



Leading by example

# responsible beer advertising through self-regulation

**7 Operational Standards:**  
A Commitment by The Brewers of Europe



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# The Brewers of Europe

— This is the report on The Brewers of Europe's commitment on self-regulation of commercial communications for beer, as submitted to the European Alcohol and Health Forum in 2007.



## About this report

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The objective was that, by April 2010, 7 recommended operational standards for guiding responsible beer commercial communications in the EU would have been rolled out across the membership of The Brewers of Europe.

Covering the progress in the implementation of these Standards, this report offers the reader, both from an EU-wide and a national perspective, an overview of the background, baseline, progress and next steps in relation to this commitment.

The report focuses solely on the above-mentioned commitment and the national commitments that have supported it. It therefore neither includes the multitude of other social responsibility initiatives carried out by national brewing associations in Europe, nor does it cover with those Forum commitments that have been filed directly by brewing companies. The report has been written by the European Advertising Standard Alliance (EASA), based on the input from its national self-regulatory organisation (SRO) members, completed by information from The Brewers of Europe and the national brewers associations.

An essential part of the process was the involvement of KPMG Sustainability, who were requested to externally verify the report. To provide confidence that the information in the report is disclosed in accordance with the methodology and structure as described on page 29 of the report, KPMG collected and reviewed, via documents from, and interviews with the national brewing associations, the national self-regulation organisations, the European Advertising Standard Alliance and The Brewers of Europe, the evidence for all the significant claims made in the report. This was done on the basis of Prepared-by-Client (PBC) lists, put together by KPMG using the information and the indicators from EASA and The Brewers of Europe. The result of this thorough and lengthy process is that this report has received independent assurance from KPMG Sustainability. KPMG's assurance report can be seen on pages 122-123.

# Table of contents



## Table of contents

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Foreword from Robert Madelin, Director General at the European Commission	6
Letter from the President of The Brewers of Europe	8
Letter from the Chairman of the European Advertising Standards Alliance	10
The Contributors	12
The Brewers of Europe European Advertising Standards Alliance (EASA)	
Executive Summary	14
What this report says	14
The report in context	15
Advertising self-regulation	15
Next Steps	15
Advertising Self-regulation	16
What is it?	17
What are its advantages?	18
The importance of local context	19
The 7 Operational Standards for Beer Advertising Self-regulation	20
01   Code Coverage	21
02   Code Compliance	21
03   Complaints Handling	22
04   Speed of Decision	22
05   Sanctions	23
06   Consumer Awareness	23
07   Own-initiative Monitoring	23
The Brewers' commitment to the EU Alcohol and Health Forum	24
Methodology and structure of the report	28
Overview of the Implementation of the 7 Operational Standards between 2007 and 2010	30
National Reports on the Implementation of the 7 Operational Standards	34
KPMG Sustainability's Independent Assurance Report to the Brewers of Europe	122

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# European Commission

— The Brewers have worked consistently and in consultation with the European Advertising Standards Alliance to deliver effective and credible self-regulation with progressively broader European coverage.



## Foreword from Robert Madelin, Director General at the European Commission

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Half a decade ago, I had the privilege of convening and chairing some discussions on the role of advertising self-regulation, bringing together interested (but not in all cases enthusiastic) parties from across Europe. This was not so much a debate about the use of self-regulation as against hard law, but rather a debate about how law and self-regulation can and should operate together to deliver results in today's Europe.

Rather quickly, the roundtable produced sufficient convergence that the Commission could offer a final report setting benchmarks for a best practice model that would deliver effective and trustable self-regulation.

My hope was then that this report would drive up both the quality of, and trust in, self-regulation across the EU. Looking back, I believe that this is the case.

The Brewers of Europe deserve credit for having heeded the call to action, both on advertising and in the context of the EU Alcohol and Health Forum, embarking since 2007 on what they knew from the first would be a challenging journey.

The Brewers have worked consistently and in consultation with the European Advertising Standards Alliance to deliver effective and credible self-regulation with progressively broader European coverage.

I see two pre-conditions for credible SR: the participation of interested non-business players in the SR process, and appropriate monitoring and accountability of SR performance and outcomes.

From the progress report on the implementation of The Brewers of Europe's 7 Operational Standards, I see that brewers are paying particular attention to these pre-conditions and I can only encourage them to pursue their efforts.



### **Robert Madelin**

*Director General (for Health 2004-2010)*

European Commission

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# The President of The Brewers of Europe

— When I was elected President of The Brewers of Europe in 2008, I observed with great satisfaction the rigour, following our commitment to the European Alcohol and Health Forum, with which the membership was actively engaged in implementing the 7 recommended operational standards for responsible self-regulation of beer advertising.



## Letter from the President of The Brewers of Europe

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In spite of the different starting points and national situations, brewers, big and small, were committed to reaching the same goal and delivering quality to all Europe's citizens. Responding to a challenge set by the European Commission in 2007, The Brewers of Europe and its members, in partnership with the European Advertising Standards Alliance and its members, set about bringing every system up to the standards as set by the Commission's Health and Consumers Directorate General.



Looking back now, I can only attest that huge steps have been taken thanks to the massive commitment of both national brewers associations and national self-regulatory organisations. The brewers already had codes in place at national level, and well-established systems in a number of countries too, but what this commitment did was set about ensuring that fully, integrated, consumer-friendly self-regulatory systems for beer advertising existed across Europe.

The Brewers of Europe are rightly proud of the progress made in the implementation of the 7 Operational Standards, but we are not resting on our laurels. Self-regulation is an ongoing work in progress to respond to changing societal expectations and legislative frameworks, media development, new technologies, etc. The Brewers of Europe will therefore continue building upon the implementation of the 7 Operational Standards and will pay specific attention to the world of digital media, ensuring brewers are aware of both the challenges and opportunities this poses for effective self-regulation.

I would now like to take this opportunity to thank the European Advertising Standards Alliance and its members for their work consisting of assisting The Brewers of Europe and its members in both the implementation of the 7 Operational Standards and in the reporting thereon. KPMG Sustainability must also be mentioned here for their tireless efforts sifting through literally hundreds of documents in all the EU languages in order to allow them to provide their assurance which gives the report its added credibility.

I know this report only represents one brick in the wall of all the efforts done to ensure that beer is advertised responsibly across Europe but, as President of The Brewers of Europe, I assure the reader that Europe's brewers will keep this issue at the top of their list of priorities in the coming years in order to actively contribute to the ongoing construction of this wall.

Yours sincerely,

**Alberto Da Ponte**

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# European Advertising Standards Alliance

— In June 2004, the advertising industry and self-regulatory organisations (SROs) signed the EASA Charter, setting clear criteria for effective advertising self-regulation.



## Letter from the Chairman of the European Advertising Standards Alliance

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The European Advertising Standards Alliance (EASA) is the single authoritative voice on advertising self-regulation issues and promotes high ethical standards in commercial communications by means of effective self-regulation, while being mindful of national differences in culture and legal and commercial practices. Its members are both SROs and advertising industry associations committed to the above.



In June 2004, the advertising industry and self-regulatory organisations (SROs) signed the EASA Charter, setting clear criteria for effective advertising self-regulation. This Charter was later used as the basis for discussing and agreeing key elements for effective self-regulation within the scope of the DG SANCO EU Advertising Roundtable.

The Brewers of Europe further worked on the Advertising Roundtable Report criteria to create the '7 Operational Standards for Effective self-regulation of Beer Advertising in Europe'. The progress in the implementation between 2007 and 2010 of EASA's charter principles and The Brewers of Europe 7 Operational Standards are reflected in the ensuing report.

EASA was asked to compile this report in its capacity as the independent expert in advertising self-regulation in Europe. The Brewers of Europe are not a member of EASA. Nevertheless, The Brewers of Europe have partnered with EASA with the common goal to ensure effective advertising self-regulation across the EU 27, helping to set up SROs where these do not exist yet, reinforcing existing self-regulatory systems, and helping to ensure responsible commercial communication for beer advertising.

This report is one example of the cooperation at the European level, initiated several years ago through training events with advertising professionals and representatives of the beer industry, and further realized through pan-European advertising compliance monitoring projects.

The report was compiled by Laure Alexandre, Policy and Implementation Manager at the EASA secretariat and reviewed by KPMG Sustainability whose assurance statement is available at the end of this document, hence providing assurance of the reporting.

EASA will continue to work with The Brewers of Europe to ensure that advertising standards for beer advertising remain high and effective.

**Ildiko Fazekas**

*Chairman of EASA*

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# The Contributors

— In Europe, there are around 3,700 breweries together producing over 420 million hectolitres of beer each year.



## The Contributors

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### The Brewers of Europe

In Europe, there are around 3,700 breweries together producing over 420 million hectolitres of beer each year. Europe's breweries provide jobs directly for 150,600 employees, whilst it has been estimated that around 2.5 million jobs can be attributed to beer, notably in the supply, hospitality and retail sectors. The contribution of beer to the European economy in terms of value added has been calculated at € 59 billion per year, equal to around 0.43 percent of total EU GDP.<sup>1</sup>



The Brewers of Europe currently represents 27 national brewing associations and producers of around 95% of the beer brewed in the EU. The Brewers of Europe is a founding member of the EU Alcohol and Health Forum and is committed to being part of the solution when it comes to tackling alcohol misuse.

### European Advertising Standards Alliance (EASA)

The European Advertising Standards Alliance (EASA) is the single authoritative voice on advertising self-regulation issues and promotes high ethical standards in commercial communications by means of effective self-regulation, while being mindful of national differences in culture as well as legal and commercial practices.



As a non-profit organisation based in Brussels, it brings together national advertising self-regulatory organisations<sup>2</sup> (SROs) and 15 organisations representing the advertising industry in Europe (advertisers, agencies, media and sponsorship)<sup>3</sup>. Currently 33 SROs are members of EASA. 26 of these are from 22 EU countries and Switzerland and Turkey, and the other seven are from non-European countries.

The Brewers of Europe is not a member of EASA. Advertisers in the EASA membership are represented solely by WFA (The World Federation of Advertisers). EASA was contacted to compile this report in its capacity as the independent expert in advertising self-regulation in Europe.

<sup>1</sup> Figures taken from The Contribution made by Beer to the European Economy. Ernst & Young. 2009.

<sup>2</sup> 24 EU countries, plus Norway, Switzerland and Turkey.

<sup>3</sup> More information available at <http://www.easa-alliance.org/About-EASA/EASA-Members/page.aspx/155>

# What this report says

Between 2007 and 2010, across the vast majority of EU Member States, the rollout of effective self-regulatory systems for beer advertising has increased substantially and across all 7 Operational Standards.

## Notable overall results include :

- ▶ **Full implementation of code coverage** is now at least in progress in all EU countries. Revision of the codes has taken place in 18 out of the 27 EU Member States since 2007.
- ▶ Today, **26 countries** have a sanctions process in place, have improved the array of sanctions available, or are progressing on this.
- ▶ **In 24 countries**, actions have been taken in the period since 2007 to increase consumer awareness of the self-regulatory systems to ensure that consumers are aware of the possibility to complain.
- ▶ **10 countries** have created or improved their complaints handling systems through the further incorporation of independent elements e.g. through civil society and consumer representation, in the complaints juries.

