

GALA
GLOBAL ADVERTISING LAWYERS ALLIANCE

Alcohol Advertising: A Global Legal Perspective
SECOND EDITION



ABOUT GALA

The Global Advertising Lawyers Alliance (GALA) is the leading network of advertising lawyers in the world. With firms representing more than 80 countries, each member has the local expertise and experience in advertising, marketing and promotion law that will help your campaign achieve its objectives, and navigate the legal minefield successfully.

GALA is a uniquely sensitive global resource whose members maintain frequent contact with each other to maximize the effectiveness of their collaborative efforts for their shared clients. GALA provides the premier worldwide resource to advertisers and agencies seeking solutions to problems involving the complex legal issues affecting today's marketplace.

For further information about GALA, please contact the relevant member directly or alternatively GALA's Executive Director, Stacy Bess at:

Global Advertising Lawyers Alliance

488 Madison Avenue, 10th floor, New York, NY 10022

Tel: 212.705.4895 | Fax: 347.438.2185

Email: sbess@galalaw.com

www.galalaw.com

FOREWORD

While the consumption of alcohol is perfectly legal in most countries, the advertising of alcoholic beverages is heavily regulated, and the rules governing alcohol advertising vary widely.

There are many common themes, however, that run throughout regulatory and self-regulatory codes world-wide, such as prohibitions on linking alcohol with sexual success, tough or daring behaviour or the success of a social event. People must not be shown drinking excessively or in circumstances where it would be unsafe or unwise to do so, such as while driving, operating machinery or in a working environment. Advertising must also not appeal to young people, or even feature them. And advertising must not focus on the strength of an alcoholic beverage. This book will help practitioners to understand how those principles have been applied in different countries of the world.

But where this book should really add value is in highlighting those rules which are outside the confines of what a responsible advertiser has come to expect, as well as highlighting the changes to the regulation of alcohol advertising in recent years, and particularly since the publication of the previous GALA report published in November 2011.

The worldwide trend for increased restrictions on the regulation of alcohol marketing continues in 2015, which has seen France move to further protect its young people from exposure to alcohol advertising. Previously, there was a ban on alcohol ads in newspapers/magazines, radio and online, where the media was “mostly” targeted at minors. Now, this ban extends to such media where less than 70% of the audience are 18 or over.

By the end of 2015, it is expected that Ireland will enact a law which will have far reaching implications for alcohol advertising. In addition to mandatory health warnings on labelling and promotional material and a focus on protecting young people, restrictions on broadcast advertising scheduling, the placement of outdoor advertising and possible restrictions on sports event sponsorship is expected. Scotland has seen a ban on multi-buy alcohol promotions, restrictions on the display and promotion of alcohol in store and regulation

regarding future minimum unit pricing (although the latter may fall foul of EU rules). There is a push for these laws to be replicated in the rest of the UK. There are also calls in the UK and China for further restriction on the scheduling of alcohol ads on TV.

The impact of religion within the politics of Turkey may be responsible for recent severe restrictions on the sale and promotion of alcohol in the country. This year's new rules include a blanket ban on alcohol advertising and promotion across all media and portrayal of consumption of alcohol in TV, films and music videos. The recent mass immigration across Europe may ultimately impact on socio-political views and potentially on advertising laws in the years to come.

As of 2015, Russian law, which generally prohibits advertising which promotes alcoholic drinks, now allows advertising of Russian produced wines in periodic print media and on late night TV. As of 2014, subject to certain limitations, beer can be advertised including promotion permitted during sports events. However, at the end of 2018, when the FIFA World Cup is done and dusted, the temporary relaxation for beer advertising will come to an end.

Two things have emerged from the writing of this book. First, despite some consistent themes in the rules for alcohol advertising around the world, many important differences remain between nations. Second, as political forces continue to ebb and flow, and carry the rules for alcohol advertising in different directions, we can only predict continuous change and inconsistency for the foreseeable future.

Brinsley Dresden
Partner, Lewis Silkin LLP
GALA United Kingdom

TABLE OF CONTENTS

ARGENTINA	PAGE 9
AUSTRALIA	PAGE 13
AUSTRIA	PAGE 19
BELGIUM	PAGE 23
BOLIVIA	PAGE 29
BRAZIL	PAGE 33
BULGARIA	PAGE 37
CANADA	PAGE 41
CHILE	PAGE 45
CHINA	PAGE 49
COLOMBIA	PAGE 53
COSTA RICA	PAGE 59
CROATIA	PAGE 63
CZECH REPUBLIC	PAGE 67
DENMARK	PAGE 71
DOMINICAN REPUBLIC	PAGE 75
DUTCH CARIBBEAN	PAGE 79

ECUADOR	PAGE 83
EL SALVADOR	PAGE 87
FINLAND	PAGE 91
FRANCE	PAGE 95
GERMANY	PAGE 101
GREECE	PAGE 105
GUATEMALA	PAGE 109
HOLLAND	PAGE 113
HONG KONG	PAGE 117
HUNGARY	PAGE 125
INDIA	PAGE 129
IRELAND	PAGE 133
ISRAEL	PAGE 137
ITALY	PAGE 141
KENYA	PAGE 147
KOREA	PAGE 151
LUXEMBOURG	PAGE 155
MALAYSIA	PAGE 159
MALTA	PAGE 163

MEXICO	PAGE 167
MOZAMBIQUE	PAGE 171
NEW ZEALAND	PAGE 175
NICARAGUA	PAGE 179
NORWAY	PAGE 183
PANAMA	PAGE 185
PARAGUAY	PAGE 189
PERU	PAGE 193
POLAND	PAGE 197
PORTUGUAL	PAGE 201
PUERTO RICO	PAGE 205
RUSSIA	PAGE 209
SINGAPORE	PAGE 213
SLOVAKIA	PAGE 217
SOUTH AFRICA	PAGE 221
SPAIN	PAGE 227
SWEDEN	PAGE 231
SWITZERLAND	PAGE 235
TURKEY	PAGE 241
UKRAINE	PAGE 245

UNITED KINGDOM	PAGE 249
UNITED STATES	PAGE 253
URUGUAY	PAGE 257
VENEZUELA	PAGE 261
ZIMBABWE	PAGE 263
LIST OF GALA MEMBERS	PAGE 266



ARGENTINA

What are the main legal controls on advertising and marketing of alcohol in your jurisdiction?

In Argentina the advertising of alcoholic beverages is specifically regulated by Law 24.788 (National Law Against Alcoholism), which has legal effect in the whole territory of our country. Also, a regulatory decree under the National Law against alcoholism (Decree 149/ 2009, modified by Decree 688/09), provides a number of rules relating to the advertising of alcohol.

What are the main regulatory controls on advertising and marketing of alcohol in your jurisdiction?

The Code of Ethics and Self-Regulation of CONARP (which is the advertising self-regulation body) refers to advertising of alcoholic beverages in its article 32, section 8, providing that alcoholic, tobacco and cigarette advertising must be oriented exclusively toward adults, having particular concern that those advertisements do not appear in magazines for young people, and TV, radio, cinema, e-mail, internet, mobile phone and other alternative means during the time dedicated to children. People representing or appearing as minors must not appear in those messages and/or ads. The participation of minors shall only be acceptable when it would not harm its health and ethical development, and/or when it does not imply an exhortation to consume those products.

Moreover, the **Chamber of Beer Merchandisers in Argentina** has its own self-regulation rules to ensure the responsible consumption of beer. The Chamber applies its own criteria regarding commercial communications, which includes advertising and promotional material, stating the following:

- Beer is a product for adult consumption only, thus:
 - Beer advertisements can only be placed in the media when the audience is over the legal drinking age;
 - It is forbidden to feature anyone below the age of 23 in beer ads; and
 - It is forbidden to use cartoon characters as spokespeople in beer ads.
- Beer shall not be portrayed as part of a healthy lifestyle;
- Advertising shall not create the impression that the consumption of alcohol contributes towards social or sexual success.
- Advertising shall not claim that alcohol has therapeutic qualities or that it is a stimulant, a sedative or useful for resolving personal conflicts.
- Advertising shall not associate the consumption of alcohol with enhanced physical performance or driving.

As long as the advertiser complies with these self-regulation principles, the self-regulation bodies will not challenge the ads.

What are the main principles of alcohol advertising regulation in your jurisdiction?

As stated before, the advertising of alcoholic beverages is specifically regulated by Law 24.788. This law, in its article 6, prohibits all advertising of, or incentives to consume, alcoholic beverages that:

- (a) are aimed at young people under the age of 18 (eighteen);
- (b) include young people under the age of 18 (eighteen) drinking alcohol;
- (c) suggest that the consumption of alcoholic beverages increases physical or intellectual performance;
- (d) use alcoholic beverage consumption to stimulate sexuality and/ or violence in any way;
- (e) do not include in visible wording and place the inscription: **“Drink in moderation”** and **“It is illegal to sell this product to anyone under the age of eighteen”**.

Also, the regulatory decree under Law 24.788 (Decree 149/ 2009, modified by Decree 688/09), provides the following:

- The ban at targeting those under 18 years old is applicable to all kinds of publicity –direct, indirect (non-traditional) and institutional; as well as to programs that are broadcast by mass media (radio and television) during the time of protection for minors, when its main content is specially addressed to minors or children; in cinematographic programs addressed to minors or children, in public events (sporting, cultural or artistic) whose main content is addressed to minors or children; and in graphic media whose main content is specially addressed to children.
- It is forbidden to use minors of 18 years old drinking. This prohibition is applicable to all kinds of publicity –direct, indirect (non-traditional) and institutional; as well as to programs that are broadcast by mass media (radio and television) or in cinematographic programs. It is a mandatory requirement for its broadcasting the presentation a sworn statement of the announcers certifying the non-participation of minors in consumption of alcohol.
- It is also forbidden to suggest it any ad that the consumption of alcoholic beverages improve the physical or intellectual performance of the people.

This prohibition affects ads or promotions endorsed by sportspeople, intellectuals, scientists or famous professionals; or including famous people or people having special skills who through their expressions or conduct suggest that the consumption of alcoholic beverages improve the physical or intellectual performance.

How would you assess the pressure for tighter regulation in your jurisdiction?

Please bear in mind that the advertising rules applying to alcohol products have not been tightened as with other categories of product, such as tobacco.

Please describe any recent interesting, significant, or archetypal examples of an alcohol advertisement that has been banned in your jurisdiction.

In December 2009 the “Isenbeck Beer” ad inviting consumers to swim in a pool full of beer was challenged by the self-regulatory body, CONARP. CONARP found that the idea of inviting people to swim in a pool full of beer, taking to its extreme, could lead the consumers to an irresponsible consumption of alcohol.
<http://www.youtube.com/watch?v=2PHec0Kzw-0>



AUSTRALIA

What are the main legal controls on advertising and marketing of alcohol in your jurisdiction?

The advertising and marketing of alcohol in Australia is subject to a matrix of laws and codes of practice, that regulate and guide the content of advertisements about alcohol, and to some extent the placement of those advertisements. The main legislative controls applying to alcohol advertising and marketing are found in both State and Federal laws.

Each State and Territory has enacted its own Liquor Act and Regulations which regulates the sale, supply and, in the majority of States and Territories, the promotion of alcohol beverages by licensees. Tasmania, South Australia and Western Australia are the only States that are silent on the issue of alcohol advertising. The other States and Territories have general prohibitions on any alcohol advertising by licensees that would encourage excessive or irresponsible drinking, as well as specific requirements for alcohol advertising by licensees in each jurisdiction.

New South Wales requires that where advertising involves the discounting of alcohol, the advertising licensee may be required to include a message about the responsible consumption of alcohol in the advertisement (see *Liquor Regulations (NSW) 2008*).

In Queensland, it is illegal for a licensee to advertise externally to the licensed premises (excluding bottle shops) free drinks, multiple quantities of liquor, the sale price of liquor or any type of drinking promotion (see *Liquor Act (Qld) 1992*).

The Australian Capital Territory ("ACT") *Liquor Act and Regulations 2010* contain a number of specific provisions relating to alcohol advertising including:

1. A prohibition on club licensees from publishing any advertisement that constitutes an invitation to attend the club;
2. A prohibition on any alcohol advertising that targets any particular group or class of people. For example, a cocktail for sale only to women;
3. specific requirements as to the size of containers shown in advertising, where alcohol is to be consumed directly from the container. The container must be no larger than 570mls; and
4. any internet advertising for the supply of alcohol must contain the following statement: 'IT IS AN OFFENCE TO SUPPLY ALCOHOL TO A PERSON UNDER THE AGE OF 18 YEARS PENALTIES APPLY'

The *Australian Consumer Law*, which is found in Schedule 2 of the *Competition and Consumer Act (Cth) 2010* is a Federal Act, which applies generally to the advertising and marketing of all products and services, and lays down baseline requirements, such as general prohibitions against misleading or deceptive conduct, or conduct that is likely to mislead or deceive. Other than these general restrictions and the State and Territory Liquor Acts and Regulations, the only other legislative restriction on the advertising of alcohol is the *Children's Television Standards 2009*, regulated by Australian Communications and Media Authority ("ACMA") which is the government body responsible for the regulation of broadcasting, the internet, radio communications and telecommunications.

CTS 36 (Advertising of Alcoholic Drinks) of the *Children's Television Standards 2009* provides that no advertisements for alcoholic drinks may be broadcast during children's television programs or periods. It also prohibits any advertisements that identify or refer to companies

or organisations whose principal activity is in the alcoholic drinks industry. Most of the regulation on alcohol advertising is through industry self-regulation (further detail below).

What are the main regulatory controls on advertising and marketing of alcohol in your jurisdiction?

The main industry code which applies to the advertising and marketing of alcohol is the ABAC Responsible Alcohol Marketing Code (“ABAC Code”) which is administered by the Advertising Standards Bureau, and the scheme provides an Alcohol Advertising Pre-Vetting Service (“AAPS”) which allows advertisers to assess compliance with the ABAC Code at an early stage of advertising.

The ABAC Code has coverage over nearly all alcohol advertising taken by producers in Australia, and includes advertising online, at retail outlets, at events and to the naming and packaging of alcohol beverages. For example, the Outdoor Media Association, Free TV Australia, Australian Subscription Television and Radio Association have formally supported the AAPS and will not place advertisements that have not been pre-vetted by this service.

Alcohol advertising is also regulated by the Australian Association of National Advertisers’ Code of Ethics (“AANA Code of Ethics”) and Code for Advertising & Marketing Communications to Children (“AANA Children’s Code”). It is also subject to specific advertising media codes of practice, such as Commercial Television Industry Code of Practice and the Outdoor Media Association Code of Ethics.

What are the main principles of alcohol advertising regulation in your jurisdiction?

The ABAC Code contains an extensive list of limitations on the content of advertising of alcohol, for example advertisements for alcohol beverages:

- must not show or encourage the excessive or rapid consumption of alcohol, misuse or abuse of alcohol, and must not encourage irresponsible or offensive behaviour; ;
- must not have strong or evident appeal to persons under 18 years (“Minor”);
- must not depict a Minor in alcohol advertising unless shown in an incidental role in a natural situation such as a family barbeque or licensed restaurant and where there is no implication they will consume alcohol;
- must not depict an adult who is under 25 in alcohol advertising unless:
 - (a) they are not visually prominent; or
 - (b) they are not a paid model or actor and are shown in advertising placed within an Age Restricted Environment. An Age Restricted Environment (in the digital or online context) is defined as a non alcohol-specific age-restricted digital platform which requires users to register and provide their date of birth to use the platform, and is able to hide any alcohol-related pages, sites and content to users who are under 18;
- must not suggest that consumption or presence of alcohol beverages may create or contribute to a significant change in mood or environment, or cause or contribute to any personal business, social, sporting, sexual or other success; must not, if shown as part of a celebration, imply or suggest that the alcohol beverage was a cause of or contributed to the success or achievement;

- must not suggest that the consumption of alcohol offers any therapeutic benefit or is a necessary aid to relaxation;
- must not depict any direct association with consumption of alcohol beverages during or after any activity that requires alertness or physical co-ordination, such as swimming or operation of vehicles;
- must not challenge or dare people to drink alcohol, or inducements to prefer alcohol beverages on the basis of higher alcohol content or their intoxicating effect;
- must not encourage consumption in excess of, or inconsistent with the Australian Alcohol Guidelines issued by the National Health and Medical Research Council; and
- must be in compliance with AANA Code of Ethics.

Furthermore, Free TV Australia's Commercial Television Industry Code of Practice ("Free TV Code of Practice") limits direct advertisements to M, MA or AV classification periods and as an accompaniment to the live broadcast of a sporting event on weekends and public holidays.

How would you assess the pressure for tighter regulation in your jurisdiction?

Interestingly, there has been discussion about relaxing the time restrictions that alcohol advertising can be shown on free to air television, under the Free TV Code of Practice.

If changes to the Free TV Code of Practice, which are now up for public review, are registered, Alcohol brands will be able to appear on television an hour earlier, from 7.30pm. Australian TV broadcasters will seek to move the M classification time zone to start at 7.30pm, as well as to negate complaints from offended third parties that have not actually viewed a TV program but later file a complaint about it. Under the revised complaints handling process, a complainant will not be able to lodge a formal complaint unless they have actually viewed the broadcast on free-to-air television. This aims to quell the number of complaints made by lobby groups and people who are "offended" well after a broadcast has been to air.

The public consultation period has now ended and submissions are being assessed before the Free TV Code of Practice is put forward to Australian Communications and Media Authority for registration.

This does not change the fact that commercial television in Australia is the most heavily regulated platform for accessing content, and it does not reflect any general trend towards relaxing alcohol advertising regulation in Australia. Apart from active groups lobbying to combat teen binge drinking, as this is an ever present problem in Australia, there are no other changes proposed to the regulation of alcohol advertising at this stage.

Please describe any recent interesting, significant, or archetypal examples of an alcohol advertisement that has been banned in your jurisdiction.

One significant advertisement which was found to be in breach of the ABAC Code relates to advertising by Soho Bar on Facebook regarding a cheap drinks event (determination No. 46/15).

The Facebook post states "We're throwing an extra special Yeezter event Tonight. Free entry

till 10pm and \$5 drinks till midnight – get amongst it!” Below the text is a photograph of a young woman wearing a black cocktail dress lying on her back with her arms and legs stretched out on a tiled floor in what appears to be an alleyway, possibly outside licensed premises. There are two beverages and a person sitting cross legged and a third person standing near her. The young woman appears to be intoxicated.

The complainant was concerned about the depiction of the young woman on the floor, given the history of violence at the club and the fact that the club owner's son had recently been convicted of rape, and the violence against women that is endemic in society. Further the complainant argued that the advertisement objectifies extreme alcohol intake as something to aspire to.

The company responded by blaming the advertisement on an external promoter running the one-off event and stated that posts usually get pre-approval from management but this one slipped through. While the ABAC Complaints Panel acknowledged the fact that the company did not intend for the post to be made, the fact that there was a failure of internal processes did not take away the company's responsibility for the post. Accordingly, the Panel held this advertisement was in breach of the ABAC Code as it could easily be interpreted as promoting irresponsible and offensive behaviour related to alcohol use.



AUSTRIA

What are the main legal controls on advertising and marketing of alcohol in your jurisdiction?

In Austria there are three acts that specifically refer to alcohol marketing and advertising: these are the Federal Act on the Austrian Broadcasting Corporation, the Audiovisual Media Services Act and the Private Radio Act. Each of these statutory regulations is directed only at specific institutions, which provide advertising space. In general these regulations include a total ban on advertising spirits as well as restrictions on advertising other alcoholic beverages.

What are the main regulatory controls on advertising and marketing of alcohol in your jurisdiction?

In Austria the adherence of the acts mentioned above is being monitored by the system of ordinary courts. If a company infringes a law regarding the advertising and marketing of alcohol, every competitor and also the Association for Consumer Information and other interest groups have the right to start court action. The Austrian Advertising Council, a self regulating agency of the Austrian advertising industry, has published a non-statutory Self Regulation Codex (Werbegrundsätze). This Codex is directed at all companies and departments of companies involved in advertising in Austria and targets all kinds of "economical advertising", which does not include sponsoring, product placement or advertisement by political parties. These regulations contain guidelines on what should be avoided when dealing with advertising alcoholic beverages. Their adherence is being monitored by the Austrian Advertising Council.

What are the main principles of alcohol advertising regulation in your jurisdiction?

The Federal Act on the Austrian Broadcasting Corporation and the Audiovisual Media Services Act share the same principles regarding alcohol marketing and advertising. These are for example the legal ban on advertising of spirits or the interdiction of broadcast advertisements linking alcohol with children, driving or sport or promoting alcohol abuse. The Austrian Advertising Council's Self Regulation Codex has four main principles constraining the advertising of alcohol. According to these principles advertisements must not condone the excessive or abusive consumption of alcohol and children must not be the target audience of those advertisements. Creating a downplaying image of alcohol is not allowed. The advertisements also should not convey the impression that the use of alcohol has a therapeutic effect or can help to solve private or social problems.

How would you assess the pressure for tighter regulation in your jurisdiction?

At the moment there are no ambitions to change the current legal situation in Austria.

Please describe any recent interesting, significant, or archetypal examples of an alcohol advertisement that has been banned in your jurisdiction.

In June 2011 the Austrian Advertising Council criticised the Austrian brewery Ottakringer for using an advertisement poster advertising beer. The poster said (next to a bottle of beer): "Men don't show their feelings, they swallow them." The Austrian Advertising Council

decided that this advertisement went against their Self Regulation Codex, according to which advertisements should not create the image of alcohol being able to help solving private or social problems. As a reaction to this criticism the company decided to refrain from using this poster any longer.

BELGIUM

What are the main legal controls on advertising and marketing of alcohol in your jurisdiction?

There is no specific law in Belgium which generally addresses alcohol advertising. A reference to advertising alcoholic beverages is found in the Law of 24 January 1977 on Health Protection of Users of Foodstuffs and Other Products. The most important legislation deals with alcohol advertising on radio and television. As a federal state, radio and television and its advertising are regulated at the community level, which gives rise to different statutory regulations in each of the Flemish, French and German-speaking Communities. The content of the regional laws on alcohol marketing is very similar.

What are the main regulatory controls on advertising and marketing of alcohol in your jurisdiction?

There are specific rules and a self-regulation code to be taken into consideration when advertising for alcoholic beverages or beers. In practice, both the self-regulatory code on advertising for beers (which is only binding upon those parties that explicitly agreed to adhere to it¹) as well as the legislation regarding advertising on radio and television in Belgium are relevant as they contain specific provisions (these are binding to all advertising for alcoholic beverages).

The JEP (the advertising self-regulatory authority in Belgium) can suggest a media ban on advertising which does not respect a code of conduct. Such suggestion can under circumstances effectively amount to a media ban. The JEP also does pre-clearings at the request of advertisers. The media, particularly the audio-visual media, conduct their own internal vetting of ads.

What are the main principles of alcohol advertising regulation in your jurisdiction?

The JEP has drafted a code with respect to advertising alcoholic beverages ("*Convenant inzake gedrag en reclame met betrekking tot alcoholhoudende dranken*"). This code applies to all beverages with more than 0.5% alcohol content. The most important relevant restrictions are limited and have their origin in self-regulation.

a. Advertising Code for Alcoholic Beverages

The Belgian Federation of Wine and Beer Makers, in cooperation with JEP established this advertising code and made it applicable to all alcoholic beverages with more than 1,2 % alcohol, except for beer (beer has a separate self-regulation code – see below). Updated rules on alcohol advertising by the Belgian Council of Advertising (*Raad voor de Reclame / Conseil de la Publicité*) are in place since 2013.

The most important limitations are, that alcohol advertising has to respect the following

¹ This Alcoholic Beverages Code was agreed upon in 1992 between the industry association *Fédération Belge des Vins et Spiritueux* or "*Belgische Federatie van Wijn en Gedistilleerd*" and the *Jury des pratiques étiques en matière publicitaire* or the "*Jury voor Ethische Praktijken inzake reclame*" ("JEP").

Advertising for alcoholic beverages other than beers (i.e. all beverages with an alcohol percentage of at least 1.2% vol, except beer) should be compliant with a separate self-regulatory code.

criteria:

- Not specifically geared towards minors (under 18 years old);
- Not show minors using alcoholic drinks;
- Make no link between use of alcohol and improvement of physical performance or driving capacity;
- No suggestion that alcoholic drinks contain therapeutic qualities or have a stimulating, calming or tension-reducing effect;
- No creation of the impression that use of alcohol improves social or sexual successes;
- No encouragement of excessive use of alcohol and non denigration of the cautious use or non-use of alcohol;
- No emphasis on the high alcohol percentage of drinks as a positive element must only be mentioned as information);

Also, alcohol advertising should not

- encourage the use alcohol in an excessive or irresponsible manner;
- show drivers using alcohol;
- refer to medical or paramedical professions or institutions or general practitioners;
- specifically be geared to pregnant women;
- depict or use personalities which are known and very popular with youth; or
- imply that the use of alcohol is a sign of being grown up;

The age restrictions are the same for all media, on- or off-line: 18 years.

There are also further provisions regarding the content and layout:

- ❖ All advertising in **newspapers, magazines and periodicals**, must carry the educational slogan *“Bier met liefde gebrouwen, drink je met verstand”* in Dutch / *“Une bière brassée avec savoir se déguste avec sagesse”* in French / *“Wir liefern das Know-How, genießen Sie mit Vernunft”*². (free English translation *“Beer brewed with knowledge should be consumed wisely”*). This includes online ads also. In case the digital media are too small for the slogan to be readable, the slogan must at least be published on the landing page of the campaign. Furthermore, the Code asks the online publishers to mention the logo of the JEP on their website in order to inform consumers where they can go to file a complaint concerning advertising campaigns. Special conditions apply to be allowed to publish the JEP logo on a website and on other communications.
- ❖ Place of the slogan: at the bottom of the advertising space, horizontally and part of the visual. Special and detailed requirements apply as to the font type, colour, contrast with background colour, minimal font sizes and proportionally with particular formats of ads.
- ❖ A quite similar provision with detailed requirements applies to all advertising via **billboards/ posters**.
- ❖ All advertising, broadcast via **television or cinema** must also carry the educational slogan mentioned. Detailed requirements apply as to the placing of the slogan on the screen, the font type and size, proportionally with the height of the screen, colour, contrast and duration.

² The language of the slogan(s) will depend on the languages areas of Belgium in where the Bordeaux wines will be advertised and sold.

- ❖ All advertising, broadcast via **radio** must carry the shortened educational slogan “*Bier drink je met verstand*” in Dutch or “*Une bière se déguste avec sagesse*” in French (free English translation “*Beer should be consumed wisely*”) with specifics as to place of the shortened slogan and the duration.

There is a ban on advertising for alcoholic beverages with more than 20% alcohol in the French speaking audiovisual media of radio and television.

b. Code on advertising for Beer (Arnoldus Group of Belgian Breweries) (1993-1997-2002)

The Arnoldus Code applies to all advertising and sales-increasing measures for beers, except low-alcoholic beers (i.e. beers with max 1.2% alcohol by volume), in the Belgian media. The Arnoldus Code also has been subscribed to by retailers and distributors of alcohol and is supported by the advertising self-regulation authority JEP.

The Code applies to all carriers and media in Belgium. Advertising should not be specifically geared to minors by content and or by format. It should not be done in social organizations, health organizations or working facilities. The Code also contains the same principles as the Advertising Code for Alcoholic Beverages and the same specific requirements on the mentioning of the prescribed educational slogan are also found here.

As mentioned, the Belgian Flemish, French and German Communities have detailed rules and restrictions on alcohol advertising on Radio and Television. These rules are legislative, not self-regulatory, but they pertain to Radio and Television.

How would you assess the pressure for tighter regulation in your jurisdiction?

The most important legislative initiatives and pressure over the last years have aimed at content likely to harm minors. Proposals for protection measures include a warning page, visual or sound signals, descriptive labelling and/or classification of contents and systems to check the age of users. Some ideas are to make the intervention of a “third person of trust” a condition for access and/or software to filter. All these initiatives go in the direction of age barriers in one way or another. Today, the legal drinking age in Belgium is 16.

Please describe any recent interesting, significant, or archetypal examples of an alcohol advertisement that has been banned in your jurisdiction.

In a recent assessment, the self-regulatory body JEP found that the overall impression of a calendar for the beer Jupiler, addressed to university students, with texts linking the drinking of beer to parties, smoking, school, after-ski and festivals, was not infringing as it did not suggest that the use of alcohol was a necessary condition to create a party atmosphere. Nonetheless, as the educational slogan was not inserted, the JEP ordered the insertion of this slogan in the calendar.

In another recent assessment, the JEP found that the phrases “Win the Jack Daniel's guitar”, “You don't need a cake to celebrate Jack's Birthday”, “Do you share Jack's spirit?” did not create the impression that the use of alcohol was a necessary condition to make everyday life more happy or to create a party atmosphere, but again the educational slogan was ordered to be inserted.

Recent JEP rulings where it concluded that an ad was infringing and the advertiser was ordered to stop or change, were related to the use of the general slogan "Follow your thirst" for the beer Maes:

- an audio commercial suggesting that it is silly to argue that drinking beer during the week would have a bad influence on professional life and on the attitude of one's boss, has been considered to be trivializing the consumption of alcohol and denigrating those who worry about the effects of the consumption of alcohol on their professional life;
- an audio commercial text suggesting that drinking chocolate milk in a bar was for 'monkeys' has been considered to be denigrating and aggressive towards a specific category of people;
- an audio commercial making a comparison (which was supposed to be funny) between the use of beer and health-related drinks, has been considered to be denigrating towards (the users of) different sorts of (health-related) drinks;
- an audio commercial creating a link between alcohol consumption and having sex with whomever one would want, has been considered to create an unauthorized link between the consumption of alcohol and sexual success.

 BOLIVIA 

What are the main legal controls on advertising and marketing of alcohol in your jurisdiction?

There are two recently-enacted laws in Bolivia that specifically refer to alcohol advertising. The first and most important one is Law 259, on Alcohol Marketing and Consumption, issued on July 11th, 2012. The second one is Supreme Decree 1347, regulating the enforcement of the above mentioned law, issued on September 10th, 2012. There are, in addition, several municipal regulations in different cities dealing with advertising topics, which prohibit, for example, the use of banners advertising alcoholic products near schools.

What are the main regulatory controls on advertising and marketing of alcohol in your jurisdiction?

There are no self-regulation bodies that control advertising and marketing of alcohol in Bolivia. Adherence to and compliance with the Law 259, described above, is under supervision of the Ministry of Communications. Under article 25 of the regulatory decree, the Ministry is entitled to file administrative proceedings against any entities or broadcasters that breach the law. The range of sanctions is equivalent to approximately 3,000 – 4,500 US dollars.

What are the main principles of alcohol advertising regulation in your jurisdiction?

The main principles of alcohol advertising can be found in articles 8 and 9 of Law 259. According to these laws, the principles are the following:

- Advertising must not include people under 18 years of age.
- Advertising must not promote alcoholic beverages by suggesting that consumption of alcoholic beverages is linked with intellectual, social, athletic or sexual success.
- Advertising must not use cartoons.
- Advertising must not be broadcasted between 6am and 9pm.
- Advertising of alcoholic products must include a clearly visible warning stating the following text:
“EXCESSIVE CONSUMPTION OF ALCOHOL IS HARMFUL. SALE OF ALCOHOLIC PRODUCTS TO PEOPLE UNDER 18 YEARS OF AGE IS PROHIBITED.

How would you assess the pressure for tighter regulation in your jurisdiction?

Before 2012, there was a high level of pressure for the regulation of alcohol advertising, because, at that point in time, the legislation on the matter was minimal. Alcohol issues had become a topic of considerable interest for the Bolivian public.

Law 259 and its Regulatory Decree, both issued in 2012, are the result of the pressure on this topic. In addition, there have been amendments to the law raising sentences for driving under the influence.

Since these changes in the law, the pressure for tighter regulation has dropped.

Please describe any recent interesting, significant, or archetypal examples of an alcohol advertisement that has been banned in your jurisdiction.

There are no examples of banned alcohol advertisements to report.

BRAZIL

What are the main legal controls on advertising and marketing of alcohol in your jurisdiction?

The main legal control on marketing of alcohol in Brazil is the Statutory Law 9.294/1996, amended by Laws 10.167/2000 and 10.702/2003, which provides for restrictions on marketing of alcohol (those with more than 13 degrees of alcohol using the Gay-Lussac method of measurement) and smoking products.

This legislation establishes the following:

- Advertising alcohol on radio and television is only allowed between 9pm and 6am.
- The advertising cannot associate the product with the Olympic and competition sports, the healthy performance of any activity, driving or any image of success or sexuality.
- The labelling of alcoholic beverages must contain the phrase “Avoid excessive alcohol consumption”.
- Inside places where liquor is sold, there must be affixed a legible written warning that driving under the influence of alcohol is a crime punishable with imprisonment.
- It is forbidden to use sportswear of Olympic sports to advertise alcoholic beverages.

What are the main regulatory controls on advertising and marketing of alcohol in your jurisdiction?

The Brazilian Advertising Self-Regulation Council (“CONAR”) regulates, in ‘Exhibit A’ of the Brazilian Advertisement Self-Regulation Code, advertisement and marketing of alcoholic beverages in Brazil

What are the main principles of alcohol advertising regulation in your jurisdiction?

The main principles of alcohol advertising regulation in Brazil are the following.

- Children and teenagers shall not appear, in any manner, in the advertisements; any person appearing in the commercial shall be and look older than 25.
- The ads shall be exclusively addressed to adults, and no indulgence as regards this principle shall be given.
- The ad shall not give the impression that the product is being recommended or suggested by virtue of its effect on the senses.
- Websites shall contain a provision for selective access, so as to prevent navigation by minors.
- No association of the product with situations that suggest aggressiveness, use of weapons and changes to emotional equilibrium shall be made.
- Any appeal to sensuality shall not constitute the main content of the message; advertising models shall never be treated as sexual objects.
- No positive association between product consumption and driving vehicles shall be made;
- All ads shall include a “warning clause” as provided in item 5 of “Exhibit A” containing one of the following sentences, roughly translated into English:
 - “DRINK WITH CAUTION”
 - “SALE TO AND CONSUMPTION BY MINORS OF ALCOHOLIC BEVERAGES IS

PROHIBITED ”

- “THIS PRODUCT IS FOR ADULTS”
- “AVOID EXCESSIVE ALCOHOL CONSUMPTION”
- “DO NOT CONSUME EXCESSIVELY”
- “THE LESS YOU DRINK MORE FUN YOU HAVE”
- “IF YOU DRIVE, DON’T DRINK”
- “TO SERVE ALCOHOLIC BEVERAGE TO MINORS IS A CRIME”

How would you assess the pressure for tighter regulation in your jurisdiction?

Much has been discussed nowadays regarding regulation and monitoring the consumption of alcohol in Brazil. In relation to advertising activity, it is carried out at two levels. The first is the State, which, through its control, regulates the advertising with its three powers: Legislative, Executive and Judiciary. The second system, as an alternative, is exercised by the advertising industry through the CONAR, which provides for the ethical standards in advertising.

CONAR is considered an effective in its regulation and supervision of alcohol advertising.

Some claim that CONAR can be very strict when analysing the legality of certain types of advertising, but the majority of the industries believe that it is important tool to enforce advertising rights in Brazil.

The specific chapter of the Brazilian Advertising Self Regulation Code regulating the advertising of alcoholic beverages and in particular beers is revised whenever necessary to satisfy the demands of society.

In the past few years, Brazilian authorities have discussed including beverages with less than 13 degrees of alcohol to these restrictions, however this possibility was ultimately dismissed by the Brazilian Supreme Court this year.

Please describe any recent interesting, significant, or archetypal examples of an alcohol advertisement that has been banned in your jurisdiction.

- Claim No. 244/11 was brought by CONAR against whisky manufacturer company Jack Daniel’s, regarding an internet campaign that could stimulate excessive alcohol consumption, since it distributed gifts and prizes, and offered a free shot of the drink, which is forbidden by law. The company claimed that it was a cultural contest, respecting publicity law and ethics. CONAR recommended the suspension of the campaign, alleging that “Annex P” of the Brazilian Advertisement Self-Regulation Code recommends that any alcoholic beverage ad shall not encourage excessive and irresponsible alcohol consumption.
- Claim No. 159/11 was brought by CONAR against beverage manufacturer company Cerpa and CBB (Brazilian Beverage Company), regarding a TV ad for the beer Cerpa. The ad connected social success to alcohol consumption, since a character in the ad is hailed and praised for bringing beer to a party. The company claimed it was an attempt to establish a new and funny contact with consumers. CONAR recommended

the suspension of the campaign, alleging its intention is to confuse young consumers and evade the law.

- Claim No. 189/13 was brought by CONAR against beer manufacturer AmBev, regarding an internet sale that could stimulate excessive alcohol consumption, since it states that if clients buy 2 packs of beer, the third one would be free. The manufacturer claimed that to stimulate alcohol consumption an image of alcohol ingestion is needed, which was not present in the ad. CONAR recommended the alteration of the ad, in order to include a message recommending moderate consumption.



BULGARIA

What are the main legal controls on advertising and marketing of alcohol in your jurisdiction?

Alcohol advertising in Bulgaria is legally controlled in two ways – by statutory provisions contained in general and product-specific Bulgarian legislation, and by self-regulatory codes adopted by industry representative organizations.

1. Statutory regulation

The most important legislative instruments are the Health Act (“**HA**”) and the Radio and TV Act (“**RTVA**”). They impose restrictions on advertising and promotion of alcoholic beverages, designate the supervising authorities and specify the penalties to be imposed on infringers. Alcoholic beverages are divided into three main categories - beer, wine and hard liquors (the latter defined as drinks with ethyl alcohol content of 15 % by volume and above, and subject to the most stringent rules).

