



# ELSA

# 2

## Regulation of Alcohol Marketing in Europe

ELSA project overview on the existing regulations  
on advertising and marketing of alcohol



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The ELSA project (2005-2007) of STAP (National Foundation for Alcohol Prevention in the Netherlands) includes representatives from 24 European countries. The objective of ELSA is to assess and report on the enforcement of national laws and self-regulation on the advertising and marketing of alcoholic beverages in EU Member States and Norway.

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This report has been written by STAP, the National Foundation for Alcohol Prevention in the Netherlands on behalf of the ELSA project 2005-2007.

The report has been funded and prepared under a contract with the European Commission [Agreement number 2004318].

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This report should be quoted: STAP (2007). Regulation of Alcohol Marketing in Europe. Utrecht: National Foundation for Alcohol Prevention.

ISBN 978-90-79070-03-9

National Foundation for Alcohol Prevention (STAP)  
The Netherlands  
May 2007

Design: LS Designers BNO [Gerben Edens/Kenny Venekamp] Groningen, The Netherlands - [www.ls.nl](http://www.ls.nl)

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# 1 Preamble

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<sup>1</sup> Council of the European Union (2001), *Council Recommendation of 5 June 2001 on the drinking of alcohol by young people, in particular children and adolescents*. Official Journal of the European Communities Nr. L 161 of 16/6/2001, p. 38-41.

This Report on Regulation is part of a series of ELSA reports. This main report contains an overview of national laws and self-regulation on advertising and marketing of alcohol in the light of the 2001 Council Recommendations on drinking of alcohol by young people<sup>1</sup>. This main report does not give an evaluation of how laws and self-regulation work in reality or what the impact is of these laws and self-regulation on alcohol marketing in practice.

The main report only addresses laws and self-regulation that exist formally. The characteristics of the regulations and codes in one country were ‘added’ up to make one list per country. But since many codes are specially designed for particular media or particular products, not all types of alcohol marketing have to comply with the total list. The method we used for the main report does not create a complete picture and might suggest a more positive picture of existing regulation in a single country than there is in reality.

For more specific information about the actual regulation in each country we refer to the Country Appendix and the following ELSA reports. Overviews of regulations and codes per country were added in the Country Appendix of this report. In a country overview all regulations in a country are addressed separately. Country introductions are added for each country to explain the context of the alcohol marketing regulation and to add specific information.

## 2 Abstract

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As a part of the ELSA project (Enforcement of national laws and self-regulation on advertising and marketing of alcohol) this report focuses on the national regulations in EU Member States, applicant countries and Norway. It relates national regulations to the relevant elements of the EU Council Recommendation, gives an overview of volume-restricting bans that are in place and of procedures, like pre-launch advice and a systematic search for violations, that are connected to the regulations. It also shows possible differences between statutory regulation and non-statutory regulation (or self-regulation), because these are often claimed to be better alternatives to each other. In order to compare volume-restricting elements against content-restricting elements, the elements of the Council Recommendation were divided into these two categories.

ELSA partners (a list in Appendix F) provided the data through means of a questionnaire (see Appendix E). For each different statutory and non-statutory regulation on alcohol marketing and advertising the questionnaire had to be completed. The questionnaires were collected during the period June 2005 to February 2006. To make a comprehensive report a selection of answers to the questionnaire was used to make a country appendix with a short introduction and a description of each of the existing regulations in that country. A European overview with characteristics of the regulations in each country was made. The draft report was checked by ELSA partners for omissions and errors and the experts and advisors (a list in Appendix G) reviewed and advised from this draft.

### **The data on the national regulations on alcohol marketing and advertising shows:**

#### **Amount and kind of regulations**

- All countries have at least one regulation on alcohol marketing and advertising. Most countries have several.
- Most countries have statutory regulation (23). In 17 countries non-statutory regulation exists. In one country co-regulation exists due to a contract between the statutory body and the non-statutory body on advertising (UK).
- There are 6 countries with only statutory regulation (all Eastern European countries and Finland).
- There are 2 countries that in practice have no statutory regulation: the UK (non-statutory and co-regulation) and the Netherlands (the existing statutory regulation is not enacted and needs a ministerial decision to change this).

#### **Elements of the Council Recommendation in the regulations**

- All countries cover at least 4 of the elements of the Council Recommendation in their national regulations or codes. Most cover more, up to 10. Because of the different types of regulation, conclusions about better or worse regulation based on the elements are not possible.
- Regulation on the production of alcoholic beverages specially targeted at children is present in only 9 countries and only 12 have mention of a connection with the consumption of drug and other harmful substances.
- The elements regarding 'featuring children', 'social, sexual and sporting success' and 'media targeting or reaching a significant amount of young people' is present in most countries (22, 23 and 22 countries).

### **Bans through national regulation**

- All countries except the UK have at least one ban in the national regulation.
- A time ban or location ban is most common (17 countries).
- Bans for specific advertisers are exceptional (2 countries).

### **Procedures connected to national regulation**

- All countries have at least 2 procedures connected to the national regulation, except for Portugal (0).
- The possibility to complain is the most common procedure (23 countries). The possibility to get pre-launch advice is the least common (in 15 countries).

### **Alcohol marketing regulation in practice**

- Formal and official regulation that exist does not in all cases represent the alcohol marketing regulation in practice.
- More information about how alcohol marketing regulation is implemented is needed.

### **Conclusions:**

Most European countries have both statutory and self-regulation.

The EU Recommendation not to produce alcoholic beverages to appeal to children and adolescents is not sufficiently covered.

A (partial) ban on or volume restriction of alcohol marketing is mainly regulated by law.

Enforcement of marketing regulations is more often regulated by law than by self-regulation.

The concrete 'time ban' can have many shapes and forms. Watersheds have a wide variety across the different countries. Sanctions also vary in size and shape.

There is no level playing field: alcohol marketing is regulated in all countries, but there is a big variety in how and how strong it is implemented.

Should we want a level playing field for commercial communication about alcohol in the future, the differences in regulation between the countries should be lessened. We should identify the most effective elements of regulation. Doing that we should consider the regulations itself, but also the best implementation, monitoring and enforcement of the regulation. Attention should be given to both regulation of content of marketing practices and to regulation of the volume of marketing practices. The next ELSA report will sum up the evaluations of the different regulations and codes in force. Any positive or negative evaluations in terms of effectiveness will come up. This will add to knowledge about the most sensible choice for alcohol marketing regulation with the goal to protect young people.



# 3 Introduction

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## 3.1 This report

The objective of ELSA is to assess and report on the enforcement of national laws and self-regulation on advertising and marketing of alcohol. This report is focused on the national regulations in EU Member States, applicant countries and Norway. It only addresses laws and self-regulation that exist formally. It relates national regulations to the relevant elements of the EU Council Recommendation. It creates a picture of the advertising bans in the national regulation, and procedures like pre-launch advice, complaints, system of appeal and sanctions.

It also creates a picture of how far these elements, bans and procedures are applied through statutory regulation or through non-statutory/self-regulation. This in order to show differences between these types of regulations. Statutory and self-regulation are often claimed to be better alternatives to each other.

Regulation that addresses the style or 'content' of marketing practices were put against regulation addressing the 'volume' of marketing practices. Regulation not only addresses volume of marketing practices directed at young people, but also alcohol marketing or marketing in general: for example time bans. This because a lower volume of advertising also lowers the targeting of young people with appealing marketing (as advised in the Council Recommendation). In order to compare volume-restricting elements against content-restricting elements, the elements of the Council Recommendation were divided into these two categories.

## 3.2 Background to the ELSA project

The European Council made recommendations in 2001 for effective mechanisms in the fields of promotion, marketing and retailing to ensure that producers do not produce alcoholic beverages specifically targeted at children and adolescents and to ensure that alcoholic beverages are not deigned or promoted to appeal to children and adolescents. Little has been done to monitor the enforcement of laws and regulations on the advertising and marketing of alcoholic beverages since the 2001 Council Recommendations on drinking of alcohol by young people<sup>1</sup> and the 2001 Conclusions on a Community Strategy to reduce alcohol-related harm<sup>2</sup>. The EU Council Recommendation is the starting point of the ELSA project.

The ELSA project aims to transfer experiences gained in a limited number of countries to other countries who are less experienced in the monitoring of alcohol marketing. This is achieved by the creation of a network of experts from all Member States participating in the project.

The overall objective of the project is to assess and report on the enforcement of national laws and self-regulation on the advertising and marketing of alcoholic beverages in Member States, applicant countries and Norway. There are 24 country-partners in the project. Four countries, Greece, Luxemburg, Malta and Turkey, have not participated.

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<sup>1</sup> Council of the European Union (2001). *Council Recommendation of 5 June 2001 on the drinking of alcohol by young people, in particular children and adolescents*. Official Journal of the European Communities Nr. L 161 of 16/6/2001, p. 38-41.

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<sup>2</sup> Council of the European Union (2001). *Council Conclusions of 5 June 2001 on a Community strategy to reduce alcohol-related harm*. Official Journal of the European Communities Nr. C 175 of 20/6/2001, p. 1-2.

### 3.3 Focus and definitions of ELSA

#### ELSA

ELSA means Enforcement of National Laws and Self-regulation on Advertising and Marketing of Alcohol.

#### Regulation of marketing and advertising for alcoholic beverages

The ELSA project focuses on all national regulation of elements of marketing and advertising of alcoholic beverages that are visible to the public. The national regulation includes statutory legislation and non-statutory regulation, often called self-regulation.

#### Regulations of advertising and marketing that *are* subject to the ELSA project include:

- advertising of alcoholic beverages on TV, radio, internet, billboards, and any other media visible to the public;
- labelling or packaging of alcoholic beverages (regarding promotional aspects);
- sales promotion of alcoholic beverages;
- advertising of lower prices of alcoholic beverages;
- advertising of volume discounts of alcoholic beverages;
- sponsoring of events (sport, cultural or other) by promotion of alcoholic beverages;
- sampling or interpersonal promotion of alcoholic beverages;
- placement and presentation of alcoholic beverages at selling points;
- advertising through mobile phone use (e.g. sms-advertising);
- visible sponsorship (of e.g. TV programmes or events); and
- paid product placement.

#### Regulations of advertising and marketing that *are not* subject to the ELSA project include:

- regulation of alcohol taxes;
- regulation of distribution channels of alcohol (e.g. state monopoly systems); and
- age limits for selling alcohol.

#### National Regulation

National Regulation is any law, statute, guideline or code of practice issued by a national government or self-regulatory organization (SRO).

In the ELSA project we differentiate between statutory regulation and non-statutory regulation. To make a clear definition, we defined regulations as being statutory or non-statutory. Sometimes it is dubious whether a certain regulation is self-regulatory or not. But whether the regulation is set in law or not is often clear. Hence these definitions. In practice most of the non-statutory regulation is in fact considered to be self-regulation.

- **Statutory regulation**  
Regulation imbedded in law and issued by the national government.
- **Non-statutory regulation (in most cases a form of self-regulation)**  
Voluntary codes of practice, statutes or guidelines.

## Advertising and Marketing

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<sup>1</sup> Green paper from the Commission on Commercial Communications in the Internal Market (1996).

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In the Green paper from the Commission on Commercial Communications in the Internal Market<sup>1</sup>, Commercial Communications is defined as “all forms of advertising, direct marketing, sponsorship, sales promotions and public relations promoting products and services”.

We define Advertising and Marketing as:

- **Advertising**

A bringing into notice, especially by paid announcement in different media e.g. ‘to advertise goods (for sale)’<sup>2</sup>.

- **Marketing**

The action of the verb market, meaning to sell, or the action or business of bringing or sending a commodity to the market to sell<sup>2</sup>.

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<sup>2</sup> Oxford English Dictionary.

## Enforcement

Enforcement is the action or process of enforcing, that is to compel the observance of a law or an obligation<sup>2</sup>.

## 4 EU regulation

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### 4.1 Recommendation on the drinking of alcohol by young people

The formulation of the Recommendation on the drinking of alcohol by young people in English is used as a basis for the questionnaires of the ELSA project. The relevant sections are II. 1. (a), (b), (d), (e) and II. 2.

The Council Recommendation of 5 June 2001 on the drinking of alcohol by young people, in particular children and adolescents (2001/458/EC), state that Member States should,

II. [...]

1. encourage, in cooperation with the producers and the retailers of alcoholic beverages and relevant non-governmental organisations, the establishment of effective mechanisms in the fields of promotion, marketing and retailing;

[...]

(a) to ensure that producers do not produce alcoholic beverages specifically targeted at children and adolescents;

(b) to ensure that alcoholic beverages are not designed or promoted to appeal to children and adolescents, and paying particular attention inter alia, to the following elements:

- the use of styles (such as characters, motifs or colours) associated with youth culture,
- featuring children, adolescents, or other young-looking models, in promotion campaigns,
- allusions to, or images associated with, the consumption of drugs and of other harmful substances, such as tobacco,
- links with violence or antisocial behaviour,
- implications of social, sexual or sporting success,
- encouragement of children and adolescents to drink, including low-price selling to adolescents of alcoholic drinks,
- advertising during, or sponsorship of, sporting, musical or other special events which a significant number of children and adolescents attend as actors or spectators,
- advertising in media targeted at children and adolescents or reaching a significant number of children and adolescents,
- free distribution of alcoholic drinks to children and adolescents, as well as sale or free distribution of products which are used to promote alcoholic drinks and which may appeal in particular to children and adolescents;

[...]

(d) to allow manufacturers to get pre-launch advice, in advance of marketing a product or investing in a product, as well as on marketing campaigns before their actual launch;

(e) to ensure that complaints against products which are not being promoted, marketed or retailed in accordance with the principles set out in points (a) and (b) can be effectively handled, and that, if appropriate, such products can be removed from sale and the relevant inappropriate marketing or promotional practices can be brought to an end;

2. urge the representative producer and trade organisations of alcoholic beverages to commit themselves to observe the principles described above.

The elements ‘to ensure that producers do not produce [...]’, ‘advertising during, or sponsorship of, sporting, musical or other special events [...]’, ‘advertising in media targeted [...]’ as well as ‘free distribution [...]’ are the elements that were typed ‘volume-restricting’ as opposed to the other elements, restricting the ‘style or message’ a marketing practice puts across. Therefore these were compared to each other in the analysis.