## Specific examples of progress in individual countries include :

- ▶ **In Bulgaria** the brewers pioneered the role of self-regulation by setting up a comprehensive system governing beer advertising before assisting in the setting up of a national general self-regulation system. The Cypriot brewers have also taken this proactive step in the absence of an existing self-regulatory structure, which is now being created.
- ▶ **In Austria**, brewers took steps to further strengthen the independence of their complaints handling system. These activities lead to the brewers being awarded an EASA Bronze best practice award in 2009.
- ▶ **In Belgium** a multi-media campaign was run in 2007 and 2008 to increase public awareness of the possibility to complain about irresponsible adverts. In 2008 in Slovakia, consumer awareness was increased through a campaign that received the EASA Gold best practice award 2009.
- ▶ **In both Denmark and Sweden**, where the system was already well established and controlled, self-regulation was brought up-to-date through the improvement of websites to facilitate online complaints.

## Executive Summary

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### The report in context

When the European Alcohol and Health Forum (EAHF) was launched in June 2007 by the EU Health Commissioner, The Brewers of Europe joined businesses, NGOs, experts and representatives from the EU institutions in putting forward voluntary commitments to help protect European citizens from the harmful use of alcohol. The Brewers also committed to monitoring and evaluating those commitments to ensure that the objectives they set would be reached.

Membership of the Forum provided Europe's brewers with the opportunity to build on more than 300 responsibility initiatives undertaken by Europe's brewers between 2002 and 2007. Since 2007, The Brewers of Europe - including national brewers associations, brewing companies, and the Association of small and independent breweries in Europe - have become the leading contributor to the Forum, submitting over one third of all the 150+ commitments to action.

In particular the Forum called for action on 'marketing communication' in order to prevent irresponsible commercial communication and sales. In this context The Brewers of Europe submitted in 2007 an ambitious EU-wide commitment to help ensure responsible beer advertising across the EU by supporting its members in optimising self-regulatory systems with the introduction of 7 Operational Standards for Beer Advertising Self-Regulation.

### Advertising self-regulation: an EU-wide commitment

In 2007 Europe's brewers already had codes in place and well-established self-regulation systems in a number of EU countries. While The Brewers of Europe believes that advertising self-regulation at national level is the most effective way to ensure responsible advertising by the EU brewing sector, the specific aim of this commitment was to ensure that effective systems were put in place across the whole membership of The Brewers of Europe.

Brewers also wanted to build upon the best practice self-regulatory model on advertising developed by the European Commission's Directorate General for Health and Consumers (DG SANCO) in July 2006 by outlining clear standards against which national self-regulatory systems could be benchmarked in 2010.

The European Advertising Standards Alliance (EASA) and the World Federation of Advertisers (WFA) were brought on board as partners to assist in the implementation of this commitment. Three years later, the time has now come to evaluate and report on the implementation of this commitment across Europe. This report has been drafted by EASA, in partnership with The Brewers of Europe, and has received independent assurance from KPMG Sustainability.

### Next steps

The Brewers are proud to play a pioneering role in the field of advertising self-regulation. At a time when the usefulness of self-regulation is increasingly being recognised by Europe's policy makers, its successful implementation in the field of advertising can be held up as an example of best practice. In this context Europe's brewers are delighted to see the words of support expressed by Robert Madelin, former Director General of DG SANCO (2004-2010) in the foreword to this report.

While Europe's brewers are proud of the progress made on all 7 Operational Standards in such a short space of time, we remain mindful of comments made by Robert Madelin in the July 2006 report on 'Self-Regulation in the EU Advertising Sector': "no model can be a good fit in every country's historical and cultural context".

Advertising self regulation will need to constantly improve to address national societal and cultural expectations as they arise and respond to the changing media landscape. Refining the 7 Operational Standards and identifying the remaining steps toward their full implementation will remain a focus for Europe's brewers. We will also continue to submit ambitious commitments to the Forum and implement, monitor and evaluate them with the same vigour with which brewers have implemented the 7 Operational Standards all across Europe to such a level as presented in this report.

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# Advertising self-regulation

— Brewers advertise their brands in order to convince consumers to consume one beer brand rather than another. Neither the aim nor the result of brand advertising is to increase overall beer consumption.



## Advertising self-regulation

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### What is it?

Before going into detail, it is essential to understand the roles of both brand advertising and of self-regulation of commercial communications.

Brewers advertise their brands in order to convince consumers to consume one beer brand rather than another. Neither the aim nor the result of brand advertising is to increase overall beer consumption.

Brewers do however understand that they have a moral obligation to follow certain ethical standards when advertising. This self-regulation includes, for example, a commitment neither to target advertising at minors, who are legally not allowed to purchase the product, nor to promote or encourage excessive consumption; in other words, behaviours that can lead to health harms. However, self-regulation cannot be expected to solve complex issues such as alcohol misuse and underage consumption. Consequently, self-regulation must not be judged on its capacity to reduce alcohol misuse.

From a wider perspective, advertising self-regulation is a system by which the advertising industry actively polices itself. The three parts of the industry – the advertisers who pay for the advertising, the advertising agencies responsible for its form and content, and the media which carry it – agree on standards of practice and set up systems to ensure that advertisements which fail to meet these standards are quickly removed or corrected.

Advertising self-regulatory mechanisms help ensure that advertising is responsible and trustworthy, and that advertising standards remain high. Advertising self-regulation provides an effective complementary alternative dispute resolution mechanism for consumer complaints.

Advertising self-regulation complements and enhances existing general framework laws and regulations. Detailed legislative regulation is a very absolute tool that, in many cases, is not flexible enough to change according to issues in society that appear and disappear overnight or changes in the market like online advertising techniques. Self-regulation, on the other hand, is usually faster and less expensive in responding to these issues that spring up in society.

Self-regulation is an alternative to detailed legislation, but not to all legislation. It is now widely accepted that self-regulation works best as a complement to legislation. The law lays down broad principles, e.g. that advertising should not be misleading, and provides a last resort in the rare cases where all else has failed.

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## What are its advantages?

Self-regulation offers many advantages for consumers, authorities and competitors. Rules on the content of advertisements are applicable no matter what media is used, and therefore promote responsible communication through both traditional media (television, print, radio, outdoor advertising) and for digital marketing communications<sup>4</sup>.

- ▶ **It is a quick system:** complaints are usually handled within 3-60 business days, which is much faster than going through the legal system.
- ▶ **It is flexible:** the rules used by the jury and the sensitivities taken into account in the decision-making process adapt to technological and societal change.
- ▶ **It is free and accessible:** it is free to file a complaint, and it is possible to complain through a simple online form or through other traditional means.
- ▶ **It is easy to complain:** if a complaint appears justified, the advertiser must prove its claims are true rather than the complainant proving they are false.
- ▶ **It is independent:** as the system is funded by the advertising industry, it is under constant scrutiny by civil society, which ensures that decisions made regarding complaints are impartial.
- ▶ **Sanctions imposed by self-regulatory bodies are quick and effective:** they require that a campaign that does not comply with the code be amended or stopped.
- ▶ **It provides for a case-by-case approach when handling complaints,** thereby guaranteeing that cultural, societal and economical contexts are taken into account.
- ▶ **The juries that adjudicate the advertising complaints include, by and large, lay experts from civil society,** who are independent from the advertising industry. Their presence is an additional guarantee of the independence of the jury and the impartiality of its decisions.
- ▶ **It provides an additional layer of consumer protection** that complements the legal framework and often goes beyond the minimum prescribed by law.
- ▶ **It is a tried and trusted system:** some advertising self-regulatory systems have been effectively handling advertising complaints for more than half a century.

Currently, it is best practice in Europe to consult external stakeholders on a non-binding basis to get a set of workable fair rules that benefit all stakeholders. The complaint juries in European self-regulatory bodies that adjudicate consumer complaints generally include independent lay experts, such as academics, psychologists, representatives of civil society, etc.

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<sup>4</sup> For more information about the remit of self-regulation for digital marketing communications in Europe, see "EASA Digital Marketing Communications Best Practice" 2008.

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In most countries with a self-regulatory system, the possibility of appeal exists and in all European countries adjudications are made public.

## The importance of local context

There is no such thing as the single “perfect” model for self-regulation. Just as advertising is closely interwoven with the culture and traditions of the society in which it appears, advertising self-regulation reflects the society it is in. **Two principal factors** are decisive in determining the form that self-regulation takes in any country:

**01 | Tradition:** each country’s self-regulatory standards reflect its cultural, commercial and legal traditions.

**02 | Opportunity:** self-regulation is a flexible instrument, but it can only truly flourish where the legislative framework gives it sufficient scope to do so.

Regarding beer advertising, advertising standards (applicable rules) are somewhat homogenous across Europe. The Brewers of Europe Guidelines for responsible commercial communications are nevertheless designed to serve as a basis for the national codes for beer advertising. The advertising self-regulatory mechanisms in charge of applying these standards and handling complaints on beer advertising are diverse, which reflects a variety of national contexts. Countries with a very strict regulatory framework or bans on beer advertising may not allow for self-regulation to operate.

Advertising self-regulation when applied specifically to beer advertising can take numerous forms, depending on the level of cooperation between the national SRO in charge of advertising standards and advertising self-regulation in general, and the national brewers’ initiative on self-regulation. Although this list is not exhaustive, the following are some of the situations:

- ▶ Advertising standards for beer are included in the general advertising code and adjudicated upon by the national SRO.
- ▶ Advertising standards for beer are annexed to the general advertising code and adjudicated upon by the national SRO as a result of an agreement between the brewing sector and the national SRO.
- ▶ Advertising standards for beer are enforced solely by the national brewers association or an alcohol specific self regulatory body.
- ▶ There are strong restrictions with regards to beer advertising hence the national SRO provides support in training and copy advice to ensure the law is adequately applied.

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# The 7 Operational Standards

- 01** | Code Coverage
  - 02** | Code Compliance
  - 03** | Complaints Handling
  - 04** | Speed of Decision
  - 05** | Sanctions
  - 06** | Consumer Awareness
  - 07** | Own-initiative Monitoring
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## The 7 Operational Standards for Beer Advertising Self-regulation

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Within the first wave of commitments from The Brewers of Europe to the Alcohol and Health Forum was one EU-wide commitment to build upon its experience and support its Members in further optimising the effectiveness of the systems for self-regulating responsible commercial communications for beer.

The foundation for this commitment was a set of 7 Operational Standards agreed upon by The Brewers of Europe in 2007 and which would have to be further elaborated and implemented into all the national self-regulatory systems governing beer advertising across the EU.

The 7 Operational Standards were therefore expanded into a detailed set of standards that are a translation for the brewing sector of the basic components for a best practice self-regulatory model on advertising, as outlined in the DG SANCO report on Self-Regulation in the EU Advertising Sector ('Advertising Roundtable').

These expanded standards have been provided to national associations to assist them with benchmarking their systems and guide them in the development of national action plans for meeting the standards.

**Please find the 7 Operational Standards outlined below:**

### 01 | Code Coverage

The objective is that all beer commercial communications, regardless of their form and source, are covered.

This can be facilitated by ensuring that the code is applicable to all forms of advertising, that all brewers are covered by the code, but also by engaging advertisers, agencies and the media in the system.