2. Self-regulation

Promotion of alcoholic beverages in Bulgaria is also addressed by ethical codes adopted by private industry organizations. These “soft law” measures are not legally binding outside the scope of the membership of the respective organizations and normally elaborate the rules contained in statutory provisions and cannot be applied contrary to them.

The National Council for Self-Regulation (“**NCSR**”), a member of the European Advertising Standards Alliance, is the most influential self-regulatory organization in Bulgaria and most advertising and media agencies are members, together with some of the major advertisers in Bulgaria. The NCSR has adopted the National Ethical Rules for Advertising and Commercial Communication. These rules are applicable to all forms of promotional communication and include a chapter specifically addressing the advertising of hard liquors.

The Union of Bulgarian Brewers (“**UBB**”), uniting most of the beer producers in Bulgaria, has also adopted its self-regulatory code for responsible commercial communication.

What are the main regulatory controls on advertising and marketing of alcohol in your jurisdiction?

1. Public authorities

The main regulatory bodies supervising advertising of alcoholic beverages in Bulgaria are the Ministry of Health and its territorial divisions, the Regional Health Inspectors. All alcohol advertisements broadcast by TV and radio operators are controlled by the Council for Electronic Media (“**CEM**”).

Comparative and misleading advertising in Bulgaria are regarded as forms of unfair competition. Thus, attempts to circumvent the restrictions on alcohol advertising may also be examined by the national competition authority.

2. Self-regulation

One of the tasks of the NCSR is to ensure the compliance of advertising communication with its ethical rules. Enforcement is vested with the Ethical Committee of the organization, which reviews complaints from all interested parties. Its decisions can be appealed before the Appellate Committee of the NCSR. Until recently, compliance with those decisions depended

on the goodwill of the infringer. However, as a result of an amendment to the RTVA introduced in 2010, all TV and radio operators are required to observe the decisions of the competent bodies of the NCSR or face monetary sanctions by the CEM - i.e. they must cease broadcasting of any advertisement that is found to be in conflict with the NCSR's ethical rules.

The UBB has also adopted internal procedures for examining complaints under its ethical code but its decisions are mandatory only for its members, and third parties are not legally bound to comply.

What are the main principles of alcohol advertising regulation in your jurisdiction?

Direct advertising of hard liquors – i.e. promotional communications containing an image of such beverages or presenting any action associated with their consumption, production and/or distribution – is totally banned in Bulgaria. Indirect advertising of hard liquors (i.e. ads showing only the trade name and/or trademark of the beverage or its producer, but not the beverage itself) cannot be broadcasted on radio or TV between 10pm and 6am.

Advertising of wine and beer, as well as indirect advertising of hard liquors is allowed provided that the communication:

- is not targeted at minors (individuals under the age of 18) and is not broadcast in programs or printed media intended for minors;
- does not use minors as participants;
- does not relate the consumption of alcoholic beverages to sports and physical achievements or driving;
- does not relate consumption to health benefits and social or sexual wellbeing, and does not present abstinence or moderation in a negative light.

In addition, as regards promotion of alcoholic beverages in electronic media, the RTVA requires that the advertisement does not:

- claim that alcohol has therapeutic qualities or that it is a stimulant, a sedative or a means of resolving personal conflicts;
- encourage unreasonable consumption of alcohol;
- present high alcoholic content as a positive quality of the beverage.

Self-regulatory codes follow the main principles of statutory regulation and often provide for greater details. For instance, the NCSR's rules clarify that a program or publication is to be regarded as *intended for* minors where it is known or may reasonably be expected that more than 30% of the audience is under the age of 18.

How would you assess the pressure for tighter regulation in your jurisdiction?

We are not aware of any public discussions or any anticipated changes proposed to the legislation calling upon stricter rules on alcohol advertising.

Please describe any recent interesting, significant, or archetypal examples of an alcohol advertisement that has been banned in your jurisdiction.

In 2012 CEM reprimanded a local TV operator for attempting to circumvent the limitations on alcohol advertising by disguising commercial communication as a documentary movie.

The operator broadcasted a 14-minute long movie as part of the “Wine Tourism” program cycle. The movie was officially dedicated to an international wine exhibition held in Bulgaria, but it also presented the history of one specific Bulgarian alcohol producer and its achievements at national and world competitions, together with an interview with its managing director. During the movie some of the hard liquors produced by the company were displayed directly, including by showing the bottles with the labels on them and a variety of actions related to their production. The defendants claimed that this was not an advertisement, but a documentary movie and provided documents evidencing that the TV operator in fact bought this movie from the producer. They claimed that the broadcasting prohibition represented media censorship. However, the court on appeal disagreed and held that the movie clearly represented a direct advertisement of hard liquors and was not allowed to be broadcast of the specific type and the alleged genre of the audio-visual content in question.

An interesting practice for circumventing the restriction on broadcasting ads of hard liquors over the TV before 10 pm was banned in 2012. The case involved a TV spot for a low-alcohol beverage that did not fall in the scope of the statutory restriction. However, the advertised low-alcohol beverage had a trade name, trademark, label, design and overall appearance almost identical to those of a key hard liquor product of the same producer. In addition, the TV spot was almost identical in respect of audio-visual design and content with the ad of the corresponding hard liquor product which was broadcasted after 10 pm. The CEM imposed a sanction on the TV operator for violation of the restrictions on hard liquor advertising, arguing that the low-alcohol beverage was only a disguise. However, the court dismissed CEM’s allegations stating that, as a matter of fact, the TV spot promoted only a low-alcohol beverage which is outside the scope of the legal restrictions and the hard liquor was never actually displayed. Nevertheless, the court also held that in view of the overall representation of the TV spot and its highly confusing similarity with the ad of the equivalent hard liquor, this practice should be scrutinized on the basis of the rules prohibiting misleading advertising as a form of unfair competition. Accordingly, CEM referred the matter to the national competition authority. The NCA found it unlikely that the advertisement was actually aimed at promoting the low-alcohol beverage since sales data showed that only insignificant amounts of the product were actually produced and placed on the market. For this reason it was held that the advertising practice was misleading in respect of the type and characteristics of the promoted product and constituted an attempt for disguised promotion of hard liquor during restricted hours in violation of the restrictions on hard liquor advertising. This administrative decision was upheld by the court on appeal.

CANADA

What are the main legal controls on advertising and marketing of alcohol in your jurisdiction?

Alcohol advertising is heavily regulated in Canada. Federally, the Canadian Radio-television and Telecommunications Commission's (the "CRTC") "Code for Broadcast Advertising of Alcoholic Beverages" (the "CRTC Code")¹ applies to all radio and television advertising in Canada. In addition, alcohol advertising is regulated under provincial legislation, related regulations and industry guidelines. While there are both federal and provincial regulatory regimes, most provinces and territories have implemented restrictions on alcohol advertising similar to those outlined in the CRTC Code. Provincially-licensed alcohol retailers are similarly restricted in how they can promote alcohol in their establishments.²

What are the main regulatory controls on advertising and marketing of alcohol in your jurisdiction?

While each province has its own regulations and guidelines for the advertising of alcohol, the following regulatory controls apply to alcoholic advertising in Canada. Advertising Standards Canada ("ASC"), a national not-for-profit advertising self-regulatory body provides voluntary review and clearance services for alcohol advertisements that will be broadcast on radio and television in Canada. In practice, however, broadcasters generally insist on an ASC approval number in addition to their own review process.

ASC applies the provisions of the CRTC Code in its pre-clearance review, although it is the CRTC that remains ultimately responsible for the interpretation and application of the CRTC Code. ASC also offers review services for non-broadcast ads (e.g., print, out-of-home and other advertising materials) to ensure compliance in Ontario with the "Alcohol and Gaming Commission of Ontario Liquor Advertising Guidelines" and in British Columbia with the CRTC Code. As with all advertisements, alcohol advertisements are subject to challenge if they do not comply with ASC's broader "Canadian Code of Advertising Standards" (the "ASC Code").

Broadcast ads in Canada are subject to pre-clearance by broadcasters. The Television Bureau of Canada's Telecaster Services is the general clearing house for all broadcast ads (except for some types of broadcast ads on the public Canadian Broadcasting Corporation, including political, advocacy, government, issue and opinion messages, which CBC clears internally). In addition, Quebec requires regulatory pre-clearance for both broadcast and non-broadcast ads through the Quebec Régie des alcools, des courses et des jeux.

What are the main principles of alcohol advertising regulation in your jurisdiction?

The primary goal of the regulation of alcoholic advertising in Canada is the promotion of safe and responsible consumption of alcohol. The main principles underlying the federal and provincial regulation of alcohol advertising in Canada include that advertising: must not be directed at or appeal to persons under the legal drinking age; must not imply that alcohol is necessary for the benefit or enjoyment of life or the accomplishment of social, business or other success; must not portray alcohol use or consumption; must not promote excessive

¹ Canadian Radio-television and Telecommunications Commission, "Code for Broadcast Advertising of Alcoholic Beverages" (1 August 1996) online: <http://www.crtc.gc.ca/eng/general/codes/alcohol.htm>.

² See, for example, *Licences to Sell Liquor*, R.R.O. 1990, Reg. 719, s. 87.

consumption or encourage irresponsible drinking; must not associate alcohol with activities that are dangerous or require skill/attention; and must not attempt to influence nondrinkers to consume alcohol.

How would you assess the pressure for tighter regulation in your jurisdiction?

In 1997, the CRTC disbanded mandatory government pre-clearance of alcohol advertisements in deference to provincial regulation and self-regulation by broadcasters and the industry (i.e., ASC). This loosening of governmental oversight of the approval process coincided with an overall strengthening of legislative standards for alcohol advertising, including the issuance of a revised CRTC Code in 1996.

We are not aware of any recent pressure to modify the existing legislative or regulatory framework regarding the advertisement of alcohol. In recent years the provincial alcohol commissions and control boards have been more open and flexible in their regulation of the industry, and licensees have overall been subjected to less scrutiny.

Please describe any recent interesting, significant, or archetypal examples of an alcohol advertisement that has been banned in your jurisdiction.

There have been very few recent violations under the general advertising prohibitions of the ASC Code. In 2014, an alcoholic beverage manufacturer commercial showed individuals carrying alcoholic beverages to what appeared to be a wilderness location that wasn't licensed for alcohol consumption, contrary to provincial regulations. While the manufacturer apparently filmed the advertising at a licensed location, none of the visuals in the commercial overcame the overriding impression conveyed that the commercial was set in a non-licensed location. This was found to be contrary to the provision of the ASC Code that prohibits encouraging, condoning or exhibiting obvious indifference to unlawful behavior.

In 2010, a beer company's claim that beer cans were more environmentally friendly than beer bottles was found to be unsubstantiated and contrary to Clauses 1 and 8 of the ASC Code. In 2008, another beer company contravened the prohibition against unacceptable portrayals in Clause 14 of the ASC Code when it depicted an irritating German party guest. The German caricature was found to be disparaging on the basis of nationality. A more common problem in alcohol advertising is depicting scantily clad or sexualized women, which the ASC often finds to contravene Clause 14 on the basis of degrading women.

As for specific federal or provincial alcohol advertising rules and regulations, there are a few standard industry practices that can be used to avoid common non-compliant depictions. For example, to comply with the prohibition against encouraging the general consumption of alcohol or the irresponsible use of it, ads should only depict one serving of alcohol per person, and the beverage(s) depicted should be full. Secondly, taglines should not use imperatives when describing consumption of alcohol such as "drink" or "enjoy", but may instead express these sentiments by adding a modifier such as, "why not enjoy".

Advertisement also must not depict consumption, with common mistakes including implied consumption through the use of gulps, slurps or an "Ahhh!" Depictions of individuals skipping work or personal obligations in order to consume alcohol will likely run afoul of the prohibitions against associating alcohol with completing tasks requiring skill or with

personal/social achievement. Lastly, Ontario ads must not depict both a consumption scenario and a moving motor vehicle, even if the vehicle is not central to the creative (e.g. appears blurred in the background).

CHILE

What are the main legal controls on advertising and marketing of alcohol in your jurisdiction?

Advertising of alcoholic beverages in Chile has not been regulated as thoroughly as in other jurisdictions, but still bears some minimum restrictions, especially regarding television advertising. Television ads are regulated by the National Television Council (Consejo Nacional de Televisión, CONATEL), created by Law N° 18.836. CONATEL advocates for the proper operation of television broadcasts, adjusting its contents to the nation's moral and cultural values, human dignity, and the adequate spiritual and intellectual formation of children and young men and women, amongst other things.

It is under this premise that CONATEL has dictated the Special Rules Regarding Television Content. This act, dating back to August 20th, 1993 has restricted the broadcasting of advertising of alcoholic beverages to the time slot between 10pm and 6am. However, trademarks related to alcoholic beverages can be named and placed during a television broadcast when they are used to sponsor or promote a cultural or sporting event.

Additionally, the Alcoholic Beverages Act, Law No 19.925, penalizes any acts, including advertising, that induces minors to consume alcohol. In this regard, article 42 states the following:

Article 42 –Whoever sells, gives or supplies alcoholic beverages by any means to a person under eighteen years of age, in any of the premises specified in Article 3, shall be punished with imprisonment and a fine from three to ten monthly tax units. Nonetheless, it is permitted to sell, give and supply alcoholic beverages to minors when they attend accompanied by their parents to premises aimed at diners.

If it is the administrator or the owner of the premises who carries out the infringement described on the previous paragraph, the punishment will be imprisonment, a fine of ten to twenty monthly tax units and temporary closure of the premises for a period no longer than three months. The same penalties apply if inducing minors to alcohol beverages, either directly or through advertising.

Lastly, The Chilean Code of Advertising Ethics (CCAIE) has a chapter dedicated to alcohol advertising. However, its provisions are of self regulatory nature, with no legal effect and, therefore, non binding.

What are the main regulatory controls on advertising and marketing of alcohol in your jurisdiction?

The relevant regulatory body regarding alcohol advertising is the Council for Self-Regulating and Ethical Advertising (CONAR), a non-binding voluntary association of Chilean advertisers. It enforces The Chilean Code of Advertising Ethics (CCAIE), which acts as a guideline for advertisement campaigns in Chile. Complaints before CONAR can be filed by any individual that believes that a current advertising campaign is breaching the CCAIE. The decisions issued by CONAR have no legal effect, as they are non-binding and only involve members of CONAR. However, it is a respected institution in Chile and its decisions are usually followed. The CCAIE has a chapter regarding advertising and marketing of alcohol beverages and it is usually enforced by its members.

What are the main principles of alcohol advertising regulation in your jurisdiction?

As a general rule, the main principle governing alcohol advertising regulation is the protection of minors and preventing the consumption of alcoholic beverages from an early age. For these reasons, the television broadcasting of advertising of alcoholic beverages has been restricted to a specific night schedule and the Alcoholic Beverages Law, penalizes any acts, including advertising, that induce minors to consume alcohol.

How would you assess the pressure for tighter regulation in your jurisdiction?

Several legislative bills which include further restrictions on alcoholic beverage advertising have been sent to Congress over the past years. These bills focus on the labelling of alcoholic beverages and the obligation to include health warnings in every form of alcoholic beverage advertising. Furthermore, the latest bill includes prohibitions regarding sponsorship of sporting events and clothing, and express warning language in the beverage's container with a minimum size and features required. However, these bills have been sitting in Congress for many years, and no substantial changes to the current restrictions on alcoholic beverages are expected within the coming months. Therefore, although the public is aware of the potential dangers that are associated with alcohol consumption, this has not been reflected, thus far, in tighter regulation.

Please describe any recent interesting, significant, or archetypal examples of an alcohol advertisement that has been banned in your jurisdiction.

There have not been any relevant alcohol related advertisements that have been recently banned due to the infringement of the previously mentioned laws and regulations. However, the authorities have been keener to promote responsible drinking during these last few months and have issued television campaigns to raise awareness on this matter.

CHINA

What are the main legal controls on advertising and marketing of alcohol in your jurisdiction?

Advertising and marketing of alcohol is specifically regulated by the 1995 Regulations on Advertising of Alcoholic Beverages issued by the State Administration for Industry and Commerce (SAIC), revised as of September 28, 2005, and the 2005 Measures on the Administration of Alcohol Sales released by the Ministry of Commerce (MOC). Also, the 1995 Advertising Law promulgated by the Standing Committee of NPC, revised as of April 24, 2015, and the 1987 Regulation on the Administration of Advertisement promulgated by the State Council, along with other subject-specific regulations, such as the 2009 Food Safety Law and the 2009 Measures on the Administration of Radio and TV Advertising, provide a number of relevant rules.

What are the main regulatory controls on advertising and marketing of alcohol in your jurisdiction?

The SAIC is the main regulator responsible for the supervision of alcohol advertisements. Several other agencies work alongside the SAIC in this area, including the Ministry of Industry and Information Technology (MIIT) (formerly the Ministry of Information Industry), the State Administration of Press, Publication, Radio, Film and Television (SAPPRFT), the Ministry of Health (MOH), the State Administration of Traditional Chinese Medicine (SATCM) and the State Food and Drug Administration (SFDA). These agencies together are responsible for the promulgation and enforcement of the advertising principles discussed under the next question.

In addition, there are various codes of practice promulgated by various other self-regulatory agencies. For example, the China General Chamber of Commerce (CGCC) is a self-regulatory industry group overseen by the MOC. In 2013, the CGCC proposed Standards for Circulation and Service in the Alcohol Industry (SCSAI), which were approved by the MOC. With regard to advertising, the SCSAI provides:

- (1) any alcohol advertisement must comply with the relevant provisions of the 1995 Advertising Law, the 2009 Food Safety Law and the 1995 Regulations on Advertising Alcoholic Beverages;
- (2) all content and information in such advertisements must be authentic and accurate;
- (3) advertising shall advocate rational and moderate consumption of alcohol.

Similarly, the China Advertising Association (CAA), one of the largest ad-related (and government-sponsored) industry bodies in China has also issued a code of practice, the China Advertising Industry Self-regulation Code (CAICC, 2008). Although there are no specific rules regarding alcohol in the CAICC, it stresses that all advertising must comply with the relevant provisions of the 1995 Advertising Law and the 1987 Regulation on the Administration of Advertising.

Alcohol advertising is also regulated by other industry-specific or regional government-connected entities, such as the China Alcoholic Drinks Association, the China National Association for Liquor and Spirits Circulation, and the Suzhou Association for Alcohol

Circulation. Most of these groups require that alcohol advertisements must not target minors (under the age of 18) or promote counterfeit products.

What are the main principles of alcohol advertising regulation in your jurisdiction?

As mentioned above, alcohol advertising is primarily regulated by the 1995 Regulations on the Advertising of Alcoholic Beverages, as follows:

- (1) Entities and individuals must guarantee that the relevant alcohol complies with food hygiene and pharmaceutical quality standards;
- (2) No alcohol advertising may encourage excessive or immoderate consumption;
- (3) The following shall not be portrayed: people under the age of 18, the actual act of drinking, and activities that have potential risk, such as driving a car, ship or airplane;
- (4) Alcohol advertisements may not suggest that consumption of alcohol may contribute to personal, business, social, sporting, sexual or other success;
- (5) Alcohol advertising must not depict any direct or implied association with health or stress relief;
- (6) No alcohol advertisement may reference any awards;
- (7) Media-specific regulations must also be followed, i.e.:
 - (a) For TV, only two alcohol advertisements may be broadcast during prime time (1900-2100) per channel per day, and only ten during other times;
 - (b) For radio, only two alcohol advertisements may be broadcast per channel per hour;
 - (c) For newspapers and magazines, only two alcohol advertisements may be published per issue, and no ads for alcohol products are allowed on the first page or cover of a publication.
- (8) Alcohol advertisements may not contain any content that goes against the requirements of building a “socialist spiritual civilization” or social morals,

The 2005 Measures on the Administration of Alcohol Sales further forbids sale of alcohol to any persons under 18 years old. In addition, advertising of alcohol is also subject to government regulations on advertising in general, such as not injuring intellectual property rights related to other products, not using national symbols, and not using superlatives or puffery.

How would you assess the pressure for tighter regulation in your jurisdiction?

The newly revised Advertising Law issued on April 24, 2015 has banned any advertising of tobacco in any media type but has not tightened advertising rules applying to alcohol

products. There have been some calls for banning alcohol advertising on TV during prime time, but we are not aware of any official response to this.

Please describe any recent interesting, significant, or archetypal examples of an alcohol advertisement that has been banned in your jurisdiction.

An ad for Langlingguan Alcohol, a well-known white spirit, was banned in 2012. The ad referred to Langlingguan Alcohol as “Tiguan Alcohol”, which means career advancement in Chinese. The SAIC banned the ad under the aforementioned 1995 Regulations on the Advertising of Alcoholic Beverages, which provide that no alcohol advertisement may depict any direct or indirect association between alcohol and social success. The advertiser argued that the expression of career promotion was just a wish, and not meant to be attributable to the consumption of the alcohol, but was not successful in overturning the ban. A penalty of RMB 15,000 was also imposed.

An ad for Panshan Alcohol was banned by the SAIC in 2009. The advertisement depicts a number of children sitting in the classroom praising Panshan Alcohol for its “greenness”, which in this instance was a difficult-to-translate metaphor for flavor and health. The advertisement was criticized for having children present, and was ultimately banned for this reason, as a breach of the 1995 Regulations on Advertising of Alcoholic Beverages and the 1987 Regulation on the Administration of Advertisements.



COLOMBIA

What are the main legal controls on advertising and marketing of alcohol in your jurisdiction?

Advertising and marketing of alcohol has been regulated in Colombia for the last 30 years, aiming for the protection of minors and preventing the consumption of alcoholic beverages by means of warnings and restrictions within the advertisements and limitations of how and when to advertise said goods.

To that end, all advertising and marketing of alcohol have to include the following mandatory phrases:

- “It is forbidden to sell alcoholic beverages to minors” (Law 124 of 1994).
- “Excessive consumption of alcoholic beverages is harmful to health” (Law 30 of 1986).

Furthermore, all commercial establishments selling alcoholic beverages must include in a visible place said mandatory phrases.

Since 2012, advertising of alcoholic beverages no longer requires prior authorization by the Health Authority. Nonetheless, the Health Authority is still in charge of controlling the advertising of alcoholic beverages.

What are the main regulatory controls on advertising and marketing of alcohol in your jurisdiction?

The regulation of advertising and marketing of alcohol in Colombia is extensive. Regarding the label, as a type of advertisement, the following rules must be observed:

- The label must include the alcohol content of the beverage and shall not include expressions, phrases or images suggesting medicinal or nutritional properties
- The phrase “It is forbidden to sell alcoholic beverages to minors” must occupy at least a tenth percent of the area of the label, located on the front face, with easily readable size and typeface, contrasting with the background on which it is printed; and
- The location of the mandatory phrases must be horizontal and be read in the same way.

Moreover, the mandatory phrases must be part of every advertisement. Indeed, the statement of the mandatory phrases should be clear, understandable, visible and legible. In audio broadcast, they should be given at the same speed as the rest of the advertising piece.

Additionally, all advertising and marketing of alcohol must comply with the following rules (Decree 1686 of 2012):

- The use of phrases, words, signs or emblems as any graphical representation which can cause confusion, deception or doubt to the consumer about the true nature, origin, composition or quality of the goods, is forbidden;

- It is also forbidden to use qualifying terms suggesting qualities or properties that alcoholic beverages do not possess;
- It is forbidden to refer to alcohol beverages as having medical, preventive, curative, nutritive, therapeutic or wellness and health-producing properties;
- Should respect cultural values and differences of race, sex and religion. Should not violate the principles of ethics, use themes, images, symbols or figures deemed offensive, harmful or humiliating;
- Should not include images of people who are or appear to be under age (the legal age in Colombia is 18 years);
- Should not include pregnant women;
- Should not suggest that the consumption of alcoholic beverages is essential for business, academic, sporting or social success.

To further protect minors, there are other rules, as follows:

- A person providing alcoholic beverages to minors shall be punished in accordance with the rules of the Police Code.
- In case of doubt about the age of the person, the retailer should require their identification card.
- Underage people shall not work during the night shift in commercial establishments where alcohol is produced, packaged, distributed, sold or consumed.
- Any minor found consuming alcoholic beverages or drunk, must attend with his/her parents or guardians a course on alcohol prevention.

The media, in the exercise of autonomy and other rights, must refrain from broadcasting television alcohol advertising between 7 am and 9:30 pm.

The advertising of alcoholic beverages on television can only be transmitted at the times and with the intensity established below:

- Promotional advertising (uses graphic designs and/or audible or visual characterization of a company, brand, product or service, without mentioning the attributes of its nature. It is directed exclusively to promote or sponsor a sporting or cultural event): within a month before the cultural or sporting event between 9:30pm and 5am, and during the transmission of the sporting or cultural event in question.
- Implied or indirect Advertisement (uses the product, brand and/or graphics and/or audio or visual characterization of a company or product, to promote the use and/or consumption of goods or services without mentioning their attributes): Between

10pm and 5am.

- Direct advertising (through which the product, company, brand or service identified by a graphic design and/or audible or visual characterization, with the express purpose of encouraging or inducing to consumption and/or maintain their presence, and involves the action of ingesting the drink): forbidden to be broadcast at any time on television service.

The promotional and implied advertising shall not exceed sixty seconds for every thirty minutes of programming.

Each operator which broadcasts advertisement of alcoholic beverages, shall transmit without cost a prevention campaign on the risks and effects of its consumption, lasting half the time spent weekly for advertising such products.

A show whose content is aimed specifically at minors, shall not include any advertising regarding alcohol beverages.

During the broadcast of advertising and marketing of alcohol, the following rules shall apply:

- The advertising may not contain scenes or parts in which the action of ingesting alcoholic beverages is expressed visually or vocally.
- The advertising may include people or models that are, or appear to be, minors or pregnant women.
- The mandatory phrases must be included.
- The advertising of these products shall not associate consumption with success and achievement of personal, sexual, professional, economic or social goals. It shall not state or imply that consumption of alcohol is desirable or valid option to solve problems or provide a negative image of abstinence or moderation.
- The advertising must be truthful and objective.
- The advertising cannot threaten the honour, reputation, privacy of individuals and rights, freedoms and principles that are recognized by the Constitution.
- The advertising may not contain images which by their nature attract the attention of children.
- The advertising cannot refer or infer that alcohol has curative and/or therapeutic qualities.
- The advertising may not contain images and/or messages that relate consumption of alcoholic beverages with driving.

What are the main principles of alcohol advertising regulation in your jurisdiction?

All advertising and marketing of alcohol should be directed to the protection of life, health and human safety. Also it should aim to protect the minor and the community in general of from the harmful effects of alcohol consumption and establish measures aimed at reducing the damage and minimizing the risk of accidents, everyday violence and crime associated with immoderate drinking.

Boys, girls and adolescents are meant to be protected against alcohol consumption, distribution and marketing.

How would you assess the pressure for tighter regulation in your jurisdiction?

Colombia has had a strict policy regarding alcohol beverages, and in 2012 the requirement of prior authorization from the Health Authority on alcohol ads was lifted. Nonetheless, the Health Authority is still in charge of controlling advertising of alcoholic beverages.

Please describe any recent interesting, significant, or archetypal examples of an alcohol advertisement that has been banned in your jurisdiction.

There has not been any relevant advertising of alcohol recently banned in Colombia.

COSTA RICA

What are the main legal controls on advertising and marketing of alcohol in your jurisdiction?

The basis for regulation is found in the “*Ley de Regulación y Comercialización de bebidas con contenido alcohólico*” (Law for the Regulation and Commercialization of Beverages with Alcoholic Content), # 9047, issued in August 2012. This Law regulates the sale of alcohol, the granting of liquor licenses, and includes some basic regulations on advertising.

These regulations were further developed by the “*Reglamento sobre Regulación y Control de la Publicidad Comercial Relacionada con la Comercialización de Bebidas con Contenido Alcohólico*” (Regulation for the Control of Commercial Advertising Related to the Commercialization of Alcoholic Beverages), # 37739-S of July 2013.

This regulation defines advertising as any activity related to the communication of messages that promotes the sale or consumption of alcoholic beverages.

What are the main regulatory controls on advertising and marketing of alcohol in your jurisdiction?

According to the abovementioned Law, all advertising must be pre-cleared by the Ministry of Health, and there is a fine for making any commercial communication that is not previously authorized.

The regulation creates a Commission, which is part of the Ministry of Health, which is in charge of reviewing and clearing the advertising. It is also the authority in charge of the imposition of fines for violating the advertising rules.

Decisions of the Commission may be appealed to the Ministry of Health.

What are the main principles of alcohol advertising regulation in your jurisdiction?

The following are the main rules that apply to advertising of alcoholic beverages in Costa Rica:

- Advertising may not mislead consumers about the characteristics of the products.
- Alcohol brands may not sponsor any sports team, nor advertised on any sports equipment or uniform.
- People may not be shown drinking
- Advertising may not relate alcohol with the physical, moral or intellectual attributes of individuals
- Advertising may not use the image of any celebrity, nor refer (directly or indirectly) to any person with special qualities in such a way that may induce people to drink in emulation of them.
- Advertising may not suggest that alcoholic beverages have any therapeutic, stimulating or sedating quality.
- Advertising may not be disrespectful to national symbols or folkloric music.
- Advertising may not use minors, nor be directed toward them.

Also it is forbidden to advertise alcoholic beverages in spaces and programs directed to underage people in any media, and/or less than 100 meters from schools, child-care centres,

religious temples, and health centres.

How would you assess the pressure for tighter regulation in your jurisdiction?

The pressure for tighter regulation is not general, although certain sectors are permanently criticizing advertising and arguing that regulation should be more restrictive. For example, there is a pending action in the courts asking for the regulation to be declared unconstitutional, on the basis that it is too permissive. This, however, does not seem to be the general view of the population.

Please describe any recent interesting, significant, or archetypal examples of an alcohol advertisement that has been banned in your jurisdiction.

As opposed to other regulations, in case of doubt there is tendency to interpret the regulation in favour of prohibition. An example of this is the prohibition on sponsoring sports teams, which has been interpreted as a general prohibition to make any relationship between alcohol and sports, even if it does not involve a sponsorship of a team.

As in this case, whenever the regulators are faced with grey areas, the interpretation is normally to prohibit the ad.



CROATIA

What are the main legal controls on advertising and marketing of alcohol in your jurisdiction?

In Croatia there are no acts in force which deal only with alcohol advertising. For many years, the main source of alcohol advertising regulation in Croatia was the Food Act. The most recent version of the Food Act enacted in 2013 no longer deals with the advertising of alcohol. The Trade Act now prescribes a general ban on advertising of alcohol in all types of media.

The 2004 Croatian Media Act and the Electronic Media Act enacted in 2009 also contains provisions concerning alcohol advertising. In addition, the European Convention on Transfrontier Television, applies in Croatia.

The Advertising Rules Code does not regulate alcohol advertising. It does refer to alcohol advertising only by saying that this subject is regulated by the law.

What are the main regulatory controls on advertising and marketing of alcohol in your jurisdiction?

The enforcement of the regulation is generally conducted by the Ministry of Interior, more precisely the police authorities. Because of the general ban on alcohol advertising which has been in force in Croatia for many years, there are no real attempts of advertising alcohol in public.

What are the main principles of alcohol advertising regulation in your jurisdiction?

According to the Trade Act, as the main source for alcohol advertising, the advertising of alcohol is generally banned. This applies to all media and all public spaces. The ban applies to direct and indirect advertising.

Advertising of beer, wine and fruit wine is allowed and specially regulated.

According to Article 15 of the European Convention on Transfrontier Television, advertising and tele-shopping for alcoholic beverages of all varieties shall comply with the following rules:

- a) they shall not be addressed particularly to minors and no one associated with the consumption of alcoholic beverage in advertising or tele-shopping should seem to be a minor;
- b) they shall not link the consumption of alcohol to physical performance or driving;
- c) they shall not claim that alcohol has therapeutic qualities or that it is a stimulant, a sedative or a means of resolving personal problems;
- d) they shall not encourage immoderate consumption of alcohol or present abstinence or moderation in a negative light;
- e) they shall not place undue emphasis on the alcoholic content of beverages.

How would you assess the pressure for tighter regulation in your jurisdiction?

The regulations concerning alcohol advertising and the regime in general have been in force in the same form for a long period. We are not aware of any intentions to change the current regulations.

Please describe any recent interesting, significant, or archetypal examples of an alcohol advertisement that has been banned in your jurisdiction.

Because of the general ban on alcohol advertising in Croatia, no advertisements appear in public. However, this rule does not apply to beer and certain types of wine, under special circumstances.



CZECH REPUBLIC

What are the main legal controls on advertising and marketing of alcohol in your jurisdiction?

There are no special legal acts which deal exclusively with the advertising and marketing of alcohol in the Czech Republic. Advertising of alcohol is regulated by the Act on Advertising Regulation (Act 40/1995, Coll. Of Law, of 9 February 1995). More specific provisions are to be found in the Act on Operating the Radio and TV Broadcasting (Act 231/2001, Coll. Of Law, of 17 May 2001) which – among other things – deals with alcohol advertisements in radio and TV commercials.

Self-regulatory rules of the advertising organizations are included in the so-called Advertising Code (the present version is from 2013). The Advertising Code does not have the power of law, but it is widely respected by all the members of the Advertising Council which issues the Code.

What are the main regulatory controls on advertising and marketing of alcohol in your jurisdiction?

The Act on Advertising Regulation contains general rules on advertising of alcohol in all types of “communications media” (i.e. press, magazines, motion pictures, video-on-demand services, software, radio and TV broadcasting etc.). There are several supervisory bodies which supervise adherence with the rules set down by the Act are adhered to, for instance: the Radio and TV Broadcasting Council (which surveys the radio and TV advertising), State Institute for Drug Control (which surveys the advertising of drugs), the Ministry of Health (which surveys the advertising of medical care) etc. In the case of advertising of alcohol, the basic supervisory bodies would be mainly the regional Trade Licensing Offices.

In relation to advertising of alcohol, the Act on Operating the Radio and TV Broadcasting specially regulates only the advertising of alcohol in radio and TV broadcasting. As was said above, the supervisory body for TV and radio broadcasting is the Radio and TV Broadcasting Council.

The self-regulatory Advertising Code again sets down the rules on advertising of alcohol in all types of “communications media” in the whole broad sense mentioned above. The body within the Advertising Council called the Arbitration Committee monitors that all the Council’s members abide by the standards set out by the Advertising Code. The Committee has unofficial, but widely respected authority to give a ruling in questionable cases. Everybody (physical as well as legal persons) has the right to file a complaint to the Committee concerning a seemingly unethical (i.e. Code breaching) advertisement.

What are the main principles of alcohol advertising regulation in your jurisdiction?

The Act on Advertising Regulation sets down in its Section 4 that advertising of alcoholic beverages must not:

- a) Encourage excessive use of alcoholic beverages or present abstinence or abstention negatively or ironically,
- b) Be aimed at persons under 18, in particular in must not portray such persons nor persons who look under 18 as consuming alcoholic beverages, and not use elements, instruments or actions which appeal to persons under 18,

- c) Connect consumption of alcohol with enhanced achievements, or in connection with driving,
- d) Create the impression that consumption of alcohol contributes to social or sexual success,
- e) Claim that alcohol in beverage has healing qualities or an encouraging or soothing effect or that it functions as a device for solving personal problems,
- f) Emphasize volume of alcohol as a positive value of the beverage.

The Act on Operating the Radio and TV Broadcasting sets down that radio and TV commercial for alcoholic beverage must not:

- a) Be aimed specially at children and young people or portray children and young people as consuming alcoholic beverage,
- b) Connect consumption of alcoholic beverages with enhanced physical achievements or with driving,
- c) Create the impression that consumption of alcoholic beverages contributes to social or sexual success,
- d) Claim that alcoholic beverages have healing, stimulating or soothing qualities or that they function as a device for solving personal conflicts,
- e) Contribute to immoderate consumption of alcoholic beverages or portray abstinence or abstention in negative light,
- f) Emphasize high volume of alcohol as positive value of the alcoholic beverage.

The Advertising Codex includes similar rules as the above quoted statutes, but it goes into greater detail. For instance, when it comes to children and young people, the Code states that commercials must not use any graphics, symbols, music and cartoon characters which primarily draw the attention of children.

How would you assess the pressure for tighter regulation in your jurisdiction?

The pressure for tighter regulation of advertising of alcohol in the Czech Republic is undoubtedly escalating. The pressure for such regulation goes hand in hand with the progressing restrictions on advertising of tobacco.

Please describe any recent interesting, significant, or archetypal examples of an alcohol advertisement that has been banned in your jurisdiction.

In 2007, for instance, there was a case (file number 032/2007/Stíž) where the Arbitration Committee found that the Advertising Code was infringed by a TV commercial for bitter herbal liqueur Berentzen. The advertisement in question was found unethical because it tried to create the impression that when your life goes in the wrong direction (all girls leave you and everything you touch ends catastrophically), then your best friend is a “loyal” alcoholic beverage, namely Berentzen.

There is no doubt that this particular commercial infringed not only the self-regulatory Advertising Code, but also both the Act on Advertising Regulation and the Act on Operating the Radio and TV Broadcasting.



DENMARK

What are the main legal controls on advertising and marketing of alcohol in your jurisdiction?

The main legal controls on advertising and marketing of alcohol in Denmark can be found in the Danish Marketing Practices Act, section 1 and section 8, and the Guidelines on the Marketing of Alcohol issued by the Danish Alcohol Advertising Board.

What are the main regulatory controls on advertising and marketing of alcohol in your jurisdiction?

The main regulatory controls on advertising and marketing alcohol in Denmark are the Alcohol Advertising Board and the Danish Consumer Ombudsman, who to some extent have concurrent jurisdictions.

The Alcohol Advertising Board decides complaints regarding alcohol advertising and can also take up a case on its own motion. If the trader/advertiser will not abide by the decision of the Alcohol Advertising Board the case will normally be handed over to the Danish Consumer Ombudsman.

