPA	Portman Group
Commercial communications should not create the impression that consumption enhances mental ability or physical performance, e.g. when engaging in sports	Y	Y	Y
Commercial communications should not create the impression that consumption enhances social or sexual success	Y	Y	Y
Other	N	Y	N

ASA

- Both performance provisions are covered

British Beer and Pub Association

- The Guidance additionally requires that the material should not suggest popularity, social success, masculinity or femininity

The Portman Group

- The Code covers both provisions. It should not suggest that the product can enhance mental or physical capabilities and suggest any association with sexual success

Promotions & Sampling (<i>including tasting</i>)	ASA	BBPA	Portman Group
No promotion should encourage irresponsible or anti-social behaviour or alcohol misuse, in particular excessive consumption	N	Y	Y
Sampling is allowed at licensed or private premises, trade fairs or occasions in accordance with local regulations. No sampling of the product should be offered to minors	N	N	N

ASA

- Neither of these provisions is directly covered by the Codes
- The first, relating to encouraging irresponsible behaviour or misuse, is not directly covered but is addressed by a general irresponsibility clause
- The sampling provision is outside the competence of the ASA
- The CAP code requires that particular care should be taken to ensure that marketing communications for sales promotions requiring multiple purchases do not actively encourage excessive consumption

British Beer and Pub Association

- The sampling provision is not included because the Guidance applies to purchasing rather than sampling occasions

The Portman Group

- Promotional material and sampling are covered by the Code but there are not the explicit statements about the particular occasions detailed in the questionnaire

Other provisions	ASA	BBPA	Portman Group
Other provisions	N	Y	N

ASA

- No additional provisions

British Beer and Pub Association

- The Guidance additionally includes provisions on promotion occasions linked directly to purchasing (such as happy hours and quantity incentives)

The Portman Group

- No additional provisions

Implementation of the Code and Other Principles

The Self-regulatory Body

Organisation	ASA	BBPA	Portman Group
Organisation is a self-regulatory body	Y	N	Y

ASA

- The ASA is the central self-regulatory agency for above and below the line advertising

British Beer and Pub Association

- The aim is to encourage the police and local authorities to use the Guidance to ensure promotions in their area follow responsible guidelines but the BBPA is not a self-regulatory body as such

The Portman Group

- The Portman Group is a self-regulatory body

Promotion of the Code	ASA	BBPA	Portman Group
Programme or initiatives to make consumers aware of the Code and the complaints mechanism	Y	Y	Y
Code promoted to:			
Public authorities	Y	Y	Y
Consumer organisations	Y	Y	Y
Staff in bars/restaurants/shops etc	N	Y	Y
Others	Y	Y	N

ASA

- The ASA has a comprehensive programme to make consumers aware of the Codes and complaints mechanism through its communications team which is responsible for press releases, the website, organising public forums around the country, producing leaflets and implementing donated space ad campaigns etc
- It is promoted to central government, local government and quangos through a programme of consultations, meetings, press releases and the ASA website, which gives comprehensive details of everything it does
- Quarterly or occasional meetings are held with all the main consumer organisations, including the Consumer Association, when there is a two-way update on activities and policies. Other activity includes press releases, consultations and the organisations are also sent copies of the Codes whenever they are amended, as well as new guidelines
- Staff in bars etc do not necessarily have to be a particular target for promoting awareness of the advertising Codes, however they would be addressed by promotion to the trade and generally to the public
- The ASA keep the trade press (Marketing Week, Marketing, Campaign etc) up to date on the Codes through press releases, meetings, interviews and website material. Journalists may access its adjudications two days before the embargo date
- Through the ASA website the public can sign up to receive its weekly adjudications and be sent press releases and other updates on ASA activities
- There are also consumer conferences that enable the public to learn more about advertising regulation

British Beer and Pub Association

- Media opportunities are taken as necessary to make consumers aware of the Guidance allied to proactive media promotions
- Consumers are encouraged to make complaints direct to publicans breaking the Guidance, pubco owners, local authorities and the police. There is not a formal complaints procedure and none is planned
- The Guidance is promoted to the police, local authorities and government departments (the Home Office and DCMS) through direct contact
- Direct contact is also employed with consumer organisations such as Alcohol Concern
- It is promoted to staff in outlets through the owners of those premises with the main target the on licensed sector but it is shared with off licences
- Additionally, the Guidance is promoted to government departments indirectly connected to the issue and the media through direct contacts

Portman Group

- Besides press releases on complaint decisions, the Portman Group has a leaflet that is distributed to the public on request
- The Code is promoted to Trading Standards, the police and government departments and press releases are issued to an extensive mailing list of organisations
- Over 125 drinks companies have signed up to the Code and are kept informed of developments

Training and Information

	ASA	BBPA	Portman Group
Training and information offered to marketers and advertisers	Y	N	Y
Information and training offered by other bodies		Y	

ASA

- The ASA offers presentations, general advice and specific copy advice to marketers and advertisers
- They can also access the ASA website which offers advice online with guides and help notes, a good advertising checklist, newsletter, press releases and news and events that will affect them
- All this activity is free to anyone (subject to the ASA's agreement to give it)

British Beer and Pub Association

- Training is not offered by the BBPA as companies have their own training programmes for managed and tenanted properties
- The BII and BHA also run training courses

The Portman Group

- Besides information on the Code, interactive presentations are offered to marketers and advertisers
- The training is available to anyone without charge

Pre-launch Services Offered

Copy advice offered for the following media:

	ASA	BBPA	Portman Group
Print	Y	N	Y ²
Broadcast media	N	N	N
Cinema	Y	N	N
Outdoor	Y	N	N
Labelling (including product names)	N	N	Y
Naming & Packaging	N	N	Y
Internet	Y ¹	N	Y
<i>and includes:</i>			
Promotion	Y	N	Y
Merchandising	N	N	Y
Point of sale material	N	N	Y
Sponsorship	N	N	Y
Electronic media	Y	N	Y
Communications to on & off trade	N	N	Y
Product placement	N	N	N
Direct marketing	Y	N	N
Other	N	N	Y

¹Pop ups, banners and promotions only

² Point of sale material only

ASA

- The ASA offers pre-launch copy advice for print, cinema, outdoor, electronic media and promotions and direct marketing. The internet is covered only for pop-ups, banner and promotions
- Advice on television advertising is given by the BACC while the RACC gives it for radio advertising

British Beer and Pub Association

- The BBPA does not provide copy advice. Anyone with concerns or queries is referred to the Portman Group who do offer advice

The Portman Group

- Pre-launch copy advice is offered on all aspects of commercial communications covered by the Code

Form of copy advice

	ASA	Portman Group
Copy advice offered is:		
Non-binding	Y	Y
Free	Y	Y
Available to all parties	Y	Y
Available to all media groups	Y	Y
Clearance implies future complaints are unlikely to be upheld	N	N

ASA

- The copy advice given by the ASA is not binding and does not mean that future complaints about the advertisement will not be upheld
- The advice is free and available to all parties (the ASA does not have members)
- Provided by a copy advice team of six people, it is normally given within 24 hours

British Beer and Pub Association

- The BBPA does not provide copy advice

The Portman Group

- Copy advice is offered without charge to anyone and is provided within 5 working days, although this is normally reduced to 2-3 days
- Clearance at this stage 'hopefully' implies that future complaints are unlikely to be upheld but does not guarantee this

Pre-clearance is a pre-condition for:

	ASA	BBPA	Portman Group
Print	N ¹	N	N
Broadcast media	Y ²	N	N
Cinema	Y ³	N	N
Outdoor events	N ^o	N	N
Labelling (including product names)	N	N	N
Naming & Packaging	N	N	N
Internet	N	N	N
and includes:			
Promotion	N	N	N
Merchandising	N	N	N
Point of sale material	N	N	N
Sponsorship	N	N	N
Electronic media	N	N	N
Communications to on & off trade	N	N	N
Product placement	N	N	N
Direct marketing	N	N	N
Other	Y	N	N
Clearance implies future complaints are unlikely to be upheld	N	N	N

¹ Except for repeat 'offenders'.

² Given by BACC/RACC not ASA

³ Given by CAA

^o Only if requested by the poster industry

ASA

- Pre-clearance of print advertisements is not normally required but will be from 'repeat offenders' when it is given by the CAP Copy Advice Team
- Pre-clearance of radio and television advertising is required but is given by the BACC and the RACC (Broadcast / Radio Advertising Clearance Centres)
- Pre-clearance of cinema advertising is given by the CAA (Cinema Advertising Association)
- Posters do not normally require pre-clearance but may do so if the poster industry requires it for 'shock' advertisers when it is provided by the CAP Copy Advice Team
- Pre-clearance is not required for the remaining commercial communication channels
- Financial advertisements require clearance from the Financial Services Authority
- The CAP copy advice is free but is not necessarily binding on the ASA

British Beer and Pub Association

- The BBPA does not provide pre-clearance

The Portman Group

- The Portman Group does not provide pre-clearance and there are no plans to introduce such a scheme

Complaints

Complaints handling	ASA	BBPA	Portman Group
Organisation includes a Complaints Committee	Y	N	Y
Deals with complaints from all parties	Y		Y
Complaints are handled free	Y		Y
Handles complaints from only specific media	Y		Y

ASA

- The ASA handles complaints, for which there is no charge, from consumers and competitors, which can be made by e-mail via the website or by phone
- Made in the first instance to the ASA Complaints Reception team, they will acknowledge the complaint within five working days and explain the procedure

Options

- Complaints are logged and passed to one of the Complaints Teams, who take an initial decision on the complaint
- They may, for instance, have an advertisement changed if there is a minor mistake
- Alternatively, they may find a complaint:
 - NI (not investigated: e.g. complainant misunderstood ad...)
 - OR (outside remit)
 - NJ (not justified: a complaints report will be put before Council who may take a different view and upgrade the case to a formal investigation)
- If the case is more complicated or a serious breach of the Codes is involved, a formal investigation by an Investigations Team may be required
- The Complaints Team may refer the complaint to the Compliance Team to enforce an existing ASA adjudication
- Lastly, the Complaints Team may refer the complaint to another member of EASA
- The ASA's aim is to keep the complainant informed of progress of their complaint at regular intervals of fifteen working days (it publishes statistics on its performance and average time in responding to complaints)
- Investigations teams can use interpretation, refer to previous cases, request outside reports and expert opinions

Procedure

- The complaint may be informally resolved with the advertiser or may go to a formal investigation
- In this case the advertiser must submit evidence in writing
- The ASA Executive then writes a non-binding recommendation that goes to the ASA Council, with complainants and advertisers allowed to comment on its factual accuracy before it is sent
- Broadcasting and non-broadcasting complaints are heard by the ASA Broadcast Council and the ASA Non-Broadcast Council respectively
 - They are drawn from 15 members who sit on one or both of the Councils, under a Chairman who is a Queen's Council
 - Members include the Chief Executive of the Portman Group, CEO and Partner of a law firm, Chief Executive of Food from Britain, former CEO of the Pierre Smirnoff Company, the Head of Strategic Planning at Publicis Worldwide, a secondary school Head Teacher, a Director of London Weekend Television and an advertising industry expert
- The Council has an on-line facility to adjudicate cases on a weekly basis and meets face to face to discuss and vote on more contentious complaints
- If the Codes have been breached, the advertisement, promotion or direct marketing must be changed or withdrawn
- It does not handle complaints about outdoor events, merchandising and websites which are managed by other bodies

British Beer and Pub Association

- The BBPA is not a self-regulatory body so does not have a complaints committee

The Portman Group

- The Portman Group handles complaints without charge from consumers and competitors in relation to the activities and commercial communications channels it is responsible for
- Complaints are made in writing to The Complaints Officer
- The name of the complainant is kept confidential except in exceptional circumstances, when permission would first be sought
- Complaints from competitors, however, are dealt with on a named basis. The Portman Group may itself be a complainant, in which case it would be named
- The Code Secretariat informs the company which appears to be responsible, highlighting the section under which the complaint appears to fall and may also highlight any other section which may be relevant. They are given 14 working days to respond
- The Code Secretariat then prepares a 'dossier' of information for and against the complaint which is sent to both parties who both have up to 7 working days to make any additional comments
- If the complainant raises any further points, the dossier is amended to include them. The company is given an opportunity to respond which is incorporated into the dossier
- The final version is then sent to both the complainant and the company
- The Panel meets to consider the case after having an opportunity to study the dossier
- It has seven members under a Chair appointed by the Portman Group's Chief Executive. The Chair then appoints the other members who can not be employees of Group members
- The Panel is not bound to restrict its consideration to the narrow terms of the complaint but may consider it under any section it considers relevant, whether or not it relates to the specific complaint or has been highlighted in the dossier by the Code Secretariat

- The Panel may seek expert assistance at any stage. If required, their name and details of their opinion are given to the company which has 14 days to respond
- If the Panel does not find it to be in breach of the Code there is no appeal
- Even when the Panel decides that there has not been a breach, it may consider other complaints against the same product in the future, provided they are based on different grounds or relate to different packaging or promotional material or activity
- If the Panel decides that there has been a breach of the Code, the decision is provisional. The company is advised and, if it wishes to contest the provisional decision, it can make further written representations to support its case within 14 working days
- If a company does not challenge a provisional decision, that decision will become final
- The Panel will consider any additional representations from the company and will make a final decision and will not consider further representations from the company unless it presents fresh information which became available to it after the final decision

Appeals

Appeals handling	ASA	Portman Group
Organisation offers an appeal procedure	Y	N
Appeals permitted from both parties	Y	
Appeals are handled free	Y	

ASA

- A request for review may be made only when additional relevant evidence becomes available (an explanation of why it was not submitted before will be required) or a there was substantial flaw in the Council's adjudication or in the process by which that adjudication was made
- No review will proceed if the point at issue is the subject of simultaneous or contemplated legal action between anyone directly involved
- There is no charge to make an appeal and both sides have 21 days from the original adjudication to request a review
- Requests must come only from the complainant(s) or marketer/licensee
- Those from the marketer/licensee or from an industry complainant should be signed by the Chairman, Chief Executive or equivalent; requests made only by their solicitor or agency are not accepted
- All dealings with the Independent Reviewer must be in writing
- The Independent Reviewer, currently a former senior civil servant who evaluates the request with advice from two Assessors, receives the appeal and decides whether the Council should look again at the adjudication
- If the Independent Reviewer decides not to accept the request (in whole or in part) because he considers that it does not meet either of the two grounds permissible he will inform the person making the request
- If he decides to accept the request (in whole or in part) he will inform the other party that a request for review has been accepted and will invite their comments on the submission made by the party requesting the review
- At the conclusion of his investigation, he will make a recommendation to the ASA Council

- The Council's adjudication on reviewed cases is final
- The Independent Reviewer will inform all parties of the Council's decision
- Adjudications that are revised after a review will be published on the ASA website
- The decision takes immediate effect

British Beer and Pub Association

- The BBPA is not a self-regulatory body so does not have a complaints procedure

The Portman Group

- If the Panel does not find the packaging or promotion to be in breach of the Code the decision is final and there is no appeal

Monitoring

Compliance monitoring

	ASA	Portman Group
Monitors advertising on its own behalf	Y	N
Monitors:		
Selected media	Y	
Sample of advertisements	Y	
Monitors on its own initiative with the ability to react without a complaint being made	Y	Y

ASA

- The Code Policy & Monitoring Team undertakes spot monitoring of all media within the ASA and CAP's remit, including teleshopping
- A random sample is taken daily with a target number for each media
- The ASA undertakes monitoring on its own initiative where it has the ability to react without a complaint being made
- It has reacted in this manner about 4,000 times over the past three years and in all instances the advertisers have agreed to change their advertisements

British Beer and Pub Association

- Not applicable

The Portman Group

- Only informal monitoring through reading of activity in the trade press and field visits etc is undertaken
- There is the ability to refer complaints on its own behalf to the Independent Complaints Panel, but this occurs rarely and has not happened during the last three years

Sanctions

Sanctions available to the Complaints Committee

	ASA	Portman Group
Decisions of the complaints committee/self-regulatory body publicised	Y	Y
Ability to impose additional sanctions if a company rejects the decision of the self-regulatory body/complaints committee	Y	Y
Compliance of committee decisions monitored	Y	Y

ASA

- The ASA's adjudications are published weekly on its website and are made available to the media. Advertisers and complainants are told in advance when the case will be published on the site
- The ASA is able to order the advertisement to be suspended or modified, publicise the decision, issue an Ad alert to consumers, give a formal warning, report its decision to the trade body/government department etc, require the company to reimburse consumers, refer it to the statutory regulator, give a formal reprimand or impose a requirement for the advertiser to obtain mandatory copy clearance for up to two years
- The ASA works closely with the advertising industry to act against the few who do not comply with its rulings
- Broadcasters cannot air advertisements that break the Codes and the ASA can ask publishers not to print advertisements that don't meet the rules
- Also, repeat poster advertising offenders can be required to submit future advertising to pre-clearance for a specified period
- The ASA will check to see that its rulings are adhered to, for example by seeing if any necessary changes have been made to advertisements
- The ASA Executive also monitors the media to make sure the Codes are being adhered to
- Respect for the decisions is monitored by the Compliance Team and also at random by the Code Policy and Monitoring Team
- In cases of a breach, the advertiser will be contacted and an informal procedure or ASA sanctions applied as necessary
- It can also alert business sectors to general problems that can arise in advertisements as new products and services enter the market
- Ultimately, the ASA can refer non-broadcast advertisers who persistently break the Code to the Office of Fair Trading for legal action under the Control of Misleading Advertisement Regulations
- A similar backstop exists for broadcast advertisements: a broadcaster who continually airs advertisements that break the Codes can be referred to Ofcom