### 02 | Code Compliance

The aim is to help ensure maximum compliance with both the letter (formal rules) and the spirit (principles which are not formally written down) of the code to prevent irresponsible beer commercial communications reaching the public sphere. This can generally be achieved through two mechanisms: ensuring that brewers and practitioners, as well as those judging the advertisements, are aware of both the letter and the spirit of the code; and setting up tools to help prevent irresponsible beer commercial communications reaching the public sphere in the first place (copy advice).

In their use of the code, brewers, practitioners and juries must be appropriately briefed, which happens through the dissemination of internal manuals explaining the spirit of the code and through training sessions aimed at making them aware of both the letter and the spirit.

Copy advice is the provision, generally given by an SRO, of an opinion as to whether or not an advertisement complies with applicable rules. It is provided on a confidential basis and is usually accompanied by advice on the amendments necessary to bring a non-compliant advertisement in line with the rules.

Copy advice is usually non-binding and provided upon request to brewers, agencies and the media.

Copy advice should be easily available, so an online facility exists in most countries where the SRO provides this service<sup>5</sup>.

In some markets, either due to the statutory situation under broadcasting acts or decisions by the industry, beer advertising is required to be 'pre-cleared'.

Each advertisement is, therefore, submitted to a body dedicated to this purpose and cannot be run in the media if authorisation has not been received. Pre-vetting is compulsory and the advice given binding.

### 03 | Complaints Handling

Brewers wish to ensure that a substantial proportion of jury members are independent and that the Chair of the jury – when there is one – is independent as well.

'Independent' means that the individual should be independent not just from the company whose advertisement is being investigated, but also independent from the brewing and advertising industries as a whole.

The section in the country profile dedicated to this Operational Standard will give an overview of the composition of the jury as well as the procedure applicable to decision-making.

### 04 | Speed of Decision

Self-regulation can only work if decisions are taken in a short period of time and if actions are taken immediately to remove advertisements in breach of the code. This Operational Standard ensures fast procedures are in place, from the receipt of a complaint to the jury's decision, but also with regard to advertisement removal in case of complaints being upheld.

<sup>5</sup> In addition, a European Copy Advice/Pre-Clearance Facility was launched by EASA on 5 November 2009, with the technical support of Clearcast in the UK. It enables advertising professionals to get advice on whether an advertisement is compliant with the applicable advertising code in one or several of 15 European countries that take part in the facility (Austria, Belgium, Czech Republic, France, Greece, Hungary, Ireland, Italy, Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, United Kingdom). The European Copy Advice/Pre-Clearance Facility is available at [www.ad-advice.org](http://www.ad-advice.org).

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## 05 | Sanctions

This Operational Standard deals with sanctions that should act as a deterrent to prevent brewers from launching inappropriate campaigns and shows the regulator and consumer that self-regulation is an efficient and effective system.

Whilst the most costly sanction is removal of an advertisement in the event of a complaint being upheld, a variety of sanctions are often available to the jury.

The corresponding paragraph in the country profile details the variety of sanctions that an SRO and beer specific juries can apply and enforce.

## 06 | Consumer Awareness

Brewers wish to ensure not only that consumers are aware of the self-regulatory system, but also that they can file complaints easily and that the reasoning and decisions of self-regulation juries are transparent.

A number of activities can be carried out to help increase consumer awareness and are detailed in the corresponding section of the country profile.

## 07 | Own-initiative Monitoring

This Operational Standard supports mechanisms within the self-regulation organisation to adjudicate on an advertisement without waiting for a complaint to be received and focuses on keeping the codes up-to-date through regular review.

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# The Brewers' Commitment

— In October 2006, the European Commission adopted a Communication (soft legislation) calling for an EU strategy to support Member States in reducing alcohol-related hazards and proposing the establishment of an Alcohol and Health Forum.



## The Brewers' Commitment to the EU Alcohol and Health Forum

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In October 2006, the European Commission adopted a Communication (soft legislation) calling for an EU strategy to support Member States in reducing alcohol-related hazards and proposing the establishment of an Alcohol and Health Forum.

In June 2007, The Brewers of Europe therefore joined other businesses, NGOs, experts from different stakeholder organisations, and representatives from Member States, other EU institutions and agencies at a signing ceremony launching the Forum.

In order to become a member of the Forum, signatories had to make a written commitment to take action, with objectives and information on how the results would be monitored and evaluated.

The Brewers of Europe has filed not only well over a third of the commitments to take action, but one EU-wide commitment related to the implementation of effective self-regulatory systems for beer advertising across the EU.

### **In addition to developing the 7 Operational Standards and the implementation of this commitment:**

- ▶ **The Brewers of Europe organised three self-regulation workshops**, attended by national brewers associations, brewing companies small and large, and SROs in March 2008, December 2008 and January 2010.
- ▶ **The point of advertising self-regulation has been taken up in meetings at all levels of The Brewers of Europe**, right up to the Board and General Assembly, to facilitate the implementation of national action plans, including through exchange of best practices on how to meet the standards.
- ▶ **13 brewing associations have now made 16 national commitments to the Forum in the field of responsible commercial communications.**
- ▶ **An internal manual to facilitate implementation of the self-regulation guidelines was updated in February 2010**, in particular to take into account changing expectations and developments on the media landscape, in particular the growing importance of digital media.
- ▶ **The European Advertising Standards Alliance (EASA) and the World Federation of Advertisers (WFA) are associate partners on The Brewers of Europe's commitment.** The partners maintain close contact through actions such as joint outreach towards national markets where national SROs and brewers must work together to upgrade the systems.

This enhanced cooperation is reflected in the fact that 11 of the brewers' 16 national commitments filed in relation to marketing self-regulation have involved joint efforts engaging both brewers associations and national SRO.

The Brewers of Europe will now build upon the huge progress already made in the implementation of the 7 Operational Standards. Specific attention, based on national context and nationally defined priorities, will be paid to the make-up of the complaints juries, the speed of the process, robust sanctions and Consumer Awareness of the system, as those standards seem to be of particular relevance for full and effective self-regulation systems in Europe.

The Brewers of Europe will also pay particular attention to the emergence of advertising in digital media, to ensure that self-regulation is built into these new systems.

**The aim of this part of the commitment is threefold:**

- ▶ **Educate and provide** The Brewers of Europe and its members with comprehensive knowledge on the functioning of digital media and the challenges and opportunities that digital media may pose for effective self-regulation.
- ▶ **Develop**, in partnership with a key player in that field, actions to ensure the 7 Operational Standards are implemented throughout the digital media in Europe.
- ▶ **Produce** a "Best Practice Guide for Self-Regulation of Beer Advertising in the Digital Media World", summarising theoretical and practical knowledge, and disseminating it among The Brewers of Europe's membership.

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In summary,

**The Brewers of Europe** will continue at EU and national level to build upon the implementation of the **7 Operational Standards**, focusing on key Operational Standards depending on the national context, to respond proactively to new challenges and to ensure that beer continues to be advertised across Europe in a responsible way.

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# Methodology and Structure

— The report structure is based on 27 country profiles which reflect the countries included in the commitment of The Brewers of Europe.



## Methodology and Structure of the Report

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Each country profile gives in introduction an overview of the system and the state of play of self-regulation in the country, and indicates when regulatory restrictions are in place for beer advertising. Each profile also indicates the nature of the link between the national brewers association(s) and the general advertising self-regulatory organisation.

A box in the upper right-hand corner of the country profile allows for a quick overview of what has changed or been put in place between 2007 and 2010.

The country profile is then divided into 7 items corresponding to the 7 Operational Standards. The 7 Operational Standards are described in this report on the pages 20 – 23. Each paragraph gives an overview of what is currently in place and, when applicable, what has changed between 2007 and 2010. The EASA secretariat wrote the current report based on information provided by its national SRO members based on a questionnaire, then completed with information provided by the national brewers associations. In countries where EASA has no active members, The Brewers of Europe compiled information available based on prepared-by-client lists sent to the countries regarding the sector's self-regulatory activities. KPMG Sustainability reviewed the evidence as outlined in the assurance statement available at the end of this document.

Accuracy and completeness are applied as criteria for the compilation of this report. Wherever specific information is not reported, this information is either not available in the country reported upon or the relevant aspect of the standard has not been implemented.

Statistics on the complaints received are extracted from EASA's 2008 statistics report<sup>6</sup>. The complaints figures refer to alcohol products (making no distinction between wine, cider, spirits, beer, etc).

### **The data provided is based on the number of total complaints received:**

- ▶ Complaints received do not mean that the advertisement was subsequently upheld and the advertisement found in breach of the code.
- ▶ Several complaints can be received about one advertisement; hence the amount of complaints in breach does not correspond to the number of potentially problematic advertisements.

Hence these figures reflect expressions of concerns from consumers or competitors. They are presented each time along with the total number of complaints received that year by the national SRO.

Full reports on EASA statistics are available on the EASA website : [www.EASA-alliance.org](http://www.EASA-alliance.org)

Detailed national statistics reports are available on each of the national SROs website.

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<sup>6</sup> When the report was finalised, not all of the 22 countries member of the EASA network had made their 2009 data available to the EASA secretariat. When available, these have been added as footnote.

# The 7 Operational Standards

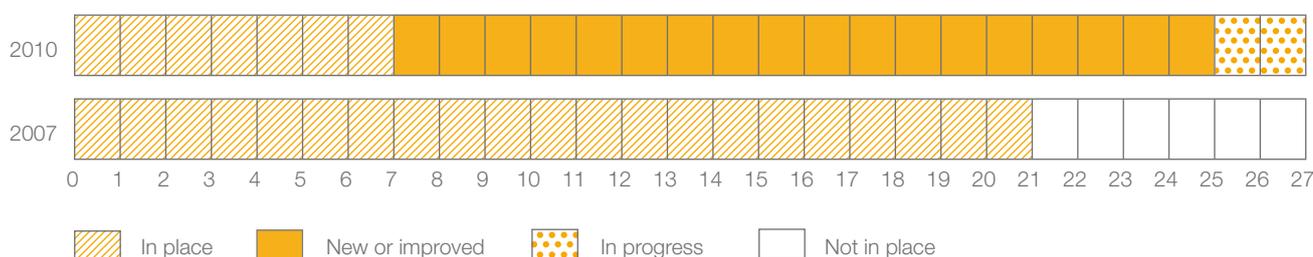


## Overview of the Implementation of the 7 Operational Standards between 2007 and 2010

The full information on the 7 Operational Standards listed below is explained in detail in each of the country profiles available in the ensuing report.

### 01 | Code Coverage

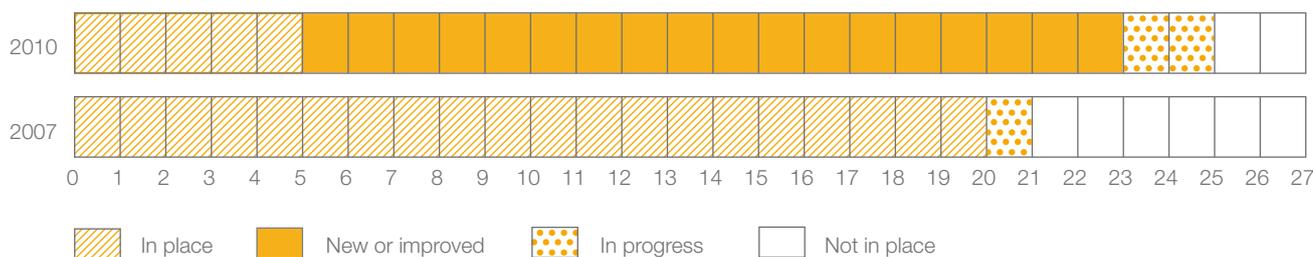
Between 2007 and 2010, 18 of 27 countries revised the content or the remits of their code. Two are currently in the process of doing so. Full implementation in the EU-27 should be in place as of May 2010.