The Danish Consumer Ombudsman can also decide in complaints regarding alcohol advertising and take up a case on his own motion. Furthermore the Danish Consumer Ombudsman can decide whether the advertiser has acted according to the standards in the Danish Marketing Practices Act, especially section 1 which requires the advertiser/trader to act according to good marketing practices. This Danish Marketing Practices Act provides the Danish Consumer Ombudsman with the power to sanction violations of the Act.

What are the main principles of alcohol advertising regulation in your jurisdiction?

According to the Danish Marketing Practices Act section 1, traders shall exercise good marketing practice with reference to consumers, other traders and public interests.

According to section 8 of the Danish Marketing Practices Act, marketing directed at children and young people under the age of 18 must not mention or include images of or references to intoxicants, including alcohol.

Advertising may not make alcohol appear as if it improves performance or intelligence, or makes people more popular and/or attractive. Advertising may not help to create a positive attitude towards over-consumption of alcohol. Alcohol must only be presented in situations where it can be enjoyed in a moderate amount and people who do not drink or do not moderately may not be portrayed negatively. Advertising may never be aimed at children and young people. The marketing of alcohol may not make use of persons under the age of 25 or people who specifically appeal to children and young people. Alcohol may not directly or indirectly be connected with any kind of driving. Advertisements should avoid showing alcohol with people by a car, bike or boat. Alcohol advertising may not be associated with active sports and sports stars may not be used to advertise alcohol.

How would you assess the pressure for tighter regulation in your jurisdiction?

After the establishment of the Alcohol Advertising Board and its Guidelines in 2000 together with the jurisdiction of the Danish Consumer Ombudsman there is at the moment no pressure for tighter regulation.

Please describe any recent interesting, significant, or archetypal examples of an alcohol advertisement that has been banned in your jurisdiction.

The Alcohol Advertising Board has recently found that it was legal to advertise for alcohol on outdoor billboards in the public space. However, it was illegal to advertise in the Copenhagen Metro in such a way that the individual passenger could not get access to the Metro without being confronted with the advertisement.

The Board has in another recent case found that a nightclub's use of the slogan "Drink your brains out" was illegal to use in the marketing of an event with a free bar.

However please be advised that each decision is a specific assessment. What is decisive is that the commercial does not appear intrusive, provocative or especially persuasive.



DOMINICAN REPUBLIC

What are the main legal controls on advertising and marketing of alcohol in your jurisdiction?

Several laws have control or affect advertising and marketing of alcohol in the Dominican Republic:

- General Health Code No.42-01
- Children Protection Code 136-03
- Consumer Protection Law 358-05
- General Regulations for Food and Drinks Control of Risks, Decree 528-01
- Decree 308-06
- Self-regulation rules of the Dominican Association of Beer Producers

What are the main regulatory controls on advertising and marketing of alcohol in your jurisdiction?

As per Article 123 of the General Health Code No. 42-01, the packaging of beer and alcoholic beverages destined for the national market must bear the following legend: "The consumption of alcohol is harmful to health", written in easily legible font and in contrasting colours. This disposition applies to all advertisements via communications media of any nature.

Another regulatory control comes from the Children Protection Code: alcohol advertising and promotions are banned in public and private places designed for children.

Furthermore, Article 466 of the General Regulations for Food and Drinks Control of Risks states that it is forbidden to advertise in any media, alcoholic beverages recommending alcohol consumption for reasons of welfare, health or any other related reason.

The same decree in Article 467 states that when the labels or advertisements for spirit drinks (distilled alcoholic beverages and liquors) claim therapeutic properties or virtues such as "restorative" "booster", "stomach", "digestive" , etc., the same shall be considered as "Pharmacy Special", and as such should be recorded.

Beer producers have a self-regulatory agreement for not to using beer logos and trademarks on clothes, toys, games or other materials oriented to children.

Specifically in the marketing arena, Decree No. 308-06 provides in Article 1 for the hours allowed for the sale of alcoholic beverages in grocery stores, discos, bars, casinos and entertainment centers. This decree states that alcoholic beverages may be sold only until 12 pm on weekdays and until 2am on weekends.

What are the main principles of alcohol advertising regulation in your jurisdiction?

The Children Protection Code states that when alcohol products or advertisements are "in public" not in places specially oriented for children, those products must respect the ethical and social values of human beings and families.

The Beer Producers in the Dominican Republic have these principles:

- a) Responsible consumer
- b) Protection of children
- c) Ethics in advertising
- d) Law compliance

How would you assess the pressure for tighter regulation in your jurisdiction?

There have been intermittent, but no major, calls to restrict the advertising of alcohol further or ban alcohol advertising altogether. The main area of action in the Dominican Republic, relates to alcohol retailing.

Please describe any recent interesting, significant, or archetypal examples of an alcohol advertisement that has been banned in your jurisdiction.

Not applicable.



DUTCH CARIBBEAN

What are the main legal controls on advertising and marketing of alcohol in your jurisdiction?

- Rules for Advertising Strong Alcoholic Beverages (Curacao / St. Maarten) – regarding television advertising
- Decree on Advertising Conditions for Strong Alcoholic Beverages with regard to television (Aruba) – regarding television advertising
- Decree on Television and Radio Advertising for Strong Alcoholic Beverages (BES-islands)

The abovementioned laws regard as strong alcoholic beverages, beverages that at a temperature of 15 degrees Celsius contain over 21 % alcohol.

What are the main regulatory controls on advertising and marketing of alcohol in your jurisdiction?

In the BES-islands the Commission for the Media is in charge of supervision of compliance with the abovementioned law, while the supervision of compliance with the laws in the other islands lies with specially appointed public officials by national decree.

What are the main principles of alcohol advertising regulation in your jurisdiction?

Commercials for strong alcoholic beverages may not be aimed at minors and may be broadcast only between 10pm and 1am; in special cases the Minister may by order waive these requirements.

The duration of an advertisement for strong alcoholic beverages must not exceed 60 seconds, while there must be at least 10 minutes between two such advertisements.

The above pertains to direct and indirect advertising of strong alcoholic beverages. Indirect advertising regards the promotion of non- or low-alcoholic beverages along with strong alcoholic beverages, the promise of strong alcoholic beverages as a prize or gift, or offering gifts or prizes to encourage the sale of strong alcoholic beverages.

Additionally, alcohol advertisements may not be misleading, while it is recommended to observe general international accepted principles of alcohol advertising (e.g. the advertisement must not target/feature minors).

How would you assess the pressure for tighter regulation in your jurisdiction?

The public would applaud pressure for tighter regulation on alcohol advertising as this would support and compliment campaigns of alcohol awareness, e.g. alcohol consumption by minors and driving under the influence of alcohol.

Please describe any recent interesting, significant, or archetypal examples of an alcohol advertisement that has been banned in your jurisdiction.

There have not been recent cases where alcohol advertisements were banned.



ECUADOR

What are the main legal controls on advertising and marketing of alcohol in your jurisdiction?

The main legal controls on advertising and marketing of alcohol in Ecuador are:

1. The Organic Law of Communication and its regulatory statute
2. The Organic Law of Consumer Protection, and
3. The Organic Law of Regulation and Control of Market Power (Antitrust)

Other Rules may be found in particular pieces of legislation among the most relevant are:

- a) The Organic Health Law
- b) The Regulatory Statute for the Promotion and Advertising of Processed Food Products.
- c) The Ministerial Agreements, specifically one regulating the sale of alcoholic beverages.

What are the main regulatory controls on advertising and marketing of alcohol in your jurisdiction?

The Organic Law of Communication and its Regulatory Statute prohibit advertising of alcoholic beverages; the advertisement of alcoholic beverages is only permitted in the location where the product is being sold and where people under the legal drinking age (18 years) have no access. For example, a supermarket can sell alcoholic beverages but it cannot advertise them. The only exception to this regulation is with regard to beverages with a moderate degree of alcohol (such as beers) which can be advertised through alternative channels (any channel other than TV, Radio, and printed press).

The Organic Health Law orders: *“Article 6.- It is the responsibility of Public Health Ministry to regulate and control all forms of advertising and promotion that threatens health and induces negative behaviors...”; also, article 48 says “The advertising of alcoholic beverages under no circumstances can be linked to health, success in sports or a woman’s image as a sex symbol. The national health authority will monitor and control the compliance of this provision.”*

All labelling of alcoholic beverages in Ecuador must include the following warning: *“The excessive consumption of alcohol limits your ability to drive and operate machinery, can cause damage to your health and family. Ministry of Public Health of Ecuador. Sale prohibited to persons under 18 years of age”*, written in easily legible font and in contrasting colors. This disposition applies to all types of advertisement of alcoholic beverages.

What are the main principles of alcohol advertising regulation in your jurisdiction?

Although advertising of alcohol beverages is restrictively allowed, the following rules must be observed at all times:

- It is only permitted in the location where the product is being commercialized, where people under the legal drinking age (18 years) have no access.
- Advertising of alcoholic beverages must warn about its harmful effects on human health.
- Only beverages with a moderate degree of alcohol (such as beers) can be advertised through alternative channels (any channel except TV, Radio, and the

printed press).

- It cannot be associated with activities related to education, sports, home or work.
- It cannot associate the consumption of the product with sweepstakes, contests, or collectables.
- It must not use recognized athletes or other celebrities, nor promote teams, sportswear or sports equipment.
- It cannot be associated with civic, religious, or traditional holidays.
- It cannot attribute the product with sedative, stimulating or disinhibiting properties.

Also, all other general advertising principles apply, such as the veracity of advertising, the prohibition on misleading or abusive publicity, the prohibition of comparative advertisement regarding non comparable aspects.

How would you assess the pressure for tighter regulation in your jurisdiction?

Alcohol consumption regulations have been a major topic for new legislation in our country over the last few years, concern about its abuse has led to tightened regulations (for example, special taxes); and, regarding its advertising, the last amendments from June 2013 have been very restrictive, as well as with other products such as tobacco and its derivatives. Other measures to discourage its consumption have been recently adopted as well, mainly through the imposition of heavy taxes, limits to the imports of these goods, limits to the places for consumption, etc.

Please describe any recent interesting, significant, or archetypal examples of an alcohol advertisement that has been banned in your jurisdiction.

There are no precedents that can be cited, since alcohol advertising is mostly prohibited.



EL SALVADOR

What are the main legal controls on advertising and marketing of alcohol in your jurisdiction?

Decree No. 640 of 1996 “Regulatory Law of Production and Marketing of Alcohol and Alcoholic Beverages”.

All advertisements related to alcoholic beverages should incorporate the warning legend: "Excessive consumption of this product is harmful to health and is addictive. It is prohibited to sell to persons under 18 years of age".

Beneficiaries of the duty free customs regime are required to adhere a label to the packing of alcoholic beverages commercialized in their establishments. This label must include the following: “exclusive marketing of duty-free shops”.

In order to commercialize alcoholic beverages it is mandatory to obtain a Sanitary/Health Registration before the competent authorities and comply with labeling requirements with regard to ingredients declaration, net alcohol content and legal warning legends.

Our law does not allow establishments that sell alcoholic beverages within 200 meters of health buildings, education buildings, military buildings, police buildings, churches, parks or government offices. It prohibits the consumption of all kinds of alcoholic beverages in service gas stations.

Decree No. 839 of 2009 "Integral Protection Law of Children and Adolescents"

The Executive Branch will define slots of television and radio programs suitable for children and adolescents, and decide the nature thereof and the ages for which is recommended.

For the purpose of this Act unsuitable or harmful materials include those promoting the use of alcoholic beverages and drugs. These prohibitions apply to facilities and services, public and private media and advertising companies.

Decree No. 776 of 2005 "Consumer Protection Law"

This includes consumers’ right to be protected against misleading or false advertising. Advertising should not undermine the dignity or violate the rights to their honor, privacy and reputation recognized in the Constitution, especially where women, youth, children and minority groups are concerned.

Any producer, importer, distributor and marketer of food, beverages, medicines or products that may affect human health, in addition to complying with the standards contained in the Health Code and other laws, rules and regulations, must place these rights in a conspicuous place in the store in which such products are sold.

What are the main regulatory controls on advertising and marketing of alcohol in your jurisdiction?

Advertising Self-Regulation Code of El Salvador (issued by the National Publicity Council in 2015)

Advertising of wines and liquor (alcoholic beverages), should ensure responsible dissemination and not promote excessive consumption leading to undesirable and antisocial behavior.

When advertising wines and liquors, publicity should not:

1. Stimulate abusive consumption of alcoholic beverages.
2. Make promises that these beverages do not produce after effects.
3. Mislead in regards to its origin and the raw materials used.
4. Exploit eroticism.
5. Present illegal, dangerous or socially reprehensible situations.
6. Contain scenes, illustrations, audio or video, to present an immoderate ingestion of the product.
7. Directly link the consumption of the drink with driving.
8. Make the consumption of the product a challenge, or belittle or negatively show those who do not drink.
9. Give the impression that the product is being recommended or suggested because of its effect on the senses.
10. Use the alcoholic content of the product as the main attribute.
11. Associate products with the performance of any professional activity.
12. Link products to situations that suggest aggressiveness, use of weapons and disturbed emotional balance.
13. Use images, language or ideas that suggest that consumption of the product is a sign of maturity or contributing to professional, social or sexual success.
14. Be aimed at minors.
15. Use minors or models appearing to be minors.
16. Be placed in spaces where the audience is mostly children. In the case of outdoor advertising, this must not be located in front of schools.
17. Be published in media mostly directed to minors.
18. Promote the acceptance of the product as suitable for minors.
19. Use language, graphics and audiovisual resources belonging to the children's universe that can arouse curiosity or children's attention and contribute to the adoption of moral values or habits incompatible with their status.

What are the main principles of alcohol advertising regulation in your jurisdiction?

1. All information given about the product must be truthful and verifiable.
2. Protect the health of the inhabitants in relation to the risks associated with consumption of alcoholic beverages.
3. Protect consumers and inhabitants in general against advertisement that stimulates alcoholic beverages consumption. Ethics in advertising
4. Ethics in advertising.
5. Protection to children.

How would you assess the pressure for tighter regulation in your jurisdiction?

At present there is no pressure at all for tighter regulation.

Please describe any recent interesting, significant, or archetypal examples of an alcohol advertisement that has been banned in your jurisdiction.

There are no recent cases to report.

FINLAND

What are the main legal controls on advertising and marketing of alcohol in your jurisdiction?

Advertising of alcohol in Finland is governed by the Alcohol Act (1143/1994, as amended).

What are the main regulatory controls on advertising and marketing of alcohol in your jurisdiction?

The National Supervisory Authority for Welfare and Health (Valvira) that supervises alcohol advertising together with the Regional State Administrative Agencies, has issued guidelines on advertising of alcohol.

What are the main principles of alcohol advertising regulation in your jurisdiction?

As a rule it is prohibited to directly or indirectly advertise or otherwise promote strong alcoholic beverages (containing over 22 per cent by volume of ethyl alcohol). However, there are a few exceptions to the advertisement and promotion prohibition. According to the Alcohol Act strong alcohol beverages may be advertised in professional publications. The advertising is allowed also in premises that hold an alcohol serving license or where the alcoholic beverages are retailed or produced. In addition, it is allowed to provide product information for those participating in the sales of alcoholic beverages. It is also to be noted that the marketing executed on the basis of these exceptions must not violate the below restrictions set out for advertising mild alcoholic beverages.

Advertising and promotion of mild alcoholic beverages is basically allowed. However, it is relatively strictly regulated and, accordingly, the advertising of mild alcoholic beverages must not: be aimed at minors or depict minors; link consumption of alcohol to driving a vehicle; emphasize the alcohol content of an alcoholic beverage as a positive quality; describe heavy consumption of alcohol in positive terms, or temperance or moderate consumption of alcohol in negative terms; imply that alcohol increases the functional capacity or makes one socially or sexually more successful; give an idea that alcohol has medical or therapeutic properties or that it refreshes, calms or is a means to settle conflicts; be otherwise contrary to good practice; be displayed in TV between 7 a.m. and 10 p.m. or in the cinema in connection with a movie allowed to persons under 18 years of age; be made in a public place or directed at public in such a place; include games, lotteries or contests for consumers; or include, when made online, utilization of user generated content or provide consumers any content for sharing through internet services.

There are a few exceptions to the prohibition on advertising alcoholic beverages in a public place or direct marketing to the public in such a place. Advertising of mild alcoholic beverages is allowed at organized public events and premises permanently used for such events, on craft used for international transportation, in licensed alcohol serving and retail premises, and outside licensed alcohol serving and retail premises in order to inform public of the price and availability of mild alcoholic beverages.

These advertising restrictions contained in the Alcohol Act do not apply to foreign publications or broadcasts if these publications or broadcasts are intended to be viewed solely outside of Finland or in the same form despite the country of the receiver. However, if the advertising contained in the foreign publication or broadcast is directed especially at

Finland, the Finnish regulation applies.

How would you assess the pressure for tighter regulation in your jurisdiction?

Revised, tighter marketing rules entered into force on 1 January 2015, and there is no imminent pressure for further changes.

Please describe any recent interesting, significant, or archetypal examples of an alcohol advertisement that has been banned in your jurisdiction.

An archetypal example of the prohibition to advertise strong alcoholic beverages is a case from 2012, in which Valvira banned a Finnish Facebook site dedicated to a strong alcoholic beverage. Valvira deemed that the Finnish retailer of the advertised alcoholic beverage, who was the administrator of the banned Facebook site, had breached the prohibition against advertising strong alcoholic beverages.

An interesting case where an advertisement was considered to appeal to minors in inappropriate manner was the advertising campaign of a brewery company in May 2011, promoting cider by using a computer-animated fox figure. In the ads, the fox was talking to people, watching TV and holding a cider bottle. Valvira found that the fox is comparable to talking cartoon animals and accordingly, it appeals to minors. In the ads it was also stated that the fox is polygamous and that one male can be with several females. According to Valvira this creates an impression that a fox that drinks the cider in question is sexually successful and that the cider in question promotes sexual success. In its decision Valvira urged the brewery to discontinue the current campaign and to refrain from using of other human-like animal figures that appeal to minors and from presenting any information or suggestions that relate to polygamy in its advertising.

FRANCE

What are the main legal controls on advertising and marketing of alcohol in your jurisdiction?

The advertising of alcohol is strictly restricted in France. The law dated 1991 called “*Loi Evin*” (which has been integrated in the Public Health Code) provides for limited media and content which are allowed in ads for alcohol.

Several amendments to this law have been carried out, notably in order to:

- Extend the scope of the authorized content (2005: reference to the geographic origin of the product has been added to the list of items which are allowed in the ads);
- Take into account the existence of new media (2009: “online communication services” have been added as an authorized medium, under conditions : the ad should not be intrusive – such as a pop-up – or interstitial and remains, in any case, prohibited on websites which are, by their character, presentation or purpose, mainly used by to young people).

What are the main regulatory controls on advertising and marketing of alcohol in your jurisdiction?

The advertising French self-regulatory body (the “*Autorité de regulation Professionnelle de la Publicité*, ARPP) issues rules dedicated to specific sectors, products etc. such as advertising alcohol.

Even if these rules are qualified as “*recommendation*” (*i.e.*, guidelines that do not have the nature of legal provisions), the recommendations are considered by the advertising agencies as rules, which they fully comply with them.

The Recommendation dedicated to “Alcohol” has been amended in April 2015 in order to provide for more detailed explanations on the way to advertise alcoholic beverages and on the bans. In particular, this Recommendation now provides that ads for alcoholic beverages are prohibited in newspapers/magazines, radios and online communications services (such as internet) “*where it is reasonable to think that the audience is not composed by at least 70% of people aged 18 years or older*” (in the previous version, there was a ban for these media when they were “mostly” destined for minors)

This Recommendation also gives details on the way to feature the health message (“*the excessive consumption of alcohol is dangerous for your health*”) required by the *Loi Evin* (size, font etc.).

Further, the ARPP is composed by the following bodies which have been created in 2008:

- the “*Conseil Paritaire de la Publicité*” aiming at reinforcing the relationships between the associations’ representatives (for instance the associations defending consumers or the environment) and the advertising professionals’ associations;
- the “*Conseil de l’Ethique “Publicitaire*” aiming at collecting the aforementioned associations’ expectations about advertising regulations;
- the “*Jury de déontologie publicitaire*”, which consists of independent members in charge of adjudicating complaints against ads which allegedly do not comply with the self-regulatory rules;

What are the main principles of alcohol advertising regulation in your jurisdiction?

A drink is considered as an alcoholic beverage by French law if it contains more than 1.2% alcohol.

The direct or indirect marketing or advertising of alcoholic drinks is only allowed in limited cases provided by the Public Health French Code which gives :

- a limited list of the media (for instance in press for adults, by certain categories of radio stations at specific times, in notice board or sign form...) which does not include TV broadcasts, and
- a limited list of the information (for instance the degree of alcohol, the origin and the component of the products, the name and the address of the manufacturer, the modalities of the sales and consumption of the product)

Indirect propaganda or advertising" is marketing or advertising for an entity (firm, association or foundation), a service, an activity or a product other than an alcoholic drink which, by its graphics, presentation or any distinctive sign, reminds the recipient of an alcoholic drink.

Finally, any sponsorship campaign (*opération de parrainage*) which has, as its purpose or effect, direct or indirect propaganda or advertising in favor of alcoholic drinks is forbidden.

How would you assess the pressure for tighter regulation in your jurisdiction?

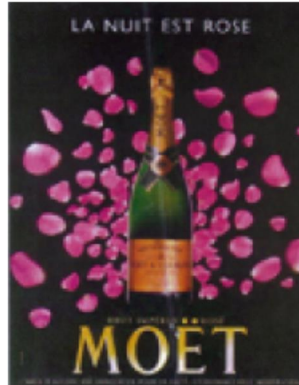
The legal and regulatory framework in France is already very strict. The most active associations against alcohol and its advertising only take actions to enforce the existing rules (see the case law described below).

The associations of manufacturers, distributors or advertisers tend to argue for a looser interpretation of the current legal framework which led, in 2005 and 2009, to the amendment to the *Loi Evin* as described above.

Please describe any recent interesting, significant, or archetypal examples of an alcohol advertisement that has been banned in your jurisdiction.Case law

The decision rendered by the Court of Appeal of Paris dated January 16, 2008 is a good example of the strict approach, by French judges, of the rules on ads for alcohol.

The campaign launched by Moët in 2003 (displayed notably in the Vogue magazine and on billboards in the Paris' area) displayed a bottle of champagne, on a black background, with pink rose petals and a sentence stating "*the night is pink*":



An association aiming at preventing alcoholism brought a claim against this campaign.

The judges considered that, while the use of pink roses (referring both to the color of the product and to its olfactory and gustative characteristics) was not *per se* an infringement of the rules in the Public Health Code, the slogan accompanying this ad made it fall outside the scope of the authorized ads for alcoholic beverages.

Indeed, the judges considered that the use of these words ("*the night is pink*") created a link between the consumption of the product and seeing the life in the pink color which, in the common language means to have a euphoric perspective of life; thus it was deemed to be encouraging the consumption of alcohol). The manufacturer's representative has therefore been sentenced to pay monetary damages (EUR10.000 each for the campaign published in *Vogue* and for the billboard campaign) to the complainant association (the campaign was already finished when the Court of Appeal rendered its decision).

In a decision given on July 3, 2013, the French Supreme Court approved the Court of Appeal of Paris which sanctioned the alcoholic beverages manufacturer *Pernod Ricard* for its "*Ricard*" ad campaign on Facebook, entitled "*un Ricard des rencontres*" / "*one Ricard, encounters*".

The ad campaign consisted in the offer of an app, to be downloaded for free (but which required a Facebook account) allowing the user to see the video of the "*Ricard*" ad campaign, but also to download cocktail recipes using the *Ricard* beverage to be published on the user's Facebook wall.

The Supreme Court approved the Court of Appeal of Paris which considered that, despite the fact that the user was only sharing, on his Facebook wall, the message of the advertiser with his/her Facebook friends, the message remained an ad, subject as such to the French Health Public Code, which, in particular, prohibits online ads for alcoholic beverages where the websites in question are used by young people.

Self-regulatory decision - *Jury de Déontologie Publicitaire* - [Martini Royale – ad broadcast over the internet – sanctioned \(December 26, 2013\)](#)

The *Jury de Déontologie Publicitaire* considered that this ad violates the Recommendation on advertising and alcoholic beverages.

In particular :

- The wording featured at the very bottom of the ad, according to which *“the name “cocktail Martini Royale” is a reference to the Italian Royal House, which authorized the featuring of the royal coat of arms on the Martini’s bottle”*, is not allowed, insofar as it is not an objective information related to the origin of the product, but information on the reasons of the choice of the name of the product. In addition, this wording does not bring any information on the formula/components of the product. Finally, this positive wording could lead the consumer to believe that the purchase, the offer or the consumption of this product could help in reaching a high level in society;
- The presentation of the product with gold color, spurts and splashes refers to celebration, which is not an authorized presentation of the consumption of the product, insofar as it makes the public believe that the Martini Royale drink is related to pleasure and celebration. This has been deemed not to be an objective and informative (and thus an authorized) way to present alcoholic beverages.

GERMANY

What are the main legal controls on advertising and marketing of alcohol in your jurisdiction?

No general ban exists on advertising and marketing of alcoholic beverages in Germany. There are, however, rules and regulations scattered over a variety of laws for all different kinds of advertising that may affect the way alcoholic drinks can be promoted. Further, there is a set of self-regulatory rules (“Code of Conduct on Commercial Communication for Alcoholic Beverages”) by the German Advertising Standards Council.

What are the main regulatory controls on advertising and marketing of alcohol in your jurisdiction?

Germany provides a framework for fair competition and ensures that advertising freedom is not used to the detriment of the public interest. An especially strict standard is applied to all promotional activities regarding minors. As a consequence, Article 6 JMStV (Interstate Treaty on the Protection of Minors from Harmful Media) states that advertising for alcoholic beverages must not be directed at minors or be especially designed to appeal to minors by way of presentation. These restrictions also include sponsorship. In addition to that, advertising must not cause physical or mental harm to minors. It is also not permissible to target minors by using forthright purchase appeals exploiting their inexperience and credulity as well as to directly call on them to persuade their parents or third parties to buy a certain product. The Youth Protection Act (Jugendschutzgesetz) includes a number of provisions on where and how alcoholic beverages may be legally promoted and distributed.

Furthermore, Article 7 and 8 RStV (Interstate Treaty for Broadcasting and Telemedia) states that advertisements, even if not addressing minors, particularly, concerning alcohol may not encourage excessive alcohol consumption.

Similar restrictions can be found in Article 9 I lit. e) and Article 22 of EU Directive 2010/13/EU.

Further, there are provisions for advertising of food (including alcoholic beverages). For example, Articles 11 et seqq. LFGB (German Food and Feed Code) covers the advertising of food.

What are the main principles of alcohol advertising regulation in your jurisdiction?

Generally, advertising and marketing of alcoholic drinks must not be misleading. Nor may it be annoying for consumers or harmful to minors. It must not portray alcohol as indispensable nor criticise its avoidance, imply a drink may be preferred due to its alcohol strength, undermine a healthy and active lifestyle and encourage excessive drinking or link it to dangerous activities. In 2009, a set of self-regulatory rules, called the “Code of Conduct on Commercial Communication for Alcoholic Beverages” has been adopted by the German Standards Advertising Council. The Code has similar provisions and aligns itself with the above-mentioned principles. Compliance with these rules is ensured by a 13-member panel of experts from all sectors of the advertising industry. However, the Council does not have the power to enforce permanent injunction or compensation claims like a court.

How would you assess the pressure for tighter regulation in your jurisdiction?

There have been several calls to further restrict advertising and marketing of alcohol in Germany. In 2008, the federal government introduced a national initiative for alcohol prevention. Inter alia, lowering the blood alcohol level for drivers to 0.0 promille and banning advertising of alcoholic drinks on TV and in movie theatres before 6 pm. None of these have been implemented into law yet. Currently, there are no considerable calls for tighter regulation in this field.

In addition, the 16 federal states of Germany have the option to enact provisions concerning alcohol prohibition themselves. These provisions only apply to the respective federal state, and are not enforceable elsewhere. For example, in Baden-Württemberg the sale of alcohol at gas or train stations is forbidden from 10 p.m. until 5 a.m. (§ 3 a of the Baden-Württemberg Shop Opening Act).

Please describe any recent interesting, significant, or archetypal examples of an alcohol advertisement that has been banned in your jurisdiction.

There have not been recent important cases dealing with the banning of an alcohol advertisement in Germany. However, as an earlier example, the German Advertising Standards Council initiated proceedings against a brewery ad which featured a triathlete. One of the slogans was “Make it to the winner’s podium with us!” The ad also used the line “That’s the beer of our choice!” By directly linking an athlete to the consumption of beer the company breached the Council’s Code of Conduct on Alcoholic Beverages. The company dropped the ad due to the Council’s intervention.

In another case, a liquor producer ran an ad for a youth training camp on a football club’s website. The Council intervened and the ad was removed immediately.

GREECE

What are the main legal controls on advertising and marketing of alcohol in your jurisdiction?

Alcohol advertisements are legally controlled in Greece by: a) statutory provisions regarding certain means of advertising (TV/radio and teleshopping) and b) self-regulatory codes of conduct referring to all means of advertising, including digital media.

What are the main regulatory controls on advertising and marketing of alcohol in your jurisdiction?

A. Statutory provisions: All alcohol advertisements broadcast by TV/radio stations (including teleshopping ads) are monitored by the Greek National Council for Radio and Television (NCRTV) which is an independent administrative authority. The said authority enforces the following statutory provisions:

- i) With regard to TV advertisements, it enforces the Presidential Decree No. 109/2010 by which Greece has implemented EC Directive 2010/13 (Audio visual Media Services Directive)
- ii) With regard to advertisements aired on radio, it enforces the Presidential Decree No. 100/2000.

B. Self-regulation: Alcohol advertising is also regulated by the “Hellenic Code of Advertising and Communication Practices” (code of conduct) which covers all means of advertising (print media, electronic and digital media, outdoor advertising etc.). The provisions of the said code are enforced by the Greek SRO named “SEE” (Regulation of Communication Council). In addition, the Hellenic Association of Alcoholic Drinks Distributors (ENEAP) has adopted in cooperation with the Ministry of Health a joint Statement of Principles concerning promotion of alcoholic beverages and consumer awareness. The said Association has also undertaken other initiatives, such as including the tag line “enjoy responsibly” to all advertisements of alcoholic beverages, co-organizing campaigns against drinking and driving etc.

What are the main principles of alcohol advertising regulation in your jurisdiction?

According to Greek Law, TV and radio advertising of alcoholic beverages (including teleshopping) must comply with the following criteria:

- a) it may not be aimed specifically at minors or, in particular, depict minors consuming these beverages,
- b) it shall not link the consumption of alcohol to enhanced physical performance or to driving,
- c) it shall not create the impression that the consumption of alcohol contributes to

social or sexual success,

- d) it shall not claim that alcohol has therapeutic qualities or that it is a stimulant, a sedative or a means of resolving personal conflicts,
- e) it shall not encourage immoderate consumption of alcohol or present abstinence or moderation in a negative light,
- f) it shall not place emphasis on high alcoholic content as being a positive quality of the beverages.

Further restrictions are included in the “Hellenic Code of Advertising and Communication Practices”. For example, alcohol advertisements should only be placed in media for which at least 70% of the audience are reasonably expected to be 18 years or older (the 70/30 commitment), said commercial communications must not feature anyone under 25 years old etc.

How would you assess the pressure for tighter regulation in your jurisdiction?

The regulation of alcohol advertising was tightened in November 2012. More specifically, the “Hellenic Code of Advertising and Communication Practices” has been extended to cover advertising of alcohol through digital media and has adopted new guidelines which focus on consistent age checking: e.g. spirit marketers will restrict access to official brand websites for users under 18 years, the 70/30 commitment should also be applicable in digital media etc.

Please describe any recent interesting, significant, or archetypal examples of an alcohol advertisement that has been banned in your jurisdiction.

To our knowledge, no alcohol advertisement has been banned so far in Greece.



GUATEMALA

What are the main legal controls on advertising and marketing of alcohol in your jurisdiction?

1. Health Code Order No. 90-97, Health Code Reforms Order No. 50-2000, Alcoholic Beverages, Wines, Beers and Fermented beverages Consumption and Advertisement Regulation Government Agreement No. 127-2002. All the above mentioned laws regulate advertising of alcoholic beverages, wines, beers and spirits via all print, graphic, radio, television, and electric and mobile phone media.
2. All advertisements related to alcoholic beverages, wines, beers and spirits, should incorporate the warning legend: "EXCESSIVE CONSUMPTION OF THIS PRODUCT IS HARMFUL FOR CONSUMER HEALTH" approved by the Ministry of Public Health and Social Assistance.
3. Advertisements for alcoholic beverages, wines, beers and spirits, emitted by radio, television, and electric and mobile phone media, are not be issued during children's programming schedules. Same type of advertisements cannot show or suggest a direct consumption by means of human models, animated drawings, or references from sports athletes or public personalities. Advertising announcements cannot be placed within 500 meters of educational establishments. Free and promotional distribution of alcoholic beverages, wines, beers and spirits is prohibited.
4. To commercialize alcoholic beverages a Sanitary Register is required, as is compliance with labeling requirements about ingredients, net content and legal warnings.

What are the main regulatory controls on advertising and marketing of alcohol in your jurisdiction?

1. Health Code Order No. 90-97
2. Health Code Reforms Order No. 50-2000
3. Alcoholic Beverages, Wines, Beers and Fermented beverages Consumption and Publicity Regulation Government Agreement No. 127-2002
4. Food Safety Regulations Government Agreement No. 969-99
5. Alcohols, Alcoholic & Fermented Beverages Law
6. Regulatory Provisions for the Sale and Consumption of Alcoholic & Fermented Beverages Government Agreement No. 221-2004

Recently provisions related with labeling of alcoholic beverages;

1. RTCA 67.01.05:11 Alcoholic beverages. Labelling of fermented alcoholic beverages
2. RTCA 67.01.06:11 Alcoholic beverages. Labelling of distilled alcoholic beverages

What are the main principles of alcohol advertising regulation in your jurisdiction?

1. Protect the health of the inhabitants in relation to the risks associated with excess consumption of alcoholic beverages, wine, beer and fermented beverages.
2. Protect consumers and inhabitants in general against advertising that stimulates consumption of alcoholic beverages, wines, beers and spirits.
3. Protect the inhabitants against the places where the above mentioned products are consumed.



HOLLAND

What are the main legal controls on advertising and marketing of alcohol in your jurisdiction?

Basic rules regarding alcohol (and advertising) can be found in the Licensing and Catering Act and the Media Act. As of 1 January 2014 the age limit for alcohol consumption has changed from 16 to 18 years. The Media Act prescribes that alcohol may not be advertised on TV or radio from 6 am to 9 pm.

What are the main regulatory controls on advertising and marketing of alcohol in your jurisdiction?

The Netherlands has a strong self-regulatory system with respect to advertising. Advertising and marketing of alcohol is nearly completely regulated by this system. Consumers and competitors may file complaints about advertising with the Advertising Code Committee (RCC). The self-regulatory system provides for a 'general' advertising code that is applicable to advertising in general and numerous specific codes relating to specific types of advertising. One specific code is the Advertising Code for Alcoholic Beverages 2014.

In general, the Advertising Code Committee (or in higher instance, the Board of Appeal) is not able to impose fines when advertising is considered to be in breach of self-regulatory provisions. However, an exception was made with respect to alcohol advertising. Members of the Foundation for Responsible Alcohol Consumption (STIVA) have agreed that, in case of violation of the Advertising Code for Alcoholic Beverages, the RCC may impose a fine with a maximum of EUR 50,000. The RCC has not yet used this power.

STIVA is part of the self-regulatory system for alcohol advertising. This is a collaboration of Dutch producers and importers of beer, wine and spirits. The members of STIVA are obliged to pre-clear all radio, television and cinema advertising.

What are the main principles of alcohol advertising regulation in your jurisdiction?

Important principles of advertising regulation are i) to discourage the irresponsible consumption of alcoholic beverages and ii) to discourage minors drinking and purchasing alcohol. For example, it is not allowed to advertise excessive alcohol consumption, such as using pitchers or a large bottle of alcohol with only a few 'drinkers'. Furthermore, it is prohibited to display a person that is visibly emptying a full glass in one go. 'Under-the-cap-promotions' are not permitted, as they encourage excessive consumption (the more bottles you open, the more chance you have on winning prizes). Under-the-cap-promotions are allowed if there is a real alternative opportunity to participate, for example by visiting a website.

Based on the Licensing and Catering Act, at every entrance or at every sales outlet, the age limit (18 years) should be clearly displayed. Furthermore, displaying an educational message ('*Geen 18, geen alcohol*'; translation: 'Not 18, no alcohol') is obligatory for alcohol advertising on television, cinema, print and commercials on the internet. With respect to internet marketing: advertising placed on an Internet platform controlled to some extent by the advertiser must comply with the Dutch Advertising Code irrespective of the party placing it. This implies that it is the responsibility of the advertiser to verify that the person reached by the advertising is at least 18 or that this person had stated that he or she is at least 18. Since

Twitter introduced an age-check for alcohol brands, new followers of an alcohol brand must certify that they are 18 years or older to be allowed to follow the company.

How would you assess the pressure for tighter regulation in your jurisdiction?

After the change of the age limit from 16 to 18 years, there are no new major developments expected in this area of advertising law. However, alcohol advertising is continually subject to political attention. STIVA urges its members to create alcohol advertising in a careful manner and to follow the rules of the Advertising Code strictly. STIVA is currently promoting the use of a non-obligatory ‘pregnancy icon’ to warn women against drinking alcohol during pregnancy.

Please describe any recent interesting, significant, or archetypal examples of an alcohol advertisement that has been banned in your jurisdiction.

