



ELSA

3

Report on Adherence to Alcohol Marketing Regulations

ELSA project report on the adherence to codes of
self-regulation, laws and regulatory systems



Report on Adherence to Alcohol Marketing Regulations

ELSA project report on the adherence to codes of self-regulation, laws
and regulatory systems

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.

STAP

P.O. Box 8181

3503 RD Utrecht

The Netherlands

T +31(0)30 656 50 41

F +31(0)30 656 50 43

E stap@stap.nl

I www.stap.nl

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].

The responsibility for the content of this report lies with the author, and the content does not represent the views of the European Commission; nor is the Commission responsible for any use that may be made of the information contained here in.

This report should be quoted: STAP (2007). Report on Adherence to Alcohol Marketing Regulations. Utrecht: National Foundation for Alcohol Prevention.

ISBN 978-90-79070-04-6

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

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

Content

1	Introduction	5
2	Method	6
3	Results	8
	3.1 Overview of European regulations	8
	3.2 Complaints and Sanctions	10
	3.3 Pre-launch advice	12
	3.4 Evaluation of adherence to regulations and effectiveness of regulations	14
4	Conclusions and Discussion	18
5	References	20
	Appendix A Tables	23
	Appendix B Official country partners	28
	Appendix C Experts and advisors	30
	Appendix D Procedure for the overview of documents	31

1 Introduction

While the average alcohol consumption has been decreasing in the EU, the proportion of young people with risky consumption habits has increased in most Member States over the last decade (Anderson & Baumberg, 2006). Over 10 percent of female mortality and around 25 percent of male mortality for people between 15 and 29 years old is related to harmful alcohol consumption (EC, 2006). The EU response to this growing problem focuses on a combination of measures aimed at limiting the availability of alcohol beverages especially to young people, and at reducing their exposure to commercial communications.

The European Council Recommendation of June 5th 2001 on the drinking of alcohol by young people, in particular children and adolescents, states among other things that Member States should establish effective mechanisms in the fields of promotion, marketing and retailing (1) to ensure that producers do not produce alcoholic beverages specifically targeted at children and adolescents, (2) to ensure that alcoholic beverages are not designed or promoted to appeal to children and adolescents, (3) to allow manufacturers to get pre-launch advice, in advance of marketing a product, investing in a product as well as on marketing campaigns before launch, and (4) to ensure that complaints against products can be effectively handled so that inappropriate products can be removed and inappropriate marketing or promotional practises can be brought to an end.

In light of the above, the ELSA (Enforcement of National Laws and Self-Regulation on the Advertising and Marketing of Alcohol) project, which is co-financed by the European Commission, was launched in 2005. The overall objective of the project is to assess and report on the enforcement and adherence of national laws and self-regulation with regard to the advertising and marketing of alcoholic beverages in participating countries. An important tool within the project is the creation of a network of experts representing the participating Member States. This will facilitate the transfer of knowledge and experience in the monitoring of alcohol marketing between countries. The ELSA project includes 24 countries, composed of 23 Member States and Norway. Greece, Luxembourg, Malta and Turkey were not involved in the ELSA project, since no interested partner was found.

This report will provide an exploration of the extent to which participating countries adhere to national regulations on alcohol marketing.

First, the method for data collection will be discussed in chapter 2. In chapter 3 the results of this study are given, after which overall conclusions will be discussed in chapter 4.

2 Method

To provide insight into the adherence to alcohol marketing regulations and recommendations, country specific information is gathered by collaborating partners, which are NGOs and government organisations focused on health or more specifically on alcohol policy. A list of all ELSA partners can be found in appendix B. Collaborating organisations of all participating countries were required to search for documents and information concerning regulations at the national level, by means of a standardised questionnaire and procedure. An assessment manual was developed to provide methods, formats and structures for the participating countries to report on existing national laws, structures and (self) regulation of the advertising and marketing of alcoholic beverages. The manual is based on previous experience and on the existing content of materials developed by STAP (the National foundation for Alcohol Prevention) for monitoring adherence to self-regulatory codes in the Netherlands. The manual was reviewed by a panel of six international experts and was adapted before dissemination (see appendix C). The content of the questionnaire will be discussed below; the complete questionnaire is attached in appendix D.

ELSA partners were asked to collect any document that evaluates the adherence to and effectiveness of national regulations. Documents were collected from the year 2000 to 2005. Documents could include scientific reports, governmental or policy documents, documents of NGOs (sponsored by non-profit funding or by the alcohol industry) and company reports. From these documents information had to be gathered on various subjects related to the adherence to recommendations and regulations. These include the number of alcohol marketing practises that have been evaluated for compliance with regulation, the number of alcohol marketing practises that have been presented for pre-launch advice, the number and type of complaints, the number and type of sanctions that have been pronounced, the overall adherence to regulations, and the effectiveness of regulations and regulation procedures. In addition to a list of documents and the gathered findings, a description of the search method had to be given (sources, search words and questions, inclusion/exclusion criteria). For the collection of relevant literature in databases, a set of search key words was provided both in English as well as in the national language; [your country name] AND (law OR regulation OR code) AND (advertising OR marketing OR sponsoring) AND alcohol*. When contacting relevant people to request information, a standardised English letter had to be used. Information on each document, including content, had to be given in a provided standardised Excel template.

We have encountered some important limitations in creating this overview. Collected documents could include scientific reports, governmental or policy documents, but also documents from NGOs (sponsored by non-profit funding or by the alcohol industry) and company reports. There is no information about the quality and objectivity of the documents gathered. We assume that there is great variety in quality between the documents collected. To give more insight into the possible bias of the documents, we will provide information on the authors and the sponsors of the reports when possible.

Furthermore, the documents gathered only provide information about the adherence to the regulations which are described. We obviously have no information about the situations that are not reported in the collected documents.

We made no distinction between adherence to non-statutory (self-regulation) and statutory regulations.

In spite of these limitations this report provides a first attempt to systematically evaluate the adherence of marketing practises to national regulations in a large number of European countries.

3 Results

In this chapter we will discuss the findings based on the documents collected. Contributions were received from 19 of the 24 participating countries. Data were not received from Estonia, Sweden, Portugal, Finland and Slovenia. The results of the search for documents on adherence to national regulation show that few reports exist on this topic. A total number of 155 documents were found. ELSA partners in Bulgaria, Lithuania, Czech Republic, Slovakia, Hungary, Spain and Italy were not able to collect any or more than 5 documents. ELSA partners in Belgium, France, Germany, Ireland, Poland, Romania and the UK were able to collect between 5 and 10 documents. Only Austria, Denmark, the Netherlands and Norway were able to collect more than 10 documents on adherence to regulations in their country, published in the years 2000-2005.

In chapter 3.1 a European overview of types of regulations is given. The ELSA partners were able to collect only a small number of relevant documents that describe adherence to the regulations. Consequently, it was not possible to give a specific and clear indication of the overall level of adherence to national regulations. We will provide some insight into national adherence by giving an overview of the complaints that have been submitted about alcohol marketing practises and the sanctions imposed due to violation of national regulations (paragraph 3.2). Second, we will discuss the findings on pre-launch advice regarding alcohol marketing practises (paragraph 3.3). And finally in the following paragraph (3.4), we will discuss reports about the effectiveness of regulations and the evaluation of adherence to national regulations.

3.1 Overview of European regulations

In this chapter we will give an overview of the number of regulations in the participating countries. We will distinguish between statutory and non-statutory regulations. Countries often have several regulations or codes regarding alcohol marketing. Regulations can differ on various aspects: the type of marketing it is directed at, the type of beverages it refers to, the media that it regulates, or the subject which is obliged to comply. Specific information on the regulations per country is given in the Appendix of Country Report on Regulations (ELSA, 2007).