## 4.2 Other relevant EU regulation

The only EU Directive that contains explicit regulation on the marketing of alcoholic beverages as defined in the ELSA project is the Council Directive 89/552/EEC on the coordination of certain provisions laid down by law or short ‘Television without Frontiers Directive’.

Article 15 in the directive states that advertising for alcoholic beverages shall 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 towards 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; and
- f it shall not place emphasis on high alcoholic content as being a positive quality of the beverages.

The Television without Frontiers Directive already was in force as the Council Recommendation was formulated. Some of its criteria are reflected in elements of the Council Recommendation; some are more specific to TV-advertising or alcohol advertising in general as opposed to alcohol promotion to young people. The TWF criteria (a) which states that advertising for alcoholic beverages ‘*may not be aimed specifically at minors*’, seems to reflect the whole of the Council Recommendation. Although the Recommendation does not state that unwanted promotion should be ‘*specifically aimed*’ at young people. The TWF criteria (b) and (c) are clearly reflected in the Council Recommendation, since the Recommendation states that alcoholic beverages are not to be promoted to appeal to children and adolescents, paying particular attention to ‘*implications of social, sexual or sporting success*’.

# 5 The method of collection and response

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## 5.1 Method

ELSA partners (a list in Appendix F) completed a questionnaire that was provided in digital format (see Appendix E). For each different statutory and non-statutory regulation on alcohol marketing and advertising the questionnaire had to be completed. Questions were obtained under a number of headings such as: Basic information about this regulation; Definitions in this regulation; Bans and exceptions in this regulation; Elements of the EU Council Recommendation in this regulation; etc. Data were collected as Word documents and processed for analysis in an Excel database. The questionnaires were collected during the period June 2005 to February 2006.

To make a comprehensive report a selection of answers to the questionnaire were used to make a country appendix with a short introduction and a description of each of the existing regulations in that country. A European overview with characteristics of the regulations in each country was made.

- The characteristics of the regulations and codes in one country were ‘added up’ to make one list per country. This method might suggest a more positive picture of existing regulation than there is in reality: since many codes are specially designed for particular media or particular products, not all types of alcohol marketing have to comply with the total list. This method was chosen to make comparison between countries possible.
- The characteristics of the statutory and non-statutory regulations were ‘added up’ separately for each country in order to compare statutory with non-statutory regulations.
- The characteristics were categorised to be either restricting volume or restricting the content of marketing practices in order to compare volume-restricting and content-restricting regulations.

In order to compare the number of countries with a certain element in statutory regulation to the number of countries with that element in non-statutory regulation we weighed these numbers by taking it as a percentage of the total number of countries with statutory regulation.

As an example: we took the amount of countries with the element ‘Implications of social, sexual or sporting success’ in statutory regulation (20 out of 22 countries with statutory regulation, not counting Norway because of the total ban) and calculated the percentage it was to the total amount of countries with statutory regulation (91%). We did the same for the amount of countries with this element in non-statutory regulation (15 out of 17 countries with non-statutory regulation, which amounts to 88%) and compared the two percentages (91% to 88%). For the elements and bans, Norway was not counted, because of the total ban on alcohol marketing.

Moreover, we emphasized the regulations that restrict the volume of marketing as opposed to addressing the style or content of marketing practices: we compared the elements of the Council Recommendation towards avoiding certain media strategies to the elements towards avoiding certain content. The elements ‘to ensure that producers do not produce [...]’, ‘advertising during, or sponsorship of, sporting, musical or other special events [...]’, ‘advertising in media targeted [...]’ as well as ‘free distribution [...]’ were categorised as ‘volume-restricting’. For

the same reason we took a closer look at the bans connected to the regulations or codes. In particular we took a closer look at the way time bans are formulated, because it is the ban present in most countries and it is a characteristic to statutory rather than to non-statutory regulation.

The draft of the report was checked by the ELSA partners for omissions and errors and all partners added an introduction to the section in the country appendix about their national regulations. The experts and advisors (a list in Appendix G) reviewed and advised from this draft. After processing the comments of partners and experts the final draft was reviewed by the partners and the conclusions were discussed during an ELSA partner meeting in Dublin, November 2006.

## **5.2 Response**

ELSA has participants of 24 countries, including 21 Member States, 2 applicant countries and Norway. From candidate Member States, Bulgaria and Romania participate; Greece, Cyprus and Malta do not participate. We received data of all 24 partner countries: questionnaires were completed by 23 countries; Estonia added data after reviewing the draft version of the report.

## 6 Overview of regulations and codes per country

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In a separate document [ELSA Regulation Country appendix - draft 01.doc] overviews of regulations per country are given. Each country section has an introduction. Some questions of the questionnaire (see Questionnaire 1, Appendix E) were rephrased to fit the tables.

Below are the questions or descriptions of bans, elements and procedures, together with their short rephrase.

### Bans

Bans regarding	in short
<i>location</i> of the marketing practice (for example: “no marketing in sports stadiums”);	Location
<i>time</i> of the marketing practice (for example: “a ban before 21:00 hrs on TV”);	Time
<i>media-channel</i> used (for example: “cinema advertising cannot be used”);	Media-channel
<i>type of product</i> (for example: “a total ban for spirits and wine advertising”);	Type of product
<i>target-group</i> , other than young people (for example: “pregnant woman”);	Target-group
<i>advertiser</i> who is allowed to market (for example: “sport organisations”).	Advertiser



## Elements of Council Recommendation

Element	in short
a The <i>production</i> of alcoholic beverages specially targeted at children;	a Production
b The use of <i>styles</i> (such as characters, motifs or colours) associated with youth culture;	b Styles
c Featuring <i>children</i> , adolescents, or other young looking models, in promotion campaigns;	c Children
d Allusions to, or images associated with, the consumption of <i>drug</i> and other harmful substances, such as tobacco;	d Drugs
e Links with <i>violence</i> or antisocial behaviour;	e Violence
f Implications of social, sexual or sporting <i>success</i> ;	f Success
g <i>Encouragement</i> of children and adolescents to drink, including low-price selling to adolescents of alcohol drinks;	g Encouragement
h Advertising during, or sponsorship of, sporting, musical or other special <i>events</i> which have a significant number of children and adolescents attend as actors or spectators;	h Events
i Advertising in <i>media targeted</i> at children and adolescents or reaching a significant number of children and adolescents;	i Media
j <i>Free</i> distribution of alcohol drinks to children and adolescents as well as sale or free distribution of products which are used to promote alcoholic drinks and which may appeal in particular to children and adolescents;	j Free
k Design or promotion of alcoholic beverages to appeal to children and adolescents, in <i>other</i> ways than stated under a to j;	k Other

## Procedures connected to the regulation

Procedure	In short
Is there a possibility for <i>pre-launch advice</i> , in advance of marketing a product or investing in a product, as well as on marketing campaigns before their actual launch?	Pre-launch advice
Is there an organisation that is formally responsible for <i>systematically searching for violations</i> of the code or regulation?	Systematically searching for violations
Is it <i>possible to complain and start a procedure</i> about possible violations of this regulation?	Possibility to complain and start procedure
Is there a <i>system of appeal</i> after a complaint has been judged?	System of appeal
Can <i>violators</i> of the regulation receive a sanction?	Sanctions for violators
Are the results of complaint procedures, appeals and/or sanctioning (in connection with violations of the regulation) <i>published or publicly announced</i> in any way?	Results published or publically announced

# 7 European Overview of regulations

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## 7.1 Basic characteristics of the national regulations

Countries often have more than one regulation or code on alcohol marketing. The separate regulations in one country can be different from each other in several ways: the type of marketing they are directed at, the type of beverages they refer, the media they regulate or who is obliged by the regulation can be different. Therefore, in the tables below, we take all regulations in a country together and view the existing national regulation in a country as a whole. This might create a more positive picture of regulation in some countries, if for example certain types of alcoholic beverages are widely regulated, while others are very free to be promoted. But in order to compare countries we chose to do so. Specific information for the regulation in each country is described in the Country Appendix but to illustrate the diversity of the regulations, some examples are mentioned here. Some regulations are made for specific target groups, like the Austrian 'ORF', which is directed only at the Austrian Broadcasting Company and its clients, or the Belgium covenant, that is mainly directed at the parties that signed it (although these parties agreed to distribute the content of the covenant in their specific sectors). Often regulations are directed to all broadcasters or advertisers. The types of marketing under control include all types of marketing or only broadcast, if it is a specific broadcast regulation. There are different regulations and codes for TV, radio and other types of marketing as well as for different types of alcoholic beverages. Spain, for example, has regulatory codes for three different organisations of alcohol producers: beer, wine and spirits.

## 7.2 Amount and kind of regulations (statutory versus non-statutory)

In the table below an overview is given of the amount and type of regulations in the European countries. Most countries have several regulations about alcohol marketing and advertising. To have only one is a rarity. The countries with the most regulations are Belgium (7) and Italy (6). Belgium has non-federal regulations for the Flemish, Walloon and German regions, which partially explains the high number of regulations there.

By the responding 24 countries a total of 79 different regulations about alcohol marketing were described. Out of the 79 regulations 49 are statutory (in 23 countries), 27 are non-statutory (in 17 countries) and 3 are co-regulations (only in the United Kingdom). The co-regulations in the United Kingdom were not categorised as statutory or non-statutory, but as co-regulation because there is an actual contract between Ofcom (the United Kingdom statutory regulator) and BCAP (the UK non-statutory regulator). Ofcom has the right to contract out its functions and decide that the industry should regulate themselves within the statutory framework. In Belgium there is currently a conversion going on with one of the currently non-statutory regulations (Covenant). In France one of the non-statutory regulations (Code of Sport Events Broadcast) is implemented because the statutory regulation (Code of Public Health or Loi EVIN) does not mention precisely how to deal with broadcast of sport events. In Italy the Self-regulation code on TV and minors (established in 1997) is categorised as statutory regulation since it is imbedded in law since 2004.

Appendix A summarizes the basic data about the regulations in each country. There are 6 countries with only statutory regulations (the Eastern European

countries Bulgaria, Latvia, Lithuania, Romania, and Slovenia and also Finland). There is one country (the United Kingdom) that does not have any statutory regulation, but the United Kingdom does have co-regulation (as described above). In the Netherlands formally one statutory regulation exists, but it is in practice non-statutory, since the statutory regulation is a framework to define statutory alcohol marketing regulation in the future. The law is not enacted yet and a ministerial decision is necessary to enact it. All other countries formally have regulation for alcohol marketing and advertising in statutory as well as non-statutory regulations.

**Table 7-1 Amount of different regulations for alcohol marketing per country**

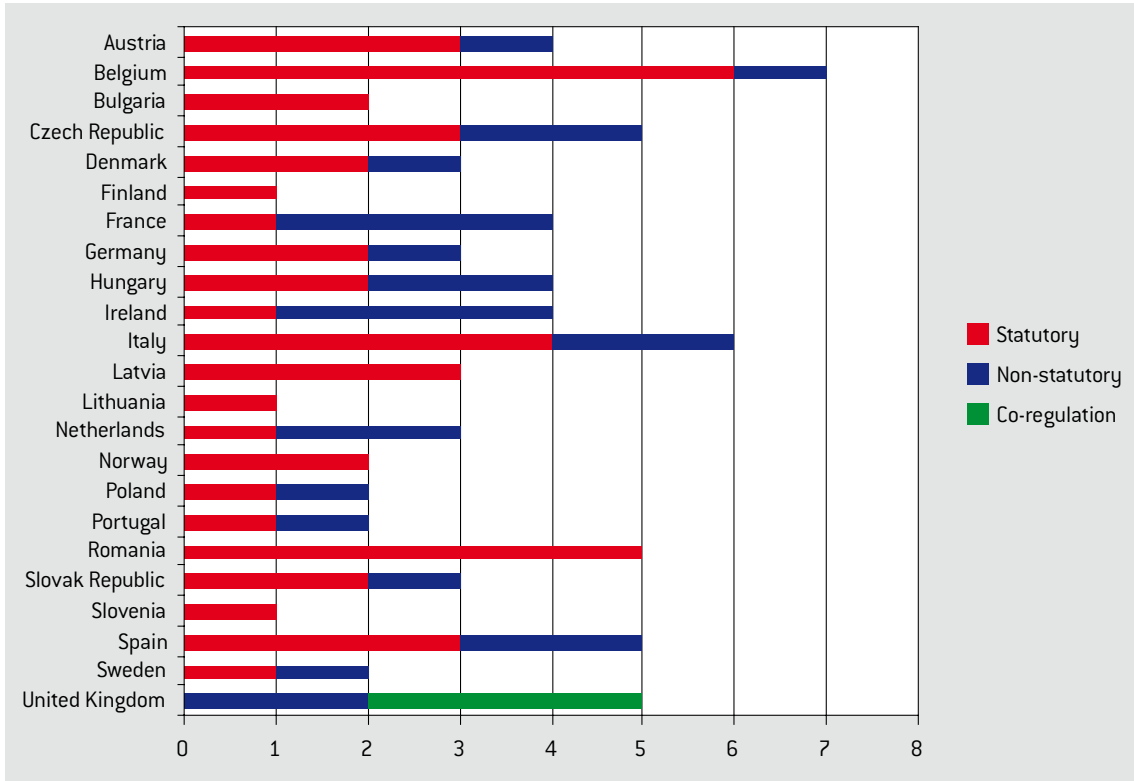
Country	Statutory	Non-statutory	Co-regulation*	Total
Austria	3	1	0	4
Belgium	6	1	0	7
Bulgaria	2	0	0	2
Czech Republic	3	2	0	5
Denmark	2	1	0	3
Estonia	1	1	0	2
Finland	1	0	0	1
France	1	3	0	4
Germany	2	1	0	3
Hungary	2	2	0	4
Ireland	1	3	0	4
Italy	4	2	0	6
Latvia	3	0	0	3
Lithuania	1	0	0	1
Netherlands	1	2	0	3
Norway*	2	0	0	2
Poland	1	1	0	2
Portugal	1	1	0	2
Romania	5	0	0	5
Slovak Republic	2	1	0	3
Slovenia	1	0	0	1
Spain	3	2	0	5
Sweden	1	1	0	2
United Kingdom	0	2	3	5
Total	49	27	3	79
Number of countries with this type of regulation	23	17	1	24

\* In Norway there is a total ban on the advertising of alcohol.

