



egta | association of
television and radio
sales houses



COMPENDIUM OF REGULATIONS, SELF-REGULATORY STANDARDS AND INDUSTRY CODES OF CONDUCTS ON AUDIOVISUAL ADVERTISING OF ALCOHOLIC BEVERAGES ACROSS EU MEMBER STATES

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1. INTRODUCTORY REMARKS

egta, the trade association of television and radio sales houses

egta is the trade association of television and radio sales houses. Its membership is composed of:

- **61 TV members** (both public and private broadcasters) based in 27 European countries plus some members beyond Europe. Together, the egta TV members collect advertising through more than 100 mainstream TV channels (plus a number of local and regional channels). Altogether, egta members account for nearly **75% of all advertising investments** in Europe.
- **34 Radio members** based in 18 European countries. Collecting advertising through over 150 radio stations, egta's radio members account for more than **50% of radio advertising investments** in the countries represented within egta's radio department.

egta provides a network for its members based on relationships with more than **1000 high-level executives** specialised in all the different aspects of the profession, which aims to finance television and radio through the sale of advertising space.

ACT, the association of commercial televisions

The Association of Commercial Television in Europe (ACT) is a trade association representing the interests of the commercial broadcasting sector in Europe. Formed in 1989, the ACT has twenty eight member companies active in 34 European countries. Our members are operating more than 400 free-to-air and pay-tv channels and distributing several hundred channels and new services. By offering a wide range of choice and variety to the viewer, commercial broadcasters are a leading source of entertainment and information to millions of European citizens.

1.1 egta/ACT commitment to the EU Alcohol & Health Forum

Broadcast advertising for alcoholic beverages is already subject to various regulatory limitations and must comply with many different self-regulatory standards and industry codes of conduct. These various safeguards complement each other at national level to ensure the highest level of responsibility on all broadcast advertising. Nevertheless, it arises from the various political debates on marketing communications of alcoholic beverages that there is a lack of knowledge about all safeguards already in place for television advertising. egta created a first database of the existing safeguards applicable to TV advertising for alcoholic beverages in 2001. Ever since, egta has followed the various developments in this area to keep its databases up to date. Due to the many new initiatives that flourish across the member states, a complete update of the information is now needed. This is the reason why, within the framework of the EU Alcohol & Health Forum, egta and ACT committed to create, on the basis of its existing resources, this comprehensive compendium of all existing safeguards across Europe with the objective of providing advertising professionals with a benchmarking tool. In turn,

this compendium will facilitate the exchange of best practices across Europe in the area of responsible advertising. Furthermore, this compendium could provide general guidance on potential safeguards applicable to other forms of marketing communications.

The data included in this report were obtained through a survey conducted among both egta and ACT members between July and December 2008. Following a preliminary systematic review of existing literature, a detailed questionnaire comprising 6 sections (around 60 questions) was developed and designed by egta and emailed to targeted members (11 egta TV members and 10 ACT members) selected to cover the maximum possible number of European countries. According to the composition of egta and ACT membership, it was possible to include within the geographical coverage of the compendium a total of 20 member states (all EU countries except for the Czech Republic, Greece, Estonia, Cyprus, Latvia, Malta and Slovakia). As different sets of rules are in place in the Belgian regions of Flanders and in Wallonia, for the purposes of this compendium the two regions are considered as separate entities and are henceforth treated as two countries throughout the remainder of this document.

The high degree of detail that characterises the survey conducted among egta and ACT members allowed this compendium to cover the entire range of rules for each of the 21 countries taken into consideration (from statutory regulation to rules with a self-regulatory origin) applicable both to TV advertising and to other forms of commercial communication (such as sponsorship, teleshopping and product placement). The compendium also covers commercial communication broadcast on “television-like” services delivered via new platforms (for definition see the glossary in Appendix II), on-demand services and Internet advertising (i.e. ad banners, ad download, pop-ups, etc.).

Please be aware that the publication of this compendium is prior to the creation of a new egta/ACT database on alcohol advertising. The egta/ACT alcohol advertising database will be made available for all broadcast advertising professionals in the frame of a dedicated website (related information will be soon available on both egta and ACT website). Built as a user-friendly tool, the database will allow easy access to all the available data and the possibility to compare data from different countries. A search tool will also permit users to navigate through the database in an efficient and targeted way. Finally, its flexible structure will permit the completion and updating of the existing information in the future in view of the changes expected to occur following the transposition of the Audiovisual Media Service (AMS) EU directive into national laws. A future update will also permit to extend the geographical coverage of this compendium with the aim to cover a larger number of EU countries.