Table 1: Number and type of 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
Countries with this type of regulation	23	17	1	24

* Non responding countries.

In the participating countries, a total of 79 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 since there is an actual contract between Ofcom (the United Kingdom statutory regulator) and BCAP (the United Kingdom non-statutory regulator). Ofcom has the right to contract out its functions and to decide that the industry should self-regulate within the statutory framework. There are 6 countries with only statutory regulations, namely: Bulgaria, Latvia, Lithuania, Romania, Slovenia and Finland. In Norway there is a total ban on the advertising of alcohol. In the Netherlands there is one statutory

regulation. However, the existing statutory regulation is not enacted, because a ministerial decision is necessary. All other countries have regulated alcohol marketing and advertising with both statutory and non-statutory regulations.

The country with the most regulations is Belgium, with a total of 7 regulations followed by Italy (6). Four countries have a total of 5 regulations, namely the Czech Republic, Romania, Spain, and the United Kingdom. Belgium has non-federal regulations for the Flemish, Walloon and German regions, which partially explains the high number of regulations there. Furthermore, in Belgium there is currently a conversion going on with one of the current non-statutory regulations. Spain has regulatory codes for three different types of alcohol producers, namely the producers of beer, wine and spirits. Some regulations are targeted at specific target groups, like the Austrian 'ORF', which is aimed specifically at the Austrian Broadcasting Company and its clients. 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 embedded in law since 2004.

In sum, all countries have at least one regulation on alcohol marketing and advertising and most countries have several. In total 79 regulations were reported (49 statutory and 27 non-statutory). Most countries have statutory regulations (23). There are non-statutory regulations in 17 countries. There are 6 countries with only statutory regulation. The UK and the Netherlands have no statutory regulation in practise.

3.2. Complaints and Sanctions

The table in Appendix A provides an overview of the reported complaints and sanctions regarding alcohol advertising and marketing practises by participating countries. **However, the overview shows that there is often no country specific information on complaints and/or sanctions. This is the case for over half of the participating countries.** This is partly due to non-response or incomplete responses from Estonia, Finland, Portugal, Slovenia and Sweden. In other countries no information was found: Bulgaria, Belgium, Hungary, Italy and Romania. Only 13 countries reported findings on national complaints and sanctions, which will be discussed in more detail below.

- Austria** The website of the Austrian Advertising Council (ÖWR) gives some information about complaints on alcohol advertisements in Austria. There were 3 alcohol related complaints in 2005, and 4 in 2004 on sexism and/or discrimination and marketing practises targeting young people. No additional information is provided in its annual reports. The Austrian Broadcasting Regulatory Authority (KommAustria) observes the adherence to the national regulations of the television acts by checking monthly samples. They have registered only 1 sanction in 2004/2005, which was not specified regarding the type of violation (KommAustria, 2006).
- Czech Republic** The Council for Radio and Television Broadcasting in the Czech Republic reported 8 complaints and 4 sanctions, including 1 violation regarding minors in their annual reports (RRTV, 2000-2004). No additional documents were found on complaints and sanctions of regulations on alcohol marketing in the Czech Republic.
- Denmark** The Alcohol Policy Network (2006) has evaluated 76 alcohol marketing practises between 2000 and 2005 in Denmark. This resulted in 59 complaints, of which 37 were imposed. It is important to note that almost 50% of the violations have to do with alcohol marketing targeted at young people. In its annual reports the Committee of Enforcement notes different types of sanctions that can be imposed.

The committee can express criticism and strong criticism, which can be published by press releases. The committee can also stress the demands of the code and request more attention in the future. The latter 'sanctions' are not published.

France The French National Association of Prevention of Alcoholism and Addiction (ANPAA, 2006) mentions 19 court cases in France from the year 2000 to the year 2005, of which 10 were sentenced, but does not elaborate on these findings.

Germany The annual reports of the German Advertising Federation (2005) and a report financed by the European Brewers (Canadean, 2005) show that the number of complaints up for decision by the German Advertising Council has stayed rather constant over the last five years with an average of 13 complaints per year. An exception is 2003, during which 25 complaints came up for decision by the German Advertising Council. The documented complaints and sanctions in the annual reports of the German Advertising Council (2000-2005) include the use of young models, association with sexual success, low prices, and encouraging young people to drink.

Ireland According to the NGO Alcohol Action Ireland there is no sanctioning system in Ireland, but only a request for withdrawal of marketing practise. The number of complaints is marked by a decrease over recent years, from 85 in 2002 to 26 in 2004 (Advertising Standards Authority of Ireland, 2002, 2003, 2004).

Lithuania The State Tobacco and Alcohol Control Agency in Lithuania reports 7 cases in 2004 and 31 in 2005. Fines can be given for repeated violations. An overview of these complains can be obtained from various governmental institutions by written request. However, it is not possible to receive detailed information.

Norway Norway reports an increase of complaints over time, with 150 letters of complaints in the years 2004 and 2005. In 2005 an additional 500 complaints were received by phone, in which cessation was requested. If not adhered to, a sanction is imposed, the size and character of which varies from case to case depending on the income of the company.

Poland The State Agency for Prevention of Alcohol Related Problems in Poland (PARPA) reports 76 complaints in 5 years in their annual reports. Most of the alcohol marketing practises were stopped or adapted after the official call by the government, and some of the producers or broadcasters had to pay a fine.

The Netherlands The Netherlands reported a large amount of complaints and several sanctions. Sanctions were 'recommendations not to advertise in the same way again', but no financial sanction was imposed, (STAP, 2005). The Advertising Code for Alcoholic Beverages in the Netherlands is the only national regulation in the country that offers the opportunity (also to civilians) to submit complaints about alcohol advertising. According to a document provided by the Ministry of Health, Welfare and Sports (2006) there have been 41 complaints submitted to the Advertising Code Committee in 2005, of which 19 were sustained and 16 were rejected. Most sustained complaints were related to discounts on alcoholic beverages.

Slovakia In Slovakia, the council for broadcasting and retransmission presents reported complaints in its annual reports of the year 2001, 2002 and 2004 (Rada pre vysielanie a retransmisiu, 2002, 2003, 2005). Only one complaint is reported, and this complaint is directed against a news programme in which, according to the complaint, the promotion of alcoholic drinks was presented. The Council decided that the program was in full conformity with the Slovak law. In addition, the reports present two sanctions of the Council in 2001, 2002 and 2004, in which the council warns against the broadcast of illegal advertising of alcohol before 10 p.m. The Council gave these two broadcasters a warning.

Spain In Spain, 23 complaints regarding alcoholic drinks were reported in 2005; 9 of which were formal complaints before a self-regulation body (Autocontrol), 9 were administrative complaints and 5 were legal actions which went to court. In 2005 there were 4 legal sanctions and 8 sanctions by Autocontrol. Complaints and sanctions have been made regarding the advertising of beer in football stadiums (refers to the General Law of Advertising), regarding incitement of abusive consumption or references to social success in the advertisement (refers to the

FEBE Code), and regarding external advertising in public through fares (refers to Autonomous legislation associated with the General Law of Advertising).

United Kingdom In the UK an average of about 10 complaints are found annually, including associations with sexual or social success and the attractiveness of the product or promotion to people under 18 years old. Even though most complaints were at least partially upheld, no sanctions significantly damaging the advertiser have been imposed.