**Table 01** | Overview of the implementation of the 7 Operational Standards Criteria ‘Code Coverage’ between September 2007 and March 2010.

### 02 | Code Compliance

Between 2007 and 2010, 18 of 27 countries organised trainings on the applicable code and/or put in place or revised the provision of copy advice services for beer advertisements. Two more are in the process of doing so<sup>7</sup>.

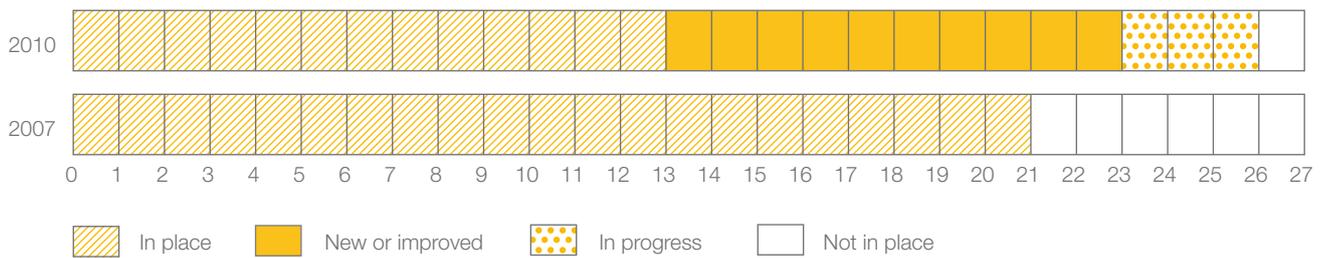


**Table 02** | Overview of the implementation of the 7 Operational Standards Criteria ‘Code of Compliance’ between September 2007 and March 2010.

<sup>7</sup> Cyprus when the SRO will be launched in May 2010, and cooperation agreement to be signed between the Lithuanian SRO, LRB and the Lithuanian Brewers Association

### 03 | Complaints Handling

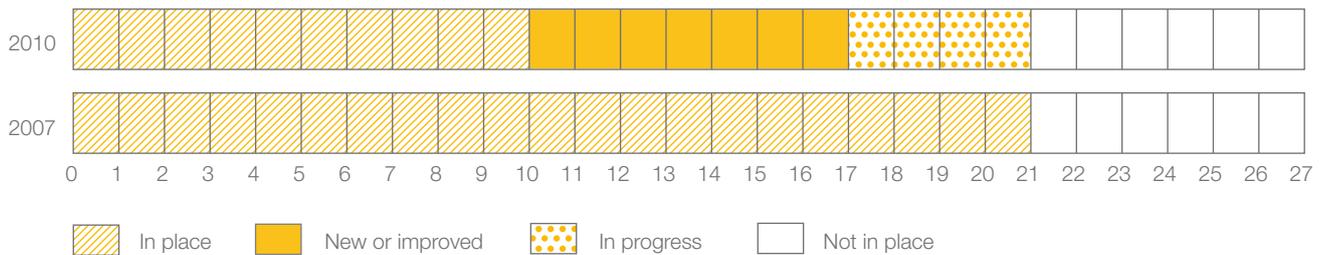
Between 2007 and 2010, 10 of 27 countries created or improved their complaints-handling system on advertising for beer, and three more are in the process of doing so. The new systems should be in place in May 2010. To date, only Malta does not have a complaints-handling system for beer advertising.



**Table 03** | Overview of the implementation of the 7 Operational Standards Criteria ‘Complaints Handling’ between September 2007 and March 2010.

### 04 | Speed of Decision

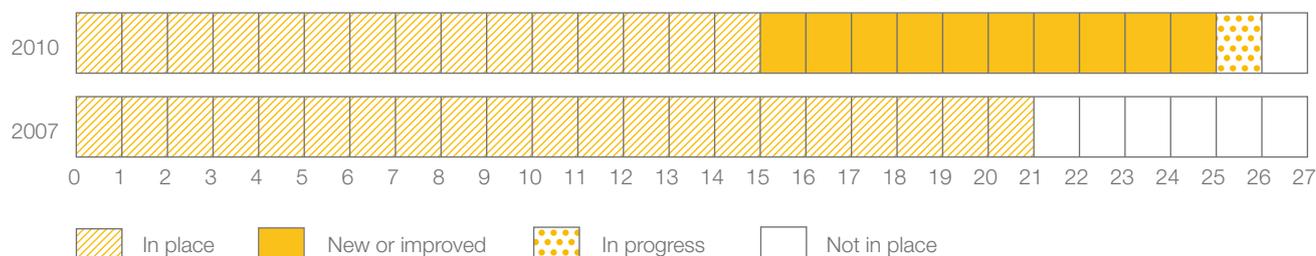
Between 2007 and 2010, seven of 27 countries created or improved their complaints-handling system on advertising for beer to meet better standards in the timeframe to handle complaints on advertising. Four more are in the process of doing so, and the new, improved systems should be in place in May 2010.



**Table 04** | Overview of the implementation of the 7 Operational Standards Criteria ‘Speed of Decision’ between September 2007 and March 2010.

### 05 | Sanctions

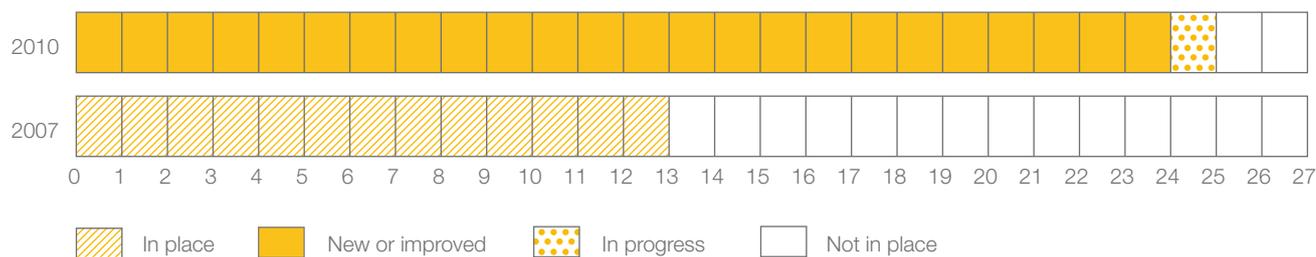
In 2007, 21 countries met the efficiency criteria in terms of sanctions in case an advertisement is found in breach. The remaining six did not have a complaints-handling system at that time. In the three years since, 10 countries have either: created complaints-handling systems and corresponding enforcement sanctions; or improved the array of tools to discourage brewers found in breach of the code from violating the rules in the future.



**Table 05** | Overview of the Implementation of the 7 Operational Standards Criteria for ‘Sanctions’ between September 2007 and March 2010.

## 06 | Consumer Awareness

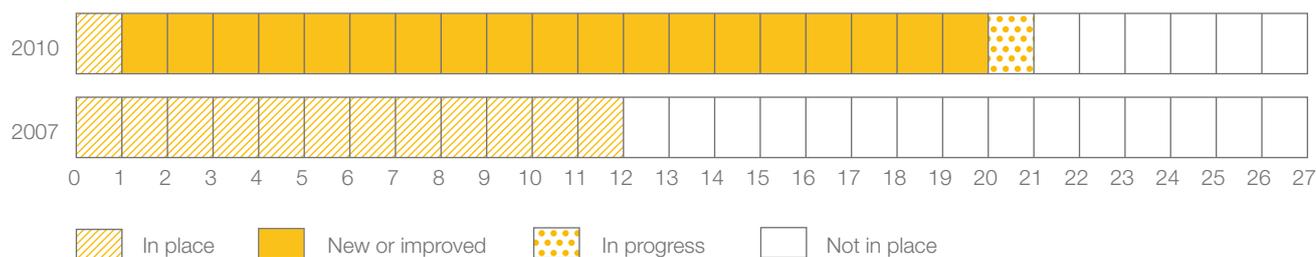
Between 2007 and 2010, 24 of 27 countries ran new awareness campaigns and one more should be launched in May 2010. Of the remaining 2<sup>8</sup>, one has no complaints-handling system, and both have no SROs in place.



**Table 06** | Overview of the Implementation of the 7 Operational Standards Criteria for ‘Consumer Awareness’ between September 2007 and March 2010.

## 07 | Own-initiative Monitoring

Between 2007 and 2010, 19 of 27 countries ran a national compliance monitoring exercise on alcohol advertising, or introduced a procedure to log complaints under the Own-initiative Monitoring of the SRO or national brewers association secretariat.



**Table 07** | Overview of the Implementation of the 7 Operational Standards Criteria for ‘Own-initiative Monitoring’ between September 2007 and March 2010.

<sup>8</sup> Latvia and Malta

# National Reports on the Implementation of the 7 Operational Standards



## National Reports on the Implementation of the 7 Operational Standards

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1   Austria	37
2   Belgium	40
3   Bulgaria	43
4   Cyprus	47
5   Czech Republic	50
6   Denmark	53
7   Estonia	56
8   Finland	59
9   France	62
10   Germany	66
11   Greece	69
12   Hungary	72
13   Ireland	75
14   Italy	79
15   Latvia	83
16   Lithuania	85
17   Luxembourg	88
18   Malta	90
19   Netherlands	91
20   Poland	93
21   Portugal	97
22   Romania	101
23   Slovakia	104
24   Slovenia	107
25   Spain	110
26   Sweden	115
27   UK	118

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# National Reports on the Implementation of the 7 Operational Standards



# 1 | Austria



## New or Improved between 2007 and 2010

01 | Code Coverage  
02 | Code Compliance  
03 | Complaints Handling  
04 | Speed of Decision

05 | Sanctions  
06 | Consumer Awareness  
07 | Own-initiative Monitoring

*Advertising in Austria is subject to extensive legislative regulation, including prohibitions against the unsolicited use of email, fax and telephone for direct marketing. Misleading advertising falls under the provisions of unfair competition law and most complaints in this category are dealt with by the courts.*

*The general advertising self-regulatory organisation (SRO), which deals with beer advertising, has existed as an independent body since 1974 and is mainly concerned with aspects of social responsibility and decency. In 2008, the SRO introduced a new complaints procedure which brings further independence to the jury and significantly speeds up the complaints process. The SRO was awarded with the EASA Best Practice Bronze Award in 2009.*

*Austrian Brewers are not direct members of the Austrian SRO, but are indirectly members through the Federation of Austrian Industries (through the Branded Goods Association of Austria).*

*Regarding beer advertising, complaints directed to the brewers association are assessed by the brewers expert advisory committee, who acts as the judging panel.*

### 01 | Code Coverage

The Österreichische Selbstbeschränkungskodex (Austrian Self-Regulatory Code), last revised in 2009, applies to all media and follows the Consolidated ICC Code.

The SRO Code is split into general rules and special codes including that of the Austrian Brewers.