British Beer and Pub Association

- Not applicable

The Portman Group

- All decisions are published via a press notice
- The company will be asked to make appropriate changes when packaging or promotions are found to be in breach of the Code

- Breaches concerning packaging or point of sale materials have to be changed within a certain timetable
- Retailers are asked not to replenish stocks after a date specified by the Code Secretariat
- Licensing authorities, licensing officers and trading standards officers are informed of the decisions and may also be made aware of any retailers who choose not to comply. The Code Secretariat may also notify the media
- If a Portman Group member company chooses not to make the required changes, representatives would be asked to explain their position to The Portman Group Council and the company may be expelled from membership
- Should any Code Signatory other than a member company not adhere to a Panel decision, it may be removed from the list of Signatories
- A Retailer Alert Bulletin asking retailers not to restock might also be issued

Awareness

Publication of Committee decisions

	ASA	Portman Group
Report published of all the complaints and their outcome	Y	Y

ASA

- The ASA publishes adjudications in full and, by name only, well-founded informally resolved complaints, mail order and sales promotion complaints, direct mailing list and database complaints weekly on its website

British Beer and Pub Association

- Not applicable

The Portman Group

- Details of the complaint, decision and company action is published on the website
- The Portman Group also publishes an annual report which is submitted to the Government, alcohol interest groups, police, licensing authorities, the media and members of the public who request it

Analysis of Complaints

ASA	1999	2000	2001	2002	2003
Total Number of complaints received	11,774	12,261	12,595	13,959	14,270
Total number of complaints which required intervention (the advertisement was in breach of the Code)	2,752	3,199	2,182	3,303	2,764
Number of different advertisements to which these relate (individual advertisements judged to be in breach of the Code)	1,528	1,385	1,123	1,359	1,381
Number of complaints about alcohol products (complaints resolved)	155	166	179	167	230

ASA

- Over the period for which data is available, around 27% of the complaints that the ASA received have been in breach of the Codes, although many of these are for advertisements that received more than one complaint
- Detailed figures on complaints about alcohol products are not available but the number of these complaints resolved runs at around 170 a year

Portman Group <i>(Complaints relate only to alcoholic products)</i>	1999	2000	2001	2002	2003
Total Number of complaints received	3	7	12	14	13
Total number of complaints which required intervention <i>(the advertisement was in breach of the Code)</i>	3	5	7	10	13
Number of different advertisements to which these relate <i>(individual advertisements judged to be in breach of the Code)</i>	3	5	7	10	10

The Portman Group

- The number of complaints has been low and appear to have settled down at around 10-15 a year
- The majority of complaints required intervention by the Portman Group

Recent Developments

ASA

- Slight changes to the non-broadcast Code were made in 2003
- A revision of television alcohol rules was implemented on 1 January 2005 with a grace period until 30 September 2005 for advertisers who have already committed themselves to campaigns
- Additional interpretative guidance will be produced in the first half of 2005 by the Broadcast Committee of Advertising practice, subject to public consultation and Ofcom's approval
- The changes relate to all alcoholic beverages over 1.2%, low alcohol beverages with 1.2% volume or less and non-alcoholic beverages when promoted as mixers in the broadcast media
- The intention is to reduce the appeal of alcohol advertising to children and young teenagers, reduce the sexual content of some alcohol advertising and ensure that advertising doesn't encourage or condone anti-social behaviour or excessive or binge drinking
- The spirit as well as the letter of the rules applies whether or not a product is shown, referred to or seen being consumed

Rules for all advertising

- Advertisements must not suggest that alcohol can contribute to an individual's popularity or confidence, or that refusal is a sign of weakness. Nor may they suggest that alcohol can enhance personal qualities
- Advertising must not suggest that the success of a social occasion depends on the presence or consumption of alcohol
 - Link alcohol with daring, toughness, aggression or anti-social behaviour
 - Link alcohol with sexual activity or success or imply that alcohol can enhance attractiveness

- Suggest that regular solitary drinking is acceptable or that drinking can overcome problems
- Suggest that alcohol has therapeutic qualities nor offer it as a stimulant, sedative, mood-changer or to boost confidence. There must be no suggestion that physical or other performance may be improved by alcohol or that it might be indispensable
- Suggest that a drink is to be preferred because of its alcohol content nor place undue emphasis on alcoholic strength. (Does not apply to low alcohol drinks)
- Advertising must not show, imply or encourage immoderate drinking. This applies both to the amount of drink and to the way drinking is portrayed (does not apply to low alcohol drinks)
 - References to, or suggestions of, buying repeat rounds of drinks are not acceptable (but does not prevent, for example, someone buying a drink for each of a group of friends. It does, however, prevent any suggestion that other members of the group will buy any further rounds). (Does not apply to low alcohol drinks)
- Alcoholic drinks must be handled and served responsibly
- Advertisements must not link drinking with the use of potentially dangerous machinery, with behaviour which would be dangerous after consuming alcohol (such as swimming) or with driving

Additional rules for alcohol advertisements

- Advertisements for alcoholic drinks must not be likely to appeal strongly to people under 18, in particular by reflecting or being associated with youth culture
- Children must not be seen or heard, and no-one who is, or appears to be, under 25 years old may play a significant role in advertisements for alcoholic drinks. No-one may behave in an adolescent or juvenile way
 - There is an exception to this for advertisements in which families are socialising responsibly. In these circumstances, children may be included but they, and anyone who is, or appears to be, under 25 must only have an incidental role. Nevertheless, it must be explicitly clear that anyone who appears to be under the age of 18 is not drinking alcohol
 - In advertising for low alcohol drinks, anyone associated with drinking must be, and appear to be, at least 18 years old
- Advertisements for alcoholic drinks must not:
 - Show, imply or refer to daring, toughness, aggression or unruly, irresponsible or anti-social behaviour
 - Appear to encourage irresponsible consumption
 - Not normally show alcohol being drunk in a working environment
 - Be advertised in a context of sexual activity or seduction but may include romance and flirtation subject to the rule on youth appeal

Low alcohol drinks

- A number of exceptions apply to advertisements for drinks containing 1.2% alcohol by volume or less so long as the low alcohol content is made clear. (The exceptions are not granted if the advertising might promote a product of higher alcoholic strength or might conflict with the spirit of the rules)

British Beer and Pub Association

- The BBPA has submitted revised Guidance to the OFT for approval

The Portman Group

- The Code was extended to cover various below-the-line activities, such as sponsorships and websites, in 2002

Future Plans

ASA

- CAP might change the non-broadcast Code later in 2005

British Beer and Pub Association

- New Standards will be published in 2005 which expand on the responsibilities of staff, publicans and companies specific to point of sale promotions
- The BBPA is working with other alcoholic drinks producer and hospitality trade associations to develop "Social Responsibility Standards for the Production and Sale of Alcoholic Drinks in the UK". This publication brings all the relevant Codes into a single document which aims to encourage responsible sales and marketing of alcoholic drinks in the UK

The Portman Group

- The Portman Group is currently looking at claims relating to dietary properties

BULGARIA

The Regulatory/Self-regulatory Environment

Advertising in Bulgaria is subject to legislative control with new stricter rules for spirits advertising coming into force in 2005. Other alcoholic beverages may advertise in any media within certain constraints. The Union of Brewers in Bulgaria introduced a Code of Responsible Commercial Communications and Ethical Standards in February 2005 enforced through a newly formed Council of Self-regulation laying down the beginnings of a self-regulation system for the Bulgarian brewing sector.

Overview of Alcoholic Marketing Regulations

- Advertising in all media is regulated by legislation which sets out general and specific controls on advertising
- New rules, which came into effect in 2005, strictly controlling the advertising of spirits, including a ban on direct advertising
- Apart from this, alcoholic beverages may advertise in any media
- There was no self-regulatory system applying to alcoholic drinks until February 2005 when the members of the Union of Brewers in Bulgaria signed a Code of Responsible Commercial Communications and Ethical Standards
- Following The Brewers of Europe Responsible Commercial Communications Guidelines for the Brewing Industry, it is enforced through a newly formed Council of Self-regulation and lays down the beginnings of a self-regulation system for the Bulgarian brewing sector

Statutory Controls

- Advertising is regulated by the Radio and Television Act and the Public Health Act, which set out general and specific controls
- **The Radio and Television Act (1998)**, which incorporates the Television without Frontiers Directive, regulates radio and television broadcasting activities and sets out general controls on advertising
- Included amongst these are that advertising for alcoholic beverages of all varieties must not:
 - Be addressed to infants and minors or inserted in programmes intended for them
 - Use infants and minors as performers and, in particular, depict infants and minors consuming such beverages
 - Link consumption of alcohol to enhanced sporting and physical performance or driving of motor vehicles
 - Claim alcoholic beverages have therapeutic properties or that they are a stimulant, sedative or a means of resolving personal problems
 - Encourage immoderate consumption or present abstinence or moderation in a negative light
 - Imply that high alcoholic content contributes to the positive quality of alcoholic beverages
 - Create the impression that consumption contributes towards social or sexual success

- A change to the **Public Health Act**, which came into force in January 2005, bans direct advertising of spirits (all drinks with an abv of at least 15%)
- Indirect advertising of spirits (advertised only as a label not its use) is prohibited before 10 pm on radio and television
- Additionally, advertising for all alcoholic beverages must not encourage underage people to drink, be featured in shows targeted at underage audiences and the use of alcohol must not in any way be linked to sports achievements
- There are no legislative restrictions relating to advertising in other media

Framework of Self-regulation

- A newly established Union of Brewers in Bulgaria self-regulatory system for beer advertising is the first for alcoholic drinks in Bulgaria
- On February 1st 2005, managers of brewing companies in Bulgaria signed the Code of Responsible Commercial Communications and Ethical Standards of the Union of Brewers in Bulgaria
- The Code employs The Brewers of Europe Responsible Commercial Communications Guidelines for the Brewing Industry and consequently mirrors the provisions outlined in this questionnaire
- Its goal is to protect the interests of beer consumers and not of beer producers
- In order to effect the principles outlined in the Code and to ensure the compliance of commercial communications with them it concurrently established a Self-regulatory Council of Beer Producers made up of representatives of all member companies.

It believes that by taking the first steps in constructing the self-monitoring system, which will supervise the observance of responsible commercial communications in the brewing industry, it is on the shortest and safest route to establishing the norms for transparency, open dialogue and interaction with the persons targeted by its advertisements, sponsorships, and beer promoting events

Questionnaire on Codes for Commercial Communications

Self-regulatory Organisations

- There are no self-regulatory organisations with membership of any of the international organisations surveyed for the questionnaire currently operating in Bulgaria
- The Union of Brewers in Bulgaria, which is not a member of The Brewers of Europe, however was contacted to complete the questionnaire
- It recently (February 2005) introduced a Code of Responsible Commercial Communications and Ethical Standards based on The Brewers of Europe Responsible Commercial Communications Guidelines for the Brewing Industry
- They concurrently introduced a Council of Self-regulation to administer the new Code
- The following is compiled from details that they have provided about the new Code and its structure

Setting Up and Basic Principles of the Code

Creation of the Code

Union of Brewers in Bulgaria

- UBB, The Union of Brewers in Bulgaria, represents brewers in Bulgaria. In the absence of a general code from the UBB, members holding three quarters of the Bulgarian market (Heineken, Interbrew and Carlsberg) had individually operated their own codes
- In February 2005 the UBB established a common Code of Responsible Commercial Communications and Ethical Standards in keeping with the spirit and philosophy of the norms endorsed by The Brewers of Europe
- It upholds the priorities rooted in The Amsterdam Group (TAG) Common Standards
- UBB members recognise their social responsibility, especially in relation to marketing messages and suggestions, aiming to create a culture of beer consumption as a part of a moderate and healthy lifestyle
- They understand that the responsibilities in this process are shared – from advertising agencies to auxiliary service companies of all kinds. The adult user is the centre of attention and he or she should be encouraged to consume products in a responsible and moderate way
- By endorsing the Code of Responsible Commercial Communications and Ethical Standards, the members not only contribute to the education of a culture of moderate beer consumption, but also express its confidence that by observing the norms of self-regulation, socially important goals can be attained without resorting to the restrictive mechanisms of the state administration
- The key elements in the system of responsible commercial communications are:
 - Establishment of the Code of Responsible Commercial Communications and Ethical Standards
 - Implementation of means of ensuring compliance of commercial communications with the standards set forth in the Code
 - A communications strategy
- The guidelines for responsible advertising, sponsorships and beer brand promotions are not meant to replace existing regulations, but to supplement them and to guarantee the dedication of Bulgarian brewers to applying self-regulatory rules and mechanisms effectively

Coverage of the Code

Product types covered by the Code

	Union of Brewers in Bulgaria
Beer	Y
Wine	N
Spirits	N
Cider	N
Flavoured Alcoholic Beverages	N

Union of Brewers in Bulgaria

- The Code relates to beers only

Brand advertising/marketing communications media covered by the Code

	Union of Brewers in Bulgaria
Print	Y
Broadcast media	Y
Cinema	Y
Outdoor events	Y
Labelling (including product names)	Y
Naming & Packaging	Y
Internet	Y
<i>and including</i>	
Promotion	Y
Merchandising	Y
Point of sale material	Y
Sponsorship	Y
Electronic media	Y
Communications to on & off trade	Y
Product placement	Y
Direct marketing	Y

Union of Brewers in Bulgaria

- For the purpose of the System for Responsible Commercial Communications, it is assumed that it includes all sorts of brand advertising or marketing communications to consumers including sponsorships and promotion events, product names, labelling and packaging

Other activities covered by the Code

	Union of Brewers in Bulgaria
Non-advertising materials and activities	N
Statements to the media, government agencies or the public about issues of societal concern such as the risks or benefits related to the consumption of the product(s)	N
Educational messages about responsible drinking or the role of alcohol consumption in society	N

Union of Brewers in Bulgaria

- The UBB does not include non-advertising materials and activities such as statements to the media, state agencies or the public about issues of societal concerns such as the risks or benefits related to beer consumption, educational messages about responsible drinking or the

role of alcohol consumption in society in accordance with internationally accepted norms for commercial communications

Provisions of the Code

General Provisions

Basic principles included in the Code

	Union of Brewers in Bulgaria
Be legal, decent, honest and truthful and conform to generally accepted principles of fair competition and good business practice	Y
Be prepared with a due sense of social responsibility and be based on principles of fairness and good faith	Y
Under no circumstances be unethical, offend against generally prevailing standards of taste and decency or otherwise impugn human dignity and integrity	Y

Union of Brewers in Bulgaria

- The basic principles of responsible commercial communications of the brewers in Bulgaria are prepared with the due respect and sense of social responsibility
- The established norms are based on good faith, equity and impartiality
- Advertisements, sponsorships and beer promotional events must be legal, decent, honest, and conforming to generally accepted principles of fair competition and good business practice
- No circumstances should neglect these standards and cause an unethical attitude, offences against standards of good taste and decency or undermine human dignity and integrity

Specific Provisions

Misuse

	Union of Brewers in Bulgaria
Commercial communications should not encourage excessive or irresponsible consumption, nor present abstinence or moderation in a negative way	Y
Commercial communications should not suggest an association with violent, aggressive, dangerous or anti-social behaviour	Y
Commercial communications should not show people who appear to be intoxicated or in any way imply that intoxication is acceptable	Y

Union of Brewers in Bulgaria

- The UBB Code includes all of the misuse provisions (and uses identical wording)

Minors

	Union of Brewers in Bulgaria
Commercial communications should not be aimed at minors or show minors consuming the product	Y
Commercial communications should not promote the product in media, programmes or at events where the majority of the audience are known to be minors	Y

- Minors are defined as young people below the legal age of 18 years

Union of Brewers in Bulgaria

- The UBB Code includes both of the minors provisions (and uses identical wording)

Driving

	Union of Brewers in Bulgaria
Commercial communications should not directly or indirectly associate consumption with the act of driving vehicles of any kind	Y

Union of Brewers in Bulgaria

- The UBB Code includes the driving provision (and uses identical wording)

Hazardous activities

	Union of Brewers in Bulgaria
Commercial communications should not associate consumption with the operation of potentially dangerous machinery or with the performance of potentially hazardous activities, or portray the act of consumption prior to or during activities, or in locations that are potentially hazardous (It should be borne in mind that those activities that might not otherwise be considered hazardous e.g. swimming or using simple hand tools, may be inadvisable after consuming an alcoholic beverage)	Y

Union of Brewers in Bulgaria

- The Code requires that commercial communications should not associate consumption with the operation of potentially dangerous machinery or with the performance of potentially hazardous activities

Medical aspects

	Union of Brewers in Bulgaria
Commercial communications must not attribute the property of preventing, treating or curing a human disease or refer to such properties	Y
Commercial communications on health aspects of the product are allowed to the extent specifically permitted by the law of the country where the communication is made. This includes reference to government-issued sensible drinking guidelines or limits	Y
Other	Y

Union of Brewers in Bulgaria

- The UBB Code includes both of the medical aspects provisions
- Commercial communications should comply with specific legal requirements, including reference to government issued sensible drinking guidelines or limits
- Labelling, presentation, and advertisements of beer must conform to the legislation of the Republic of Bulgaria

Alcohol content

	Union of Brewers in Bulgaria
Commercial communications should not create any confusion as to the nature and strength of the product	Y
Commercial communications should not present high alcoholic strength in itself as a positive quality of the brand or as a reason for choosing it. On the other hand, messages may not imply that consuming beverages of low alcohol content will avoid misuse (this prohibition does not apply to commercial communications for non-alcoholic beverages)	Y