It is impossible to estimate or evaluate the adequacy of the complaints and sanction system in the different countries based on the collected data. The often lack or fragmented nature of findings on the complaints and sanctions might be explained by a lack of systematic monitoring.

However, besides the main conclusion that there is a general lack of monitoring, a few other conclusions can be drawn from the number of complaints and the use of sanctions. The documents collected show that **many** complaints included marketing practises targeted at minors. However, the majority of these complaints were rejected. Complaints often seem to be directed at self-regulatory codes on grounds of offence rather than at the technicalities of the code. This indicates the necessity to consider these technicalities further.

The level of punitive sanctions with substantial / financial consequences against offenders seems to be very low. In many countries only recommendations are made, and sometimes only after the campaign is over. Overall, we can conclude that when punitive power exists, it is often not used. For example, in the case of the ASA in the UK, there are no noticeable sanctions at all as the ad campaigns have generally ended before the complaint has been heard, and no penalty is applied. There is what could technically be called a sanction for the Portman Group Code, in the form of the Retailer Alerts, but if the producer complies with the decision then this is unlikely to impact significantly on profits since the delay between the issue of the Retailer Alert and the date it comes into force seems designed to allow revised packaging to be in place before stocks of the previous version run out. Also in the Netherlands and in Ireland, punitive power has never been used to restrict marketing practises.

3.3 Pre-launch advice

In this paragraph we will take a closer look at the Council Recommendation on providing producers with pre-launch advice on marketing campaigns before they are launched. Table 2 gives an overview of the reported findings per country.

Table 2: National overview of pre-launch advice

Country	Pre-launch advice
Austria	In Autumn 2004 a new service ("copy advice") for companies to have their advertisements evaluated prior to launch was introduced in Austria. Copy Advice is provided by the Austrian Advertising Council. Up until September 2005 three companies made use of it. There is no mention of the content being alcohol related.
Belgium	Pre-launch advice exists, but no information was found.
Bulgaria	No pre-launch advice
Czech Republic	No pre-launch advice
Denmark	No pre-launch advice
Estonia	No pre-launch advice
Finland	Pre-launch advice exists, but no response was given.

Country	Pre-launch advice
France	The Bureau de Vérification de la Publicité (BVP) has been consulted 700 times by the alcohol sector for the year 2005. They asked the alcohol industry to modify 100 TV ads.
Germany	Pre-Launch advice exists, but no information was found.
Hungary	Pre-Launch advice exists, but no information was found.
Ireland	According to the 1st Annual report of Central Copy Clearance in Ireland, 2919 advertisements for alcohol products were examined by the CCCI during 2004. This was the first full year of operation for the body, and of these 2559 were approved for publication. Their finding is that fewer breaches of the ASAI codes imply that advertisers are generally adhering both to the letter and the spirit of the self-regulatory code.
Italy	Pre-launch advice exists, but no information was found.
Latvia	No pre-launch advice
Lithuania	The partner mentions only the existence of the Alcohol Control Law mentioned, but no further information is provided.
Netherlands	Before 2005 it was not possible to present marketing practises for pre-launch advice, but since the 1st of May 2005 it is obligatory for all TV and radio commercials to be pre-tested. In 2005 (May-December) 37 applications for pre-launch advice have been submitted. Apart from one commercial, these were all tv- and radio commercial broadcasted in this period. In 16 cases a negative advice has been given. Twelve of them were rejected because of missing an educative slogan. In 14 cases the advertisers have taken the advice into account and adjusted the commercial. Only 2 advertisers ignored the advice.
Norway	Non-alcohol marketing practises have been presented for Pre-launch-advice. (Low/non-alcohol products (less than 2,5% alcohol) have been presented for a pre launch-advice). There are no marketing practises of alcohol because of the prohibition against the advertising of alcoholic beverages in Norway.
Poland	Pre-Launch advice exists, but no information was found.
Portugal	No pre-launch advice
Romania	No pre-launch advice
Slovakia	Pre-Launch advice exists, but no information was found.
Slovenia	No pre-launch advice
Spain	The report from Autocontrol brings together those advertising campaigns which have received copy advice (before consultation regarding their adaptation to the regulation). According to the report from this organisation in 2005, 293 adverts for distilled alcohol were presented for copy advice, 260 of which received a positive judgment, 21 a negative one and 12 received requests for modifications. As regards beer advertising, 50 requests for copy advice were received, which generated 46 positive judgments, 2 negative and two requests for modifications.
Sweden	Pre-launch advice exists, but no response was given.
United Kingdom	No information found, since the pre-launch advice is confidential. However, there are figures for the number of requests for pre-launch advice – for the Portman Group Code there was a record of 150 in 2004 (up from 50-80 a year in 1997-2002). All TV and radio advertisements are now (meant to be) pre-cleared by either the Broadcast Advertising Clearance Centre (BACC) or the Radio Advertising Clearance Centre (RACC). The ASA dealt with 100 queries in 2001, but have not reported on how many queries they have seen in more recent years (note that this is for non-broadcast marketing only). In one case the adjudication describes how pre-launch advice from the CAP Copy Advice team was sought and then ignored by First Drinks Brands (Feb 2006). This did not result in any additional penalty.

Based on the collected data it is apparent that there is little information available on pre-launch advice. In many countries it was reported as non-existent. Moreover, in countries with a procedure of pre-launch advice often no information was available. Only ELSA partners in Austria, France, Ireland, the Netherlands, Norway, and Spain were able to provide information on pre-launch advice.

Partners in Austria and the UK could not provide alcohol specific pre-launch information. The Advertising Council in Austria notes in their annual report (ÖWR, 2005) that in Austria pre-launch advice does exist, but it is not mentioned if the content was alcohol related and in the UK, apart from numbers on requests, pre-launch advice is confidential. The French advertising self regulatory body (Bureau de Vérification de la Publicité) notes in their publication that they have been consulted on ads about 700 times by members of the alcohol sector of which 100 received requests for modification (Chanon, 2006). Whether the requests for modification were upheld was not checked. Ireland reports 2919 advertisements for alcohol products that were examined in 2004, of which 2559 were approved. From May 2005 in the Netherlands the self-regulation procedure prescribes that marketing practises should be presented for pre-launch advice; since then 37 applications have been submitted, of which 16 cases received negative advice and in 14 cases the advertisement was adjusted (Ministerie van Volksgezondheid, Welzijn en Sport, 2006).

NGO Alcocutt in Norway reports that only low/non-alcohol products have been presented for pre-launch advice, but these products are not subject to alcohol marketing regulation. The document written by the self-regulation organisation of Spain (Autocontrol, 2005) reports that 293 advertisements for distilled alcohol were presented, of which 260 were judged positively and 12 received requests for modification. For beer advertisements, 50 requests were submitted, of which 4 were negatively evaluated.

Overall, there is little information on pre-launch advice in the 23 European countries included. In some of the countries that do have pre-launch advice, data are not readily available and sometimes even confidential. In other countries information is given on the number of submitted requests, but no further information is provided regarding the content of negatively and positively evaluated marketing practises. The only conclusion that can be drawn is that in the six countries where pre-launch advice services are available, they are used by advertisers. Furthermore, there seems to be little known about the compliance with requests for modification. There seems to be an overall lack of transparency about pre-launch advice. We have to conclude that the recommendation of the Council to provide manufacturers with pre-launch advice has been incorporated in marketing practises in at least 15 EU countries. However, the impact of these services is unclear.

3.4 Evaluation of adherence to regulations and effectiveness of regulations

In this paragraph we will discuss the findings regarding the evaluation of adherence to regulation and information about the effectiveness of alcohol marketing regulations. An overview of the findings is given in table 5, and the results are discussed below.