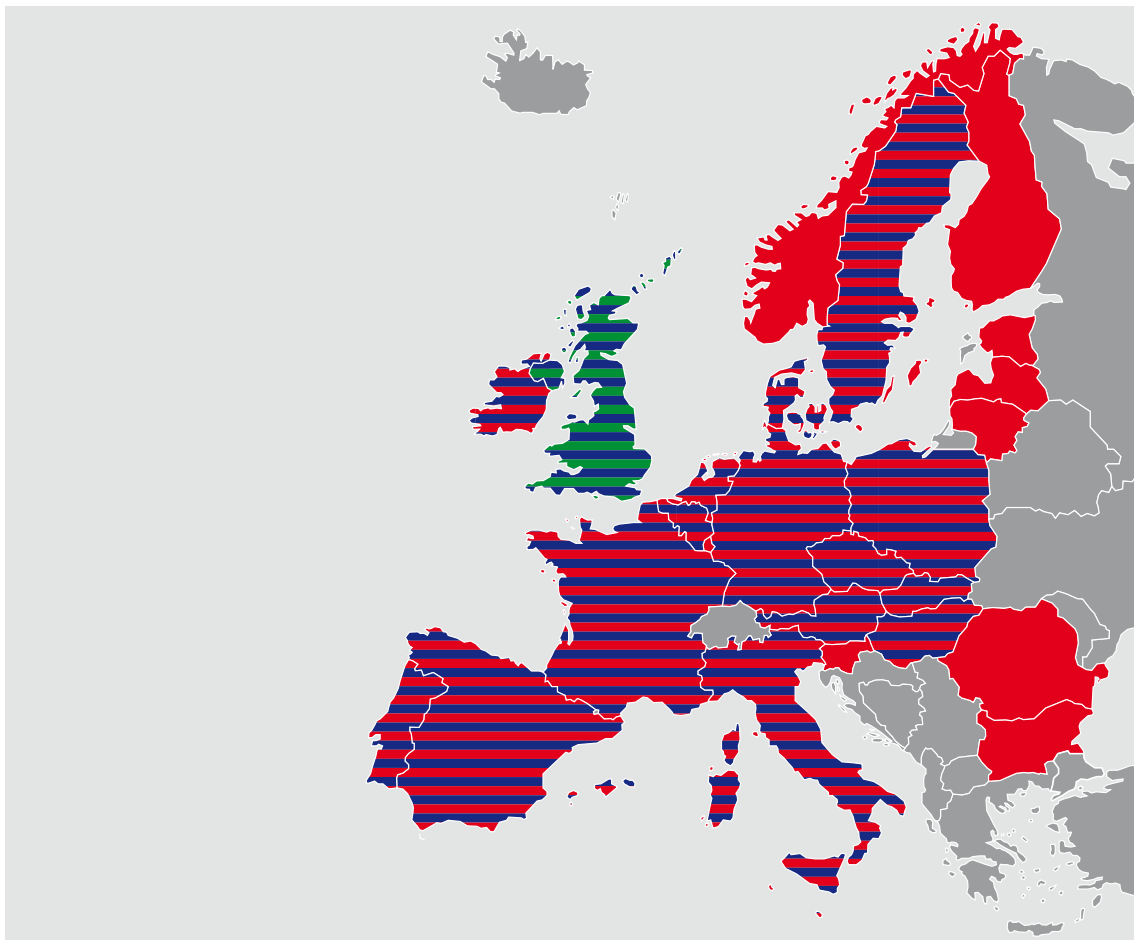
### In short

- All countries have at least one regulation on alcohol marketing and advertising. Most countries have several. In total 79 regulations were reported (49 statutory and 27 non-statutory).
- Most countries have statutory regulation (23). In 17 countries non-statutory regulation exists.
- In 1 country co-regulation exists due to a contract between the statutory body and the non-statutory body on advertising (UK).
- There are 6 countries with only statutory regulation (all Eastern European countries and Finland).
- There are 2 countries that in practice have no statutory regulation: the UK (non-statutory and co-regulation) and the Netherlands (the existing statutory regulation is not enacted and needs a ministerial decision to change this).

**Graphic 7-1a Number of type of regulations by country**



**Graphic 7-1b Kind of type of regulations by country**



### 7.3 Elements of the Council Recommendation reflected in national regulation

In the questionnaire respondents stated whether the following elements are forbidden by their national regulations or codes (taken from the Council Recommendation):

- a. The production of alcoholic beverages specially targeted at children;
- b. The use of styles (such as characters, motifs or colours) associated with youth culture;
- c. Featuring children, adolescents, or other young looking models, in promotion campaigns;
- d. Allusions to, or images associated with, the consumption of drug and other harmful substances, such as tobacco;
- e. Links with violence or antisocial behaviour;
- f. Implications of social, sexual or sporting success;
- g. Encouragement of children and adolescents to drink, including low-price selling to adolescents of alcohol drinks;
- h. Advertising during, or sponsorship of, sporting, musical or other special events which use a significant number of children and adolescents attend as actors or spectators;
- i. Advertising in media targeted at children and adolescents or reaching a significant number of children and adolescents;
- j. Free distribution of alcohol drinks to children and adolescents as well as sale or free distribution of products which are used to promote alcoholic drinks and which may appeal in particular to children and adolescents;
- k. Design or promotion of alcoholic beverages to appeal to children and adolescents, in other ways than stated under a) to j).

The following table shows which elements of the Council Recommendation are mentioned in one or more of the national regulations or codes on alcohol marketing and advertising. In the country chapters the same table is given for each of the regulations or codes of a specific country. The elements b-g (grey background) are content (or 'style') restricting elements, whereas a, h, i, j and k are volume-restricting elements.

**Table 7-2 Elements of Council Recommendation mentioned in one of the national regulations or codes**

Country	a Production	b Styles	c Children	d Drugs	e Violence	f Success**	g Encouragement	h Events	i Media	j Free	k Other	Number of elements covered
Austria	■	■	■	■	■	■	■	■	■	■	■	8
Belgium	■	■	■	■	■	■	■	■	■	■	■	10
Bulgaria	■	■	■	■	■	■	■	■	■	■	■	6
Czech Republic	■	■	■	■	■	■	■	■	■	■	■	9
Denmark	■	■	■	■	■	■	■	■	■	■	■	7
Estonia	■	■	■	■	■	■	■	■	■	■	■	10
Finland	■	■	■	■	■	■	■	■	■	■	■	8
France	■	■	■	■	■	■	■	■	■	■	■	11
Germany	■	■	■	■	■	■	■	■	■	■	■	9
Hungary	■	■	■	■	■	■	■	■	■	■	■	10
Ireland	■	■	■	■	■	■	■	■	■	■	■	11
Italy	■	■	■	■	■	■	■	■	■	■	■	7
Latvia	■	■	■	■	■	■	■	■	■	■	■	7
Lithuania	■	■	■	■	■	■	■	■	■	■	■	7
Netherlands	■	■	■	■	■	■	■	■	■	■	■	9
Norway*	–	–	–	–	–	–	–	–	–	–	–	0
Poland	■	■	■	■	■	■	■	■	■	■	■	6
Portugal	■	■	■	■	■	■	■	■	■	■	■	10
Romania	■	■	■	■	■	■	■	■	■	■	■	6
Slovak Republic	■	■	■	■	■	■	■	■	■	■	■	4
Slovenia	■	■	■	■	■	■	■	■	■	■	■	7
Spain	■	■	■	■	■	■	■	■	■	■	■	9
Sweden	■	■	■	■	■	■	■	■	■	■	■	8
United Kingdom	■	■	■	■	■	■	■	■	■	■	■	9
Number of countries yes (■)	9	17	22	12	21	23	19	17	22	14	12	

\* In Norway none of the elements are mentioned because there is a total ban on the advertising of alcohol.

\*\* This element particularly is also reflected in the TWF directive, article 15.

Since many codes are specially designed for particular media or particular products (see section 7.1), not all types of alcohol marketing have to comply with the total list of elements in a country. Thus the number of elements covered in each country cannot be used to conclude alcohol marketing is regulated better or worse than in another country. More information about the specific regulation in each country is needed for that.

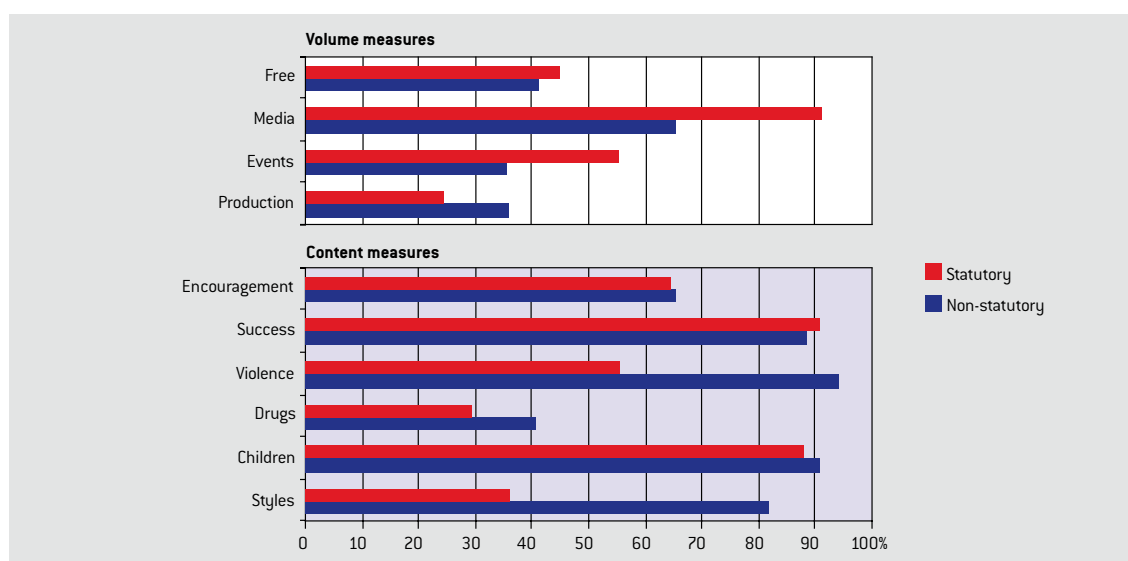
Having noted that, all countries cover at least 4 of the elements of the Council Recommendation in their national regulations or codes. Most cover more, up to 11

in France and Ireland (not counting Norway, where a total ban exists). Out of the 24 countries that replied, only 10 have regulation on the production of alcoholic beverages specially targeted at children. And only 12 have mention of ‘allusions to, or images associated with, the consumption of drug and of other harmful substances, such as tobacco’ in the regulations or codes. The elements ‘children’, ‘success’ and ‘media’ are mentioned in the regulation in the highest number of countries (22, 23 and 22 countries, respectively). Not associating alcohol with ‘social or sexual success’ is also mentioned in the Television without Frontiers Directive (see section 4.2).

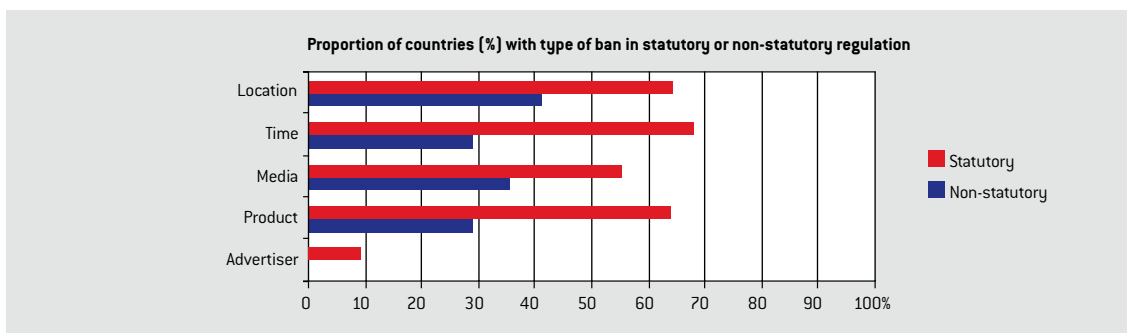
As shown in Appendix B (first table) there is variation in the amount of countries that have the different elements mentioned in statutory or in non-statutory regulations: there is no remarkable difference in the amount or percentage of countries that has the elements in statutory regulations or in non-statutory regulations. Also there are countries that have almost all elements mentioned through statutory regulations and there are countries that have it almost all mentioned in non-statutory regulation: Belgium (10 elements), Hungary (9) and Sweden (8) have regulated most elements through statutory regulations, whereas for example Ireland (11), the Netherlands (9) and the Czech Republic (9) have regulated (almost) all elements in non-statutory regulation. France has 10 elements regulated of non-statutory as well as statutory regulation.

We also had a closer look at the elements a, h, i and j (production, events, media and free distribution), compared to the other elements because these are elements that restrict the *volume* of marketing and advertising and b-g restrict the *content*.

	Statutory (S) / Non-statutory (NS)	Production	Styles	Children	Drugs	Violence	Success	Encouragement	Events	Media	Free
Number of countries with this element in statutory regulation	S	5	8	20	9	12	20	14	12	20	10
	S	23%	36%	91%	41%	55%	91%	64%	55%	91%	45%
Number of countries with this element in non-statutory regulation	NS	6	14	15	5	16	15	11	6	11	7
	NS	35%	82%	88%	29%	94%	88%	65%	35%	65%	41%



There is not a remarkable difference between the volume-restricting elements and content-restricting elements at first sight: the style element ‘success’ is present in 23 countries, whereas the volume element ‘media’ is present in 22 countries, for example. But comparing the coverage of these elements through statutory or non-statutory regulation there is something to mention. The volume element ‘media’ is mentioned in a high percentage of countries through statutory regulations (91%), but in a relative low percentage of countries through non-statutory regulations (65%). Furthermore, the content elements ‘styles’ and ‘violence’ are present in a high percentage of countries through non-statutory regulation (82%; 94%) and in a relative low percentage of countries through statutory regulation (36%; 55%).