Union of Brewers in Bulgaria

- The UBB Code includes both provisions relating to alcohol content (and uses identical wording)

Performance

	Union of Brewers in Bulgaria
Commercial communications should not create the impression that consumption enhances mental ability or physical performance, e.g. when engaging in sports	Y
Commercial communications should not create the impression that consumption enhances social or sexual success	Y

Union of Brewers in Bulgaria

- The UBB Code includes both provisions relating to performance (and uses identical wording)

Promotions & Sampling (including tasting)

	Union of Brewers in Bulgaria
No promotion should encourage irresponsible or anti-social behaviour or alcohol misuse, in particular excessive consumption	Y
Sampling is allowed at licensed or private premises, trade fairs or occasions in accordance with local regulations. No sampling of the product should be offered to minors	Y

Union of Brewers in Bulgaria

- The UBB Code includes the promotions and sampling provisions relating (and uses identical wording)

Implementation of the Code and Other Principles

The Self-regulatory Body

Organisation

	Union of Brewers in Bulgaria
Organisation is a self-regulatory body	Y

Union of Brewers in Bulgaria

- In order to put into effect the principles of the Code of Responsible Commercial Communications and Ethical Standards, and to implement the means of ensuring compliance of commercial communications with the standards set forth in the Code, the members of the Union of Brewers in Bulgaria (UBB) established the Self-regulatory Council of Beer Producers in February 2005
- Prior to this point, there were no self-regulatory advertising bodies in Bulgaria

Promotion of the Code

	Union of Brewers in Bulgaria
Programme or initiatives to make consumers aware of the Code and the complaints mechanism	Y
Plans for a programme of activities to make consumers aware of Code/complaints mechanism in the future	Y

Union of Brewers in Bulgaria

- The signing of the Code was attended by the leading media and coverage amounted to almost 30 articles and interviews in the Bulgarian press and on television and radio
- The VIP guest was the Vice-Minister of Economy Mr.Parvanov. The Minister of Euro Integration, Mrs. Kuneva, sent an official address

- As the Code of Responsible Commercial Communications and Ethical Standards of Brewers has only recently been signed, there is as yet no programme to make consumers aware of the Code but the aims of the UBB are to protect the interests of beer consumers and not of beer producers
- Its responsible commercial communications' goal is to keep beer drinkers well informed about all of the principles and the bulk of attention will be directed at them

Complaints

Complaints handling

	Union of Brewers in Bulgaria
Organisation includes a Complaints Committee	Y

Union of Brewers in Bulgaria

- The UBB aim to construct a complete system for responsible commercial communications, which consists in part of empathy, concern and adequate actions in case of complaints from consumers or their associations, who believe that the principles of the Code have been breached
- In such cases the Council is obliged to review the case, prepare a position and communicate it to all involved sides
- The UBB is convinced that by taking these first steps in constructing the self-monitoring system, which will supervise the observance of responsible commercial communications in the brewing industry, it is on the shortest and safest route to establishing the norms for transparency, open dialogue and interaction with the persons targeted by its advertisements, sponsorships, and beer promoting events

Recent Developments

Union of Brewers in Bulgaria

- The first self-regulatory code for commercial communications for beer in Bulgaria, the Code of Responsible Communications and Ethical Standards was signed by members of the Union of Brewers in Bulgaria on February 1st 2005

Concurrently the Self-regulatory Council of Beer Producers was set up to ensure compliance with the Code

ROMANIA

The Regulatory/Self-regulatory Environment

Broadcast advertising of alcoholic beverages in Romania is subject to statutory controls but a recent initiative has created an advertising industry self-regulatory body which has a specific drinks code. Constrained by a lack of resources, it has ambitions to expand its role. Advertising of all alcoholic drinks is permitted in all media subject to restrictions on content, timing and place.

Overview of Alcoholic Marketing Regulations

- Legislation sets out broad conditions relating to broadcast advertising but a statutory body, The National Audiovisual Council, applies regulations relating to advertising which includes elements specifically addressing alcoholic beverages
- Advertising of all alcoholic drinks is permitted in all media subject to restrictions on content, timing and place
- The Code of Practice in Advertising, which includes specific rules on alcoholic beverages, is applied by the self-regulatory body the Romanian Advertising Council (RAC) although lack of resources limits its application to the main media
- The Code currently does not explicitly address some of the provisions outlined in the questionnaire but an update currently underway is giving consideration to these shortcomings
- Lack of resources has constrained the RAC's role but there are ambitions to considerably expand this during the next few years

Statutory Authorities

- The **National Audiovisual Council** (Consiliul National al Audiovizualului) is an autonomous organisation under the control of Parliament which acts as the warrantor of the public interest in the field of audio-visual communications
- It supervises television and radio with responsibilities that include setting and monitoring rules and regulations
- Monitoring includes the compliance of advertising on private stations with the National Audiovisual Council's decisions. It can impose sanctions

Statutory Controls on Alcohol

- The **Radio and Television Broadcasting Law** (2002) incorporates the Television Without Frontiers Directive. It requires that broadcast advertising for alcoholic beverages must not:
 - Be addressed to minors or show minors consuming alcoholic beverages
 - Establish a link between alcohol consumption and improvement in physical qualities or the capacity for driving vehicles
 - Create the impression that social or sexual performances can be obtained through the consumption of alcohol
 - Suggest the idea that alcohol has therapeutic qualities or that it is a stimulant, sedative or a means of solving personal problems

- Encourage the exaggerated consumption of alcohol or present abstinence or moderate consumption in a negative light
- Indicate that a high alcoholic content represents a positive quality of beverages
- In 2003, the National Audiovisual Council adopted new regulations relating to advertising, which included provisions which specifically addressed alcohol
- The need for regulations on alcohol advertising was stated to be because of an increase in the consumption of alcohol by minors and in the volume of advertisements for distilled alcoholic drinks, revealed by statistics published by public and private institutions
- It also took into account what were considered to be the harmful effects of alcohol consumption, especially on minors and on society in general, as well as the fact that it was a problem of public interest
- Any form of advertising for distilled alcoholic drinks is prohibited:
 - On television between 6.00 – 22.00 hours
 - On radio between 6.00 – 8.00 and 10.00 – 22.00, from Monday to Friday and between 6.00 – 22.00, on Saturday and Sundays
- It is prohibited to broadcast advertising for alcoholic drinks that:
 - Promote violent, aggressive or antisocial behavior
 - Feature minors
- Programmes sponsored by companies whose names or trademarks are identical to the name or trademark of an alcoholic beverage are prohibited to broadcast between 6.00 – 22.00 hours
- Competitions or promotional announcements that include references to the name or trademark of a distilled alcoholic beverage may not be broadcast between 6.00 – 22.00 hours
- For sports events which take place in Romania that are broadcast before 22.00 hours, the presentation of images that allow the identification of distilled alcoholic beverage products and/or their producers is considered to be advertising
- Advertising packages that promote products of distilled alcohol must end with the message “Excessive consumption of alcohol seriously damages health”

Framework of Self-regulation

- Self-regulation of alcoholic beverages is addressed by the Romanian Advertising Council (RAC) which is recognised by the National Audiovisual Council as the sole self-regulatory body for the advertising sector in Romania
- An independent organisation, it was formed by advertisers, the media and agencies in 1999
- Its Code of Practice in Advertising includes specific provisions relating to alcoholic beverages but is restricted in its coverage to print and broadcast media, together with promotions and naming and packaging, because of a lack of resources
- Formulated after little consultation with stakeholders, the Code misses a number of the provisions for alcohol outlined in the survey, although some are addressed implicitly rather than explicitly
- A revision of the Code is currently being undertaken which involves extensive consultation with interested parties and consideration is being given to provisions currently not covered
- It does not currently offer copy clearance but it is intended to introduce binding copy advice, although not for at least a year
- The RAC offers a complaints mechanism but there is no appeal from their decision
- Lack of resources has constrained its role but there are ambitions to expand this considerably during the next few years

Questionnaire on Codes for Commercial Communications

Respondents

A response to the Codes for Commercial Communications questionnaire was received from the following organisation:

National Body	Code of Commercial Communications
RAC Consiliul Roman Pentru Publicitate Romanian Advertising Council	Code of Practice in Advertising

Consiliul Roman Pentru Publicitate

- The Romanian Advertising Council (RAC) was established in 1999 in order to represent the interests of the advertising industry in relationship with Romanian authorities on matters not regulated by the law
- The RAC is recognised by the National Audiovisual Council as the self-regulation organisation for advertising in Romania through a co-operation protocol signed in 2003. The NAC recognises the RAC Code as the self-regulation document for advertising
- An independent organisation, one of the RAC's aims is to create and develop, within the legal framework, ethical self-regulatory governance in advertising in the spirit of fair competition, to ensure consumers' protection and general public interest against negative effects of advertising

Self-regulatory Initiatives

RAC

- The Romanian Advertising Council's Code of Practice in Advertising came into force in late 2001
- It is currently being reviewed for the first time but the response to the questionnaire is on the basis of the existing Code

Setting Up and Basic Principles of the Code

Creation of the Code

Stakeholders consulted during the formulation and creation of the Code

	RAC
Consumer organisations	N
NGO's	N
Professional organisations	N
Government departments	N
Others	Y

RAC

- Consumer and professional organisations, NGO's and Government departments were not consulted in the formulation of the Code
- At the time it was created, the RAC had only 5 founding members and it was believed that it was too small and unknown entity to address, and especially to obtain answers, from these types of organisations
- EASA and ICC documentation was, however, consulted

Coverage of the Code

Product types covered by the Code	RAC
Beer	Y
Wine	Y
Spirits	Y
Cider	Y
Flavoured Alcoholic Beverages	Y

RAC

- The Code covers all types of alcoholic beverages
- Romanian legislation distinguishes among three categories of alcoholic beverages – beer, alcoholic beverages and spirits but the Code of Practice in Advertising does not operate such a distinction

Brand advertising/marketing communications media covered by the Code	RAC
Print	Y
Broadcast media	Y
Cinema	N
Outdoor events	N
Labelling (including product names)	N
Naming & Packaging	Y
Internet	N
<i>and including</i>	
Promotion	Y
Merchandising	N
Point of sale material	N
Sponsorship	N
Electronic media	N
Communications to on & off trade	N
Product placement	N
Direct marketing	N

RAC

- RAC does not have sufficient resources to address more than print and broadcast media together with promotions and naming and packaging

Other activities covered by the Code	RAC
Non-advertising materials and activities	N
Statements to the media, government agencies or the public about issues of societal concern such as the risks or benefits related to the consumption of the product(s)	N
Educational messages about responsible drinking or the role of alcohol consumption in society	N

RAC

- The RAC and Code does not extend into non-advertising activities
- Statements to the media are not included because a government agency, The National Authority for Consumers Protection, is responsible for protecting all the consumers' interests. The RAC protects the consumers' interests only in relation to advertising
- Through the Code of Practice in Advertising, the RAC intends to eliminate the messages that could infringe the principle of responsible drinking or that ignore the role of alcohol consumption in society from advertising. This way, the Code of Practice in Advertising has an implicit but not explicit educational role

Provisions of the Code

General Provisions

Basic principles included in the Code	RAC
Be legal, decent, honest and truthful and conform to generally accepted principles of fair competition and good business practice	Y
Be prepared with a due sense of social responsibility and be based on principles of fairness and good faith	Y
Under no circumstances be unethical, offend against generally prevailing standards of taste and decency or otherwise impugn human dignity and integrity	Y
Other	Y

RAC

- Each of the basic principles is included within the Code of Practice in Advertising
- The protection of children and teenagers is included as a separate basic article in the Code

Specific Provisions

Misuse	RAC
Commercial communications should not encourage excessive or irresponsible consumption, nor present abstinence or moderation in a negative way	Y
Commercial communications should not suggest an association with violent, aggressive, dangerous or anti-social behaviour	N
Commercial communications should not show people who appear to be intoxicated or in any way imply that intoxication is acceptable	Y

RAC

- The alcohol Code stipulates that advertising must particularly avoid encouraging immoderate and uncontrolled consumption of alcoholic beverages
- In addition, there is the requirement that advertising must not represent situations of unhealthy attachment to the product and, generally, addiction to the product

Minors	RAC
Commercial communications should not be aimed at minors or show minors consuming the product	Y
Commercial communications should not promote the product in media, programmes or at events where the majority of the audience are known to be minors	N
Other	Y

- The legal age in Romania is 18 years

RAC

- The Code requires that alcohol advertising must not address or represent underage drinkers, even indirectly
- The other provision is not specifically addressed but there are general provisions that relate to children and teenagers
- Amongst these are that particular care must be taken in advertising messages addressed to children and teenagers or that they could receive
- These messages must not contain anything that might damage them psychologically, morally or physically and, further, should not take advantage of their inexperience or sense of loyalty
- In particular, this advertising must not induce children and adolescents to:
 - Violate rules of generally established social behaviour
 - Act dangerously or expose themselves to dangerous situations

Driving	RAC
Commercial communications should not directly or indirectly associate consumption with the act of driving vehicles of any kind	Y

RAC

- There is a specific requirement that advertising must particularly avoid associating the consumption of alcoholic beverages with the driving of vehicles

Hazardous activities

	RAC
Commercial communications should not associate consumption with the operation of potentially dangerous machinery or with the performance of potentially hazardous activities, or portray the act of consumption prior to or during activities, or in locations that are potentially hazardous (It should be borne in mind that those activities that might not otherwise be considered hazardous e.g. swimming or using simple hand tools, may be inadvisable after consuming an alcoholic beverage)	Y

RAC

- Hazardous activities are covered by the Code

Medical aspects

	RAC
Commercial communications must not attribute the property of preventing, treating or curing a human disease or refer to such properties	N
Commercial communications on health aspects of the product are allowed to the extent specifically permitted by the law of the country where the communication is made. This includes reference to government-issued sensible drinking guidelines or limits	N

RAC

- These specific provisions about medical aspects and alcoholic beverages are not included in the Code

Alcohol content

	RAC
Commercial communications should not create any confusion as to the nature and strength of the product	N
Commercial communications should not present high alcoholic strength in itself as a positive quality of the brand or as a reason for choosing it. On the other hand, messages may not imply that consuming beverages of low alcohol content will avoid misuse (this prohibition does not apply to commercial communications for non-alcoholic beverages)	N
Other	Y

RAC

- There are currently no provisions relating to alcohol content in the Code but this will be taken into consideration for the next revision
- There is a requirement, however, that prohibits indicating the alcoholic content of a beverage as the principal topic of the advertising

Performance	RAC
Commercial communications should not create the impression that consumption enhances mental ability or physical performance, e.g. when engaging in sports	Y
Commercial communications should not create the impression that consumption enhances social or sexual success	N

RAC

- The alcohol section of the Code stipulates that advertising for alcohol must not make the public believe that the consumption of alcoholic beverages promotes clearness of mind and physical efficiency, or that not using the product leads to physical and psychological inferiority
- New performance provisions will be taken into consideration for the next revision of the Code

Promotions & Sampling (including tasting)	RAC
No promotion should encourage irresponsible or anti-social behaviour or alcohol misuse, in particular excessive consumption	Y
Sampling is allowed at licensed or private premises, trade fairs or occasions in accordance with local regulations. No sampling of the product should be offered to minors	N

RAC

- Provisions relating to sampling will be taken into account for the next revision of the Code

Other provisions	RAC
Other provisions	Y

RAC

- The Code includes a specific section relating to alcoholic beverages. This has the overarching requirement that advertising must not be in contrast with the need of providing models of consumption that project moderation, correctness and responsibility
- It must not induce the public to disregard the different ways of using the product that must be considered, depending on the specific characteristics of the individual products and the personal conditions of the consumer

Implementation of the Code and Other Principles

The Self-regulatory Body

Organisation	RAC
Organisation is a self-regulatory body	Y

RAC

- The RAC is the principal SRO in Romania

Promotion of the Code	RAC
Programme or initiatives to make consumers aware of the Code and the complaints mechanism	Y
Code promoted to:	
Public authorities	Y
Consumer organisations	Y
Staff in bars/restaurants/shops etc	N
Others	Y
Plans for a programme of activities to make consumers aware of Code/complaints mechanism in the future	Y
Training and information offered to marketers and advertisers	Y ¹
Plans to offer training and information to marketers in the future	Y

¹ Information available from web site: no training available at present

RAC

- There is a programme to make consumers aware of the Code and associated complaints mechanism but it has been on hold because of financial reasons
- Supported by EASA, the RAC will develop a Pan-Ad campaign in spring 2005
- The Code has been promoted to The National Council of Audiovisual and the National Authority for the Consumers Protection
- RAC signed a Collaboration Protocol with the National Council of Audiovisual in October 2003 and the President of the National Authority for the Consumers Protection became a RAC honorary member
- Retail staff have not been covered because of a lack of resources
- A presentation on the role of the RAC and the Code has been sent to The Romanian Consumers' Protection Association, The Centre for Consumers' Protection and Health Services and Romanian Consumer's Centre who have been asked for their opinions and comments in the context of the current review of the Code
- Additionally, as part of the revision of the Code, the RAC has sent the presentation to further 60 organisations asking for their opinions and comments
- These included advertising operations, academic institutions, educational organisations, professional organisations, associations representing alcohol, tobacco, coffee, foods, oil, and medicines producers, journalists organisations, the mass-media, environmental associations, broadcasters associations, Chambers of Commerce etc
- Information is currently available to marketers and advertisers through the website. This includes the RAC presentation, the Code of Practice in Advertising, Board structure, personal contacts and membership form
- As the RAC has started to gain some reputation in the advertising field, it is answering an increasing number of questions regarding its activity and the issue of self-regulation from advertisers