1.2 A changing regulatory environment

This survey has been conducted at the time of the transposition by member States of the new Audiovisual Media Service directive. Therefore, the information illustrated below does not take into account any changes that might have occurred in national regulations following the transposition of the directive. The new directive does not set new limitations related to alcohol advertising but extends the application of existing rules, for example the prohibitions to specifically target minors and to encourage immoderate consumption, to all types of audiovisual commercial communications (including sponsorship and product placement) as well as to all types of services, including TV-like services when broadcast on new platforms and on-demand services. The AMS directive also affects the ruling on product placement, which can now be clearly legalised in some types of programmes by national legislation. Finally, in transposing the new directive, national regulators might set stricter provisions concerning alcohol advertising. For example, the information regarding the Netherlands (Appendix I in Country profiles) does not take into account the fact that the new media law, which entered into force on 1 January 2009, prohibits the broadcast of advertising for alcoholic beverages on TV and radio between 6am and 9pm.

During the 6 months in which the survey was conducted, other changes might have occurred in the regulatory or self-regulatory frameworks of the different countries subject to this analysis. For example, the regulation that entered into force on 9 March 2009 in France concerning Internet advertising (Decree on Hospital, Patients, Health and Territory)

integrates Internet into the list of media where advertising for alcohol is authorised. In Germany, a series of revised advertising self-regulative measures were launched in order to improve existing safeguards with additional provisions (refer to the Code of Conduct of the German Advertising Standards Council on Commercial Communication for Alcoholic Beverages in place from April 2009).

2. OVERVIEW

Existing applicable rules on TV advertising for alcoholic beverages across Europe

2.1 Different tiers of regulation covering TV advertising for alcoholic beverages across the EU: the role of self-regulation

According to the outcomes of the survey that egta and ACT have conducted across the above-mentioned 21 European countries, TV advertising appears to be the most restricted means of marketing communication with regards to alcohol advertising. In countries where statutory law establishes a total prohibition to advertise alcoholic beverages on TV, such as France and Sweden, other media (such as radio, the press and outdoor advertising in France¹ and the press and Internet in Sweden) are available for the advertising of alcoholic beverages. In some other countries, where there is a general availability for alcohol advertising on TV but restrictions are in place concerning the type of programme where the advert is broadcast or the time of broadcast, such restrictions often do not apply to other broadcast media. In Finland, for example, the prohibition to advertise alcoholic beverages containing more than 22% of alcohol applies to all forms of marketing communication. However, TV is the only broadcast media subject to time-based restrictions (radio and cinema being excluded from such provision).

The table below shows the different tiers of regulation covering TV advertising for alcoholic beverages across the European countries taken into account by this compendium. For each country (horizontal axis) it is indicated whether the rules in place concerning TV advertising for alcoholic beverages are established by statutory law or by a self-regulatory code of conduct. It is also highlighted whether the broadcaster/sales house that participated in the survey complies with a company code of conduct affecting the advertising of alcoholic beverages². As you can see from the data illustrated in the table, in almost all the countries taken into consideration TV advertising for alcoholic beverages is subject to statutory law with the only exception of the Netherlands, where a self-regulatory code of conduct governs TV advertising for such products³. In some cases, such as in Belgium and Ireland, TV advertising for alcoholic beverages is also subject to a co-regulatory arrangement in force between the broadcasters and the authorities. With regard to the voluntary rules put in place by the industry, in all the countries taken into account by this compendium either a general advertising self-regulatory code of conduct (covering all categories of products) or a specific code of conduct on alcohol advertising are in place. 7 of the sales houses/broadcasters interviewed apply an individual company code of conduct on alcoholic beverages. For further information on a specific country, please refer to Appendix II on the country profiles.

¹ Please note that there has been a change in the regulation in place in France concerning Internet advertising which is now authorised (law “Hospital, Patients, Health and Territory” adopted on 9 March 2009).

² Please note that the broadcaster/sales house in question can be private or public depending on the country. The reality may be different for other broadcasters/sales houses in the same country.

³ Following the adoption of the new media law of 1st January 2009 transposing AMS directive, TV advertising for alcoholic beverages is also subject to statutory law. The new media law in fact establishes a prohibition to broadcast alcohol advertising between 6am and 9pm.