Advertising for alcoholic beverages in any form whatsoever may not reach an audience comprised for more than twenty-five percent (25%) of minors. It was unclear how the reach of the advertising should be determined until a case concerning advertising alongside a field hockey pitch was decided on by the Advertising Code Committee. In this case, every weekend and during certain training sessions on weekdays, a majority of the visitors at the field hockey pitch were minors. The advertiser showed that the average reach of the advertisement was less than 25%. The Advertising Code Committee however held that the reach should be determined based on the *factual reach* of the specific advertisement, and should not be calculated by means of an average over a certain period of time. As a consequence of the decision the Code now describes more in detail how the reach should be determined. The reach is determined over a representative measurement period that is based on the specific circumstances of the case (including the location, the medium, the impact and the proportionality) and by using reach figures that are as objective as possible. Article 21 does not apply to advertising communications that are part of the regular street scene or to incidental situations that cannot be influenced by the advertiser.

Furthermore, decisions of the Advertising Code Committee clearly show that it is not allowed to offer alcohol free of charge, even during catering industry promotions. Sampling is allowed during catering industry promotions, if certain requirements are being met. For example, the sampling may only be held in catering establishments with an Alcohol and Catering Industry license.

Currently, 0%-alcohol beer is gaining in popularity. In 2014, the Advertising Code Committee had to decide whether a commercial for Amstel 0.0% Radler was breaching the advertising rules. Central question: does the sole use of the brand ‘Amstel’ automatically result in alcohol advertising (although the advertised product, Amstel 0.0% Radler, does *not* contain alcohol)? In this commercial, the Dutch famous racing cyclist, Laurens ten Dam, drinks a beer with some other cyclists while participating in a stage at the Tour de France. The setting of the commercial suggests that the cyclists drink alcohol while participating in top-class sport. Article 30, paragraph 3 of the Advertising code for alcoholic beverages 2014 stipulates that hiring adults who actively participate in sports on the highest level for radio, cinema and television commercials and printed communication is prohibited. However, in this case, the Committee decided that the commercial was not advertising alcoholic beverages. Although the commercial (at first glimpse) may suggest that the cyclists do drink alcohol, the

Committee finds the commercial to a large extent surrealistic. It is clear that the cyclists do not (really) drink alcohol, but Amstel 0.0%. No alcohol, no alcohol advertising. Therefore, the Advertising code for alcoholic beverages is not applicable. The association with Amstel and its beers containing alcohol did not change the Committee's opinion. The commercial is clear about the advertised product: the Amstel 0.0% Radler. The complaint about the use of the term "beer" is also not justified. According to Dutch regulations, the definition of beer contains both alcohol-free beer and "normal" beer. Therefore, Amstel was obliged to use the term "beer" for its alcohol-free product. Based on these considerations, the Code Committee rejected the complaint.

HONG KONG

What are the main legal controls on advertising and marketing of alcohol in your jurisdiction?

The Dutiable Commodities Ordinance defines “Alcoholic Liquor” and “Liquor” as “any liquid which contains more than 1.2% of ethyl alcohol by volume”. There are a couple of exceptions which need not concern us here.

There are few direct statutory controls applying to advertising and marketing of alcohol. The principal controls are by way of industry self-regulation which is further detailed below.

What are the main regulatory controls on advertising and marketing of alcohol in your jurisdiction?

There are three Regulatory Codes as follows:

1. THE TELEVISION ADVERTISING CODE (“Television Code”)

1.1 The Television Code is published by the Communications Authority (“CA”) and must be observed by all television carriers licensed under the Communications Ordinance.

1.2 General principles for television advertising

1.2.1 Television Advertising should be legal, clean, honest and truthful.

1.2.2 All advertising material must comply with the laws of Hong Kong.

1.2.3 Advertising material should be clearly identifiable as an advertisement. Distinctions must be maintained between advertisements and programmes.

1.2.4 Advertising matters should be presented with courtesy and good taste.

1.2.5 No advertisement may contain any descriptions, claims or illustrations which expressly or by implication depart from the truth or mislead about the product or service advertised, or about its suitability for the purpose recommended by the advertisement.

1.2.6 Advertisements must not be inserted in the course of a religious service or other devotional programmes, nor in the course of educational programmes.

1.3 Television Licensees are required by the Television Code to exercise care in the inclusion of ads for alcoholic beverages, and to respect the following restrictions:

1.3.1 The advertising of liquor or alcoholic liquor (as defined in the Dutiable Commodities Ordinance requires special consideration and is subject

to the following conditions.

- a) such advertising should only target the adult audience and no children or adolescents should be allowed to participate in the presentation of these advertisements;
- b) such advertisements should not be shown in proximity to children's programmes; or programmes which, in the opinion of the CA, target young persons under the age of 18;
- c) for domestic free television programme services, the licensee should not include in its licensed service between the hours of 4p.m. and 8:30p.m. each day any liquor advertising, or include in its licensed service between these hours any material in respect of which the licensee has invited, offered or accepted sponsorship or any form of commercial promotion for any liquor product;
- d) advertisements which attempt to present drinking as a desirable new experience, or which portray drinking as indispensable to popularity and success should not be permitted;
- e) the presentation of alcoholic liquor as prizes or gifts in isolation for television contests should not be permitted;
- f) the use of alcoholic beverages or products should not be portrayed as essential to maintain social status, relieve stress, or as a solution to personal problems. It is unacceptable to depict the consumption or presence of alcoholic beverages as a cause of the achievement of personal, business, social, sporting, sexual or other success;
- g) alcoholic products should not be advertised as similar to or equated with non-alcoholic products, e.g. soft drinks, fruit drinks, etc., which have particular appeal to children or young persons who are under the age of 18;
- h) advertisements must not suggest that a drink is preferable because of higher alcohol content or intoxicating effect;
- i) selection of artists in alcoholic beverages advertisements should be handled with care and the advertisements should avoid featuring any artist, personality or celebrity who appears regularly in any children's television programmes or who has a particular appeal to children or young persons under the age of 18;
- j) use of alcoholic beverages or products should not be represented before or during any activity requiring alertness, dexterity and/or sober judgment, e.g. the operation of a motor vehicle, boat or aeroplane or engagement in swimming, water sports or other potentially hazardous activities;
- k) advertisements must not encourage or depict immoderate drinking. This applies to the quantity of drink consumed and to the act of drinking portrayed;
- l) advertising should not promote the misuse or abuse of alcoholic beverages;
- m) advertising should not suggest that drinking is a prerequisite

to relaxation. Alcohol should not be offered as a sedative or tranquilizer. While advertisements may refer to refreshment after physical performance, they must not give any impression that performance can be improved by drink;

- n) advertising by retail liquor outlets for alcoholic products should adhere to the advertising standards on alcoholic drinks; and
- o) advertising must not encourage, challenge or dare non-drinkers or young persons under the age of 18 to drink.

1.3.2 Under Chapter 7 of the Television Code 7.5(c) children and adolescents should not be permitted to participate in the presentation of advertisements for alcoholic liquor products.

1.3.3 Programme sponsorship requirements under the Television Code:

Chapter 9 of the Television Code provides detailed regulations for the identification of any sponsorship of any programme or advertisement in a way which is not overly distracting nor obtrudes on viewing pleasure or entertainment.

Apart from front or end sponsor credits for a television advertisement, the television license holder may incorporate the sponsor's name, his house/trade/brand/product/service name, trade mark/logo, advertising slogan and attribute of the sponsor into the title of a programme/programme segment/programme feature.

2. THE RADIO ADVERTISING CODE ("Radio Code")

The Radio Code is published by the CA and must be observed by all radio broadcast carriers licensed under the Communications Ordinance.

2.1 Alcoholic Beverage

2.1.1 Under paragraph 17 of the Radio Code the following restrictions and requirements apply :-

- a) such advertising should only target the adult audience and no children or adolescents should be allowed to participate in the presentation of these advertisements;
- b) such matters should not be advertised in proximity to children's programmes; or programmes which, in the opinion of the CA, target young persons under the age of 18;
- c) advertisements may not imply that drinking is a desirable new experience or that it is closely associated with social success or popularity or that refusal is a sign of weakness;
- d) the presentation of alcoholic liquor as prizes in isolation for radio contests will not be permitted;
- e) the licensee should not between the hours of 4p.m. and 8:30p.m. broadcast any advertisement for alcoholic beverages or invite, offer or accept sponsorship or commercial

- promotion for such beverages in respect of any programme, material or item broadcast between those hours;
- f)* the use of alcoholic beverages or products should not be portrayed as essential to maintain social status, relieve stress, or as a solution to personal problems. It is unacceptable to depict the consumption or presence of alcoholic beverages as a cause of the achievement of personal, business, social, sporting, sexual or other success;
 - g)* alcoholic products should not be advertised as similar to or equated with non-alcoholic products, e.g. soft drinks, fruit drinks, etc., which have particular appeal to children or young persons under the age of 18;
 - h)* advertisements must not suggest that a drink is preferable because of higher alcohol content or intoxicating effect;
 - i)* such advertisements must not feature any personality whose example children or young persons are likely to follow or who has a particular appeal to children or young persons under the age of 18;
 - j)* use of alcoholic beverages or products should not be represented before or during any activity requiring alertness, dexterity and/or sober judgment, e.g. the operation of a motor vehicle, boat or aeroplane or engagement in swimming, water sports or other potentially hazardous activities;
 - k)* advertisements must not encourage or depict immoderate drinking. This applies to the quantity of drink consumed and to the act of drinking portrayed;
 - l)* advertising should not promote the misuse or abuse of alcoholic beverages;
 - m)* advertising should not suggest that drinking is a prerequisite to relaxation. Alcohol should not be offered as a sedative or tranquilizer. While advertisements may refer to refreshment after physical performance they must not give any impression that performance can be improved by drink;
 - n)* advertising by retail liquor outlets for alcoholic products should adhere to the advertising standards on alcoholic drinks; and
 - o)* advertising must not encourage, challenge or dare non-drinkers or young persons under the age of 18 to drink.
- 2.2 Generally speaking, drinks containing 1.2 per cent or less of ethyl alcohol by volume and presented as a low or no alcohol version of an alcoholic liquor, must not be advertised in or adjacent to children’s programmes. In particular, drinks containing more than 0.5 per cent but not more than 1.2 per cent ethyl alcohol by volume, whether or not presented as a low or no alcohol version of an alcoholic liquor, must not be advertised in or adjacent to children’s programmes. The advertisements must also comply with subparagraphs (a), (b), (c), (d), (f), (g), (h), (i), (j), (m) and (o) of paragraph 2.1.1 above.
- 2.3 Available penalties to be imposed under the television code and the radio code:

If a Television Licensee has contravened a licence condition included in the Television Code the Communications Authority can impose a financial penalty not exceeding HK\$200,000.00 for the first occasion, HK\$400,000.00 for the second occasion and HK\$1,000,000.00 on any subsequent occasion. However, the financial penalty shall not be imposed unless the Communications Authority has given the licensee reasonable opportunity to make representations on the matter.

In any such case the Authority may serve a notice on the Licensee directing the Licensee to include in the licensed services a correction or apology or both approved by the Authority in such manner as is specified in the notice. However the Authority is not empowered to issue such a direction unless the licensee has been given a reasonable opportunity to make representations to the Authority regarding the matter complained of.

In an extreme case the Authority may by notice in writing suspend the licence for a specified period not exceeding 30 days.

In an extreme case the Authority may conduct an enquiry and submit recommendations to the Chief Executive in Council concerning revocation of the licence.

3. THE 4AS CODE OF PRACTICE

- 3.1 This Code is made and laid down by the Hong Kong 4As Association and every member of the HK4As Association shall upon election to the Association be bound by the Standards of Practice laid down in this Code.
 - 3.1.1 The membership structure of the 4As has a wide range of categories of membership. Full members, affiliated members, individual and NGO members, student members and China members make up the full range of available memberships.
 - 3.1.2 Diligence - As to advertising practice and content section 5 requires every member to carry on his profession and business in such a manner as to protect the public interest and to uphold the diligent and interests of the profession, the 4As Association and its members generally.
- 3.2 General Principle - The 4As Code of Practice lays down the general principles which govern all advertising. Advertising shall be legal, decent, honest and truthful and with regard to products generally, but including alcohol, requires that no advertisement shall contain any descriptions, claims, or illustrations which directly or by implication mislead about the product advertised and in particular with regard to a number of matters as follows :-
- 3.3 Descriptions & Claims - No advertisement shall contain any descriptions, claims, or illustrations which directly or by implication mislead about the product or service advertised and in particular regarding the following matters:-

3.3.1 For Products

- a)* quantity (which includes length, width, height, area, volume, capacity, weight and number), size or gauge;
- b)* method of manufacture, production, processing or re-conditioning;
- c)* composition;
- d)* fitness for purpose, strength, performance, behaviour or accuracy;
- e)* any physical characteristics not included in the preceding paragraphs;
- f)* testing by any person and results thereof;
- g)* approval by any person or conformity with a type approved by any person;
- h)* place or date of manufacture, production, processing or re-conditioning;
- i)* person by whom manufactured, produced, processed, or re-conditioned;
- j)* other history, including previous ownership or use.

3.4 Alcohol-Specific Standards

3.4.1 Further, (k) of these Standards provides as follows for alcoholic advertising :-

- i.* Advertisements of alcoholic drinks shall not associate drink with driving or dangerous machinery; specific warnings however may be used in these circumstances.
- ii.* Advertisements should not suggest that drinking has therapeutic benefits or convey the message that drinking is a prerequisite to relaxation.
- iii.* Advertisement themes to induce purchasing of certain brands because they have a higher alcoholic content shall not be used.
- iv.* Advertisement of alcoholic drinks shall be directed only to an adult audience.
- v.* No children or juvenile shall participate in presentation of advertisements relating to alcohol, unless they form part of the natural background.

3.5 Penalties

3.5.1 Membership of the 4As is applied for on a detailed form. This form contains agreement and agreement to abide by the rules and regulations set out in the Memorandum and Articles of Association of the 4As. Members also agree to observe the provisions of the professional code of practice.

3.5.2 In the event of refusal or failure to comply with the rules of membership and the Code of Practice or being guilty of any conduct which in the opinion of the Executive Committee may be likely to

injure or defeat the objects of the 4As association, the Executive Committee may :-

- a) caution or reprimand the member;
- b) suspend the member from the privileges of membership for any period not exceeding 6 months;
- c) expel the member from membership of the Association (subject to a right of appeal).

How would you assess the pressure for tighter regulation in your jurisdiction?

Hong Kong has a vigorous bar trade, and the many bars are frequented by local Chinese and foreigners alike. However, the western habit of “binge drinking” is not an issue in Hong Kong and the equilibrium finally drawn between sobriety and excess alcohol intake is in no danger of being extended.

Please describe any recent interesting, significant, or archetypal examples of an alcohol advertisement that has been banned in your jurisdiction.

There are no such recent occurrences.



HUNGARY

What are the main legal controls on advertising and marketing of alcohol in your jurisdiction?

The main acts controlling the advertising and marketing of alcohol in Hungary are Act XLVIII of 2008 on the Basic Requirements and Certain Restrictions of Commercial Advertising Activities and Act CLXXXV of 2010 on Media Services and on the Mass Media. Furthermore, there are restrictions on the distribution of alcohol in other legal instruments.

What are the main regulatory controls on advertising and marketing of alcohol in your jurisdiction?

The main self-regulatory bodies are the Hungarian Advertising Association (Magyar Reklámszövetség, "MRSZ") and the Self-Regulatory Advertising Board (Önszabályozó Reklámtestület, "ÖRT"). The ÖRT is the Hungarian member of the European Advertising Standards Alliance (EASA).

The main self-regulatory instrument is the Hungarian Code of Advertising Ethics. The Association of Hungarian Breweries and the Union of the Hungarian Alcohol Industry approved the Code.

The main bodies controlling advertising in Hungary are the National Consumer Protection Authority and the Hungarian Competition Authority.

What are the main principles of alcohol advertising regulation in your jurisdiction?

Alcoholic products may be advertised. However, several restrictions apply.

An alcohol advertisement will be prohibited if it:

- a) is addressed to children or juveniles;
- b) shows children or young persons under the age of 25 (even if they are not consuming alcohol);
- c) encourages unlawful activities, immoderate consumption of alcohol or presents abstinence from the consumption of alcoholic beverages or moderation in a negative light, and it may not show people who appear to be drunk or in any way imply that being drunk is acceptable;
- d) links the consumption of alcohol to enhanced physical performance or to driving any vehicle;
- e) creates the impression that the consumption of alcohol contributes towards social or sexual success;
- f) claims that alcohol has therapeutic effect or that it is a stimulant, a sedative or a tool for resolving personal conflicts;
- g) places emphasis on high alcoholic content as being a positive quality of the beverage;
- h) suggests that, by consuming alcohol with a low alcoholic content, an excessive consumption of alcohol may be avoided.

Furthermore, the advertisement of alcoholic beverages may not present alcohol consumption at the workplace or in connection with work. Exceptions from this rule are advertisements connected to product tasting or to a company visit, where it is presented in connection with a professional's work.

The advertisement of alcoholic beverages may include information on the composition of the given alcoholic beverage and also on its calorie contents, but it cannot be claimed on the basis of this information that the drink is healthy or reduces your weight.

Special care must be taken to ensure that an alcohol advertisement does not offend good taste or public taste, human dignity or honor.

The advertisement of alcoholic beverages should not show or be aimed at pregnant women and it cannot address high risk health groups, such as expectant mothers.

An advertisement may not use any – real or imaginary – objects, pictures, styles, symbols, colors, music or characters (especially cartoon characters, sportsmen or celebrities) that primarily appeal to underage people or which are strongly linked to their thoughts or emotions. No brand logo and product tag can be used that primarily target children or underage people (names, logos, sports equipment, sport, game or other) and the advertisement cannot suggest that these logos or tags make the consumer adult or adult like.

As for the placing of the advertisements of alcohol, no advertisement may be placed/displayed:

- a) on the outside of the first page of any printed media, or on the home page of a website;
- b) in theaters or cinemas before 8 pm, as well as immediately preceding any programs for children or juveniles, during the full duration thereof, or immediately afterwards;
- c) on goods which have been clearly designed and manufactured for the purpose of a toy, including the packaging of such goods; or
- d) in public education and healthcare institutions, or on any outdoor advertising media situated within a two hundred-meter radius from the entrance of such institutions.

When selecting the media, it must be ensured that at least 70% of the audience can reasonably be expected to be 18 years old or older. Alcoholic beverages may not be advertised/promoted in media or at events where at least 30% of the audience is predictably underage.

On the internet website of the company or the brand, it must be clearly and well visibly indicated that the given site may only be visited by those who are above the age limit. In order to ensure this, the advertiser must provide that the given site can only be visited after the visitor gives their date of birth.

Also, on the internet site of the company or the brand, a clear notice regarding alcohol responsibility must be posted.

How would you assess the pressure for tighter regulation in your jurisdiction?

According to a recent study by the National Media Authority, alcoholism is a very severe healthcare risk in Hungary. The number of alcohol advertisements is growing, however, due to the fact that the number of available TV channels is increasing, together with the available advertising spots which can be purchased. While more severe legislation is not suggested, the study declares that alcohol advertisements are not helping to solve the above problems.

Please describe any recent interesting, significant, or archetypal examples of an alcohol advertisement that has been banned in your jurisdiction.

In the available database of the relevant authorities, we did not find any recent, interesting decisions regarding banning alcohol advertisements.

INDIA

What are the main legal controls on advertising and marketing of alcohol in your jurisdiction?

The main legal control on advertising of liquors is Cable Television Network (Regulation) Act, 1995 ("CTNA") under which advertising of alcohol is banned in India since 1995. In Rule 7(2) (viii) (a) of Act it has been clearly indicated that "No advertisement shall be permitted which promotes *directly or indirectly* production, sale or consumption of cigarettes, tobacco products, wine, alcohol, liquor or other intoxicants".

What are the main regulatory controls on advertising and marketing of alcohol in your jurisdiction?

The main regulatory body having control on advertising and marketing in India is The Advertising Standards Council of India ("ASCI").

The ASCI is a self regulatory voluntary organization of the advertising industry, registered as a not-for-profit Company under Section 25 of the Indian Company Act, has drawn up a Code of Conduct (also known as Advertising Code) to control the content of advertisements with a view to achieve fair advertising practices. The Code applies to all forms of advertisement, that is, to newspapers, magazines, television, radio, cinema and posters, amongst others.

Section 6 of the Cable Television Network (Regulation) Act, 1995 ("CTNA") provides that "No person shall transmit or re-transmit through a cable service any advertisement unless such advertisement is in conformity with the prescribed advertisement code.

Therefore, the advertisement code drawn up by ASCI has a legal backing in the Act.

What are the main principles of alcohol advertising regulation in your jurisdiction?

Today in India, the tendency to alcohol consumption has percolated down to the youth. The media has played a leading role in encouraging the use of alcohol among young people by such means as the portrayal of drinking in congenial settings, by associating habit with glamour and celebrity status, & by direct and indirect advertising.

Constitution of India includes a provision in Article 47 which provides that "The state shall regard the raising of the level of nutrition and standard of living of its people as among its primary duties and in particular, the state shall endeavour to bring about *prohibition of the use* except for medicinal purposes of *intoxicating drinks* and of drugs which are injurious to health."

Therefore, constitutional mandate of protecting health of citizens by prohibiting the use of alcohol and to prevent media from glamorising the drinking are the main principles behind regulation of alcohol advertising.

How would you assess the pressure for tighter regulation in your jurisdiction?

Due to ban of liquor advertisements in India under the abovementioned Act, the trend of surrogate advertisement has gained momentum under which companies with liquor brands

are not advertising liquor products, instead they have extended the equity of their brands into other fields.

The national regulation which provides restriction with respect to the “surrogate advertisement” is mentioned herein below:

The Advertising Standards Council of India ("ASCI"):

The provision has been laid down in the Advertising Code which provides the criteria for deciding whether an advertisement is indirect advertisement and provides restriction with respect to the surrogate advertisement. The relevant provision is quoted herein below:

Section 6: *“Advertisements for products whose advertising is prohibited or restricted by law or by this code must not circumvent such restrictions by purporting to be advertisements for other products the advertising of which is not prohibited or restricted by law or by this code. In judging whether or not any particular advertisement is an indirect advertisement for product whose advertising is restricted or prohibited, due attention shall be paid to the following:*

- (a) Visual content of the advertisement must depict only the product being advertised and not the prohibited or restricted product in any form or manner*
- (b) The advertisement must not make any direct or indirect reference to the prohibited or restricted products*
- (c) The advertisement must not create any nuances or phrases promoting prohibited products*
- (d) The advertisement must not use particular colors and layout or presentations associated with prohibited or restricted products*
- (e) The advertisement must not use situations typical for promotion of prohibited or restricted products when advertising the other products”*

This clause also lays down the criteria for deciding whether an advertisement is indirect advertisement

Even though certain National regulations for prohibition of surrogate advertising are in place, they perform only half job in controlling this menace. In view of this, it is necessary to implement the legislations in a manner where there is no possibility of any loopholes.

There is a pressure to making transparent laws banning surrogate advertisement for different products under a single brand name and providing more teeth to Advertising Standards Council of India to enable it to take action against false and misleading advertisements, and keep a close vigil over clever evasion of law.

Please describe any recent interesting, significant, or archetypal examples of an alcohol advertisement that has been banned in your jurisdiction.

In June, 2002, the Indian Information & Broadcasting (I&B) Ministry served notices to leading television broadcasters to ban telecast of two surrogate ads of liquor brands McDowell No. 1 & Gilbey's Green Label & put some other brands such as Smirnoff Vodka, Royal Challenge Whisky, & Hayward's 5000 on “watch list”.



IRELAND

What are the main legal controls on advertising and marketing of alcohol in your jurisdiction?

There are currently no specific enacted laws governing the advertising of alcohol in Ireland although the Intoxicating Liquor Acts 2003 - 2011, deal with licensing requirements and also the methods that can be used to sell and market alcohol. There are various codes of practice which regulate the industry. The Public Health (Alcohol) Bill, 2015 is presently in the process of being enacted in the Irish Parliament (and is expected to become law by the end of 2015). When enacted it will have far reaching implications for alcohol advertising including health labelling on all alcoholic drinks, containers and promotional material which must include warnings and advice aimed at pregnant women and others, restrictions on the times during which alcohol advertisements may be broadcast and where outdoor advertising may be placed as well as possible restrictions on sponsorship of sports events. It will also allow the Minister for Health at any point in the future to make further regulations concerning the advertising and marketing of alcohol.

What are the main regulatory controls on advertising and marketing of alcohol in your jurisdiction?

All alcohol advertisements (whether print media, internet or broadcast) must obtain prior clearance from CopyClear (formerly Central Copy Clearance Ireland). No media outlet in Ireland will accept an advertisement for alcohol unless it carries a CopyClear licence number. In addition the Advertising Standards Authority of Ireland (ASAI) Code of Practice contains a section on advertising and marketing of alcohol and there are 2 separate industry Codes of Practice for alcohol advertising and sponsorship which were agreed between the Department of Health, the alcohol industry and the media or broadcast outlets. The Broadcasting Association of Ireland also has a Code of Practice which includes alcohol advertising and affects advertising on Irish terrestrial TV and radio stations.

What are the main principles of alcohol advertising regulation in your jurisdiction?

Most of the codes/regulations promote social responsibility and the ASAI Code of Practice has general rules requiring advertisements to be legal, decent, honest and truthful. The specific section in the ASAI Code states that (amongst other things) alcohol advertisements must not: be aimed at or appeal particularly to persons under the age of 18; feature people under 25 years old; imply a drink may be preferred because of its alcohol strength or its intoxicating effect; encourage excessive drinking; associate alcohol with unsafe or unwise activities.

The voluntary code agreed with the Department of Health is aimed at limiting the exposure of young persons to alcoholic drink advertising.

The Public Health (Alcohol) Bill, 2015 when enacted will also place a heavy focus on the appeal of alcohol advertising and marketing to minors and the risk that such advertisement encourage excessive drinking and that does appear to be the main focus the regulators at present.

CopyClear will assess the various codes when deciding whether an advertisement can be passed.

How would you assess the pressure for tighter regulation in your jurisdiction?

There are regular calls from health organisations for a complete ban on alcohol advertising and sponsorship. The proposed legislation in the Public Health (Alcohol) Bill, 2015 will not extend as far as a complete ban on alcohol advertising and the position on sponsorship is to be reviewed over the next 3 years and the calls for a ban are therefore likely to continue. The legislation when enacted will though provide tighter regulations for alcohol advertising.

Please describe any recent interesting, significant, or archetypal examples of an alcohol advertisement that has been banned in your jurisdiction.

Because of the requirement for prior clearance of advertisements there are very few upheld complaints since the CCCI started clearing advertisements in 2004. Most complaints against the major alcohol producers are not upheld. For example in the last 12 months there have been no upheld complaints to the ASAI against advertisements by any of the major alcoholic drinks companies.

A recent example of a complaint that was upheld relates to a local bar and an outdoor advertisement it published which advertised cut price alcoholic drinks on what it termed “Welfare Wednesday” when customers could produce a card proving they were in receipt of welfare payments and obtain cheaper alcoholic drinks. A complaint was raised by Alcohol Action Ireland that the advertisement was socially irresponsible, exploited the young and immature and promoted excessive consumption of alcohol. The ASAI Complaints Committee expressed concern that the advertisement was directed at a potentially vulnerable group in society and also regarding the fact that there was no limit on the amount of alcohol that could be purchased. They therefore upheld the complaint on the basis that the promotion and advertisement had not been prepared with a sense of responsibility to society and could encourage excessive drinking.

ISRAEL

What are the main legal controls on advertising and marketing of alcohol in your jurisdiction?

Advertising and marketing alcohol is legally controlled by laws that are enacted by the Israeli legislature, the Knesset. The Knesset has enacted primary legislation, such as the Limitation of Advertising and Marketing of Alcoholic Beverages Act - 2012 and the Consumer Protection Law - 1981.

The courts have the task of interpreting the various alcohol-related laws and sanction those who violate the various laws and regulations.

What are the main regulatory controls on advertising and marketing of alcohol in your jurisdiction?

Primary legislation will often delegate regulatory powers to individuals and bodies such as government ministers, including the Minister of Health and Minister of Industry and Commerce.

Advertising on television and radio is very strictly regulated. The Second Television and Radio Authority, empowered by primary legislation, sets rules and regulations relating to alcoholic beverages on radio and television.

What are the main principles of alcohol advertising regulation in your jurisdiction?

The relatively new Limitation of Advertising and Marketing of Alcoholic Beverages Act – 2012 (“LAMA”), has placed strict limitations on the manner in which one may advertise and market alcoholic beverages.

According to the LAMA, it is prohibited to advertise alcoholic beverages on public signs and in printed manner targeted at minors. Further it is prohibited to market alcoholic beverages with the aid of prizes or via sweepstakes.

All alcoholic beverages and advertisements for alcoholic beverages must contain warnings, informing that “excessive alcohol consumption endangers life and is harmful to your health” or “warning: contains alcohol - recommended to avoid excessive drinking”.

Advertisements for alcoholic beverages may not contain anything but the following:

1. The commercial name of the beverage;
2. The trademark of the beverage;
3. The commercial name of the beverage manufacturer;
4. The trademark of the manufacturer;
5. The beverage’s packaging and place of sale;
6. The place of manufacture and pictures of the manufacturing facility;

7. The percentage of alcohol in the beverage;
8. The existence of a Kashrut certificate;
9. A competition in which the beverage participated and the results obtained by the beverage;
10. The price;
11. The vintage;
12. Additional facts which are determined by the Minister of Finance, if the advertisement appears in a professional magazine/publication relating to alcoholic beverages.

How would you assess the pressure for tighter regulation in your jurisdiction?

Pressure for tighter regulation would be welcomed by the public since excessive alcohol consumption, especially by youths, has been receiving a huge amount of publicity. The topic of drunk driving and crimes committed under the influence of alcohol has made major headlines in Israeli media.

Please describe any recent interesting, significant, or archetypal examples of an alcohol advertisement that has been banned in your jurisdiction.

Since the enactment of the relatively new Limitation of Advertising and Marketing of Alcoholic Beverages Act – 2012, which has placed strict limitations on the manner in which one may advertise and market alcoholic beverages, there were no significant alcohol advertisement court rulings. It seems the law restricts advertisements in such a harsh manner, that there is very little artistic or creative leeway for interpretation by advertisement creators.

ITALLY

What are the main legal controls on advertising and marketing of alcohol in your jurisdiction?

Local legislation considers as “alcoholic” beverages with alcoholic content exceeding 1.2% and as “super-alcoholics” those with more than 21% percent alcohol by volume. All commercial communication relating to such products is subject to a range of restrictions set both by Italian Statute Law as well as by Industry Self-Regulation.

In general terms, advertising and marketing of alcohol will have to comply with the domestic provisions governing the promotion and the selling of food and beverages (as laid down in Law no. 283 of 1962, specifically in Article 13) and with the local regulations implementing the EU Directives on labelling and advertising of food products (Legislative Decree no. 109 of January 27th, 1992, Article 2). Additional relevant requirements and prescriptions may be found in the Italian Consumer Code (Legislative Decree no. 206 of 2005).

Specifically the topic is subject to the restrictions set by Law no. 125 of March 30th, 2001 (a general policy law meant to prevent addiction and to favour rehabilitation).

What are the main regulatory controls on advertising and marketing of alcohol in your jurisdiction?

The Italian legal framework assigns control functions to a special Authority (AGCM = Commissioner for Market and Fair Competition) which is called to react – either on its own initiative or on complaint of an interested subject – against illicit comparative or misleading advertising and is entitled: to issue cease injunctions (in order to stop illegal campaigns), to apply fines (from EUR5.000 up to 500.000), to suspend offenders from business and to provide both for public announcement of violations as well as for corrective advertising.

When the questioned commercial communication is performed through particular media (such as TV, Radio or Press), another Authority (AGCOM = the Communication Commissioner) will become involved. It has competence as to issuing regulations and guidelines for advertising diffused via such media.

The Institute for Advertising Self-Regulation (IAP) administers the Code of Marketing Communication Self-Regulation (CAP) which sets general principles and specific requirements for advertising and marketing of alcoholic beverages.

What are the main principles of alcohol advertising regulation in your jurisdiction?

- (a) Law no. 283 of 1962 requires all advertising for food products to be correct, transparent, truthful and not misleading. In addition, Legislative Decree no. 109 of 1992 (implementing the EU Directives nos. 89/395 and 89/396), while confirming such requirements, also calls for proper and correct consumer information with respect to labelling and advertising of alcoholic beverages.
- (b) Since July 30th, 2008 Ministerial Decree, jointly issued by the State Departments for Labour, Public Health and Welfare, obliges the owners of entertainment premises to properly inform their customers about beverages' alcoholic content (this also with the aim of allowing them adequate control on compliance with the restrictions set by the local Traffic Code on “drinking and driving”).

- (c) The 'Consumer Code' (Legislative Decree no. 206 of 2005, implementing EU Directive no. 2005/29/EC on Unfair Commercial Practices) considers as unfair and misleading a commercial practice, which omits to provide – when relating to products potentially harmful to consumers' safety or health – adequate information and therefore induces consumers to ignore risks or ordinary rules of caution.
- (d) Law no. 125 of 2001 already provided for specific limitations with respect to TV and Radio advertising of alcoholic beverages. According to Article 13 advertising for alcoholic and 'super-alcoholic' drinks (i.e. those with a high grade of alcoholic content as most spirits) was totally banned:
- during TV programs for children as well as during the 15 minutes preceding and following the broadcasting of such programs,
 - when claiming (without an explicit approval of the State Department for Public Health) therapeutic benefits deriving from alcoholic beverages,
 - when showing children consuming alcoholic drinks or suggesting to consider such use as a positive attitude,
 - advertising (both direct as well as indirect) of alcoholic beverages may not be performed in places primarily attended by children,
 - commercial communication for high grade alcoholics is banned during programs aired on TV/Radio from 4 to 7 pm.
 - such advertising is also not allowed in the press (for publications mainly targeted to children) as well as at cinemas running movies specifically directed to an audience of children.
- (e) Nowadays the issue is dealt with by the “Consolidated Act on Audio-Visual and Broadcasting Services” (Legislative Decree no. 177 of 2005), recently amended (through Legislative Decree no. 44 of 2010) in the context of the domestic implementation of the EU Directive on Audio-Visual Media Services.

The Act puts a special focus on commercial communication performed via audio-visual media services and sets the general principles and criteria to be observed for such communication.

Article 36-bis requires commercial communication:

- not to encourage conduct likely to cause harm to safety or health,
- when referring to alcoholic beverages, not to target and address specifically minors of age or encourage excessive consumption of such beverages.
- Furthermore Article 37 sets that commercials meant to advertise alcoholic beverages:
- may not expressly target minors and may not present them while consuming such beverages,
- may not establish any connection between consumption of alcoholics and physical strength or car driving,
- have to strictly avoid any suggestion that consumption of alcoholics contributes to social or sexual success,
- must restrain from associating alcoholic beverages with therapeutic, stimulating, relaxing effects and from suggesting their capacity of resolving psychological conflicts,
- must not encourage uncontrolled or excessive consumption of alcoholics and must not present abstinence or sobriety in a negative light,
- must restrain from associating indications about the beverage's alcoholic content with positive qualities of an alcoholic product.

- (f) The Code of Marketing Communication Self-Regulation explicitly states (see Article 22) that advertising of alcoholic drinks shall not be targeted, albeit indirectly, to minors and 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 motorized 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 advertisements”.
- (g) On March 16th, 2007 the State Departments for Home Affairs and for Sports and Youth have jointly reached an agreement with some of the particularly involved Trade Associations (e.g. those of the local producers or importers of beer, wine or spirits, of the entertainment industry, of the barmen) on promoting a special Ethic Code, which was also adopted by other interested associations (e. g. that of the driving schools) as well as by Town Councils.

The Ethics Code is aimed at:

- promoting responsible drinking and driving both in general as well as through periodic educational/informational campaigns (targeting especially young people),
 - favouring certain restrictions on sales of alcoholic beverages in entertainment premises (also if performed through vending machines),
 - convincing customers, when leaving premises open to the general public, to spontaneously undergo quick tests and inviting those showing excessive alcohol consumption to restrain from driving,
 - offering special benefits (free access or reduced tickets, one free non-alcoholic drink, etc.) to the so-called 'designated driver' (i.e. one person volunteering to not consume alcoholics during the entire stay) of a group entering an entertainment premises,
 - increasing control in order to prevent sales of alcoholic beverages to minors,
 - excluding discount (or below-cost) promotions with respect to alcoholic drinks.
- (h) Audio- and Videotex services: According to Ministerial Decree no. 385 of 1995 such “services and information should be directed, as a rule, to people older than 18 years” and “are not allowed to stimulate the use of alcoholic beverages and tobacco products ...”. These provisions were repealed by Ministerial Decree no. 145 of March 2nd, 2006, which introduced a broader regulation now governing all services, provided by means of electronic communication and involving for users additional costs/payments; the regulation includes services provided through SMS, MMS, dial-up systems and interactive digital TV. Article 3 of the Decree explicitly sets that such services may not induce the consumption of alcoholic beverages.

How would you assess the pressure for tighter regulation in your jurisdiction?

As far as the institutions of the EU are concerned, we have seen in recent years the Directorate General for Health and Consumers (DG SANCO) monitoring carefully the problems, both of alcohol related harm in general as well as of excessive consumption of alcoholic beverages by young people. The DG also aims at achieving standards of good practices and written alcohol policies. With the intent of offering a better assessment of the problem, the DG has commissioned a study on the *“Added value of the EU strategy to support Member States in reducing alcohol related harm”*, which was completed and published in December 2012 (the English version of the study is available at the following URL: http://ec.europa.eu/health/alcohol/docs/report_assessment_eu_alcohol_strategy_2012_en.pdf).