- The RAC intends to provide structured training to marketers and advertisers. This is probably at least 2 years away when the critical mass of the organisation increases and financial resources allow
- As the RAC is the only self-regulatory body in Romania, training and information is not offered by anybody else

Pre-launch Services Offered

Copy advice offered for the following media:	RAC
Print	N
Broadcast media	N
Cinema	N
Outdoor events	N
Labelling (including product names)	N
Naming & Packaging	N
Internet	N
<i>and includes:</i>	
Promotion	N
Merchandising	N
Point of sale material	N
Sponsorship	N
Electronic media	N
Communications to on & off trade	N
Product placement	N
Direct marketing	N

RAC

- The RAC does not currently offer copy advice but plans to do so, although this is currently at least a year away
- It is intended to introduce binding copy advice, free for members and with a minimum fee for others, available to advertiser, agency or media
- The newly created RAC Technical Committee will provide it within the shortest time possible and RAC intends to guarantee that no future complaints will be registered after copy advice
- Pre-clearance of advertisements is currently not offered in Romania

Complaints

Complaints handling	RAC
Organisation includes a Complaints Committee	Y
Deals with complaints from all parties	Y
Complaints are handled free	Y
Handles complaints from only specific media	Y

RAC

- The RAC offers a complaint mechanism through the Ethical Committee
- Complaints, which are handled free and can be made by both consumers and competitors, are made in the first instance to the RAC Board
- The complaint is registered by the Secretariat and the RAC Board is informed about its existence. It is not pre-vetted
- The RAC Board then approves a meeting of the Ethical Committee and forwards the documentation to it
- The 5 member Ethical Committee is made up of RAC members: four are advertisers and the fifth is the IAA representative in the RAC
- Within 10 working days from registration of the complaint, the Ethical Committee meets and makes its decision
- The involved parties are immediately informed about the arbitration results. The Code stipulates strict deadlines for complaints which are always observed

Appeals

Appeals handling	RAC
Organisation offers an appeal procedure	N

RAC

- There is no appeal procedure from the decision of the Ethical Committee

Monitoring

Compliance monitoring	RAC
Monitors advertising on its own behalf	Y
Monitors selected media	Y
Monitors all advertisements	Y
Monitors on its own initiative with the ability to react without a complaint being made	Y

RAC

- The RAC has collaboration contract with TNS International, a specialised monitoring institution that provides it with all television advertising spots
- The RAC Executive Secretary examines these weekly
- The RAC is able to react to these on its own initiative without a complaint being made but this has not occurred because it does not have enough resources
- It does not monitor other media

Sanctions

Sanctions available to the Complaints Committee	RAC
Decisions of the complaints committee/self-regulatory body publicised	Y
Ability to impose additional sanctions if a company rejects the decision of the self-regulatory body/complaints committee	Y
Compliance of committee decisions monitored	Y

RAC

- The RAC website, which is currently under construction, will feature the Ethical Committee decisions
- Sanctions open to the RAC include publicising the decision, expelling the member or reporting its advice to the National Council of Audiovisual
- Compliance in the television medium is monitored through the weekly review of all advertisements by the Executive Secretary

Awareness

Publication of Committee decisions	RAC
Report published of all the complaints and their outcome	N

RAC

- Although the results of individual cases will feature on the website, an annual report is not produced

Analysis of Complaints

RAC	2002	2003
Total Number of complaints received	4	5
Total number of complaints which required intervention <i>(the advertisement was in breach of the Code)</i>	0	3
Number of different advertisements to which these relate <i>(individual advertisements judged to be in breach of the Code)</i>	4	5
Number of complaints about alcohol products	0	1
Total number of alcohol complaints which required intervention <i>(the advertisement was in breach of the Code)</i>	0	1
Number of different advertisements to which these relate <i>(individual advertisements judged to be in breach of the Code)</i>	0	1
Total number of complaints considered under the alcohol provisions of the Code	0	1
Number of complaints under the alcohol provisions of the Code requiring intervention <i>(the advertisement was in breach of the Code)</i>	0	1

RAC

- The number of complaints received since the Code came into force in 2002 has been small
- Only 1 of these related to an alcoholic beverage

Recent Developments

RAC

- The RAC Code of Practice in Advertising came into force in late 2002
- The Code is currently being reviewed
- A number of areas currently not covered by the Code will be considered for inclusion in this review

Future Plans

- Supported by EASA the RAC will begin a Pan-Ad campaign, which has been on hold because of financial considerations, in spring 2005 to make consumers aware of the Code
- It intends to provide training to marketers and advertisers although probably not for at least 2 years
- The RAC does not currently offer copy advice but plans to do so, although this is not expected to be for at least a year
- The advice will be binding with the intention that no future complaints will be registered after copy advice

The RAC website, which is currently under construction, will feature the Ethical Committee decisions

TURKEY

The Regulatory/Self-regulatory Environment

A self-regulatory system operates within the framework of strong statutory controls which bans alcohol advertising from radio and television. The self-regulatory body uses an adapted ICC code which does not include specific alcohol rules

Overview of Alcoholic Marketing Regulations

- A statutory regulator, the Advertising Board, has exclusive responsibility for advertising and can impose fines or order the withdrawal of advertising
- Alcoholic beverages are not permitted to advertise on radio and television but are permitted to use the other media
- The self-regulatory body, the RÖK, has responsibility only for radio, television, print and cinema. Its Code does not contain specific alcohol regulations

Statutory Authorities

- Turkey is unusual in having a statutory regulator with exclusive responsibility for advertising
- The **Advertising Board** (Reklam Kurulu) is part of the Ministry of Industry and Commerce
- It regulates and monitors advertising in national and local press, radio and television and has the power to impose fines and to order the withdrawal of an advertisement
- The **Radio-Television Supreme Council** (Radyo Televizyon Üst Kurulu) regulates television and radio, including advertising
- It is empowered to order the temporary suspension of broadcasting (which is defined to include advertising) which appears to breach the law

Statutory Controls on Alcohol

- The **Consumer Protection Law** (1994) provided for the establishment of an Advertising Board with powers to regulate all advertising
- The **Radio and Television Broadcasting Law** (1994) provides for the regulation of television and radio by a statutory body
- It includes restrictions on advertising, including a ban on alcohol advertising on radio and television
- Alcohol advertising is permitted in the press, on posters (which are not public property) and the cinema

Framework of Self-regulation

- The Advertising Self-regulatory Board (RÖK) is still the only self-regulatory body for advertising in Turkey. Its membership is drawn from advertisers, agencies and the media
- Its Advertising Self-regulatory Principles is adapted from the ICC Code and does not include alcoholic specific rules
- The RÖK's remit extends across broadcast media, where alcoholic drinks are not permitted to advertise, together with press and cinema
- Because of the lack of specific alcohol regulations, the Advertising Self-regulatory Principles do not address the provisions outlined in the questionnaire
- The RÖK offers non-binding copy advice for press, radio, television and cinema but not pre-clearance of advertising
- Complaints can be made by consumers and competitors about advertising in the press, television, radio and cinema. There is a fee only for competitors
- Either party may appeal the decision which are not publicised

Questionnaire on Codes for Commercial Communications

Respondents

A response to the Codes for Commercial Communications questionnaire was received from the following organisation:

National Member	Code of Commercial Communications
RÖK Reklam Özdenetim Kurulu Advertising Self-regulatory Board	Advertising Self-regulatory Principles

RÖK

- The Advertising Self-regulatory Board (RÖK - Reklam Özdenetim Kurulu) was the first, and is still the only self-regulatory body for advertising in Turkey
- Self-regulation dates back to the 1980's when the Istanbul Chamber of Commerce set up a system as an alternative to detailed legislation but the RÖK was established in 1994
- Its membership is drawn from advertisers, agencies and the media

Self-regulatory Initiatives

RÖK

- The Advertising Self-regulatory Principles date from the establishment of the RÖK and was last reviewed in 2003
- There are no plans to review it again in the near future
- It does not contain specific rules relating to the advertising of alcoholic beverages

Setting Up and Basic Principles of the Code

Creation of the Code

Stakeholders consulted during the formulation and creation of the Code

	RÖK
Consumer organisations	N
NGO's	N
Professional organisations	N
Government departments	Y

RÖK

- The Ministry of Industry and Trade was consulted in the formulation of the Code but consumer organisations were not part of this process as they are currently not organised and there is not a leading one in Turkey that could have helped in its formulation

Coverage of the Code

Product types covered by the Code

	RÖK
Beer	Y
Wine	Y
Spirits	Y
Cider	Y
Flavoured Alcoholic Beverages	Y

RÖK

- The Advertising Self-regulatory Principles is adapted from the ICC Code and does not have an alcoholic beverage specific code
- But all alcoholic beverages are covered by the general Code

Brand advertising/marketing communications media covered by the Code

	RÖK
Print	Y
Broadcast media	Y
Cinema	Y
Outdoor events	N
Labelling (including product names)	N
Naming & Packaging	N
Internet	N
<i>and including</i>	
Promotion	N
Merchandising	N
Point of sale material	N
Sponsorship	N
Electronic media	N
Communications to on & off trade	N
Product placement	N
Direct marketing	N

RÖK

- The remit of the RÖK extends across broadcast media, print and cinema (alcoholic drinks are not permitted to advertise in broadcast media)

Other activities covered by the Code

	RÖK
Non-advertising materials and activities	N
Statements to the media, government agencies or the public about issues of societal concern such as the risks or benefits related to the consumption of the product(s)	N
Educational messages about responsible drinking or the role of alcohol consumption in society	N

RÖK

- The RÖK does not regulate activities outside television, radio, press and cinema

Provisions of the Code

General Provisions

Basic principles included in the Code

	RÖK
Be legal, decent, honest and truthful and conform to generally accepted principles of fair competition and good business practice	Y
Be prepared with a due sense of social responsibility and be based on principles of fairness and good faith	Y
Under no circumstances be unethical, offend against generally prevailing standards of taste and decency or otherwise impugn human dignity and integrity	Y

RÖK

- The basic principles are incorporated within the Code

Specific Provisions

Misuse

	RÖK
Commercial communications should not encourage excessive or irresponsible consumption, nor present abstinence or moderation in a negative way	N
Commercial communications should not suggest an association with violent, aggressive, dangerous or anti-social behaviour	N
Commercial communications should not show people who appear to be intoxicated or in any way imply that intoxication is acceptable	N

RÖK

- There are no provisions relating to misuse as they do not appear in the ICC Code

Minors	RÖK
Commercial communications should not be aimed at minors or show minors consuming the product	N
Commercial communications should not promote the product in media, programmes or at events where the majority of the audience are known to be minors	N

RÖK

- There are no provisions relating to minors for the same reason

Driving	RÖK
Commercial communications should not directly or indirectly associate consumption with the act of driving vehicles of any kind	N

RÖK

- There are no provisions relating to driving

Hazardous activities	RÖK
Commercial communications should not associate consumption with the operation of potentially dangerous machinery or with the performance of potentially hazardous activities, or portray the act of consumption prior to or during activities, or in locations that are potentially hazardous (It should be borne in mind that those activities that might not otherwise be considered hazardous e.g. swimming or using simple hand tools, may be inadvisable after consuming an alcoholic beverage)	N

RÖK

- Provisions relating to hazardous activities are not part of the Code although the ICC article about Children & Young People-Avoidance of Harm is followed

Medical aspects	RÖK
Commercial communications must not attribute the property of preventing, treating or curing a human disease or refer to such properties	N
Commercial communications on health aspects of the product are allowed to the extent specifically permitted by the law of the country where the communication is made. This includes reference to government-issued sensible drinking guidelines or limits	N

RÖK

- Medical aspects are not addressed as they are not part of the ICC Code

Alcohol content	RÖK
Commercial communications should not create any confusion as to the nature and strength of the product	N
Commercial communications should not present high alcoholic strength in itself as a positive quality of the brand or as a reason for choosing it. On the other hand, messages may not imply that consuming beverages of low alcohol content will avoid misuse (this prohibition does not apply to commercial communications for non-alcoholic beverages)	N

RÖK

- Again, because these provisions are not within the ICC Code, they do not feature but the RÖK accept the principles of Alcohol & Tobacco Regulatory Authority regarding the consumption of alcoholic beverages and their advertisements

Performance	RÖK
Commercial communications should not create the impression that consumption enhances mental ability or physical performance, e.g. when engaging in sports	N
Commercial communications should not create the impression that consumption enhances social or sexual success	N

RÖK

- As they do not feature in the ICC Code, there are no provisions relating to performance

Promotions & Sampling (including tasting)	RÖK
No promotion should encourage irresponsible or anti-social behaviour or alcohol misuse, in particular excessive consumption	N
Sampling is allowed at licensed or private premises, trade fairs or occasions in accordance with local regulations. No sampling of the product should be offered to minors	N

RÖK

- There are no references to promotions and sampling

Implementation of the Code and Other Principles

The Self-regulatory Body

Organisation	RÖK
Organisation is a self-regulatory body	Y

RÖK

- The Advertising Self-regulatory Board (Reklam Özdenetim Kurulu) is responsible for self-regulation on television, radio and in the press and cinema only
- The RÖK does not have a legal basis but due to its membership (from the media) it has the power to amend or withdraw an advertisement
- It has 16 members of which five represent advertisers, four advertising agencies; four the press, two private television channels and one the State television service
- One of the members of the Board is the ex officio of the Statutory Authority (Advertising Board; the body working under the Ministry of Industry & Trade)

Promotion of the Code

	RÖK
Programme or initiatives to make consumers aware of the Code and the complaints mechanism	Y
Code promoted to:	
Public authorities	Y
Consumer organisations	N
Staff in bars/restaurants/shops etc	N
Plans for a programme of activities to make consumers aware of Code/complaints mechanism in the future	Y
Training and information offered to marketers and advertisers	Y

RÖK

- Every two years since 1999, the RÖK has run campaigns to raise consumer awareness about the complaints mechanism
- It is planned to run campaigns about the Code and complaints system in the future
- The Code is promoted to public authorities but not consumer organisations and it is not appropriate for retail staff
- Training is available to all parties and concentrates mainly on the advertising law. Information provided includes the Code, examples of Executive Board decisions and the interpretations of the Code articles. No charge is made for this

Pre-launch Services Offered

Copy advice offered for the following media:

	RÖK
Print	Y
Broadcast media	Y
Cinema	Y
Outdoor events	N
Labelling (including product names)	N
Naming & Packaging	N
Internet	N
<i>and includes:</i>	
Promotion	N
Merchandising	N
Point of sale material	N
Sponsorship	N
Electronic media	N
Communications to on & off trade	N
Product placement	N
Direct marketing	N

RÖK

- Pre-launch copy advice is available from the RÖK for print, radio, television and cinema
- Although alcoholic beverages are permitted to advertise in the press and cinema, it has not had any demand for copy advice on alcoholic products

Form of copy advice

	RÖK
Copy advice offered is:	
Non-binding	Y
Free	Y
Available to all parties	Y
Available to all media groups	Y
Clearance implies future complaints are unlikely to be upheld	N

RÖK

- Non-binding advice is given to all parties in all media, whether they are a member of the RÖK or not
- Provided by the Executive Board normally within a week, there is no charge for this service
- Clearance of an advertisement at this stage does not imply that future complaints are unlikely to be upheld

Pre-clearance is a pre-condition for:

	RÖK
Print	N
Broadcast media	N
Cinema	N
Outdoor events	N
Labelling (including product names)	N
Naming & Packaging	N
Internet	N
and includes:	
Promotion	N
Merchandising	N
Point of sale material	N
Sponsorship	N
Electronic media	N
Communications to on & off trade	N
Product placement	N
Direct marketing	N

RÖK

- Pre-clearance is not available in Turkey from any organisation and there is no plan to introduce such a system

Complaints**Complaints handling**

	RÖK
Organisation includes a Complaints Committee	Y
Deals with complaints from all parties	Y
Charges Competitors only	Y
Handles complaints only from specific media	Y

RÖK

- The Executive Board (Reklam Özdenetim Yürütme Kurulu) acts as the complaints committee and consists of two members each representing advertisers and advertising agencies plus three from the media. The Chair is one of the advertising agency representatives
- Complaints are handled about press, television and radio advertising and can be made by consumers and competitors

- There is no charge for this to consumers but the competitor's fee is approximately \$300
- Complaints must be in writing, stating the article of the Code. The Chairman of the Board initially evaluates the complaint and determines how it is to be dealt with
- The Secretariat registers the complaint and asks for the comments of the advertiser and advertising agency
- The Secretariat then assembles the necessary information and documents and presents the dossier, together with its own opinion, to the Executive Board
- The Board's decision is notified to both parties in writing
- If the dispute is resolved by discussion between the parties, the written complaint is withdrawn and the Board takes no action

Appeals

Appeals handling

	RÖK
Organisation offers an appeal procedure	Y
Appeals permitted from both parties	Y
Appeals are handled free	Y ¹

¹Consumers only

RÖK

- Appeals against the decisions of the Executive Board can be made to the full Advertising Self-regulatory Board, which meets every month, from either party
- Complaints, which must be in writing, are free for consumers but there is a charge if it is from a competitor
- The Secretariat registers the appeal and presents the dossier to the full Advertising Self-regulatory Board for consideration
- The decision of Advertising Self-regulatory Board is final

Monitoring

Compliance monitoring

	RÖK
Monitors advertising on its own behalf	Y ¹
Monitors:	
Selected media	Y
Sample of advertisements	Y
Monitors on its own initiative with the ability to react without a complaint being made	Y

¹Limited

RÖK

- Although it has the ability to monitor advertising, the RÖK has generally not undertaken this because of a lack of personnel
- It is able to monitor advertising on its own behalf and react without a complaint being made, which it has done 8 times in the past 3 years. None of these complaints have been upheld

Sanctions

Sanctions available to the Complaints Committee

	RÖK
Decisions of the complaints committee/self-regulatory body publicised	N
Ability to impose additional sanctions if a company rejects the decision of the self-regulatory body/complaints committee	Y
Compliance of committee decisions monitored	Y

RÖK

- The decisions of the Executive Board are not publicised and there are no plans to do so
- If it is determined that the advertisement has breached the Codes, the Executive Board instructs the advertiser to amend or withdraw the advertisement
- In the event of non-compliance, the media are asked to refuse the advertisement
- Respect of the decisions is monitored and the media are asked to refuse the advertisement if it is not complied with

Awareness

Publication of Committee decisions

	RÖK
Report published of all the complaints and their outcome	N

RÖK

- Details of complaints and their outcome are not published

Analysis of Complaints

RÖK	1999	2000	2001	2002	2003
Total Number of complaints upheld	47	38	28	36	77

RÖK

- Details are kept only for the total number of complaints upheld by the Executive committee
- These are running at a low level
- The remit RÖK extends only across press, radio, television and posters

Recent Developments

RÖK

- The Advertising Self-regulatory Principles were reviewed in 2003

Future Plans

RÖK

- It is planned to run campaigns about the Code and complaints system in the future

NORWAY

The Regulatory/Self-regulatory Environment

There is a total ban on the advertising of all alcoholic beverages with an abv over 2.5%. A number of industry self-regulatory operations provide a degree of control for the advertising of products that are permitted.