Of the responding partners in 19 countries, 9 partners reported that there was no information available on the effectiveness of regulations on alcohol marketing practises. Moreover, of the 10 partners which found relevant documents on their country, partners in Belgium and France could only collect documents on the evaluation of the adherence to regulations. The partners in the other 8 countries were able to provide information on both effectiveness as well as on evaluation of adherence to regulations.

Austrian Although the Austrian Advertising Council (ÖWR, 2005) and KommAustria (2006) are described as effective facilities in their own annual reports, the scientists Uhl et al. (2005) draw different conclusions in their study financed by the Austrian Federal Ministry of Health and Women, Ludwig Boltzmann Association. The authors stress that in practise the national regulations, as well

as self-regulation in Austria are hardly effective. According to Uhl et al. (2006), marketing professionals use grey areas to address children and adolescents or to make associations between social or sexual success and alcohol. The authors note that action is only taken when there are complaints about alcohol marketing practises, and complaints are scarce. According to Uhl et al. (2005), little information was found in Austria on the evaluation of adherence, and observations and complaints are not sufficiently documented. Furthermore, Uhl et al. (2005) argue that there is a lack of reference to event sponsoring and advertising on the Internet in the regulation. Berka et al. (2006) stress another limitation concerning sanctions in Austria. Publicly known sanctions due to violations against national regulations double the impact of the advertising effects instead of compensating them. Adolescents may be particularly attracted to products criticised and sanctioned by established sources.

Belgium As noted before, there are very few documents found in Belgium evaluating adherence to regulations on alcohol marketing.

Denmark The Danish Brewers Association (2003) labels Denmark as a pioneering country for self-regulation and concludes that since 2000 it has proved to be a very effective alternative to legislation. A report of the research institute Canadean (2005), financed by Brewers of Europe, supports the effectiveness of the self-regulation. The number of complaints is low according to this document. Complaints received about different advertisements that required intervention have not risen above 6 in any year, and until the report all decisions had been followed by the companies. The documents above stand in contrast with the documents published by Danish governmental organisations and non-governmental organisations. The Danish Consumer Ombudsman (Jørgensen, 2001), which administers the (statutory) Marketing Practises Act, argues that self-regulation in Denmark offers no efficient enforcement possibility. Furthermore, there is also no guarantee that all parties involved achieve influence or that consumer and social considerations are actually met. The Danish Alcohol Policy Network is even more sceptical about adherence to self-regulation in Denmark. The NGO reports in 2005 that self-regulation in Denmark is not effective and that decisions from the Committee of Enforcement fail to have an effect (Danish Alcohol Policy Network, 2005). In this document, the authors give examples of repeated violations of the code by the same companies. In another report by the Danish Alcohol Policy Network the authors argue that the code concerning alcohol ads targeted at young people has been especially violated (Danish Alcohol Policy Network, 2006). The National Board on Television and Radio documents in its annual report of 2004 that the real problem is whether or not the industry complies with its own rules. They note that article 12 about advertisement identification is very often violated. Overall, NGOs in Denmark comment on the slowness of complaint procedures and about regulation that is not effective in protecting children against alcohol marketing. Furthermore, they describe a lack of follow-up on decisions and a lack of sanctions.

France In France very few documents evaluate compliance with regulations. An empirical evaluation report on attitudes about alcohol and tobacco after the law Evin (Code of Public Health) emphasises that the law has changed attitudes towards smoking tobacco, but has less effect on attitudes towards drinking alcohol (Maresca & Le Queau, 2000).

Germany The annual report of the German Advertising Federation (2005) concludes that the complaints regarding alcoholic beverages have declined. And they conclude that advertising campaigns became more careful. They explain this by the public debate about alcohol advertising. The two German scientific reports (Aufenhanger et al., 2001; Haustein et al., 2004) financed by governmental organisations (Federal Ministry of Health and the Federal Centre for Health Education/ Hamburg's Institute for new Media (HAM)) are more pessimistic on the adherence of regulations on alcohol marketing. Authors claim that although the code of conduct in Germany was evaluated as being more or less effective in preventing violations, this did not apply to the targeting of children. The Report

of Hausteijn et al. (2004) financed by the Federal Ministry of Health estimated that 28% of TV commercials appeal explicitly to young people, and almost all contributions for alcopops were youth-oriented.

- the Netherlands** A common conclusion of the documents by the NGOs and scientific studies collected in the Netherlands, is that the (self) regulation of alcohol advertising in the Netherlands is not effective (STAP, 2003; STAP, 2005; STAP/NIGZ, 2000; de Clercq & van Male, 2001). The regulations in the Netherlands are not effective because they are not adhered to properly. The Advertising Code for Alcoholic beverages is especially criticised. The Code has been violated many times without sanctioning. Most of the time the violators cannot be sanctioned because the Code is formulated in general terms (de Clercq & van Male, 2001). Additionally, the Code does not cover every aspect; there are still many minors reached by alcohol advertising and there is often a positive relation between alcohol and sports expressed in alcohol advertising (STAP, 2003). In 2004 the Minister of Health, Welfare and Sport stated that self-regulation does not work sufficiently concerning alcohol marketing towards youngsters (STAP, 2005). According to the minister of Health, Welfare and Sports (2006), the self-regulation has worked properly in 2005. Nevertheless, he has some doubts about the interpretation of the Code in some cases. This leads him to reconsider the new article of the Code that concerns young people.
- Norway** According to the Norwegian government, the prohibition against alcohol advertising in Norway has been proven to be effective in reducing alcohol consumption and pressure on children and young adolescents. The Norwegian alcohol industry represented by the Association of Norwegian Wine and Spirit Suppliers claims that the strict alcohol policy in Norway appears to be a trade barrier for new businesses and new products in Norway.
- Poland** In their annual reports, the Polish State Agency for Prevention of Alcohol Related Problems depicts the Polish regulations concerning alcohol marketing as effective. A recent report by Olszewska (2005) of PARPA concludes that the regulations are somewhat effective, since some of the practises were stopped or adapted, but practises also continued even when the court case started. A second limitation of the existing regulation which Olszewska (2005) encounters are webpages, which might be attractive to young people. The Polish law does not refer to the Internet as a medium, and therefore it is not possible to intervene.
- Spain** Several scientific documents in Spain comment on the use of animals, mascots, comics and cartoons in alcohol campaigns to familiarise minors with these types of drinks. Research conducted by Amando Vega Fuente of the University of Girona reveals hidden advertising in fiction series, which are mainly viewed by young people and children. However, the adherence and the effectiveness of the Spanish regulations were not specifically addressed in these documents.
- Slovakia** According to the reports of the council for broadcasting and retransmission of Slovak republic (2002, 2003, 2005) there was no other violation of act on broadcasting and retransmission in connection with alcohol marketing practises in the year 2001, 2002 and 2004 than the two violations mentioned before.
- United Kingdom** In the UK the effectiveness of regulations in decreasing the appeal of alcohol to young people is currently being evaluated. Codes have been evaluated for compliance, and high levels of adherence were found. However, alcohol advertisements have typically only formed a small element of the sample, which means that these high rates of compliance cannot substantially reflect the pattern of alcohol advertising. There were also several ads that were considered borderline but on balance found to be acceptable. The National Advertising Review evaluated the code for adherence and found a breach rate of 30%.
- Ireland** Up to now adherence to the regulation has not been measured in Ireland. The Advertising Standards Authority of Ireland (ASAI) publishes an annual report (financed by the alcohol industry) but the emphasis is on complaints received rather than on compliance with the code; their assumption being that fewer complaints received means greater compliance rather than public disinterest.

