

# **Targeting / Not Targeting Youth**

## **Mapping Exercise Report**

**July 2009**

## **Introduction** *(by Commission services)*

The Commission's Communication on an EU strategy to support Member States in reducing alcohol related harm, published in 2006, puts particular emphasis on the need for actions to curb under-age drinking and harmful drinking patterns among youth. In implementing this priority objective of the Strategy, the Commission - together with Member States and the relevant stakeholders - is following a number of approaches (including information and education on the effect of harmful drinking and on responsible patterns of consumption, actions to better enforce age limits for selling and serving alcohol, interventions promoting effective behavioural change among children and adolescents, cooperation to promote responsibility in and prevent irresponsible commercial communication and sales and on marketing likely to influence young people...).

Part of the concrete action in these areas is taken forward within the framework of the European Alcohol and Health Forum, which was established in 2007 with the overall objective to provide a common platform for all interested stakeholders at EU level that pledge to step up actions relevant to reducing alcohol-related harm.

The Forum's Task Force on Marketing Communication is i. a. to examine best practice actions aimed at promoting responsibility in marketing, and preventing irresponsible marketing. In this context, The Task Force agreed to carry out a mapping exercise on measures taken to ensure that underage youth are not targeted by alcohol advertising. Drawing i. a. on information provided by a range of economic operators, the present report was drawn up by The Open University / The University of Stirling, in the framework of a service contract with the European Commission.

The need to protect children and adolescents from commercial communications that promote the use of alcohol is widely recognised. As the recent scientific opinion delivered by the Science Group of the European Alcohol and Health Forum<sup>1</sup> has underlined, research shows that alcohol marketing increases the likelihood that adolescents will start to use alcohol and to drink more if they are already using alcohol. A recent Eurobarometer survey<sup>2</sup> of European citizens found that more than three quarters of respondents either 'totally agreed' (50%) or 'tended to agree' (26%) that alcohol advertising targeting young people should be banned in all Member States.

At the statutory level, many Member States require that advertising for alcoholic beverages may not be directed at children, in line with prohibitions concerning selling or serving alcoholic beverages to minors. The most robust measure to limit **exposure** to advertising consists in prohibiting the use of a given media, e.g. television, radio, magazines; there are also partial prohibitions regarding specific times during the day (e.g. morning/afternoon, early evening), content types (e.g. youth magazines, children's TV programmes) or locations or events (e.g. near schools, in sports events).

A related approach consists in analysing the audience composition of advertising media. Advertising for alcoholic beverages may, for instance, be prohibited if a

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<sup>1</sup> Does marketing communication impact on the volume and patterns of consumption of alcoholic beverages, especially by young people? - a review of longitudinal studies. Scientific Opinion of the Science Group of the European Alcohol and Health Forum, 2009 -

[http://ec.europa.eu/health/ph\\_determinants/life\\_style/alcohol/Forum/docs/science\\_o01\\_en.pdf](http://ec.europa.eu/health/ph_determinants/life_style/alcohol/Forum/docs/science_o01_en.pdf)

<sup>2</sup> [http://ec.europa.eu/health/ph\\_determinants/life\\_style/alcohol/documents/ebs272\\_en.pdf](http://ec.europa.eu/health/ph_determinants/life_style/alcohol/documents/ebs272_en.pdf)

certain percentage of the audience are under 18 (*see below*). Restrictions based on audience composition are also used in self-regulatory schemes.

Yet another approach, used both in statutory regulation and in self-regulatory schemes, consists in limiting advertising **content** likely to appeal to children and young people, including humour, animation, popular music, animals, celebrities, party scenes etc.

Voluntary codes of conduct state as a general principle that advertising for alcoholic beverages should not be aimed at minors<sup>3</sup>; they often include three types of provisions for practical implementation:

- Not showing minors drinking or avoiding showing too young-looking persons, such as avoiding model or actors that are below 25 years old.
- Not using content elements with primary appeal to minors.
- Not using advertising channels where the majority of the audience is minors.

Regarding audience composition, the most extensive guidelines regarding minors have been issued by the European Forum for Responsible Drinking (EFRD); these stipulate i. a. that the share of minors in the audience may not exceed 30%. The European Spirits Organization (CEPS) has endorsed the EFRD common standard of 70:30 and is in the process of applying it. Most members of the Brewers of Europe adhere to the 50-50 standard, although at national level the producers often go further<sup>4</sup>, as do particular companies. The wine sector guidelines are also based on 50:50.

The 30% rule is described as a compromise between allowing for use of general-purpose media meant to reach adults or general audiences but still ensuring that the media in question (or a section thereof) is not of particular interest to minors or not directed to "all-family" audiences. For some, further lowering the threshold to 20% should result in fewer minors being exposed to alcohol advertising: the share of minors in the audience/readership of a media in which alcohol is advertised should not exceed the share of minors in the general population (EU-27: 22%), thus making sure that target audiences are, on average, older than the overall population, not younger.

Arguing against such a lowering of the threshold, most economic operators represented in the Task Force claim that under a 70/30-scheme, 30% just means "substantial", and that companies' marketing activities almost never are directed at the general population, but targeted at specific groups, alleging that even under a 70/30 scheme, the real values might be closer to 20%.

The preference of many stakeholders for a ban on advertising targeting young people should be kept in mind in any discussion of volume thresholds and whether 20% is more desirable than 30%. The argument is that allowing up to 20% of the audience targeted to be children still falls short of the often stated global aim "to protect children". Proponents of a ban further argue that it is difficult to measure precisely who is being exposed to advertising, and that independent studies indicate that the proportion of children in the audience may be higher than expected.

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<sup>3</sup> "Minors" are defined here as persons below the respective national legal age for purchasing alcoholic beverages. In 15 EU member states the legal age limit is 18 years (or above) for all beverage categories and for both on-premise and off-premise sale.

<sup>4</sup> In Ireland, Netherlands, UK, Bulgaria, Latvia, Romania, Slovakia, producers work on a 70:30 basis.

In order to assess and further develop current measures, a more accurate picture of the volume and placement of alcohol advertisements in different media is required. As regards audiovisual media, programme-specific data on actual audiences are crucial. Special attention should be given to media most widely used by young audiences, including internet and other new media, and to advertising for product categories popular among the young (e.g. alcopops and other pre-mixed alcoholic beverages, beer, cider).

Against this background, the attached report is a first attempt to map both the statutory and self-regulatory provisions across the EU which are aimed to ensure that minors are not targeted by marketing communication for alcoholic beverages. The report shows that in terms of statutory measures to prevent exposure and targeting of youth through alcohol advertising, the situation across the EU varies greatly. Most Member States have statutory controls to limit alcohol advertising in some media, but the range of prohibited and permitted media varies across countries as does the extent of prohibitions (partial restrictions – total bans). Television is the most widely regulated advertising channel but controls vary from one country to another, with some countries prohibiting all televised alcohol advertising, some setting time limits, some focusing on spirits advertising, others limiting or prohibiting the advertising for a wider range of alcoholic beverages. As shown above, there are also considerable differences in the self-regulatory codes of the industry, in particular as regards the rules pertaining to audience composition.

Amongst the issues which need further attention is the question, with regard to underage visits to new media sites, of how effective any form of gate keeping (age controls...) can be; economic operators should be open and participative in developing and adjusting existing codes to new media (as done recently by EFRD in its New media Guidelines). Also, apart from advertising in the media, the issue of targeting/not targeting youth in retail and catering requires further attention; for a full picture, sponsorship, event and entertainment marketing, and below-the-line marketing should be covered too.

Furthermore, EU-wide independent monitoring as to youth aspects of self-regulation, in a manner complementary to SROs' self-monitoring, should be encouraged, and SROs should work to involve young people in adjudicating what is 'attractive' to them.

Further development of measures to protect young people should, however, not be seen to rest solely on economic operators. Voluntary codes of conduct and self-regulatory systems set up to support their implementation are essentially a complement to statutory regulation, and to the efficient enforcement of such legislation by the responsible authorities.

The present report should be considered as a first, baseline assessment on the issue of targeting/not targeting youth in alcohol marketing communication. As such it is therefore work in progress with further iterations seeking to fill gaps in the current mapping, and to capture greater detail on the variety of issues under discussion. A final version will be presented to the Forum plenary meeting of 12 November 2009.

The present report will also feed into the broader review of the implementation of the EU alcohol strategy which the Commission services will publish in September this year.