### In short

- All countries cover at least 4 of the elements of the Council Recommendation in their national regulations or codes. Most cover more, up to 10. Because of the different types of regulation, conclusions about better or worse regulation based on the elements covered is not possible.
- Regulation on the production of alcoholic beverages specially targeted at children is present in only 9 countries and only 12 have mention of a connection with the consumption of drug and other harmful substances.
- The elements regarding ‘featuring children’, ‘social, sexual and sporting success’ and ‘media targeting or reaching a significant amount of young people’ is present in most countries (22, 23 and 22 countries).
- There is variation in the amount of countries that have the different elements mentioned in statutory or in non-statutory regulations. There is no remarkable difference in the amount of countries that cover the elements through statutory regulation and countries that cover the elements through non-statutory regulation.
- The volume-restricting element ‘media’ is present in a high percentage of countries through statutory regulation and in a low percentage of countries through non-statutory regulation.
- The content-restricting elements ‘styles’ and ‘violence’ are present in a high percentage of countries through non-statutory regulation and in a low percentage of countries through statutory regulation.

## 7.4 Bans through national regulation on alcohol marketing

In order to get a broader view on volume restrictions for alcohol marketing we asked whether certain ‘bans’ are present in regulations or codes. Bans on marketing through certain locations of, timing of, media-channel for, certain types of product, certain target-groups or by certain advertisers will also contribute to a lower volume of advertising directed at young people. And therefore bans contribute also to the targeting of young people with appealing marketing. It was asked whether there are bans on alcohol marketing practices in the particular regulation or code regarding

- *location* of the marketing practice (for example: “no marketing in sports stadiums”);



- *time* of the marketing practice (for example: “a ban before 21:00 hrs on TV”);
- *media channel* used (for example: “cinema advertising cannot be used”);
- *type of product* (for example: “a total ban for spirits and wine advertising”);
- *target-group*, other than young people (for example: “pregnant woman”);
- *advertiser* who is allowed to market (for example: “sport organisations”).

Except for the ban regarding a ‘target group other than young people’ the bans have an impact on the amount or volume of marketing practices. Therefore these bans will also lower the targeting of young people with appealing marketing (as advised in the Council Recommendation). We have put the bans that restrict volume of marketing practices together in the following table.

**Table 7-3 Type of bans in one of the national regulations or codes.**

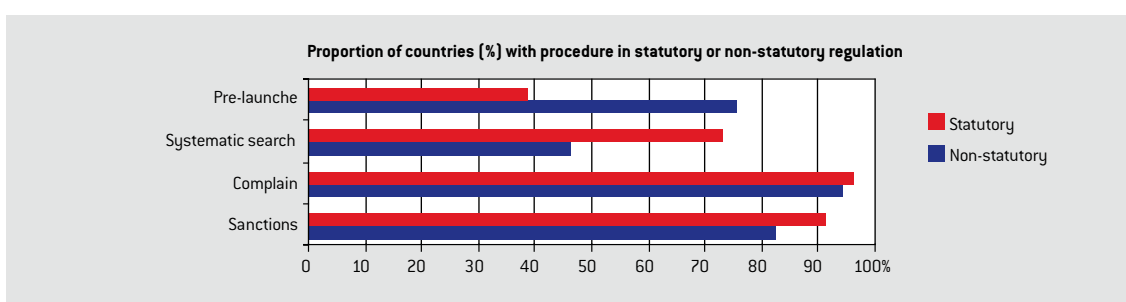
Country	Location	Time	Media Channel	Type of product	Advertiser	Number of bans covered
Austria	■	■	■	■	■	3
Belgium	■	■	■	■	■	4
Bulgaria	■	■	■	■	■	3
Czech Republic	■	■	■	■	■	1
Denmark	■	■	■	■	■	1
Estonia	■	■	■	■	■	4
Finland	■	■	■	■	■	1
France	■	■	■	■	■	3
Germany	■	■	■	■	■	1
Hungary	■	■	■	■	■	4
Ireland	■	■	■	■	■	4
Italy	■	■	■	■	■	4
Latvia	■	■	■	■	■	2
Lithuania	■	■	■	■	■	3
Netherlands	■	■	■	■	■	4
Norway*	–	–	–	–	–	0
Poland	■	■	■	■	■	5
Portugal	■	■	■	■	■	3
Romania	■	■	■	■	■	3
Slovak Republic	■	■	■	■	■	2
Slovenia	■	■	■	■	■	4
Spain	■	■	■	■	■	4
Sweden	■	■	■	■	■	2
United Kingdom	■	■	■	■	■	0
Number of countries yes (■)	17	17	14	15	2	

\* In Norway none of the ban types are mentioned because there is a total ban on the advertising of alcohol.

■ = yes ■ = no

Only the national regulation in the United Kingdom has no volume-restricting bans (not counting Norway which has a total ban), which also means the only country with co-regulation has no bans. The other countries all have at least one. A location and time ban are most common (present in 17 countries). Bans for specific advertisers are mentioned in only two countries. As shown in Appendix B (second table), the bans are implemented through statutory regulation in more countries than through non-statutory regulations. This is consequently the case for all four types of bans. Looking at percentages (to take into account the total amount of countries with statutory regulation is higher than amount of countries with non-statutory regulations), we see that all the volume-restricting bans are presented in a higher percentage of countries with statutory regulation than they are in countries with non-statutory regulation (Appendix B, second table).

A location ban is covered by 64% of countries with statutory regulation versus 41% of countries with non-statutory regulation; a time ban 68% versus 29%; a media ban 55% versus 35%; a 'type of product' ban 64% versus 29%; an advertiser ban 9% versus 0%.



As an example for the level of harmonization of a very concrete type of regulation we took the ban that is present in the highest amount of countries in statutory regulation - a time ban, which 15 countries have in statutory regulation – and described the way time bans are implemented (overview in Appendix C).

In many cases a time ban means some sort of watershed is implemented, like a ban on alcohol advertising on the radio 'outside the hours between 0-7 am on Wednesday and between 0-5 pm on other days' (France) or a ban in cinemas or theatres 'before 8 pm' (Hungary). Watersheds also are implemented for certain types of beverages like a ban on 'spirits advertisements on radio and TV between 4 and 7pm' (Italy). Watersheds restrict alcohol marketing or a part of alcohol marketing on TV, radio or in the cinema for the whole day or the afternoon until 6 pm or until 22:30 pm or somewhere in between. A time ban might also refer to restrictions around children programmes, like 'alcohol advertising can not be shown 5 minutes before or after a children programme' (Belgium). Sometimes time bans restrict the amount of time a marketing practice can last, like 'only for a maximum of one hour' during hit-and-run promotions (the Netherlands) or 'less than 30 seconds' for an advertisement offering distilled alcoholic beverages (Romania).

Appendix C gives an overview of existing time bans in *all media*. Because of the continuing debate on advertising bans for television in many European countries, additional tv-bans are described also (complete bans or for certain beverage types). Bans of alcohol advertising on tv are not only time limits. In 19 of the 24 ELSA countries, a partial or total ban on alcohol advertising on tv exists (mostly in statutory regulation, sometimes in self-regulation). A total ban on alcohol advertising on tv exists in France and Norway. Partial tv bans can be a ban on the advertising of a specific type of product (e.g. no advertising for strong alcoholic beverages, such as in Finland), a time ban (e.g. no alcohol advertising between 7.00 and 22.30, such as in Portugal) or both at the same time (e.g. no advertising for beer before 20.30, such as in Spain).

### In short

- All countries, except the UK, have at least one ban in the national regulation.
- A location and time ban is most common (17 countries).
- Bans for specific advertisers are exceptional (2 countries).
- A higher percentage of countries has the volume-restricting bans in statutory regulation than through non-statutory regulation.
- The time ban in many cases is a watershed and can be directed at certain types of beverages or certain types of media.
- Watersheds in time bans restrict alcohol marketing for the whole day or the afternoon until 6 pm or until 22:30 pm or somewhere in between.

## 7.5 Procedures connected to national regulation

The main procedures connected to the regulations are summarized in the next table. In addition to questions about the wording of the regulations or codes, the partners were asked to describe the procedures connected to regulations or codes. The answers to the following questions were put together in the table.

- a Is there a possibility for *pre-launch advice*, in advance of marketing a product or investing in a product, as well as on marketing campaigns before their actual launch?
- b Is there an organisation that is formally responsible for *systematically searching for violations* of the code or regulation?
- c Is it possible to *complain* and start a procedure about possible violations of this regulation?
- d Can violators of the regulation receive a *sanction*?

**Table 7-4 Type of procedures connected to the regulations or codes. Are they present in one of the national regulations or codes, yes (■) or no (■) ?**

Country	Pre-launch advice	Systematically searching for violations	Possibility to complain	Sanctions connected to violations	Procedures covered
Austria	■	■	■	■	4
Belgium	■	■	■	■	4
Bulgaria	■	■	■	■	3
Czech Republic	■	■	■	■	3
Denmark	■	■	■	■	3
Estonia	■	■	■	■	3
Finland	■	■	■	■	4
France	■	■	■	■	4
Germany	■	■	■	■	4
Hungary	■	■	■	■	4
Ireland	■	■	■	■	3
Italy	■	■	■	■	4
Latvia	■	■	■	■	3
Lithuania	■	■	■	■	2
Netherlands	■	■	■	■	4
Norway	■	■	■	■	3
Poland	■	■	■	■	4
Portugal	■	■	■	■	0
Romania	■	■	■	■	3
Slovak Republic	■	■	■	■	4
Slovenia	■	■	■	■	3
Spain	■	■	■	■	3
Sweden	■	■	■	■	4
United Kingdom	■	■	■	■	4
Number of countries yes = ■	15	19	23	23	

All countries have at least 2 procedures connected to the national regulation, except for Portugal (0). The possibility to complain and sanctions are the most common procedures (23 countries). The possibility to get pre-launch advice is the least common (in 14 countries).

Appendix B shows that the amount of countries that have ‘regulation on pre-launch’ advice is low (39% of all countries with statutory regulation) compared to countries that have it in non-statutory regulation (76% of all countries with non-statutory regulation). On the contrary: the procedure ‘systematically searching for violations’ is implemented through statutory regulation in relatively more countries (74% of all countries with statutory regulation) than through non-statutory regulation (47% of all countries with non-statutory regulation).

We made an overview of sanctions (Appendix D, third table) in order to describe the level of harmonization in these regulations. There is a wide variety of sanctions: Fines we see from € 2.50 (lowest in Belgium) up to € 600,000 (highest in Spain). Sometimes there is a double fine for repeated violations, and there are different fines for public or private persons or legal bodies. Other financial sanctions include a suspension of public aid (Spain) or a fine as a percentage of subsidies (Belgium).

Then there are warnings and reprimands and alike, either public or not public (e.g. in the UK and the Netherlands).

The marketing activity can be temporarily or definitely stopped (as in the Slovak Republic) or the marketing activities more generally can be restricted, for example by a withdrawal of transmission licence or the advice to deny advertising space to the offender (as in the UK).

Furthermore the trade of the advertised product can be hindered by advice to retailers to not stock the relevant product, or by the revocation or withdrawal of trading privileges (in the UK) or by the instruction of retailers to dispose of stocks (Ireland). Or more indirectly trade can be hindered by adverse publicity (as in the UK) or the publication of case reports (as in Ireland) or the expulsion of membership of branch organisations or regulatory organisations.

Note has to be made that the actual usage of these fines was not questioned in this case. The effectiveness of the sanctioning system will be part of the next ELSA report.

We did not look at whether sanctions are actually applied, as this is the subject of the next phase of the ELSA project. The list only illustrates the possibilities for sanctioning. In the French Brewers code the complaint procedure has no legal standing, which will be the case for more of these procedures, especially those connected to non-statutory regulation.

#### **In short**

- All countries have at least 2 procedures connected to the national regulation, except for Portugal (0).
- The possibility to complain is the most common procedure (23 countries). The possibility to get pre-launch advice is the least common (in 14 countries).
- Pre-launch advice is implemented in a higher percentage of countries through non-statutory regulation than it is through statutory regulations.
- Systematically searching for violations is implemented through statutory regulations in a higher percentage of countries than through non-statutory regulations.
- Sanctions connected to the violations are big in variety. They include fines, warnings and reprimands, the temporarily or definite cessation of marketing activity or the hindering of the trade of the advertised product.
- Fines vary from € 2.50 up to € 600,000, are sometimes doubled for repeated violations and are sometimes different for public or private persons or legal bodies. Financial sanctions can include a suspension of public aid or a percentage of subsidies.
- The actual imposing of these sanctions is not clear from the current information.

## **7.6 Alcohol marketing regulation in practice**

This report is an overview of regulation formally in place. It is not an evaluation of the impact of this regulation on alcohol marketing practices in reality or an evaluation of how the regulation is implemented. This will be addressed in other ELSA reports. But note has to be made of the fact that with the collection of data for this report several remarks were made about the difference between regulation formally in place and the regulation of alcohol marketing practices in reality. Some specific remarks below.

In section 7.1 it was mentioned that because of different types of regulation addressing different types of products or different types of marketing, not all alcohol marketing is regulated in the same way. Also it was mentioned that some countries have regional regulation next to national regulation which makes regulation different in different parts of the country. In Spain most alcohol marketing is regulated on regional level, so the national regulation in this report by no means creates a total picture. In section 7.2 it was addressed that having statutory and non-statutory regulation does not mean these regulations are all really used. In the Netherlands, for example, in reality alcohol marketing is regulated non-statutory, although there is a framework for alcohol marketing regulation by law. Adding to this, in Italy several statutory regulations about alcohol marketing exist, but because they mainly address content of alcohol marketing and because they are difficult to interpret, in practice only the non-statutory regulation is used. On the other hand in Finland the not very detailed regulation is the reason there is not much of formal regulation, but in practice a lot more is going on. There is a very pro-active governmental control agency that initially interprets the regulation to serve consumer protection as far as possible.

#### **In short**

- Formal and official regulation that exists does not in all cases represent the alcohol marketing regulation in practice.
- More information about how alcohol marketing regulation is implemented is needed.