The effect of alcohol advertising on teenagers in Ireland, however, is measured by research conducted by Dring & Hope (2001). This research highlights the main problem in terms of assessing the effectiveness of advertising codes; the codes can prohibit certain factors and advertisers can comply with the restrictions but the codes cannot legislate about the ways in which these advertisements will be interpreted and perceived by the audience of teenagers and young people. As long as alcohol advertising is appealing to young people through humour, animation, bright colours and music, reinforcing the link between drinking and socialisation and being accepted by peers, the codes will be ineffective in terms of reducing the pressure put on young people to drink.

Of the responding countries the overall perception is that advertising (code) organisations in general report positive experiences with self-regulation, whereas governments, scientists and NGOs report that national regulations are not particularly effective in protecting young people. There is also a lack of systematic evaluation. With regard to marketing targeted at minors, there are still many practises that are breaching the code. Associations between alcohol and social and/or sexual success are still common. Furthermore, there seems to be insufficient follow-up and a lack of punitive sanctions against offenders. The findings suggest that there is an overall lack of structured and independent evaluation systems and existing national evaluation systems show differences between countries.

4 Conclusions and Discussion

There is a general lack of documentation on national alcohol marketing regulation and adherence to regulations.

The data collected by participating countries mainly show that there is an overall lack of documentation on various subjects concerning national alcohol marketing regulation and adherence to regulations. Although there was an elaborate search for documents, they were often hard to find. Even when there was any documentation, very little information was given. Due to this lack of information, no hard conclusions can be drawn on adherence to regulation and evaluation of adherence.

Although there are complaints concerning marketing targeted at minors, sanctions have low punitive power and sometimes even have adverse effects.

The documents collected show that complaints submitted about alcohol marketing practises often include marketing targeted at minors. Although there are some reported sanctions, there seems to be a very low level of punitive sanctions against offenders. Berka et al. (2006) stress the limitations concerning publicly known sanctions in Austria, which is also applicable to other countries with publicly known sanctions. According to these scholars, publicly known sanctions double the impact of the advertising effects instead of compensating them: Adolescents may be particularly attracted to products criticised and sanctioned by established sources. Making the sanction private seems no solution, since this decreases the transparency of the adherence to the regulations.

Pre-launch advice is not fully implemented at the national level. Moreover, existing pre-launch advice systems are generally not transparent.

There is still no pre-launch advice system in many EU Member States and in countries with a pre-launch advice system there is a general lack of transparency. In some countries (e.g. in the UK) pre-launch advice is even confidential. Overall, the recommendation of the Council to provide manufacturers with pre-launch advice has not yet been fully incorporated in alcohol marketing practises and therefore needs further attention. The report shows that there is an overall lack of a structured and independent evaluation system with regard to adherence to regulations, and therefore it is hard to draw conclusions on the functioning of and adherence to regulations.

Evaluations of adherence to regulations are not coherent: Documents written by the alcohol industry are more optimistic than documents written by NGOs, governmental organisations and scientists.

We had no information about the quality of the collected documents, but we did collect information about the sources of the documents (author, publisher and sponsor). The findings indicate that documents written or financed by the alcohol industry are more optimistic about adherence to regulations than reports financed or written by NGOs, governmental organisations and scientists. The contradicting opinions about the effectiveness of alcohol marketing regulation by advertising organisations on the one hand and NGOs, governments and scientists on the other hand could be caused by their different objectives. Often, advertising organisations have the objective to support 'responsible advertising' and to 'show corporate responsibility' without setting explicit measurable goals.

The NGOs, governmental bodies and scientists working on this subject often have the very specific objective of protecting young people from the impact of alcohol marketing or of researching this. These different points of view are also illustrated by the information they use to form their conclusions on the effectiveness of regulations. Advertising organisations are willing to make conclusions on the effectiveness of the codes by merely adding up the number of complaints and the number of sanctions. A decrease of the number of complaints is interpreted as evidence of an improved adherence to regulations by the European Forum for Responsible Drinking which is an alliance of leading alcohol beverage companies (EFRD, 2006). Finding few or no complaints could be an indication of poor monitoring rather than an indication of good adherence. The large number of complaints that were upheld in, for example, the UK reflects either the strictness of the interpretations of the code or the fact that only clear breaches of the code result in complaints.

NGOs, governmental organisations and scientists use a broader information base, including information about the amount of alcohol marketing young people are confronted with, the opinion of young people on alcohol marketing, and the systematic monitoring of marketing practises.

Structural monitoring of the adherence to regulations is necessary. This should ideally be implemented at the European level.

The lack of structural monitoring of the adherence to regulations and the diverse conclusions about the effectiveness within a country show a need for a comprehensive structural system for evaluating the adherence to national alcohol marketing regulations, which is independent and based on agreed upon standards and methods. Ideally this system should be compatible and transparent throughout the EU, since alcohol marketing is operating across national borders. This is in accordance with an important part of the EC strategy on commercial communications, which proposes independent parties in order to verify adherence to the codes and the discussion on establishing common benchmarks (EC, 2006).

We standardised the procedure of collecting documents; however, we need more information about the quality of the documents in further research.

The limitations of this study were minimised by providing a standardised questionnaire and procedure, which was used in each country to collect relevant information as described in the method section. Additionally, to partly overcome the lack of information on the quality of the documents, we have mentioned the financing institute or company in order to place the documents in their context. For future work, we advise researchers to pay more attention to the quality of documents and the use of adequate measurement methods in the particular studies.

The study shows that there is a need for more structured monitoring at the European level.

This study provides an exploration of the extent to which participating countries adhere to the European Council Recommendation and makes it apparent that there is an overall structural lack of monitoring and evaluation of regulations and adherence to regulations. In spite of limitations, the results indicate the need for a more structured and EU-wide monitoring and evaluation approach to alcohol marketing.