Table 1 – Different tiers of regulation covering TV advertising for alcoholic beverages across the EU

Country	A	B (wl)	B (fl)	BG	DK	FIN	F	DE	HU	IRL	IT	LT	L	NL	P	PL	RO	SL	E	SW	UK
Statutory legislation	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓
SR code	✓	✓	✓	✓	✓	✓	✓(1)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Channel/SH code	✓			✓		✓		✓		✓	✓								✓		

Explanatory note

- (1) Respondent to the survey did not mention the existence of any SR code of conduct different from the company’s own code but a general advertising code applying to alcohol advertising is in fact in place in Finland

Concerning the advertising self-regulatory code in place in different countries, it might have different features depending on each country. While in the majority of countries the code is specific to alcoholic beverages, in some of them alcohol advertising is subject to a general code, which applies to all categories of products. Concerning commercial communications broadcast on new audiovisual platforms, half of the respondents to the survey claimed that their national self-regulatory organization covers advertising on TV-like services when broadcast via new platforms (e.g. live streaming, webcasting, traditional TV channels offered via the Internet or on mobile, etc.) and around the same amount of respondents made the same assertion regarding on-demand audiovisual services. 8 broadcasters/sales houses responded that the SRO in place in their country does not cover alcohol advertising when placed on Internet. Note, however, that these SROs apply the ICC International Code of Advertising and marketing Communication Practice which covers all media. For further information on a specific country, please refer to Appendix II on the country profiles.

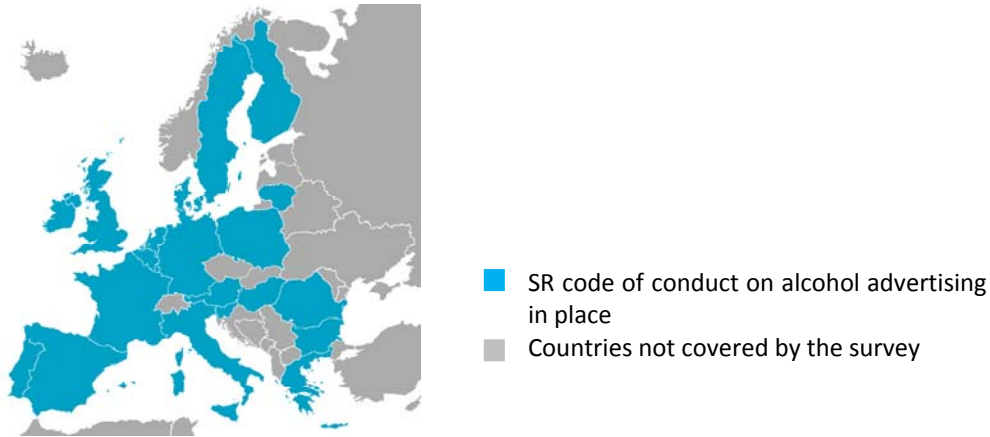
Table 2 – Features of self-regulatory codes applying to alcohol advertising

Country	A	B (wl)	B (fl)	DK	F (1)	FIN	DE	HU	IRL	IT	L	LT	NL	P	PL	RO	SL	SW (3)	E	UK
Specific code on alcohol advertising	✓	✓	✓	✓	✓		✓		✓				✓	✓					✓	✓
TV like services on new platforms	✓	no data	✓	✓	n/a	(2)	✓	no data	✓	✓	✓		✓	✓			✓	n/a	no data	✓
On-demand services	✓	no data	✓	✓	n/a	(2)	✓	no data	✓	✓			✓	✓		✓	✓	n/a	no data	✓
Internet advertising	✓	✓(4)	✓(4)	✓(4)	n/a	✓(4)	✓	✓	✓	✓(4)	✓(4)	✓(4)	✓	✓	✓(4)	✓(4)	✓(4)	n/a	✓	✓

Explanatory note

- (1) At the time of the compilation of this survey all three categories of services were subject to the same ban applying to TV advertising (regarding Internet advertising please refer to p.9 for further information on the changed regulatory framework).
- (2) Respondent to the survey did not mention the existence of any SR code of conduct different from the company’s own code but a general advertising code applying to alcohol advertising broadcast on all media is in fact in place in Finland
- (3) TV like services on new platforms and on-demand services are subject to the same ban applying to TV advertising. Whether or not advertising of alcoholic beverages is permitted on the Internet has not been concluded by a Swedish court and is therefore uncertain (for further information please refer to country profile on p.43).
- (4) Broadcaster responded that the SRO does not cover alcohol advertising when placed on Internet. However in all these countries is in place the ICC International Code of Advertising and marketing Communication Practice which applies to all media.

Map 1 – Countries where a self-regulatory code of conduct covering advertising for alcoholic beverages is in place



2.2 Type of restrictions applying to TV advertising

All EU countries fully comply with the TVWF directive, which sets out provisions restricting television advertising for alcoholic beverages. Furthermore, in transposing the EU directive into national legislation, many member states have adopted stricter rules. In two of the countries covered by the survey, notably France and Sweden, alcohol advertising is prohibited on TV by statutory law. In all other countries, TV advertising for alcoholic beverages is submitted to a set of regulatory limitations, SR standards and industry codes of conduct that complement each other at the national level in order to prevent commercial communications from contributing to alcohol-related harms (e.g. encouraging excessive or irresponsible consumption) and to protect minors from being specifically addressed by alcohol advertising. In giving an overview of the types of restrictions that apply to TV advertising in the countries covered by the survey, both the rules established by statutory law and the standards voluntarily applied by the industry (self-regulatory standards and individual company codes of conduct) are taken into account.