### 02 | Code Compliance

In order to raise awareness and to further the understanding of how the code is interpreted, a workshop was organised jointly by the Austrian Brewers and the Professional Association of Advertising and Market Communications Industry in 2008.

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The ÖWR is planning in 2010 training sessions on copy advice services and the 2009 changes incorporated in the Code.

The ÖWR introduced a copy advice system in 2004, which was further developed in 2009. Advice on creative execution is available free of charge to both members and non-members, and is provided by a committee comprising the Presidency (which is comprised of the Chairman plus two Vice-Chairmen) and the Secretariat.

Requests are handled within three business days, and can be sent by email. Requests can also be made through the European Copy Advice/Pre-Clearance Facility at [www.ad-advice.org](http://www.ad-advice.org).

### 03 | Complaints Handling

Complaints about beer advertising can be handled by the ÖWR, or the Austrian Brewers Association's own judging council, in cases of direct complaints to the association.

The Austrian Brewers' own judging panel is composed of a former vice-president of the Austrian Supreme Court of Justice (who is the Chairman), lawyers, advertisers, as well as other members who are representatives of consumer organisations and the food industry.

Since 2007 (when the Austrian Brewers published the 'Kommunikationskodex'), no complaints have been made directly to the Austrian Brewers Association. So far, no complaints have been transferred between the two entities, either.

The ÖWR restructured its complaints system in 2008 and now handles complaints from both consumers and competitors free of charge within six business days. Complaints must be submitted in writing or via the online complaint form on the ÖWR website, with an explanation of the grounds for the complaint and a description or example of the offending advertisement.

The ÖWR complaints jury is both composed of members from the advertising industry (advertisers, media and agencies) and, since 2008, of independent lay experts (academics, lawyers, psychologists, medical professions) as well. The independent chair is chosen among the lay experts of the Jury.

The brewers, or the agency they work with, only have a right to appeal an ÖWR jury decision if new evidence can be brought forward. Appeals must be submitted within two days of a decision's publication. The ÖWR Council's decision has to be confirmed by the General Assembly. The overall appeals process takes a maximum of 10 business days.

In 2008, the ÖWR dealt with 226 complaints in total. Of these, five complaints were about alcohol advertising (beer, spirits and wine)<sup>9</sup>.

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<sup>9</sup> The ÖWR dealt in 2009 with 213 complaints in total. Out of these, one complaint was about alcohol advertising (beer, spirits and wine all together).

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## 04 | Speed of Decision

The ÖWR restructured its complaints system in 2008 and now handles complaints from both consumers and competitors free of charge within six business days.

If a complaint is within the remit of the ÖWR, the brewer and the agency responsible are informed and invited to respond within three business days. The media concerned are also informed. If the brewer and/or agency offers to amend or discontinue the advertisement, the ÖWR informs all the parties concerned. If the brewer and/or the agency declines to amend or discontinue the advertisement, or if they fail to respond within the prescribed period of time, the complaint will be forwarded to the Council. The Council, which is split into two Senates of 45 members each, takes a decision by simple majority within three business days following online consultations. If the complaint is upheld, the ÖWR General Assembly has to confirm the decision, after which the brewer/agency, the complainant and the Chamber of Commerce are informed.

## 05 | Sanctions

If the complaint is upheld, the ÖWR General Assembly has to confirm the decision, after which the brewer/agency, the complainant and the Chamber of Commerce are informed. Decisions are also published on the ÖWR website.

Complaints regarding advertising that are already the subject of a judicial procedure will not be handled. Complaints that fall outside of the ÖWR's remit are forwarded, whenever possible, to the relevant public authorities, with whom cooperative relationships are maintained.

## 06 | Consumer Awareness

The ÖWR has an easy-to-use, online complaint system available. A yearly report of complaints and decisions is published, and is also available at [www.werberat.at](http://www.werberat.at)

Work on raising awareness of the activities of the SRO is constant. The ÖWR also has good relations with the press which reports on its activities and decisions.

## 07 | Own-initiative Monitoring

The ÖWR participated in monitoring exercises on alcohol advertising coordinated by EASA, and hence monitored the Austrian beer advertisement landscape.

At the national level, the ÖWR monitors advertising on its own initiative only in exceptional circumstances or where there is evidence of public concern, e.g. a monitoring exercise on violence was carried out in 2007 and monitoring was run in 2009 on sexual discrimination in advertising.

## 2 | Belgium



## New or Improved between 2007 and 2010

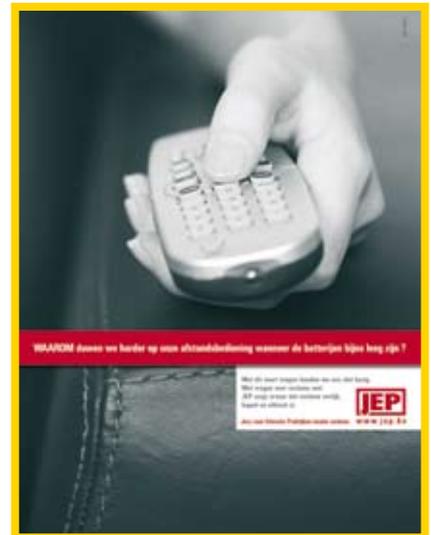
01 | Code Coverage  
02 | Code Compliance  
03 | Complaints Handling  
04 | Speed of Decision

05 | Sanctions  
06 | Consumer Awareness  
07 | Own-initiative Monitoring

*Advertising in Belgium is subject to substantial legislative regulation. Because of the country's federal structure, this manifests itself at both national and "community" levels.*

*The Belgian SRO JEP (Jury d'éthique publicitaire - De Jury voor Ethische Praktijken Inzake Reclame), in operation since 1974, introduced in 2008 an appeals procedure and a jury composed in equal parts of advertising industry professionals and representatives of civil society.*

*The Belgian Brewers are indirectly contributing to the JEP. The brewing companies adhere to the Belgian Union of Advertisers, itself member of the Belgian Advertising Council (Conseil de la Publicité), of which the JEP is a part. Both the Belgian Brewers and the Belgian Advertising Council are among the co-signatories of the 'Covenant concerning behaviour and advertising of alcoholic beverages'.*



## 01 | Code Coverage

By means of the 'Covenant concerning behaviour and advertising of alcoholic beverages', the former beer self-regulation code (code Arnoldus) and the wine and spirits code evolved into a co-regulation agreement between the industry<sup>10</sup>, consumer organisations and the government. This Covenant, published 12 of May 2005, regulates advertising for drinks with an alcohol content of more than 1.2% vol and is applicable to all media. The JEP is in charge of handling complaints relating to advertisements subject to the Covenant.

As part of this commitment, the JEP provides every year an evaluation report to the signatories of the Covenant, as well as to the Belgian Ministry of Health, giving an overview of the copy advice requests and complaints information in relation to alcoholic beverage advertising.

## 02 | Code Compliance

Training sessions to ensure better knowledge of the code in the sector were organised between 2007 and 2010 with the JEP and the Belgian Brewers.

<sup>10</sup> Brewers Federation, Belgian Federation of Wine and Spirits, Fedis (the Belgian retail federation), the HORECA federation and the Belgian Advertising Council.

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Since January 2008, the JEP has provided non-binding copy advice. Brewers, agencies and the media can request confidential, pre-publication or pre-broadcast advice on whether an advertisement complies with the code and legislation. Copy advice is available either at an early stage, on the basis of a script and/or story board, or for the finished advertisement.

An online copy advice request form is available at [www.jep.be](http://www.jep.be). Requests can also be made through the European Copy Advice/Pre-Clearance Facility at [www.ad-advice.org](http://www.ad-advice.org).

The JEP does not pre-clear advertisements except as a form of sanction (see below).

### 03 | Complaints Handling

The JEP handles complaints from members of the public (consumers, consumer organisations, public authorities, etc.) but not complaints from the industry, i.e. competitors or other advertisers, which are the responsibility of the courts. Complaints are handled free of charge. Complaints must be submitted in writing, together with a copy of the advertisement in question if possible. An online complaints form is available in Dutch and French on the JEP website.

Since a reform undertaken in 2007 to improve its complaints-handling system, the JEP's Complaints jury is composed of 50% industry members and 50% representatives of civil society (Test-Achats, Foundation Roi Baudouin, the Gender Equality Institute, professors and researchers) The complaints jury meets every week, but can come together for emergency meetings in urgent cases. The Jury decides whether the advertisement contravenes the law and/or the self-regulatory code and rules and, if it does, whether it should be modified or withdrawn. If necessary, the Jury may seek expert advice. If the Jury feels that it has insufficient information, it may require further investigation.

Advertisers or complainants may appeal against a decision of the Jury. Appeals must be lodged within five business days of the original decision. An appeal will be considered in cases where: new elements or new evidence are presented; the Jury's decision is shown to have been contrary to legal or self-regulatory principles; or the prescribed procedure has not been followed. The Appeals Jury meets every month, but can meet quicker in urgent cases.

In 2008 JEP dealt with 678 complaints in total. Of these, eight complaints were about alcohol advertising (beer, spirits and wine)<sup>11</sup>.

### 04 | Speed of Decision

An advertiser is advised of a complaint and invited to respond in writing, normally within two to four business days. The case is then referred to the Jury. If no appeal is lodged within five business days after the Jury's decision has been sent, the first Jury's decision takes immediate effect.

The complaints procedure normally takes one week to reach a decision.

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<sup>11</sup> In 2009, JEP dealt with 238 complaints in total. Out of these also eight complaints were about alcohol advertising (beer, spirits and wine all together).

## 05 | Sanctions

If an advertiser fails to comply voluntarily (which is exceptional), the media are asked to refuse/stop the advertisement. In some cases, the Jury may require an advertiser to submit future campaigns for pre-clearance for a specific period of time.

The Secretariat ensures that the Jury's decisions are implemented. If the media concerned ignore the JEP's request to refuse an advertisement, the Board of the Advertising Council (the Belgian advertising industry association), may take legal action, which hasn't been necessary up till now.

Once a case is closed, a summary is published on the JEP website; this includes the identity of the advertiser, the product name, the nature of the complaint, the advertiser's response, the decision of the Jury and the final outcome.

## 06 | Consumer Awareness

The Secretariat of the JEP provides information on its activities, self-regulation and the code, to agencies, media, advertisers and the public. Roadshows are undertaken when appropriate. The JEP publishes an Annual Report (Activiteitsverslag/rapport d'Activité) and, in 2007 and 2008, it launched a public awareness campaign on television and radio, through outdoor advertising media and on the internet, and in the press. It also responds to frequent information requests from journalists, hence ensuring regular coverage of the JEP's activities in the Belgian press.

Jury adjudications are also published on the website with the product name and the identity of the advertiser. The site is available in French and in Dutch: [www.jep.be](http://www.jep.be).

Every year, the Advertising Council organises or participates in a seminar (Dag van de Reclame/Journée de la Publicité, Advertising Day/Communication Week) aimed at raising awareness of the self-regulatory system.

## 07 | Own-initiative Monitoring

The JEP does not monitor advertising on its own initiative, but participates in pan-European monitoring exercises coordinated by EASA.