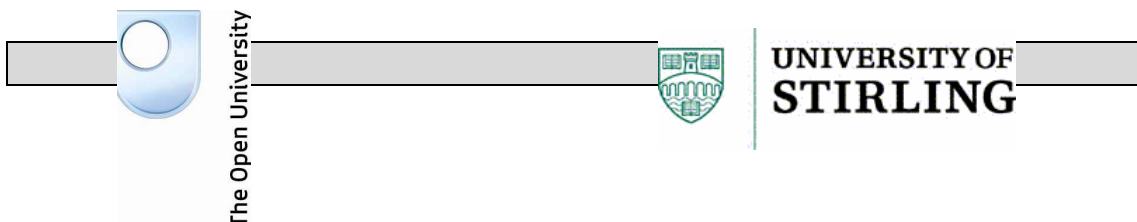
# Mapping Exercise Report on Targeting/Not Targeting Youth

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## **PROTECTING YOUTH FROM ALCOHOL ADVERTISING: STATUTORY REGULATION AND VOLUNTARY CODES**

Commitments to submit information were made by EASA (European Advertising Standards Alliance) on SROs (Self Regulatory Organisations) and also the issue of how is youth involved, CARAT on behalf of Diageo on data in markets and periods of time of youth exposure, the different producer trade associations, and EGTA (association of television and radio sales) on advertising and viewing profiles and EuroCommerce on alcohol in the retail sector. All data contained within the report was collected from members of the Forum, therefore the report represents a review of this data and not an exhaustive systematic review. In Europe there is no common definition of minors, however for the purposes of this report and following the definition used in the data supplied by economic operators, minors shall be considered as under the age of 18.

### **OVERVIEW OF CURRENT PROVISIONS BY ECONOMIC OPERATORS**

#### *Volume of Exposure*

In Europe the Audiovisual Media Service (AVMS) Directive prescribes: "Audiovisual commercial communications for alcoholic beverages shall not be aimed specifically at minors and shall not encourage immoderate consumption of such beverages." The AVMS Directive (2007) extends the provision made by the TWF (Television without Frontiers) Directive (1989) to cover all audiovisual media services. In EU member states the prohibition of alcohol advertising in programmes targeting children is thus established in law. In addition to the heavy restrictions in Sweden there are other member states where further restrictions apply: in France alcohol advertising on TV is banned, and in Finland advertising of alcohol products in excess of 22% ABV (usually spirits) cannot be broadcast before 9pm. Voluntary codes of conduct such as the EFRD Common Standards, The Brewers of Europe Guidelines and the Wine Communication Standards make reference to the protection of youth. Specific provisions stipulate that no marketing communications should be directed at audiences with a substantial share of minors. The spirit industry sets itself a 30% threshold, i.e. aims to not target marketing communications to audiences that are composed by 30% or more of people under the age of 18. Sales houses also apply their own security margin regarding an audience profiling threshold. The main reason for this is that the audience of a same programme can change from one day to the other (EGTA 2009).

Diageo state that they limit the potential for underage exposure to its advertising by strictly controlling both the content and placement of their advertisements. They advised that the rules that govern their advertising and the self regulatory bodies that enforce these rules prohibit the inclusion of content that appeals primarily to underage consumers. In addition, Diageo voluntarily restrict the media in which they advertise to further limit potential underage exposure (Diageo 2008).

Diageo places its advertisements only in media where a minimum of 70% of the audience is reasonably expected to be of the LPA (legal purchasing age) or above. Before placing an advertisement, Diageo review the audience profiles to ensure that the programme or publication meets their standards. As part of their submission Diageo supplied data on post placement audience profiles from Germany to

demonstrate the effectiveness of their standards. They noted that the post placement profiles show that the composition of audiences is significantly higher than the guideline 70% adult audience threshold (Diageo 2008).

It should be noted that the data supplied by Diageo was limited to audience profiles for advertisements of a selection of three of their spirit brands: Smirnoff Vodka, Johnny Walker Whisky and Baileys Cream Liqueur, in Germany during the period July 2007 to June 2008. Diageo advised that the data provided gives a good example of how the company and the spirit sector in general operates within the standards, and how it delivers to an adult audience. However they also advised that similar data from the other sectors was unavailable to them, but that they thought it would be useful to have such data in order to better understand the audience profiles delivered throughout all sectors of the alcohol industry (Carat 2009).

EGTA - the trade association of television and radio sales houses produced a study using data from its members on the share of minors in TV audiences. Data was made available for eight EU member states: Belgium, Denmark, Finland, France, Germany, Ireland, Italy and Hungary. It should be noted that the information provided therefore concerns a limited number of countries and only a few channels from each country. TV was the sole channel for which data was provided, other channels such as radio and new media, even though they are increasingly used by minors were not assessed. The EGTA data does not advise on whether or not various audience thresholds for preventing alcohol advertising targeting minors on TV are respected. Therefore the data available cannot demonstrate youth exposure to alcohol advertising specifically.

The EGTA data offers insight into the general audience profiles on TV across several European countries, showing that the share of minors in the audience of general channels is often, though not always, lower (predominantly below 30%) and lower during prime time (below 15% for all countries measured except Ireland). Data for thematic channels and sports broadcasts showed that in some countries share of minors in the audience can be high for music channels, and for some sports broadcasting. The limitation of the data set to assess youth exposure to alcohol advertising specifically requires recognition. The EGTA report does demonstrate the diverging scenario in terms of differences in the age composition of the overall population across Europe, and also the complexity and variety of viewing patterns. Furthermore the data on the percentage audience share of minors in generalist channels was found to be strongly dependent on programming and whether shows were specifically targeted at a youth audience.

EGTA also provided data on what a decrease of the youth audience profiling threshold to 20% would mean in terms of programming time slots (hrs per day) when alcohol advertising could no longer be broadcast. However the model constructed by EGTA did not include data from sport and comedy channels. This information was excluded as the current data on these channel types has proven not to be sufficient and to be too divergent to allow a proper impact assessment.

The EGTA data and modelling on the effect of a reduction on the audience profiling threshold for minors from 30% to 20% showed that it would have little effect on broadcasting on generalist channels in countries such as Belgium, Finland, Germany and Italy. In Denmark, Poland and Hungary such a decrease would result in a cut of

alcohol advertising during one or two extra hours of the programming day. In Ireland any further restrictions would rule out alcohol advertising directed to adults. The application of a 20% threshold with +3% margin would prohibit alcohol advertising during 12 hours a day on the main Irish generalist channel.

The EFRD common standards include a rule that regulates the placement of ads in all commercial communications. The clause states that “Commercial Communications should only promote beverages in print and broadcast media for which at least 70% of the audience are reasonably expected to be adults 18 years or older. They should not promote beverages in print and broadcast media, or events for which more than 30% of the audience is known or reasonably expected to be minors.” All EFRD companies have adopted the 70:30 rule EU wide (Diageo, Pernod Ricard, Bacardi, Moët Hennessy, Brown Forman, Beam global).

With specific regards to the spirits sector the commitment to not target youth is shared by all stakeholders; however the 70/30 rule, which is a relatively new provision, is not yet widely implemented in national codes across all countries. Currently it is implemented in Ireland, Netherlands, Spain, Sweden, Czech Republic and the UK. In all other EU states that allow advertising the majority rule applies for spirits advertising (50/50) (CEPS 2008).

HWP Consultancy & Services provided information on a pilot compliance monitoring report of the 70/30 rule on minors. Data was provided for three countries: Czech Republic, Germany and Italy and details from the report can be found in the specific country sections. The data for Germany and Italy was collected through direct contact with the print media publishers and TV stations, through independent organizations collecting audience profile data as well as through Carat, one of the large global media placement companies. For the Czech Republic this was been done with support from David Binar from the Forum PSR. In the Czech Republic the data was provided by the publishing houses and the (private) TV stations. For Germany the print data is from an analysis, which is carried out twice a year by AGMA (Arbeitsgemeinschaft Medienanalyse = Working Group Media Analysis). AGMA's members are TV chains, radio stations, online service providers and portals, magazines, dailies, agencies and advertisers. The TV data has been established through Carat. For Italy the TV data has been collected through the local branch of Carat and through Auditel, an independent body set up by the Italian TV chains to provide audience profile data. The print media data was collected through direct contact with the print media publishers but mainly through Audipress, an independent organization formed by the trade associations representing the publishers. Overall it was found that all of the 98 print and TV ads included in the exercise respected the EFRD 70/30 threshold, representing a 100% compliance rate (HWP 2008)

Some of The Brewers of Europe's members have further elaborated on their commitment to target adult consumers and not place their advertisements during children's programmes or media targeted at children, by fixing specific profiles for the audience breakdown between adults and minors. Currently 70:30 is implemented in Ireland, Netherlands, UK, Bulgaria, Latvia, Romania and Slovakia. In addition, as stated above, some companies, especially the majors who represent around 60% of EU beer production, also have their own self-regulatory codes containing audience profiling provisions. The 3 major brewing companies that are members of the Forum



(ABInBev, Heineken and SABMiller) have all opted for a 70/30 profile (Brewers of Europe 2009).