Table 3 below shows the type of restrictions which apply to TV advertising for alcoholic beverages for each country. As can be noted, the rules in place in the majority of countries concerning TV advertising for alcoholic beverages are based on a distinction related to either the amount of alcohol contained in the beverage (% of the total volume) or the category of product being advertised (beers, ciders, wines, spirits or alcopops). Generally speaking, the category of product defined as spirits, or alcoholic beverages with more than 15%, 20%, 22% or 25% of alcohol (the percentage depending on the country), is subject to additional restrictions. The only exception is Poland, where the watershed ban is established at 7% of alcohol, and Ireland, where the prohibition applies both to beverages with more than 25% of alcohol and spirit-based ready to drink products (i.e. alcopops). In the case of Bulgaria advertising for products above 15% of alcohol is totally banned in the case of direct advertising (i.e. commercial messages which use the beverage itself or activities connected with its consumption, production and distribution) and subject to a 10pm watershed ban in the case of indirect advertising (commercial messages which use the name or brand of the alcoholic beverage also on products which are not alcoholic beverages). In some countries (e.g. Belgium-Flanders, Italy and the UK), beverages that have a very low volume of alcohol (e.g. less than 0.5% or less than 1.2% depending on the country) are excluded from the general provisions. Most of the other types of restrictions listed below (notably time of programming, scheduling and audience rating) are related to the safeguards concerning the protection of minors and

interpret the provision set by the European regulatory framework (TVWF directive now amended by the AMS directive). The provision set out by the European directive not to specifically target minors has been interpreted by some member states as a prohibition to broadcast alcohol advertising during certain times of the programming day (a watershed ban is in place in Finland, Poland, Lithuania, Portugal, Slovenia, and Spain⁴ and protected times are in place in Ireland and Italy). In some other countries it has been transposed into provisions concerning audience rating (Hungary, Ireland, the Netherlands and the UK). In all listed member states, except for Poland and Slovenia (where alcohol advertising is anyhow not allowed before 8pm and 9.30pm respectively), it has been translated into a ban on alcohol advertising during and around children’s programmes. Concerning restrictions related to programme scheduling, the ban applies also in some member states to categories of programmes other than children’s programmes, such as sports programmes (in Denmark and in Lithuania) and religious programmes (in the UK). In some cases the restriction applies only to the period of time immediately before the start of the relevant programmes (as in Spain for the evening news). Regarding the other types of restrictions applied across Europe, Ireland is the only country where quantitative limits are imposed to spots for alcoholic beverages (i.e. they cannot exceed 25% of the broadcast daily time and 25% of spots), while in Hungary, Belgium, Portugal, Spain and the UK, the regulatory or self-regulatory framework envisages the display of warnings. For further information on a specific country, please refer to Appendix II on the country profiles.

Table 3 – Limits & safeguards applicable to TV advertising for alcoholic beverages

Country ⁵	A	B (wl)	B (fl)	BG	DK	FIN	DE	HU	IRL	IT	LT	L	NL	P	PL	RO	SL	E	UK
Type of product	✓	✓		✓		✓		✓	✓	✓			✓		✓	✓	✓	✓	
Time of programming				✓		✓		✓	✓	✓	✓			✓	✓	✓	✓	✓	
Audience rating	✓						✓	✓	✓				✓						✓
Scheduling	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓(1)	✓	✓		✓		✓	✓
Quantitative limits									✓										
Display of warnings		✓	✓					✓					✓	✓			✓	✓	
Others		✓																	✓

Explanatory note

(1) The legislation does not establish an explicit prohibition to broadcast alcohol advertising during children’s programmes and sport programmes but prohibits alcohol adverts to target minors directly and to create a link between alcohol consumption and physical performance.

2.3 From TV advertising to commercial communications: applicable restrictions

The third part of the survey that egta conducted among its TV members is related to forms of commercial communications other than TV advertising. In particular, egta’s questionnaire tackled teleshopping advertising and sponsorship, these being the most used forms of advertising on TV other than spots, and product placement, in view of the fact that this new form of advertising has been allowed for certain categories of programmes according to the new European regulation (see paragraph on the changing regulatory environment on p.3).

⁴ In Spain the ban is applicable only to the public broadcaster.

⁵ France and Sweden have not been considered in this table as in these countries alcohol advertising is prohibited on TV by statutory law.