## **7.7 Conclusions & discussion**

### **Most European countries have both statutory and self-regulation.**

The elements of the Council Recommendation are covered by statutory regulation as well as non-statutory regulation (self-regulation). Despite the fact that non-statutory regulation (or self-regulation) and statutory regulation are often claimed to be better alternatives to each other, we see no remarkable difference in terms of the coverage of the elements of the Council Recommendation by statutory or by non-statutory regulation (self-regulation). Most countries in Europe have several regulations on alcohol marketing. A few (6) only have statutory regulations (Finland and 5 Eastern European countries, so probably resulting from the history of communism in these countries). Even less (2) have no statutory regulation in practice: to have only a self-regulatory system is exceptional in Europe. So almost all European countries choose to regulate at least a part of alcohol marketing by law.

### **The EU Recommendation not to produce alcoholic beverages to appeal to children and adolescents is not sufficiently covered.**

There are a lot of similarities in terms of regulation of advertising in all countries. But also a lot of differences. Even within countries there are often different regulations in different regions. It is not possible to conclude which countries have better regulation, because of these differences. But all countries cover at least 4 of the elements of the Council Recommendation. Most cover more, up to 10. Thus some elements are covered by national regulations more than other: 'regulation on the production of alcoholic beverages specially targeted at children' is present in only 10 countries. Only 12 have mention of a 'connection with the consumption of drug and other harmful substances'. The elements regarding 'featuring children', 'social, sexual and sporting success' and 'media targeting or reaching a significant amount of young people' is present in most countries (22, 23 and 22 countries).

### **A (partial) ban on or volume restriction of alcohol marketing is mainly regulated by law.**

Although the elements of the Council Recommendation are covered by statutory as well as non-statutory regulation, we do not see the same for the volume-restricting elements and bans.

The volume-restricting Council Recommendation element 'media' (*'advertising in media targeted at children and adolescents or reaching a significant number of children and adolescents'*) is present in a high percentage of countries through statutory regulation and in a low percentage of countries through non-statutory regulation. Also a higher percentage of countries has the volume-restricting bans in statutory regulation than in non-statutory regulation. On the contrary, the content-restricting elements 'styles' (*'the use of styles (such as characters, motifs or colours) associated with youth culture'*) and 'violence' (*'links with violence or antisocial behaviour'*) are present in a high percentage of countries through non-statutory regulation and in a low percentage of countries through statutory regulation. This points towards a fundamental difference between statutory and non-statutory (self-regulation). It could be that non-statutory regulations tend to be more liberal in terms of restricting volume of advertising because they supplement statutory regulations rather than replace them. Whatever the case may be: at this time non-statutory regulations and statutory regulations for alcohol marketing are not interchangeable and therefore should not be considered alternatives to each other.

### **Enforcement of marketing regulations is more often regulated by law than by self-regulation.**

Pre-launch advice is more common in countries with non-statutory regulation. But active monitoring of the compliance with marketing regulations more often takes place in countries where marketing is regulated by law than in countries with self-regulation. The consequences of breaking alcohol marketing rules diverge from a warning to a fine of thousands of Euros. The extent to which these sanctions are applied has not been investigated. The procedural difference between the two types of regulation (statutory and non-statutory) could be the consequence of the different goals the two types of regulations have. The reason governments issue statutory regulation regarding alcohol marketing is ultimately for reasons of public health. The reason commercial industry (be it drinks industry or advertising industry) is often to prevent marketing restrictions by law and ultimately has a commercial purpose. With a public-health goal in mind and statutory regulation as an instrument, the most common form of stimulating adherence would be through looking for offenders and sanction them. With a commercial goal in mind show the intention to comply with the regulation (by preventing non-compliant marketing practices being published) will have priority above tracking down possible offenders. The question is whether one of these ways of working is more effective than the other in stimulating compliance. In general, prevention has to have some sort of enforcement in order to be effective.

**The concrete ‘time ban’ can have many shapes and forms. Watersheds have a wide variety across the different countries. Sanctions also vary in size and shape.**

Although having a ‘time ban’ in the regulation on alcohol marketing seems to be very concrete there is a big variety in the way these bans are implemented. The time ban in many cases is a watershed, but can be directed at certain types of beverages or certain types of media. The watersheds that are in place restrict alcohol marketing for the whole day or the afternoon until 6 pm or until 22:30 pm or somewhere in between. Although this was not analysed, we can expect other bans and regulations to be as wide in variety as this time ban.

Sanctions connected to the violations also are big in variety. They include fines, warnings and reprimands, the temporarily or definite cessation of marketing activity or the hindering of the trade of the advertised product. The actual imposing of these sanctions is not clear from the current information.

**There is no level playing field: alcohol marketing is regulated in all countries, but there is a big variety in how and how strong it is implemented.**

There is by no means a level playing field regarding regulation of commercial communication about alcohol in the European countries. Should we want a level playing field in the future, the differences between the countries should be lessened. Considering the globalisation of marketing and the big differences between the most far going (total ban) and most liberal regulations and codes this needs to be achieved by an overarching system of regulation. Therefore we should identify the most effective elements of regulation that might also be politically pragmatic to build on. Doing that we should consider the regulations itself, but also the best implementation, monitoring and enforcement of the regulation. Attention should be given to both regulation of content of marketing practices and to regulation of the volume of marketing practices. The next ELSA report will sum up the evaluations of the different regulations and codes in force. Any positive or negative evaluations in terms of effectiveness will come up. This will add to knowledge about the most sensible choice for alcohol marketing regulation with the goal to protect young people.





## Appendix A Regulations and codes per country

An overview of regulations and codes per country, including type (statutory or non-statutory or other) regulation, target marketing media, and target alcoholic beverages.

Austria (AT)				
	Regulation	Statutory / Non-stat.	Marketing	Alcoholic beverage
1	Federal Act on the Austrian Broadcasting Corporation (ORF Act: self-regulation)	Statutory	Broadcast (TV, radio: advertising, product placement, sponsoring)	"Spirits", no further definition; "Alcoholic beverages", no further definition
2	Private Radio Act	Statutory	Broadcast (TV, radio: advertising, product placement, sponsoring)	"Spirits", no further definition
3	Private Television Act	Statutory	Broadcast (TV, radio: advertising, product placement, sponsoring)	"Spirits", no further definition; "Alcoholic beverages", no further definition
4	Austrian Advertising Council (Österreichischer Werberat (ÖWR): Self Regulation Agency of the Austrian Advertising Industry)	Non-statutory	All kinds of "economical advertising" (not included: sponsoring, product placement etc.)	All kinds of "alcoholic beverages" - no further definition

Belgium (BE)				
	Regulation	Statutory / Non-stat.	Marketing	Type of Alcoholic beverage
1	Consumers Health Law (wet betreffende de bescherming van de gezondheid van de gebruikers op het stuk van de voedingsmiddelen en andere producten)	Statutory	All advertising and sponsoring	All food products including drugs (legal and illegal) e.g. all alcoholic drinks Incl. covenant: alcoholic drinks > 1,2% VOL.
2	Flemish coordinated decree on radio broadcasting and television (Besluit van de Vlaamse Regering tot coördinatie van de decreten betreffende de radio omroep en de televisie)	Statutory	Broadcast (TV, radio: advertising, sponsoring and teleshopping)	No information
3	French Decree of Radio Broadcasting (Décret sur la radiodiffusion)	Statutory	Broadcast (TV, radio: advertising, sponsoring and teleshopping)	No information
4	Decision Management Contract RTBF (Contrat de gestion de la radio-télévision belge de la communauté française)	Statutory	Broadcast (TV, radio: advertising / commercial nature)	No information (ban for alcoholic drinks > 20% VOL. on TV)
5	German Media Decree (decreet over de media)	Statutory	Broadcast (TV, radio: advertising, sponsoring and teleshopping)	No information
6	Brussels Capital Broadcasting Law (Wet betreffende de netten voor distributie voor omroepuitzendingen en de uitoefening van [omroepactiviteiten] in het tweetalig gebied Brussel-Hoofdstad)	Statutory	Television (advertising, sponsoring and teleshopping)	No information
7	Covenant (covenant inzake gedrag en reclame met betrekking tot alcoholhoudende dranken)	Non-statutory	Every announcement [...] also sponsoring as well as the place where alcohol is sold (Ban for newspapers, magazines and cinema for children)	>1,2%VOL.

Bulgaria (BG)				
	Regulation	Statutory / Non-stat.	Marketing	Alcoholic beverage
1	Health law	Statutory	Electronic and printed media (direct and indirect marketing) (a ban for both targeting on youth < 18y)	All types (a total ban on direct marketing of hard liquors)
2	Radio and TV Law	Statutory	Electronic and printed media (direct and indirect marketing) (a ban for use of electronic media targeting youth < 18y)	All types

<b>Czech Republic (CZ)</b>				
	<b>Regulation</b>	<b>Statutory / Non-stat.</b>	<b>Marketing</b>	<b>Alcoholic beverage</b>
1	Act No. 40/1995 Coll., on the Regulation of Advertisement	Statutory	Announcement [...] [also sponsoring]	Alcoholic beverages > 0,5 VOL.
2	Act. No. 231/2001 Coll., on TV and Radio Broadcasting	Statutory	Broadcast (TV, radio: advertising and teleshopping)	> 0,75 VOL. (not exactly stated at this law, alcoholic beverages mentioned generally).
3	Act. No 379/2005 Coll. On protection against harm done by tobacco products, alcohol and other addictive substances)	Statutory	Selling, serving or otherwise encouraging the alcohol consumption.	Alcoholic beverages > 0,5 VOL.
4	Code of practice – Asociation of Alcohol Producers	Non-statutory	Advertising	Alcohol (no further definition)
5	Code of Advertising Practice – the Czech Advertising Standards Council	Non-statutory	Advertising (all media of communication: electronic, printed, ...)	“Strong Drinks”

<b>Denmark (DK)</b>				
	<b>Regulation</b>	<b>Statutory / Non-stat.</b>	<b>Marketing</b>	<b>Alcoholic beverage</b>
1	Order on Advertisement and Sponsorship in the Radio and on Television (the Broadcasting act)	Statutory	Broadcast (TV, radio only within danish jurisdiction)	All alcoholic beverages
2	Regulations of Marketing Alcoholic Beverages	Non-statutory	All kinds of marketing	Alcoholic beverages > 2,8 VOL.
3	The Marketing Practises Act	Statutory	All kinds of marketing	All alcoholic beverages

<b>Estonia (EE)</b>				
	<b>Regulation</b>	<b>Statutory / Non-stat.</b>	<b>Marketing</b>	<b>Alcoholic beverage</b>
1	Advertising Act (Reklaamiseadus)	Statutory	All kinds of marketing	Alcoholic beverages > 0,5% VOL.
2	Brewers Code of Ethics	Non-statutory	Beer marketing	Beer up to 12% VOL.

<b>Finland (FI)</b>				
	<b>Regulation</b>	<b>Statutory / Non-stat.</b>	<b>Marketing</b>	<b>Alcoholic beverage</b>
1	Alcohol Act (Alkoholilaki)	Statutory	Advertsing (direct and indirect) and other ways of sales promotion	Difference between: <ul style="list-style-type: none"> <li>• Mild alcoholic beverages 1,2 – 22 % VOL. and</li> <li>• Strong alcoholic beverages &gt; 22% VOL.</li> </ul>

France (FR)				
	Regulation	Statutory / Non-stat.	Marketing	Alcoholic beverage
1	Code of Public Health. Book II. Combating alcoholism (includes the « Loi EVIN ») ( Code de la Santé Publique. Livre II. Lutte contre l'alcoolisme ("LOI EVIN"))	Statutory	Marketing and advertising of alcoholic and non-alcoholic beverages (ban on tv and cinema advertising)	Alcoholic beverages > 1,2 VOL.
2	Code of Communication and Sale of Alcoholic Beverages (Code d'autodiscipline et de déontologie en matière de communication et de commercialisation des boissons alcoolisées)	Non-statutory	Advertising and marketing (ban on tv and cinema advertising)	not defined
3	Brewers Code of Practice (Code Ethique des Brasseurs)	Non-statutory	Marketing	Beer
4	Code of Sport Events Broadcast (Code de bonne conduite pour la retransmission télévisée d'événements sportifs comportant des panneaux publicitaires en faveur de boissons alcoolisées)	Non-statutory	Broadcast of sport events which shows billboards promoting alcoholic beverages (TV ban) TV advertising is authorized in multinational sport events not specifically targeted at the french public	Alcoholic beverages > 1,2 VOL.