Under the second EU Health Programme the European Union has funded a *“Joint Action on Reducing Alcohol Related Harm (RARHA)”*, which took off on 31 January 2014. RARHA consists in a 3 years action plan, meant to coordinate Member States’ policies on a national level, to achieve common priorities in line with the EU Alcohol Strategy and to improve the capacities of national institutions in addressing and reducing harm associated with alcohol consumption.

In Italy, lawmakers are currently pushed by advocate groups to address the issue and several members of the House have started putting the topic on their agendas. A number of voices have been heard advocating a tax increase in order to discourage the consumption of alcoholic products. There might be new regulations on the horizon.

Please describe any recent interesting, significant, or archetypal examples of an alcohol advertisement that has been banned in your jurisdiction.

- (i) The Review Board of the local Institute for Advertising Self-Regulation in 2010 questioned and halted TV commercials in which female models promoted a wine brand with slogans such as: *“I drink wine X with my hip hop trainer, because when we’re alone the music changes”*, *“I drink my wine X with my guitar player, because he knows how to touch the right strings”*, *“Whom are you drinking your wine X with?”* In the Board’s view the commercials infringed on Article 22 of the Code, which requires alcohol advertising *“not to be in conflict with the obligation to depict styles of drinking behaviour that project moderation, wholesomeness and responsibility”* and to avoid encouraging *“the belief that the consumption of alcoholic beverages promotes clear thinking and enhances physical and sexual performance”*. The advertiser challenged the Board’s injunction before the Jury, but had his opposition dismissed (through decision no. 45 of May 3rd, 2010). The Jury was not impressed by the warning message *“Drink responsibly”* in small type.
- (ii) In January 2011 the Review Board forced a local beer producer to change the commercial communication on its website, where a certain brand was promoted by claiming nutritional capacities and health benefits. The messages were considered as misleading and in violation of Article 22 of the Code.
- (iii) Through decision no. 128 of June 24th, 2010 the Commissioner for Market and Fair Competition served a broadcasting company with 75.000 Euro fine for airing a commercial for an alcoholic beverage during a 'protected air time period' (from 4:00 to 7:00 pm). The Commissioner applied a 'reduced' fine considering that the commercial had been aired only three times (at 6:57 pm and at 6:59 pm).

KENYA

What are the main legal controls on advertising and marketing of alcohol in your jurisdiction?

It is our understanding that the main legal controls refer to the main legislation in Kenya on advertising and marketing of alcohol.

One of the main items of legislation on advertising and marketing of alcohol in Kenya is the Alcoholic Drinks Control Act, 2010 (**“the Act”**) as amended recently by the Alcoholic Drinks Control (Amendment) Act, 2015.

In addition to this amendment, there is an Alcoholic Drinks Control (Amendment) Bill) 2014 (**“the Bill”**) currently being debated by the Senate. During the debate, matters omitted in the Alcoholic Drinks Control (Amendment) Act, 2015 may be included in the final law.

The Bill proposes to expand the scope of the Act to regulate not only the sale and consumption of alcoholic drinks but also promotion of alcoholic drinks, which would invariably extend to advertisements. The Bill specifically proposes to introduce a new definition of “promotion” which would mean *‘any communication related to an alcoholic drink or its brand element through any form media or channel that is intended to encourage, persuade or influence consumers to consume or prefer an alcoholic drink and includes advertisement, publicity and personal selling or any new print or electronic media, social media or coded media languages.’*

The other main legislation on advertising and marketing of alcohol in Kenya is the National Authority for the Campaign against Alcohol and Drug Abuse Act. This Act establishes an institutional framework for the control of alcohol and drug abuse and this includes monitoring and surveillance of promotion of alcohol by the National Campaign against Drug Abuse Authority.

What are the main regulatory controls on advertising and marketing of alcohol in your jurisdiction?**The National Campaign against Drug Abuse Authority (“the Authority”).**

This is the regulatory body for controlling advertising and marketing of alcohol. It is established under section 4 of the National Authority for the Campaign against Alcohol and Drug Abuse Act with the mandate to collaborate with other agencies to facilitate and promote the monitoring and surveillance of national and international emerging trends and patterns in the promotion of alcohol and drugs prone to abuse.

Please note that the Bill proposes to expand the role of the Authority to specifically include advising the Cabinet Secretary and other relevant bodies on the national policy to be adopted with regard to the promotion and consumption of alcoholic drinks.

The Authority would also establish the Alcoholic Drinks Promotions Committee, which shall be responsible for vetting and approving all advertisements and promotions in the print, electronic and other media relating to alcoholic drinks.

Guidelines on Alcohol Industry Advertising

This was published by the Ministry of Trade and Industry in collaboration with the Ministry of Information and Communication and the National Alcohol Beverages Association of Kenya, a consortium of licensed alcohol beverage companies in Kenya.

All players in the alcoholic beverages industry are required to observe the guidelines for self-regulation in all their alcohol- advertising campaigns.

Code of Advertising Practice and Direct Marketing (“the Code”)

The Code is the guiding document of the Advertising Standards Body of Kenya (ASBK) which is an independent body set up by the marketing and advertising industry.

ASBK is charged with the responsibility of regulating the advertising and marketing industry in Kenya. Its membership comprises of the Marketing Society of Kenya and the Association of Practitioners in Advertising for Kenya (APA).

Part IX of the Code deals with specific categories of advertising and in particular for alcoholic drinks. It sets out general standards and principles on advertisements of alcoholic drinks.

What are the main principles of alcohol advertising regulation in your jurisdiction?

Pursuant to the provisions of the Act and the regulatory controls discussed in paragraph 2.2 above, all advertisements on alcohol must have regard to target audiences and general viewership and must also include words to the effect that alcohol is strictly not to be consumed by persons under the age of eighteen.

Alcohol advertisements must not:

- imply a link between drinking alcohol and improved social or sexual success, improved ability to operate machinery or play a sport;
 - portray alcohol in a curative or therapeutic manner;
 - encourage more consumption of alcohol but rather encourage brand loyalty;
 - depict refusal/abstinence from alcohol negatively or in un-trendy manner;
 - not induce one to consume a brand owing to its higher percentage as the dominant theme in the advert;
 - misrepresent alcoholic drinks as being ordinary beverages;
- be socially offensive with respect to any tribe, race, religion, gender and so forth;
- commend or make fun of over indulgence of alcohol and/or its after effects.

In addition to the above principles, the Bill proposes to introduce some additional principles.

These are that all advertisements on alcoholic drinks must not promote an alcoholic drink so as to create a false impression that—

- consumption of that drink is acceptable before or while engaging in driving, operating machinery, sports or other activities that require concentration in order to be carried out safely; or
- it is wrong or foolish to refuse that drink.

Further, it is proposed to prohibit any person from promoting any alcoholic drink in such a manner as to encourage more consumption of an alcoholic drink in order to win an award or prize.

How would you assess the pressure for tighter regulation in your jurisdiction?

There is an increasing pressure for tighter regulation in Kenya based on the recent enactment of the Bill.

If this Bill is passed, it would set high standards to be adhered to in advertising alcoholic drinks as well set restrictions against various forms of advertisements and promotion of alcoholic drinks.

The Authority would also be empowered to actively engage in vetting and approving all advertisements and promotions in the print, electronic and other media relating to alcoholic drinks.

Please describe any recent interesting, significant, or archetypal examples of an alcohol advertisement that has been banned in your jurisdiction.

Recently, East African Breweries Ltd (“EABL”) was banned from sponsoring a famous tournament dubbed as the Annual Safari Sevens Rugby Tournament and advertising its beer product branded ‘Tusker’ in this tournament.

The reason given for this was that EABL was contravening Section 46 of the Act which prohibits the promotion of any alcoholic drink at any event or activity associated with persons under the age of eighteen years.

In addition, if this Bill is passed into law, various forms of advertising of alcohol are likely to be banned. These are :

- advertisements of all alcoholic drink or brand related adverts by way of outdoor advertisement or billboard in places demarcated as residential areas or within a distance of three hundred meters from a nursery, primary or secondary school, or other institution of learning for persons under the age of eighteen years or a place of worship, health facility or a public playground or any other public land or property or public service vehicle; and
- advertisements of alcoholic drinks in the broadcasting media between the hours of 6am and 10pm.

KOREA

What are the main legal controls on advertising and marketing of alcohol in your jurisdiction?

Under the National Health Promotion Law, the Minister of Health and Welfare can order changes to the contents of or prohibit advertisements regarding liquor under the Liquor Tax Act.

What are the main regulatory controls on advertising and marketing of alcohol in your jurisdiction?

In connection with alcohol related advertisements, the National Health Promotion Law restricts the following types of advertisements:

1. Expressions that excessively glamorize drinking behavior
2. Expressions that imply that drinking enhances physical strength or athleticism, or helps treat diseases
3. Expressions that imply that drinking can improve mental health
4. Expressions that depict the act of drinking while driving or working
5. Expressions that depict the character or voice of pregnant women or youths
6. Advertisements that fall under one of the following:
 - a. Television (including general cable TV): Advertisements between 7AM to 10PM
 - b. Radio: Advertisements between 5PM to 8AM the next morning, and advertisements before and after programs intended for youths between 8AM to 5PM
7. Utilization of songs or offering a prize or sweepstakes to promote alcohol sales
8. Broadcast advertisements of liquor with alcohol content 17% or higher
9. Advertising without inscribing the warning phrase required under the National Health Promotion Law on the packaging of the alcohol. However, when advertising using the parts that do not show the warning phrase, such warning must be separately displayed on the bottom of the packaging.
10. Advertisements in theatres that are aired before and after a featured film targeted for youths.
11. Video advertisements at the railroad station or in the trains and advertisements on screen doors.

In addition, while it partially overlaps with the above, the Broadcast Advertisement Review Regulation, as promulgated under the Broadcasting Act by the Korea Communications Standards Commission, includes a number of rules relating to the advertising of alcohol.

Broadcasting advertisements for liquor whose alcohol content is 17% or higher is prohibited without exception.

Broadcasting advertisements for liquor whose alcohol content is below 17% is permitted after 10pm subject to the following restrictions:

Expressions which can harm social order, public health, or the well-being of youths, including the following, are prohibited in broadcast advertisements of liquors:

1. excessive depictions of drinking atmosphere or excessive attempts to glorify drinking behaviours;
2. expressions that insinuate that drinking is a prerequisite or supplement for social recognition or success;
3. expressions that imply that moderate drinking is not harmful to health;
4. expressions that imply that drinking enhances physical strength or athleticism, eliminates agony or anxiety, or helps treat diseases; and
5. expressions that disturb safety by including or endorsing drinking behaviour in situations that require a high level of alertness.

Persons appearing in liquor advertisements must be at least 19 years of age. The image and voice of a juvenile may not be depicted in liquor advertisements.

What are the main principles of alcohol advertising regulation in your jurisdiction?

Alcohol advertisements must not harm social order, public health, or the well-being of youths.

How would you assess the pressure for tighter regulation in your jurisdiction?

The advertising rules continue to become tighter.

Please describe any recent interesting, significant, or archetypal examples of an alcohol advertisement that has been banned in your jurisdiction.

On April 23, 2015, a bill to restrict persons ages 24 or less from appearing in advertisements related to alcohol passed the National Assembly's Committee on Health and Welfare. While the bill must be approved by the plenary session of the National Assembly to take effect, it appears likely that it will be enacted within this year, which is creating a lot of debate amongst the public.

Currently, the law does not specify an age restriction and only the Broadcast Advertisement Review Regulation prohibits models under the age of 19 from appearing in alcohol related advertisements.



LUXEMBOURG

What are the main legal controls on advertising and marketing of alcohol in your jurisdiction?

There are no specific laws restricting the advertising of alcohol in Luxembourg. However, there are various laws dealing with alcohol in general as follow:

1. **Advertising and labelling of alcoholic beverage:** Article 16.7 of the Luxembourg Regulation dated 14 December 2000, as amended, concerning the labelling and the presentation of food and its advertising, prohibits the use of any statement which refers to health and in particular the use of the following words: feel-good, fortifying, energizing, for your health, stimulating, in particular in beverages containing alcohol. Regarding the labeling of beverages containing more than 1.2% by volume of alcohol, this Regulation provides that the actual alcoholic strength by volume must be stated (Article 3 (10)).
2. **Audiovisual advertising:** regarding audiovisual commercial communication, the Luxembourg Law of 27 July 1991 on electronic media, as modified, which applies to audiovisual advertising, provides that this method of communication for alcoholic beverages must not be aimed specifically at minors and must not encourage immoderate consumption of such beverages (Article 27 bis (3)).

In addition, Article 4 of the regulation of 5 April 2001 regarding the applicable rules concerning advertising, sponsorship, teleshopping and self-promotion in television broadcasts, as amended (the "**Regulation of 2001**"), provides that television advertising and teleshopping for alcoholic beverages must comply with the following criteria:

- it must not be aimed specifically at minors or, in particular, depict minors consuming these beverages;
- it must not link the consumption of alcohol to enhanced physical performance or to driving;
- it must not create the impression that the consumption of alcohol contributes towards social or sexual success;
- it must not claim that alcohol has therapeutic qualities or that it is a stimulant, a sedative or a means of resolving personal conflicts;
- it must not encourage immoderate consumption of alcohol or present abstinence or moderation in a negative light;
- it must not place emphasis on high alcoholic content as being a positive quality of the beverage.

Finally, the European Regulation n°1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, mostly applicable from 13 December 2014, indirectly concerns the advertising of alcoholic beverage. The provision stating that food information must not be misleading also applies to advertising (Article 7). With respect to beverages containing more than 1.2% by volume of alcohol, the indication of the actual alcoholic strength by volume is mandatory (Article 9§1k.). However, the list of ingredients and the nutrition declaration is not mandatory for beverages containing more than 1.2% by volume of alcoholic. Nevertheless, the Commission should produce a report addressing whether alcoholic beverages should in future be covered by, in particular, the requirement to provide the information on the energy value.

What are the main regulatory controls on advertising and marketing of alcohol in your jurisdiction?

In Luxembourg, the self-regulatory advertising body is the Commission for Ethics in Advertising (“*Commission luxembourgeoise pour l’éthique en publicité*” – “**CLEP**”). The CLEP is an emanation of the Luxembourg Council for Advertising (“*Conseil luxembourgeois de la publicité*”), a non-profit association of private law formed by the major players active in the fields of marketing and commercial communication in the country. Both the CLEP and the Luxembourg Council for Advertising have been operational since 19 May 2009. Independent from public authorities and a member of the European Advertising Standards Alliance (EASA), CLEP’s objective is to ensure loyalty to ethical standards for advertising in all kinds of media throughout the Grand-Duchy of Luxembourg. The CLEP has enacted a code of ethics in advertising (the “**Luxembourg Code for Ethics**”) and is competent to advise the advertising community and to handle complaints. It is also entitled to act on its own initiative. Advertising agencies can request prior advice before launching an advertising campaign. The CLEP will then take a decision on the compliance of the project as soon as possible. Every legal and natural person can also lodge a complaint against an advertisement. If the complaint is justified, the CLEP can ask for modifications or withdrawal. Its recommendations are, however, not legally binding.

What are the main principles of alcohol advertising regulation in your jurisdiction?

Alcohol advertising is authorised in Luxembourg via any media, subject to compliance with the requirements stated above.

In addition to these legal requirements, the Luxembourg Code for Ethics contains specific guidelines on advertising for alcoholic beverages which are applicable to all commercial communications, some of which also appear in the Regulation of 2001 mentioned above, namely:

- advertising of alcoholic beverages must not encourage irresponsible and immoderate consumption of alcohol by underlying any temporary pleasant benefits in consuming alcohol. Advertising must not present abstinence or moderation in a negative light;
- it may not be aimed specifically at minors or, in particular, depict minors consuming these beverages. These ads must not promote alcoholic beverage by using well-known figures that minors look up to, in order to encourage them to consume alcohol;
- it must not link the consumption of alcohol to enhanced physical performance or to driving;
- it must not create the impression that the consumption of alcohol contributes towards work performance, professional, social or sexual success;
- it must not claim that alcohol has therapeutic qualities or positive effects on wellness;

- it must not create the impression that the consumption of alcohol contributes towards sports performance, in particular among sporting events.

How would you assess the pressure for tighter regulation in your jurisdiction?

Luxembourg authorities, especially the Ministry for Justice and the Ministry of Health, are aware of problems caused by alcohol and regularly organize alcohol controls. Luxembourg authorities identify two different targets i.e.

- minors and alcohol, where, in 2006, the Luxembourg law dated 22 December 2006 prohibited the sale or the free distribution of alcohol to minors below the age of 16. Non-compliance with this provision is punishable by a fine of between EUR 251 to EUR 1,000. The Ministry of Health set up a preventative campaign regarding the consumption of alcohol by minors under 16 on the radio, in cinemas, etc.
- alcohol and driving, where the blood alcohol level was sensibly reduced in 2007.

Since then, there has not been any initiative tending towards tighter regulation of alcohol advertising in Luxembourg.

MALAYSIA

What are the main legal controls on advertising and marketing of alcohol in your jurisdiction?

In Malaysia the Advertising Standards Authority of Malaysia ('ASAM') provides self-regulatory controls on advertising and marketing matters including alcohol. It relies on a system of guidance and voluntary compliance in order to be more flexible and beneficial in resolving disputes.

Further, the Malaysia Code of Advertising Practice ("the code") which is administered by ASAM sets out a basic framework for the regulation of advertising services/commercials in Malaysia. The code was implemented in line with the various laws, rules and guidelines provided in the International Code of Advertising Practice.

What are the main regulatory controls on advertising and marketing of alcohol in your jurisdiction?

As the main regulatory controls in Malaysia are self-regulatory, the burden is on the alcohol beverage industry to maintain its advertising and marketing complies with the guidelines in the code. The code is supported by the Association of Accredited Advertising Agents Malaysia, the Malaysian Advertisers Association, the Malaysian Newspapers Publishers Association and Media Specialist Association who work together to implement and promote the guidelines in the code with the public and the advertising and marketing industry.

The code covers a range of issues including advertising to young children, advertising of medical products, advertising of alcoholic drinks etc. The main principle is that all advertisements must be legal, decent, honest and truthful and prepared with a sense of responsibility to the consumer.

What are the main principles of alcohol advertising regulation in your jurisdiction?

Whilst there is no blanket ban on alcohol advertising in Malaysia, alcohol advertisements on Television and Radio have been banned since 1995. However advertisers are able to advertise the brand logos and names of the respective alcohol products on Television after 10pm so as long as it does not show the actual consumption of the alcoholic products.

In accordance with the above, the code further requires that children or anyone below the age of 18 should not be portrayed in alcohol advertisements or shown to be consuming alcohol. Appendix C of the code states that advertisements must not encourage excessive consumption and suggest that consuming alcohol can solve problems such as loneliness, boredom etc. Further it must not exploit those who are vulnerable because of age, inexperience or any physical, mental or social incapacity.

How would you assess the pressure for tighter regulation in your jurisdiction?

In 2010 the Association of Accredited Advertising Agents Malaysia voiced out their concern on the government's proposed plans to impose a blanket ban on alcohol advertising by suggesting to the Health ministry to tighten up the laws on alcohol advertising by proposing stricter regulation to be imposed. This is because they felt a complete ban on alcohol would

be harmful to the economy and control of the advertising and marketing of the product would be a better solution.

In light of the above, it can be seen that the various organizations are working together with the government's aim for tighter regulations on alcohol advertising in order to come to a flexible and beneficial stand.

When there is a pressure for a tighter regulation, perhaps one organization should put an extra concern on its marketing responsibility so that in line with all relevant Malaysian laws, the guidelines from the Communications and Multimedia Content Forum of Malaysia and the Malaysian Code of Advertising Practice (MCAP).

Example:- The Confederation of Malaysian Brewers Berhad (CMBB) members' brands which constitute a large share of the alcoholic beverage market. As an industry, there are committed to ensuring that their products are marketed in a responsible manner and developed Code of Marketing Practices which consist of :-

- a) Practices should comply with all relevant Malaysian laws, the guidelines from the Communications and Multimedia Content Forum of Malaysia and the Malaysian Code of Advertising Practice (MCAP).
- b) Advertisements shall not depict or imply the consumption of liquor in potentially hazardous situations or include any unsafe practices.
- c) Advertisements should never associate with driving of any kind of vehicle and potentially hazardous machinery.
- d) Broadcasters must take care to avoid the impression that beverage promotion is dominating the viewing or listening period when broadcasting advertisements. This includes beverage sponsorship advertisements and /or beverage sponsorship credits.
- e) Sampling of alcohol beverages to minors in any manner is strictly prohibited.
- f) Sponsorship advertisements and sponsorship credits shall clearly and primarily promote the sponsored activity, team or individual. The sponsor, the sponsorship and items incidental to them, may be featured only in a subordinate manner.
- g) Advertisements should never make claims that alcohol can prevent, treat or cure a human disease or refer to such properties. Communication about health benefits is only allowed to the extent permitted by Malaysian law.

Please describe any recent interesting, significant, or archetypal examples of an alcohol advertisement that has been banned in your jurisdiction.

On January 29, 2015 Malay daily 'Berita Harian' has reported Malacca Chief Minister saying that store owners must immediately stop selling alcohol — deemed as forbidden in Islam — if Muslims make up more than 90 per cent of the local community and only allow selling of alcohol in convenience stores that are located in areas with a Muslim population that is

below 90 per cent. This has also been agreed between the state government, local councils and the management of convenience stores in the state and the action has to be taken immediately. The ban of the alcohol sale is merely self-regulatory and depends on areas with a high concentration of Muslim residents following pressure from various government bodies market and this will give reflects to the demand in that specific area. This move once again shows the flexibility of the self-regulatory controls with the code acting as a check and balance whilst retaining flexibility on the advertising of alcoholic products.

MALTA

What are the main legal controls on advertising and marketing of alcohol in your jurisdiction?

The advertising and marketing of products containing alcohol is regulated in Malta by the Broadcasting Act (Chapter 350 of the Laws of Malta) together with Subsidiary Legislation 350.24, “Requirements as to Advertisements, Methods of Advertising and Directions Applicable to Alcoholic Drink Advertising, Sponsorship and Teleshopping” (hereinafter the “Advertising Requirements”).

What are the main regulatory controls on advertising and marketing of alcohol in your jurisdiction?

Article 16K of the Broadcasting Act provides that adverts and other audio-visual communications concerning alcohol shall not be aimed at minors and shall not promote immoderate drinking. Product placement of alcoholic drinks containing more than 1.2% alcohol within television programming is also banned locally, during the hours of 6 AM and 9PM.

Adverts related to alcoholic products cannot link the consumption of alcohol to enhanced physical performance or driving. Creating the impression that alcohol improves social or sexual success is also prohibited. Under no circumstances may adverts for products containing alcohol claim that such products are therapeutic, cause stimulation or sedation or provide a means for resolving personal conflicts. Marketing of alcoholic products must also refrain from discouraging abstinence. It is also illegal to cast a negative light upon moderate drinking. High alcoholic content may not be promoted as a positive quality of the beverages advertised. The abovementioned regulations emerge from Article 19(2)14(a) to (e) of the Third Schedule to the Broadcasting Act and also apply to the sale of alcoholic products through audio-visual means (specifically, teleshopping).

The Advertising Requirements go on to further strengthen the regulatory regime. Such requirements have been drawn up as delegated legislation by the Broadcasting Authority by means of the powers conferred upon it pursuant to Articles 19(3) and (5) of the Broadcasting Act. These cater for the distribution of advertisements and teleshopping for alcohol, the protection of young people, public safety, the use of humour in alcohol related advertising and unacceptable treatments, the containment of which is prohibited within the audio-visual marketing of alcoholic beverages.

The Advertising Requirements provide that the incidental portrayal of the consumption of alcohol in advertising for other products should not contradict the spirit of the regulations contained in the Broadcasting Act. Also, the depiction of sponsors and branding related to alcoholic products is prohibited under this legislation between the hours of 6am and 9pm. Whilst the Broadcasting Act provides that the advertising of such products cannot be aimed at persons under the age of eighteen, the Advertising Requirements go on to state that such adverts cannot use marketing ploys which are likely to be of particular appeal to such persons. It is also prohibited for children to be seen or heard in such advertising. Together with the above, alcohol related advertising cannot blatantly imply that drinking is essential to social success or acceptance or that refusal is a sign of weakness. It is also against the Advertising Requirements for such adverts to imply that the successful outcome of a social occasion is dependent on the consumption of alcohol. It is prohibited for this kind of

advertising to suggest that regular solitary drinking is acceptable or that drinking is a means of solving personal problems, is an essential part of a daily routine, or can bring about a change in mood. References to toughness and bravado as well as the promotion of alcohol as a symbol of masculinity or femininity is also banned in Malta. Excessive drinking may not be promoted in any manner whatsoever.

The promotion of drinking while driving or using heavy machinery and of alcohol as a source of nourishment is also restricted by the Advertising Requirements. These also prevent the depiction of the consumption of alcohol in the workplace. The use of humour in such advertising is permitted however this cannot be used to circumvent the provisions of the Broadcasting Act and the Advertising Requirements.

What are the main principles of alcohol advertising regulation in your jurisdiction?

The main principles of alcohol advertising regulation can be summed up as follows:

- Alcohol cannot be promoted as healthy or contributing towards one's lifestyle and social/sexual life;
- Public safety and the public interest must be safeguarded at all times whilst marketing alcohol;
- Minors may never be a target market as far as alcohol and the advertising thereof is concerned;
- Drinking in moderation must at all times be promoted and the excess consumption of alcohol may never be promoted.

How would you assess the pressure for tighter regulation in your jurisdiction?

There has been no direct call for the tightening of regulatory measures with regards to the marketing of alcohol over the past few years, however the legal age with regards to the consumption of alcohol in bars was raised from sixteen to seventeen years in 2009. Alcohol and the media is an area which is often considered from time to time by local pressure groups such as "Sedqa", a national executive and non-profit agency aimed at proposing local drug and alcohol related policy.

Please describe any recent interesting, significant, or archetypal examples of an alcohol advertisement that has been banned in your jurisdiction.

There has been no recent banning with regards to alcohol adverts in Malta, however a warning was issued by the Broadcasting Authority in 2006 with regards to adverts for alcohol which appeared in between the screening of football matches before 9PM on television stations broadcasted by local service providers.

MEXICO

What are the main legal controls on advertising and marketing of alcohol in your jurisdiction?

The main bodies of law and authorities that regulate alcoholic beverage advertising in Mexico are the Consumer Law, through the Consumer Agency; the Health Regulations in Advertising, regulated through the Secretary of Health and the Radio and Television Regulations regulated through the Ministry of the Interior.

What are the main regulatory controls on advertising and marketing of alcohol in your jurisdiction?

The Consumer Law establishes the rules that must be met by any notice or advertising that is diffused by any means or form, stating that it must be truthful, verifiable, and free of text, dialogues, sounds, images, marks, designations of origin and other descriptions that may lead to or be misleading or confusing by deceit or abuse.

For the purposes of the Consumer Law, deceptive or unfair information or advertising shall be understood as that which makes reference to characteristics or information related to any good, product or service that, either truthfully or not, misleads or causes confusion due to the imprecise, false, exaggerated, biased, contrived, or tendentious manner in which it is presented.

The Regulations of the Law on Health in Advertising contain a specific chapter that refers to alcoholic beverages and establishes the main advertising principles. Also, they establish some limitations regarding the hours at which this advertising may be transmitted through cinema or television, and regulates the principle of sponsorships in which it is stated that when an alcoholic beverage mark or logo is used for these purposes, it may not: relate the beverage with the participating athlete, artist, or event; promote the consumption of the product; disseminate testimonials related to the consumption of the products by the athletes, celebrities, or prestigious figures; incorporate to sports clothing symbols, emblems, logos, trademarks or any sign related with alcoholic beverages, except when these are classified as low-alcohol content (between 2º and 6º GL) that appear exclusively in the back of the shirts.

The Regulation of the Law on Radio and Television establishes, among other things that advertising of alcohol must be transmitted on television after 10pm and must avoid any exaggeration or the use of characters under 18 years old.

What are the main principles of alcohol advertising regulation in your jurisdiction?

Aside from the general advertising rules which require advertising to be truthful, verifiable and free of text, dialogues, sounds, images, marks, designations of origin and other descriptions that may be confusing or misleading, the Regulations of the Law on Health in Advertising establishes that alcoholic beverages advertising may not: be aimed at minors under 18 or associated with the activities of young people below the age of 25; promote its immoderate or excessive consumption; transmit ideas of success, prestige, fame, leisure, tranquility or joy; attribute nutritional, sedating or stimulating qualities to the product; associate its consumption with sporting, civic or religious activities; promote the product through contests or sweepstakes; include scenes where alcohol containers are drunken, touched or manipulated, among others.

How would you assess the pressure for tighter regulation in your jurisdiction?

The Regulations of the Law on Health in Advertising, which contains a particular chapter on advertising of alcoholic beverages, was published in the Official Gazette dated May 4, 2000.

In 2009 relevant reforms were made in advertising in which the advertising of tobacco was prohibited in Mexico, nevertheless, the regulation of alcoholic beverages was not reformed and until today there are no reform projects.

Please describe any recent interesting, significant, or archetypal examples of an alcohol advertisement that has been banned in your jurisdiction.

Alcoholic beverage advertising in Mexico requires the prior authorization granted by the Secretary of Health. In this sense, the majority of advertising transmitted through various means of communication has prior approval, which is why no relevant cases of censorship have been made public recently.



MOZAMBIQUE

What are the main legal controls on advertising and marketing of alcohol in your jurisdiction?

In the Republic of Mozambique, the advertising and marketing of alcoholic beverages is regulated by two pieces of legislation, namely:

- (i) By the Advertising Code, approved by Decree 65/2004, of 31 December;
- (ii) By Decree 54/2013, of 7 October, which approved the Regulations on the Monitoring of the Production, Sale and Consumption of Alcoholic Beverages.

Notwithstanding the fact that there has been an Advertising Code in existence since 31 December 2004 - which entered into force 60 days after that date, and which contains restrictions on the advertising of alcoholic beverages (and tobacco) - it is still of interest for the principles which guide / regulate the advertising of alcoholic beverages to set out, in more detail, a second piece of legislation (Decree 54/2013).

What are the main regulatory controls on advertising and marketing of alcohol in your jurisdiction?

Decree 54/2013, of 7 October, confers powers on the National Inspectorate of Economic Activities (an entity falling under the authority of the Ministry of Industry and Trade) to monitor what is set out in that legislation, and as such, it must be understood that the advertising and marketing of alcohol falls under the auspices of that entity.

What are the main principles of alcohol advertising regulation in your jurisdiction?

According to the Advertising Code (Decree 65/2004), the advertising of alcoholic beverages (and tobacco), irrespective of the means used for its distribution, is prohibited whenever:

- (a) It is addressed to minors, and presents the consumption of such products to them (Note – the text of the law, as published in the *Boletim da República*, expressly states, “If it is addressed to minors, and, in particular, does not present the consumption of such products to them”, but the use of the words “does not” must be a typing error.);
- (b) Encourages the consumption of alcoholic beverages;
- (c) Denigrates those who do not consume alcoholic beverages;
- (d) Suggests that success, social wellbeing or special aptitudes are derived from, or are a consequence of, the consumption of alcohol;
- (e) Suggests that it has therapeutic properties, or a stimulant or sedative effect;
- (f) Associates consumption with physical exercise or the driving of vehicles;
- (g) Highlights the alcohol content of beverages as a positive quality;

In turn, Decree 54/2013, of 7 October, prohibits the advertising of alcoholic beverages:

- (a) When it includes images of minors;
- (b) When it includes images which underscore the sensuality of women, or degrade their role or position in society;
- (c) In school establishments, or their surrounds;
- (d) In public institutions, or on any type of transport;
- (e) On large billboards, posters, murals and public transport stations (*Note – the legislation does not define the meaning of “large billboards”, nor does it state their size.*)

In addition, it must be stressed that the same legislation – Decree 54/2013, of 7 October – also contains provisions regarding the obligation to display, in legible and capital letters, on the labels of alcoholic beverages, and also at commercial establishments which sell alcoholic beverages, the sentence, “The sale and consumption of alcoholic beverages to/by minors younger than 18 years of age is prohibited”. Labels must also contain an indication, in Portuguese (the official language of Mozambique), of the ingredients or components of the content of the product, the degree of alcohol, and an indication of the effect of the early and abusive consumption of alcohol on the health of the consumer,

How would you assess the pressure for tighter regulation in your jurisdiction?

The fight against alcoholism, undertaken by the Ministry of Health of the Republic of Mozambique, has had direct consequences for the advertising of alcoholic beverages. A result of this same fight is the fact that Decree 54/2013, of 7 October, which addresses the Monitoring of the Production, Sale and Consumption of Alcoholic Beverages, contains various provisions on the advertising of alcoholic beverages which have gone much further than the Advertising Code itself.

Please describe any recent interesting, significant, or archetypal examples of an alcohol advertisement that has been banned in your jurisdiction.

In September 2011, a local beer company launched an advertising campaign for one of its dark (black) beers, with the statement “This dark (in Portuguese, “*preta*” - a word which can also be understood to mean “female black person”) has gone from good to better” – in particular, using outdoor advertising. The campaign was launched immediately after the winning of another international prize for the said beer, which made this particular dark beer the winner of the most medals in Africa, and resulted from the use of a new bottle. However, the slogan “This dark (or “black female”) has gone from good to better” was immediately and strongly attacked by various sectors of civil society, especially by feminist organisations. Although there was no “formal banning” on the part of government entities, because at that time, the legislation regulating the Monitoring, Production, Sale and Consumption of Alcoholic Beverages had not yet been published, the beer company gave way to the pressure and removed the outdoor advertisements.



NEW ZEALAND

What are the main legal controls on advertising and marketing of alcohol in your jurisdiction?

The Sale and Supply of Alcohol Act 2012 regulates the advertisement and marketing of alcohol in New Zealand. It includes the prohibition of irresponsible promotion of alcohol, making it an offence to (among other things) encourage people to consume alcohol to an excessive extent or to promote or advertise alcohol in a way which is likely to have a special appeal to minors.

The Fair Trading Act 1986 (the "FTA") regulates all representations made in trade and requires that they are fair, clear and not misleading. The FTA applies to alcohol marketing and advertising.

What are the main regulatory controls on advertising and marketing of alcohol in your jurisdiction?

The Advertising Standards Authority ("ASA") self regulates advertising in New Zealand. It provides various codes of practice, including the Code of Advertising and Promotion of Alcohol ("Code") which sets out a number of specific rules that advertisers of alcohol must comply with. In addition the Association of New Zealand Advertisers has formed a further self-regulatory body which operates the Liquor Advertising Pre-Vetting System ("LAPS"). LAPS is voluntary, however the majority of advertising and marketing agencies working with the liquor industry utilise LAPS to have their advertising pre-vetted.

What are the main principles of alcohol advertising regulation in your jurisdiction?

The main principle behind New Zealand's regulation of alcohol advertising is to ensure that such advertising is conducted in a manner which neither conflicts with nor detracts from the need for responsibility and moderation in merchandising and consumption, and which does not encourage consumption by minors and to ensure that alcohol is not promoted in an irresponsible way.

The Code sets out the following four main principles in its guidelines:

- Alcohol advertising and promotion must observe a high standard of social responsibility.
- Alcohol advertising and promotions must be consistent with the need for responsibility and moderation in alcohol consumption.
- Alcohol advertising and promotions must be directed at adult audiences and not at minors nor have strong or evident appeal to minors in particular.
- Sponsorship advertisements shall clearly and primarily promote the sponsored activity, team or individual. The sponsor, the sponsorship and items incidental to them, may be featured only as a subordinate manner.

How would you assess the pressure for tighter regulation in your jurisdiction?

Previous pressure on the New Zealand government for tighter regulations resulted in the passing of the Sale and Supply of Alcohol Act 2012. Pressure remains on the New Zealand government to consider further restrictions. The Ministerial Forum on Alcohol Advertising

and Sponsorship has recently made various recommendations to the government which included banning alcohol sponsorship of sports. At this stage, the government has damped the likelihood of any further reform happening immediately.

Please describe any recent interesting, significant, or archetypal examples of an alcohol advertisement that has been banned in your jurisdiction.

A particular area where alcohol advertisements have been receiving increased attention from the ASA is through social media. One example of where a social media complaint was upheld is where the 'Ritzling' Wine Facebook page contained an advertisement promoting the product along with the words "Bottled Happiness". In this decision the Complaints Board said that the advertisement implied that liquor will create a desirable change in mood, and therefore ruled that the Facebook Page did not observe the high standard of social responsibility required under its Codes.



NICARAGUA

What are the main legal controls on advertising and marketing of alcohol in your jurisdiction?

There is no specific law that serves to regulate the advertising of alcohol in Nicaragua. However, there are various laws that touch on the subject.

The Law of Consumer Protection restricts promotional campaigns of products whose continuous or prolonged use imply risks to human health, such as alcohol. Such campaigns must include a warning about the dangers of the use of the product, in accordance with the size of the package, stating that “the use of alcoholic beverages is harmful to your health”. The use of minors, patriotic or religious symbols, or any other element, implying a message of inducing young people or children to consume such products, is prohibited in this type of advertising.

Furthermore, the **Childhood and Adolescence Code** establishes that “it is prohibited for advertisement agencies and media owners and their workers, to disclose advertising messages of a commercial, political or any other nature, inducing boys and girls and adolescents, through any media of social communication, to use drugs, tobacco products or **alcoholic beverages...**”

What are the main regulatory controls on advertising and marketing of alcohol in your jurisdiction?