Overview of Alcoholic Marketing Regulations

- Government owned Vinmonopolet has a monopoly on off premise retail sales of spirits, wine and strong beer with an abv over 4.76% abv
- Advertising alcoholic beverages with an abv over 2.5% is banned from all media
- It is permitted to advertise beer and light wines of 2.5% abv and less providing they comply with restrictions that ensure they are distinguished from alcoholic beverages
- Industry groups operate a number of different codes for permissible advertising

Statutory Authorities

- The **Consumer Ombudsman** (Forbrukerombudet - CO) is an independent commissioner who enforces the provisions of the Marketing Control Act and parts of the regulations covering broadcast advertising. The Act's rules are designed to prevent unreliable, irrelevant or otherwise unfair measures in marketing and to promote healthy conditions for competition
- The CO considers complaints from both consumers and businesses and is also able to take action on his own initiative but deals only with cases of a nationwide character
- Local cases are dealt with by the regional offices of the **Norwegian Competition Authority**
- In the case of a dispute, negotiations are held with the aim of arriving at a voluntary agreement but in the rare cases where this is not possible, the CO or business may put cases to the Market Council
- The **Market Council** (Markedsrådet) determines how the Marketing Control Act is applied and also acts as the "court of appeal" for the CO's cases
- The CO or regional offices are able to impose a prohibition in urgent cases. Any decision made by the CO and Market Council is accompanied by an enforcement charge which, if not complied with, may lead to a fine or legal action
- The **Norwegian Directorate for the Prevention of Alcohol and Drug Problems** (Sosial- og helsedirektoratet avdeling for rusmidler) administers and informs on various aspects of the Alcohol Act, including the prohibition on advertising, amongst its responsibilities
- In 2003 a scheme was introduced to allow the use of more effective sanctions to stop illegal advertising for alcoholic beverages
- In the event of any violations, the **Directorate of Health and Social Affairs** can order rectification of the violation within a specified deadline
- At the same time, a coercive fine can be issued that will be payable if the deadline is not met
- In special circumstances, a coercive fine may be fixed for any future violations of the advertising provisions
- Resolutions on rectification and coercive fines can be appealed against through The Market Council

Statutory Controls on Alcohol

- Norway has a total ban on the advertising of all alcoholic beverages with an abv over 2.5%
- A prohibition on advertisements in the press and in other printed matter was imposed in 1975. This was followed in 1977 by a comprehensive ban that including illuminated advertisements, posters and advertisements on restaurant fixtures and equipment
- Vinmonopolet, the state alcohol monopoly established in 1922, became a pure retailing monopoly in 1996 when its other business areas were demerged into a separate state-owned company
- It currently has a monopoly on selling wine and spirits and strong beers with an abv that exceeds 4.76%
- A monopoly right to sell wine and spirits with an abv of less than 4.76% was revoked in 2003
- The purpose was to provide equal treatment of beer and other alcoholic beverages with the same alcohol content and so allows grocery stores with a “beer licence” to sell alcopops etc. Prior to this the grocery stores were allowed only to sell beers below 4.76% abv. Beers under 2.5% are not covered as they are not defined as an alcoholic beverage
- **The Marketing Control Act** (1972) lays down the general rules for advertising in broadcasting, newspapers and other media. It is intended to protect consumers from incorrect, unbalanced, misleading or unfair marketing methods
- **The Act on the Sale of Alcoholic Beverages** (1989) regulates the sale and marketing of alcoholic drinks and includes a range of restrictions on their marketing. Alcoholic beverages are defined as products with an abv of more than 2.5%
- Advertising of any alcoholic beverage is prohibited in all media
- The prohibition includes the advertising of other products carrying the same label or distinctive mark as those containing more than 2.5% abv. These products must also not be included in advertisements for other goods or services
- Products below this strength are not considered to be alcoholic beverages and so permitted to advertise
- Consequently advertising of beer and light wines of 2.5% abv and less is permitted providing it does not contain or makes use of a name, name of a company, logo, slogan, or symbols which associate the advertised product with alcoholic beverages
- This means that they must have a distinguishable trademark or name which separates them from alcoholic beverages. Producers are, however, allowed to state their name when advertising other products, provided that the information is given in an ordinary manner that cannot be understood as advertising of alcoholic beverages
- Licensed retailers are not permitted to offer special discounts on the sale of alcoholic beverages to the consumer
- Nor is it permissible to dispense alcoholic beverages to consumers for promotional purposes or to auction them or use them as winnings or prizes

Framework of Self-regulation

- A number of drinks industry associations operate codes for permissible advertising
- The Norwegian Brewers and Soft Drinks Producers have a code offering guidelines for avoiding illegal messages when advertising light beers (below 2.5% abv: advertising of stronger products is not permitted)
- The Code covers all aspects of beer commercial communications apart from labelling, packaging and communication to on and off trades

- Its coverage of the provisions outlined in the questionnaire is very thin largely because the provisions are not considered relevant for light beers
- The Norwegian Brewers and Soft Drinks Producers provides non-binding copy advice but not pre-clearance of advertisements
- There is no complaints mechanism
- The Norwegian Association of Wine and Spirits Suppliers (VBF) has a code based upon Amsterdam Group's Common Standard for Commercial Communications backed up with a complaints mechanism

Questionnaire on Codes for Commercial Communications

Respondents

A response to the Codes for Commercial Communications questionnaire was received from the following organisation:

National Body	Code of Commercial Communications
Bryggeri- og mineralvannforeningen¹ Norwegian Brewers and Soft Drinks Producers	Yes

¹ Associate member

- The Norwegian Brewers and Soft Drinks Producers is the trade association for the brewing and soft drinks industries in Norway. It is an associate member of The Brewers of Europe
- Its aims are to promote and defend the interests of its members through communication and co-operation with consumers, organisations and public authorities

Self-Regulatory Initiatives

Norwegian Brewers and Soft Drinks Producers

- Bryggeri- og mineralvannforeningen operates its own code
- As there is a total ban on commercial communications of alcoholic beverages, the breweries have been restricted to advertising their light beers and non-alcoholic beverages. However, they have been accused of using sponsorships and advertisements for light-beers as hidden marketing of their alcoholic beers
- The Code concerns this aspect, giving guidelines on how to avoid illegal messages
- It was agreed on after a judgement in the High Court on the use of brewery logos in sports sponsorships

Norwegian Association of Wine and Spirits Suppliers

- The Vin- og brennevin leverandørenes forening (VBF) was not surveyed for the questionnaire
- The VBF is an organization of producers and importers of wine and spirit-based beverages in Norway
- One of its areas of interest is the regulations for the sale and marketing of alcoholic beverages
- It has a Code of Conduct signed by all its members and an associated independent Complaints Panel to consider violations of the Code
- The Code complements the Norwegian Alcohol Act and has been formulated to be in accordance with the Amsterdam Group's Common Standard for Commercial Communications

Setting Up and Basic Principles of the Code

Creation of the Code

Stakeholders consulted during the formulation and creation of the Code

	Bryggeri- og mineralvannforeningen
Consumer organisations	N
NGO's	N
Professional organisations	N
Government departments	N

Bryggeri- og mineralvannforeningen

- No outside organisations were consulted in the formulation of the Code because after the High Court judgment the views of all stakeholders were well known
- The Code was agreed on by all the Norwegian breweries and presented to the relevant governmental body. It was also well received by the NGOs

Coverage of the Code

Product types covered by the Code

	Bryggeri- og mineralvannforeningen
Beer	Y ¹
Wine	N
Spirits	N
Cider	N
Flavoured Alcoholic Beverages	N

¹ Only beers with an abv of under 2.5%

Bryggeri- og mineralvannforeningen

- As commercial communications for beers of 2.5% abv and greater are prohibited, the Code covers only beers with strength less than this
- It also covers the use of company logos in sponsorships

Brand advertising/marketing communications media covered by the Code

	Bryggeri- og mineralvannforeningen
Print	Y
Broadcast media	Y
Cinema	Y
Outdoor events	Y
Labelling (including product names)	N
Naming & Packaging	N
Internet	Y
<i>and including</i>	
Promotion	Y
Merchandising	Y
Point of sale material	Y
Sponsorship	Y
Electronic media	Y
Communications to on & off trade	N
Product placement	Y
Direct marketing	Y

Bryggeri- og mineralvannforeningen

- The Code covers all commercial communications channels apart from labelling and packaging and communications to on and off trades

Other activities covered by the Code

	Bryggeri- og mineralvannforeningen
Non-advertising materials and activities	Y
Statements to the media, government agencies or the public about issues of societal concern such as the risks or benefits related to the consumption of the product(s)	N
Educational messages about responsible drinking or the role of alcohol consumption in society	N

Bryggeri- og mineralvannforeningen

- Non-advertising material and activities, such as point of sale promotion and use of fridges etc, are covered by the Code
- The statements and educational messages provisions, however, are not included as social responsibility in a broader sense is handled through other initiatives and programmes

Provisions of the Code

General Provisions

Basic principles included in the Code

	Bryggeri- og mineralvannforeningen
Be legal, decent, honest and truthful and conform to generally accepted principles of fair competition and good business practice	Y
Be prepared with a due sense of social responsibility and be based on principles of fairness and good faith	Y
Under no circumstances be unethical, offend against generally prevailing standards of taste and decency or otherwise impugn human dignity and integrity	Y

Bryggeri- og mineralvannforeningen

- Each of the basic principles is included within the Code

Specific Provisions

Misuse

	Bryggeri- og mineralvannforeningen
Commercial communications should not encourage excessive or irresponsible consumption, nor present abstinence or moderation in a negative way	N
Commercial communications should not suggest an association with violent, aggressive, dangerous or anti-social behaviour	N
Commercial communications should not show people who appear to be intoxicated or in any way imply that intoxication is acceptable	N

Bryggeri- og mineralvannforeningen

- None of the misuse provisions are included as they are considered not to be relevant for light beers

Minors

	Bryggeri- og mineralvannforeningen
Commercial communications should not be aimed at minors or show minors consuming the product	Y
Commercial communications should not promote the product in media, programmes or at events where the majority of the audience are known to be minors	Y

Bryggeri- og mineralvannforeningen

- Both provisions relating to minors are included within the Code

Driving

	Bryggeri- og mineralvannforeningen
Commercial communications should not directly or indirectly associate consumption with the act of driving vehicles of any kind	N

Bryggeri- og mineralvannforeningen

- The driving provision is not included within the Code as it is not considered relevant for light beers

Hazardous activities

	Bryggeri- og mineralvannforeningen
Commercial communications should not associate consumption with the operation of potentially dangerous machinery or with the performance of potentially hazardous activities, or portray the act of consumption prior to or during activities, or in locations that are potentially hazardous (It should be borne in mind that those activities that might not otherwise be considered hazardous e.g. swimming or using simple hand tools, may be inadvisable after consuming an alcoholic beverage)	N

Bryggeri- og mineralvannforeningen

- The hazardous activities provision is not included within the Code as it is not considered relevant for light beers

Medical aspects

	Bryggeri- og mineralvannforeningen
Commercial communications must not attribute the property of preventing, treating or curing a human disease or refer to such properties	N
Commercial communications on health aspects of the product are allowed to the extent specifically permitted by the law of the country where the communication is made. This includes reference to government-issued sensible drinking guidelines or limits	N

Bryggeri- og mineralvannforeningen

- The medical aspects provisions are not included within the Code as they are not considered relevant for light beers

Alcohol content

	Bryggeri- og mineralvannforeningen
Commercial communications should not create any confusion as to the nature and strength of the product	Y
Commercial communications should not present high alcoholic strength in itself as a positive quality of the brand or as a reason for choosing it. On the other hand, messages may not imply that consuming beverages of low alcohol content will avoid misuse (this prohibition does not apply to commercial communications for non-alcoholic beverages)	N

Bryggeri- og mineralvannforeningen

- There is a requirement at the advertising should not create confusion about the nature and strength of the product

Performance

	Bryggeri- og mineralvannforeningen
Commercial communications should not create the impression that consumption enhances mental ability or physical performance, e.g. when engaging in sports	N
Commercial communications should not create the impression that consumption enhances social or sexual success	N

Bryggeri- og mineralvannforeningen

- Neither of the performance provisions is included within the Code as it is considered that they are unneeded because they cover aspects that are considered to apply without saying

Promotions & Sampling *(including tasting)*

	Bryggeri- og mineralvannforeningen
No promotion should encourage irresponsible or anti-social behaviour or alcohol misuse, in particular excessive consumption	N
Sampling is allowed at licensed or private premises, trade fairs or occasions in accordance with local regulations. No sampling of the product should be offered to minors	N

Bryggeri- og mineralvannforeningen

- Neither of the promotions and sampling provisions is included as it is not considered that they are relevant for light-beers

Implementation of the Code and Other Principles

The Self-regulatory Body

Organisation

	Bryggeri- og mineralvannforeningen
Organisation is a self regulatory body	N

Bryggeri- og mineralvannforeningen

- The Norwegian Brewers and Soft Drinks Producers is not a self-regulatory body in itself and is not a member of one

Promotion of the Code

	Bryggeri- og mineralvannforeningen
Programme or initiatives to make consumers aware of the Code and the complaints mechanism	N
Code promoted to:	
Public authorities	Y
Consumer organisations	N
Staff in bars/restaurants/shops etc	N
Plans for a programme of activities to make consumers aware of Code/complaints mechanism in the future	N
Training and information offered to marketers and advertisers	Y

Bryggeri- og mineralvannforeningen

- There is no programme of activity to make consumers aware of the Code because there is a ban on commercial communications on alcohol in Norway and the Association members are expected to act within the law
- The Code is promoted through meetings and letters to the Ministry of Social Affairs
- It is not promoted to consumer organisations as they are not considered to be involved in these areas
- It is also not promoted to retail staff because the Code concerns the responsibilities of the brewers
- Training and information is provided to marketers and advertisers through seminars and guidelines. It is available only to members and their advertisers/consultants and is free

Pre-launch Services Offered

Copy advice offered for the following media:

	Bryggeri- og mineralvannforeningen
Print	Y
Broadcast media	Y
Cinema	Y
Outdoor events	Y
Labelling (including product names)	Y
Naming & Packaging	Y
Internet	Y
<i>and includes:</i>	
Promotion	Y
Merchandising	Y
Point of sale material	Y
Sponsorship	Y
Electronic media	Y
Communications to on & off trade	Y
Product placement	Y
Direct marketing	Y

Bryggeri- og mineralvannforeningen

- Pre-launch copy advice is provided for all commercial communications channels

Form of copy advice

	Bryggeri- og mineralvannforeningen
Copy advice offered is:	
Non-binding	Y
Free	Y
Available to members only	Y
Available to:	
Advertisers	Y ¹
Agencies	Y ¹
Media	Y ¹

¹Advice available from Bryggeri- og mineralvannforeningen only through member

Bryggeri- og mineralvannforeningen

- Copy advice is provided by the Managing Director of the Association to members only although their agencies may obtain advice through that member
- There is no charge for the advice, which is not binding

Pre-clearance is a pre-condition for:

	Bryggeri- og mineralvannforeningen
Print	N
Broadcast media	N
Cinema	N
Outdoor events	N
Labelling (including product names)	N
Naming & Packaging	N
Internet	N
and includes:	
Promotion	N
Merchandising	N
Point of sale material	N
Sponsorship	N
Electronic media	N
Communications to on & off trade	N
Product placement	N
Direct marketing	N

Bryggeri- og mineralvannforeningen

- Pre-clearance is not a requirement for advertising in any media

Complaints

Complaints handling

	Bryggeri- og mineralvannforeningen
Organisation includes a Complaints Committee	N
Actively planning to introduce a complaints mechanism	N

Bryggeri- og mineralvannforeningen

The Norwegian Brewers and Soft Drinks Producers does not have a complaints mechanism

Monitoring

Compliance monitoring

	Bryggeri- og mineralvannforeningen
Monitors advertising on its own behalf	N

Bryggeri- og mineralvannforeningen

- The Norwegian Brewers and Soft Drinks Producers does not monitor advertising

SWITZERLAND

The Regulatory/Self-regulatory Environment

Advertising of alcoholic beverages is subject to significant legislative regulation which bans it from radio and television and severely restricts spirits advertising in the other media. Self-regulation of drinks is concerned mainly with protecting minors although the Swiss Association of the Alcoholic Industry is currently working on a self-regulation code.