### *Content*

Provisions under the EFRD Common Standards, The Brewers of Europe Guidelines and the Wine Communication Standards include guidance on the age and look of actors, e.g. discouraging the use of actors under the age of 25 in advertisements (EGTA 2009). All of the codes also contain rules on the content of marketing to ensure it does not appeal to youth.

The European Forum for Responsible Drinking produces Common Standards for Commercial Communications covering alcohol marketing including advertising on TV, radio and print media, and labelling, packaging, internet, new media, and sponsorship, consumer and trade promotion, merchandising and point of sale. Within the common standards basic principles there are provisions that communications should: not be aimed at or show minors consuming alcohol, should use models or actors over the age of 25, should not use objects, images, styles, symbols, colours, music and characters of primary appeal to children or adolescents and should not use brand identification such as names, logos, games, game equipment or other items of primary appeal to minors (EFRD 2008).

Diageo stated that rules that govern their advertising and the self regulatory bodies that enforce these rules prohibit the inclusion of content that appeals primarily to underage consumers (Diageo 2008).

## **HOW ARE YOUTH INVOLVED?**

Information on how the issue of youth is dealt with in SROs on alcohol advertising in the EU was supplied by EASA. EASA developed a questionnaire and asked all European SRO members on the issues of the involvement of youth themselves, the involvement of youth organisations, and the consultation of adult experts on youth, within SROs. Some SROs put in place formal or informal consultation procedures at different phases of the SRO process, with EASA having adopted a best practice on code drafting and consultation. SROs therefore do listen to youth and their representatives just as any other stakeholder participating in the consultations.

Decisions on complaints received are made in Juries or Complaint Committees which following EASA best practice included lay experts in 19 out of the 21 operational SROs in the EU27. Almost half (nine) of these SROs across involve lay experts in their monitoring and complaints procedures. Of these SROs, 70% have more than one lay expert in this area. Two of the sampled SROs currently have a Jury member under the age of 30, however many SROs argued that age may not be as important as an individual expert's experience and expertise. Lay experts that possess professional experience related to children under 12, minors under the age of 18 and/or young adults (18-24) can either be members of the Jury or are consulted where appropriate. The experts are either experienced in education, child psychology, media and marketing to children, or other areas related to youth such as members of consumer or charity organisations related to child protection. Decision regarding appeals to minors should take into account the complaint received, previous decisions on similar complaints, research and the views of any relevant lay experts.

With regard to specific involvement of youth themselves, feedback from exercises involving young people have shown that their increased involvement in the SRO process could lead to them being more lenient and approving of the very practices industry is discouraging in its codes. Nevertheless seven of the SROs sampled by EASA are currently involved in one or several pilot projects related to youth/minors. With the exception of the ASA in the UK, none of the SROs were named therefore detailed information on the methods, materials and content of these projects was unavailable. However information is available on the websites of SROs such as the ASA. The majority of these projects include some element of media literacy training which aims to increase the ability of children and youth to recognise and analyse advertising. Presentations on the work of the SRO, its jury and adjudications are given at schools and universities. One SRO has contributed to various enquiries about children and advertising led by organisations focused on children's issues. The same SRO has also organised a consumer event and actively sought representations from child and youth organisations. A further SRO participates in an annual academic ad festival at which the work of the SRO is presented and feedback from young people is sought. Although the specific target age group varies, the focus of all of the projects described above is on young people below the age of 30. All SROs sampled reported that positive benefits form the interaction and especially the value of listening to youth. In one event in which attendees were invited to judge ads, the SRO noticed that young people tend to be more liberal than jury members when judging advertising. It was reported that although young people enjoy a good or funny ad, they do not necessarily consider it as an ad directed to them.

Within SROs judgements are made on the appeal of advertising to young people using a range of criteria including: the content of the ad such as the action, the message, the language, the music, the general look and feel and special offers; and other factors such as specific complaints received, previous adjudications and consumer research findings. Fifty five percent of SROs have made rulings on the appeal of advertising to young people (EASA 2008a). Data from a report by EASA on compliance with 19 SROs across Europe showed that 13 of the total of 144 (9%) breaches identified related to appeals to minors, and that six of 49 (12%) complaints from consumers or competitors related to appeal to minors (EASA 2008b).

With respect to the issue of exposure of minors to alcohol advertising the main criteria considered within SROs include: targeting the audience of the media, broadcasting time and location/placement of ads. Sixty six percent of SROs have not ruled on the exposure of minors to alcohol advertising (EASA 2008a).

### **ALCOHOL ADVERTISING AND YOUTH EXPOSURE**

Notwithstanding the efforts made by economic operators currently to ensure that youth are not targeted by alcohol advertising there have been some issues raised within the EU Alcohol and Health Forum. There has been debate around the effectiveness of the 30% threshold with a discussion around a 20% threshold and its likely impact, the current directives and industry voluntary codes of conduct, and also the level of youth exposure to alcohol advertising.

EGTA estimated a total alcohol advertising spend from the alcoholic sector in Europe of €1755.56 million in 2005, falling to €1677.19 million in 2006, then €1458.39 million in 2007. Of this TV advertising spend accounted for €28.32 million in 2005, €44.90 in 2006 and €56.81 in 2007 (EGTA 2008). The difference in spend between TV advertising and total marketing spend may be accounted for by the fact that a considerable amount of spend on alcohol marketing is directed at below the line channels (Caswell & Maxwell 2005) some of which may hold more appeal to youth (Hastings et al 2005).

There is a growing body of research into the effects of alcohol advertising on young people, with a general level of agreement that there is an association between exposure and alcohol expectancies (Lipsitz et al 1993, Stacy et al 2004), drinking intentions (Grube & Wallack 1994, Kelly et al 1998), and current or future drinking (Caswell & Zhang 1998; Wyllie et al 1998). Three recent longitudinal studies (Stacy et al 2004; Ellickson et al 2005; Snyder et al 2006) have demonstrated evidence of a direct relationship between advertising exposure and youth drinking with important implications for policy change in this area. Recent systematic reviews of the evidence base (Smith and Foxcroft 2007, Anderson et al 2009, Booth et al 2008) have all reached the same conclusions<sup>5</sup>. There are some stakeholders, however, for whom the issue of other potential confounding factors continues to cast doubt on these findings. Others point out that there will always be some methodological shortcomings to any particular study but that most potentially relevant confounders have been addressed at some time in individual studies, and that the key issue is to consider the body of research as a whole.

In terms of youth exposure to alcohol advertising there is a paucity of research on this topic from within the EU. Data from the United States has shown that youth exposure to alcohol advertising on TV rose by 31% between 2001 and 2007 (CAMY 2008) arguing that youth are over exposed in that country. The findings also suggested that the introduction of a 30% threshold was not effective in reducing youth exposure to alcohol advertising on TV and had failed to reduce youth over exposure. The 30% threshold, adopting a proportional 30% maximum for underage audiences of programming where members place advertising in the US, was introduced by the Beer Institute and DISCUS (Distilled Spirits Council of the United States) in 2003. The standard was introduced, largely voluntarily, following discussions between the FTC (Federal Trade Commission) and the alcohol industry. The Wine Institute had already adopted the 30% threshold in 2000 (CAMY 2008).

The findings and research methodology (measuring youth exposure) of the Center on Alcohol Marketing and Youth (CAMY) have been criticised by the FTC and the alcohol producers.

Although recognising that the alcohol industry made progress towards meeting the threshold the CAMY report is critical of the 30% standard calling for a reduction to a 15% standard, a move which is supported by the National Research Council and Institute of Medicine (2004) and 20 state attorney generals in the US. Modelling on

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<sup>5</sup> For a fuller and more authoritative account of this issue, read "Does marketing communication impact on the volume and patterns of consumption of alcoholic beverages, especially by young people? - a review of longitudinal studies". Scientific Opinion of the Science Group of the European Alcohol and Health Forum, 2009

the impact such a move would have showed a 20% reduction in youth exposure to alcohol advertising, an 8% saving on advertising spend for alcohol companies and little to no impact on the ability to reach 21-24 or 21-34 year olds (Jernigan et al 2005). Despite this the Federal Trade Commission continues to support the 30% threshold as an effective standard. Clearly there is a requirement for research on the level of youth exposure to alcohol advertising and other forms of marketing, and potential effects of changes to the audience threshold standards in European countries.

## **COUNTRY PROFILES**

Where available, data has been taken from the information supplied to compile a country profile specifically in terms of targeting/not targeting youth. However the country profiles should not be considered as an exhaustive description of the situation for each member state as other data may be available.

### **Austria**

#### Statutory provisions

The Federal Act on the Austrian Broadcasting Corporation the Private Television Act and the Private Radio Act contains rules on not targeting young people, and it is forbidden to use or imitate minors in advertising. There are also restrictions on product placement in programmes for young people.