There is a self-regulation code which specifically regulates advertising in the alcohol industry, in which there is an emphasis in regulating the advertising of alcoholic beverages so that it does not encourage drinking in minors or associate any type of behavior with the consumption of alcoholic beverages. The *Unique Code of Self-Regulation of Advertising and Commercial Communication of Alcoholic Beverages and Products of Alcoholic Content* comprises the entire alcohol industry, whose main actors are the producers, advertisers, distributors, and importers that legally operate within the country’s borders and to whom these conditions apply. This Code is binding on all the signatories and establishes advertising parameters that promote responsible consumption through the Nicaraguan Institute for the Promotion of Responsible Consumption (INPROCRES). The initiative to implement a self-regulation system that not only works in a parallel manner with the law, but that also deepens ethical principles regarding this matter, began as a response to the global strategy to reduce harmful alcohol consumption, approved by the 63rd World Health Assembly in 2010.

This code mentions three main principles that it seeks to protect:

1. Respect towards those who have decided not to consume alcohol.
2. That those who are of legal drinking age and, freely deciding to do so, drink with moderation.
3. That the sensitive population (minors, people with some medical condition that advises them not to drink, pregnant women, drivers, or other individuals engaging in similar tasks) do not consume at all.

The General Law on Media and Social Communication establishes that advertising has a responsibility towards consumers and the Nicaraguan society; its production, scope, content, duration, origin, and distribution on radio, motions picture and television programming, as well as other media, shall be regulated.

Said Law provides that mass media have the duty to contribute to the strengthening of national and personal values. Under it, the **Department of Interior** is responsible for classifying entertainments and public events with ages for which they are not suitable and locations and times on which their presentation is not suitable. It is also in charge of prohibiting advertisement agencies and media to distribute ads which they deem to be inappropriate.

What are the main principles of alcohol advertising regulation in your jurisdiction?

In addition to the general rules that provide that advertising cannot be false or misleading, inaccurate or obscure nor exaggerated in a manner that would lead to error or confusion among consumers, the use of minors, patriotic or religious symbols, or any other element, implying a message of inducing young people or children to consume such products, is prohibited in this type of advertising.

Advertisers should also observe the following principles:

1. Respect women's dignity, not using them as commercial or sexual objects.
2. Maintain a respectful and responsible social attitude towards people with disabilities.
3. Avoid exposition or display of criminal actions, specially, those involving minors or crimes relating to people's honor.
4. Promote respect towards the dignity of people and their private lives. Respect freedom of conscience and beliefs.
5. Not to spread racist or discriminatory sentiments of any kind.

How would you assess the pressure for tighter regulation in your jurisdiction?

At present there is no pressure at all for tighter regulation.

Please describe any recent interesting, significant, or archetypal examples of an alcohol advertisement that has been banned in your jurisdiction.

There are no recent cases to report.



NORWAY

What are the main legal controls on advertising and marketing of alcohol in your jurisdiction?

The Act on the Sale of Alcoholic Beverages (Alcohol Act) covers all marketing of alcohol in Norway.

The main rule is that advertising of alcoholic beverages is prohibited.

Section 9-2, Advertising of alcoholic beverages states:

“Section 9-2 Advertising of alcoholic beverages

The advertising of alcoholic beverages shall be prohibited. The prohibition also applies to the advertising of other products carrying the same brand or distinctive mark as beverages containing more than 2.50 per cent alcohol by volume. Moreover, such products must not be included in advertisements for other goods or services.

The ministry may lay down regulations to delimit, supplement, implement and make exceptions from the provisions of the first paragraph. The ministry may make further exceptions from the prohibitions when there are special reasons for so doing.”

What are the main regulatory controls on advertising and marketing of alcohol in your jurisdiction?

The Directorate for Health and Social Affairs shall supervise compliance with the provisions on prohibition of advertising laid down in or pursuant to this Act.

The Directorate has a very strict practise on this field.

Should the Directorate find that the prohibition of advertising has been violated, it may order the circumstance to be rectified. A coercive fine may be fixed at the same time as the rectification order is made.

What are the main principles of alcohol advertising regulation in your jurisdiction?

Same as already mentioned.

How would you assess the pressure for tighter regulation in your jurisdiction?

The regulation seems to be as tight as possible.

Please describe any recent interesting, significant, or archetypal examples of an alcohol advertisement that has been banned in your jurisdiction.

No good examples recently.



PANAMA

What are the main legal controls on advertising and marketing of alcohol in your jurisdiction?

The main legal control of alcohol in Panama is Law No. 299 of May 22, 1992. This Law classifies any alcoholic beverage over 0.5% alcohol/volume into two categories: National Beers (any alcoholic beverage under 6% alcohol/volume) and any other beverage over 6% alcohol/ volume.

Executive Decree No. 189 of 1999 establishes that advertising in local radio and TV must comply with Panamanian laws regarding, alcohol, health products and drug addiction. This Law also prohibits local TV and radio from broadcasting advertisements:

- regarding health activities or services without preapproval;
- with subliminal stimuli; or
- narrated by an unauthorized broadcasters.

According to the Panamanian Sanitary Code the Health Ministry should approve any form of publicity or advertisement which refers to human health. Alcohol advertisements must display messages such as: ‘do not drink when driving’, ‘alcohol can produce brain, fetus and liver damage’, and such like.

Resolution No. 127 of May 18, 2001: Approved the rules for the Advertisement Commission regarding any material for products that could affect physic or mental health of the population, including alcohol. If an advertisement is not pre-approved or does not comply with regulations, the Commission can impose fines.

Panamanian law requires that alcohol advertisement shall not, inter alia use models under 21 years old; be directed to minors; use obscene elements; encourage illegal activities; or display models ingesting alcoholic drinks.

The State-owned radio and television stations cannot air advertisements for alcoholic beverages.

What are the main regulatory controls on advertising and marketing of alcohol in your jurisdiction?

Any TV or radio advertisement material should be presented, prior to the recording date, for approval. The advertising material, once approved and recorded, should be sent back to the Advertisement Commission in order to be analysed regarding warning message’s time and visibility.

All products should have a Sanitary Certificate or Registration in order for the advertisement to be considered or approved by the Advertisement Commission.

The texts and images should be filed clear and legible in Spanish.

The approval by the Advertisement Commission is valid for six (6) months. Any modification

made to the advertisement material within these six months will start the approval process from the beginning. Any company that distributes printed material, such as brochures, newspaper or magazines, should request the approval letter before accepting the material for publication.

Advertising regarding alcohol cannot be displayed near schools, hospitals or in public transport.

What are the main principles of alcohol advertising regulation in your jurisdiction?

The Law establishes the following controls:

TV ads should not:

1. Stimulate consumption abuse.
2. Be aimed at underage people.
3. Have actors under the age of 21.
4. Be broadcast in channels with a child or teenage viewer majority or channels with pedagogic purposes.
5. Use obscene models.
6. Present actors drinking or handling the beverage. The only thing permitted is to use a hand serving the drink.
7. Encourage, praise, stimulate or insinuate (explicit or implicit) illegal activities or violations to the regulations about personal security and accident prevention.
8. Directly associate consumption with driving.
9. Be broadcasted before 6pm, except in the case of sport activities and satellite broadcast.

Ads on radio / TV and physical or digital newspapers for National Beer and beverages over 6% alcohol volume should include one of the following phrase at the end:

1. Don't drink and drive.
2. Driving under the influences increases the risk of accident.
3. Alcoholic beverages can cause cerebral, hepatic, stomach and fatal damage.
4. Alcohol consumption can lead to violence and family disintegration
5. Any other message approved by the Health Ministry.

How would you assess the pressure for tighter regulation in your jurisdiction?

The pressure for tighter regulations is already starting to grow. This year the government increased the tax for the beers and wines for about 4%, increased the drink driving fine from US\$150 to US\$300, and the advertising regulations could be the next step.

Panama is considered the country with most alcohol consumption per capita in all Central America and changing that image could be of interest to any association or political group.

Please describe any recent interesting, significant, or archetypal examples of an alcohol advertisement that has been banned in your jurisdiction.

A national brewery had to remove an advertisement from local TV and Internet sites in February 2015 (before Carnival). This advertisement generated controversy because it was filmed in the beach and they used a female coastguard to serve beers for swimmers.

The Health Ministry initially did not ban this advertisement but the brewery had to remove it because of national discontent.

The National Coastguard Association stated that their mission is about prevention of accidents and this advertisement damages their image; later on, the SINAPROC (National Civil Protection System) supported the claim.

The Brewery Company had to remove the advertisement and make a public statement in which they showed remorse for the misinterpretation of their message and said that principal intention of the advertisement was to promote the safe enjoyment of the Carnival.



PARAGUAY

What are the main legal controls on advertising and marketing of alcohol in your jurisdiction?

In Paraguay, the following laws regulate the advertising and marketing of alcohol:

1. Law number 1.333/98 “For the Advertising and Promotion of Tobacco and Alcohol Beverages”.
2. Law number 1.642/00 “That Forbid the Sale of Alcohol Beverages to Minor ages and Forbid the Consumptions in Public Areas”.
3. Law 1.334/98 “Consumer and User Protection”.

What are the main regulatory controls on advertising and marketing of alcohol in your jurisdiction?

Law 1.333/98 assigns control functions to the Department of Advertising Control and Promotion of the Ministry of Public Health and Public Welfare, which may act on its own initiative or on complaint of an interested subject, in case of transgression of the law. The Department is entitled to issue injunctions to cease the advertising or promotion and apply fines (from 10 to 50 daily wage for activities in Paraguay (approximately 140US\$ to 700US\$).

Law 4.974/13 created the Secretary of the Consumer and User Protection (SEDECO) which is the applicable authority for the Consumer Protection Law. In Paraguay we don't have self-regulation entities for advertising.

What are the main principles of alcohol advertising regulation in your jurisdiction?

- Restriction broadcasting hours for local programs in television and cable television: from 06:00 am to 20:00 (local time); there is no restriction for foreign programs.
- For AM-FM radios, restriction broadcasting hours: from 06:00 am to 13:00 (local time), with exception for politic, economic, social and noon news transmission for adult public programs.
- Advertising on mass media must insert the follow warning clause: “EXCESS CONSUMPTION DAMAGES THE HEALTH, IT IS PROHIBITED TO SELL TO MINORS”. This is a warning from the Minister of Public Health and Social Welfare.
- Children and teenagers shall not appear, in any manner, in the advertisements.
- There shall not appear any scene of a family environment, or activities regarding sport, athletics, or that require a good athletic shape, with the exception of activities with cars, motorbike and boats.
- There shall appear no scene that directly or indirectly shows a sexual act, or stimulates or facilitates such an act.
- There shall appear no scene, illustration, audio or video that presents or suggests excess ingestion of the product;

- There shall appear no scene which may persuade the public that the products are good for health, or promote family or personal welfare or the social, political or cultural advancement of the consumer.
- Advertisements in outdoors or indoor places of intense circulation shall be restricted to exhibition of the product, brand and/or slogan, without consumption appeal, provided that the warning is included, and cannot be installed less than 150 meters from an educational institution, health establishment, or public administration offices.
- Prohibition on athletes in sport competitions to use tobacco and alcohol beverages advertising on cloths, attire, bags and others, with the exception of motors sports.
- The products before distribution , must be registered by the Minister of Public Health and Social Welfare.

How would you assess the pressure for tighter regulation in your jurisdiction?

We don't see any pressure to tighter regulation in Paraguay in the near future. Regarding Tobacco, there is some pressure to increase the tax for the consumption of those products.

Please describe any recent interesting, significant, or archetypal examples of an alcohol advertisement that has been banned in your jurisdiction.

We don't have any examples in Paraguay regarding alcohol advertisements that have been banned.

PERU

What are the main legal controls on advertising and marketing of alcohol in your jurisdiction?

The main legal framework on advertising and marketing of alcohol is the Law N° 28681 and Supreme Decree N° 012-2009-SA which regulate the sale, consumption, advertising and marketing of alcoholic beverages.

At a self-regulatory level, the advertising and marketing of alcoholic beverages is regulated by Directive II-2006/CONAR which is part of the Code of Advertising Ethics.

What are the main regulatory controls on advertising and marketing of alcohol in your jurisdiction?

The National Institute for the Defense of Competition and Protection of Intellectual Property (INDECOPI) is the Peruvian administrative agency responsible of the fulfillment of the regulation on advertising and marketing of alcoholic beverages.

Self-regulation of advertising is promoted by the Advertising Self-Regulation Council (CONAR), a non-governmental organization made up of representatives of three associations: the National Association of Advertisers (ANDA), the Peruvian Association of Advertising Agencies (APAP), and the National Society of Radio and Television (SNRTV).

What are the main principles of alcohol advertising regulation in your jurisdiction?

Alcoholic advertising regulation seeks to avoid the excessive consumption of alcoholic beverages and to avoid that the advertising of such beverages is targeted to minors.

The principal rules are the following:

Advertising

Advertising of alcoholic beverages must include the claim “DRINKING ALCOHOLIC BEVERAGES IN EXCESS IS HARMFUL” in a visible place, depending on the medium used:

- In case of printed advertising, the claim must occupy no less than 10% of the total area of the ad.
- In case of television and other audiovisual advertising, the claim must be transmitted for no less than 3 seconds during the same ad.
- In the case of radio advertising, the claim must be mentioned clearly at the end of the ad.

Advertising of alcoholic beverages cannot use arguments that encourage the consumption of such beverages to minors.

Labeling

The claim “DRINKING ALCOHOLIC BEVERAGES IN EXCESS IS HARMFUL” must be included in the label, packaging or similar of alcoholic beverages. The claim must occupy no less than 10% of the total area of the label, package or similar.

How would you assess the pressure for tighter regulation in your jurisdiction?

Advertising and labeling of alcoholic beverages have already strict regulation. There is some pressure to impose tighter regulation on the sale and consumption of alcoholic beverages.

Please describe any recent interesting, significant, or archetypal examples of an alcohol advertisement that has been banned in your jurisdiction.

There have not been significant cases regarding alcohol advertisements. Most of the alcohol advertisements have been banned because the claim “DRINKING ALCOHOLIC BEVERAGES IN EXCESS IS HARMFUL” was not displayed correctly.

POLAND

What are the main legal controls on advertising and marketing of alcohol in your jurisdiction?

The main regulation on advertising / marketing of alcohol is set forth in the Act on Upbringing in Sobriety and Counteracting Alcoholism dated October 26, 1982 (the “Act”). Except the actual advertising, the Act specifically addresses the broad scope of other marketing activities, including sponsorship and information on sponsorship offered by producers of alcoholic beverages. Derivative regulation is set forth in the Radio and TV law.

What are the main regulatory controls on advertising and marketing of alcohol in your jurisdiction?

The State Agency for the Prevention of Alcohol and Related Problems (PARPA) operates in accordance with the Act. One of its tasks is intervening in the cases of infringement of the provisions of the Act (and standing before the courts as a public prosecutor in such cases). The Code of Ethics in Advertising, drawn up by representatives of advertisers, advertising agencies and media, is enforced by the independent Advertising Ethics Commission by a system of certificates. The Code of Ethics in Advertising sets forth requirements concerning the content and form of the beer advertising. It applies to all means of advertisement.

What are the main principles of alcohol advertising regulation in your jurisdiction?

The Act states that advertising of alcoholic beverages (save for beer) is prohibited, except for the “allowed channels of communication”, i.e.: (a) premises of wholesalers, (b) separated stands or outlets exclusively conducting the sale of alcoholic beverages, and (c) the institution where the alcoholic beverages sold are intended for immediate consumption by the consumer (e.g. bars, restaurants). Such advertisements placed in the above premises should not, as a principle, be visible from outside such premises.

The beer ads must not: be aimed at minors; depict minors; link alcohol consumption with physical fitness or driving; contain statements about medicinal, stimulating or calming properties of alcohol, or present alcohol as a mean of resolving personal conflicts; encourage excessive use of alcohol; present abstinence or moderate alcohol consumption in a negative way; highlight high alcohol content of beverages as a factor positively influencing their quality and evoke associations with sexual attractiveness, relaxation and resting, education and work, personal or professional success.

The advertising and promoting of beer cannot be conducted (a) on television, in the radio, cinema and theatre between 6 a.m. and 8 p.m. (with the exception of ads presented by the organizer of a specific sport events - during such events); (b) on videotapes and other media; (c) in press targeted to children and teenagers; (d) on the covers of daily newspapers and magazines; (e) on advertising pillars and billboards, as well as on other immobile or mobile spaces which can be used for advertising purposes (unless 20% of the advertisement's surface is covered with visible and legible, written information about the detrimental effects of alcohol consumption or the ban on selling alcoholic beverages to minors); (f) with participation of minors.

How would you assess the pressure for tighter regulation in your jurisdiction?

The rules for advertising of alcohol set forth in the Act were tightened in 2007. The State Agency for the Prevention of Alcohol and Related Problems along with a number of Members of Parliament still call for more restrictive approach towards alcohol advertising due to various instances of circumventing law by the advertisers. However, the Agency is not supported by necessary funding, so it does not perform all of its statutory duties in the full scope.

Please describe any recent interesting, significant, or archetypal examples of an alcohol advertisement that has been banned in your jurisdiction.

Recently the problem of advertising of cider was widely discussed in Poland. As described above, the exception from the general prohibition of alcohol advertising only covers beer, and not the other low-alcohol beverages such as cider. Since cider is becoming more and more popular in Poland, its manufacturers and distributors started lobbying to amend the Act to match their legal situation with the rights of manufacturers and distributors of beer. Such amendment was submitted to the Parliament, but is not yet passed as of the date of this report.

In the meantime, the authorities intervened in connection with several attempts to circumvent the current prohibition and to advertise cider.

PORTUGUAL

What are the main legal controls on advertising and marketing of alcohol in your jurisdiction?

There are specific regulations regarding advertising of alcohol, including rules established in the Code of Self-Regulation of Commercial Communications in relation to Alcoholic Drinks - Wine and Spirit Drinks (in force as of 22nd July, 2014, which partially revoked the Code of Conduct of the Civil Institute of Self-Regulation of Commercial Communications – “ICAP”) and in the Code of Self-Regulation of the Portuguese Association of Beer Producers for Commercial Communications.

In addition, the general rules of the Advertising Code (Decree-Law 330/90, October 23rd, last amended by Law 8/2011, April 11th) and of the Code of Conduct of the ICAP (revised and is in force as of 22nd July, 2014) must also be taken into consideration.

What are the main regulatory controls on advertising and marketing of alcohol in your jurisdiction?

Compliance with the above provisions is enforced by the Consumer’s General Direction (DGC), responsible for claims concerning advertising and also by ASAE, both under the Advertising Code which applies to all advertisements, irrespective of format, including television, radio, press and also online ads.

With respect to self regulation, ICAP decides on any advertising claims, through a Jury of Advertising Ethics, brought by associates or any interested individual or entity.

What are the main principles of alcohol advertising regulation in your jurisdiction?

According to Article 17 of the Advertising Code advertising of alcohol is allowed if:

- a) It is not addressed specifically to minors (i.e. under 18 years of age), and it does not encourage them to consume alcoholic drinks;
- b) It does not encourage excessive consumption;
- c) It does not disparage non-consumers;
- d) It does not suggest success, social success or special skills are caused by drinking alcohol;
- e) It does not suggest that alcohol has therapeutic, stimulant or sedative effects;
- f) It does not link alcohol with exercise or driving;
- g) It does not stress the content of alcohol as a positive characteristic.

It is also stated that advertisements for alcohol on television, radio and other media are prohibited between 7 a.m. and 10:30 p.m. and it is also prohibited to associate alcohol with national symbols (e.g. the national flag and anthem).

In the case of specific events that include the participation of under aged, such as sports, cultural or other events, trademarks of alcoholic drinks should not be displayed.

On the other hand, the Code of Self-Regulation of Commercial Communications relative to Alcoholic Drinks - Wine and Spirit Drinks establishes that the advertising of alcoholic drinks shall proscribe:

- a) Any suggestions of association with illegal, violent, aggressive, dangerous or anti-social behaviors;

- b) Any appeal to irresponsible consumption of alcoholic drinks, even when they have a lower alcoholic content;
- c) Any situations in which the dominant impression is the irresponsible consumption of alcoholic drinks;
- d) The presentation of people appearing to be excessively drinking;
- e) Any critical statement or suggestion regarding abstinence and/or the moderate consumption of alcoholic drinks;
- f) Contempt for or ridicule of soft drinks consumption;
- g) Any situations that neglect the general public's sensibilities. Advertising should have special cautions to vulnerable groups, such as disabled people, pregnant woman and under aged.

This Code of Self-Regulation also requires that the advertising of alcoholic drinks must comply with special rules concerning e.g. consumers health, security, vulnerable groups, high risk situations, sales promotion, social and sexual aspects and the Media's Clause, as follows:

- i. **Health** – concerning health care, advertising should not associate the irresponsible consumption of alcohol with health, namely recommending or suggesting its consumption by health professionals or others wearing their professional clothes.
- ii. **Security** – advertising should not present situations in which security would be compromised as a consequence of alcoholic drinks consumption.
- iii. **Vulnerable groups** – advertising should have a special attention to vulnerable groups, such as pregnant woman or under aged, namely: (i) the commercial communication should not use, apparently or not, persons under the age of 21 years old drinking or encouraging alcoholic drinks consumption; (ii) commercial communications should not present public figures which have reputation/renown among under aged, in order to promote the consumption of alcoholic drinks; (iii) advertising should not be conveyed with editorial contents specifically aimed at children or other under aged as well as in cinemas, theatres, radio and television immediately prior to, during or after programs targeted at under aged.
- iv. **High risks situations** – advertising should not comply risk situations, for example, should not link driving and alcohol and should not convey the consumption of alcoholic drinks at the workplace.
- v. **Sales promotion** – advertising should not promote alcoholic drinks adding to them a benefit or the expectation of a benefit, either in cash or in kind, if it embodies an incentive to irresponsible consumption.
- vi. **Social and sexual aspects** – advertising of alcoholic drinks should not give the impression that its consumption promotes social, sexual, emotional and sporting success or constitutes a signal of maturity.
- vii. **Media's Clause** – Media should motivate consumers to adopt a responsible attitude, by including in all advertisings the following statement: “BE RESPONSIBLE, DRINK MODERATELY”.

Finally, the Code of Self-Regulation of the Portuguese Association of Beer Producers for Commercial Communications establishes identical rules applicable for the brewing industry. It is worth nothing that ICAP formally started to monitor new beer ads on television at the end of 2007 after having signed a protocol with the Portuguese Beer Producers' Association on 29th May, 2007.

How would you assess the pressure for tighter regulation in your jurisdiction?

The last amendment of the Advertising Code was enacted in April 2011 and the last version of the Code of Conduct of the Civil Institute of Self-Regulation of Commercial Communications is in force as of July 2014.

With regards to the Code of Self-Regulation of Commercial Communications relative to Alcoholic Drinks - Wine and Spirit Drinks, it was approved on 23rd May, 2014 and is in force as of 22nd July, 2014.

Recently, the Portuguese Council of Ministers has approved an amendment on arrangements for provision, sale and consumption of alcoholic drinks in public places, as resulted from the assessment provided in the legislation in force as of 2013. According to the Council's press release of 23rd April, 2015, the provision or sale of alcoholic drinks to under aged (less than 18 years old), as well as its disposal for commercial purposes in public places is now prohibited under Portuguese legislation.

Finally, the Portuguese Government has reviewed the advertising legal regime by proposing the creation of a "New Advertising Code". Commercial communications and advertising of any events in which under aged participate one shall not display or make any reference to alcoholic brands. This new legal framework is expected to be approved during the month of July, 2015.

Please describe any recent interesting, significant, or archetypal examples of an alcohol advertisement that has been banned in your jurisdiction.

In 2010 ICAP had to decide about television advertising for beer. The video showed young people enjoying a concert of a well known Portuguese musician at a party environment in which one of those youngsters says "Bring more" and suddenly three young girls appear with beer bottle packs in their hands.

ICAP decided that the advertisement did not comply with the rules related to alcoholic drinks advertising because it promoted irresponsible consumption of alcoholic drinks.

It was decided that the expression "Bring more" is interpreted by the public as "Bring more [Beer]", which is not consistent with a moderate, responsible and conscious consumption of beer.

Following ICAP's decision, the video was removed from television.

■ PUERTO RICO ■

What are the main legal controls on advertising and marketing of alcohol in your jurisdiction?

In Puerto Rico, there is no specific law that governs the advertising and marketing of alcohol. Nevertheless, while seeking protection of minors at the workplace, the Puerto Rico legislature enacted Act No. 204-1998 which prohibits the employment, contracting or hiring of minors under eighteen years of age to work, participate in, or devote themselves to publicity, promotional, marketing and advertising and any other activity addressed to promote the sale and consumption of alcoholic beverages.

On the other hand, federal law is broad and specifically controls advertising and marketing of alcohol in the United States and Puerto Rico. At federal level, the Federal Alcohol Administration (FAA) Act Section 205(f) is the statutory law concerning alcohol beverage advertising. As further discussed below, the FAA Act's provisions provide regulation for those engaged in the marketing and advertising of alcohol.

What are the main regulatory controls on advertising and marketing of alcohol in your jurisdiction?

In Puerto Rico, advertising and marketing is mainly regulated by statute under Title 10 (Chapter 17) of the Laws of Puerto Rico Annotated and by the Regulation Against Deceptive Practices and Advertisements (RADPA) of the Department of Consumer Affairs (DACO, for its Spanish acronyms). Nevertheless, the advertising of alcoholic products is not specifically regulated by any statute or regulation.

At federal level, the Alcohol and Trade Bureau (TTB) is primarily responsible for regulating the advertising, marketing and labeling practices of alcohol products. Pursuant to the FAA, the TTB regulates the labeling and certain aspects of the advertising of alcoholic beverages, including comparative advertising, alcohol content, label certification, and promotion methods.

The Federal Trade Commission (FTC) also plays an important role in the regulation of alcohol advertising. In past years, the FTC has initiated investigations in order to obtain data related to alcohol advertising, especially to ensure that alcohol advertising is not being targeted to underage audiences.

Furthermore, various sections of the Code of Federal Regulations (CFR) regulate the advertising of alcohol. Such regulations are divided into each of the three classes of alcoholic beverages: wine (27 CFR Part 4), distilled spirits (27 CFR Part 5), and malt beverages (27 CFR Part 7). Generally, these regulations prohibit:

- Statements that are false or untrue
- Statements that are inconsistent with approved product labels
- False or misleading statements that are disparaging or a competitor's product
- Health-related statements that are false or misleading

In addition, the three major alcohol industry trade groups within the United States –the Wine Institute, the Beer Institute and the Distilled Spirits Council- have adopted their own self-regulatory advertising code of conduct. Such codes require industry members to promote responsible and non-excessive drinking for legal-age adults.

What are the main principles of alcohol advertising regulation in your jurisdiction?

As a general rule, the main principle governing alcohol advertising regulation in Puerto Rico is the protection and welfare of minors and preventing the advertising of alcoholic beverages in a way that encourages its consumption by the underage population. This is exemplified by different initiatives taken by the Legislature such as the enactment of Act No. 204-1998 (see above) and the proposed Senate Bill 869 which seeks to limit the marketing of alcoholic products near schools while keeping in mind the safety and general welfare of minors, as further discussed below.

How would you assess the pressure for tighter regulation in your jurisdiction?

Currently, legislative pressure is rapidly escalating towards the enactment of tighter regulation regarding alcohol marketing and advertising near schools. On January 10, 2014, Senator Rossana López León filed Senate Bill 869 which seeks to amend Act No. 62-1993, as amended, known as the “Act to Regulate Advertising and Promotion of Every Product Made with Tobacco”, in order to regulate the advertising of alcoholic beverages and any product derived from alcohol.

As expressed in its statement of motives, the intent of Senate Bill 869 is, in essence, to actively regulate commercial speech near schools when regarding alcoholic beverages. The bill seeks to ban the placement of advertisements, signs, banners, or commercials of alcoholic beverages within five hundred feet of a school. Moreover, it provides that no person may distribute free samples of alcoholic beverages or any product made with alcohol to persons less than eighteen years of age in places where, given the nature of the activity, the presence of minors is allowed and said activity is closer than five hundred feet of a school.

Please describe any recent interesting, significant, or archetypal examples of an alcohol advertisement that has been banned in your jurisdiction.

There have been no relevant alcohol-related advertisements being banned in Puerto Rico. However, as explained above, the legislative body has been keener to regulate alcohol marketing and advertising to minors.

RUSSIA

What are the main legal controls on advertising and marketing of alcohol in your jurisdiction?

The main legal act regulating the advertising of alcohol in Russia is the Federal Law “On Advertisement” No. 38-FZ as of March 13, 2006 (the “**Law**”). The Law provides for a set of restrictions and limitations with regard to alcohol and beer.

What are the main regulatory controls on advertising and marketing of alcohol in your jurisdiction?

The Law encourages activity of self-regulating bodies in this field, however there are no such self-regulatory bodies in Russia at present. Therefore there are only legal controls on advertising alcohol in Russia.

The Federal Anti-Monopoly Service of the Russian Federation (“FAS Russia”) is the only body empowered to supervise compliance with the Russian legislation on advertising in Russia. It is a state body, which is authorized to impose liability for violation of Russian legislation on advertising.

What are the main principles of alcohol advertising regulation in your jurisdiction?

As a general rule it is prohibited to deliver advertising materials that are intended for promotion of alcohol drinks. The general prohibition also covers any materials which are available for unlimited number of persons that displays consumption of alcoholic drinks and beer. At the same time the Law provides for different regulation of advertising of alcoholic drinks and advertising of beer and beer based beverages.

Where applicable, alcohol advertising should not, inter alia, assert that alcohol products are harmless for human health, state that a consumption of alcohol products serves for quenching one's thirst.

There is also a restriction aimed to minors protection - alcoholic advertising should not be addressed to under 18-s or use the images of under 18-s.

Moreover, the advertising regulations prohibit use of images of humans or animals (including animated figures) in the advertising of alcoholic beverages.

The Law directly stipulates that it is prohibited to place promotional materials of alcoholic products in printed periodicals on TV and radio, on any public transport, on the Internet etc.

The restrictions in respect of beer and derived beverages advertising are quite similar. However, there are some additional regulations with respect to beer and derived beverages that became effective as of July 2014. Thus, advertising of beer and beer-based beverages may be placed in periodic print media except for the first and last pages of newspapers. It also may be promoted through TV channels during live or pre-recorded broadcast of sport contests, as well as on sport TV channels.

Furthermore, it is allowed to promote beer and beer-based beverages during official sport events in the form of wording mark of trademark or name of the producer by way of using

advertising constructions inside or within 100 meters of sports facilities and related places. Such advertising materials may contain only means of individualization of beer and beer-based beverages producers (e.g. word elements of trademarks and company names, trade name) and trademarks, names related to beer and beer-based products.

It should be noted that the Law also provided for an exemption as of February, 2015 in respect to advertising wine and sparkling wine that is produced in Russia and from the Russian grape varieties. These materials may be placed in periodic print media and on TV and radio from 11 p.m. to 7 a.m.

How would you assess the pressure for tighter regulation in your jurisdiction?

There is a trend of tightening regulations related to alcoholic beverages and beer advertising. The introduction of an almost total prohibition on advertising alcohol was justified by the duty of the state to protect the health of the population.

The amendments related to the possibility of advertising of beer and beer-based beverages entered into force in July 2014, and were triggered by the FIFA events to be held in Russia in 2017 and 2018; they therefore remain effective until January 2019. Thus, the named exceptions mostly provide benefits in the context of sport events. Amendments related to the advertising of wine and sparkling wine produced in Russia and from Russian varieties of grape are aimed at supporting native producers and thus may not be of use to foreign producers.

Please describe any recent interesting, significant, or archetypal examples of an alcohol advertisement that has been banned in your jurisdiction.

In 2010 an advertisement for the sparkling wine Gancia was distributed through *HELLO!* magazine in Russia, and depicted a number of young cheerful people sledging on bubbles of sparkling wine. The slogan was: “Make your life sparkling!”

FAS Russia found that the ad was implying that consuming alcohol would improve the emotional state of consumers.

In 2013 FAS Russia fined the magazine *Afisha*, finding that its regular sections "Review of wines" and "Alcohol of the month" constituted hidden advertising of alcohol.

Another interesting case was in April 2015, where the advertising of vodka *Belochka Morfeus* and *Jagermeister Spice* on the social net *Vkontakte* was found to be violating the Law. A post on *Vkontakte* was found to link the website to the producer of the beverages. However, by following the IP address of the author of the post *Vkontakte* managed to prove that it was the producer of the beverages that was responsible and the producer was therefore fined.



SINGAPORE

What are the main legal controls on advertising and marketing of alcohol in your jurisdiction?

The advertising sector in Singapore is primarily self-regulating. The Advertising Standards Authority of Singapore ('ASAS') oversees and regulates advertising activities in Singapore. The ASAS relies on a system of guidance and voluntary compliance, which it believes is extremely beneficial and flexible in terms of resolving disputes/ concerns.

Further to this, The Singapore Code of Advertising Practice ("the Code"), which is administered by the ASAS, sets out the basic framework for the regulation of advertising services / commercial advertising in Singapore, and is in compliance with the plethora of laws, rules, regulations and the International Code of Advertising Practice, published by the International Chamber of Commerce.

What are the main regulatory controls on advertising and marketing of alcohol in your jurisdiction?

The 'Code' stipulates that it shall apply to advertisements for any goods, services and facilities including alcoholic products, which appear in any form, or any media [including in information network services, electronic bulletin boards, on-line databases, internet services and digital communications in every format, design and context].

The main principle is that all advertisements must be legal, decent, honest and truthful and prepared with a sense of responsibility to the consumer.

What are the main principles of alcohol advertising regulation in your jurisdiction?

While there is no blanket ban on online alcohol advertising, the advertisement of alcohol in Singapore on Television is not allowed to be shown during programmes intended for children and young persons.

The main guidelines on alcohol advertising in Singapore is contained in Appendix K of the 'Code' whereby it stipulates that children should never be portrayed in alcohol advertisements and only individuals above the age of 18 can be portrayed. Further advertisers must ensure that their advertisements do not emphasise the stimulant, sedative, or tranquillising effects of any drink and encourage over-indulgence and excessive consumption.

How would you assess the pressure for tighter regulation in your jurisdiction?

In the wake of turning Singapore into a healthy nation, the government is expected to implement even tougher measures on smoking and drinking in general. For alcohol, higher excise tax may be imposed on the healthier products, such as spirits, following the higher excise already imposed on beer in 2007. Such moves would increase the price of the products with the higher excise rates and would make other alcoholic drinks more attractive in terms of choice, thus resulting in a shift towards healthier choices in alcoholic drinks over the forecast period. However the government has not made any amendments or new regulations as a blanket ban on alcohol would affect the economy and the alcohol industry which generates a significant amount of revenue.

Please describe any recent interesting, significant, or archetypal examples of an alcohol advertisement that has been banned in your jurisdiction.

There have not been any significant cases of alcohol advertisements being banned in Singapore. This is due to the flexibility of the 'Code' which is self-regulatory and encourages the alcohol industry to use the 'Code' as a check and balance rather than strict enforcements.

SLOVAKIA

What are the main legal controls on advertising and marketing of alcohol in your jurisdiction?

Generally speaking, alcohol advertising is not prohibited but is considered as one of the most restricted advertising areas in Slovakia. Alcohol advertising is regulated primarily by the Act on Advertisement and the Act on Broadcasting and Retransmission. Both acts specify general principles of advertising (applicable also to alcohol advertising) as well as specific rules and restrictions for alcohol advertisement. Apart from that, some regulation of advertising and marketing of alcohol and some general rules for advertising are scattered in variety of laws regulating different areas of law.

Furthermore, self-regulatory rules for advertising alcohol are contained in the Code of Ethics for Advertising Practice issued by Slovak Advertising Standards Council. Although the Code of Ethics does not replace or supplement the legal regulation, its principles are generally respected by advertisers in Slovakia, in particular by the associated members of the Council, who agreed to abide by the rules set forth in the Code.

What are the main regulatory controls on advertising and marketing of alcohol in your jurisdiction?

Slovak legal framework assigns control over compliance with advertising rules and restrictions to different authorities. Basic supervisory authority for advertising and marketing alcohol is a competent department of the Slovak Trade Inspection. Compliance with laws by TV, Radio and Multimedia Broadcasters is supervised by Council for Broadcasting and Retransmission.

Apart from that, Slovak Advertising Standards Council as a self-regulatory association has its own supervisory body, the Arbitration Commission, which is authorized to assess compliance of any advertisements with the Code of Ethics for Advertising Practice.

What are the main principles of alcohol advertising regulation in your jurisdiction?

An alcohol advertisement in Slovakia generally cannot promote excessive use or abuse of alcohol or misleadingly highlight positive effects of alcohol consumption and cannot be aimed at minors.

According to relevant Slovak laws an alcohol advertisement cannot in particular:

- (i) associate alcohol consumption with beneficial effects on physical or mental performance;
- (ii) claim that alcohol has therapeutic qualities, stimulant or sedative effect or help to deal with personal issues;
- (iii) encourage immoderate consumption of alcohol or present abstinence or sobriety as a deficiency;
- (iv) emphasize the alcoholic content of beverages as a sign of their quality; and
- (v) be aimed at minors or portray minors as consuming alcohol.

Moreover, a TV / radio advertisement cannot associate alcohol consuming with driving a car nor can it create impression that consumption of alcohol contributes to social or sexual success. Advertising alcohol (except for beer) in TV / radio broadcasting is prohibited before 8 PM.

The most detailed and the most restricting provisions regarding the alcohol advertising are contained in the above mentioned Code of Ethics for Advertising Practice. For instance, according to the Code of Ethics, an alcohol advertisement cannot be placed on billboards close to schools or other places for children; cannot claim that alcohol is consumed by members of a social group, which is in fact usually against consumption of alcohol; cannot portray drunk people without obvious prevention reasons; etc. As mentioned above, these specific rules do not have a force of law but are still highly respected by local advertisers, promoters and broadcasters.