Overview of Alcoholic Marketing Regulations

- Advertising of spirits (over 15% abv) is strictly controlled by legislation which bans it from radio, television and certain other locations and severely restricts its content elsewhere
- All other alcohol advertising is also prohibited from using radio and television but a proposal is currently going through the Swiss legislature that could extend advertising opportunities for beer and wine on private radio and television broadcasters but is not expected to apply until 2006
- Advertising of drinks other than spirits in the remaining media is currently permitted subject to restrictions on content and place

Statutory Authorities

- The Swiss Alcohol Board's (Régie fédérale des alcools) mandate comes from the Federal Law on Alcoholic Beverages
- It is committed to health preservation and includes responsibility for the implementation of alcohol legislation for non-fermented products through control and supervision of importation, production and trade. Responsibilities include taxation and restrictions on advertising
- Its mandate does not extend to wines, beer or cider
- **The State Secretariat for Economic Affairs** (Secrétariat d'Etat à l'économie) is responsible for controlling unfair competition

Statutory Controls on Alcohol

- Although not a member of the EU, Swiss legislation has moved towards EU Directives dealing with advertising
- A number of national laws have relevance to advertising
- The **Federal Law on Alcoholic Beverages and Hard Liquor** (1980) regulates only spirits advertising
- It is forbidden to advertise spirits (and other products not obtained exclusively from fermentation) with an abv of over 15%:
 - On radio and television
 - In or around public buildings, or parts of them
 - In and on public transport
 - On sports grounds as well as at sporting events

- At events in which minors participate or events aimed at minors and children
- In companies which sell medicine or whose business is principally concerned with health care (drugstores, pharmacies etc.)
- On packages and items of everyday use which do not contain spirits, or have any relation to spirit
- Advertising for spirits in word, image and sound is limited to information and representations which specifically refer to the product and its attributes
- It is permitted to:
 - Present only the product itself, the ingredients (raw material), the production process and the factory
 - Include the people working there if a distillery is shown
 - Landscapes can show, for example, the harvest of the raw materials used
- It is not permitted to: Use a representation of a life style
 - Show people drinking distilled spirits, walking on the beach, talking in a bar etc
 - Use landscapes which have no direct connection with distilled spirits, e.g. golf course, snow-capped mountain peaks, beaches etc
 - Employ photographs of cities and villages
 - Use slogans such as "Whisky for managers" or "Modern people drink Cognac X" as such slogans represent status symbols leading to associations that have nothing to do with the information on the product

Merchandising

- Gifts and benefits, which attract buyers, are not allowed in the retail trade for spirits. Even a mere promise of benefits is prohibited
- Advertising on packages and items which either contain distilled spirits or have a connection with them such as glasses and bottle-openers are permitted
- Firms that also have distilled spirits in their sales range or transport them professionally are allowed to advertise on their delivery vans
- The same is applicable for shopping carts and shopping bags in supermarkets. Advertising for spirits on garments is only permitted if they are worn by bartenders or service personnel etc. as working clothes
- Advertising is forbidden on clothing in general, ashtrays, lighters, ballpoint pens, candles, key pendants, mirrors, sunshades, bags, sports goods, record covers etc

Promotions

- Making price comparisons and/or inducing the buyer by promising extra benefits are forbidden
- It is forbidden to hold competitions in which spirits serve as publicity material or prizes, or to require the purchase of spirits as a condition for participation
- Offering distilled spirits free of charge for advertising purposes, be it in the form of tasting or free samples to an unlimited number of people, is prohibited but the competent cantonal authority may grant exceptions at trade fairs and exhibitions in which the food industry takes part

Sponsorship

- The beverage industry is allowed to sponsor public, cultural or sports events. The name of the enterprise can be mentioned on the posters and advertisements in the newspapers but it is not admissible to make a connection with the advertising for distilled spirits
- The Swiss Alcohol Board, Coordinating Service for Retail Trade in Distilled Spirits is responsible for the supervision of the legal advertising regulations

- The **Federal Law on Radio and Television** (1991) prohibits all alcohol advertising on radio and television, including that for beer and wines
- In March 2004 the National Council, the lower house of the Swiss parliament, passed the new Law on Radio and Television and introduced various amendments to the bill. The Law is now going through the Council of States, the upper house of parliament
- Compared with the Federal Council's proposal, the larger house of parliament further extended advertising opportunities for private radio and television broadcasters. In future, these will be able to carry advertising for beer and wine but these new freedoms do not apply to the SRG's (Swiss Broadcasting Corporation) programmes
- The upper house of parliament, the Council of States, is now dealing with the matter. The revised Law is not expected to enter into force before 2006

- Advertising regulations for all sorts of alcoholic beverages are stipulated in the **Federal law on Food** (1992), which prohibits the advertising for alcoholic beverages geared towards young people under 18 years of age
- The Swiss Cantons are responsible for the enforcement of these advertising regulations

Framework of Self-regulation

- Commercial communication for alcohol advertising is regulated by the Self-regulation Code of the Swiss Commission for Fairness (CSL) which mainly reflects the provisions of the regulatory environment in Switzerland
- Its Guidelines of the Swiss Commission for Fairness apply to all types of commercial communication and includes specific rules relating to alcoholic drinks
- These alcohol guidelines are measures to protect minors, notably restricting the placement of advertising in relation to this group, and so reflect few of the provisions outlined in the questionnaire
- The CSL does not provide copy advice or pre-clear advertisements
- Complaints can be made in relation to all forms of commercial communication and appeals are allowed at the discretion of the Committee
- In case of non-compliance it may publish the adjudication with full identification of the offending party or instruct the media to refuse or withdraw the advertisement, or to recommend the appropriate professional association to expel the offending party or withdraw recognition
- The Swiss Association of the Alcoholic industry is working on a code of self regulation. It is intended that the Commission will act as a Court of Arbitration relating to this code

Questionnaire on Codes for Commercial Communications

Respondents

A response to the Codes for Commercial Communications questionnaire was received from the following organisation:

National Body	Code of Commercial Communications
CSL Commission Suisse pour la Loyauté Swiss Commission for Fairness	Guidelines of the Swiss Commission for Fairness

CSL

- The questionnaire was not completed by the Commission Suisse pour la Loyauté (CSL)
- The Commission stated that it is not entitled to give any legal information because it is strictly bound by the principles of impartiality. Completing the questionnaire would touch on legal aspects and compromise this

Self-regulation

- Commercial communication for alcohol advertising is regulated by the Self-regulation Code of the Commission which mainly reflects the provisions of the regulatory environment in Switzerland
- CSL dates from 1981 when it replaced the Court of Ethics. Its members are appointed by the Foundation of Swiss Advertising for Fairness in Commercial Communication, which is composed of associations in the field of advertising and commercial communications
- The Commission consists of a President and a Vice-President, both independent, and nine members: three advertisers and three journalists plus three consumers who are nominated by the Swiss consumer organisations
- In addition, the Commission may seek the advice of consultants or experts

Code

- The Guidelines of the Swiss Commission for Fairness apply to all types of commercial communication and include specific rules relating to alcoholic drinks
- Advertising of alcoholic drinks must not:
 - Be addressed especially to young people of less than 18 years and aim to encourage them to consume alcohol
- In particular advertising must not feature in:
 - Places mainly frequented by young people
 - Newspapers, magazines and other publications intended mainly for young people
 - On school material (portfolios, cases, pens, etc)
 - On advertising media given to young people free, such as T-shirts, caps, flags
 - On toys

- In the form of free distribution of alcoholic drinks to young people
- At cultural, sporting or other events mainly attended by young people
- Advertising for distilled beverages is governed by the Law on Alcohol
- The CSL does not provide copy advice or pre-clear advertisements

Complaints

- Complaints can be made by competitors and consumers and are handled free of charge
- They are submitted to the Secretariat which informs the advertiser, who is invited to comment and submit evidence
- The Secretariat can declare a case not admissible if the complaint appears to be unfounded or if the advertiser agrees to amend the advertisement. The parties are then informed of the closure of the case
- Complaints considered well-founded are forwarded to the appropriate Committee composed of one representative of the three constituent groups whose decision is communicated to the parties
- The Committee may decide that the Code has been breached even after the offending advertisement has been discontinued. If the advertiser decides to take court action, the Commission may choose to suspend the case pending the court's decision

Appeals

- Appeals are allowed at the discretion of the Committee within 20 days of notification. No prolongation of an advertising campaign is allowed pending appeal
- Appeals against decisions of the Committees are heard by the Plenary of the Commission while appeals against decisions of the Secretariat go before the Control Bureau

Sanctions

- If this has not already happened, the Committee will require the advertisement to cease publication
- In case of non-compliance with its ruling, it may publish the adjudication, with full identification of the offending party. Other sanctions are to instruct the media to refuse or withdraw the advertisement, or to recommend the appropriate professional association expel the offending party or withdraw recognition

Awareness

- The CSL publishes an Annual Report and an Information Sheet on the ICC Codes which includes only the titles of the rules
- These, together with the Guidelines and Rules of the Commission are available on request. Press releases are issued as required

Swiss Association of the Alcoholic industry

- The Swiss Association of the Alcoholic industry is working on a code of self regulation
- It is intended that the Commission will act as a Court of Arbitration relating to this code

APPENDIX 1

QUESTIONNAIRE

Codes for Commercial Communications (Advertising and Marketing)

Canadean Questionnaire September 2004

Questionnaire Completed by:

Organisation:

Postal Address:

Email:

Instructions for Completion of the Questionnaire:

- Please answer all the questions fully.
- If there is not sufficient space to complete your answer then please expand the answer area by adding extra lines (for those completing the Microsoft Word document on computer) or by continuing their answer on additional sheets of paper (for those completing it on paper).
- Would you please expand in full where the answer is unclear and clarification is required, or when the answer is No.
- If you consider that a question does not adequately cover or address initiatives or activities that are being undertaken, please expand your answers, add additional information under the most appropriate section or at the end of the questionnaire where space is given for details that you are unable to fit into the response to any of the questions.
- If a question is not relevant to your organisation please mark it 'Not applicable' with an explanation if appropriate.
- Would you please ensure that changes made over the past three years and initiatives planned for the next two are fully addressed in the questionnaire.
- If you have any queries on the questionnaire and its completion then please contact me by email at sales@canadean.com or by telephone on +44 (0)1256 394 201
- Could you please complete the questionnaire and return it to me by September 30th 2004. If you have any problems in completing it in full by this date would you please contact me at sales@canadean.com.
- Thank you for your cooperation.

Graham Crocker

Canadean Consultant

A) The Code – setting up and basic principles

Creation of the Code

1) Do you have a Code for Commercial Communications in place?

Yes / No

If Yes:

What is its name?

When did it originally come into force?

When was it last reviewed?

Is it currently being reviewed?

If it is, when is this expected to be completed?

Is there a plan to review it in the near future?

If so, when is expected to be undertaken?

It would be helpful if you were able to return a copy of your current Code (in English) with this questionnaire.

If No:

What is the reason for not having a Code?

2) If Yes, did you consult the following stakeholders in the formulation and creation of the Code?

i) Consumer organisations:

Yes / No

If Yes: which were the main consumer organisations consulted?

If No: why were no consumer organisations consulted?

ii) NGOs:

Yes / No

If Yes: which were the main NGO's consulted?

If No: why were no NGO's consulted?

iii) Professional organisations:

Yes / No

If Yes: which were the main professional organisations consulted?

If No: why were no professional organisations consulted?

iv) Governments:

Yes / No

If Yes: which were the main departments consulted?

If No: why were Government departments not consulted?

v) Others (please specify):

Yes / No

Coverage of the Code

3) What does this Code cover?

i) All alcoholic beverages:

Yes / No

ii) Beer:

Yes / No

iii) Wine:

Yes / No

iv) Spirits:

Yes / No

v) Cider:

Yes / No

vi) Flavoured Alcoholic Beverages

Yes / No

If Yes:

Are there any qualifications to the coverage of any of these categories (such as the inclusion of products only over a certain strength) and if so what are they?

If No:

What is the reason for the exclusion of any category (unless you are an organisation dealing with only a specific type of alcoholic beverage)?

4) Which forms of brand advertising or marketing communications does this Code for Commercial Communications cover?

i) Print:

Yes / No

ii) Broadcast media:

Yes / No

iii) Cinema:

Yes / No

iv) Outdoor events:

Yes / No

v) Labelling (including product names):

Yes / No

vi) Naming & Packaging:

Yes / No

vii) Internet:

Yes / No

and including:

viii) Promotion:

Yes / No

ix) Merchandising:

Yes / No

x) Point of sale material:

Yes / No

xi) Sponsorship:

Yes / No

xii) Electronic media:

Yes / No

xiii) Communications to on & off trade:

Yes / No

xiv) Product placement:

Yes / No

xv) Direct marketing:

Yes / No

xvi) Others (please specify):

Yes / No

For the media that are covered, are there any specific exclusions applicable to any of them and if so what are they?

For media are not covered, please explain why they are excluded:

5) Does the Commercial Communications Code also cover the following?

i) Non-advertising materials and activities:

Yes / No

If Yes: What are they?

If No: Why are they not included?

ii) Statements to the media, government agencies or the public about issues of societal concern such as the risks or benefits related to the consumption of the product(s) covered in the code:

Yes / No

If Yes: What are they?

If No: Why are they not included?

iii) Educational messages about responsible drinking or the role of alcohol consumption in society:

Yes / No

If Yes: What are they?

If No: Why are they not included?

Are there any other specific conditions not listed above and if so what are they?

Basic principles

6) In the following section, please indicate whether, within your Code, there are provisions stating that Commercial communications should:

**i) Be legal, decent, honest and truthful and conform to generally accepted principles of fair competition and good business practice:
Yes / No**

**ii) Be prepared with a due sense of social responsibility and be based on principles of fairness and good faith:
Yes / No**

**iii) Under no circumstances be unethical, offend against generally prevailing standards of taste and decency or otherwise impugn human dignity and integrity:
Yes / No**

If No:

If any of these provisions are not specifically included, please indicate why this is so:

Are there any basic principles included within your Code not listed above Yes / No

If Yes:

Please specify what they are:

Provisions by category

Misuse

7) Do the following provisions exist?

**i) Commercial communications should not encourage excessive or irresponsible consumption, nor present abstinence or moderation in a negative way:
Yes / No**

**ii) Commercial communications should not suggest an association with violent, aggressive, dangerous or anti-social behaviour:
Yes / No**

**iii) Commercial communications should not show people who appear to be intoxicated or in any way imply that intoxication is acceptable:
Yes / No**

Yes / No

If No:

Why are they not included?

Are there any provisions relating to misuse included within your Code not listed above

Yes / No

If Yes:

Please specify what they are:

Minors (*i.e. young people below the legal age under national law*)

8) Do the following provisions exist?

i) Commercial communications should not be aimed at minors or show minors consuming the product:

Yes / No

ii) Commercial communications should not promote the product in media, programmes or at events where the majority of the audience are known to be minors:

Yes / No

If No:

Why are they not included?

Are there any provisions relating to minors included within your Code not listed above

Yes / No

If Yes:

Please specify what they are:

What is the legal age under national law?

Driving

9) Does the following provision exist?

i) Commercial communications should not directly or indirectly associate consumption with the act of driving vehicles of any kind:

Yes / No

If No:

Why is it not included?

Are there any provisions relating to driving included within your Code not listed above

Yes / No

If Yes:

Please specify what they are:

Hazardous activities

10) Does the following provision exist?

i) Commercial communications should not associate consumption with the operation of potentially dangerous machinery or with the performance of potentially hazardous activities, or portray the act of consumption prior to or during activities, or in locations that are potentially hazardous (It should be borne in mind that those activities that might not otherwise be considered hazardous e.g. swimming or using simple hand tools, may be inadvisable after consuming an alcoholic beverage):

Yes / No

If No:

Why is it not included?

Are there any provisions relating to hazardous activities included within your Code not listed above

Yes / No

If Yes:

Please specify what they are:

Medical aspects

11) Do the following provisions exist?

i) Commercial communications must not attribute the property of preventing, treating or curing a human disease or refer to such properties:

Yes / No

ii) Commercial communications on health aspects of the product are allowed to the extent specifically permitted by the law of the country where the communication is made. This includes reference to government-issued sensible drinking guidelines or limits:

Yes /

No

If No:

Why are they not included?

Are there any provisions relating to medical aspects included within your Code not listed above

Yes / No

If Yes:

Please specify what they are:

Alcohol content

12) Do the following provisions exist?

i) Commercial communications should not create any confusion as to the nature and strength of the product:

Yes / No

ii) Commercial communications should not present high alcoholic strength in itself as a positive quality of the brand or as a reason for choosing it. On the other hand, messages may not imply that consuming beverages of low alcohol content will avoid misuse (this prohibition does not apply to commercial communications for non-alcoholic beverages):

Yes / No

If No:

Why are they not included?