#### Self regulatory provisions

The Self Regulation Codex of the Austrian Advertising Council contains provisions to not target alcohol advertising at young people.

#### Audience Profiling Data

No data made available

### **Belgium**

#### Statutory provisions

The Belgian Consumers Health Law contains a rule on not targeting alcohol advertising at youth. The regulations on broadcasting covering each of the regions and communities in Belgium: French speaking, German speaking, Brussels Capital Region, Flemish region and Wallonia all contain provisions that children should not be targeted by alcohol advertising (STAP 2007).

#### Self- and co- regulatory provisions

There is a covenant on the advertising of alcohol with provisions to not target under age people and no advertising 5 minutes before or after children's TV programmes. The covenant was signed by an inclusive group of stakeholders: the national federations representing the different producers, the on-trade federation, the retail association as well as two consumer organizations and the Minister for Public Health (EuroCommerce, and Brewers of Europe 2009).

Audience Profiling Data

The average share of minors (below the age of 18) in the Belgian population is 21.88%. Data from 2007 provided for the share of minors in the audience of the three main French speaking generalist channels in Belgium South (Wallonia) demonstrated a peak share of 8%, 7% and 52% respectively for each channel (EGTA 2009).

In terms of modelling the effect of a change in the audience profiling threshold in Belgium the programming time slots with no alcohol advertising with the actual threshold in place (hrs per day) was zero. The programming time slots with no alcohol advertising if the 20% threshold +3% margin was in place would be zero (hrs per day). The programming time slots with no alcohol advertising if an actual minors proportion (i.e. 21.88%) threshold +3% margin were in place would be zero hours per day (EGTA 2009). That is there would be no programming time slots during which alcohol advertising would be restricted during the day.

**Bulgaria**Statutory provisions

In Bulgaria legislation on the retail sector states that publicity for wine and beer should not be oriented to those under 18 nor be scheduled during TV/radio programmes for youths (EuroCommerce 2009).

Self regulatory provisions

The Union of Brewers in Bulgaria have entered a commitment to the Forum and adopted a Commercial Communications Code which, among other issues, prevents advertizing from appealing to below-LDA (legal drinking age) and stipulates an audience profile where at least 30% needs to be above LDA.

Audience Profiling Data

No data made available

**Cyprus**Statutory provisions

The Radio and Television Stations Law (1998) provides for the Cyprus Radio-Television Authority and states that advertising for alcoholic beverages must not be specifically addressed to minors or, in particular, depict them consuming alcohol (Canadean - Report on Responsible Marketing of Alcoholic Beverages in Europe, 2005)

Self regulatory provisions

The Cypriot Brewers have entered a commitment to the Forum which includes an SR Code that, among others, stipulates that beer advertising should be targeted at adults.

Audience Profiling Data

No data made available

**Czech Republic**Statutory provisions

The Act on the Regulation of Advertisement, the Act on TV and Radio Broadcasting and the Act on Protection against harm done by addictive substances all contain provisions stipulating that alcohol advertising should not be targeted at, appeal to, or feature people under the age of 18 (STAP 2007).

#### Self regulatory provisions

The Code of Practice of the Association of Spirits Producers, and also the Code of Advertising Practice of the Czech Advertising Standards Council contain articles that alcohol marketing should not target youth and should not advertise in media where more than 30% of the audience is above 18 years old. (CEPS Charter Report, audited by KPMG). The Czech Beer and Malt Association, who filed a commitment to the Forum, also has a code enforced through the Czech Advertising Standards Council that, among others, stipulates that beer advertising should be targeted at adults.

#### Audience Profiling Data

Data was provided by EFRD on a pilot compliance monitoring exercise on adherence to the 70/30 rule on minors. The data was collected during October – December 2007 by publishing houses and TV stations. In the Czech Republic the share of readers under 18 for the ads contained in the print media included in the exercise remained significantly under 10%, with a maximum of 6.1%. The share of the audience under 18 for ads on TV was 12% for each of the three cases included in the report (HWP 2008).

### **Denmark**

#### Statutory provisions

The Danish Marketing Practises Act and the Broadcasting Act both contain provisions that marketing directed at young people must not directly or indirectly incite the use of alcohol and that advertising of alcohol must not be targeted at those under the age of 18 (STAP 2007).

#### Co-regulatory provisions

Codes of conduct and self regulation are employed by Danish business organisations and the Danish Consumers Council with a provision that marketing is not targeting children and adolescents (Eurocommerce 2009). The Alcohol Advertising Board (<http://www.alkoholreklamaevn.dk/>) was set up in 2000 by the Danish Ministry of Economic and Business Affairs to enforce the code of practice, which includes provisions that advertising not be targeted at minors, for the marketing of alcoholic beverages in Denmark, which previously had been taken care of by the Consumer Ombudsman.

The Board is chaired by an independent chairman, and the Danish Consumer Council as well as The Danish Brewers' Association (who filed a Forum commitment on this issue) are permanent members of the Board. The Danish Consumer Agency has a fixed observer status on the Board. The members represent the industry, the consumers, the retail, the restaurants and the advertising industries.

#### Audience Profiling Data

The average share of minors (below the age of 18) in the population in Denmark is 23.44%. Figures showing the share of minors in the audience of the main Danish

generalist channel on a weekday in 2007 demonstrate a peak profile of 33% of the total audience (EGTA 2009).

In terms of modelling the effect of a change in the audience profiling threshold in Denmark the programming time slots with no alcohol advertising with the actual threshold in place (hrs per day) was one. The programming time slots with no alcohol advertising if the 20% threshold +3% margin was in place would be 3[+2] (hrs per day). The programming time slots with no alcohol advertising if an actual minors proportion (i.e. 18.5%) threshold +3% margin were in place would be 3[+3] hours per day (EGTA 2009). That is there would be 3[+3] hours of programming time slots during which alcohol advertising would be restricted during the day.

## **Estonia**

### Statutory provisions

In Estonia legislation prohibiting direct appeals to purchase alcohol to those under 21 is in place (Eurocommerce 2009).

### Self regulatory provisions

The Brewers Code of Ethics contains provisions that ads should not be directed at children or mainly at those under the age of 21.

### Audience Profiling Data

No data made available

## **Finland**

### Statutory provisions

The Alcohol Act stipulates that advertising targeted at minors is totally banned. This applies to all forms of marketing not only advertising. Depicting minors in adverts is also banned. A 9pm watershed for alcohol advertising is also in operation and advertising in cinemas in films rated for under 18s is also forbidden (STAP 2007).

### Self regulatory provisions

The Finnish Brewers Association provides guidance to its members on how to respect the rules within the Alcohol Act.

### Audience Profiling Data

In Finland the average share of minors (below the age of 18) in the population is 22.07%. The share of minors in the audience of the main Finnish generalist channel on both a weekend and weekday during 2007 reached a peak share of 8% on the weekday and 33% on the weekend. Furthermore when the average share of minors in the audience of a young adults oriented generalist channel during 2007 reached a peak share of 36% of the total audience, cartoons were scheduled, demonstrating a link between share of minors and the programme offering (EGTA 2009).

In terms of modelling the effect of a change in the audience profiling threshold in Finland the programming time slots with no alcohol advertising with the actual threshold in place (hrs per day) was zero. The programming time slots with no alcohol

advertising if the 20% threshold +3% margin was in place would be zero (hrs per day). The programming time slots with no alcohol advertising if actual minors proportion threshold +3% margin were in place would be zero hours per day (EGTA 2009). That is there would be no programming time slots during which alcohol advertising would be restricted during the day.

## **France**

### Statutory provisions

In France legislation under the Loi Evin bans alcohol advertising on TV and restricts other marketing for example: to print media for adults, radio during certain time slots and bans sponsorship of any kind (Eurocommerce 2009). Only products can be presented in commercial communications.

### Self Regulatory Provisions

The Self Regulation Code on Communication and Sale of Alcoholic Beverages, the Brewers Code of Practice and the Code of practice in Sport Events Broadcast each contain provisions for not targeting of youth by alcohol advertising or promotion (STAP 2007).

### Audience Profiling Data

The average share of minors (below the age of 18) in the French population is 23.69%. EGTA data showed that when the average share of minors in the main French generalist channel audience reached a peak on a week day of 47% and 36% on a week end day during 2007 cartoons were scheduled on that channel (EGTA 2009).

In terms of modelling the effect of a change in the audience profiling threshold in France the programming time slots with no alcohol advertising with the actual threshold in place (hrs per day) was two. The programming time slots with no alcohol advertising if the 20% threshold +3% margin was in place would be 5[+3] (hrs per day). The programming time slots with no alcohol advertising if an actual minors proportion (i.e. 23.69%) threshold +3% margin were in place would be 3[+1] hours per day (EGTA 2009). That is there would be 3[+1] hours of programming time slots during which alcohol advertising would be restricted during the day.