## 3 | Bulgaria



## New or Improved between 2007 and 2010

01 | Code Coverage  
 02 | Code Compliance  
 03 | Complaints Handling  
 04 | Speed of Decision

05 | Sanctions  
 06 | Consumer Awareness  
 07 | Own-initiative Monitoring

*Advertising in Bulgaria is subject to a certain amount of legislative regulation. The transposition of the AVMSD created conditions for recognition of self- and co-regulation in Bulgaria. The 2010 changes of the Television and Radio Act (art. 76) oblige the media services providers to observe the Ethical Code of the newly established Bulgarian SRO, NCSR (National Council for Self-Regulation) and art. 126 provides for material sanctions in case of non-performance.*

*By helping promote self-regulation beyond just beer advertising, the Union of Bulgarian Brewers (UBB) have pioneered the concept of self-regulation in Bulgaria before the general advertising SRO NCSR was set up. UBB has been a support to the development of the SRO and NCSR Code.*

*NCSR was launched on 30 September 2009. The NCSR structure was inspired from the experience of existing self-regulatory organisations, in particular of those in Belgium, Romania and Slovakia. The NCSR has followed several of EASA's Best Practice Recommendations especially with regards to code drafting, code consultation, jury composition and coverage of digital media.*

*UBB is not a member of NCSR. As the NCSR is in charge of the compliance with the general advertising self-regulation code in Bulgaria, its existence has not changed the tasks of UBB who developed its own complaints-handling mechanism for beer advertisements. There are no contradictions between the NCSR code and the UBB code; the Brewers' code is stricter and sector specific<sup>12</sup>.*

**01 | Code Coverage**

In 2005 the UBB members publicly signed their own Code of Self-Regulation which covers brewers' commercial communications in all media. UBB membership<sup>13</sup> is bound by the code. In 2009 UBB Code and Regulations for Implementing the Code were revised to strengthen the letter and spirit of the brewers' self-regulatory system.

<sup>12</sup> Example: requirements on responsible drinking message for the industry

<sup>13</sup> All Bulgarian brewers except one company, who nevertheless respects the code, according to UBB.

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The NCSR National Ethical Rules for Advertising and Commercial Communication are based on the Consolidated ICC Code of Advertising and Marketing Communications. The Code is applicable to any form of advertising and marketing communications, which is to be taken in the broadest sense, and covers all communication channels: television, cinema, radio, outdoor, print, direct marketing and the internet, as well as new technologies for marketing communication.

## 02 | Code Compliance

In February 2009, the UBB organised a training seminar for the copy advice experts, Complaints Jury members and post-monitoring college to promote clearer recognition and interpretation of the new detailed rules and principles. The UBB distributed among its membership and external partners a manual explaining the role, letter and the spirit of the Code and SR good practice to further enhance the knowledge and understanding of responsible commercial communications. In 2008, two conferences and three roundtables were organised to promote the Brewers' high standards in SR and EASA good practice. In three of these events, EASA representatives were speakers and participants.

Since January 2009, copy-advice for beer advertisement has been available to UBB members for television, cinema, radio, press, posters and billboards advertisements. It is non-binding, voluntary, free of charge, and at the request of the beer advertiser. The UBB copy advice is provided by independent experts (a lawyer, media experts, an advertising expert, a psychologist specialised in juveniles and a public relations expert).

As the NCSR was only set up in September 2009, it does not yet provide copy advice services.

## 03 | Complaints Handling

Up until the launch of the NCSR in September 2009, only the UBB system was in place to handle complaints on beer advertisements. The UBB Complaints Jury includes representatives from Bulgarian consumer organisations, an independent university professor, a representative of the Association of Advertising Agencies, a representative of the Association of Bulgarian Radio and television Broadcasters, and a municipal officer from the Sofia Center for Drug Abuse. Complaints about beer advertising can be sent via email to the website of UBB or by post to a PO box. This has been publicised on the UBB website and in the Bulgarian press. To date, no complaints about beer advertisements have been received by the UBB.

Since September 2009, complaints about beer advertising have been handled by the NCSR as well. The NCSR handles complaints from competitors, consumers and other interested parties free of charge. Complaints must be submitted in writing or via the online complaint form on the NCSR website ([www.nss-bg.org](http://www.nss-bg.org)), with an explanation of the grounds for the complaint and a description or example of the offending advertisement.

The NCSR Jury is composed of 11 members representing the advertising industry and consumer groups as well as experts and academics. Should a jury member have a conflict of interest with a particular case, s/he is not allowed to vote on that case. Decisions are taken with 2/3 majority. In cases where such a majority cannot be reached in two consecutive sessions of the Jury, a 50%+1 majority applies.

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The NCSR will reject a complaint if it considers that it does not fall within the remit of the Code and will inform the complainant if this is the case. If the complaint does fall within the remit of the Code :

**a) Mediation between the parties is offered.** If refused or unsuccessful.

**b) The advertiser and/or agency is invited to comment within five business days, after which the case is considered.** If the complaint is upheld, the advertiser and/or agency is instructed to amend or discontinue the advertisement by a certain deadline. The complainant and the media are informed of the NCSR's decision, and all adjudications are published on the NCSR website.

Both the complainant and the advertiser have a right of appeal a NCSR jury decision on procedural grounds or in the case of new evidence. The Appeals Committee is comprised of five members. It is independent of the Complaints Committee, as the members are different and the Appeals Committee features a higher percentage of independent elements than the Complaints Committee.

## 04 | Speed of Decision

The complaint system within the UBB procedure typically takes 10 days. As stated above, once a complaint is registered, the advertiser and/or agency is invited to comment within five business days, after which the case is deliberated.

The NCSR complaint adjudication process typically takes 15 days. For urgent cases, a fast-track mechanism is in place and complaints are dealt with immediately.

## 05 | Sanctions

The initiatives and results of UBB Complaints Jury decisions, copy advice recommendations, and post-monitoring findings are publicly announced at least twice a year at UBB press conferences. In between, the results are available upon request.

The sanctions available to the NCSR include the publication of decisions, adverse publicity in the media and request to the media to refuse advertisements. As stated above, Art. 126 of the Radio and television act makes possible financial sanctions for media services providers that refuse to abide by decisions of the Jury.

## 06 | Consumer Awareness

Prior to and in parallel with NCSR activities, the UBB undertook awareness activities for beer self-regulation via press, the internet, displays at public events, brochures distributed through a national newspaper, and a memorandum for cooperation signed in July 2007 with the largest consumer organisation. Consumers have access to an English-language version of UBB SR acts/documents and organisation SR activities, which increases Consumer Awareness and allows better opportunities for communicating to a wider public. Complete and detailed information on SR is available in Bulgarian in a special section of the online library on the website of UBB - [www.pivovari.com](http://www.pivovari.com).

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The NCSR website contains general information about the self-regulation process and its benefits, information about the NCSR and its member organisations, personal profiles of the board members and descriptions of the Ethical and Appeals Committees and other bodies. Instructions are also given on how to file a complaint, together with the online complaint form, as well as complaint handling procedures. The site also contains the full texts of the Code, as well as regulations stipulating the workings of the self-regulatory organisation; e.g. average adjudication time, how to file a complaint, etc. The site also provides a link to EASA's site.

At the launch of the NCSR in September 2009, the Bulgarian advertising self-regulatory system and the Code were presented to a wide range of stakeholders and media. Individual presentations of the system have been made to the Union of Publishers, public relations associations, at the Web IT Conference and to the Ministry of Culture in relation to the transposition of the AVMS Directive into Bulgarian law.

The NCSR also regularly gives interviews in different media to raise awareness of the system among the general public. An awareness campaign aimed at the general public and using all types of media was planned for early 2010.

## **07 | Own-initiative Monitoring**

In 2009 and 2010, UBB members have continued to apply the mandatory post-monitoring compliance procedure to all UBB members' advertisements: One day before launch, the UBB must be told a new advertisement will be launched. Then, two days after the launch, a DVD with the advertisement must be sent to the UBB and within two days, this must be sent to the competitors. The information on the procedure and statistics is available on the UBB website.

The NCSR has created a structure dedicated to monitoring. The Monitoring Committee, composed of three people, monitors whether advertisers follow the adjudications. And the Expert Group, composed of three representatives elected by the founding members, can be consulted by any of the bodies of the SRO (even the Jury) for interpretations of the Code.

No reports have been published so far as the structure has just been launched, but information should be made available in the coming months.

## 4 | Cyprus



## New or Improved between 2007 and 2010

01 | Code Coverage  
02 | Code Compliance  
03 | Complaints Handling  
04 | Speed of Decision

05 | Sanctions  
06 | Consumer Awareness  
07 | Own-initiative Monitoring

*SR project  
to be launched May 2010  
The foreseen structure aims to  
respond to the criteria on the left*

*The Cypriot Brewers Association embarked on a self-regulation project in 2008, agreeing on a Code, assembling a jury and organising training in January 2010. The project should be fully operational as of May 2010.*

*In parallel, a general advertising self-regulation project has been developed. At the date the report was finalised<sup>14</sup>, the Cypriot general SRO had not yet been formally launched: the official communication was planned for 28 April 2010<sup>15</sup>. The SR project was inspired by the EASA Best Practice recommendations. EASA has worked closely with the SRO project team and will continue to assist them in the coming months with training and staff support.*

**01 | Code Coverage**

The Cypriot Brewers Association has adopted a code based on The Brewers of Europe Guidelines for Responsible Commercial Communications which is applicable to all media. The general advertising code of the future SRO will be based on the ICC Consolidated Code and will cover all media.

**02 | Code Compliance**

On 27 January 2010, The Cypriot Brewers' Jury participated in a training session to increase awareness of both the letter and the spirit of the Brewers' Code. During this training session the Code and the supporting document were presented to the Jury members. Building upon this experience, a second training session is planned in 2010.

Training on the Brewers' self-regulation system, directed at advertising professionals, is planned during the first two months after the launch, expected in May 2010.

The new SRO plans to offer copy advice services within six months of the launch. Staff training and strategic support will be provided in coordination with EASA and other SRO members.

<sup>14</sup> End March 2010

<sup>15</sup> The project is sufficiently advanced to enable EASA to report on the project, based on the information shared by the project leader of the local SR project.

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### 03 | Complaints Handling

The Cypriot Brewers Association has created a complaints-handling system, which should be operational from May 2010, and will be structured as follows:

- ▶ **The Complaints Committee:** the Cyprus Consumers Association; the Advertisers Association; the Chamber of Commerce and Industry; an academic and a lawyer.
- ▶ **The Appeals Committee:** a lawyer (former judge); the Advertising and Communication Agencies Association; Cyprus Youth Organisation (still pending)

The future Cypriot SRO will handle both consumer and competitor complaints about advertising. The details of the procedure and SRO articles of association and procedure will be agreed on by the future SRO Board at the end of April 2010. According to the SRO blueprint, the first level Jury will be selected from a pool of around 50 persons coming from the industry (advertisers and agencies) with a desire to include consumer' representatives and academics. The percentage of representatives will be agreed on by the Board of the SRO. Although no official confirmation has been received to date, the system is likely to be structured with an appeals committee.

Cooperation between the two projects exists as the SRO project leader is a member of the Cypriot Brewers Association Complaints Committee. The modus operandi of how complaints are transferred once the two systems are in operation has not been defined yet.