5 References

- Anderson, P. & Baumberg, B.** (June, 2006). *Alcohol in Europe: A public health perspective*. London: Institute of Alcohol Studies.
- ASAI** (2002) *22nd Annual Report and Financial Statements 2002*. Ireland, Dublin: ASAI at http://www.asai.ie/documents/asai_ann_rep_02.pdf
- ASAI** (2003) *23rd Annual Report and Financial Statements 2003*. Ireland, Dublin: ASAI at http://www.asai.ie/documents/asai_ann_rep_03.pdf
- ASAI** (2004) *24th Annual Report and Financial Statements 2004*. Ireland, Dublin: ASAI at http://www.asai.ie/documents/asai_ann_rep_04.pdf
- ASAI** (2005) *Setting Standards for 25 years - 25th Annual Report and Financial Statements 2005. Setting Standards for 25 years*. Ireland, Dublin: ASAI at http://www.asai.ie/documents/asai_ann_rep_05.pdf
- Aufenanger, S., Grosse-Loheide, M., Hasebrink, U., & Lampert, C.** (2001). *Alkohol, Fernsehen, Jugendliche. Programmanalyse und medienpädagogische Praxisprojekte*. Germany, Berlin: Visitas.
- Autocontrol** (2005). *Memoria 2005*. Spain, Madrid: Asociación para la Autorregulación de la Comunicación Comercial (Autocontrol).
- Berka, Grabenwarter, Holoubek (ed.)** (2006) *Medienfreiheit versus Inhaltsregulierung*. Austria, Vienna: Manzsche Verlags- und Universitätsbuchhandlung.
- Canadean** (April, 2005). *Responsible Marketing of Alcoholic Beverages in Europe*. By Canadean at www.canadean.org.
- Chanon, A** (2006). *Autodiscipline et alcool. Bilan de l'activité en réponse à ma demande*. Paris: Bureau de Vérification de la Publicité.
- Clercq, F. de, & Male, J. van.** (2001). *'Reclamecode voor alcoholhoudende drank', Rapportage van het kwalitatief evaluatieonderzoek*. Projectnr. 1481, Amsterdam: Ferro markt- en communicatieonderzoek.
- Committee of Enforcement** (2000). *Håndhævelsesudvalgets Årsberetning 2000*. by Committee of Enforcement.
- Committee of Enforcement** (2001). *Håndhævelsesudvalgets Årsberetning 2001*. by Committee of Enforcement.
- Committee of Enforcement** (2002). *Håndhævelsesudvalgets Årsberetning 2002*. by Committee of Enforcement.
- Committee of Enforcement** (2003). *Håndhævelsesudvalgets Årsberetning 2003*. by Committee of Enforcement.
- Committee of Enforcement** (2004). *Håndhævelsesudvalgets Årsberetning 2004*. by Committee of Enforcement.
- Danish Alcohol Policy Network** (2005). *Hvorfor save den gren over hvor man selv sidder?* by The Danish Alcohol Policy Network.
- Danish Alcohol Policy Network** (2006). *Håndhævelse af regler om Markedsføring af Alkohol, 2000-2005*. by The Danish Alcohol Policy Network.
- Danish Brewers Association** (December 2003) *Danmarks som foregangsland i selvregulering*. by Danish Brewers Association.
- Dring, C. and Hope, A.** (2001). *The Impact of Alcohol Advertising on Teenagers in Ireland*. Ireland, Dublin: Health Promotion Unit.
- EC** (2006). Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions. http://ec.europa.eu/health/ph_determinants/life_style/alcohol/documents/alcohol_com_625_en.pdf.
- EFRD** (2006). *Advertising Compliance Monitoring, Report 2006*. Belgium, Brussels by EFRD [European Forum for Responsible Drinking].

- Haustein, S, Pohlmann, U & Schreckenber, D.** (2004). *Inhalts- und Zielgruppenanalyse von Alkoholwerbung im Deutschen Fernsehen*. Germany: Bonn: Bundesministerium für Gesundheit und Soziale Sicherung, (Federal Ministry of Health).
- Jørgensen, H.** (2001). *God markedsføringsetik i europæisk perspektiv*. Danish Consumer Ombudsman.
- KommAustria** (2006). *Bescheid KOA 3.160/05-008*. Austria, Vienna: Austrian Communication Agency (Kommunikationsbehörde Austria).
- Maresca & Le Queau** (2000). *Les attitudes vis-à-vis de l'alcool et du tabac après la loi Evin – Etudes et Résultats*. Paris: DREES, Ministère de l'Emploi et de la Solidarité.
- Ministerie van VWS** (2006). *Alcoholzelfregulering, kamerstuk 27-3-2006*. The Netherlands, The Hague: Ministry of Health, Welfare and Sports. NIGZ/STAP (maart 2000). 'Some things only happen after dark..'. *Zwartboek Alcoholreclame en -promotie in Nederland*. The Netherlands, Utrecht/Woerden: STAP/NIGZ.
- Oliszewska, K.** (2005). *Podsumowanie działań i interwencyjnych PARPA wobec praktyk marketingowych przemysłu alkoholowego w latach 2004-2005*. Poland, Warsaw (not published/internal PARPA report).
- Österreichischer Werberat ÖWR** (2005). *Jahresberichte 2001-2004*. Austria, Vienna: Austrian Advertising Council.
- PARPA** (2000). *Sprawozdanie z realizacji ustawy o wychowaniu w trzeźwości i przeciwdziałaniu alkoholizmowi w 2000 roku*. Poland, Warsaw: PARPA (not published/official report for the Polish parliament).
- PARPA** (2001). *Sprawozdanie z realizacji ustawy o wychowaniu w trzeźwości i przeciwdziałaniu alkoholizmowi w 2000 roku*. Poland, Warsaw: PARPA (not published/official report for the Polish parliament).
- PARPA** (2002). *Sprawozdanie z realizacji ustawy o wychowaniu w trzeźwości i przeciwdziałaniu alkoholizmowi w 2000 roku*. Poland, Warsaw: PARPA (not published/official report for the Polish parliament).
- PARPA** (2003). *Sprawozdanie z realizacji ustawy o wychowaniu w trzeźwości i przeciwdziałaniu alkoholizmowi w 2000 roku*. Poland, Warsaw: PARPA (not published/official report for the Polish parliament).
- PARPA** (2004). *Sprawozdanie z realizacji ustawy o wychowaniu w trzeźwości i przeciwdziałaniu alkoholizmowi w 2000 roku*. Poland, Warsaw: PARPA (not published/official report for the Polish parliament).
- Rada pre vysielanie a retransmisiu/Council for broadcasting and retransmission of Slovak republic** (2002). *Správa o stave vysielania v Slovenskej republike a o činnosti Rady pre vysielanie a retransmisiu za rok 2001*. Slovakia, Bratislava: Rada pre vysielanie a retransmisiu/Council for broadcasting and retransmission of Slovak republic.
- Rada pre vysielanie a retransmisiu/Council for broadcasting and retransmission of Slovak republic** (2003). *Správa o stave vysielania v Slovenskej republike a o činnosti Rady pre vysielanie a retransmisiu za rok 2002*. Slovakia, Bratislava: Rada pre vysielanie a retransmisiu/Council for broadcasting and retransmission of Slovak republic.
- Rada pre vysielanie a retransmisiu/Council for broadcasting and retransmission of Slovak republic** (2005). *Správa o stave vysielania v Slovenskej republike a o činnosti Rady pre vysielanie a retransmisiu za rok 2004*. Slovakia, Bratislava: Rada pre vysielanie a retransmisiu/Council for broadcasting and retransmission of Slovak republic.
- RRTV** (2000) *Vyrocni zprava za rok 2000*. Council for Radio and Television Broadcasting at www.rrtv.cz.
- RRTV** (2001) *Vyrocni zprava za rok 2001*. Council for Radio and Television Broadcasting at www.rrtv.cz.
- RRTV** (2002) *Vyrocni zprava za rok 2002*. Council for Radio and Television Broadcasting at www.rrtv.cz.
- RRTV** (2003) *Vyrocni zprava za rok 2003*. Council for Radio and Television Broadcasting at www.rrtv.cz.
- RRTV** (2004) *Vyrocni zprava za rok 2004*. Council for Radio and Television Broadcasting at www.rrtv.cz.
- STAP** (November 2003). *Vraag niet een vogel zichzelf te kortwieken. Analyse van de zelfregulering van alcoholmarketing in Nederland*. The Netherlands, Utrecht: STAP.

- STAP** (2005). *Omvang alcoholreclame in Nederland vrijwel onbegrensd, rapport over alcoholreclame en jongeren*. The Netherlands, Utrecht: STAP.
- Uhl et al.** (2005). Alkoholpolitik in Österreich - Status Quo und Perspektiven, in Babor et al: *Alkohol - Kein gewöhnliches Konsumgut. Forschung und Alkoholpolitik*. Germany, Göttingen: Hogrefe.
- Zentralverband der deutschen Werbewirtschaft (ZAW, Ed.)** (2005). *Jahrbuch deutscher Werberat 2005*. Germany, Bonn: ZAW.