## **Germany**

### Statutory provisions

The Federal Protection of Minors Act ('Jugendschutzgesetz') restricts broadcasting times for alcohol advertising to ensure it does not target young people, and the Interstate Treaty for the Protection of Minors from Unsuitable Media Content (Jugendmedienschutz-Staatsvertrag) contains provisions on the content of alcohol advertising, stating it should not be directed nor appeal to those under age (STAP 2007).

### Self regulatory provisions

The German Advertisement Council has in place a self regulatory code which includes rules on children and teenagers and age of individuals in adverts (Eurocommerce 2009).



### Audience Profiling Data

The average share of minors (below the age of 18) in the German population is 18.50%. Data from 2007 on the share of minors in the audience for the main generalist channel in Germany show a peak share of 8% between 19.00-20.00, with the level averaging around 5% for most of the programming day. Data for a music channel in Germany demonstrates that the share of under 18s in the audience is high across almost the entire programming day, reaching a peak share of 52% of the audience between 14.00-15.00, and averaging above 20% across the whole day. The share of minors in the audience for a German comedy channel reached a peak of 25% and a minimum value of 12%, with a stable average audience share around 20% for most of the programming day (EGTA 2009).

In terms of modelling the effect of a change in the audience profiling threshold of the main generalist channel in Germany the programming time slots with no alcohol advertising with the actual threshold in place (hrs per day) was zero. The programming time slots with no alcohol advertising if the 20% threshold +3% margin was in place would be zero (hrs per day). The programming time slots with no alcohol advertising if an actual minors proportion (i.e. 18.5%) threshold +3% margin were in place would be zero hours per day (EGTA 2009). That is there would be no programming time slots during which alcohol advertising would be restricted during the day.

Carat, a communications company, supplied information on behalf of Diageo on the audience profile for alcohol advertising on German television on viewers to the European Commission. The data was sourced from, and compiled by, Nielson Media Research during the period July 2007 and June 2008.

The data showed that in terms of TV audience profile for Vodka brands advertised in Germany, the Diageo brand – ‘Smirnoff Vodka’, 96% of the total viewing profile were aged 18 years or older. Four other non Diageo branded Vodka’s each had audience profiles of 97%, 95%, 96% and 97% aged 18 years or older, respectively. For TV advertising of the Diageo whisky brand – ‘Johnny Walker’ 98% of the total audience profile were aged 18 years plus. For the two Non-Diageo brands measured in the whisky category the percentage of the audience profile watching the advertisements aged 18 years or older was 97% and 96.5% respectively. Information was also supplied on the Diageo brand – ‘Baileys’ and selected competitors. It was found that for advertisements for Bailey’s on German Television the percentage of the audience profile aged 18 years or older was 97%. The percentages for competitor brands were 97%, 96%, 96%, 98%, 97% respectively (Carat 2008).

TV insertions for alcohol drinks are subject to voluntary self restriction of the broadcaster. It should be noted that there is no consistent overall rule for this but generally there are no insertions during children’s TV programmes and a guidance of no Alcohol TV advertisements before 5pm at the earliest is accepted. However no information was available on how children’s TV programmes are defined, and the rationale for, and impact of, a 5pm guideline watershed on TV alcohol advertising. A producer’s code of conduct for TV alcohol advertising in Germany is also in place, specified in the German ‘Rundfunk Staatsvertrag’ (legal restrictions) (Carat 2008).

In compiling the report submitted to the EC, Carat in their consideration of the Diageo Marketing Code (DMC) excluded young music programmes (VIVA), comics, extreme sports, horror, sex, and programmes that glorify violence from Diageo marketing communications. Information was also supplied by Carat that there are largely no major differences in the TV profiles between the competitors, and that this is caused by voluntary self restrictions of the broadcasters and legal restrictions (Carat 2008).

German data was provided by EFRD on the pilot compliance monitoring exercise on adherence to the 70/30 rule on minors. It was found that in Germany the highest share of readers under 18 was found in Glamour, a magazine targeting young women, with a share of 21.2%. FHM a magazine targeting young men had a share of readers under 18 of 16.9%, and CINEMA magazine had a share of readers under 18 of 16.7%. For every other publication the share of readers under 18 was less than 15% and in most cases was less than 10%. For TV in Germany the results of the pilot showed that the largest share of minors viewing an ad was 14%, with a 2<sup>nd</sup> ad measured as having an 11% share under 18 viewing. All other measures taken showed audience share under 18 of less than 10% (HWP 2008).

## **Greece**

### Statutory provisions

Advertising of alcoholic beverages is covered by Presidential Decree 100/2000 which requires that advertising of alcoholic drinks should not be aimed specifically at minors or show them consuming alcohol (Canadean - Report on Responsible Marketing of Alcoholic Beverages in Europe, 2005).

### Self regulatory provisions

The SEE advertising code and the spirits self-regulatory code signed by the Federation of Greek Distillates and Spirits – (SEAOP) and the Association of Drinks Companies (ADC) contain provisions that alcohol advertising should not be targeted at youth (EASA 2007, CEPS 2008).

### Audience Profiling Data

No data made available

## **Hungary**

### Statutory provisions

Both the Law on Economic Advertising Activity, and the Media Law contain provisions that alcohol advertising should not be aimed at nor depict minors (STAP 2007).

### Self regulatory provisions

The Hungarian Code of Advertising Ethics and the Code of Advertising Ethics of the Association of Hungarian Brewers, who have filed a Forum commitment in this regard, contain rules on the content of advertising, and stipulate that alcohol advertising should not target youth (STAP 2007).

### Audience Profiling Data

The average share of minors (below the age of 18) in the Hungarian population is 20.15%. EGTA data from 2007 showed a strong correlation between the share of minors in the main Hungarian generalist channel and the programme offering. For example when the share of minors in the audience reached a peak of 35% on a week end day during the hours of 5.00am and 10.00 am the programmes scheduled were cartoons (EGTA 2009).

In terms of modelling the effect of a change in the audience profiling threshold in Hungary the programming time slots with no alcohol advertising with the actual threshold in place (hrs per day) was zero. The programming time slots with no alcohol advertising if the 20% threshold +3% margin was in place would be 2[+2] (hrs per day). The programming time slots with no alcohol advertising if an actual minors proportion (i.e. 20.15%) threshold +3% margin were in place would be 1[+1] hours per day (EGTA 2009). That is there would be 1[+1] hours of programming time slots during which alcohol advertising would be restricted during the day.

## **Ireland**

### Statutory provisions

The Broadcasting Code contains rules that alcohol advertising should not be directed at nor depict children, and also should not encourage children to drink (STAP 2007).

### Self regulatory provisions

The Alcohol Marketing, Communications and Sponsorship Codes of Practice are fully effective from 1st October, 2008. The purpose of these Codes is to reduce the exposure of young people to alcohol advertising and marketing. The Codes also aim to limit the overall level of alcohol advertising and sponsorship across all media in Ireland. These Codes operate a 75/25 rule in relation to minors in the share of the audience for alcohol advertising, and adheres to EFRD common standards relating to youth. The MEAS Code, The Advertising Standards Authority for Ireland Code and the Voluntary Code to Limit the Exposure of Young People to Alcoholic Drink Advertising on Television, Radio, in Cinema and on Outdoor/Ambient Media all contain provisions around alcohol advertising not targeting or appealing to youth (STAP 2007).

### Audience Profiling Data

In Ireland the average share of minors (below the age of 18) in the population is 25.71%. Data from 2007 on the share of minors for the main generalist channel showed a peak share of 47%. In relation to the audience of a music channel in Ireland showed a peak share of 42% and a share above 20% of the total audience across 15 hours of the entire programming day. Data from the same year on share of minors in the audience of a sports channel showed a peak share of 35%, with the share of audience not dropping below 10% except during the hours 21.00-06.00 (EGTA 2009). This may be particularly relevant given that alcohol advertising on TV is often associated with sports programming (McDaniel, Kinney and Chalip, 2001). It should however be noted that the EGTA findings regarding sports channels are very divergent and vary strongly across countries and within the same country depending on the programming offer.

In terms of modelling the effect of a change in the audience profiling threshold of the main generalist channel in Ireland the programming time slots with no alcohol advertising with the actual threshold in place (hrs per day) was seven. The programming time slots with no alcohol advertising if the 20% threshold +3% margin was in place would be 12[+5] (hrs per day). The programming time slots with no alcohol advertising if an actual minors proportion (i.e. 25.71%) threshold +3% margin were in place would be 8[+1] hours per day (EGTA 2009). That is there would be 8[+1] hours of programming time slots during which alcohol advertising would be restricted during the day.