How would you assess the pressure for tighter regulation in your jurisdiction?

Recently, there have been lively discussions over the measures for suppressing the abuse of alcohol in Slovakia. In this connection, the Slovak Government adopted a “*National Plan for Alcohol Issues for 2013 – 2020*” based on WHO initiatives. The document focuses on prevention measures against alcohol abuse, information campaigns about negative consequences of alcohol consumption, restrictions and control of sale of alcohol (in particular sale to minors), strengthening of the control over the alcohol consuming before/during work time and driving, etc. Nevertheless, no further restrictions of alcohol advertising have been proposed or implemented recently.

Please describe any recent interesting, significant, or archetypal examples of an alcohol advertisement that has been banned in your jurisdiction.

In 2015 the Arbitration Commission of the Slovak Advertising Standards Council has found the advertisement campaign titled “Christmas Campaign” of a local alcohol producer as contrary to the principles contained in the Code of Ethics. The campaign was based on Slovak traditional sayings and Christmas themes modified for the purposes of advertising the producer’s alcohol beverages. According to the Commission, the campaign incited to irresponsible and excessive drinking.

Other campaigns found by the Arbitration Commission as conflicting with alcohol advertising principles include advertising campaign titled “Vodka Anti-stress” or advertising campaign for a “finest” Vodka, which was a typical case of presenting exceptional characteristics of a product, without demonstrating the authenticity and credibility of such presentation.



SOUTH AFRICA

What are the main legal controls on advertising and marketing of alcohol in your jurisdiction?

The **Liquor Act of 2003** sets out certain restrictions relating to the advertising of alcoholic beverages in South Africa. It provides that a person must not advertise any liquor or methylated spirits in a false or misleading manner, or in a manner intended to target or attract minors. In South Africa, persons under the age of 18 are deemed to be minors. Furthermore, the legal drinking age is 18 years.

The **Liquor Products Act of 1989** and the **Consumer Protection Act of 2008** also contains provisions prohibiting the marketing of alcohol products in a false or misleading manner.

Regulations have been issued, under the **Foodstuffs, Cosmetics and Disinfectants Act of 1972**, relating to the indication of health messages on container labels of alcoholic beverages. In essence, container labels for alcoholic beverages must indicate, in a visible and legible manner, at least one of the health messages listed below:

- *“Alcohol reduces driving ability, don’t drink and drive”;*
- *“Don’t drink and walk on the road, you may be killed”;*
- *“Alcohol increases your risk to personal injuries”;*
- *“Alcohol is a major cause of violence and crime”;*
- *“Alcohol abuse is dangerous to your health”;*
- *“Alcohol is addictive”;* or
- *“Drinking during pregnancy can be harmful to your unborn baby”.*

What are the main regulatory controls on advertising and marketing of alcohol in your jurisdiction?

The Industry Association for Responsible Alcohol Use (“ARA”) has issued the **Code of Commercial Communication (“ARA Code”)**, which provides guidance for commercial communication of alcohol beverages in South Africa. “Commercial communication” includes advertising in all media (including all digital channels), packaging, promotions, merchandising and sponsorship.

The **ARA Code** forms part of the **Code of Practice of the Advertising Standards Authority of South Africa (“ASA Code”)**, which sets out general principles relating to advertising of goods and services in South Africa. The advertising and marketing of alcohol in South Africa must comply with both the **ARA Code** and the **ASA Code**.

As the **ARA Code** forms part of the **ASA Code**, contravention of the **ARA Code** will also constitute a contravention of the **ASA Code**. This means, therefore, that a complaint based on a contravention of the **ARA Code** may be lodged with either the ARA or the ASA.

What are the main principles of alcohol advertising regulation in your jurisdiction?

The **ARA Code** sets out certain basic rules relating to the advertising of alcoholic beverages. It provides that commercial communication of alcohol beverages must:

- be legal, decent, honest and truthful and conform to accepted principles of fair competition and good business practice;
- be prepared with a due sense of social responsibility;
- demonstrate sensitivity in regard to issues of culture, gender, race and religion;
- not be unethical or otherwise impugn human dignity or integrity;
- not employ themes, images, symbols or figures which are likely to be considered offensive, derogatory or demeaning ; and
- comply with all regulatory requirements.

In addition, commercial communication of alcohol beverages may not:

- feature or encourage irresponsible, risky or excessive drinking;
- present abstinence or moderate consumption in a negative light;
- be directed at persons under the age of 18 years. In addition to the health messages that must appear on the container labels of alcoholic beverages discussed above, the **ARA Code** also requires, on all advertising of alcohol beverages, including containers, the placement of the statement *“Not for sale for persons under the age of 18 years”*. Furthermore, no one depicted in the act of drinking in commercial communication may be younger than 25;
- employ images or icons that have unique appeal to children;
- imply that alcohol beverage consumption is essential to business and/or social success or acceptance or that refusal to consume is a sign of weakness;
- be suggestive of sexual indulgence or permissiveness, portray nudity or present an improper portrayal of near nudity, present any situation derogatory to the virtue of either sex or claim or suggest that alcohol beverages can contribute directly to sexual success or seduction;
- induce people in an improper manner to prefer a drink because of its higher alcohol content or intoxicating effect;
- claim that alcohol beverages have curative qualities, or offer it as a performance enhancer, stimulant, sedative or tranquilliser;
- depict or include pregnant women;

- suggest the consumption of alcohol beverages under circumstances that are generally regarded as irresponsible, inadvisable, improper or illegal; and
- suggest any association with aggressive, violent or anti-social imagery or behaviour, illicit drugs or drug culture.

In addition to the basic rules set out above, the **ARA Code** sets out specific rules relating to:

- the requirements for alcohol advertising on television, radio, in cinemas, in print media and in outdoor advertising. The **ARA Code** places restrictions on the times during which alcohol advertisements may be flighted on television, radio and in cinemas. In addition, there are restrictions relating to the placement of outdoor advertising. The restrictions are aimed mainly at limiting minors' exposure to alcohol advertising;
- alcohol promotions and events; and
- sport sponsorships by alcohol manufacturers.

How would you assess the pressure for tighter regulation in your jurisdiction?

The South African Government appears to be in the process of implementing laws that will place restrictions on the advertising and marketing of alcohol beverages, and which may prohibit the sponsorship of sporting and other events by alcohol manufacturers.

DRAFT BILL ON THE CONTROL OF MARKETING OF ALCOHOLIC BEVERAGES

In September 2013, the Minister of Social Development released a media statement, advising that the South African Cabinet (the senior level of the Executive Branch of the South African Government) had approved the **Draft Bill on the Control of Marketing of Alcoholic Beverages** ("the **Draft Bill**") and that the **Draft Bill** would be published for public comment in due course. To date, the **Draft Bill** has not yet been published and there is limited information available regarding the scope and impact that the Bill may have.

Based on the Minister's media statement, it appears that the **Draft Bill** aims to prohibit the advertising and promotion of alcohol products in South Africa through any direct or indirect means, including through sponsorship.

DRAFT NATIONAL LIQUOR POLICY

In May 2015, a **Draft National Liquor Policy** ("the **Draft Policy**") was published for public comment. The **Draft Policy** was prepared by the Department of Trade and Industry. The **Draft Policy** reaffirms the Government's intention to implement the **Draft Bill** and, specifically, the provisions calling for the restriction of advertising relating to alcoholic beverages and prohibitions and sponsorships associated with alcoholic beverages.

The **Draft Policy** also proposes:

- raising the minimum legal drinking age from 18 years to 21 years;

- regulating trading hours, on a national basis, during which alcohol may be sold to the public; and
- the introduction of a liability provision for alcohol manufacturers and suppliers, to ensure that they do not supply alcohol to unlicensed traders.

Many interested parties, including the large alcohol manufacturers in South Africa, are of the view that a ban on alcohol advertising and sponsorship by alcohol beverage companies will have a severe financial impact on the South African economy. In addition, many sports teams will lose some of their main sponsors.

As this stage, the Government will likely consider the public comment on the **Draft Policy** before deciding whether or not the provisions of the **Draft Bill** and the **Draft Policy** should be enacted into law.

Please describe any recent interesting, significant, or archetypal examples of an alcohol advertisement that has been banned in your jurisdiction.

In the matter of South African Breweries (“SAB”) against Brandhouse Beverages (“Brandhouse”), SAB lodged a competitor complaint before the ASA against the packaging of Brandhouse’s AMSTEL LITE beer cans and the shrink wrap in which six-packs of AMSTEL LITE cans and bottles are packed.

SAB claimed that Brandhouse’s AMSTEL LITE packaging took unfair advantage of the advertising goodwill that SAB had acquired in relation to the packaging of its CASTLE LITE beer cans and six-pack shrink wrapping. SAB had used, exclusively, the colour combination silver and green, together with the word “LITE”, in capital white letters, in relation to its low carbohydrate beer consistently in South Africa for more than 20 years.

Images of the parties; respective products appear below:



330ml can



shrink wrap for 340ml bottles



shrink wrap for 330ml cans



330ml can



shrink wrap for 340ml bottles shrink wrap for 440ml cans shrink wrap for 330ml cans

The ASA Directorate upheld SAB's complaint, and Brandhouse was ordered to withdraw the packaging of its AMSTEL LITE cans and shrink wrapping.

On appeal, the Directorate's decision was partially overturned by the Advertising Industry Tribunal ("AIT"). Although the Directorate's decision regarding the AMSTEL LITE six-pack shrink wrap was upheld, the AIT held that the blue temperature indicator on the top portion of the CASTLE LITE can is distinctive enough for a reasonable consumer differentiate between the AMSTEL LITE beer can and the CASTLE LITE beer can. The decision of the Directorate in relation to the can was, therefore, overturned on appeal.

SPAIN

What are the main legal controls on advertising and marketing of alcohol in your jurisdiction?

The advertising of alcoholic beverages in general is regulated by the General Advertising Act 34/1988 (GAA), as well as by the Audiovisual Communication Law 7/2010 concerning advertising of alcoholic beverages in television.

Further the Autonomous Communities have a wide range of relevant regulations.

What are the main regulatory controls on advertising and marketing of alcohol in your jurisdiction?

FEBE, the Spanish Federation of Alcoholic Beverages comprising almost 100% of manufacturers and distributors in the alcoholic beverage industry, has a Self-Regulation Code that aims at promoting honest, truthful and loyal advertising of alcoholic beverages. In addition, Spanish alcohol producers in the beer, wine and spirits sectors have established their own self-regulatory codes.

What are the main principles of alcohol advertising regulation in your jurisdiction?

The General Advertising Law and Audio-Visual Communication Act prohibit advertising of alcoholic beverages:

- with an alcohol content exceeding 20% on television;
- with an alcohol content exceeding 20%. in places where its sale and consumption are prohibited;
- with an alcohol content of less than 20% when broadcast on television outside 8.30pm - 6.00am, unless such advertising forms an indivisible part of the broadcast content; and
- that promotes irresponsible consumption or consumption associated with enhanced physical performance, social success or health.

The Self-Regulating Code of FEBE states that advertising of alcoholic beverages may not be directed to minors nor may people under 25 be featured in the ads. In accordance with the code, advertisers must refrain from using the voice and image of minors through any means of communication; using situations or scenes related to or connected with minors; any type of graphic or audio-visual means directed at minors; the image of famous or popular persons with or associated with minors; to use or sponsor in cultural, social or sport events or functions directed at minors under 18 years.

Further, advertising of alcohol shall not encourage abusive consumption. To this effect advertising shall include the Responsible Consumption message in a clearly visible place and color accompanied by an indication of the alcoholic strength of the product. Moreover, the adverts may not suggest greater success, self-confidence, health, performance, etc., or present abstinence or moderate consumption in a negative light, etc.

How would you assess the pressure for tighter regulation in your jurisdiction?

The Association of Communication Users (AUC) has issued some reports in the last years on the effectiveness of the alcohol advertising regulations in Spain concluding that the existing self-regulation codes and agreements are a non-sufficient alternative to the present legal vacuum. Despite the existing bans there is still a considerable amount of prohibited alcohol advertising.



In February 2011, the courts have banned alcohol advertising in public spaces in the Community of Madrid as a result of a proceeding brought by AUC. The court based its decision on the existing ban of alcohol consumption on the streets and the relevant legal provision that prohibits alcohol advertising in places where sale, supply and consumption of alcohol is prohibited. However, this decision has not yet shown effects in practice, since alcohol advertising can still be seen on the streets. Quite the opposite, as AUC has denounced in a statement the strong presence of alcohol advertising in the streets of Madrid in January 2013. In a country where the consumption of alcohol by young people has become a public health problem of enormous importance the continuing and flagrant violation of existing regulations is worrying. As troubling is the tendency to progressively liberalize the advertising legislation in the field of alcoholic beverages. The Law 12/2012 of 26th December on urgent measures to liberalize trade and certain services change the prohibition established by the General Advertising Act to apply only to "alcoholic beverages with alcohol content higher than 20 degrees in places where it is not for sale or consumption."

There is a growing awareness of the negative impact of alcohol especially in relation to minors. In the last years the Ministry of Health has run information campaigns on the risks of alcohol consumption during the pregnancy, also campaigns targeted at minors and their families and is contemplating new measures and projects aimed at reducing the alcohol consumption among minors. Nevertheless, at the moment there are no concrete legislative proposals in place.

Please describe any recent interesting, significant, or archetypal examples of an alcohol advertisement that has been banned in your jurisdiction.

The majority of the recently raised complaints before AUTOCONTROL (Spanish advertising

self-regulation organisation) about advertising of alcohol in different media were linked to the absence of the Responsible Consumption message or the indication of the alcoholic strength of the beverages as well as to their placement within the advertising.



SWEDEN

What are the main legal controls on advertising and marketing of alcohol in your jurisdiction?

The general act of interest is the Swedish Marketing Practices Act (MPA) which has a general application and regulates most aspects of advertising and promotional activities. Additionally, there is specific regulation found in the Swedish Act on Alcohol (Alcohol Act).

Advertising violating the MPA or the Alcohol Act could e.g. result in an injunction subject to a conditional fine, or in severe cases result in a market disruption fee or damages.

What are the main regulatory controls on advertising and marketing of alcohol in your jurisdiction?

The Swedish Consumer Ombudsman (KO) is the responsible body for supervision of alcohol advertising.

The KO has issued non-statutory guidelines on alcohol advertising, which it follows in its controlling capacity. The guidelines are also commonly referred to by the Market Court.

There are also self-regulatory codes adopted by interest organizations representing the Swedish advertisers, the Swedish brewers and the Swedish providers of spirits and wines. Adherence to these codes is supervised by the Swedish Alcohol Suppliers' Scrutineer. Moreover, the general self-regulatory system under the Swedish Advertising Ombudsman, may also review complaints relating to alcohol under the ICC Code of Advertising and Marketing and Communication Practice.

What are the main principles of alcohol advertising regulation in your jurisdiction?

Under the MPA all advertising must be consistent with generally accepted marketing practices (i.e. advertising must not be unfair or misleading etc.).

The Alcohol Act states that all marketing of alcohol beverages (spirits, wines and beers with more than 25 % vol) must apply special moderation. Alcohol advertising and other marketing measures must also not be insistent, intrusive or encourage the use of alcohol.

According to guidelines of the KO, supported by case law, outdoor marketing is only allowed if it is placed in connection with restaurants or other premises where alcohol is sold.

Images used in marketing may only show the product or raw materials included in the product, individual packages of the products and the brand or equivalent marks.

Marketing must also not be directed towards or depict children or young people who have not yet reached the age of 25. As a general rule alcoholic beverages as gifts in marketing are not allowed (but samples provided by manufacturers, distributors or vendors may be allowed).

There is also a total ban on advertising of alcoholic beverages in Swedish radio, television or on-demand TV commercials.

Commercial advertisement in periodical publications is allowed for alcoholic beverages that contains less than 15% vol. The advertisement must be moderate and include a pre-approved text with information about the risks that are connected with alcohol consumption.

How would you assess the pressure for tighter regulation in your jurisdiction?

The present Alcohol Act entered into force in 2011 (which did not provide any major amendments to previous regulation). In 2015 the KO issued revised guidelines relating to advertising of alcohol, which mainly clarified the guidelines application in digital and social media aspects.

In light of these facts it may be concluded that the pressure for tighter regulation in Sweden at the moment is rather low. However, even though the rules as such remain the same, authorities are seeking ways to ensure more efficient enforcement of the regulation.

The Swedish Broadcasting Authority (SBA) supported by the KO has notified the European Commission and the UK according to article 4 of the AVMS Directive of their intention to take measures against broadcasts from the UK that breaches Swedish regulation. The Swedish authorities argue that certain broadcasters circumvent Swedish law by having established themselves in the UK. Before the Swedish authorities can take any action the European Commission must decide if the measures are compatible with EU law. Consequently, if the European Commission allows the measures, then Swedish law could be enforced against the broadcasters established in the UK.

Please describe any recent interesting, significant, or archetypal examples of an alcohol advertisement that has been banned in your jurisdiction.

The Swedish Market Court (the “MD”) has declared a promotion of the Jägermeister trademark through a fire show on the pavement outside a restaurant to be inconsistent with the requirement of special moderation under the Alcohol Act.

Moreover, the MD has ordered a company – subject to a fine of MSEK 1 – to cease referring to a diagram over vodka brands in its marketing without identifying the origin of the test on which the diagram was based or the method used. Moreover, the MD issued an injunction, also subject to conditional fines, regarding use of certain claims, “THE WORLD’S MOST AWARDED” and “Unlike other vodka producers, Purity Vodka has developed a still specifically designed for vodka production”, which had not been substantiated.

SWITZERLAND

What are the main legal controls on advertising and marketing of alcohol in your jurisdiction?

Swiss Alcohol regulation generally differentiates between any kind of distilled spirit containing at least 15 per cent alcohol per volume on one side and alcoholic beverages produced by mere fermentation below this threshold on the other side. This division is enshrined at constitutional level, where, for taxation reasons, distilled spirits are set apart from other foodstuffs. As a result, the rules governing alcohol advertising and marketing are scattered over different federal and cantonal regulations, which maintain this separation.

The Federal Alcohol Act (FAA) sets forth the main normative framework within which trade, marketing and advertising of *distilled spirits* is allowed. Generally, trading alcohol is subject to a permission issued by the Swiss Alcohol Board (SAB) or competent cantonal authorities. Besides any kind of distilled spirits, alcoholic beverages falling under the regime of the FAA are, for example, but without limitation, liqueur-wines such as sherry, madeira, marsala, malaga, port etc., vermouth, or alcopops.

Beverages produced exclusively by fermentation, i.e. beer, wine, champagne or cider are regulated in the Swiss Food and Federal Act on Foodstuffs and Utility, in the Swiss Food and Commodities Ordinance as well as in the Federal Department of Home Affairs' Ordinance on Alcohol.

Also, media-specific rules regarding alcohol exist. The Federal Act and the Ordinance on Radio and Television apply in relation to marketing of alcoholic beverages via television and radio. Again, different rules apply for distilled spirits on one side and for fermented alcohol beverages on the other side.

Additional rules are found on cantonal level, as the cantons are responsible for both, issuing alcohol licences for small retailers and implementing federal foodstuff regulations. Several cantons have imposed bans on sales within defined times or issued other detailed restrictions. For example, the Canton of Basel generally forbids the hand-over of alcohol to individuals below eighteen between 12pm and 7am, the Canton of Zurich forbids minors below sixteen to access restaurants and bars after 9pm and the Canton of Geneva can forbid the distribution and selling of alcohol on large-scale events in cases of potential threats to public safety.

What are the main regulatory controls on advertising and marketing of alcohol in your jurisdiction?

The Swiss Alcohol Board (SAB) handles any kind of advertisements related to distilled spirits. The SAB delivers binding decisions upon the advertiser (denied clearance can be appealed to the Federal Administrative Court and, ultimately, to the Federal Supreme Court). At the same time, the SAB constantly scrutinizes existing campaigns and, where necessary, maintains close contacts with the federal, cantonal, and municipal authorities (such as customs investigation authorities, food inspectors, commercial and criminal police). Focusing on illegal sales to minors, the SAB also undertakes test purchases and spot checks in order to ensure compliance with the normative standards.

Regarding fermented alcoholic beverages, the Federal Food Safety and Veterinary Office

(FSVO) is, on a federal level, the competent authority. However, main implementing bodies of the Foodstuff legislation are the cantons, which ensure compliance with the respective norms. Every canton has its own administrative body dealing with the implementation of the federal law. These bodies issue binding decisions which can be appealed against at cantonal administrative departments and/or administrative courts. The last instance of appeal is the Federal Supreme Court.

Then, the Federal Office of Communications (OFCOM) can sanction advertisements on television and radio that violate the rules regarding alcoholic beverages. The advertiser may appeal against decisions of the OFCOM at the Federal Administrative Court and, ultimately, at the Federal Supreme Court.

Finally, the Swiss Commission for Fairness (*Lauterkeitskommission*, "Commission") has published a non-statutory, self-regulation regime (Basic Principles on Fairness in Commercial Communication, "Basic Principles"), directed at all advertisers using means affecting Swiss consumers, including, but not limited to commercial advertising, direct-marketing, sponsoring, public relations and merchandising. These guidelines repeat the principles set forth by the federal law (cf. question 3), without going any further. However, anyone (including competitors) may file a complaint with the Commission if he or she thinks that a commercial communication is unfair and infringes the Basic Principles. The only available remedy, however, is a declaration by the Commission that the commercial communication in question infringed the Basic Principles, and the publication of the respective decision.

What are the main principles of alcohol advertising regulation in your jurisdiction?

As a general principle, Switzerland intends to reduce the overall alcohol consumption through its alcohol regulation regime. Accordingly, addiction prevention and health protection are the underlying principles of the normative alcohol framework. Special attention is given to sensitive topics, first and foremost to the alcohol consumption by minors. The priority in relation to minors is to prevent sales to individuals under eighteen (or sixteen in case of fermented beverages) and to enforce the prohibition of advertisements aimed at or potentially appealing to minors. However, alcohol and road safety, alcohol and sports or the prohibition of any kind of promotion of alcohol abuse are also principles safeguarded by the federal and cantonal alcohol rules.

In relation to advertising of distilled spirits, the FAA sets a strict regime: It only allows information and representation directly related to the product, its qualities and characteristics, i.e. "factual advertising". This means that illustrations of consumers, landscapes, or certain lifestyles are prohibited. Also, the means of advertising are considerably limited: advertisements for distilled spirits must not be (i) broadcasted via television and radio, and not be shown (ii) in or on public buildings, (iii) in or on public transport, (iv) on sports grounds and sport events, (v) at events in which mainly minors participate or which are mainly conceived for them, (vi) in commercial undertakings selling health care products and (vii) on packages and items of everyday use, which do not contain spirits or have no connection with them. Finally, promotional contest involving distilled spirits as prizes or participation condition as well as price comparisons are prohibited.

For beer, wine and other fermented alcoholic beverages, the Federal Department of Home Affairs' Ordinance on Alcohol conceives a less strict regime. As these beverages do not fall

under the FAA, non-factual advertisements showing (adult) consumers or certain lifestyle are allowed and can even be broadcasted via radio and television. Nonetheless, all kind of advertising aimed at minors remains strictly prohibited. Accordingly, advertisements in spheres frequented by minors are prohibited (including, but not limited to youth magazines, school bags and other student material, promotional items that are freely distributed, toys and cultural social or sport events mainly focussing on teenagers).

The Federal Act and the Ordinance on Radio and Television contain rules governing broadcasted advertisements for distilled spirits and for fermented alcoholic beverages. While spirits are generally banned from television and radio, publicity for beer and wine is allowed, but subject to the following restrictions: (i) the advertisement must not be addressed specifically to minors; (ii) no person who is or appears to be a minor must be shown in the advertisement consuming or appearing to consume alcoholic beverages; (iii) no person must be shown in the advertisement consuming alcoholic beverages whilst driving a vehicle; (iv) no claim suggesting that alcohol has any therapeutic qualities or is a mean of solving personal problems is allowed; and (v) excessive consumption of alcoholic beverages must not be encouraged. Further, advertisements transmitting sales offers of alcoholic beverages are prohibited.

Regarding the purchase and hand-over of alcoholic beverages, there are, again, different rules. While the FFA prohibits any kind of hand-over of spirits to minors under eighteen years, the Swiss Food and Commodities Ordinance forbids the selling or handing-over of fermented alcoholic beverages to children and adolescents less than sixteen years. Additionally, alcoholic beverages have to be stored physically separated from non-alcoholic beverages.

How would you assess the pressure for tighter regulation in your jurisdiction?

The Federal Alcohol Act (dating of 1932) is currently being revised. The main goal of this revision is to liberalise the ethanol market and to eliminate the federal monopoly in that industry.

Pursuing these objectives, the suggested amendments mainly focus on alternative taxation models (which are, however, subject to widely differing opinions amongst the Council of States and the National Council). The only matter which is not directly tax related, consists of an envisaged ban on selling of alcohol for the retail trade between 10pm and 6am. While the Council of States supports this proposal, the National Council currently does not. The discussions will thus be subject to a number of additional debates. In consequence, there is, currently, no elevated pressure to substantially further restrict the present marketing regime.

Please describe any recent interesting, significant, or archetypal examples of an alcohol advertisement that has been banned in your jurisdiction.

In 2013, the Federal Administrative Court upheld a decision delivered by the SAB which had banned flyers advertising for spirits issued by a foreign retailer. Despite the fact that the liqueurs were neither distributed nor intended to be distributed in Switzerland, the court held that the flyers violated the prohibition of price comparisons safeguarded by the FAA. The court deemed it to be sufficient that Swiss consumers were aimed at by this marketing

campaign and saw no reason not to apply the rules of the FAA for a marketing campaign promoting a product that was, at the specific price conditions advertised for, only available abroad. The question whether such marketing restriction would amount to an infringement of the freedom of economy remained unanswered.

In 2011, the Federal Office of Communications (OFCOM) issued a decision against the national TV broadcaster SRF. OFCOM stated that a Swiss wine merchandiser's advertisement violated the rules of the Federal Act and the Ordinance on Radio and Television. At its end, said advertisement displayed a telephone number and a discount ("only 79.- instead of 137.30"), accompanied by the following voice-over text: "six exclusive wines for only 79.- francs, including shipping – limited offer. For further information call [telephone number]". In second instance, the Federal Administrative Tribunal confirmed that this advertisement infringed the Ordinance on Radio and Television, as this ordinance prohibits advertisements transmitting sales offers of alcoholic beverages.

In 2010, a poster advertising a Lady Gaga concert attracted the SAB's attention. Said poster depicted a bottle of Campari next to the artist. The SAB sanctioned the concert organizer with a fine due to violation of the prohibition of non-factual-publicity for spirits.

TURKEY

What are the main legal controls on advertising and marketing of alcohol in your jurisdiction?

The Regulation on the Procedure and Principles of Sale and Marketing of Tobacco Products and Alcoholic Beverages (the “Tobacco and Alcohol Regulation”) issued by the Regulatory Council for Tobacco and Alcohol Markets (and based on the Law on Alcohol and Alcoholic Beverages, Law on Tobacco Products, Law on the Foundation and Duties of the Regulatory Council of Tobacco and Alcohol Markets as well as the Framework Agreement of World Health Organization on Tobacco Control) has come into force on 07.01.2011 in Turkey.

In addition, the new Regulation on Commercial Advertisements and Unfair Commercial Practices, which has been prepared on the basis of our new Consumer Protection Law numbered 6502, has entered into force on January 10, 2015 and sets out goods for which advertisements are not allowed. Alcoholic beverages are included within the scope of this prohibition and thus alcohol advertising is subject to very strict restrictions in Turkey.

In addition to the above, Law No. 6112 on the Establishment of Radio and Television Enterprises and their Media Services also brings some restrictions namely that the broadcasts cannot promote alcohol consumption and further sets forth that commercial communications for alcohol products cannot be permitted in any way.

What are the main regulatory controls on advertising and marketing of alcohol in your jurisdiction?

The Advertisement Board is the sole administrative authority controlling the advertisements in Turkey which has been established within the body of Ministry of Customs and Trade. The Advertisement Board is entitled to conduct investigation of its own motion or upon an individual complaint. Upon the examination, the Advertisement Board is entitled to hold for the referred advertisements to be corrected, ceased, temporarily ceased up to 3 months as a precautionary measure and impose administrative monetary fine at the same time if it finds this necessary depending on the extent of the violation.

The amount of the monetary fine to be imposed by the Advertisement Board is currently TL 11,011 (approximately € 4,000) if the advertisement broadcast via a regional TV channel, TL 220,220 (approximately € 75,000) if the advertisement is broadcast via a national TV channel, TL 5,505 (approximately € 2,000) if the advertisement is broadcast via a regional radio channel; TL 55,055 (approximately € 20,000) if the advertisement is broadcast via a national radio channel; TL 55,055 (approximately € 20,000) if the advertisement is broadcast on internet; TL 27,527 (approximately € 10,000) if the advertisement is broadcast via SMS; TL 5,505 (approximately € 2,000) if the advertisement is broadcast in other media than internet, radio, TV, SMS and periodicals; should the advertisement be found to be contrary to the legislation. If the same violation is repeated in a year, the Advertisement Board is entitled to impose administrative monetary fine up to ten times these levels. The Board’s decisions are legally binding upon the relevant parties.

On the other hand, the Supreme Council of Radio and Television is also entitled to control the radio and TV ads in Turkey. Concerning the broadcasts that violate the alcohol prohibition, the Council first warns the broadcasting institution and should the same violation continue after the warning, then the Board is entitled to impose administrative monetary fines in the amount corresponding to 1-3 % of the broadcasting institution’s monthly advertisement

income depending on the severity of the violation and the type of the broadcasting media. Should the violation continue, the Council can also stop; the broadcast of the programme or channel concerned for a certain period.

The Regulatory Council of Tobacco and Alcohol Markets in Turkey is also entitled to control the alcohol sales and promotions and within the coverage of its authority, the Council can warn the sellers or promoters to stop violating the restrictions and if such acts are not stopped, the Council is entitled to inform the above mentioned authorized bodies take action.

What are the main principles of alcohol advertising regulation in your jurisdiction?

In addition to above mentioned rules, the Tobacco and Alcohol Regulation severely restricts the sale and promotion of alcohol products, namely:

- Every kind of advertisement, presentation, campaign, promotion and activity which encourages the consumption and sale of alcoholic beverages in any kind of media is prohibited.
- In TV series, films and music video clips on TV, promotion of alcoholic beverage consumption is prohibited.
- Any public notifications or announcements using the names, emblems, logos, pictures, photographs, hallmarks and any other similar elements of the alcohol products are prohibited. Media organs and the internet are also prohibited from making these notifications, including the price notifications.
- Any advertisements or presentations using the names, trademarks or hallmarks of alcohol products and their producer firms are prohibited. The organization of campaigns promoting or encouraging the use of such products is prohibited. The firms producing or marketing alcohol products cannot sponsor any events and cannot affix their names and trademarks to the events.
- The companies producing or marketing alcohol products cannot distribute their products to stores and consumers as a promotion, present, sample or presentation, either free of charge or as a donation.
- Any campaign, promotion, advertisement or presentations promoting or encouraging the use and sale of alcohol products is prohibited.
- The producers, exporters and marketers of alcoholic beverages can by no means use their trademarks, symbols or the signs of their products in any kind of activities and cannot support these events & activities.

How would you assess the pressure for tighter regulation in your jurisdiction?

Despite the government's claims that the new Tobacco and Alcohol Regulation is intended to protect children and young adults as well as public health, we are of the opinion that the Tobacco and Alcohol Regulation primarily aims to reduce alcoholic beverage consumption, as well as the use of tobacco products, in Turkey. While it is necessary to restrict the alcohol ads to an extent, the tight restrictions concern consumers and manufacturers in the sector as

the sale and marketing of alcohol products will be seriously disrupted from now on.

Please describe any recent interesting, significant, or archetypal examples of an alcohol advertisement that has been banned in your jurisdiction.

In March 2013, the Advertisement Board rendered a decision that the hidden advertisement of a well known Turkish alcohol beverage manufacturer brand (KAYRA) is shown on the website of a national newspaper under the news title of “Wine Taste of Bordeaux in Anatolia” and therefore the Board imposed administrative monetary fine on the owner of the newspaper. In its decision, the Board held that representation of KAYRA as one of the top three wine brands in Turkey violates relevant provisions of Regulation on Commercial Advertisements and Unfair Commercial Practices as well as Consumer Protection Law. This decision shows that the Advertisement Board’s approach towards alcohol advertisements is quite strict even if it is in a news format for information purposes.

UKRAINE

What are the main legal controls on advertising and marketing of alcohol in your jurisdiction?

The advertising and marketing of alcoholic beverages is extensively regulated in Ukraine. The Advertising Law is the principal source of regulation of alcohol advertising and marketing. Most of provisions of the Advertising Law applicable to the advertising of alcoholic beverages/trademarks are of prohibitive and restrictive nature and do not contain an express permission(s) to conduct particular advertising activities.

In addition to the Advertising Law, claims relating to alcohol are generally regulated under the Consumer Protection Law, the Unfair Competition Law and the Safety and Quality of Food Products Law.

What are the main regulatory controls on advertising and marketing of alcohol in your jurisdiction?

The State Inspection of Ukraine for Consumer Rights Protection and the Antimonopoly Committee of Ukraine are main authorities responsible for regulating the advertising and marketing of alcoholic beverages.

The State Inspection of Ukraine for Consumer Rights Protection ('Inspection') enforces advertising laws mostly from the ad consumer rights protection standpoint. Save for special fines for unfair advertising, the Inspection has an exclusive power to impose fines for violation of advertising laws.

The Antimonopoly Committee of Ukraine enforces ad laws with respect to unfair advertising.

It is worth mentioning that the power of the National Television and Radio Broadcasting Council of Ukraine ('Council') also includes enforcement of advertising laws when it comes to television and radio broadcasting companies. In particular, the Council monitors broadcasted content and can report on the facts of violation of ad laws to the Inspection, which then investigates such facts and decides whether a fine should be imposed.

Also, there are some trends in the development of self-regulatory system for advertising and marketing of alcohol. In particular, early in 2012, the brewing industry rolled out its self-regulatory system for commercial communications. The system addresses voluntary restrictions pertaining to beer advertising and promotion, the establishment of the Ethics Committee as an independent body of the system, and creation of a claim processing mechanism and sanctions.

What are the main principles of alcohol advertising regulation in your jurisdiction?

The Advertising Law provides that the following general principles shall also apply to alcohol advertising: legitimacy, accurateness, truthfulness and no consumer harm.

Most of the applicable provisions of the Advertising Law establish various limitations. For instance:

- advertising of alcoholic beverages / trademarks should not (i) create an impression

that alcohol consumption contributes to solving of personal problems; (ii) encourage alcohol consumption in whatever way or discourage refraining from alcohol consumption; (iii) create an impression that a major part of people consume alcoholic beverages; (iv) demonstrate the act of drinking alcohol;

- no models under the age of 18 and/or celebrities of whatever age should be used for advertising of alcoholic beverages / trademarks;
- alcohol advertising should not be placed within 300-meters of children's educational establishments.

However, despite heavy restrictions, it is still permitted to advertise alcoholic beverages on TV, radio and in printed media, subject to specific requirements related to sponsoring, timing, ad placement, etc.

How would you assess the pressure for tighter regulation in your jurisdiction?

There is a pressure for tighter regulation of alcohol advertising. The ruling parliamentary coalition in its formation agreement concluded on 21 November 2014 has foreseen a future ban on advertising of alcoholic beverages for the purpose of promoting a healthy lifestyle.

It is worth noting that regulation of beer advertising will be also tightened, as recent amendments to the Tax Code of Ukraine elevate the legal status of beer to alcohol beverage. In particular, beers with alcohol volume of 0.5 per cent and higher will be considered as alcohol beverages. As the consequence, the restrictions and prohibitions that currently apply to alcohol beverages will be applicable to such beer. The aforementioned amendments will come into force on 1 July 2015.

Please describe any recent interesting, significant, or archetypal examples of an alcohol advertisement that has been banned in your jurisdiction.

The most typical example of violation of advertising regulations in relation to alcohol is the absence of the mandatory health warning label "*SIGNIFICANT CONSUMPTION OF ALCOHOL IS DANGEROUS FOR YOUR HEALTH*". For example, in December 2014 the Inspection imposed a fine on a famous European supermarket chain for absence of the aforementioned health warning label in relation to alcoholic beverages mentioned in their internal advertising catalogue.

UNITED KINGDOM

What are the main legal controls on advertising and marketing of alcohol in your jurisdiction?

There are various laws that affect the way certain alcoholic drinks can be described (including in advertisements)¹. There are legal restrictions on below cost sales² and also on irresponsible promotion of alcohol by a licensed premises pursuant to The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014 which enhanced mandatory conditions introduced in 2010. At present there are stricter regulations in place in Scotland regarding minimum unit pricing for alcohol and bans on multi-buy promotions than in other parts of the UK (see below for further detail).

What are the main regulatory controls on advertising and marketing of alcohol in your jurisdiction?

The UK Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing (the “CAP Code”) and The UK Code of Broadcast Advertising (the “BCAP Code”) include a number of rules relating to the advertising of alcohol. In addition, the Portman Group (founded by the UK’s major drinks producers) has its Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks (the “Portman Code”).

The CAP Code covers all non-broadcast advertisements, including marketing material in non-paid for space online (such as advertisers’ own websites). The BCAP Code applies to all advertisements and programme sponsorship credits on radio and television services licensed by Ofcom (the UK’s independent communications regulator).

The CAP and BCAP Codes are enforced by the independent Advertising Standards Authority (“ASA”). Charities such as Alcohol Concern and the Youth Alcohol Advertising Council monitor alcohol ads and make frequent complaints to the ASA. The ASA cannot impose financial penalties and its main sanction is the publication of adjudications and consequent negative PR when such upheld adjudications are referred to in the media.