Tables 4 and 5 below highlight which restrictions apply to teleshopping for alcoholic products and to alcohol sponsorship of TV programmes in the different countries taken into account by the survey. It must be noted that the following analysis does not include the Netherlands, as data on teleshopping and sponsorship were not provided by the respondent. As indicated in the tables, in France, Sweden and Lithuania neither teleshopping nor sponsorship is available for the alcohol industry. In Belgium (Wallonia) specific restrictions apply to public service channels according to a co-regulatory agreement between the broadcaster and the government (i.e. teleshopping for alcoholic beverages is submitted to a total ban and sponsorship is prohibited if the beverage contains more than 20% of alcohol). While in 8 further countries teleshopping is subjected to the same product restrictions applying to advertising spots (see previous section for detailed information), teleshopping of alcoholic beverages is permitted regardless the type of product/amount of alcohol in Germany, UK, Belgium (Flanders), Denmark, Portugal, Luxembourg and Hungary. With regard to sponsorship, the outcomes of the survey highlight that, in the majority of countries, sponsorship for children’s programmes is prohibited. The only exceptions are Germany, where in any case alcohol advertising cannot be conveyed by media the majority of whose editorial content addresses minors, Luxembourg, where the legislation prohibits alcohol adverts to target minors directly, and Slovenia, where a 9.30pm watershed ban is in place. Other categories of programmes that may be submitted to restrictions if sponsored by an alcohol producer are sports programmes (see the cases of Portugal and Ireland), news and current affairs programmes (as in Ireland and Poland) and religious programmes (sponsorship of such programmes is not allowed in Ireland). In a few countries, the mention and visibility of alcohol products in sponsorship credits is not allowed. The restriction, which may arise from the general prohibition to show any category of product in sponsorship credits, should decay once AMS directive is transposed into national laws. For further information on a specific country, please refer to Appendix II on country profiles.

Concerning product placement, it must be noted that at the time of the compilation of this survey, product placement was allowed only in Austria (private channels), in Finland (not clearly prohibited and thus a common practice), and in Portugal and Romania, following the transposition of AMS directive. In these countries, no specific restrictions apply to this form of advertising in the case that the product placed is an alcoholic beverage. Nevertheless, the provisions applicable to commercial communications also covers this new form of advertising (e.g. in Austria no product placement is allowed for products containing more than 15% of alcohol). For further details please refer to the paragraph of this compendium dedicated to the change in the regulatory environment (p.3).

Table 4 – Limits & safeguards applicable to teleshopping for alcoholic beverages

Country	A	B (wl)	B (fl)	BG	DK	F	FIN	DE	HU	IRL	IT	L	LT	P	PL	RO	SL	SW	E	UK
Total ban		for PSB				✓							✓					✓		
Restricted for certain products	✓			✓		n/a	✓			✓	✓		n/a		✓		✓	n/a	✓	
Origin of restrictions	Law	CO		Law	Law	Law	Law			CO	Law		Law		Law		Law	Law	Law/SR	

Table 5 – Limits & safeguards applicable to alcohol sponsorship of TV programmes

Country	A	B (wl)	B (fl)	BG	DK	F	FIN	DE	HU	IRL	IT	L	LT	P	PL	RO	SL	SW	E	UK
Total ban						✓							✓					✓		
Restricted for certain products	✓	for PSB			✓	n/a	✓			✓	✓		n/a		✓			n/a	✓	
Prohibited in children's programmes	✓	✓	✓	✓	✓	n/a	✓		✓	✓	✓		n/a	✓	✓	✓		n/a	✓	✓
Prohibited in sport programmes						n/a				✓		✓	n/a	✓(1)				n/a		
Alcohol mention/visibility prohibited		✓	✓			n/a					✓		n/a					n/a		
Origin of restrictions	Law	CO	Law	Law	Law	Law	Law		Law	CO	Law	SR	Law	SR	Law	Law	Law	Law	Law/SR	