## **Italy**

### **Statutory provisions**

The Law on Alcohol and Alcohol Related Problems, the Television Without Frontiers regulations, the Regulations for the Implementation for Art and the Self Regulation Code on TV and Minors all contain rules on not targeting alcohol advertising at children. Legislation in Italy bans advertising during children's programmes and 15 minutes before or after. Press advertising bans are in place in children's magazines and cinema (Eurocommerce 2009).

### **Self regulatory provisions**

Under the Advertising self-regulation code, and the Ethical code issued by national public radio – TV network, both contain provisions that advertising must not be directed at, nor depict children (STAP 2007).

### **Audience Profiling Data**

In Italy the average share of minors (below the age of 18) in the population is 18.06%. EGTA data for the average share of minors in the audience of the main generalist channel showed a peaks share of 6%. For a young adults oriented generalist channel audience during 2007 the data showed that when the share reached a peak of 37% during the hours of 7.00-10.00am cartoons were scheduled (EGTA 2009).

In terms of modelling the effect of a change in the audience profiling threshold of the main generalist channel in Italy the programming time slots with no alcohol advertising with the actual threshold in place (hrs per day) was zero. The programming time slots with no alcohol advertising if the 20% threshold +3% margin was in place would be zero (hrs per day). The programming time slots with no alcohol advertising if an actual minors proportion (i.e. 18.06%) threshold +3% margin were in place would be zero hours per day (EGTA 2009). That is there would be no programming time slots during which alcohol advertising would be restricted during the day.

For Italy data was provided by EFRD on the pilot compliance monitoring exercise on adherence to the 70/30 rule on minors. It was found that in Italy for all print media the share of underage readers remained under 10% For TV the same exercise found the share of viewers under 18 was always under 30%, with a maximum of 28.8% (HWP 2008).

## **Latvia**

Statutory provisions

There is a ban on advertising for alcohol during children's programmes and 15 minutes before or after. Press advertising bans are in place in children's magazines and cinema (Eurocommerce 2009). The Handling of Alcoholic Beverages Law, the Radio and Television Law and the Advertising Law all contain rules on youth including that advertising should not be aimed at minors, bans on sponsorship of youth events and sports and prohibition of those under 18 handling alcoholic drinks (STAP 2007).

Self regulatory provisions

The Latvian Brewers signed a code in March 2009 that, among others, stipulates that beer advertising should be targeted at adults.

Audience Profiling Data

No data made available

**Lithuania**Statutory provisions

In Lithuania legislation places a ban on advertisements that can be seen by youths (Eurocommerce 2009). The Alcohol Control Law prohibits the means of promotion of buying and consumption of alcohol by youth. This includes a ban on advertising directed at youth, watersheds on broadcast advertising and no depiction of young people allowed in adverts (STAP 2007).

Self regulatory provisions

The Lithuanian Brewers have a code that, among others, stipulates that beer advertising should be targeted at adults.

Audience Profiling Data

No data made available

**Luxembourg**Statutory provisions

The Electronic Media Law of 1991 requires that advertising for alcoholic drinks not be openly addressed to minors or depict them consuming alcoholic drinks (Canadean - Report on Responsible Marketing of Alcoholic Beverages in Europe, 2005)

Self regulatory provisions

The code of the Luxembourg SRO ([www.clep.lu](http://www.clep.lu)) which was launched in May 2009 contains provisions in relation to alcohol that state that alcohol advertising not be targeted at minors. This has been subscribed to by the Luxembourg Brewers, who helped set up the new system in cooperation with EASA and The Brewers of Europe.

Audience Profiling Data

No data made available

**Malta**

Statutory provisions

In Malta the Broadcasting act prohibits alcohol adverts aimed at the young (Eurocommerce 2009).

Self regulatory provisions

No data made available

Audience Profiling Data

No data made available

**Netherlands**Statutory provisions

The Alcohol Licensing and Catering Act contains a provision to not promote alcohol to those under age. A TV and radio alcohol advertising watershed is enforced under Dutch legislation between the hours of 6.00 and 21.00.

Self regulatory provisions

In terms of voluntary codes, the Advertising Code for Alcoholic Beverages under the auspices of –STIVA ( a Social Aspects Organisation whose members includes the different sectors of the drinks industry), and also signed by the Dutch Food Retail Association (CBL) contains a provision that there should be no advertising when the share of minors in the audience is 25% or more (Eurocommerce 2009). The code also contains rules on forbidding the targeting of youth on the internet, by SMS, in youth broadcasting, or advertising near schools. The Guidelines for promotions by the catering industry also contain rules on not targeting youth (STAP 2007).

Audience Profiling Data

No data made available

**Poland**Statutory provisions

The Act of October 26th, 1982 on Upbringing in Sobriety and Counteracting Alcoholism stipulates that advertising or promotion of beer (the only form of alcohol advertising allowed) should not be executed in press for the youth and children (STAP 2007). Spirits advertising is banned in Poland except at point of sale.

Self regulatory provisions

The Polish Brewers' (who submitted commitments to the Forum in this regard) Advertising Code contains articles that adverts should not target minors, not feature those aged under 25 years of age and should not feature people or figures that influence minors (STAP 2007). The Polish spirits association has adopted a code which includes the 70/30 rule.

Audience Profiling Data

For Poland the average share of minors (below the age of 18) in the population is 21.59%. Data from 2007 showing the average share of minors in the audience of the

four main Polish generalist channels show a peak audience share of 29%, 22%, 32% and 22% respectively for each channel. Data for the share of minors in the audience during broadcasting of international football matches in 2008 showed a peak share of 12.8% of the total audience (EGTA 2009).

In terms of modelling the effect of a change in the audience profiling threshold in Poland the programming time slots with no alcohol advertising with the actual threshold in place (hrs per day) was zero. The programming time slots with no alcohol advertising if the 20% threshold +3% margin was in place would be 2[+2] (hrs per day). The programming time slots with no alcohol advertising if an actual minors proportion (i.e. 21.59%) threshold +3% margin were in place would be 2[+2] hours per day (EGTA 2009). That is there would be 2[+2] hours of programming time slots during which alcohol advertising would be restricted during the day.

## **Portugal**

### Statutory provisions

The Television Law (1998) and Advertising Law (2001) outline the regulations for advertising in general and state that alcoholic beverage advertising in all media must not be aimed specifically at minors and, in particular, depict minors consuming these beverages. Furthermore, TV advertising is not permitted between 7.00 and 22.30 and radio advertising between 7.00 and 21.30. (Canadean - Report on Responsible Marketing of Alcoholic Beverages in Europe, 2005)

### Self regulatory provisions

The Advertising code for all communication media channels (The Civil Institute of Advertising self-regulation- ICAP) contains an article forbidden alcohol marketing targeted at youth, and also at events such as sports, cultural or recreational where minors participate (STAP 2007).

### Audience Profiling Data

No data made available

## **Romania**

### Statutory provisions

In Romania the Code of Regulation of the Audiovisual Content, the Audio Visual Law, the Advertising Law, Law no. 61 regarding the social life and public order norms and decision no. 128 regarding certain measures for ensuring the physical and moral development conditions for schoolchildren and students all contain articles prohibiting the targeting of youth by alcohol advertising, showing minors in advertising and advertising near schools (STAP 2007). Under Romania legislation there is a ban on alcohol advertising of spirits between the hours of 6.00 and 22.00 (Eurocommerce 2009)

### Self regulatory provisions

The Romanian Brewers filed a Forum commitment in this regard and have a code which stipulates that beer advertising be targeted at adults and now contains provisions in relation to a 70:30 audience profile for minors.

### Audience Profiling Data

See above.

## **Slovakia**

### Statutory provisions

Slovakian legislation under the Advertising Act and the Act on Broadcasting and Retransmission provides that billboard and press alcohol advertising should not be directed towards children. TV and radio adverts for all alcoholic products except beer are forbidden between 6.00 and 22.00 (STAP 2007, Eurocommerce 2009).

### Self regulatory provisions

The Ethical Principles on Advertising Practice Valid in the Slovak Republic contains an article stating that advertising should not include indications of consumption by those who appear to be under the legal age for consumption (STAP 2007). The Slovakian Brewers filed a Forum commitment in this regard and have a code which stipulates that beer advertising be targeted at adults and which now contains provisions in relation to a 70:30 audience profile for minors.

### Audience Profiling Data

See above.

## **Slovenia**

### Statutory provisions

The Act Amending the Health and Hygiene Safety of Foodstuffs and Products and Materials Coming in Contact with Foodstuffs Act states that alcohol marketing must not contain or show persons under the age of 25, marketing practice must not be aimed at young people, and marketing practice is prohibited at events including sporting events which are primarily for youth (STAP 2007). Spirits advertising is banned

### Self regulatory provisions

No data made available

### Audience Profiling Data

No data made available

## **Spain**

### Statutory provisions

The General Advertising Law, the Television without Frontiers Law, the TV Code and the Law of Sport contain rules that alcohol marketing is not targeted at minors or shows minors drinking (STAP 2007).