Germany (DE)				
	Regulation	Statutory / Non-stat.	Marketing	Alcoholic beverage
1	Federal Protection of Minors Act (Jugendschutzgesetz)	Statutory	Broadcast (tv, radio) Places of public resorts (cinema, discotheques and public houses)	Alcoholic beverages in general Sugared alcohol-containing beverages (alcopops)
2	Interstate Treaty for the Protection of Minors from Unsuitable Media Content (Jugendmedienschutz-Staatsvertrag)	Statutory	Electronic information and communication media (radio, television, internet)	Alcoholic beverages in general
3	Code of Conduct on Commercial Communication for Alcoholic Beverages (Verhaltensregeln des Deutschen Werberates über die kommerzielle Kommunikation für alkoholische Getränke)	Non-statutory	Commercial communication (the use of any communication instrument by a business enterprise with the primary objective of promoting the sale of goods or services, excluding editorial content)	Alcoholic beverages containing alcohol in any quantity, excluding beverages that are allowed to be designated alcohol-free

Hungary (HU)				
	Regulation	Statutory / Non-stat.	Marketing	Alcoholic beverage
1	Law on Economic Advertising Activity (Act No. LVII/1997. on economic-commercial advertising activities)	Statutory	Economic/commercial advertising	All types of alcoholic beverages
2	Act No. I./1996. on radio and television broadcast	Statutory	Classical advertisement; Indirect advertisement; All kinds of broadcast	All types of alcoholic beverages
3	Hungarian Code of Advertising Ethics, 2005	Non-statutory	Advertisement	All types of alcoholic beverages
4	Code of Advertising Ethics of the Association of Hungarian Brewers	Non-statutory	all advertising activity, every paid ad, newspaper article, report, and other promotional materials, like brochures, posters, video records, etc. in case they are made public	Beer only

Ireland (IE)				
	Regulation	Statutory / Non-stat.	Marketing	Alcoholic beverage
1	Code of Standards, Practice and Prohibitions in Advertising Sponsorship and other forms of Commercial Promotion in Broadcasting Services (Broadcasting code)	Statutory	All kinds of broadcast (tv, radio: public, private, advertising, sponsoring, commercial, promotional)	Alcohol beverages in general (controlled); Spirit-based alcoholic drinks (ban)
2	Advertising Standards Authority for Ireland (ASAI)	Non-statutory	Broadcast (tv, radio, cinema); Advertisements in/on all printed material; Electronic systems (internet, teleshopping etc.); Promotional media in public places	Alcoholic beverages > 1.2% VOL. (ban on spirit-based alcohol drinks for Broadcast)
3	MEAS Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks	Non-statutory	Any media (packaging, sale, sponsorship, promotions, ... via direct or indirect / print or electronic communication	Alcoholic beverages > 0.5% VOL. (even if they are classified as foodstuffs rather than drinks)
4	Voluntary Code to Limit the Exposure of Young People to Alcoholic Drink Advertising on Television, Radio, in Cinema and on Outdoor/Ambient media	Non-statutory	All marketing on Television, Radio, Cinema and Outdoor or Ambient media	All alcoholic beverages

Italy (IT)				
	Regulation	Statutory / Non-stat.	Marketing	Alcoholic beverage
1	Law on alcohol and alcohol-related problems (Legge quadro in materia di alcol e problemi alcolcorrelati; art 13 on advertising)	Statutory	Broadcast (tv, radio: direct or indirect advertisement) Printed media (directed at children) Places of public resorts mainly focused on children-activities	Alcoholic beverages > 1,2% VOL. Spirits (> 21% VOL.)
2	Ratification of the European convention on Television without Frontiers (Ratifica e applicazione della convenzione europea sulla TV transfrontaliera)	Statutory	Advertising of alcoholic beverages	Alcoholic beverages (not further defined)
3	Self-regulation code on TV and minors (Codice di autoregolamentazione nei rapporti tra TV e minori)	Statutory	Advertising of alcoholic beverages	Alcoholic beverages (not further defined)
4	Regulations for the implementation of the artt. 13,15,16 of the European Directive 3 October 1989 (89/552 CEE) regarding television advertising of alcoholic beverages and tabacco and the protection of minors	Statutory	Advertising of alcoholic beverages	Alcoholic beverages (not further defined)
5	Advertising self-regulation code (Codice dell'autodisciplina pubblicitaria – 38a edizione, in vigore dal 26 luglio 2005, edizione del Codice risale al 12 maggio 1966 – 38th edition in force since 26 July 2005, the first edition in 1996)	Non-statutory	Advertising of alcoholic beverages	Alcoholic beverages (not further defined)
6	Ethical code issued by national public radio – tv network (Rai) (Codice deontologico della radio-televisione pubblica (Rai) – art. 7 Alcoholic)	Non-statutory	Advertising of alcoholic beverages	Alcoholic beverages (not further defined)

Latvia (LV)				
	Regulation	Statutory / Non-stat.	Marketing	Alcoholic beverage
1	Handling of alcoholic Beverages law	Statutory	All	Alcoholic beverages > 0,5% VOL.
2	Radio and Television Law	Statutory	Advertising and marketing in electronical mass media	Alcoholic beverages > 0,5% VOL. Beer and wine
3	Advertising Law	Statutory	All	Alcoholic beverages > 0,5% VOL.

Lithuania (LT)				
	Regulation	Statutory / Non-stat.	Marketing	Alcoholic beverage
1	Alcohol Control Law	Statutory	Production, sale, stocking, transporting, bringing in, importing, exporting, consumption, advertising and sponsorship, ...	Alcoholic beverages > 1,2 % VOL. (or beer more than 0.5 % VOL.)

Netherlands (NL)				
	Regulation	Statutory / Non-stat.	Marketing	Alcoholic beverage
1	Drank- en Horecawet	Statutory	not defined	Alcoholic beverages > 0.5% VOL. (at a temperature of 20 degrees Celsius)
2	Advertising code for alcoholic beverages (Reclamecode voor Alcoholhoudende dranken (RvA))	Non-statutory	The Advertising Code for Alcoholic Beverages applies to the advertising of alcoholic beverages and non-alcoholic beverages in so far as these are promoted for use in combination with alcoholic beverages (specifically intended for the Netherlands) All the rules in the Code apply to sporting and events sponsorship	Alcoholic beverages > 0,5% VOL.
3	Richtlijn voor Horeca promoties	Non-statutory	Horeca promotions: "promotions in the hotel and catering industry, where a promotional team, by order of a producer or importer, introduces the attending public to one of the branded products of the producer or importer."	Not defined

Norway (NO)				
	Regulation	Statutory / Non-stat.	Marketing	Alcoholic beverage
1	Advertisement of alcoholic beverages	Statutory	All advertising of alcoholic beverages over 2,5 % by volume	Alcoholic beverages > 2,5% VOL.
2	Prohibition against advertising	Statutory	All advertising of alcoholic beverages over 2,5 % by volume	Alcoholic beverages > 2,5% VOL.



Poland (PL)				
	Regulation	Statutory / Non-stat.	Marketing	Alcoholic beverage
1	The Act of October 26th, 1982 on Upbringing in Sobriety and Counteracting Alcoholism	Statutory	Promotion, advertising, sponsoring of alcohol beverages; and Information on the sponsor	Alcoholic beverages > 0,5% VOL. (beer, wine and spirits)
2	Polish Brewers Advertising Code	Non-statutory	Advertising (direct or indirect to promote the sale of beer / not applying to messages placed on beer packaging, sponsorships and promotions, but applying to the information of such sponsorships and promotions)	Beer

Portugal (PO)				
	Regulation	Statutory / Non-stat.	Marketing	Alcoholic beverage
1	Advertising code for all communication media channels	Statutory	Advertising of all products and services by all means and has a special article which relates to alcoholic beverages (specifically intended for Portugal) All the rules in the Code apply to sporting and events sponsorship	Regulation applies to all kind of alcoholic beverages, namely beer, wine and spirits. Definitions. [...] Alcoholic beverages: beverages containing 0.5 VOL. or more;
2	Self-regulation code for marketing and advertising of AB – alcohol industry	Non-statutory	All	All

Romania (RO)				
	Regulation	Statutory / Non-stat.	Marketing	Alcoholic beverage
1	Decision no. 254/July 5th, 2004 (regarding the advertising, sponsorship and teleshopping)	Statutory	Advertising, sponsorship and teleshopping	Distilled alcoholic beverages (spirits) > 15% VOL. (at 20 C degrees)
2	The Audio Visual Law	Statutory	the Audio-visual field; the National Council of Audio-Visual; the Ministry of Communications and Technology of Information	Alcoholic beverages in general
3	The Advertising Law	Statutory	Mass-media advertising	Alcoholic beverages in general
4	Law no. 61/September 27th, 1991 (regarding the social life and public order norms)	Statutory	Public Order	Alcoholic beverages in general
5	Decision no. 128/March 30th, 1994 (regarding certain measures for assuring the physical and moral development conditions for schoolchildren and students)	Statutory	Education in general	[empty field]

Slovak Republic (SK)				
	Regulation	Statutory / Non-stat.	Marketing	Alcoholic beverage
1	Advertising Act	Statutory	Advertising (general; misleading; unacceptable comparative-)	Alcoholic beverages are spirituous liquors, wine, beer, and other beverages which contain more the 0.75% VOL.
2	Act on Broadcasting and retransmission	Statutory	Broadcast (tv, radio: advertising, teleshopping, sponsoring etc.)	All alcoholic beverages - not further defined but with references
3	Ethical principles of advertising practice valid in the Slovak Republic	Non-statutory	All advertising	Alcoholic beverages - no further definition

Slovenia (SI)				
	Regulation		Marketing	Alcoholic beverage
1	Act Amending the Health and Hygiene Safety of Foodstuffs and Products and Materials Coming in Contact with Foodstuffs Act	Statutory	Broadcast (tv, radio); Printed materials; Electronic publications, teletext; all forms of advertising available in public	Alcoholic beverages > 15% VOL. (total ban)

Spain (ES)				
	Regulation	Statutory / Non-stat.	Marketing	Alcoholic beverage
1	General Law of Advertising	Statutory	All types	All alcoholic beverages without minimum percentage of alcoholic volume
2	TV code	Statutory	Television (direct or indirect advertisement, product placement, telesale, sponsorship through television, etc.)	All alcoholic beverages without minimum percentage of alcoholic volume
3	Law of Sport	Statutory	Advertising	All alcoholic beverages
4	Code of self-regulation of spirit producers	Non-statutory	Any type of advertising with the exception of product placement	Alcohol content of more than one degree proof, with the exception of beer and wine and derivatives thereof
5	Code of self-regulation of beer producers	Non-statutory	Commercial communications: advertising, consumer promotions, salespromotions, sponsoring	All Beers (non-alcoholic beers also)

**Sweden (SE)**

	<b>Regulation</b>	<b>Statutory / Non-stat.</b>	<b>Marketing</b>	<b>Alcoholic beverage</b>
1	The Alcohol Act	Statutory	Marketing; Advertisement (in periodical publications or other publications on which the press law is applicable); Alcohol beverages as gifts in connection with marketing	Alcoholic beverages > 2,25% VOL. (total ban for alcoholic drinks > 15% VOL.)
2	Swedish Spirits & Wine Suppliers (SSWS) - (self-regulation code)	Non-statutory	All sorts of marketing, information and promotion of all alcoholic beverages and soft drinks	All beverages (alcoholic and non-alcoholic) that the members trades with

United Kingdom (UK)				
	Regulation	Statutory / Non-stat.	Marketing	Alcoholic beverage
1	Portman Group Code of Practice on the Naming, Packaging, and Promotion of Alcohol Drinkers	Non-statutory	Naming and packaging; Sale activities and materials; Websites, sponsorship, press releases, branded merchandise, advertorials and sampling; (Does not apply to any broadcast or non-broadcast advertising; Does not apply to any materials or activities whose purpose is solely and clearly to educate under 18s about the use and misuse of alcohol)	Alcoholic beverages > 0.5% VOL. Alcoholic 'drinks', even if they are classified as foodstuffs rather than drinks for the purposes of licensing or customs and excise legislation, or even if they appear to be solid or heavily textured, rather than liquid
2	The British Code of Advertising, Sales Promotion and Direct Marketing	Non-statutory	a Advertisements in newspapers, magazines, brochures, leaflets, circulars, mailings, e-mails, text transmissions, fax transmissions, catalogues, follow-up literature and other electronic and printed material; b Posters and other promotional media in public places, including moving images; c Cinema and video commercials; d Advertisements in non-broadcast electronic media, including online advertisements in paid-for space (e.g. banner and pop-up advertisements); e View data services; f Marketing databases containing consumers' personal information; g Sales promotions; h Advertisement promotions	Alcoholic beverages > 1.2% VOL.
3	Television Advertising Standards Code	Co-regulation*	a Terrestrial TV services – (applied to all the Ofcom licensees, satellite television services provided by broadcasters within UK jurisdiction, licensable programme services, local delivery services, digital programme services and services provided under Restricted Service Licences (local television)); b Welsh Fourth Channel which is regulated by S4C	Separate rules for: Alcoholic beverages > 1.2% VOL. Alcoholic beverages < 1.2% VOL. ("low alcohol drinks")
4	Radio Advertising Standards Code	Co-regulation*	Advertising on all services licensed by Ofcom (spot advertisements, promotions, sponsorship; etc.; does not cover product placement) This Rule excludes promotion of radio stations' own-branded activities, goods and events (such as websites, T-shirts and concerts) which enhance listener involvement and are not designed to make a profit or promote commercial partnerships	Alcoholic beverages > 1.2% VOL.
5	Broadcast Committee of Advertising Practice (BCAP) rules on the Scheduling of Advertising	Co-regulation*	Television advertising - "advertisements on any television channel licensed by Ofcom."	Alcoholic beverages > 1.2% VOL.

## Appendix B Characteristics of regulations per type of regulation

Elements of the Council Recommendation in the regulations and codes

Country	Statutory (S) / Non-statutory (NS)	a Production	b Styles	c Children	d Drugs	e Violence	f Success	g Encouragement	h Events	i Media	j Free	k Other
Austria	S	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	NS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Belgium	S	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	NS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Bulgaria	S	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Czech Republic	S	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	NS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Denmark	S	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	NS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Estonia	S	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	NS	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Finland	S	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
France	S	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	NS	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Germany	S	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	NS	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Hungary	S	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	NS	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Ireland	S	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	NS	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Italy	S	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	NS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Latvia	S	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lithuania	S	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Netherlands	S	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	NS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Norway	S	-	-	-	-	-	-	-	-	-	-	-
Poland	S	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	NS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Portugal	S	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	NS	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Romania	S	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Slovak Republic	S	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	NS	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Slovenia	S	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Spain	S	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	NS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sweden	S	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	NS	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
United Kingdom	NS	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Co-reg.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Country	Statutory (S) / Non-statutory (NS)	a Production	b Styles	c Children	d Drugs	e Violence	f Success	g Encouragement	h Events	i Media	j Free	k Other
number of countries with this element in statutory regulation	S	5	8	20	9	12	20	14	12	20	10	9
	S	23%	36%	91%	41%	55%	91%	64%	55%	91%	45%	41%
number of countries with this element in non-statutory regulation	NS	6	14	15	5	16	15	11	6	11	7	7
	NS	35%	82%	88%	29%	94%	88%	65%	35%	65%	41%	41%

■ = yes   □ = no

### Bans in the regulations and codes.

Country	Statutory (S) / Non-statutory (NS)	Location	Time	Media Channel	Type of product	Advertiser
Austria	S	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	NS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Belgium	S	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	NS	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bulgaria	S	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Czech Republic	S	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	NS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Denmark	S	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	NS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Estonia	S	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	NS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Finland	S	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
France	S	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	NS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Germany	S	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	NS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hungary	S	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	NS	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ireland	S	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	NS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Italy	S	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	NS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Latvia	S	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lithuania	S	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Netherlands	S	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	NS	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Norway	S	–	–	–	–	–
Poland	S	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	NS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Portugal	S	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	NS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Romania	S	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Slovak Republic	S	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	NS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Slovenia	S	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Spain	S	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	NS	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sweden	S	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	NS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
United Kingdom	NS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
United Kingdom	Co-reg.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
number of countries with this ban in statutory regulation	S	14	15	12	14	2
	S	64%	68%	55%	64%	9%
number of countries with this ban in non-statutory regulation	NS	7	5	6	5	0
	NS	41%	29%	35%	29%	0%

= yes  = no

Procedures connected to the regulations and codes.