Explanatory note

(1) Only if minors participate

2.4 Provision applying to message content

The TVWF directive sets out general guidelines for television advertising and includes specific criteria with which the message content of TV advertising and teleshopping for alcoholic beverages has to comply (art.15 of the TVWF directive). Such criteria aim at protecting minors from being specifically targeted by alcohol advertising and to protect consumers from marketing communications that can contribute to alcohol-related harms (excessive consumption, drinking and driving, drinking for resolving social problems, etc.). In transposing such provisions (maintained unchanged in the AMS directive), member states have often established additional criteria or have completed the provisions with further self-regulatory safeguards. As shown by the table below (note that France and Sweden have not being included because they apply a total ban on TV alcohol advertising), in all countries' sales houses comply with an extensive set of rules specifically related to alcohol products applying to the content of the advertising message. Such rules often explicate the TVWF's criteria in more detailed provisions and they can be set out whether by the national law, by SR codes of conduct or by both tiers of regulation completing each other. For example, the provision set out by the TVWF directive according to which TV advertising cannot specifically target minors has being most commonly interpreted by national laws or codes of conduct with a more detailed set of provisions, i.e. alcohol advertising should not specifically target minors, show minors, exploit children's or vulnerable persons' immaturity or credulity, use symbols likely to catch child's attention, make a connection between alcohol consumption and maturity, and so on. The criterion set by TVWF concerning the drink and its purchase (i.e. advertising should not place emphasis on high alcoholic content as being a positive quality of the beverages) has been often completed by other provisions such as the prohibition on making reference to buying rounds of alcohol, publicising sales promotions entailing multiple purchase, showing an amount of alcohol consumed, etc. In the majority of countries, an equally detailed set of limits and safeguards also cover health issues (e.g. not linking drinking with improvement of health, targeting pregnant women, showing medical staff), safety and sport issues (e.g. not linking drinking with driving, dangerous activities or situations and sports/physical performances), society issues (e.g. not encouraging immoderate consumption, suggesting that alcohol contributes to social success, that it is a means to resolve conflicts) and issues related with the work environment (e.g. not make a linking between consumption and good performance at work). For more detailed information on the actual provisions in place in each country please refer to Appendix II on the country profiles.

Table 6 – Limits and safeguards applicable to the message content of the commercial communication

Country	A	B (wl)	B (fl)	BG	DK	FIN	DE	HU	IRL	IT	L	LT	NL	P	PL	RO	SL	E	UK
Protection of minors	Law	CO/SR	Law/SR	Law	Law/SR	Law/SR	Law/SR	Law/SR	Law	Law/SR	Law/SR	(1)	SR	SR/TVWF	Law	Law	Law	Law/SR	Law/CO/SR
Health issues	Law	SR	Law/SR	Law	Law	Law	SR	Law/SR	Law	Law/SR	Law		SR	SR/TVWF	Law	Law	Law	Law/SR	Law/CO/SR
Safety and sports issues	Law	SR	Law/SR	Law	Law/SR	Law	SR	Law/SR	Law	Law/SR	Law/SR		SR	SR/TVWF	Law	Law	Law	Law/SR	Law/CO/SR
Society issues	Law	SR	Law/SR	Law	Law/SR	Law	SR	Law/SR	Law	Law/SR	Law		SR	SR/TVWF	Law	Law	Law	Law/SR	Law/CO/SR
Work		SR	Law/SR	Law	Law	Law	SR	Law/SR		Law/SR	Law		SR	SR/TVWF	Law			Law/SR	Law/CO/SR
Drink and its purchase	Law	SR	Law/SR	Law	Law	Law	SR	Law	Law	Law/SR	SR		SR	SR/TVWF	Law			Law/SR	Law/CO/SR

Explanatory notes

- (1) Note that data for Lithuania have not been provided by the respondent. As alcohol advertising can be broadcast on TV only from 11pm, most of these rules (e.g. on protection of minors) are not applicable.
- (2) In the UK co- and self-regulation is informed by TVWF and UK Law (Communications Act 2003).

2.5 Alcohol advertising on new audiovisual platforms

In view of the development of audiovisual services offered by new media platforms, which, according to the new AMS directive, are all now subjected to the same basic tier of rules (i.e. general qualitative standards), part V of the survey has been dedicated to the provisions applicable to commercial communications for alcoholic beverages broadcast on new audiovisual platforms. Under this domain, the compendium includes “television-like” services (refer to glossary for definition) offered via new platforms, on-demand services and Internet advertising. The aim of egta’s analysis related to such services is two-fold: to detect whether they are subject to the same restrictions applying to TV advertising and to highlight whether advertising on such services is covered by the national self-regulatory organisation (see table 2 on features of self-regulatory codes). According to the outcomes of the survey, Belgium (Wallonia) and Lithuania are the only two countries where commercial communications on new platforms is currently not subject to the same restrictions applying to TV advertising. For all other countries taken into account, commercial communications broadcast on TV-like services via new platforms are subject to the same limits in place for TV advertising according to statutory law (as is the case of France and Sweden, where the same prohibition established by statutory law applies equally to TV advertising and advertising on push content audiovisual services) or to the relevant codes of conduct (as in Germany and Luxembourg). The situation is slightly different for on-demand services, as commercial communications for alcoholic beverages in some countries are not submitted to the same limits and safeguards applying to TV advertising (such as in Luxembourg and in Poland), or are submitted to a limited set of rules (as in Finland, where the 9pm watershed ban does not apply to commercial communications on on-demand services). In other cases they are regulated by the broadcaster’s own code of conduct (e.g. in Italy). The framework described by the table below with regards to both TV-like services offered via new platforms and on-demand services might change for some countries once the AMS directive is transposed in all member states. According to the new European directive, the provisions concerning audiovisual commercial communications for alcoholic beverages apply to