### Self regulatory provisions

The Spanish spirits association, FEBE introduced last year a 70/30 rule in relation to minors in the audience of alcohol advertising in line with the EFRD common standards. Furthermore a provision to not use any actors under the age of 25 in



advertising has been introduced (CEPS 2008). The Spanish Brewers, who have filed a Forum commitment in this area, are committed to only targeting adults and do not use actors under age 21. Furthermore they do not advertise before 20.30

#### Audience Profiling Data

No data made available

### **Sweden**

#### Statutory provisions

Legislation in Sweden bans alcohol advertising on TV, contains clear rules in relation to not targeting minors and provides that press advertising does not address or describe children or youth under 25 (Eurocommerce 2009).

#### Self regulatory provisions

Under the SWSS code advertising permitted by law operates according to a 70/30 rule in relation to minors, in line with the EFRD common standards. The SWSS code also contains articles that alcohol marketing should not be targeted or appeal to youth.

In 2006, Brewers of Sweden (who filed a Forum commitment in this regard), the Association of Swedish Advertisers and Swedish Spirits & Wine Suppliers adopted a joint recommendation on advertising for alcoholic and low alcohol beverages. The Recommendation is a guide to interpreting the particular moderation requirements of the Swedish Alcohol Act. It provides instructions for the how, when and where of alcohol advertising and explains the current regulations for the marketing of alcoholic and low-alcohol beverages in the media. The Recommendation is also consistent with the Swedish Marketing Practices Act and the Swedish Radio and Television Act.

#### Audience Profiling Data

No data made available

### **United Kingdom**

#### Advertising regulatory, self-regulatory and co-regulatory provisions

Alcohol advertising in the UK is controlled through a system of co-regulation and self regulation, which is administered by the independent Advertising Standards Authority (ASA). The ASA council which is the independent arbiter of the codes is chaired by a person of distinction unconnected with the advertising industry, and two thirds of members are also independent.

Despite there being a dual system of co-regulation and self-regulation, in effect the rules are broadly similar and day to day enforcement and administration is the same. The main difference is that although rarely necessary, cases of non-compliance for broadcast advertising can be referred to the statutory backstop regulator, Ofcom (the UK communications regulator). This has never been necessary for alcohol advertising. Compliance with all the Advertising Codes is not voluntary and all upheld adjudications are strictly enforced.

Co-regulation of alcohol advertising in the UK covers broadcasting advertising including TV, radio and teleshopping. Ofcom contracted-out responsibility to the advertising self-regulatory system in 2004 but retains ultimate sign off on the broadcast advertising codes. There is a Radio Code and a TV Code. These are written by the BCAP (Broadcast Committee of Advertising Practice), which is an industry body.

Non broadcast advertising of alcoholic beverages in the UK is governed by a self regulatory code of conduct: the British Code of Advertising, Sales Promotion and Direct Marketing; written and maintained by the Committee of Advertising Practice, an industry body.

Both the broadcast and non-broadcast advertising codes contain specific rules governing alcohol advertising, including provisions to ensure that advertising should not appeal to youth, contain youth content, be aimed at those under the age of 18, nor feature young people.

In television, alcohol advertisements are subject to tough scheduling restrictions. The rules prevent alcohol ads from being placed during any programme that is made for or aimed at children or is likely to appeal particularly to audiences below the age of 18, regardless of the time of day.

In non- broadcast advertising, alcohol advertisements should not be directed at people under 18 through the selection of media, style of presentation, content or context in which they appear. No medium should be used to advertise alcohol if more than 25% of its audience is less than 18 years of age.

Television advertising for alcohol is also subject to a pre-clearance system. However, pre clearance does not prevent the Advertising Standards Authority from taking action, should they consider the advertising to be in breach of the UK Advertising Codes.

Television sponsorship in the UK is regulated by Ofcom, as it is seen as directly affecting the integrity of programming.

In the UK economic operators including the British Retail Consortium are signatories to the Social Responsibility Standards for the Production and Sale of Alcoholic Drinks in the UK which include provisions concerning young people. The Portman Group voluntary code of conduct also prohibits appeal to young people (Eurocommerce 2009). Furthermore under the code the UK operates a 75/25% rule on share of minors in the audience for alcohol advertising therefore adhering to the EFRD common standards. However a recent UK Government review conducted by KMPG, which examined the aforementioned Social Responsibility Standards and Portman Group code, found shortcomings with the current system. The review noted many "poor practices, particularly in the on-trade, going unchecked" and recommended that a new agency or new regulatory body, possibly with enforcement powers and a range of sanctions to oversee & monitor practice within the industry, may offer an independent solution. (Home Office 2008).

Audience Profiling Data

No data made was submitted directly to DG Health and Consumers from forum members but information on audience profiling in the UK is transparently available on the ASA and CAP websites: [www.asa.org.uk](http://www.asa.org.uk) and [www.cap.org.uk](http://www.cap.org.uk). For non broadcast advertising no medium can be used in which those under the age of 18 consist of more than a 25% share of the total audience, and for TV advertising there is a 120 audience index used. Full details are available on the ASA website.

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	<b>Statutory Provisions relating to youth</b>	<b>Self regulatory provisions relating to youth</b>	<b>% share of minors in total population</b>	<b>% share of minors in audience of main generalist TV channel(s)</b>	<b>Impact of change of audience profiling threshold for minors to 20% on number of programming slots with no alcohol advertising</b>
<b>Austria</b>	The Federal Act on the Austrian Broadcasting Corporation the Private Television Act and the Private Radio Act contains rules on not targeting young people, and it is forbidden to use of imitate minors in advertising. There are also restrictions on product placement in programmes for young people.	The Self Regulation Codex of the Austrian Advertising Council contains provisions to not target alcohol advertising at young people.	N/A	N/A	N/A
<b>Belgium</b>	The Belgian Consumers Health Law contains a rule on targeting alcohol advertising at youth. The regulations on broadcasting covering each of the regions and communities in Belgium: French speaking, German speaking, Brussels Capital Region, Flemish region and Wallonia all contain provisions that children should not be targeted by alcohol advertising	Convenant on advertising of alcohol to not target youth. No advertising 5 min before or after children's TV programmes	21.88%	Peak share 3 channels in Wallonia Only: 8%, 7%, 52%	Zero hrs per day
<b>Bulgaria</b>	Legislation which also covers the retail sector states that publicity for wine and beer should not oriented to those under 18 nor be scheduled during youth programmes on TV & radio.	The Union of Brewers in Bulgaria have adopted a Commercial Communications Code which, among other issues, prevents advertizing from appealing to below-LDA (legal drinking age) and stipulates an audience profile where at least 30% needs to be above LDA.	N/A	N/A	N/A
<b>Cyprus</b>	The Radio and Television	The Cypriot Brewers have an SR Code	N/A	N/A	N/A

	Stations Law (1998) provides for the Cyprus Radio-Television Authority and states that advertising for alcoholic beverages must not be specifically addressed to minors or, in particular, depict them consuming alcohol	that, among others, stipulates that beer advertising should be targeted at adults.			
<b>Czech Republic</b>	The Act on the Regulation of Advertisement, the Act on TV and Radio Broadcasting and the Act on Protection against harm done by addictive substances all contain provisions stipulating that alcohol advertising should not be targeted at, appeal to, or feature people under the age of 18	EFRD Common standards: 70/30 rule. The Code of Practice of the Association of Spirits Producers, and also the Code of Advertising Practice of the Czech Advertising Standards Council contain articles that alcohol marketing should not target youth (70:30 rule applying for spirits). The Czech Beer and Malt Association also has a code enforced through the the Czech Advertising Standards Council that, among others, stipulates that beer advertising should be targeted at adults.	N/A	N/A	N/A
<b>Denmark</b>	Danish Marketing Act provides that marketing directed at young people must not directly or indirectly incite the use of alcohol	Self regulatory codes employed by business organisations and the Danish consumer council with provision that marketing does not target children or adolescents.  The Alcohol Advertising Board ( <a href="http://www.alkoholreklamaevn.dk/">http://www.alkoholreklamaevn.dk/</a> ) was set up in 2000 by the Danish Ministry of Economic and Business Affairs to enforce the code of practice, which includes provisions that advertising not be targeted at minors.	23.44%	Peak: 33%	3[+3] hrs per day
<b>Estonia</b>	Legislation prohibits direct appeals to purchase alcohol to those under 21	The Brewers Code of Ethics contains provisions that ads should not be directed at children or mainly at those	N/A	N/A	N/A