### 04 | Speed of Decision

The Cypriot Brewers Association plans for their system to reach decisions within 10 days. According to the SRO blueprint, the future Cypriot SRO Jury will meet once a week, twice in cases of heightened complaints activity.

### 05 | Sanctions

The Cypriot Brewers Association will use adverse publicity and mandatory copy advice before the launch of future campaigns as sanction.

The future Cypriot SRO first level Jury will be able to block commercial communications. The media, covering all sectors and members of the SRO, will play a gatekeeper role to ensure that decisions are not by-passed. Decisions will be published on the SRO website.

### 06 | Consumer Awareness

The Cyprus Brewers Association held in December 2009 a press conference to present the Association, its self-regulatory system and structure and announce the launch of the complaints committees on commercial communication for spring 2010. The future Cypriot SRO plans an awareness campaign aimed at the general public to announce the launch of the system.

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## 07 | Own-initiative Monitoring

The Cypriot Brewers Association plans to monitor the activity of its members, and to conduct a review of their standards once a year.

The new SRO plans to conduct ongoing monitoring of advertisements, thanks to an agreement reached with a service provider who will provide a database of all new advertisements. The SRO will be able to act through an own-initiative procedure and the Secretariat will be able to transfer complaints to the Jury accordingly.

## 5 | Czech Republic



### New or Improved between 2007 and 2010

02 | Code Compliance

06 | Consumer Awareness

07 | Own-initiative Monitoring

*Beer advertisements in the Czech Republic are submitted to two complementary layers of self-regulation.*

*RPR the Czech SRO, was established in 1994. The Czech Brewers Association became a member of the RPR in January 2007.*

*Before this date, The Czech Beer and Malt Association (CSPS) entity called the Responsible Brewers Initiative (RBI) handled complaints about beer advertising.*

*Since 2007, the Czech Beer Code has been integrated within the RPR, which enforces and take adjudication on the said code. In parallel, the Responsible Brewers Initiative (RBI) has kept an internal fast-track system, allowing them to deal with any urgent cases that may arise.*

### 01 | Code Coverage

The Czech Code of Advertising Practice applies to all aspects of non-broadcast advertising and ethical aspects of broadcast advertising (other aspects are regulated by statutory controls). As stated above, the Czech Beer Code has been now integrated within the RPR.

### 02 | Code Compliance

The Czech Beer and Malt Association, CSPS<sup>16</sup> organises training sessions and workshops annually. The RPR is invited to participate and give lectures on these occasions.

Brewers, or the advertising agencies they work with, can consult RPR for copy advice. Copy advice is given by the RPR Arbitration Committee, on the basis of submissions prepared by the Secretariat. Thanks to the RPR online facility, the average turnover time is two to three days from the date of application by the advertiser or agency.

Requests can also be made through the European Copy Advice/Pre-Clearance Facility at [www.ad-advice.org](http://www.ad-advice.org).

<sup>16</sup> The CSPS section IZP, Czech acronym standing for the RBI

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### 03 | Complaints Handling

Complaints about beer advertisements can be sent to the RPR. The CSPS also maintains an internal fast-track system for urgent cases.

Complaints must be submitted in writing or via the online complaint form on the RPR website. All complaints are handled free of charge.

The 13-member Arbitration Committee deals with complaints received by the RPR. The Committee meets once a month to review matters submitted by the Secretariat or via the online adjudication procedure in urgent cases. It comprises representatives of advertisers, advertising agencies and the media as well as a psychologist, a sexologist, legal experts and the RPR's chairman, who chairs its meetings. It is also supported by three non-voting members who have an advisory role. If necessary, the Committee can also consult external experts.

The RPR Adjudication Committee also acts as an appeals body for decisions taken by the CSPS. Within the RPR procedure, an advertiser or advertising agency can make a formal appeal to the Arbitration Committee within seven days of the original decision. It is recommended in an appeal to provide new evidence to the Committee. The appeal, if considered of substance, is considered at the next Arbitration Committee meeting, or via the online facility if the case is urgent. The Committee decides whether to revise the original decision and notifies the parties concerned within seven days.

In 2008, the RPR dealt with 128 complaints in total. Of these, six complaints were about alcohol advertising (beer, spirits and wine).

### 04 | Speed of Decision

The CSPS meets once a month (IZP – RBI) to discuss and adjudicate internally on cases that have been brought to their attention in the course of the previous period.

The RPR Jury meets once a month in person to adjudicate cases and the verdicts are published within a week after the meeting. In urgent cases, the Arbitration Committee can decide via an online adjudication procedure. In these cases, it takes two to three days for an adjudication.

### 05 | Sanctions

RPR members must comply with adjudications by the Arbitration Committee. In the event of non-compliance with its rulings, the RPR can prompt the media to refuse an advertisement.

The decisions of the Arbitration Committee are published on the RPR website and, on a monthly basis, in the advertising press.

In addition, in cases of violations of the Code, the Czech Brewers Association will send a letter to the member concerned, promoting the Code and the Association's values. If the brewer continues to violate the Code, the brewer will be publically condemned and censured.

## **06 | Consumer Awareness**

The RPR has a comprehensive website providing information on previous adjudications by the Arbitration Committee, as well as information on how to obtain copy advice and an online complaints form.

The RPR also publishes an annual complaints summary in the advertising press, containing details of complaints handled.

The RPR organises regular conferences, workshops and seminars for the industry and consumers. Press briefings occur on an ad hoc basis, including those organised in collaboration with Czech brewers.

## **07 | Own-initiative Monitoring**

The Secretariat of the RPR monitors on an ad-hoc basis advertisements in daily newspapers. The RPR may investigate cases on its own initiative, arising from its monitoring activities.

The RPR also participates in pan-European monitoring exercises coordinated by EASA.

## 6 | Denmark

### New or Improved between 2007 and 2010

#### 06 | Consumer Awareness

#### Strong regulatory framework

*The Danish system is very specific and built on national traditions. The difference between this country and its European counterparts lies in the existence of a Consumer Ombudsman who is in charge of consumer protection. Alcohol advertising is dealt with exclusively by the independent, non-political, co-regulatory body Alkoholreklamenævnet. The Board is drawn up by the Danish Ministry of Economics and Business Affairs, and approved by the Danish Ministry of Health and the Consumers Ombudsman to enforce the Code of Practice for Marketing of Alcoholic Beverages in Denmark, which previously had been handled by the Consumer Ombudsman.*

*Because of this unique system, Denmark is not represented in the EASA membership as no 'one-stop-shop' SRO for all advertising exists.*

#### 01 | Code Coverage

A 'Code of Practice for Marketing of Alcoholic Beverages' was negotiated and agreed on in 2000 by: the Ministry of Economics and Business Affairs; the Ministry of Health; the Consumers Ombudsman; the Danish Consumers Council; the Danish Brewers Association; the Danish Wine and Spirits Organisation; the Danish Chamber of Commerce; the Organisation of Danish Spirits Producers; the Danish Hotels, Restaurants and Leisure Industries Association (HORECA); the Danish Association of Advertising and Relationship Agencies; and the Federation of Retail Grocers in Denmark. The members of the Danish Brewers Association are therefore bound by this Code when advertising for their brands.

This Code applies to any form of media used, including direct marketing, sponsorship and sales promotions and communications via the internet and mobile telephones.

#### 02 | Code Compliance

The different associations within the Alcohol Advertising Board offer free and non-binding copy advice to members and other parties within the industry. For example the Brewers Association gives copy advice to the brewing sector as a whole, not just its members. Binding copy advice is available free of charge from the Consumers Ombudsman.

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The letter of the code is respected by the Jury and practitioners, but care is taken that the Code's letter and spirit are respected. Training seminars on the spirit of the Code have been organised for the members of the Alkoholreklamenævnet and for brewers to maximise respect of the Code.

### **03 | Complaints Handling**

The Alkoholreklamenævnet handles both competitor and consumer complaints and applies the Code of Practice.

Complaints can be submitted in writing, by telephone or via an online complaints form on the website. There is no charge for Complaints Handling.

When a complaint is submitted, the Secretariat will forward it to the Alcohol Advertising Board. The Secretariat will inform the respondent of the complaint, and encourage the respondent to comment in writing regarding the complaint. The Secretariat arranges a consultation meeting of the Board to decide whether it is admissible. If the Board considers the complaint to fall outside the jurisdiction of the Code of Practice, the Board will reject it, and formulate a thorough reply to the submitter of the complaint. If the Board finds that the complaint falls within the jurisdiction of the Code of Practice, it will make a ruling on the basis of the complaint and the respondent's submitted comments.

The Jury and its chair are independent to ensure that complaints are handled fairly. The Danish Consumer Council (as a member) and Danish Consumer Agency (as an observer) are part of the Jury.

### **04 | Speed of Decision**

Complaints can be handled within less than 10 business days. When a decision is taken, action to remove an advertisement if a campaign has already started is taken immediately.

### **05 | Sanctions**

If the Board decides that the commercial activity is in breach of the Code of Practice, it will formulate a decision where it expresses criticism about the commercial activity. If the Board finds that the breach is gross or repetitive, the Board issue a press release publicising its criticism. All complaints are published on the website once an adjudication has been rendered. The Board's decisions are expected to be followed up by immediate action, either in the form of a direct halt to the marketing or a change in the marketing campaign. Should the company not correct or remove the marketing action, the Board will then inform the Consumers Ombudsman. The Consumers Ombudsman then whether to take further action on the matter. The Consumers Ombudsman can immediately ban the marketing activity and levy fines on the company. Decisions taken by the Alkoholreklamenævnet are published annually in an activity report that is sent to special stakeholders and made available to the public.

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## 06 | Consumer Awareness

The Alkoholreklamenævnet's website and new name were launched in May 2008. There is a link on the website to launch a complaint procedure. The Consumers Ombudsman and the Alcohol Advertising Board have a common understanding which ensures that they inform one another of the processing and outcome of cases relating to the marketing of alcohol. There is a free right to file complaints, be they by individuals, businesses or organisations.

All Jury decisions are published on the internet which increases Consumer Awareness.

There has been a large national debate on the effects of self-regulation in the wake of a report published by the National Commission of Prevention and Health. Heightened public awareness has resulted in more private consumers visiting the website and filing complaints there.

## 07 | Own-initiative Monitoring

The Alkoholreklamenævnet Board members are allowed launch own-procedure initiatives and to monitor advertisements, even in cases where no complaint has been filed. Board-member complaints follow the normal process and, when decisions are taken, they are published on the website and reported as being own-initiative.

Part of the Code of Practice is a regular review of the Code to check its consistency within the context of current advertising and to ensure that it keeps pace with the evolution of society. The Code review is overseen by the Alkoholreklamenævnet Board and is currently taking place.

## 7 | Estonia



### New or Improved between 2007 and 2010

01 | Code Coverage  
04 | Speed of Decision  
06 | Consumer Awareness

*Strong regulatory framework  
SRO in progress*

*Advertising in Estonia is subject to significant legislative regulations which severely limits the advertising of alcohol products, and give little room for self-regulation to operate.*

*The Estonian Consumer Protection Board (CPB) controls the implementation of the Advertising Law<sup>17</sup>. In the case of a complaint, the CPB is required to investigate and decide the appropriate resolutions. Thus in the current Estonian legal framework, there is no legal possibility for complaints to be submitted to a general advertising self-regulatory organisation<sup>18</sup>.*

*However, a self-regulation scheme was endorsed by the Estonian Beer Union in 2005, and has been in development since that date. The Code and its process were reviewed at the start of 2010 with the aim of a new Code and upgraded system being in place as of 1 April 2010. Complaints about beer advertising can be addressed to the Estonian Brewers.*

#### 01 | Code Coverage

The Code of Ethics of the Estonian Breweries Association covers all advertising, ranging from traditional media such as billboards to new media such as the internet.