all audiovisual services⁶, while the set of rules regarding TV advertising also apply to TV-like services offered via new platforms⁷. The transposition of such provisions may lead to the establishment of ad hoc rules at national level concerning alcohol advertising on such audiovisual services (ad hoc provisions are established by the SR code in place in Portugal). Concerning Internet advertising, in 13 of the countries analysed, this is subject to the same general safeguards applying to TV advertising (e.g. in Spain the spirits code of conduct establishes that a web page containing advertising for spirits must display warnings and is not accessible to minors). In Portugal ad hoc provisions apply to Internet advertising according to the SR code in place. For further information on a specific county, please refer to Appendix II on country profiles.

Table 7 – Applications of same limits & safeguards in place for TV advertising to services offered via new platforms

Country	A	B (wl)	B (fl)	BG	DK	F	FIN	DE (3)	HU	IRL	IT	L	LT	NL	P	PL	RO	SL	SW	E	UK
TV-like services via new platforms	✓		✓	✓	✓	✓	✓	✓	no data	✓	✓	✓(6)		✓	✓	✓	✓(8)	✓	✓	no data	✓(11)
On-demand services	✓		✓	✓	✓	✓	✓(2)	✓	no data	✓	✓(5)			✓	✓(7)		✓	✓	✓	no data	✓(11)
Internet advertising	✓			✓	✓	✓(1)	✓	✓	✓(4)	✓				✓	✓(7)			✓	✓(9)	✓(10)	

Explanatory notes

- (1) A draft law which authorises advertising for alcohol beverages on the Internet was under discussion at the time of the compilation of this report.
- (2) Except for the 9pm watershed ban.
- (3) According to the provisions set by the code of conduct on commercial communication for alcoholic beverages in place in Germany.
- (4) According to the provisions set by the code of conduct on commercial communication for alcoholic beverages in place in Hungary and additional specific restrictions.
- (5) According to the individual code of conduct applied by the broadcaster.
- (6) Mainly according to the SR code of conduct.
- (7) Specific restrictions apply according to self-regulatory code
- (8) Only subject to the provisions contained in the new media of November 2008 law transposing AMS directive.
- (9) Whether or not advertising of alcoholic beverages is permitted on the Internet has not been concluded by the Swedish court and it is therefore uncertain.
- (10) Rules set by the Federation of Spirits code of conduct on the display of warnings and protection of minors.
- (11) Formally subject to the CAP non-broadcast code but effectively subject to same restrictions as in broadcast.

⁶ Audiovisual commercial communications for alcoholic beverages shall not be aimed specifically at minors and shall not encourage immoderate consumption of such beverages (art.3e of AMS directive).

⁷ Art 15 of AMS directive on Television advertising and teleshopping for alcoholic beverages.

2.6 Social marketing campaigns against excessive consumption

The large majority of the broadcasters/sales houses interviewed reported that their channels have carried social marketing campaigns during the past five years, with only members from Germany, Lithuania and Poland responding that such campaigns had not been aired on their channels. In addition to raising general awareness, specific campaigns reported dealt with many different facets of the problems associated with excessive or inappropriate consumption of alcohol, including anti-drink/drive messages and the danger of speed in particular, awareness of sensible drinking and recommended limits, protection of children and young people from exposure or consumption of alcohol and the responsibility of parents towards their children, long-term health risks including alcoholism, advice for pregnant women, and the link between excessive alcohol consumption and accidents, violence and sexual abuse.

Members in Austria, Belgium (Flanders), Denmark, France, Germany, Italy, The Netherlands, Portugal and Luxemburg - representing just over half of the countries within the survey - responded that they make special conditions available for the broadcast of social marketing campaigns against excessive alcohol consumption. Whilst a small number offer pro-bono time, for the most part these sales houses offer rebates or free airtime to government ministries for television social marketing campaigns.