		under the age of 21.			
<b>Finland</b>	The Alcohol Act stipulates that advertising targeted at minors is totally banned. This applies to all forms of marketing not only advertising. Depicting minors in adverts is also banned. A 9pm watershed for alcohol advertising is also in operation and advertising in cinemas in films rated for under 18s is also forbidden	N/A	22.07%	Peak share weekday: 8% Peak share weekend: 33%	Zero hrs per day
<b>France</b>	Loi Evin bans alcohol advertising on TV and restricts other marketing: for example to print media for adults, radio during certain time slots and bans sponsorship of youth events	The Self Regulation Code on Communication and Sale of Alcoholic Beverages, the Brewers Code of Practice and the Code of practice in Sport Events Broadcast each contain provisions for not targeting of youth by alcohol advertising or promotion	23.69%	Peak share weekday: 47% Peak share weekend: 36%	5[+3]
<b>Germany</b>	The Jugendschutzgesetz restricts broadcasting times for alcohol advertising to ensure it does not target young people, and the Jugendmedienschutz-Staatsvertrag contains provisions on the content of alcohol advertising, stating it should not be directed nor appeal to those under age	German Advertisement Council operates a code which includes rules on not targeting children and teenagers, and on the age of individuals appearing in adverts	18.50%	Peak share: 8%	Zero hrs per day
<b>Greece</b>	Advertising of alcoholic beverages is covered by Presidential Decree 100/2000 which requires that advertising of alcoholic drinks should not be aimed specifically at minors or show them consuming alcohol	The SEE advertising code and the spirits self-regulatory code signed by the Federation of Greek Distillates and Spirits – (SEAOP) and the Association of Drinks Companies (ADC) contain provisions that alcohol advertising should not be targeted at youth	N/A	N/A	N/A

<b>Hungary</b>	Both the Law on Economic Advertising Activity, and the Media Law contain provisions that alcohol advertising should not be aimed at nor depict minors	The Hungarian Code of Advertising Ethics and the Code of Advertising Ethics of the Association of Hungarian Brewers contain rules on the content of advertising, and stipulates that alcohol advertising should not target youth	20.15%	Peak share weekend: 35%	2[+2] hrs per day
<b>Ireland</b>	The Broadcasting Code contains rules that alcohol advertising should not be directed at nor depict children, and also should not encourage children to drink	MEAS (SRO) operates a 75/25 rule relating to minors & adheres to EFRD common standards relating to youth. The MEAS Code, The Advertising Standards Authority for Ireland Code and the Voluntary Code to Limit the Exposure of Young People to Alcoholic Drink Advertising on Television, Radio, in Cinema and on Outdoor/Ambient Media all contain provisions around alcohol advertising not targeting or appealing to youth	25.71%	Peak share: 47%	12[+5]
<b>Italy</b>	Legislation bans advertising during children's programmes & 15 min before or after. Press advertising bans are in place for children's magazines and cinema	Under the Advertising self-regulation code, and the Ethical code issued by national public radio – TV network, both contain provisions that advertising must not be directed at, nor depict children	18.06%	Peak share: 6%	Zero hrs per day
<b>Latvia</b>	There is a ban on advertising for alcohol during children's programmes and 15 minutes before or after. Press advertising bans are in place in children's magazines and cinema (Eurocommerce 2009). The Handling of Alcoholic Beverages Law, the Radio and Television Law and the Advertising Law all contain rules on youth including that advertising should not be aimed at minors, bans on	The Latvian Brewers signed a code in March 2009 that, among others, stipulates that beer advertising should be targeted at adults.	N/A	N/A	N/A



	sponsorship of youth events and sports and prohibition of those under 18 handling alcoholic drinks				
<b>Lithuania</b>	In Lithuania legislation places a ban on advertisements that can be seen by youths (Eurocommerce 2009). The Alcohol Control Law prohibits the means of promotion of buying and consumption of alcohol by youth. This includes a ban on advertising directed at youth, watersheds on broadcast advertising and no depiction of young people allowed in adverts	The Lithuanian Brewers have a code that, among others, stipulates that beer advertising should be targeted at adults.	N/A	N/A	N/A
<b>Luxembourg</b>	The Electronic Media Law of 1991 requires that advertising for alcoholic drinks not be openly addressed to minors or depict them consuming alcoholic drinks	The code of the Luxembourg SRO ( <a href="http://www.clep.lu">www.clep.lu</a> ) which was launched in May 2009 contains provisions in relation to alcohol that state that alcohol advertising not be targeted at minors. This has been subscribed to by the Luxembourg Brewers, who helped set up the new system in cooperation with EASA and The Brewers of Europe.	N/A	N/A	N/A
<b>Malta</b>	Broadcasting act prohibits alcohol adverts aimed at the young	N/A	N/A	N/A	N/A
<b>Netherlands</b>	The Alcohol Licensing and Catering Act contains a provision to not promote alcohol to those under age. A TV and radio alcohol advertising watershed is enforced under Dutch legislation between the hours of 6.00 and 21.00.	Advertising Code for Alcoholic Beverages contains a provision that should be no advertising when the share of minors in the audience is 25% or more. The code also contains rules on forbidding the targeting of youth on the internet, by SMS, in youth broadcasting, or advertising near schools. The Guidelines for	N/A	N/A	N/A

		promotions by the catering industry also contain rules on not targeting youth			
<b>Poland</b>	The Act of October 26th, 1982 on Upbringing in Sobriety and Counteracting Alcoholism stipulates that advertising or promotion of beer should not be executed in press for the youth and children Ban on spirit advertising	The Polish Brewers Advertising Code contains articles that adverts should not target minors, not feature those aged under 25 years of age and should not feature people or figures that influence minors	21.59%	Peak share - 4 channels: 29%, 22%, 32%, 22%	2+[2]
<b>Portugal</b>	The Television Law (1998) and Advertising Law (2001) outline the regulations for advertising in general and state that alcoholic beverage advertising in all media must not be aimed specifically at minors and, in particular, depict minors consuming these beverages. Furthermore, TV advertising is not permitted between 7.00 and 22.30 and radio advertising between 7.00 and 21.30.	The Advertising code for all communication media channels (The Civil Institute of Advertising self-regulation- ICAP) contains an article forbidding alcohol marketing targeted at youth, and also at events such as sports, cultural or recreational where minors participate	N/A	N/A	N/A
<b>Romania</b>	Ban on advertising of spirits between the hours of 6.00 and 22.00	The Romanian Brewers have a code which stipulates that beer advertising be targeted at adults and now contains provisions in relation to a 70:30 audience profile for minors.	N/A	N/A	N/A
<b>Slovakia</b>	The Advertising Act and the Act on Broadcasting and Retransmission provides that billboard and press alcohol advertising should not be directed towards children. TV	The Ethical Principles on Advertising Practice Valid in the Slovak Republic contains an article stating that advertising should not include indications of consumption by those who appear to be under the legal age	N/A	N/A	N/A

	and radio adverts for all alcoholic products except beer are forbidden between 6.00 and 22.00	for consumption. The Slovakian Brewers have a code which stipulates that beer advertising be targeted at adults and which now contains provisions in relation to a 70:30 audience profile for minors.			
<b>Slovenia</b>	The Act Amending the Health and Hygiene Safety of Foodstuffs and Products and Materials Coming in Contact with Foodstuffs Act states that alcohol marketing must not contain or show persons under the age of 25, marketing practice must not be aimed at young people, and marketing practice is prohibited at events including sporting events which are primarily for youth Ban of spirits advertising	N/A	N/A	N/A	N/A
<b>Spain</b>	The General Advertising Law, the Television without Frontiers Law, the TV Code and the Law of Sport contain rules that alcohol marketing is not targeted at minors or shows minors drinking	FEBE code includes 70/30 rule and ban on actors under age of 25 in adverts in line with EFRD common standards The Spanish Brewers are committed to only targeting adults and do not use actors under age 21. Furthermore they do not advertise before 20.30	N/A	N/A	N/A
<b>Sweden</b>	Legislation in Sweden bans alcohol advertising on TV, has clear rules on not targeting minors and provides that press advertising does not address or describe children or youth under 25	SWSS code includes 70/30 rule in line with EFRD common standards. The SWSS code also contains articles that alcohol marketing should not be targeted or appeal to youth.	N/A	N/A	N/A
<b>UK</b>	For TV, alcohol ads are not allowed to be placed during	Portman Group code and Social Responsibility Standards for the	N/A	N/A	N/A

	<p>any programme that is made for or aimed at children or is likely to appeal particularly to audiences below the age of 18, regardless of the time of day.</p> <p>In non-broadcast advertising, alcohol advertisements should not be directed at people under 18 through the selection of media, style of presentation, content or context in which they appear.</p>	<p>Production &amp; Sale of Alcoholic Drinks contain provision relating to youth including: ban on appeals to young people, 75/25 rule, rule on marketing placement, content, packaging &amp; naming</p>			
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