

Loi Evin – an advertising ban in the Homeland of Red Wine

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Prudent Sweden is not the only country to make use of bans – so does the hot-blooded French! The alcohol advertising law, Loi Evin, was voted in France in 1991 to promote public health.

Strange to say, that France of all countries with its well known passion for red wine has a ban on alcohol advertising. The history of the Loi Evin reveals another paradox: It was actually thanks to the alcohol industry that France chose to impose this alcohol marketing law - one of the most severe in Europe. In 1980 the original advertising law in France got overruled by the European Court of Justice due to its discrimination against foreign products. Ten years went by before a new law was passed. In the void of regulations the alcohol industry took the alcohol marketing to an outrageous extreme, according to the French anti-alcohol lobby, ANPAA. The only way to stop it was by legislation – and therefore the Loi Evin was born!

The Loi Evin is named after the French Minister of Social Affairs at the time, Claude Evin (born 1949), who got the legislation through the parliament.

The myth of the French state of health

The French people are often regarded as one of the healthiest in Europe. But as a matter of fact France has a long history of public health problems related to extraordinary high alcohol consumption. In the inter-war period the death rate of French males tripled the Dutch and doubled the English – this was due to alcohol. Since the 1950s the area has been the subject of quite a number of regulations. For instance:

"During his short period as prime Minister (June 1954 – February 1955), Pierre-France introduced more than 20 decrees and proposals related to the objective of reducing the production and consumption of alcohol in the French society"

(Ugland, 2003).

It is difficult to demonstrate the exact causal role of the different policy measures employed since the 1950s. Yet they seem to have had an effect, since the alcohol consumption of pure alcohol per capita per year in France has dropped dramatically from 30 to 13 litres during the period 1960-2004.

The Loi Evin puts an end to seductive alcohol advertisements

The law prohibits direct or indirect advertising of alcoholic drinks on television and cinema, in stadiums, public and private sports grounds, swimming pools, competition areas and all areas used by youth associations for education.

The Loi Evin bans any link between alcohol marketing and sports as well as between alcohol marketing and youth. Moreover the law prescribes that a health warning should be included in every advertisement. Concerning youth the law is both very clear and very strict compared to other European countries:

"It is forbidden to give, distribute or send documents or objects naming an alcoholic drink to those under age"

(Sulkunen, 2004)

The Loi Evin is a so called partial ban, not a total ban. This means that not all announcements of alcohol are banned. Ads can be brought on billboards and in magazines for instance. However for the permitted ones, there are some limitations. Advertisements often attribute qualities to alcohol, which in fact it does not possess. For example ads suggesting that alcohol consumption can lead to sexual and social success. But according to the Loi Evin advertisements are only allowed to convey "objective" information on the product like origin, composition and means of production. Advertisement must show only the product - no sexy ladies, no romantic sceneries or anything else, which does not relate directly to the product.

Alain Rigaud, president of the French alcohol lobby, ANPAA and Michel Craplet, medical advisor the same place have observed what they call a "real change in alcohol advertising" since 1991:

"The restrictiveness of the law was the only way to change the basic, easy seductive language."

"The law has modified the language of advertising losing most of its seductive character. It is no longer allowed to use drinkers and drinking atmospheres: we have observed the disappearance of the drinker from the image and the highlighting of the product itself."

"The Loi Evin had an important side effect causing a disruptive effect in the field of sports: TV retransmission of several international football matches was cancelled. Moreover the law made it impossible for the American Anheuser Bush to sponsor the 1998 Football World Cup in France." (A new non-alcoholic sponsor was found)

(Rigaud, Craplet 2004)

Serious sanctions

The Loi Evin has been extended to apply to other and more complicated regulation areas. Latest – in 2008 – ANPAA won a case about alcohol advertising on the internet and in editorials (newspapers and magazines). This ruling limits how much journalists can praise and offer publicity to alcohol brands in the Medias.

About the internet: Microsoft AdCenter has removed all alcohol businesses from its client list in France. The decision follows a ruling by the Paris appeal court against beer brewery Heineken. Heineken was ordered to remove all publicity from its French website within three weeks or face fines of 3.000 Euro a day (EUCAM 2008). One can imagine, that a substantial amount of money like that commands respect from the alcohol industry. This is very unlike the situation in most of Europe, where sanctions are insignificant if existing at all.

The Loi Evin wins at the European Court

The alcohol industry has challenged the legal foundation of the Loi Evin over and over again. But until now it only seems to have proven the strength of the law. In 2004 Bacardi took Loi Evin to the European Court - and lost. The General Advocate considered in this instance, that the protection of consumers' health should prevail over the freedom of the provision of services, and that the legislation is appropriate to achieve the objective: The protection of public health. Moreover he finds it proportionate:

"The French legislation under examination does not go beyond what is necessary in order to attain the objective of protecting public health which it pursues"

(Europanytt 2004)

The General Advocate takes as his basis, that it is likely that alcohol advertising increase alcohol consumption. He considers a total ban to be a more effective tool. It would of course create far greater obstacles to the provision of services, than does the Loi Evin. Nevertheless he finds that a total ban may be in line with the EU court.

The Loi Evin - a well suited export

The fact that the Loi Evin has shown itself viable may be due to a long list of advantages, which also makes it apply to other European countries. Moreover the law is said to require minimal arrangements to implement and is compatible with the principle of subsidiary.

The text seems easy to apply and causes no problems in French courts. When advertising campaigns were submitted to judges for review, no judgement mentioned the impossibility of using it, or its lack of clarity in contrast to previous laws.

(Rigaud, Craplet 2004)

The text of the law is difficult to distort, the communication of what is allowed and what is not, is clear. Furthermore it gives a description of what is acceptable regarding the content of messages and images. Being a partial ban the Loi Evin meets the alcohol industry request for information on the product.

Loi Evin – Enlightenment or Suppression?

Sales of alcohol have decreased since the 1990s. The French alcohol industry rages against the Loi Evin, which according to them has led to extreme Islamic conditions and suppression of the freedom of speech (Bremner 2008). On the other hand one could make the opposing argument: What the Loi Evin really does, when eliminating the misleading qualities attributed to alcohol by advertising, is to promote information on alcohol instead of misinformation. In this sense the Loi Evin is more related to the project of enlightenment rather than to religiously motivated suppression.

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