3. CONCLUSIONS

The data provided by the respondents to the survey produced some compelling findings, of which the main issues are outlined below:

- Findings suggest that broadcast advertising for alcoholic beverages in EU countries is limited by various regulatory limitations and must comply with many different self-regulatory standards and industry codes of conducts. These various safeguards complement each other at national level to ensure the highest level of responsibility on all broadcast advertising. In particular, in all the countries taken into consideration with the exception of the Netherlands (refer to country profiles for further information), TV advertising for alcoholic beverages is subject to statutory law. In all countries that were considered in this study an advertising self-regulatory code of conduct applicable to alcohol advertising is in place, while 7 of the respondents apply an individual company code of conduct on alcoholic beverages. TV advertising for products with a high volume of alcohol (from 15% to 25% depending on country) is subject to a ban or additional time restrictions in most of the analysed countries.
- All countries apply a set of limitations and detailed safeguards aimed at protecting minors from being specifically addressed by alcohol advertising, whether via time restrictions, scheduling restrictions or limitations concerning audience rating. A prohibition to broadcast alcohol advertising during (and in many cases immediately before and after) children's programmes is in place in all applicable countries. The content message of commercial communications for alcoholic beverages is also submitted to an extensive set of rules particularly aimed at the protection of minors. Such set of rules is established whether by the national law, by SR codes of conduct or by both tiers of regulation complementing each others. Sponsorship of children programmes by alcohol producers is clearly prohibited in the large majority of countries (where not clearly banned a general prohibition for commercial communications to address minors is established by statutory law). Finally, at the latest at the end of 2009 all EU countries will have implemented the provisions set out by the new AMS directive applying to all audiovisual services covered by the scope of the directive.

- TV advertising appears to be the most restricted means of marketing communication for alcohol advertising. While in two countries (France and Sweden) TV advertising for alcoholic beverages is submitted to a total ban (which covers also teleshopping and sponsorship and applies also to TV-like services on new platforms and on-demand services), in 5 other countries taken into consideration by this analysis TV alcohol advertising cannot be broadcast before a certain time of the programming day (varying between 8pm and 11pm among the different countries).
- In the large majority of countries where the survey has been conducted, teleshopping is subject to the same rules applying to TV adverts. In all countries with the exception of Belgium (Wallonia) and Poland, such rules also cover commercial communications when broadcast on TV-like services via new platforms. Conversely, commercial communications for alcoholic beverages on on-demand services may be submitted to a limited set of rules or regulated voluntarily by the broadcaster/sales house.
- The large majority of the broadcasters/sales houses interviewed reported that their channels have carried social marketing campaigns during the past five years.

APPENDIX I – GLOSSARY & ABBREVIATIONS

Advertising-related definitions

Commercial communication: new terminology for referring to a wider category of television advertising which includes, *inter alia*, sponsorship, teleshopping and product placement. It comprises advertising on both traditional television broadcast (push content audiovisual services) and on-demand services (pull-content audiovisual services).

Push content audiovisual services/TV-like services: audiovisual services based on a chronological programme schedule that is meant to be watched simultaneously by one or many people: live streaming, webcasting, traditional TV channels offered via the Internet or on mobile, etc.

Pull content audiovisual services/on-demand services: all on-demand services, i.e. audiovisual services in which each consumer decides for themselves the programmes they want to see and when they want to see them from a catalogue of programmes (no matter whether via a traditional television or via the internet or mobile phones).

Internet advertising: all audiovisual advertising (moving images with or without sound) displayed on the Internet: ad banners, ad download, pop-ups, skyscraper, etc.

Product placement: any form of audiovisual commercial communication consisting of the inclusion of or reference to a product, a service or the trade mark thereof so that it is featured within programmes in return for payment or for similar consideration.

Sponsorship: the contribution from any entity that helps finance programmes (or audiovisual media services) while promoting the brand, image or activities and products of that entity. It can occur in both television broadcast (push content audiovisual services) and on-demand services (pull content audiovisual services).

TV advertising: this terminology refers to audiovisual commercial communication on television broadcast services only (push content audiovisual services).

Teleshopping: different than television advertising with regards to its purpose, i.e. the possibility to directly purchase the product (as opposed to announcements with the view to promote, in the case of advertising).

Regulation-related definitions

Advertising self-regulatory code: set of rules governing the content of advertisements written and put in place by the industry regulated.

Co-regulation: system of regulation combining statutory and self-regulatory elements and sometimes involving other stakeholders, e.g. consumer organisations.

Pre-clearance: examination of an advertisement by a regulatory body as a compulsory precondition of transmission.

Advertising self-regulation: system by which the advertising industry voluntarily agrees to be restricted at national level by a code of standards and practices to ensure that advertisements which fail to meet these standards are quickly removed or corrected.

National self-regulatory organisation: independent body founded by the industry (advertisers, advertising agencies and media are usually equally represented) mainly responsible for drafting and providing interpretations of the code, as well as for compliance with the code itself.

Statutory code: code having the force of law and/or put in place by legislation or a governmental agency.

Abbreviations

AMS: Audiovisual Media Service directive

TVWF: EU Television Without Frontiers directive

CoE: Council of Europe's Convention on Transfrontier Television

LAW: national law

CO: contract/agreement between operators and the government

SR: advertising self-regulatory code of conduct

SRO: self-regulatory organisation

OWN: restriction self-imposed by the channel/sales house itself