Are there any provisions relating to alcohol content included within your Code not listed above

Yes / No

If Yes:

Please specify what they are:

Performance

13) Do the following provisions exist?

i) Commercial communications should not create the impression that consumption enhances mental ability or physical performance, e.g. when engaging in sports:

Yes / No

ii) Commercial communications should not create the impression that consumption enhances social or sexual success:

Yes / No

If No:

Why are they not included?

Are there any provisions relating to performance included within your Code not listed above

Yes / No

If Yes:

Please specify what they are:

Promotions & Sampling (includes tasting)

14) Do the following provisions exist?

i) No promotion should encourage irresponsible or anti-social behaviour or alcohol misuse, in particular excessive consumption:

Yes / No

ii) Sampling is allowed at licensed or private premises, trade fairs or occasions in accordance with local regulations. No sampling of the product should be offered to minors:

Yes / No

If No:

Why are they not included?

Are there any provisions relating to promotions and sampling included within your Code not listed above

Yes / No

If Yes:

Please specify what they are:

Any additional provisions

15) Are there any provisions covered by the Code that are not covered by the previous questions?

Yes / No

If Yes:

Please specify what they are:

B) Implementation of the Code and other principles

Glossary of terms: Self-Regulatory Bodies

Bodies set up at national level to apply impartially a code regulating the content of commercial communications

The Self-regulatory Body

16) Unless you are a self-regulatory body yourself, are you a direct or indirect member of any self-regulatory body / bodies?

Yes / No

If Yes:

Please specify (giving contact details)

How long have you been a member?

17) In case you are operating in a country where there is no existing self-regulatory body, are you an active player in the development of a self-regulatory system

Yes / No

If Yes:

What is your role/involvement?

When is the system expected to be operational?

What other types of body are involved with its development?

Please give any further details you may have:

If No:

Are you aware of any initiative to develop a self-regulatory body in which you are not involved:

Yes / No

If Yes:

What initiatives are under way?

Why are you not involved?

Promotion of the Code

18) Do you have a programme or initiatives to make consumers aware of your Code and the complaints mechanism?

Yes / No

If Yes:

Please specify what they are:

Consumer awareness of the Code:

Consumer awareness of the complaints mechanism:

If No:

Why do you not have any such programmes or initiatives?

Consumer awareness of the Code:

Consumer awareness of the complaints mechanism:

Do you plan to introduce such programmes or initiatives in the future?

Yes / No

If Yes:

What are they and when do you expect them to be operative?

Consumer awareness of the Code:

Consumer awareness of the complaints mechanism:

19) Is your Code promoted to the following parties?

i) Public authorities:

Yes / No

If Yes:

Which public authorities are covered?

How is it promoted to them?

If No:

Why is the Code not promoted to them?

ii) Consumer organisations:

Yes / No

If Yes:

Which consumer organisations are covered?

How is it promoted to them?

If No:

Why is the Code not promoted to them?

iii) Staff in bars/restaurants/shops etc:

Yes / No

If Yes:

Which groups of staff are covered in which areas of trade?

How is it promoted to them?

If No:

Why is the Code not promoted to them?

iv) Others (please specify):
Yes / No

If Yes:
How is it promoted to these groups?

20) Do you offer training and information to marketeers and advertisers?
Yes / No

If Yes:
What training is offered?

What information is available and how is it provided?

Are there any charges for either training or information?

If there are charges, what are they?

Is the training and/or information available to anyone or is it restricted to members of your organisation only?

If No:
Are there any plans to provide training and information to marketeers and advertisers in the future?

If so, what is expected to be offered and when is it expected to be available?

If you don't, but such information and training is available, please indicate which entity does (with contact details):

Pre-launch services offered

Glossary of terms: Copy advice

Advice on a proposed commercial communication provided by a self-regulatory body, usually on a non-binding basis

Copy advice

21) Do you offer pre-launch copy advice for the following commercial communications?

- i) Print:
Yes / No
- ii) Broadcast media:
Yes / No
- iii) Cinema:
Yes / No
- iv) Outdoor events:
Yes / No
- v) Labelling (including product names):
Yes / No
- vi) Naming & Packaging:
Yes / No
- vii) Internet:
Yes / No

and including:

- viii) Promotion:
Yes / No
- ix) Merchandising:
Yes / No
- x) Point of sale material:
Yes / No
- xi) Sponsorship:
Yes / No
- xii) Electronic media:
Yes / No
- xiii) Communications to on & off trade:
Yes / No
- xiv) Product placement:
Yes / No
- xv) Direct marketing:
Yes / No
- xvi) Others (please specify):
Yes / No

If Yes:

Is the pre-launch copy advice binding

Yes / No

Is it free?

Yes / No

If not, what is the cost?

Is it available to members only or is copy advice also given to non-members?

Is it available to advertisers, agencies and media or restricted to one or more of these parties?

Who within the organisation provides this advice?

How quickly is the advice normally given from the initial request?

Does clearance of an advertisement at the pre-copy stage imply that future complaints are unlikely to be upheld

Yes / No

Are there any variations to these answers by media and if so what are they?

If No:

Are there any plans to introduce pre-launch copy advice

Yes / No

If Yes:

What is planned?

When is this expected to be available?

If you do not offer pre-launch copy advice, but it is available in your country, please indicate which entity does (with contact details) and for which forms of commercial communications they offer this service:

Glossary of terms: Pre-clearance

Examination of a commercial communication by a self-regulatory body as a compulsory pre-condition of publication or transmission. May also be known as pre-vetting

Pre-clearance

22) Is pre-clearance a pre-condition for the following commercial communications (please indicate in each case who is offering this pre-clearance service)?

i) Print:

Yes / No

If Yes: pre-clearance is offered by:

ii) Broadcast media:

Yes / No

If Yes: pre-clearance is offered by:

iii) Cinema:

Yes / No

If Yes: pre-clearance is offered by:

iv) Outdoor events:

Yes / No

If Yes: pre-clearance is offered by:

v) Labelling (including product names):

Yes / No

If Yes: pre-clearance is offered by:

vi) Naming &Packaging:

Yes / No

If Yes: pre-clearance is offered by:

vii) Internet:

Yes / No

If Yes: pre-clearance is offered by:

and including:

viii) Promotion:

Yes / No

If Yes: pre-clearance is offered by:

ix) Merchandising:

Yes / No

If Yes: pre-clearance is offered by:

x) Point of sale material:

Yes / No

If Yes: pre-clearance is offered by:

xi) Sponsorship:

Yes / No

If Yes: pre-clearance is offered by:

xii) Electronic media:

Yes / No

If Yes: pre-clearance is offered by:

xiii) Communications to on & off trade:

Yes / No

If Yes: pre-clearance is offered by:

xiv) Product placement:

Yes / No

If Yes: pre-clearance is offered by:

xv) Direct marketing:

Yes / No

If Yes: pre-clearance is offered by:

xvi) Others (please specify):

Yes / No

In relation to each media where the answer is Yes:

Is the pre-clearance free?

Yes / No

If not, what is the cost?

Does clearance of an advertisement at this stage imply that future complaints are unlikely to be upheld?

Yes / No

If Yes:

Please explain:

In relation to each media where the answer is No:

Are there any plans to introduce pre-clearance for this media?

Yes / No

If Yes:

What type of pre-clearance is planned?

When is this expected to be operational?

And for what media?

Complaints Committee

23) Do you have your own complaints committee?

Yes / No

If the answer is Yes, please proceed to question 24.

If the answer is No, please proceed to question 29.

24) What is the name and composition of this complaints committee (number of members, status and role of chairman, occupations of members etc.)?

25) Do you have a provision for the time delay in complaint handling?

Yes / No

Please specify:

26) Do you deal with complaints from the following?

i) Consumers:

Yes / No

ii) Competitors:

Yes / No

iii) Both:

Yes / No

If Yes:

Is there a charge for this and if so, what is it?

Who is the complaint made to in the first instance?

If this is not the complaints committee, does any party consider first whether the complaint is admissible before forwarding the complaint to the committee?

If so, who is this?

Please describe the complaints procedure:

If No:

Why do you not deal with complaints from:
Consumers?

Competitors?

Are complaints dealt with from all media (as defined in question 22)

Yes / No

If not, which communication channels are not handled?

What is the reason for these channels not being covered?

27) Does the complaints mechanism contain an appeal procedure?

Yes / No

If Yes:

Does it relate to all types of complaint or circumstances?

Yes / No

If No:

What is admissible/inadmissible?

Can either party appeal?

Yes / No

Is there a charge and if so what is it?

Yes / No

Who/what committee rules whether the appeal is accepted for consideration or otherwise

Do decisions take immediate effect or is there a period of grace (and if so, how long is it)?

Please describe the appeal procedure:

Does the self-regulatory body undertake monitoring on its own behalf?

Yes / No

If Yes:

What form does this monitoring take?

In what media?

Does it cover all advertisements or only a sample (if a sample, please indicate what this is)?

How often is it undertaken?

If No:

Why is monitoring not undertaken?

28) Can the self-regulatory body carry out monitoring on its own initiative, where it can react to a commercial communication without a complaint being made?

Yes / No

If Yes:

Does this occur?

Yes / No

How many times over the past three years has it reacted?

How many of these have resulted in the complaint being upheld?

If No:

Why is this so?

29) If you do not have your own complaints mechanism, but such a mechanism is available, please indicate the body (specifying contact details) to which complaints can be made:

If you do not currently have your own complaints mechanism but are actively considering introducing one please give details:

Sanctions

30) Are the decisions of the complaints committee/self-regulatory body publicised?

**Ye
s /
No**

If Yes:

Where and how is this information made available?

How frequently is it published?

If No:

Why are decisions not publicised?

Are there any plans to introduce a system to publicise decisions?

Yes / No

If Yes:

What are the plans?

31) May any additional sanctions be imposed if a company rejects the decision of the self-regulatory body or complaints committee?

Yes / No

If Yes

What are the possible sanctions?

This may include: to suspend the advertisement; modify the advertisement; publicise the decision; issue an Ad alert to consumers; a formal warning; fine; legal action; expelling the member; reporting advice to trade body/government department etc; reimbursing consumers; publishing a correction; referral to statutory regulator; formal reprimand or a requirement to get mandatory copy clearance for future defined period (please define)

Please specify any sanction that may be employed:

If No:

Why are there no additional sanctions for rejection of the decision?

**32) Is the respect of the decisions of the complaints committee monitored?
Yes / No**

If Yes:

How is it monitored?

Is action taken if it is found that the decision has not been respected and if so what is it?

If No:

Why are the decisions not monitored?

Publications

33) Is a report published of all the complaints that have been made and the outcome of the complaints?

Yes / No

What information is published?

Where is it published?

How often is it published?

Who is it available to?

Analysis of Complaints

34) Could you please provide the following details about complaints received by your organisation (or the entries that are relevant to you).

	1999	2000	2001	2002	2003
Total Number of complaints received					
Total number of complaints requiring intervention*					
Number of different advertisements to which these relate*					
Number of complaints about alcohol products					
Total number of alcohol complaints requiring intervention*					
Number of different advertisements to which these relate*					
Number of complaints considered under the alcohol provisions of the Code					
Number of complaints under the alcohol provisions of the Code requiring intervention*					
* <i>In breach of the Code</i>					

Changes 2002

35) What, if any, changes to the Codes for Commercial Communications were made in the following areas during the calendar year 2002? (Please specify any significant changes that were implemented during the year)

The headings follow the outline of the earlier parts of this questionnaire

Coverage

Type of beverage

Type of media

Basic principles

Provisions

Implementation

Self-regulating body

Promotion of Code

Copy advice

Copy pre-clearance

Complains procedure

Sanctions

Publications

Any other change not covered above:

Where there any changes to the statutory Codes affecting alcoholic beverages or their self-regulation?

Yes/No

If Yes:

Please specify any changes

Changes 2003

36) What, if any, changes to the Codes for Commercial Communications were made in the following areas during the calendar year 2003? (Please specify any significant changes that were implemented during the year)

The headings follow the outline of the earlier parts of this questionnaire

Coverage

Type of beverage

Type of media

Basic principles

Provisions

Implementation

Self-regulating body

Promotion of Code

Copy advice

Copy pre-clearance

Complains procedure

Sanctions

Publications

Any other change not covered above:

Where there any changes to the statutory Codes affecting alcoholic beverages or their self-regulation?

Yes / No

If Yes:

Please specify any changes

Changes 2004

37) What, if any, changes to the Codes for Commercial Communications have been made to date in 2004 or will be introduced during the remaining part of this year? (*Please specify any significant changes*)

The headings follow the outline of the earlier parts of this questionnaire

Coverage

Type of beverage

Type of media

Basic principles

Provisions

Implementation

Self-regulating body

Promotion of Code

Copy advice

Copy pre-clearance

Complains procedure

Sanctions

Publications

Any other change not covered above:

Have any changes been made during this year or are any due to be implemented during the remaining part of this year in the statutory Codes affecting alcoholic beverages or their self-regulation?

Yes / No

If Yes:

Please specify any changes

Planned Changes

38) Are there any changes currently under active consideration to the Codes for Commercial Communications? Please specify any significant change that is currently being looked at and indicate when it might be implemented if accepted.

The headings follow the outline of the earlier parts of the questionnaire

Coverage

Type of beverage

Type of media

Basic principles

Provisions

Implementation

Self-regulating body

Promotion of Code

Copy advice

Copy pre-clearance

Complaints procedure

Sanctions

Publications

Any other change not covered above:

Are there any changes to the statutory Codes affecting alcoholic beverages or their self-regulation planned or under consideration that you are aware of?

Yes / No

If Yes:

Please specify any changes

39) If you have any details to add that you were unable to fit into the response to any of the questions above, then please note them below.

Thank you for your cooperation in filling out this questionnaire.

- If using email, would you please send the completed questionnaire to crocker@dsl.pipex.com
- If you have filled out the questionnaire on paper would you please return by airmail to:

**Mr G Crocker
Canadean Limited
12 Faraday Court
Rankine Road
Daneshill
Basingstoke
Hants
RG24 8PF
England**

APPENDIX 2

SOURCES

Organisations Who Received a Questionnaire

Country	Organisation	Address	Website
	The Brewers of Europe	The Brewers of Europe House 23-25 Rue Caroly B – 1050 Bruxelles	http://www.brewersofeurope.org
Austria	Verband der Brauereien Österreichs	Zaunergasse 1-3 A - 1030 WIEN	http://www.bierserver.at
Belgium	Belgian Brewers	Maison des Brasseurs Grand'Place 10 B - 1000 BRUXELLES	http://www.beerparadise.be
Denmark	Bryggeriforeningen	Faxehus Gamle Carlsberg Vej 16 DK - 2500 VALBY	http://www.bryggeriforeningen.dk
Finland	Panimoliitto	Pasilankatu 2- P.O.Box 115 FIN - 00241 HELSINKI	http://www.panimoliitto.fi
France	Brasseurs de France	Boulevard Malesherbes, 25 F - 75008 PARIS	http://www.brasseurs-de-france.com

Country	Organisation	Address	Website
Germany	Deutscher Brauer-Bund e.V.	Neustädtische Kirchstraße 7A D - 10117 BERLIN	http://www.brauer-bund.de
Greece	Greek Brewers' Association	102 Kifissou Ave GR - 122 41 EGALEO	
Ireland	The Irish Brewers' Association	84/86 Lower Baggot Street IRELAND	
Italy	Associazione degli Industriali della Birra e del Malto	Viale di Val Fiorita, 90 I - 00144 ROMA	http://www.assobirra.it
Lithuania	Lithuanian Brewers Association	Aludaria 1/2 LT - 2649 Vilnius	
Luxembourg	Fédération des Brasseurs Luxembourgeois	Rue Alcide de Gaspéri, 7 B.P. 1304 L – 1013 Luxembourg – Kirchberg	
Malta	The Malta Federation of Industry	Casa Leone 41 Pjazza Robert Samut Floriana VLT 15	http://www.foi.org.mt

Country	Organisation	Address	Website
Netherlands	Centraal Brouwerij Kantoor (CBK)	Herengracht 282 1016 BX Amsterdam PB 3462 NL-1001 AG AMSTERDAM	http://www.cbk.nl
Poland	The Union of Brewing Industry Employers in Poland (Polish Brewers)	Biuro Zarzadu Zwiazku Al. Jana Pawla II 12 lok. 339 00-124 Warszawa	http://www.browary-polskie.pl
Portugal	Associação Portuguesa dos Produtores de Cerveja (APCV)	Edifício Empresarial EE3 Pólo Tecnológico de Lisboa Lote 3, 1600-546 Lisboa	http://www.apcv.pt
Spain	Cerveceros de España	c/. Almagro 24, 2º Izda. E - 28010 MADRID	http://www.cerveceros.org
Sweden	Svenska Bryggareföreningen	Sveavagen 13 - Box 16287 S - 103 24 STOCKHOLM	http://www.sverigesbryggerier.se
United Kingdom	British Beer and Pub Association	Market Towers 1 Nine Elms Lane LONDON SW8 5NQ	http://www.beerandpub.com

Country	Organisation	Address	Website
Associate Members of The Brewers of Europe			
Norway	Bryggeri- og mineralvannforeningen	Essendropsgt. 6 P.O.Box 7087 Homansbyen N-0306 OSLO	http://www.brom.no
Switzerland	Schweizerischer Bierbrauerverein (Swiss Breweries' Federation)	Engimattstrasse 11 P.O. Box 2124 CH - 8027 ZURICH	http://www.bier.ch
Turkey	Beer and Malt Producers' Association of Turkey	Eski Kemalpasa Asfalti No. 52 35070 Isikkent - Izmir	
Other Brewers Organisations contacted for the Questionnaire			
Bulgaria	Union of Brewers in Bulgaria	1000 Sofia 16 'Bacho Kiro' str	
Cyprus		KEO Limited 1, Franklin Roosevelt Ave. 3602 Lemesos	