Appendix A: Tables

Table A1: National overview of complaints & sanctions of responding countries¹

Country	Year	# of Complaints	Specific Complaints	Sanctions
Austria	2004	4	2 complaints were found regarding alcohol marketing practises containing the use of styles associated with youth culture respectively featuring young looking models.	1 sanction is imposed on advertising for spirits on a private television channel. The television channel had to stop this kind of advertisement and inform the audience concerning the violation.
	2005	3		
Belgium		No information found	No further information found	Covenant, no information
Bulgaria	2000-2005	10 violations mentioned	No further information found	10 violations, no further information
Czech Republic	2000-2004	8	4 complaints were specified: <ol style="list-style-type: none"> 1. Advertisements for alcohol in program intended for children 2. Advertising supporting the intemperate consumption of alcoholic drinks 3. Promotion of consumption of alcoholic drinks by the speaker in radio broadcasting 4. Broadcasting of a program that could endanger moral development of youth. 	Sanctions that have been judged about alcohol marketing practises: <p>Ad 1) Council prohibited advertisement aimed at minors.</p> <p>Ad 2) Council imposed a fine of CZK 20,000.</p> <p>Ad 3) Council informed the operator of Radio broadcasting in writing about these complaints.</p> <p>Ad 4) Council imposed a fine of CZK 20,000 on the Czech Television.</p>

Country	Year	# of Complaints	Specific Complaints	Sanctions
Denmark	2000-2005	76	<p>Almost 50% of the violations of Regulations of Marketing Alcoholic Beverages have to do with alcohol marketing targeted at children and young people. Of which:</p> <ul style="list-style-type: none"> - 36 % Violates the Headline of Article 5: "Marketing alcoholic beverages is not allowed, what ever means applied, to target children and young people". - Another 13 % relates to the part of Article 5 saying: "Marketing alcoholic beverages is not allowed to feature role models, pictures, persons, comics or icons, which especially appeal to children and young people." 	<p>Out of 76 decisions 37 sanctions were imposed.</p> <p>Published by Press Releases:</p> <ul style="list-style-type: none"> - Expression of strong criticism: 4 - Expression of criticism: 2 <p>Published by Press Releases:</p> <ul style="list-style-type: none"> - Expression of strong criticism: 2 - Expression of criticism: 8 - Stressing more demand of the Code: 8 - Requesting more attention in the future: 7 - Taking cognizance of the defendants reply or changed behaviour: 6
France		No information found		19 cases brought to court, of which: 10 sentences – 4 releases – 5 out standings
Germany		# Complaints up for decision	<ul style="list-style-type: none"> - 2 complaints concerning featuring young looking models - 1 ad claiming sexual success - 2 complaints concerning encouragement of young people to drink - 1 ad for low-price selling 	<ul style="list-style-type: none"> - 2 complaints concerning featuring young looking models were rejected. - 1 ad claiming sexual success was sanctioned with a public rebuke - 2 complaints concerning encouragement of young people to drink rejected - 1 ad was rebuked for low-price selling
	1999	11		
	2000	14		
	2001	14		
	2002	13		
	2003	25		
	2004	12		
Hungary		No information found		1 shop closed and fines for violations of the law
Ireland	2002	85		In 2003 3 complaints were found to be in breach of the ASAI codes.
	2003	43		
	2004	26		There is no sanction other than a request to withdraw the advertisement or campaign.

Country	Year	# of Complaints	Specific Complaints	Sanctions
Italy		No information found		No information found
Latvia	2003-2005	8		Consumer Rights Protection Centre has revised 28 cases of administrative violations. Centre has issued 11 administrative acts about giving additional information in alcoholic beverages advertisements and prohibited promotion of advertisement on 1 occasion.
Lithuania	2004 2005	5 7	No complaints registered concerning advertising only about misleading information in publications but not on radio or on television.	7 Cases in 2004 and 31 in 2005 were found to be in breach with the recommendations. For failure to comply with the recommendations a fine can be imposed from 1000 to 10,000 LTL and from 10,000 to 20,000 LTL for each repeated violation within 5 years. The full description of the complaint and recommendation are not published on the internet or in published documents.
Netherlands	2000 2001 2002 2003 2004 2005	12 (12 were handled) 17 (16 were handled) 92 (77 were handled) 99 (99 were handled) 33 (30 were handled) 41 (35 were handled)	The Advertising Code for Alcoholic beverages is the only national regulation that offers the opportunity (also for civilians) to submit complaints about alcohol advertising. Most sustained complaints were related to price actions. STAP submitted in 2003 mainly complaints about advertisements from the catering industry because they were advertising for unrestricted drinking (57x) or with an offer for free alcohol (8x).	2004: 9 sustained and 21 were rejected. 2005: 19 sustained and 16 were rejected. Officially the Advertising Code Committee has the power to sanction advertisers with a fine of € 45,000 if they violate the Advertising Code for Alcoholic beverages. In practise this has never been the case. Other sanctions of the Advertising Code Committee are by recommendations.

Country	Year	# of Complaints	Specific Complaints	Sanctions
Norway	2000	47	Complaints about advertisement can be filed by anyone (citizens and organisations etc) to The Directorate for Health and Social Affairs.	Usually The Directorate for Health and Social Affairs request the illegal marketing to cease. However, if the illegal marketing continues sanctions will be imposed. The size and character of the sanctions will vary from case to case, and it depends on the income of the business. A few examples of violations are provided ² , none of the companies/business accepted the sanctions from The Directorate for Health and Social Affairs, and the case/ sanction has been appealed to The Market Council (which has judicial powers in the area marketing).
	2001	64		
	2002	50		
	2003	100		
	2004	150		
	2005	150 (and 500 by phone)		
Poland	2000-2005	76	Specific complaints or sanctions were not found	Sanctions that have been judged with regard to alcohol marketing practises - change of a practise - withdrawal of a practise - fine - court case - on the basis of the Act on Upbringing in Sobriety and Countreacting Alcoholism
Romania		No information found		No information found
Slovakia	5	not specific concerning youth, no further information found		1 sanction mentioned, but no further information found.
Spain	2005	22 complaints	8 were formal complaints, 9 were administrative complaints and 5 were legal actions which went to court.	Complaints and sanctions have been produced regarding the advertising of beer in football stadiums , (General Law of Advertising), referring to incitement to abusive consumption or references to social success in the advertisements (FEBE Code) and regarding external advertising in public thoroughfares (Autonomous legislation associated with the General Law of Advertising) No further information on the sanctions was found

Country	Year	# of Complaints	Specific Complaints	Sanctions
United Kingdom	2001-2005	A. By Portman Group Code: Annually 8-13 complaints per year.	Since the co-regulatory system was set up there have been only two complaints about TV alcohol advertising, in one case upheld (linking alcohol and driving) and in one case not upheld (link of alcohol to a healthy lifestyle).	The majority of the complaints are (partially) upheld (e.g. 10 of 11 in 2004).
	2004	B. By the ASA: 9, of which 7 were upheld;		The Portman Group Code: Retailers tend to comply. When they did not comply, they are flagged with the local licensing officers. This is not the case for websites or sponsorship, where no sanctions are applied – this happened on 6 occasions in TPG cases under the third version of the Code, with in all cases the producers agreeing either to make ‘certain changes’ or take the site down and consult with TPG before re-launching it.
	2005	6, complaints of which 4 were upheld. In addition, 20 complaints have been ‘informally resolved’ since 2002 without recourse to a full complaint procedure.	(mainly about linking alcohol and sex)	Of the one broadcast case upheld by the ASA, no action was taken as the ad campaign had ended and the advertiser was not planning to repeat it. Of the 12 non-broadcasting cases that were upheld, the ad campaign had already been withdrawn or had naturally ended in eight cases. The advertisers were told not to adopt the same approach again and were advised to use the CAP Copy Advice team before future campaigns. On a small number of occasions where the campaigns were still running, the advertisers were told to either amend (in one case) or withdraw (two cases) the advertising, as well as being advised to use the CAP Copy Advice Team in the future. On only one occasion was the advertiser required to consult the CAP Copy Advice team before future ad campaigns.