The Portman Code does not apply to advertising within the ASA’s remit and is intended to define best practice in the presentation of alcohol brands to consumers (e.g. product names, packaging, sponsorship, merchandise).

The Portman Group published an additional Code called the Code of Practice on Alcohol Sponsorship which applies to UK focussed alcohol sponsorship agreements which includes bans on sponsoring under 18s or individuals, teams, events etc. which particularly appeal to under 18s and requires commitments to divert people towards constructive community activities and lifestyles.

What are the main principles of alcohol advertising regulation in your jurisdiction?

In addition to the general rules requiring advertisements to be legal, decent, honest and

¹ Spirit Drinks Regulations 2008; Scotch Whisky Regulations 2009; Food Information Regulations 2013.

² The Licensing Act 2003 (Mandatory Conditions) Order 2014

truthful, both the CAP and BCAP Codes state that (amongst other things) alcohol advertisements must not: be aimed at or appeal particularly to under-18s; feature people under 25 years old; imply a drink may be preferred because of its alcohol strength or its intoxicating effect; encourage excessive drinking; portray alcohol as indispensable; link alcohol with dangerous activities; normally show alcohol being drunk in the workplace; nor link alcohol with popularity or sexual success.

The Portman Code has similar provisions to the CAP and BCAP Codes and is intended to complement those Codes.

How would you assess the pressure for tighter regulation in your jurisdiction?

The pressure for tighter regulation is strong.

The UK Government published an Alcohol Strategy in 2012 and conducted a consultation in 2013. The purpose was to crack down on binge drinking, associated violent disorder and damage to health from alcohol misuse.

Currently there are calls to tackle the availability of cheap alcohol through the introduction of a minimum price per unit of alcohol in England and Wales. Scotland has already legislated for a minimum unit price and banned quantity based discount promotions such as buy-one-get-one free and two for one and restricted the display and promotion of alcohol to within single areas of stores/supermarkets so that it cannot be displayed at the end of aisles. There is a push for these laws to be replicated in England and Wales.

The British Medical Association and supporters are calling for a ban on alcohol advertising before the 9pm watershed and at events aimed at children.

Please describe any recent interesting, significant, or archetypal examples of an alcohol advertisement that has been banned in your jurisdiction.

In July 2014, Diageo posted a picture on their Captain Morgan Facebook page showing the pirate Captain Morgan raising a glass and cheering, surrounded by his crew, also raising their glasses. The text accompanying the image stated “WEDNESDAY: I’M DECLARING WAR ON MID-WEEK BOREDOM”.

The Youth Alcohol Advertising Council complained to the ASA. Diageo said the rationale behind the ad was to call consumers to take a break from their normal weekday routine and spend time with their friends. Diageo also highlighted that the ad was one of a series of posts about meeting friends mid-week and that two included responsible drinking posts.

The ASA banned the ad as being irresponsible and considered it implied that alcohol could overcome boredom and was capable of changing mood which was in breach of Code rules.

UNITED STATES

What are the main legal controls on advertising and marketing of alcohol in your jurisdiction?

In the United States, the advertising, marketing, and sale of alcoholic beverages is regulated at the federal, state, and local level.

The Federal Alcohol Administration Act controls:

- How products within each alcohol class (distilled spirits, wine, and malt beverages) must be labelled and what disclosures are required in advertising;
- The types of imagery, claims, and other marketing messages that may be used in advertising; and
- How alcohol suppliers, wholesalers, and retailers may interact with one another.

The 21st Amendment to the U.S. Constitution gives the states the power to regulate the advertising, marketing, and sale of alcoholic beverages within their own states. As a result, the states (and some municipalities) have their own laws that must be complied with. Alcohol laws vary significantly from state to state and are often more restrictive than what federal law requires. States also control how industry members can interact with each other in connection with the sale and promotion of alcohol, often prohibiting business practices that would otherwise be permissible under federal law.

What are the main regulatory controls on advertising and marketing of alcohol in your jurisdiction?

At the federal level, the Alcohol and Tobacco Tax and Trade Bureau (“TTB”) and the Federal Trade Commission (“FTC”) are primarily responsible for regulating alcohol advertising and marketing practices. State Alcohol Control Bureaus regulate in-state practices.

The industry is also governed by self-regulatory bodies – the Distilled Spirits Council of the United States, the Wine Institute, and the Beer Institute. Each self-regulatory organization has its own marketing and advertising code. Although compliance with these codes is voluntary, the codes are very influential and are widely complied with.

In addition, the major television networks have specific guidelines relating to the advertising of alcohol on their networks. Other media outlets, such as certain print publications and social media platforms, have their own guidelines as well that govern the advertising of alcoholic beverages on their properties.

Many alcoholic beverage suppliers have also developed their own corporate advertising and marketing codes. These codes govern each company’s own marketing practices, and companies that work with them – such as advertising and promotion agencies – are expected to comply with them. In some cases, company codes are even more restrictive than industry guidelines.

What are the main principles of alcohol advertising regulation in your jurisdiction?

The main principle – which is reflected in federal and state law as well as in self-regulatory

guidance – is that advertising should be truthful and should be conducted in a responsible manner. Federal law focuses on truthful advertising as well as on what health claims are permissible. State regulations either mirror the federal regulations or are more restrictive. For example, many states prohibit happy hour advertising, because of the concern that it encourages excessive consumption. As another example, some states and municipalities prohibit alcohol advertising on billboards.

Industry voluntary codes contain a variety of restrictions, such as:

- Not using individuals in advertising who are under 25 years old or who appear to be under 21;
- Not portraying, encouraging, or condoning drunk driving;
- Not portraying excessive consumption;
- Not portraying or implying illegal behaviour;
- Not appealing to underage drinkers, including using images that would have particular appeal to them (e.g., cartoon characters, Santa Claus, the Easter Bunny);
- Not implying that the product has health benefits or therapeutic qualities;
- Not implying that drinking improves a person’s strength or sexual prowess;
- Prohibiting false, misleading, and disparaging advertising; and
- Requiring that alcohol advertising only appear in media where at least 71.6% of the audience is reasonably expected to be over 21 years of age.

Self-regulatory guidance has also expanded to cover advertising online and in social media, including additional guidelines on how to avoid targeting underage drinkers, such as “age-gating” websites, monitoring websites for inappropriate content, best practices for keeping online advertising away from underage drinkers, among other restrictions.

Federal and state laws also control the relationships between suppliers, wholesalers, and retailers, so as to try to eliminate unfair influences.

How would you assess the pressure for tighter regulation in your jurisdiction?

Currently, there is not widespread pressure for tighter regulation. The FTC recently released its fourth major study on alcohol advertising, which focused primarily on the industry’s efforts (through the use of self-regulation) to avoid marketing to underage drinkers. The FTC found that the industry was generally complying with its own self-regulatory guidelines and that the self-regulatory programs were generally successful.

Concerns about marketing to underage drinkers continues to be a significant issue, however, and marketers should use extra care to avoid targeting underage drinkers in advertising, including in emerging social media and mobile platforms.

Although new federal regulation seems unlikely, the states continue to tightly regulate alcohol advertising. California, for example, enacted new rules prohibiting suppliers from issuing certain coupons for malt beverage products.

Please describe any recent interesting, significant, or archetypal examples of an alcohol advertisement that has been banned in your jurisdiction.

Several years ago, Four Loko reached a settlement with the FTC to change its marketing practices, because of the FTC's concern that the product was not being marketed responsibly, including that consumers may not understand how much alcohol the product contains. Under the FTC settlement, Four Loko agreed to change its labeling and packaging, to convey more clearly its actual alcohol content and to discourage consumption in one sitting.

One of the current hot button issues is powdered alcohol ("palcohol"), which is a crystalline dried form of alcohol. It has already been banned in several states and other states are considering bans as well.

URUGUAY

What are the main legal controls on advertising and marketing of alcohol in your jurisdiction?

In Uruguay there is no particular legal Act which would deal in a specific, uniform and thorough way with advertising and marketing of alcohol products. There are, however, several legal regulations in different laws that deal with specific aspects of alcohol advertising, principally regarding protection of children.

Article 184 of the **Code of Childhood and Adolescence (approved by Law N° 17.823)** prohibits the participation of children and teenagers in any advertising for alcoholic beverages or any product which is harmful for their mental or physical health.

In line with the abovementioned prohibitions, Uruguay has recently enacted the **Media Act (approved by Law N° 19.307)** which regulates advertising contents through the media and bans the participation of children and teenagers in any advertising of alcoholic beverages (Article 34).

What are the main regulatory controls on advertising and marketing of alcohol in your jurisdiction?

Uruguay's **National Bromatological Regulation (approved by Decree N° 315/994)** regulates several issues concerning the labeling and advertising of food and beverages. With regard to labeling and advertising of distilled alcoholic beverages, article 27.5.6 prohibits "the use of terms or adjectives which attribute therapeutic properties, such as "restorative", "tonic", "stomachic", "digestive", "fortifier". What is more, since commercialization of absinth is prohibited, the Act bans the inclusion of the term "absinth" (or the equivalent term in any language) or any of its essential components in the labeling or advertising of any product.

Among self-regulation bodies, the **Code of Ethical Advertising Rules**, promoted by the National Council of Advertising Self-Regulation ("CONARP" for its acronym in Spanish), specially regulates advertising of alcoholic beverages through its article 15.1., mainly stating the following rules:

1. In relation to the targeted public: (i) advertising of alcoholic beverages must be addressed to adults and must not be addressed in any way to under aged persons to whom sale of alcoholic beverages is prohibited; (ii) advertising of alcoholic beverages must be placed in areas or events where it can be expected that at least 70% of the audience is above age; (iii) advertising of alcoholic beverages is forbidden in any academic or educational center where students could be under aged.
2. In relation to the content: (i) advertising of alcoholic beverages must not represent children or objects, images, etc. which are especially attractive for people under aged; (ii) models and actors involved in advertising must be above the age of 25.
3. Social Responsibility Rules: (i) advertising of alcoholic beverages must not represent situations where such beverage is consumed in excess or irresponsibly. Messages must not represent people intoxicated or suggest intoxication is socially accepted; (ii) advertising must not claim alcohol therapeutic or healing properties, except if scientifically proved; (iii) advertising must not represent people drinking alcohol and

engaging in activities that require any type of alertness or physical coordination; (iii) advertising must not encourage driving after drinking alcohol; (iv) advertising of alcoholic beverages must not be addressed or be performed by pregnant women; (v) advertising must not represent people obtaining professional or academic success as a result of alcohol consumption; (vi) advertising must not refer to the alcoholic graduation as a factor for the stimulation of alcohol consumption; (vii) consumers must be duly informed that they are consuming an alcoholic beverage; (viii) advertising must not suggest that the consumption of alcohol improves physical, sports or mental capacity or that makes people braver or stronger; (ix) advertising must not suggest that consumption of alcohol eliminates social or sexual inhibitions.

What are the main principles of alcohol advertising regulation in your jurisdiction?

The abovementioned Code of Ethic Advertising promoted by CONARP reflects the main principles of alcohol advertising in Uruguay, which can be identified as follows:

- i. **Prohibition of advertising addressed to minors:** Advertising of alcoholic beverages must be addressed to or performed exclusively by adults.
- ii. **Responsible Contents:** Contents of alcoholic beverages' advertising must be addressed in a responsible way, preventing the association of alcoholic beverages with physical or mental health, therapeutic effects, successful experiences or positive behaviors.
- iii. **Social Responsibility Messages:** Advertising of alcoholic beverages must show social responsibility by warning consumers about the risks of alcohol consumption and promote moderate consumption.
- iv. **Inclusion of Social Responsibility Clauses:** Advertising of alcoholic beverages should include social responsibility clauses such as: *"drink with moderation"*.

How would you assess the pressure for tighter regulation in your jurisdiction?

Over the last decade there has been a high pressure for tighter legal regulation of alcohol consumption, and therefore, of alcoholic beverages' marketing and advertising.

In this sense, on July 31st 2013 the Executive Branch sent to the Congress a bill related to the regulation of alcohol sale and consumption, which claims to have the aim of *"managing risks and reduce associated harms to problematic alcohol consumption, and regulate the market activities such as distribution, sale, free offering, consumption, promotion, sponsorship and advertising of alcoholic beverages."*

The abovementioned bill, which is at present being discussed at the Congress, has a specific chapter addressing advertising, promotion and sponsorship of alcoholic beverages, regulating the following issues:

- i. **Warning on advertising, promotion and sponsorship of alcoholic beverages:** all advertising, promotion, and sponsorship of alcoholic beverages must include a space with a legend in visible letter warning on the harmful effects of excessive alcohol consumption, together with a legend indicating *"Sale to people under 18 is*

prohibited”.

- ii. **Prohibition of advertising, promotion and sponsorship of alcoholic beverages in non-authorized establishments:** Stores lacking authorization to offer or sell alcoholic beverages would be forbidden to advertise, sponsor and promote said products.
- iii. **Prohibitions regarding trade names:** the use of names, trademarks, symbols or distinctive signs already used to identify an alcoholic beverage is not permitted to identify other goods or services, or promote consumption of non-alcoholic beverages.
- iv. **Specific prohibitions regarding advertising of alcoholic beverages:** advertising of alcoholic beverages shall be broadcasted during child protection hours, or suggest that the consumption of alcohol improves physical or intellectual performance, or be associated to success, etc.
- v. **Labeling of alcoholic beverages:** containers and packaging of alcoholic beverages must include the alcoholic graduation and the legends abovementioned.
- vi. **Prohibitions regarding promotion and sponsorship:** promotion and sponsorship of alcoholic beverages is banned whenever such activities are addressed to minors or are performed in places or events where the presence of minors is admitted.

As expressed above, this bill is currently under analysis and is likely to suffer many changes before the corresponding Law is passed.

Please describe any recent interesting, significant, or archetypal examples of an alcohol advertisement that has been banned in your jurisdiction.

We are not aware of any resolution banning advertisements of alcoholic beverages that infringe rules stated in the abovementioned legal and regulatory bodies.



VENEZUELA

What are the main legal controls on advertising and marketing of alcohol in your jurisdiction?

Consumer Protection Law and the Act on Social Responsibility for TV and Radio completely bans advertising for alcohol. Only the press, billboards (but not placed in certain areas such as highways) and the Internet are available to advertise alcohol, subject to specific regulations. Product placement on TV is forbidden.

What are the main regulatory controls on advertising and marketing of alcohol in your jurisdiction?

The Consumer Protection Agency and Directory of Social Responsibility (part of the Telecommunications Agency) is the enforcement body.

What are the main principles of alcohol advertising regulation in your jurisdiction?

See above. In addition, a disclaimer on accepted media should clearly state that the campaign is not aimed at, or meant to appeal particularly to, under-18s.

How would you assess the pressure for tighter regulation in your jurisdiction?

It is a limitation that has been in force for more than 30 years (an exemption for beers was removed 4 years ago). It appears that digital media could be a next target for regulation, but at this time the regulator appears to be satisfied with the limitations in force.

Please describe any recent interesting, significant, or archetypal examples of an alcohol advertisement that has been banned in your jurisdiction.

No recent cases of interest.



ZIMBABWE

What are the main legal controls on advertising and marketing of alcohol in your jurisdiction?

Mainly by way of self regulation, that is, the industry and suppliers of alcohol are expected to ensure how and when the products are advertised and marketed in line with social and cultural norms as well as legal principles expressed in legislation as guidelines.

What are the main regulatory controls on advertising and marketing of alcohol in your jurisdiction?

Although there is no legislation specifically to control advertising and marketing of alcohol there are self regulatory bodies. These self-regulatory bodies have rules or Codes/Standards of Conduct expected of their members. The main associations are: the Advertising Standards Association; Advertising Media Association; Zimbabwe Advertising Practitioners Association; Communication Industry Association and the Association of Zimbabwe Advertisers.

There are various statutes which serve as a to guide, such as:

- The Liquor Act [Chapter 14:12];
- The Advertisements Regulation Act [Chapter 14:01] which merely deals with the posting of advertisements on roads, railways and in public places;
- The Miscellaneous Offences Act [Chapter 9:15] read with the Censorship and Entertainments Control Act [Chapter 10:04];
- The Criminal Penalties Amendment Act, 2001 [No. 22 of 2001];
- Competition Act No. 7/96 as amended by Act [No. 29/2001];
- The Children's Protection and Adoption Act [Chapter 5:06]

What are the main principles of alcohol advertising regulation in your jurisdiction?

The Zimbabwean Advertising Media Association has a Code of Standards and its general principle is:

“All advertising accepted for publication, transmission or broadcast will be governed by the general principle that it will be legal, decent, honest and truthful“.

The Children's Protection and Adoption Act prohibits selling alcohol to minors. Therefore, it is accepted that advertising for sale of alcohol must not target children, i.e., persons under the age of 18. For example, advertisements for alcohol are not shown at schools or sporting events and entertainment or other places frequented by or activities for children.

The advertising community has internal means for disciplining members of their community who overstep the rules or required conduct of members of their Association.

How would you assess the pressure for tighter regulation in your jurisdiction?

In 2010, there was an effort by Government to curtail drinking and consumption of alcohol by imposing a punitive tax on advertising of beer and alcohol. However, this was met with stiff resistance from the industry.

ZWhile there have not been any further actions for tighter control on advertising, there is now a movement advocating for reducing the availability of liquor for sale to the public through the closure of beer halls on Sundays. There continues also to be restrictions and prohibitions on sales of alcohol in public places, for instance, in service stations which are 24 hours, supermarkets with restricted days and times and restriction on licenced premises related to time and age of consumers.

Please describe any recent interesting, significant, or archetypal examples of an alcohol advertisement that has been banned in your jurisdiction.

There have not been any court cases on banning alcohol advertisements.

ARGENTINA

Dámaso A. Pardo &
Paula Fernandez Pfizenmaier
PAGBAM IP
Tte. Gral. Peron 555, Piso 3 "A"
C1038AAK, Buenos Aires
T: +54.11.5.032.3640, x2025
E: dap@pagbam.com.ar
E: pgfp@pagbam.com.ar
W: www.pagbam.com.ar

AUSTRALIA

Peter Le Guay
Thomson Geer
Level 25, 1 O'Connell Street,
Sydney NSW 2000
T: +61.2.8248.5800
E: pleguay@tglaw.com.au
W: www.tglaw.com.au

AUSTRIA

Stefan Kofler & Dr. Georg Huber
Greiter, Pegger, Kofler & Partners
Maria-Theresia Strasse 24, A-6020
Innsbruck
T: +43.512.571.811
E: stefan.kofler@lawfirm.at
E: georg.huber@lawfirm.at
W: www.greiter.lawfirm.at

BELGIUM

Jan Ravelingien
Marx, Van Ranst, Vermeersch & Partners
Avenue de Tervueren 270, 1150
Brussels
T: +32.2.285.01.00
E: jan.ravelingien@mvvp.be
W: www.mvvp.be

BOLIVIA

Marcos Mercado
Guevara & Gutierrez S.C.
Torre Ketel, Piso 4, Oficina 2 - Calacoto
La Paz P.O. Box 9332
T: +591.2.2770808
E: mmercado@gg-lex.com
W: www.gg-lex.com

BRAZIL

Valdir Rocha
Veirano Advogados
Av. Presidente Wilson, 231, 23. andar
20030-021 - Rio de Janeiro
T: +55.21.38244747
E: valdir.rocha@veirano.com.br
W: www.veirano.com.br

BULGARIA

Kalina Tchakarova & Violetta Kunze
Djingov, Gouginski, Kyutchukov & Velichkov
10 Tsar Osvoboditel Blvd.
Sofia 1000, Bulgaria
T: +00359.2.932.1105
E: kalina.tchakarova@dgkv.com
E: violetta.kunze@dgkv.com
E: dgkv@dgkv.com
W: www.dgkv.com

CANADA

Catherine Bate
Miller Thomson LLP
Scotia Plaza, 40 King Street West,
Suite 5800, P.O. Box 1011, Toronto,
Ontario, M5H 3S1
T: 416.595.8582
E: cbate@millerthomson.com
W: www.millerthomson.com

CARIBBEAN

Karyl D. Bertrand (Dutch)
Bertrand Legal & LP Consultancy
Castorweg 22-24
Willemstad, Curaçao
T: +5999.461.8199
E: bertrandlegalconsultancy@gmail.com

Dianne Daley (English)
Foga Daley
7 Stanton Terrace, Kingston 6,
St. Andrew, Jamaica
T: +876.927.4371
E: daley@fogadaley.com
W: www.fogadaley.com

CHILE

Rodrigo Albagli & Ariela Agosin
Albagli Zaliasnik
Miraflores 130, 25th floor, Santiago
T: +56 2 2 445 6000
E: ralbagli@az.cl
E: aagosin@az.cl
W: www.az.cl

CHINA

Kevin Guo, Philip Qu & Justina Zhang
TransAsia Lawyers
Suite 2218, China World Office 1
1 Jianguomenwai Avenue, Beijing
100004
Tel : +86 10 6505 8188
E: kguo@transasialawyers.com
E: pqu@TransAsiaLawyers.com
E: whzhang@TransAsiaLawyers.com
W: www.TransAsiaLawyers.com

COLOMBIA

Juan Carlos Uribe & Fernando Triana
Triana, Uribe & Michelsen
Calle 93B No. 12-48 P. 4, Bogotá, D.C.
110221
T: +57.1.6019660
E: jcu@tumnet.com
E: fts@tumnet.com
W: www.tumnet.com

COSTA RICA

Uri Weinstok
BLP Legal
BLP Building, 4th floor, Via Lindora
Business Center, Radial Santa Ana –
Belen, Km 3. Santa Ana, San Jose
T: +506.2205.3900
E: uweinstok@blplegal.com
W: www.blplegal.com

CROATIA

Mladen Vukmir
Vukmir & Associates
Gramaca 2L 10 000 Zagreb
T: +385.1.376.0511
E: mladen.vukmir@vukmir.net
W: www.vukmir.net

CZECH REPUBLIC

Mr. Libor Štajer, Mr. Pavel Musil &
Mr. Petr Kuta
KMVS, advokátní kancelář, s.r.o.
Hellichova 1, 118 00 Praha 1 -
Malá Strana
T: +296.210.562(3)
E: libor.stajer@kmvs.cz
E: petr.kuta@kmvs.cz
E: pavel.musil@kmvs.cz
W: www.kmvs.cz

DENMARK

Johan Løje
Sandel, Løje & Partnere
Øster Allé 42, 6. floor, P.O.Box 812
DK-2100 Copenhagen Ø
T: + 45.33.114622
E: jl@sandel.dk
W: www.sandel.dk

DOMINICAN REPUBLIC

Jaime R. Angeles
Angeles & Lugo Lovatón
Mustafá Kemal Atatürk 52,
Ensanche Naco
Santo Domingo, D.N.
T: +809.541.2040
E: jangeles@angeleslugo.com
W: www.angeleslugo.com

ECUADOR

Carlos Alberto Arroyo del Rio,
Cecilia Falconi & Sasha Mandakovic
Falconi Puig Abogados
Av. Amazonas N21-147 y Roca
Edificio Río Amazonas, Oficina 900,
Quito
T: +593.2. 256.1808
E: carroyo@falconipuig.com
E: cfalconi@falconipuig.com
E: smandakovic@falconipuig.com
W: www.falconipuig.com

EL SAVADOR

José Roberto Romero & Carlos Castillo
Romero Pineda & Asociados
Edificio AVANTE, Suite 5-01, Blvd.
Luis Poma, Santa Elena, Antiguo
Cuscatlan, La Libertad
T: +503.2505.5555
E: jose@romeropineda.com
E: ccastillo@romeropineda.com
W: www.romeropineda.com

FINLAND

Mikael Segercrantz &
Johanna Flythström
Roschier, Attorneys Ltd.
Keskuskatu 7 A 00100 Helsinki
T: +358.20.506.6000
E: mikael.segercrantz@roschier.com
E: johanna.flythstrom@roschier.com
W: www.roschier.com

FRANCE

Michel Béjot & Caroline Bouvier
Bernard Hertz Béjot
8 rue Murillo, 75008 Paris
T: +33.1.43.18.8080
E: mbejot@bhbfrance.com
E: cbouvier@bhbfrance.com
W: www.bhbfrance.com

GERMANY

Dr. Søren Pietzcker (Hamburg Office),
Dominik Eickemeier (Cologne Office)
& Florian Geyer (Frankfurt Office)
Heuking Kühn Lüer Wojtek
Goetheplatz 5-7, Frankfurt 60313
T: +46.69.975 61-446
E: s.pietzcker@heuking.de
E: d.eickemeier@heuking.de
E: f.geyer@heuking.de
W: www.heuking.de

GREECE

Kriton Metaxopoulos & Aris I. Syssilas
A. & K. Metaxopoulos & Partners
Law Firm
54 Vas. Sofias Av. , 11528 Athens
T: +30.210.7257614
E: k.metaxopoulos@metaxopouloslaw.gr
E: asyssilas@metaxopouloslaw.gr
W: www.metaxopouloslaw.gr

GUATEMALA

Marco Antonio Palacios &
Hilda Monterroso
Palacios & Asociados / Sercomi
Avenida Reforma 6-64 zona 9
Edificio Plaza Corporativa,
Torre I, Nivel 9,
01009, Guatemala City
T: +502.2385.3416 / 19
E: mapalacios@sercomi.com.gt
E: hmonterroso@sercomi.com.gt
W: www.sercomi.com.gt

HOLLAND

Ebba Hoogenraad & Daniël Haije
Hoogenraad & Haak
Jozef Israelskade 48 G, Amsterdam 1072 SB
T: +31 20 305 3066
E: eh@hoogenhaak.nl
E: dh@hoogenhaak.nl
W: www.hoogenhaak.nl

HONDURAS

Ebba Hoogenraad & Daniël Haije
Hoogenraad & Haak
Jozef Israelskade 48 G, Amsterdam 1072 SB
T: +31 20 305 3066
E: eh@hoogenhaak.nl
E: dh@hoogenhaak.nl
W: www.hoogenhaak.nl

HONG KONG

Angus Forsyth
Stevenson, Wong & Co.
4/F, 5/F & 1602, Central Tower,
No.28 Queen's Road Central
T: +852.2526.6311
E: angusforsyth.office@sw-hk.com
W: www.sw-hk.com

HUNGARY

András Szecskay, Anikó Keller &
János Vajda
Szecskay Attorneys at Law
H-1055 Budapest, Kossuth Lajos
tér 16-17
T: +36 1 472 3000
E: andras.szecskay@szecskay.com
E: aniko.keller@szecskay.com
E: janos.vajda@szecskay.com
W: www.szecskay.com

INDIA

Sharad Vadehra
Kan and Krishme
KNK House, A-11 Shubham Enclave
Paschim Vihar, New Delhi-110063
T: +91.11.4377 66 66, 4377 66 75
E: knk@kankrishme.com
W: www.kankrishme.com

IRELAND

Duncan Grehan & Conor Griffin
Duncan Grehan & Partners Solicitors
Gainsboro House, 24 Suffolk Street,
Dublin 2
T: +353.1677.9078
E: dgrehan@duncangrehan.com
E: cgriffin@duncangrehan.com
W: www.duncangrehan.com

ISRAEL

David Wolberg
Kuperschmit, Goldstein & Co.
Kefar Netter Industrial Park,
P.O. Box 3726, Kefar Netter 4059300
T: +972.9.835.6122
E: dwolberg@kgcolaw.com
W: www.kgcolaw.com

ITALY

Felix Hofer
Hofer Lösch Torricelli Studio Legale
50136 Firenze, via Carlo Botta no. 2
T: +39.055.553.5166
E: fhofer@hltlaw.it
E: info@hltlaw.it
W: www.hltlaw.it

JAPAN

Chie Kasahara
Atsumi & Sakai
Fukoku Seimei Bldg., Reception: 12F
2-2-2 Uchisaiwaicho, Chiyoda-ku, Tokyo
100-0011
T: +81 3-5501-2438 (Direct)
E: chie.kasahara@aplav.jp
W: www.aplav.jp/en/

KENYA

John Syekei
Coulson Harney
5th Floor, ICEA Lion Centre,
West Wing, Riverside Park, Chiromo
Road, Nairobi
PO Box 10643-00100, Nairobi
T: +254 20 289 9000
E: j.syekei@coulsonharney.com
W: www.coulsonharney.com

KOREA

Jay Young-June Yang
Kim & Chang
Seyang Building
223 Naeja-dong,
Jongno-gu, Seoul 110-720
T: +822.764.8855 / 2122.3900
E: jyayang@kimchang.com
W: www.kimchang.com

LUXEMBOURG

Claire Leonelli
MOLITOR, Avocats à la Cour
8, rue Sainte - Zithe, B.P.690, L-2016
T: +352.297.298/1
E: claire.leonelli@molitorlegal.lu
W: www.molitorlegal.lu

MALAYSIA

Patrick Mirandah
patrick mirandah co. (malaysia)
sdn bhd
Suite 3B-19-3, Level 19 Block 3B,
Plaza Sentral, Jalan Stesen Sentral 5
50470 Kuala Lumpur
T: +603.2278 86 86
E: malaysia@mirandah.com
W: www.mirandah.com

MALTA

Georg Sapiano
Aequitas Legal
Valletta Buildings, South Street
Valletta, 1103
T: +356 21 234085
E: gsapiano@aequitas.com.mt
W: www.aequitas.com.mt

MEXICO

Roberto Arochi & Marina Hurtado
Arochi & Lindner
Insurgentes Sur 1605, 20th Floor
San José Insurgentes, Mexico City,
03900
T: +52.55.50.95.2050
E: rarochi@arochilindner.com
E: mhurtado@arochilindner.com
W: www.arochilindner.com

MOZAMBIQUE

Élio Teixeira
Adams & Adams
Rua Estevão Ataíde, # 20, R/C
Bairro da Sommerschild, Maputo
T: +258.21.49.86.17
E: elio.teixeira@adamsadams.com
W: www.adamsadams.com

NEW ZEALAND

Erich Bachmann
Hesketh Henry
Level 14, PwC Tower, 188 Quay
Street, Auckland 1010
T: +64.9.375.8709
E: erich.bachmann@heskethhenry.co.nz
W: www.heskethhenry.co.nz

NICARAGUA

Julián J. Bendaña-Aragón
Guy José Bendaña-Guerrero & Asociados
PO Box 3140, Managua 00005
T: +505.2266.5662
E: julian.bendana@guybendana.com.ni
W: www.guybendana.com.ni

NIGERIA

Femi Olubanwo
Banwo & Ighodalo
98, Awolowo Road, S.W. Ikoyi,
Lagos 101232
T: +234.1.2694724
E: banwigo@banwo-ighodalo.com
W: www.banwo-ighodalo.com

NORWAY

Bente Holmvang
Bull & Co Advokatfirma AS
Postboks 2583 Solli, N-0203 Oslo
T: +47.23.01.01.01
E: bho@bullco.no
W: www.bullco.no

PANAMA

Marissa Lasso de la Vega F.
Alfaro, Ferrer & Ramirez
Samuel Lewis Ave. and 54th Street,
AFRA Building
0816-06904 Zona 5
T: +507.263.9355
E: lassodelavega@afra.com
E: afraip@afra.com
W: www.afra.com

PARAGUAY

Dr. Hugo Mersan & Lorena Mersan
MERSAN, Abogados
Fulgencio R. Moreno No. 509AFRA
Edificio "De La Colina"
Casilla de Correos N° 693
Asuncion, Paraguay
T: 595 21 447 739
E: ip@mersanlaw.com
W: www.mersanlaw.com

PERU

Eliana Lesem & Jessica Hondermann
Muñiz Ramírez Pérez-Taiman & Olaya,
Abogados
Las Begonias 475, 6° Piso, Lima 27
T: + 511.611.7000
E: elesem@munizlaw.com
W: www.munizlaw.com

POLAND

Ewa Skrzydło-Tefelska
Softysinski Kawecki & Szlezak Legal
Advisors
ul. Jasna 26, 00-054 Warsaw
T: +48.22.608.70.47
E: ewa.tefelska@skslegal.pl
W: www.skslegal.pl

PORTUGAL

César Bessa Monteiro &
Ricardo Henriques
pbbr - Pedro Pinto, Bessa Monteiro,
Reis, Branco & Associados Sociedade
de Advogados, RL
Av. Liberdade, 110, 6°, 1250-146 Lisboa
T: +351.21 326 47.47
E: cesar.bmonteiro@pbbr.pt
E: ricardo.henriques@pbbr.pt
W: www.pbbr.pt

PUERTO RICO

Eugenio Torres
Ferraiuoli LLC
221 Ponce de León Avenue, 5th Floor
Hato Rey, Puerto Rico 00917
T: 787.766.7000
E: etorres@ferraiuoli.com
W: www.ferraiuoli.com

RUSSIA

Irina Anyukhina
ALRUD Law Firm
6 floor, 17 Skakovaya Street,
125040, Moscow
T: +7.495.234.96.92
E: ianyukhina@alrud.com
W: www.alrud.com

SINGAPORE

Denise Mirandah
Patrick Mirandah Co.
(Singapore) Pte Ltd.
1 Coleman Street, #07 - 08
The Adelphi, 179803
T: +65.63369696
E: denise@mirandah.com
W: www.mirandah.com

SLOVAKIA

Dušan Nitschneider
NITSCHNEIDER & PARTNERS
Cintorínska 3/A,
811 08 Bratislava
T: +421 2 2092 1213
E: nitschneider@nitschneider.com
W: www.nitschneider.com

SOUTH AFRICA

Kelly Thompson & Jenny Pienaar
Adams & Adams
P O Box 1014, Pretoria, 0001
T: +27 12 432 6000
E: kelly.thompson@adamsadams.com
E: jenny.pienaar@adamsadams.com
W: www.adamsadams.com

SPAIN

Gerhard W. Volz
SCHILLER Abogados
Henri Dunant 19, 28036 Madrid
T: +34. 914.179.780
E: gwvolz@schillerabogados.com
W: www.schillerabogados.com

SWEDEN

Michael Plogell
Wistrand Advokatbyrå
Box 11920, SE-404 39, Göteborg
T: +46.31.771.21.00
E: michael.plogell@wistrand.se
W: www.wistrand.se

SWITZERLAND

Rolf Auf der Maur
VISCHER AG
Schuetzengasse 1, P.O. Box 1230,
CH-8021 Zurich
T: +41 58 211 34 00
E: ram@vischer.com
W: www.vischer.com

TURKEY

Ugur Aktekin, Ozan Karaduman
& Hande Hancer
Gün + Partners Avukatlık Bürosu
Kore Sehitleri Cad. No: 17,
Zincirlikuyu 34394, Istanbul
T: +90.212.3540000
E: ugur.aktekin@gun.av.tr
E: ozan.karaduman@gun.av.tr
E: hande.hancer@gun.av.tr
W: www.gun.av.tr

UGANDA

Paul Asiimwe
Sipi Law Associates
Jocasa House, Unit 5, 3rd Floor
Plot 14 Nakasero Rd,
#4180, Kampala
T: +256.414-235391/312.272921
E: paul@sipilawuganda.com
W: www.sipilawuganda.com

UKRAINE

Oleksandr Padalka
Sayenko Kharenko
10 Muzeyny Provulok,
Kyiv 01001
T: +380 44 499 6000
E: opadalka@sk.ua
W: www.sk.ua

UNITED KINGDOM

Brinsley Dresden
Lewis Silkin LLP
5 Chancery Lane, Clifford's Inn,
London EC4A 1BL
T: +44 (0) 20.7074.8069
E: brinsley.dresden@lewissilkin.com
W: www.lewissilkin.com

UNITED STATES

Ronald R. Urbach, Joseph J. Lewczak
& Allison Fitzpatrick
Davis & Gilbert LLP
1740 Broadway, New York, NY 10019
T: +1.212.468.4800
E: rurbach@dglaw.com
E: jlewczak@dglaw.com
E: afitzpatrick@dglaw.com
W: www.dglaw.com

UNITED STATES (CONT'D)

Rick Kurnit & Jeffrey A. Greenbaum
Frankfurt Kurnit Klein & Selz P.C.
488 Madison Avenue
New York, New York 10022
T: +1.212.980.0120
E: rkurnit@fkks.com
E: jgreenbaum@fkks.com
W: www.fkks.com

Douglas J. Wood, Joe Rosenbaum,
John Feldman & Stacy Marcus
Reed Smith LLP
599 Lexington Avenue,
New York, NY 10022
T: +1.212.549.0377
E: dwood@reedsmith.com
E: jrosenbaum@reedsmith.com
E: jfeldman@reedsmith.com
E: smarcus@reedsmith.com
W: www.reedsmith.com

URUGUAY

Agustin Mayer
Ferrere Abogados
Juncal 1392, Ferrere Tower, 11.000
Montevideo
T: +598 2 900 1000
E: amayer@ferrere.com
W: www.ferrere.com

VENEZUELA

Ricardo Alberto Antequera & María
Alejandra Castillo
Antequera Parilli & Rodriguez
Edificio Centro COINASA, PH-B
Avenida San Felipe, LA CASTELLANA
Caracas 1060
T: 58.212.263.9944
E: ricardoalberto@antequera.com.ve
E: mcastillo@antequera.com.ve
W: www.antequera.com.ve

ZIMBABWE

Brenda M. Wood Kahari
B. W. Kahari
Baronage House, 24 Lanark Road
Belgravia/Avondale, Harare
T: 263.4.250994/5 or 253941
E: brendak@bwkahari.com
E: bwkaharilaw@aol.com
W: www.lawyersforafrica.com

Global Advertising Lawyers Alliance

488 Madison Avenue, 10th floor
New York, NY 10022

Tel: 212.705.4895

Fax: 347.438.2185

Email: sbess@galalaw.com

© 2015 Global Advertising Lawyers Alliance

This publication provides general guidance only, expert advice should be sought in relation to particular circumstances. For specific advice on any particular aspect, please contact the relevant legal counsel in the appropriate jurisdiction.