Country	Organisation	Address	Website
Czech Republic	Czech Beer & Malt Association	CZ-Lípová 15 120 00 Praha 2	
Estonia	Estonian Breweries Association	Karski 69104 Viljandi maakond	
Hungary	Association of Hungarian Brewers	Fehérhajo utca 8-10. III/1. H – 1052 – Budapest	
Latvia	The Brewers' Association of Latvia	44 Tvaika Str. LV – 1005 Riga	
Romania	Romanian Brewers Association	Str. George Enescu nr. 27-29 Etaj II R – Bucuresti 1	
Slovakia	Slovak Beer & Malt Association	Blumentalska 19 SK – 816 13 Bratislava	
Slovenia		Pivovarna Union d.d. Pivovarniska ulica 2 SI – 1000 Ljubljana	

Country	Organisation	Address	Website
EASA: European Advertising Standards Alliance		10a rue de la Pépinière B-1000 BRUSSELS	http://www.easa-alliance.org
Austria	Österreichischer Werberat (ÖWR)	c/o Wirtschaftskammer Wien Schwarzenbergplatz 14 A - 1040 VIENNA	http://www.werberat.or.at
Belgium	Jury d'Ethique Publicitaire/Jury voor Ethische Praktijken Inzake Reclame (JEP)	Ave Louise 120 Bte 5 B - 1000 BRUXELLES	http://jepbelgium.be
Czech Republic	Rada Pro Reklamu (CRPR)	Malostranské náměstí 23, CZ - 11800 PRAHA 1	http://www.rpr.cz
Denmark	Reklame Forum (RF)	c/o Dansk Annoncørforening Søborg Hovedgade 65b 1 DK - 2860 Søborg	http://www.annoncoer.dk
Finland	Liiketapalautakunta (LTL)	P.O. Box 1000 FIN - 00101 HELSINKI	http://www.keskuskauppamari.fi

Country	Organisation	Address	Website
France	Bureau de Vérification de la Publicité (BVP)	Bureau de Vérification de la Publicité (BVP) 11 rue Saint Florentin F - 75008 PARIS	http://www.bvp.org
Germany	Deutscher Werberat (DW)	Verbändehaus Am Weidendamm 1A D - 10117 Berlin	http://www.werberat.de
Germany	Zentrale zur Bekämpfung unlauteren Wettbewerbs e.V. (ZEN)	Landgrafenstrasse 24 B D-61348 BAD HOMBURG v.d.H.	http://www.wettbewerbszentrale.de
Greece	Advertising Self-Regulation Council (SRC)	19, Astronafton str 151 25 Athens	
Hungary	Önszabályozó Reklám Testület (ÖRT)	Borbély u.5-7 H - 1132 BUDAPEST	
Ireland	Advertising Standards Authority for Ireland (ASAI)	IPC House 35-39 Shelbourne Road Ballsbridge DUBLIN 4	http://www.asai.ie

Country	Organisation	Address	Website
Italy	Istituto dell'Autodisciplina Pubblicitaria (IAP)	Via Larga 15 I - 20122 MILAN	http://www.iap.it
Luxembourg	Commission Luxembourgeoise pour l'Ethique en Publicité (CLEP)	c/o Confédération Luxembourgeoise du Commerce (CLC) 31, Blvd Konrad Adenauer L - 1115 LUXEMBOURG	
Netherlands	Stichting Reclame Code (SRC)	PO Box 12 352 NL - 1100 AJ AMSTERDAM	http://www.reclamecode.nl
Portugal	Instituto Civil da Autodisciplina da Publicidade (ICAP)	Av. da Republica 62 F - 6E P - 1000 LISBON	http://www.icap.pt
Romania	Consiliul Roman Pentru Publicitate (RAC) The Romanian Advertising Council Union (RAC)	Bucharest, Str Buzesti 61 BI A6, Et 8 Ap 55 Sector 1	http://www.rac.ro
Slovakia	Rada Pre Reklamu (SRPR)	Grösslingova 45 81 109 BRATISLAVA	http://www.rpr.sk
Slovenia	Slovenska Oglaševalska Zbornica (SOZ)	Parmova ul. 53 1000 LJUBLJANA	http://www.soz.si

Country	Organisation	Address	Website
Spain	Asociación para la Autorregulación de la Comunicación Comercial (Autocontrol)	Conde de Peñalver, 52, 1º C, E - 28006 MADRID	http://www.autocontrol.es
Sweden	MarknadsEtiska Rådet (MER)	c/o Confederation of Swedish Enterprise SE - 114 82 STOCKHOLM	
Switzerland	Commission Suisse pour la Loyauté (CSL)	Kappelergasse 14 Postfach 2585 CH - 8022 ZURICH	http://www.lauterkeit.ch
Turkey	Reklam Özdenetim Kurulu (RÖK)	Yıstıklal Caddesi No:407 Kat:4 34433 TR - ISTANBUL	http://www.rok.org.tr
United Kingdom	The Advertising Standards Authority Limited (ASA)	Mid City Place 71, High Holborn London WC1V 6QT	http://www.asa.org.uk
United Kingdom	Broadcast Advertising Clearance Centre (BACC)	16 Hatfields London SE1 8DJ	http://www.bacc.org.uk

Country	Organisation	Address	Website
CEEV: Comité Européen des Entreprises Vins		Avenue des Arts 43 5e 1040 Bruxelles	http://www.cee.v.be/
France	Entreprises de Grands Vins de France (EGVF)	7 rue de Madrid 75008 PARIS	http://www.unc.fr/orga_prof/org_vins_spiriteux_egv.htm
Germany	Bundesvereinigung Wein und Spirituosenimport (BWSI)	Sonnenberger Straße 46 D-65193 Wiesbaden	
Germany	Verband Deutscher Sektkellereien (VDS)	Sonnenberger Strasse 46 D- 65193 Wiesbaden	http://www.deutscher-sektverband.de
Germany	Verband deutscher Weinexporteure e.V. (VDW)	Heussallee 26 D - 53113 Bonn	http://www.vdw-weinexport.de
Hungary	Magyar Borgazdaság Szövetsége Federation of Hungarian Wine Industries	Szilasi István 1054 Budapest, V. ker., Akadémia u. 1-3.	

Country	Organisation	Address	Website
Italy	Federazione Italiana Industriali Produttori, Esportatori ed Importatori di Vini (FEDERVINI)	Via Mentana, 2/B – 00185 Rome	http://www.federvini.it
Italy	Unione Italiana Vini (UNIVINI)	Via S. Vittore al Teatro, 3 20121 Milano	
Luxembourg	Fédération Luxembourgeoise des Industries et du Négoce des Vins, Liqueurs et Spiritueux	Postfach 49 L-5501 Remich.	
Netherlands	Koninklijke Vereniging van Nederlandse Wijnhandelaren The Royal Association of Dutch Wine Merchants	Van Eeghenlaan 27 1071 EN Amsterdam	http://www.kvnw.nl
Portugal	Federação dos Vinhos e Espirituosos de Portugal (FEVIN)	Rua do Salgueiral, 86-2º, Sala 8 PORTO 4200-476	
Portugal	Associação Das Empresas De Vinho De Porto (AEVP)	Rua Barão Forrester, 412 4400-034 Vila Nova de Gaia	
Spain	Asociación española de Elaboradores y Distribuidores de Vermouth, Bitter-Soda y Aperitivos Vinicos (ANEV)	1 Rambla de Catalunya Barcelona E-08007	

Country	Organisation	Address	Website
Spain	Federación Española del Vino (FEV)	Calle Padilla, 38 28006 Madrid	http://www.fev.es
Spain	Unión de Criadores Elaboradores de Vinos Espumosos (UCEVE- CODORNIU S.A.)	Gran Vía 644 Barcelona E-08007	
Sweden	Systembolaget (Observer member)	Kungsträdgårdsgatan 14 103 84 Stockholm	http://www.systembolaget.se/hem
United Kingdom	The Wine And Spirit Association (WSA)	Five Kings House 1 Queen Street Place London EC4R 1XX	http://www.go-e2.co.uk/WSA_II

Country	Organisation	Address	Website
CEPS: Confédération Européenne des Producteurs de Spiritueux		Avenue de Tervueren 192 Bte 3 1150 Brussels	http://www.europeanspirits.org
Austria	Fachverband der Nahrungs- und Genussmittelindustrie Österreichs - (FNGO)	Zaunergasse 1-3 AT - 1030 Wien	http://www.dielebensmittel.at
Belgium	Fédération Belge des Vins et Spiritueux asbl - (FBVS)/ Belgische Federatie van Wijn en Gedistilleerd vzw - (BFWG)	Rue de Livourne 13 - Bte 5 BE - 1060 Bruxelles	
Cyprus	Wines & Spirits Producers Association of Cyprus – (WSPAC)	P.O. Box 50261 CY – 3602 Limassol	
Czech Republic	Union of the Czech Spirits Producers – (UCSP)	C/o Ministerstvo zemedelstvi CR Tešnov 17 CZ – 117 05 Praha 1	none
Denmark	Foreningen af Danske Spiritusfabrikanter	c/o V&S Danmark (VSD) 4 Langebrogade P O Box 2158 DK - 1016 Copenhagen K	http://www.distillers.dk/

Country	Organisation	Address	Website
Finland	Finnish Food and Drink Industries' Federation - (FFDIF) Finnish Alcoholic Beverages Industries' Association - (FABIA)	P.O.Box 115 FI - 00241 Helsinki	http://www.etl.fi
France	Bureau National Interprofessionnel du Cognac - (BNIC)	23, allées du Champ de Mars BP 18 FR - 16101 Cognac Cédex	http://www.bnic.fr
France	Fédération Française des Brandies - (FFB)	1, Cours du XXX-Juillet FR - 33000 Bordeaux	http://www.vins-bordeaux-negoce.com
France	Fédération Française des Spiritueux - (FFS)	7, rue de Madrid FR - 75008 Paris	http://www.spiritueux.fr
France	Syndicat Cognac Progrès et Tradition - (SCPT)	C/O Remy Martin 20, Rue de la Société Vinicole B.P. 37 FR - 16102 Cognac Cédex	http://www.vins-bordeaux-negoce.com
France	Syndicat des Exportateurs du Cognac - (SEC)	Rue du Port 23 FR - 16103 Cognac	
Germany	Bundesverband der Deutschen Spirituosen-Industrie und -Importeure e.V. - (BSI)	Postfach 15 02 23 DE - 53041 Bonn	http://www.spirituosen-verband.de

Country	Organisation	Address	Website
Greece	Federation of Greek Distillates and Spirits – (SEAOP)	21, rue Hipitou GR - 105 57 Athenes	
Hungary	Magyar Szeszipari Szövetség és Terméktanács Union & Commodity Council of the Hungarian Alcohol Industry - (UCCHI)	Pezt Samu köz 2. C épület fsz 1 HU - 1118 Budapest	
Ireland	Irish Spirits Association - (ISA)	Confederation House 84-86 Lower Baggot Street IE - Dublin 2	
Ireland	Irish Whiskey Distillers Association - (IWDA)	C/o Irish Distillers Ltd Smithfield IE - Dublin 7	
Italy	Federazione Italiana Industriali Produttori Esportatori ed Importatori di Vini, Acquaviti, Liquori, Sciroppi, Aceti ed Affini - (FEDERVINI)	Via Mentana 2/B IT - 00185 Roma	http://www.federvini.it
Latvia	Association of Latvian Spirits Producers and Distributors - LADRIA	Čaka street 160 LV - 1012 Riga	
Netherlands	Commissie Gedistilleerd - (CG)	Commissie Gedistilleerd - (CG) Postbus 124 NL - 3100 AC Schiedam	http://www.pd-cg.nl

Country	Organisation	Address	Website
Portugal	Associação Nacional de Empresas de Bebidas Espirituosas – (ANEBE)	Av. Praia da Vitória, 5 – 1º PT – 1000-245 Lisboa	http://www.100percentocool.pt
Slovakia	Association of Manufacturers of Alcohol and Alcoholic Beverages in Slovakia – (AMAABS)	Textilná 6 SK - 04 262 Košice	http://www.frucona.sk
Spain	Federación Española de Bebidas Espirituosas - (FEBE)	Villalar 4 1º Ext. Izq. ES - 28001 Madrid	http://www.febe.es
Spain	Federación de Bodegas del Marco de Jerez - (FEDEJEREZ)	Avenida Alcalde Alvaro Domecq 6, 2º derecha ES – 11405 Jerez de la Frontera (Cádiz)	http://www.fedejerez.com
Sweden	The Swedish Spirits & Wine Suppliers (SSWS) Sprit & Vinleverantörsföreningen (SVL)	Box 16347 SE – 103 26 Stockholm	http://www.spirits-wine.se
United Kingdom	The Gin and Vodka Association of Great Britain - (GVA)	Cross Keys House Queen Street Salisbury Wiltshire SP1 1EY	http://www.ginvodka.org

Country	Organisation	Address	Website
United Kingdom	The Scotch Whisky Association - (SWA)	20 Atholl Crescent Edinburgh EH3 8HF	http://www.scotch-whisky.org.uk
Observer Members			
Norway	The Norwegian Association of Spirit Producers - ARCUS	Pb. 6764 Rodeløkka NO – 0503 Oslo	http://www.arcus.no
Switzerland	Fédération Suisse des Spiritueux - (FSS)	Amthausgasse 1 Case Postale CH - 3000 Berne 7	http://www.wineandspirit.ch

Country	Organisation	Address	Website
	The Amsterdam Group (TAG)	Place Stéphanie 6 1050 Brussels	www.amsterdamgroup.org
Belgium	Arnoldus Group	Brewers' House 10 Grand Place B- 1000 Brussels	http://www.beerparadise.be
Belgium	Forum Pour l'Education du Goût	Rue de Livourne, 13, bte 5 B-1060 Brussels	http://www.forum-taste-education.com
Czech Republic	Forum PSR	České sdružení pro zodpovědnou konzumaci alkoholu Sněmovni 9 CZ-11 800 Prague 1	http://www.forum-psr.cz
Denmark	GODA Gode Alkoholdninger	Gl. Carlsberg Vej 16 DK-2500 Valby	http://www.goda.dk
France	Entreprise & Prévention	13 Rue Monsigny F-75002 Paris	http://www.soifdevivre.com
Hungary	HAFRAC Hungarian Association for Responsible Consumption	Rétköv u.5 H- 1118 Budapest	

Country	Organisation	Address	Website
Ireland	MEAS The Mature Enjoyment of Alcohol in Society	Merrion House 1-3 Fitzwilliam Street, Lr Dublin 2	http://www.meas.ie
Italy	CASA Centro Aspetti Social Alcool	Via Mentana 2/b IT- 00185 Rome	
Italy	Osservatorio Permanente Sui Giovani Ee L 'Alcool	Viale di Val Fiorita 90 IT-00144 Rome	http://www.alcol.net
Malta	The Sense Group	PO Box 36 MLT – Balzan BZN 01	http://www.thesensegroup.org
Netherlands	STIVA Stichting Verantwoord Alcoholgebruik	Benoordehouthseweg 22-23 NL- 2596 BA The Hague	http://www.stiva.nl
Portugal	ANEBE Associação Nacional de Bebidas Espirituosas	Av. Praia da Vitória 5, 1º1000-245 Lisbon	
Spain	Fundación Alcohol y Sociedad	C/ Villalar 4 – ext. Izq. ES- 28001 Madrid	http://www.alcoholysociedad.org

Country	Organisation	Address	Website
United Kingdom	The Portman Group	7-10 Chandos Street Cavendish Square London W1G 9DQ	http://www.portman-group.org.uk
AICV: Association of the Cider & Fruit Wine Industry of the EU		Rue de la Loi 221 Box 5 B-1040 Bruxelles	http://www.aicv.org
Belgium	Association Belge du Cidre	C/O Cidre Stassen S.A. Rue de Kan 7 B-4880 AUBEL	
Denmark	V.S.O.D. (Vin og Spiritus Organisationen i Danmark)	Borsen 1217 KOBENHAVN K	http://www.vsod.dk
Finland	Finnish Food & Drink Industries' Federation	P.O. Box 115 FIN-00241 HELSINKI	http://www.etl.fi http://www.panimoliitto.fi
France	Syndicat National des Industries Cidricoles (S.N.I.C.)	Rue d'Alésia 44 F-75014 PARIS FRANCE	

Country	Organisation	Address	Website
Germany	Verband der Deutschen Fruchtwein-Und Fruchtschaumwein-Industrie e.V.	Mainzer Strasse 253 D-53179 BONN	http://www.fruchtwein.org
Ireland	Bulmers Ireland Limited	Annerville Clonmel County Tipperary	
Netherlands	Nederlandse Vereniging van Vruchtenwijnf Abrikanten	Siebrand Groep B.V. Postbus 1221 8260AC Kampen	http://www.siebrand.nl
Spain	Asociación Española de Sidras (AESI)	Aviles N 4-5 E-33207 GIJON (Principado de Asturias)	
Sweden	Kiviks Musteri AB	277 35 KIVIK	http://www.kiviksmusteri.se
United Kingdom	The National Association of Cider Makers (NACM)	6 Catherine Street London WC2B 5JJ	