1 Non responding countries were Estonia, Finland, Portugal, Slovenia and Sweden.

2 Marketing on beer bottles (Ringnes), use of logo on football shirts (e.g. Mack), marketing of wine in a Norwegian magazine (Pedicel AS), websites with marketing of alcohol without password (e.g. Amundsen AS).

Appendix B: Official Country Partners

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

Mrs. Franca Beccaria
Eclectica Snc.

Mr. Emanuele Scafato
Istituto Superiore di Sanita

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
Alkokutt.

17 Poland

Prof. Dr. Jerzy Mellibruda / Mrs. Magdalena Pietruszka
The State 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 C: Experts & Advisors

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.

Appendix D: Procedure for the overview of documents

We asked the ELSA partners to collect any document that evaluates (the compliance to) the national regulation(s). Please collect documents from 2000 or later.

Documents with information may include

1. scientific research reports
2. governmental documents or policy documents
3. documents of governmental organisations
4. documents of NGOs (sponsored by non-profit funding or by the industry)
5. company reports

N.B. If documents are excluded of the overview a clear clarification has to be given for this.

Please do not give newspaper/magazine articles and undergraduate theses as references (although these may contain ideas contacts or research papers to obtain).

From these documents we would like to know any information about:

- the number of alcohol marketing practises that has been evaluated for compliance with the regulation and the number that has been presented for pre-launch advice
- the number and type of complaints that have been submitted about alcohol marketing practises and on the number and type of sanctions that have been judged
- specific complaints or sanctions regarding one of the elements of the Council Recommendation
- the effectiveness of the procedures connected to the regulations
- the overall effectiveness of the national regulations
- the overall adherence to the national regulations
- any other evaluation of the (adherence to the) national regulation on alcohol marketing on advertising.

In short we would like to inventory documents that evaluate...

- (the adherence to) the national regulations
- the effectiveness of the regulations

We ask you to provide the ELSA team with

- 1 a document with a description
 - of your search method (in English)
 - of the findings of the total collection of documents (in English)
- 2 a list of documents

We ask you to provide these in English.

You may find copies of research or reports in a number of databases. You can look on the Internet, on an academic search engines such as PubMed, in local and national libraries, etc.

When using a database, use the following key words search to begin with (in your own language and in English:

[your country name] AND (law OR regulation OR code) AND (advertising OR marketing OR sponsoring) AND alcohol*

You may find copies of research or reports by contacting people who may know or contacting government departments and other organisations directly (like the main advertising or alcohol prevention organisations, the main alcohol producers, industry or social organisations).

When contacting people, the following letter can be used for requesting documents:

[Dear madam/sir...]

I am currently involved in making an overview of documents in which information can be found about the evaluation of [name regulation or regulations], dated from 2000 onwards.

This is on behalf of the European ELSA project (Enforcement of National Laws and Self-Regulation On Advertising and Marketing of Alcohol).

I kindly request you to inform me if you know of such documents. If so please provide me with references including the author, title, date of publication and publisher, or send them to me directly.

Thank you very much.

[With regard, etc....]

1 Describe your search method and give an overview of the findings

Please describe the method that you used to collect the documents. This is used to explain the source of the information in the report. Also please give us an overview of the findings of the total collection of documents. This overview is used to put the findings that are described in the collected documents in perspective.

In the description of the method that you used, please refer to the:

- sources you used (people, organisations, databases, libraries, etc.);
- search words and questions you used;
- inclusion/exclusion criteria you used;
- results of the above (number of documents, number of relevant documents, etc.).

In the overview of the findings in the documents, please refer to the:

- number of alcohol marketing practises that have been evaluated for compliance with the regulations
- number of alcohol marketing practises that have been presented for pre-launch advice
- number and type of complaints that have been submitted about alcohol marketing practises
- number and type of sanctions that have been judged about alcohol marketing practises
- specific complaints or sanctions regarding alcohol marketing practises containing one of the elements of the Council Recommendation
- effectiveness of the procedures associated with the regulations
- overall effectiveness of the national regulations
- overall adherence to the national regulations
- any other evaluation of the (adherence to the) national regulations on alcohol marketing.

Save and name the Word document as follows (we will provide a template):

[country initials]-ELSA-DocMetOverview.doc (for example: NL-DocMetOverview.doc).

2 Provide a list of documents

We ask you to complete the answers using an Excel sheet template (provided in digital form). Each question represents a column in the Excel sheet template. The label is mentioned between brackets after each question.

For each document, please complete a new row of the Excel sheet.

Save and name a copy of the completed Excel sheet template as follows: [country initials]-ELSA-DocRef.xls (for example: NL-DocRef.xls).

Below are the questions to be answered for each document that you collect.

Complete the questions for each document.

If an answer is not available, answer with 'not found'.

Information about the document

- a Author(s) (Author)
- b Date of issue (Date)
- c Document title in original language (Title)
- d Document title translated to English (Title-EN)
- e ISBN (ISBN)
- f Place of issue (Place)
- g Issue authority or publisher (Publisher)
- h Financer (Financer)
- i URL (URL)

Information about the content of the document

General findings or conclusions on...

- j alcohol marketing practises that have been presented for pre-launch advice (Pre-launch)
- k alcohol marketing practises that have been evaluated for compliance with the regulations (EvalCom)
- l complaints that have been submitted about alcohol marketing practises (Complaints)
- m sanctions that have been adjudged about alcohol marketing practises (Sanctions)
- n effectiveness of the procedures connected to the regulations (Procedures)
- o overall effectiveness of the national regulations (Effectiveness)
- p overall adherence to the national regulations (Adherence)
- q any other evaluation of the national regulations (OtherEval)

Specific findings or conclusions on complaints, violations and/or sanctions regarding alcohol marketing practises containing the following elements of the Council Recommendation:

Recommendation:

- r The production of alcoholic beverages specifically targeted at children and adolescents; (Production)
- s The use of styles (such as characters, motifs or colours) associated with youth culture; (Styles)
- t Featuring children, adolescents, or other young looking models, in promotion campaigns; (Children)
- u Allusions to, or images associated with, the consumption of drugs and of other harmful substances, such as tobacco; (Drugs)
- v Links with violence or antisocial behaviour; (Violence)
- w Implications of social, sexual or sporting success; (Success)
- x Encouraging children and adolescents to drink, including low-price sales of alcoholic drinks to adolescents; (Encouragement)
- y Advertising during, or sponsorship of, sporting, musical or other special events which a significant number of children and adolescents attend as actors or spectators; (Events)
- z Advertising in media targeted at children and adolescents or reaching a significant number of children and adolescents; (Media)

- aa 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; (Free)
- bb Design or promotion of alcoholic beverages to appeal to children and adolescents, in other ways than stated under j to aa. (Other)

Additional information

- cc Give any additional remarks. (Remarks)

Save the Excel sheet template using the name mentioned in the introduction: [country initials]-ELSA-DocRef.xls (for example: NL-ELSA-DocRef.xls).