Country	Statutory (S) / Non-statutory (NS)	Prelaunche	Systematically searching	Complain	Sanctions
Austria	S	■	■	■	■
	NS	■	□	■	□
Belgium	S	■	■	■	■
	NS	■	■	■	■
Bulgaria	S	□	■	■	■
Czech Republic	S	□	■	■	■
	NS	□	■	■	■
Denmark	S	■	□	■	■
	NS	□	□	■	■
Estonia	S	□	■	■	■
	NS	□	□	■	■
Finland	S	■	■	■	■
France	S	■	■	■	■
	NS	■	■	■	■
Germany	S	■	■	■	■
	NS	■	□	■	■
Hungary	S	■	■	■	■
	NS	■	■	■	■
Ireland	S	■	□	■	□
	NS	■	□	■	■
Italy	S	□	■	■	■
	NS	■	■	■	■
Latvia	S	□	■	■	■
Lithuania	S	□	□	■	■
Netherlands	S	□	■	■	■
	NS	■	■	■	■
Norway	S	□	■	■	■
Poland	S	■	■	■	■
	NS	■	□	■	■
Portugal	S	□	□	□	□
	NS	□	□	□	□
Romania	S	□	■	■	■
Slovak Republic	S	□	■	■	■
	NS	■	□	■	□
Slovenia	S	□	■	■	■
Spain	S	□	□	■	■
	NS	■	□	■	■
Sweden	S	□	□	■	■
	NS	■	■	■	■
United Kingdom	NS	■	■	■	■
United Kingdom	Co-reg.	■	□	■	■
number of countries with this procedure in statutory regulation	S	9	17	22	21
	S	39%	74%	96%	91%
number of countries with this procedure in non-statutory regulation	NS	13	8	16	14
	NS	76%	47%	94%	82%

■ = yes □ = no



## Appendix C Time bans per country

Country	<p><b>Time bans</b>                      (Time bans for all types of media are presented. Additional tv-bans are described also (total bans or for certain types of beverages)).  <b>Time limits mentioned for one country can be part of different regulations</b></p>
Austria	Ban on advertising for alcoholic mixed beverages on TV before 19.25 hrs. (affects only Channels of the Austrian Broadcasting Corporation). A total tv-ban on alcohol advertising of spirits.
Belgium	Advertising, teleshopping and sponsoring are forbidden during the period of 5 minutes before and 5 minutes after a show/programme for children. Ban on alcohol advertising on public service channels. Tv-ban on advertising of spirits.
Bulgaria	Ban before 21.00 for indirect marketing on tv and radio. Total ban on advertising of spirits.
Czech Republic	–
Denmark	–
Estonia	Ban on tv advertising of weak alcoholic beverages between 7.00-20.00.
Finland	No time ban. A tv-ban on the advertising of spirits exists. A time-ban between 7.00 and 21.00 has been recently suggested.
France	Total ban of alcohol advertising on tv. Time ban only on radio channels outside the hours between 0-7 am on Wednesday and between 0-5 pm on other days.
Germany	Ban on advertising of alcoholic drinks at movie performances before 6 p.m. And the ability for certain organisation to provide time restrictions if the formats [€] affect children or adolescents in their development and education.
Hungary	Ban in cinemas or theatres before 20.00. or preceding, during or following programmes for children or young people. On radio and TV in main time (18.30-21.30) only beverages with low alcoholic content can be advertised. On public service television a complete ban on alcohol advertising on tv exists. Alcoholic drinks can not be advertised immediately preceding or following children's programs.
Ireland	The code does state that "Broadcasters will ensure that alcoholic drink advertisements are not transmitted in or around programmes primarily intended for young viewers or listeners. There's a voluntary ban on advertising of spirits and spirits based alcoholic beverages (premixes) on radio and tv.
Italy	Alcohol advertising (for alcohol beverages and spirits) is forbidden in programmes specifically devoted to children and adolescents, and during the 15 minutes before and after the programmes themselves. Radio and television advertisement of spirits is forbidden between 16.00 and 19.00. Between 16.00 and 19.00 "advertising of alcohol beverages should be avoided, in programmes addressing minors and during commercial breaks just before and after the programmes themselves".
Latvia	Ban on advertising alcoholic beverages and spirits inside programmes for minors and 15 minutes prior and following the transmission of the same. Spirits advertising is not allowed before 19.00.
Lithuania	No time ban. A tv-ban on advertising of spirits exists.
Lithuania	Ban on alcohol advertising in national broadcast programmes from 15.00 to 22.30, and Saturdays, Sundays and school holidays from 8.00. to 22.30..
Netherlands	A time ban on interpersonal promotion. with hit-and-run promotions, stay inside for a maximum of one hour (this does not apply to theme-nights).

Country	<b>Time bans</b> (Time bans for all types of media are presented. Additional tv-bans are described also (total bans or for certain types of beverages). <b>Time limits mentioned for one country can be part of different regulations</b>
Norway	No time ban. There is a complete ban on alcohol advertising.
Poland	A ban on beer advertising on television, the radio, at the cinema or the theatre between 6.00 and 20.00 hours except advertisement provided by an organiser of a qualified or professional sports event during such an event. Advertising for other alcoholic beverages is banned.
Portugal	A ban on the advertising of any type of alcoholic beverages on TV and radio before 22.30 hrs.
Romania	A ban on broadcasting advertisements for distilled alcohol beverages between 6.00-22.00 (duration should be < 30 sec.). A ban on alcohol advertisement on radio 6am to 10pm.
Slovak Republic	Ban on television advertising and teleshopping for alcoholic beverages, excluding beer, from 6.00 to 22.00.
Slovenia	A ban on promotion of alcoholic beverages on radio and television between 7 a.m. and 21.30 and in cinemas before 22:00 (p.m.).
Spain	Ban on beer advertising before 20.30 (self-regulation). Ban on tv advertising of spirits.
Sweden	No time ban, but a tv ban on alcohol advertising of alcoholic beverages (> 2.25% vol).
United Kingdom	–

## Appendix D Sanctions connected to national regulations or codes

Country	Sanctions (sanctions mentioned for one country may be connected to different regulations or codes)
Austria	Fine € 8.000,- to € 36.000,-. If violation is not stopped: withdrawal of transmission licence.
Belgium	Fine €2,50 to € 125.000,- Fine uphill a maximum of 1% of subsidies. Warning. Obligation to publish the decision of the Commission and pay for this. Suspension or revocation of broadcasting permission or licence to use sponsoring. Suspension or revocation of the programme.
Bulgaria	Fine € 1000,- to € 7500,-. Doubled fine for next violation. Cancellation of licence.
Czech Republic	Fine up to € 100,-. Fine € 70.000,- to € 300.000,-. Imprisonment.
Denmark	Fine up to 260.000,-. Fine close to 1 million, depending on the marketing budget. Publication of the decision of the Committee. Stopping of the marketing campaign.
Estonia	Fines from 18 000 Estonian chronos (EEK) to 50 000 EEK or reprimands.
Finland	Stopping of the marketing campaign. Conditional fine and then fine if the violation is repeated. No statutory limits for the fine, but it could reach at the highest 50.000-100.000 Euros depending on the violation and the turnover of the violator.
France	Fine €3750,- to € 7500,-. Fine 7500 - 50% of the amount of the illegal operation. In case of relapse, prohibition of sale of the concerned beverage. Removal of the forbidden advertising by the violator. Loss of parent rights.
Germany	Fine up to € 50.000,-. Formal hint. Rebuke. Reduction of broadcasting time. Broadcasting ban. Initiating regulatory offence proceedings. Members of the self-regulatory organisations can also receive a public rebuke or a fine by the self-regulatory organisations or be excluded from the organisation.
Hungary	Fine depending on all the conditions under which the violation occurred, with special regard to the violation of the customer's rights. The marketing practice or advertisement can be banned or suspended.
Ireland	Fine. Withdrawal or amends. Refusion to publish. Publication of Case Reports, including names of advertisers and agencies involved. A timetable for implementing the necessary changes. Retailers will be instructed to dispose of stocks of either any product whose packaging has been found in breach of the Code, or any point of sale material found in breach of the Code, after the date specified. Expulsion from membership of MEAS.
Italy	Fine € 2.500,- to € 350.000,-. Doubling of fine for any further violation. Publication of the decision, also with the name of the interested parties 'under the terms and in media that are deemed appropriate'.
Latvia	Fine for physical persons is up to € 215,-. Fine for legal persons up to € 715,-. A fine not exceeding eighty times the minimum monthly wage, with or without deprivation of the right to engage in entrepreneurial activity for a term of not less than two years and not exceeding five years. Deprivation of liberty for a term not exceeding two years.
Lithuania	A fine between 1000 and 10.000 Litass (1 € = 3.5 LT). Institution can lose license.
Netherlands	Fine € 900,- to € 45000,-. A 'private' (unpublished) or 'public' (published) recommendation for discontinuing the advertisement. Conditions and limitations can be set on broadcast time of TV and/or radio.

Country	Sanctions (sanctions mentioned for one country may be connected to different regulations or codes)
Norway	Fine depending on the case. Losing the license for selling alcohol beverages.
Poland	Fine € 2.500,- to € 125.000,-. Prohibition for further advertising. Announcement or publication.
Portugal	No data
Romania	Fine 8 to 50.000 RON. Reduce half of the term of the audio-visual licence validity. Withdraw the licence. Advertisement is banned. Ceasing of advertisement until the correction day. Publishing. Rectifying announcements. Ceasing of the activity for a period between 10 and 30 days. Jail from 1 to 6 months.
Slovak Republic	Fine € 250,- to € 125.000,-. Prohibition of dissemination of advertising. Warning on infringement of law. Broadcasting of an announcement about infringement of law. Suspension of the broadcasting of the programme.
Slovenia	Fine € 2080,- to € 33.300,- for public person. Fine € 420,- to € 1040,- for private person.
Spain	Fine: € 601.000. Inhabilitation. Suspension of activities for the offender. Suspension of all public aid. Expulsion from FEBE.
Sweden	Fine depending on the turnover of the company. Fine € 100.000,-.
United Kingdom	Fine unspecified. Asking retailers not to stock the relevant product in future. Expulsion from TPG. Adverse publicity. Ad Alerts to members of CAP advising to withhold services from non-compliant marketers or deny the latter access to advertising space. Revocation, withdrawal or temporarily withholding of trading privileges and recognition. Pre-publication vetting. Formal reprimand. Warning about possible revocation of broadcaster's licence. Actual termination of the licence.



## Appendix E      Questionnaire I

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The objective of ELSA is to assess and report on the enforcement of national laws and self-regulation on the advertising and marketing of alcoholic beverages in the EU Member States, applicant countries and Norway.

June 1st, 2005

### **ELSA Questionnaire I**

Questionnaire to make an overview of current structures of regulation of advertising and marketing of alcohol beverages in European countries.

Edited by  
Wim van Dalen and Monique Kuunders

# Questionnaire I

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## Introduction

This questionnaire is a tool to make an *overview of current structures of regulations* of advertising and marketing of alcohol beverages in European countries.

Most countries have both statutory regulations (laws) as well as non-statutory (voluntary) codes of practices about alcohol marketing. Statutory regulations regularly contain (partial) bans on certain types of marketing practises. Non-statutory codes often cover the shape and form marketing practices are allowed to have. But note that there are differences between countries.

Questionnaire I, Part and Part have to be *completed once*.

Questionnaire I, Part has to be *completed for each national regulation separately*.

Experience learns it takes approximately 1.5 hours to complete the questionnaire for each regulation. Collecting the information to complete the questionnaire will take more time. This is dependant of your national situation.

## General instructions

- **Focus**  
First read section 2.1 of the ELSA Training Manual<sup>1</sup> for the focus of ELSA (a description of the elements of marketing and advertising ELSA focuses on).
- **Collecting the information**  
First read chapter 4 of the ELSA Training Manual<sup>1</sup> for an overview of the work you should do to collect the information you need for completing this questionnaire.
- **Translation**  
If not certain of the questions and/or answers because of the English language, please consult a translator.

## Start of questionnaire

Please read all the questions first in order to get familiar with the line of questioning. This will save you time.  
Please be as complete as possible in your answers.

*This Word document is a template (filename: ELSA Questionnaire I.doc)*

Save a copy of this Questionnaire now and name the new file: [country initials]-ELSAQ1r1p2.doc (for example for the Netherlands: NL-ELSAQ1r1p2.doc)

Then complete PART ONE and PART TWO. These questions only have to be completed **once**.

---

<sup>1</sup> DRAFT ELSA Training manual draft 2.doc, received during the ELSA Amsterdam meeting April '05.

## Part One About the respondent

- Q1 Respondent's background information
- a name (last, first):
  - b country:
  - c e-mail address:
  - d telephone number:
  - e fax number:
  - f Which organisation are you an employee of?
  - g present work *Tick one box.*
    - practising health care professional
    - academician
    - manager / administrator
    - policy maker
    - other, namely:
  - h Are you a government employee?
    - yes
    - noExplain further (*optional field*):

## Part Two About the different national regulations on alcohol marketing and advertising

- Q2 Name the different regulations that exist specifically about advertising and marketing for alcoholic beverages. Name regulations that exist on a national level. Do not mention general regulations about advertising and marketing or general health regulations, **unless** they have specific elements referring to advertising and marketing for alcoholic beverages. *Do not give the complete text of the regulation(s), but only the title or name (e.g.: 'advertising code for TV').*
- 1
  - 2
  - 3
  - 4
  - 5
  - 6
  - 7
  - 8
  - 9
  - 10
- Q3 In your country do any regional or local regulations on advertising and marketing for alcoholic beverages exist that have a substantial impact and are relevant to mention?
- no (if 'no', go to next question)
  - yes
- If yes, describe the relevance of these regional or local regulations:



Part One and Part Two of the questionnaire have to be completed at once.

Save your copy of this part of the Questionnaire.

Again open the template (filename: *ELSA Questionnaire I.doc*).

And start with Part Three.

Part Three has to be completed for each national regulation separately.

### Part Three Questions to complete for each regulation named in Q2

For every separate code or regulation described in Q2) complete the questions in Part Three.

#### Basic information about this regulation

**Q4** Refer to *one* regulation as stated in Q2 (by number and name).

*Tick one box.*

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10

Save the copy of this Questionnaire now and name the file:

[country initials]-ELSAQ1p3-[number of code as in Q2 and

Q4 [name of the code].doc (for example: NL-ELSAQ1p3-

iDutchAdvertisingCode.doc).

Then complete Part Three.

**Q5** Name the publication of this regulation: State the title of the publication, where and by whom it was published (i.e. which journal and by which organisation), when it was published (i.e. which year). *You have to obtain the actual regulatory codes (e.g. from the regulatory authorities; see also chapter 4 of the manual), but **do not** send them with the questionnaire.*

a Title:

b Where published?

c By whom published?

d When published?

e If applicable, name the Internet address it is published on:

**Q6** Is this regulation statutory regulation (embedded in law) or non-statutory (a voluntary code of practice)? *If unsure of the status of the code or regulation, ask the regulatory body. Tick one box.*

- statutory
- non-statutory
- other, namely:

- Q7** Which organisation is responsible for the exact *text* of the regulation?
- a Which government department, company or NGO<sup>1</sup> is or are responsible for the exact *text* of the regulation or code?
  - b If it is a company, please state the main business of the company; if it is an NGO, please state the main financiers of this NGO (If it is a government department go on to c) or next question):
  - c Explain further (*optional field*):
- Q8** Since when is the *first version* of this regulation in force (yyyy-mm-dd)?

#### Definitions in this regulation

- Q9** Which types of marketing practices are under control in this regulation? If possible, give the definition stated in the code or regulation. If not, give a description.
- Q10** Which alcoholic beverages are subject to this regulation? Indicate the minimum percentage of alcoholic volume with which a beverage is considered an alcoholic beverage in this code. Indicate whether the regulation applies to advertising of beer, wine and hard liquor. If possible give the definition stated in the code or regulation. If not, give a description.
- Q11** Tell us whom the code or regulation is directed at: who has to adhere to this regulation? If possible give the definition stated in the code or regulation. If not, give a description.

#### Bans and exceptions in this regulation

- Q12** Are there any *bans* on alcohol marketing practices in this regulation or code regarding:
- a location of the marketing practice (for example: “no marketing in sports stadiums”)
    - no (if ‘no’, go to next question)
    - yesIf yes, give the relevant text in English:
  - b time of the marketing practice (for example: “a ban before 9 pm on TV”)
    - no (if ‘no’, go to next question)
    - yesIf yes, give the relevant text in English:
  - c media channel used (for example: “cinema advertising cannot be used”)
    - no (if ‘no’, go to next question)
    - yesIf yes, give the relevant text in English:

- d type of product (for example: “a total ban for spirits and wine advertising”)
  - no (if ‘no’, go to next question)
  - yes
 If yes, give the relevant text in English:
  
- e target group, other than young people (for example: “pregnant woman”)
  - no (if ‘no’, go to next question)
  - yes
 If yes, give the relevant text in English:
  
- f advertiser who is allowed to market (for example: “sport organisations”)
  - no (if ‘no’, go to next question)
  - yes
 If yes, give the relevant text in English:

- Q13** Are there any *exceptions* in this regulation or code? (for example: “the restriction on free gifts does not apply to sampling in supermarkets”)
- no (if ‘no’, go to next question)
  - yes
- If yes, give the relevant text or description in English:

**Elements of the Council Recommendation in this regulation**

- Q14** State whether the following elements are forbidden by this regulation or code (elements of the Council Recommendation):
- a The production of alcoholic beverages specifically targeted at children and adolescents. *Tick one box.*
    - no, not at all (if ‘no’, go to next question)
    - yes, literally formulated
    - yes, differently formulated
 If yes, give the relevant text in English:
  
  - b The use of styles (such as characters, motifs or colours) associated with youth culture. *Tick one box.*
    - no, not at all (if ‘no’, go to next question)
    - yes, literally formulated
    - yes, differently formulated
 If yes, give the relevant text in English:
  
  - c Featuring children, adolescents, or other younglooking models, in promotion campaigns. *Tick one box.*
    - no, not at all (if ‘no’, go to next question)
    - yes, literally formulated
    - yes, differently formulated
 If yes, give the relevant text in English:
  
  - d Allusions to, or images associated with, the consumption of drugs and of other harmful substances, such as tobacco. *Tick one box.*
    - no, not at all (if ‘no’, go to next question)
    - yes, literally formulated
    - yes, differently formulated
 If yes, give the relevant text in English:

- e Links with violence or antisocial behaviour. *Tick one box.*
- no, not at all (if 'no', go to next question)
  - yes, literally formulated
  - yes, differently formulated
- If yes, give the relevant text in English:
- f Implications of social, sexual or sporting success. *Tick one box.*
- no, not at all (if 'no', go to next question)
  - yes, literally formulated
  - yes, differently formulated
- If yes, give the relevant text in English:
- g Encouragement of children and adolescents to drink, including low-price selling to adolescents of alcoholic drinks. *Tick one box.*
- no, not at all (if 'no', go to next question)
  - yes, literally formulated
  - yes, differently formulated
- If yes, give the relevant text in English:
- h Advertising during, or sponsorship of, sporting, musical or other special events which a significant number of children and adolescents attend as actors or spectators. *Tick one box.*
- no, not at all (if 'no', go to next question)
  - yes, literally formulated
  - yes, differently formulated
- If yes, give the relevant text in English:
- i Advertising in media targeted at children and adolescents or reaching a significant number of children and adolescents. *Tick one box.*
- no, not at all (if 'no', go to next question)
  - yes, literally formulated
  - yes, differently formulated
- If yes, give the relevant text in English:
- j Free distribution of alcoholic drinks to children and adolescents, as well as sale or free distribution of products which are used to promote alcoholic drinks and which may appeal in particular to children and adolescents. *Tick one box.*
- no, not at all (if 'no', go to next question)
  - yes, literally formulated
  - yes, differently formulated
  - If yes, give the relevant text in English:
- k Design or promotion of alcoholic beverages to appeal to children and adolescents, in other ways than stated under a) to j). *Tick one box.*
- no, not at all (if 'no', go to next question)
  - yes, literally formulated
  - yes, differently formulated
- If yes, give the relevant text in English:

## The procedures

- Q15** Is there a possibility for *pre-launch advice*, in advance of marketing a product or investing in a product, as well as on marketing campaigns before their actual launch?
- no (if 'no', go to next question)
- yes
- a If yes, which government department, company or NGO provides the advice? If it is a company, please state the main business of the company. If it is an NGO, please state the main financers of this NGO.
- b Explain further (*optional field*):
- Q16** Is there an organisation that is formally responsible for *systematically* searching for violations of the code or regulation?
- no (if 'no', go to b) or next question)
- yes
- a If yes, which government department, company or NGO is responsible? If it is a company, please state the main business of the company. If it is an NGO, please state the main financers of this NGO. You can also refer to an earlier answer (e.g. 'see Q15a')
- b Explain further (*optional field*):
- Q17** Is it possible to complain and start a procedure about possible violations of this regulation?
- no (if 'no', go to f) and/or continue with Q20)
- yes
- a If yes, who or which organisation can make a complaint?  
*Tick one box.*
- any person or organisation
- only private persons
- other, namely:
- b To which government department, company or NGO a complaint can be made? If it is a company, please state the main business of the company. If it is an NGO, please state the main financers of this NGO. You can also refer to an earlier answer (e.g. 'see Q15a').
- c How is the complaint committee formed?
- d Are there costs connected to making a complaint?
- no
- yes, namely:
- e During a complaint procedure, when a marketing practice is being judged, can this marketing practice still be used?  
*Tick one box.*
- no
- yes
- under certain conditions, namely:
- f Explain further (*optional field*):

- Q18** Is the possibility of complaining made known to the public? *Tick one box.*
- no (if 'no', go to b) or next question)
- yes
- a If yes, explain how:
- b Explain further (*optional field*):
- Q19** Is there a system of appeal after a complaint has been judged?
- no (if 'no', go to c) or next question)
- yes
- a If yes, which government department, company or NGO will judge the appeal? If it is a company, please state the main business of the company. If it is an NGO, please state the main financers of this NGO. You can also refer to an earlier answer (e.g. 'see Q15a').
- b If yes, are there costs connected to making an appeal?
- no
- yes, namely:
- c Explain further (*optional field*):
- Q20** Can violators of the regulation receive a sanction?
- no (if 'no', go to c) or next question)
- yes
- a If yes, what are the possible sanctions or other consequences connected to a violation of this regulation or to a complaint that is upheld?
- a fine (amounts in €):
- other sanctions/consequences, namely:
- b If yes, which government department, company or NGO is responsible for sanctioning? If it is a company, please state the main business of the company. If it is an NGO, please state the main financers of this NGO. You can also refer to an earlier answer (e.g. 'see Q15a').
- c Explain further (*optional field*):
- Q21** What is the minimum and maximum amount of time that the complete procedure (complaint procedure, judging procedure and procedure) officially takes?
- Q22** Are the results of complaint procedures, appeals and/or sanctioning (in connection with violations of the regulation) published or publicly announced in any way? *Tick one box.*
- no (if 'no', go to b) or next question)
- yes
- a If yes, explain how:
- b Explain further (*optional field*):
- Q23** Give any additional remarks:

Save your copy of this part of the Questionnaire after completing it. For each of the regulations mentioned in Q2: Open the template again (*filename: ELSA Questionnaire I.doc*), and start with Part Three.

## Appendix F Official Country Partners

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- 1 Austria**  
Dr. Alfred Uhl  
Ludwig-Boltzmann Institute Of Addiction Research
- 2 Belgium**  
Mrs. Else De Donder  
Association for Alcohol and other Drug Problems (Vereniging voor Alcohol- en andere Drugproblemen - VAD)
- 3 Bulgaria**  
Dr. Daniela Alexieva  
“Horizonti 21” Foundation
- 4 Czech Republic**  
Mrs. Hana Sovinova  
National Institute of Public Health
- 5 Denmark**  
Mr. Johan Damgaard Jensen  
Alkoholpolitisk Landsråd, Danish Alcohol Policy Network
- 6 Estonia**  
Mrs. Mari Järvelaid  
Estonian Public Service Academy
- 7 Finland**  
Mr. Vertti Kiukas  
Finnish Association for Healthy Lifestyles  
  
Mr. Pentti Karhu  
Product Control Agency for Welfare and Health
- 8 France**  
Mr. Claude Riviere  
Association Nationale de Prévention de l’Alcoolisme
- 9 Germany**  
Mr. Dirk Schreckenber  
ZEUS GmbH, Centre for Applied Psychology, Environmental and Social Research
- 10 Hungary**  
Mrs. Veronika Farkas  
National Institute for Health Development
- 11 Ireland**  
Mrs. Sinead Shannon  
Alcohol Action Ireland

- 12 Italy**  
Prof. Emanuele SCAFATO  
Osservatorio Nazionale Alcol  
Istituto Superiore di Sanità, Rome
- Dr. Franca Beccaria  
Eclectica, Turin
- Dr. Tiziana Codenotti  
EUROCARE Italia, Padua
- 13 Latvia**  
Dr. Astrida Stirna  
The State Addiction Agency
- 14 Lithuania**  
Mrs. Gelena Kriveliene  
Ministry of Health of the Republic of Lithuania
- 15 Netherlands**  
Mr. Wim van Dalen  
STAP (National Foundation for Alcohol Prevention)
- 16 Norway**  
Mrs. Trine Stensen Lunde & Mrs. Bente Birkeland  
Alkokutt
- 17 Poland**  
Prof. Dr. Jerzy Mellibruda / Mrs. Magdalena Pietruszka  
The Institute of Health Psychology / The Agency for Prevention of  
Alcohol-Related Problems
- 18 Portugal**  
Dr. João Breda  
Portuguese Alcoholology Society.
- 19 Romania**  
Mrs. Cristina Petcu  
LSOSAIMS
- 20 Slovenia**  
Mr. Sergej Godec  
Department of social and health care,  
Student Organisation of University Ljubljana
- 21 Slovakia**  
Mr. Stefan Matula  
Prevenca V & P
- 22 Spain**  
Dr. Antoni Gual  
Head of the Alcohol Unit  
Institut d'Investigacions Biomèdiques. August Pi Sunyer - IDIBAPS
- 23 Sweden**  
Mr. Sven-Olov Carlsson  
IOGT-NTO
- 24 United Kingdom**  
Mr. Derek Rutherford  
Alliance House Foundation



## Appendix G      **Experts & Advisors**

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**Dr. Peter Anderson**

Public Health Consultant, Denmark

**Prof. Thomas Babor**

University of Connecticut Health Center,  
Dept. of Community Medicine and Health Care, USA

**Dr. Joan Colom**

Director of the Program on Substance Abuse,  
Health Department of the Government of Catalonia, Spain

**Prof. Gerard Hastings**

Director of the Institute of Social Marketing and Centre for Tobacco  
Control Research, University of Stirling and the Open University,  
Scotland, UK

**Dr. Ann Hope**

National Alcohol Policy Advisor,  
Department of Health and Children, Ireland

**Dr. Bas van den Putte**

The Amsterdam School of Communication Research (ASCoR), The  
Netherlands

**Mr. Anders Ulstein**

ACTIS – Norwegian Policy Network On Alcohol and Drugs,  
Norway