All Estonian Breweries Association members are required to adhere by the Estonian Breweries Association's Code of Ethics. Of the five breweries based in Estonia, the three biggest are members of the Estonian Breweries Association. The media, however, are not yet bound by the Code of Ethics.

<sup>17</sup> <http://www.legaltext.ee/et/andmebaas/tekst.asp?loc=text&dok=XXX0044&keel=en&pg=1&ptyyp=RT&tyyp=X&query=advertising+act>

<sup>18</sup> Despite this restrictive framework, the Estonian Advertising Council (EAC) was set up. The EAC is a consultative body providing advice to the CPB on advertising issues.

The EAC is composed of six members coming from the following industry associations:

- EAAA
- Estonian media-agencies organisation
- Estonian National Broadcasting System
- Estonian Council of Broadcasters
- Estonian Traders Association
- A marketing professor from Tallinn University

The EAC meets upon request from the CPB, when it receives complex cases on advertising and/or would like to receive a consultative opinion from the EAC.

The EAC members would welcome the possibility to adjudicate on complaints about advertising that are submitted to the CPB, but it is not allowed in the current legal context.

If the current situation should change, the EAC could establish itself as a general advertising SRO.

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The Estonian Breweries Association's Code of Ethics has been reviewed so as to have an upgraded system in place as of 1 April 2010.

## 02 | Code Compliance

The Estonian Breweries Association's Code of Ethics provides for the letter of the code which cannot be circumvented through activities not specifically banned by it. Therefore, the spirit of the code must be respected as well. The Estonian Breweries Association makes active efforts to alert their members of both the letter of the code and its spirit.

Though not procedure in the Estonian Breweries Association's Code of Ethics, copy advice is provided to brewers by the state-run Consumer Protection Board and by two non-profit institutions: the MTÜ Eesti Reklaamiagentuuride Liit (the Union of Estonian Advertisement Agencies) and Eesti Alkoholitootjate Liit (the Union of Estonian Alcohol Producers).

## 03 | Complaints Handling

A complaints jury called the Court of Honour receives the complaints and adjudicates whether there is a breach of the Estonian Breweries Association's Code of Ethics. Members of the Court of Honour come from different backgrounds, ranging from the temperance movement to the brewery industry to government ministries to the legal profession.

In the new system starting 1 April 2010, more than 50% of the members of the Court of Honour must be independent from the breweries that have joined the Code. Furthermore, the Chairman of the Court of Honour must also be independent from the activities of the brewing sector.

## 04 | Speed of Decision

When the Estonian Breweries Association's Code of Ethics was originally drafted, much of its influence came from Harju County Court proceedings. As such, the Court of Honour had to deliver a judgment within sixty days of start of the proceedings.

As of the 1 April 2010, the Court of Honour will have to deliver a judgment within twenty days of the start of proceedings, i.e. the original complaint being received by the Chairman of the Court of Honour. The defendant and the complainant may appeal the decision to the Harju County Court within seven days. The decision of the Court of Honour enters into force after seven days from the day of the judgment, although the procedure to remove or stop an advertisement judged in violation of the Code must begin immediately upon the judgment being communicated by the Court of Honour.

## 05 | Sanctions

The Court of Honour can impose a broad range of sanctions alongside the compulsory removal of an advertisement. Among other things, the Court can deny a brewer the right to advertise in the future. Naming and shaming can be used through requiring public apologies from the guilty brewer. The brewery can be fined up to 200,000 EEK and could even be expelled from the Estonian Breweries Association. Sanctions are therefore adequate deterrents to prevent irresponsible advertising, along with the negative publicity and attention from authorities.

## 06 | Consumer Awareness

Complaints to the Court of Honour can be submitted online through the website [www.eestiolu.ee](http://www.eestiolu.ee) where the Estonian Brewers Association's Code of Ethics can also be found. Consumer Awareness of the self-regulation scheme set up by the Estonian Breweries Association is increased by both the publication of decisions by the Court of Honour and the publication in newspapers of apologies by brewers found breach of the Code.

The Estonian Breweries Association is now working on a campaign to further increase public awareness of the system.

## 07 | Own-initiative Monitoring

The members of the Court of Honour can submit a complaint when they deem necessary. However, there is no automatic self-monitoring exercise by the Court of Honour.

The brewers' self-regulation system was reviewed at the start of 2010 with the aim that a new code and upgraded system enter into force 1 April 2010.

## 8 | Finland



## New or Improved between 2007 and 2010

06 | Consumer Awareness

Strong regulatory framework

*Beer advertising is severely restricted by legislation under the Finnish Alcohol Act. The regulation is enforced by “Valvira”<sup>19</sup>, the National Supervisory Authority for Welfare and Health.*

*Because of the strong legislative environment, a self-regulation code could only be developed as a complement to strengthen existing law and aid economic operators in its interpretation.*

*The Finnish self-regulatory system is characterised by having two SROs: The Council of Ethics in Advertising (Mainonnan eettinen neuvosto, or MEN), and the Board of Business Practice (Liiketapalautakunta, or LTL). While the MEN considers issues regarding the ethical dimension of advertisements, the LTL deals with business-to-business disputes about unfair commercial practice, e.g. misleading and comparative advertising.*

*The MEN issues opinions as to whether or not advertisements are ethically acceptable on the basis of the ICC Consolidated Code and its own Principles of Good Marketing Practices. Anyone – consumers, businesses, associations and authorities – can request an opinion from the MEN regarding an advertisement.*

*The MEN does not assess the legality of an advertisement, hence would not judge on whether or not beer advertisements comply with the law.*

*The Finnish Federation of the Brewing and Soft Drinks Industry operates in connection with the Finnish Food and Drink Industries Federation, itself linked to the Finnish Central Chamber of Commerce, of which the MEN is a part.*

<sup>19</sup> [http://www.valvira.fi/en/supervision\\_guidance/alcohol](http://www.valvira.fi/en/supervision_guidance/alcohol)

Valvira supervises alcohol advertising together with the State Provincial Offices.

## 01 | Code Coverage

For all advertisements, the ICC International Code of Advertising and Marketing Communication Practice (2006) applies to all media along with the Principles of Good Marketing Practice of the Council of Ethics in Advertising.

Regarding beer advertisements more specifically, the Federation of the Brewing and Soft Drinks Industry has introduced shared guidelines on responsible marketing communications for beer and beverages.

## 02 | Code Compliance

In order to assist with the interpretation of the law, the Finnish Brewer's Federation has published guidebook for its members.

The MEN arranges an annual, one-day seminar on marketing regulation for the business community, specialists and lawyers.

Copy advice has been available to advertisers in Finland since 2003. It is non-binding, confidential and also available to brewers.

## 03 | Complaints Handling

Complaints about beer advertisements are generally handled by the courts, as stipulated by the law, or one of the Finnish Ombudsmen.

But consumers and businesses can nevertheless complain to MEN in writing. Complaints from consumers are handled free of charge. But there is a charge for businesses filing a complaint. The complaint is then sent to the brewer concerned, who is invited to reply in writing. The MEN then drafts a statement about the advertisement on the basis of the complaint and the brewer's response.

Decisions on complaints addressed to the MEN are taken by the MEN's board, which is comprised of a Chairman and six members appointed by the Finnish Chamber of Commerce. Complainants and advertisers can appeal to the MEN if new information arises.

In 2008, the MEN dealt with 80 complaints in total. Of these, three complaints were about alcohol advertising (beer, spirits and wine).

## 04 | Speed of Decision

As stated above, complaints about beer advertisements are generally handled by courts or one of the Finnish Ombudsmen, as the law applies.

For complaints handled via the MEN, the average time between the receipt of the complaint and the decision is one to three months.

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## 05 | Sanctions

For complaints filed with the MEN, all decisions, complaints statistics and the annual report are published on the MEN website ([www.mainonnaneettinenneuvosto.fi](http://www.mainonnaneettinenneuvosto.fi)).

In February 2009, a new Finnish law introduced fines in complaint court cases.

## 06 | Consumer Awareness

All decisions, annual complaints statistics and the annual report, are published on the MEN website<sup>20</sup>.

Further information is also available in English on the website. In addition, the MEN's decisions are circulated to the Finnish Periodical Publishers' Association and to the Finnish Newspaper Association, as well as to the Advertisers Association, Advertising Agencies Association, television channels, radio stations, the Consumer Ombudsman and the Finnish Consumers Association. The MEN also regularly issues press releases on significant adjudications.

In 2009, the MEN published a revised edition of 'Marketing and Good Business Practice', (Markkinointi ja hyvät liiketavat). This publication summarises all the decisions of the MEN and the LTL (the Board of Business Practice).

The publication also includes a Finnish translation of the ICC Code. This publication is available in Finnish.

The MEN also organises outreach events to the business community, authorities, students and consumers.

## 07 | Own-initiative Monitoring

Although empowered in principle to do so, the MEN in practice does not monitor beer advertising on its own initiative, as this sector is covered by the law.

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<sup>20</sup> [www.mainonnaneettinenneuvosto.fi](http://www.mainonnaneettinenneuvosto.fi)

## 9 | France



## New or Improved between 2007 and 2010

02 | Code Compliance  
03 | Complaints Handling  
04 | Speed of Decision

06 | Consumer Awareness  
07 | Own-initiative Monitoring

Strong regulatory framework

In force since 1991, the Loi Evin is based on the principle that all forms of advertising of alcoholic beverages (that is, drinks with alcohol content greater than 1.2%ABV) which are not expressly authorised are prohibited. Hence, the Loi Evin imposes criminal sanctions for non-respect of the ban, yet not applicable on selected media, and imposes strict restrictions of content for those allowed.

Regarding the media used, only press, radio, posters (limited), mailings, catalogues, and sponsored vehicles are allowed to advertise these beverages by the Loi Evin. The Loi Bachelot (21 July 2009) allows advertising on the internet, with the exception of websites targeting young people or related to sports, and of 'intrusive' forms of advertising (e.g. spam, pop-ups, etc.). Beer advertisements on the allowed media are limited to the mention the name of the product, the alcohol content, its origin, ingredients, the name and address of producers and distributors, the manufacturing process, conditions of sale, conditions of consumption, taste, smell, vintage and qualities related to origins of the product.

Therefore, self-regulation can merely complement to this very restrictive legal framework and assist advertising professionals in their interpretation of the law.

The Autorité de Régulation Professionnelle de la Publicité (ARPP) is the French SRO in charge of developing and applying the self-regulatory code and handling complaints. The ARPP underwent substantial reform in 2008, creating a new complaints jury and two consultation bodies.

Entreprise & Prévention, the alcohol-related social aspects organisation representing, among others, some members of the French Brewers, but not all, is a member of the ARPP.



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## 01 | Code Coverage

Entreprise & Prevention, the sector's social aspects organisation, adopted a self-regulatory code in 2004 to : help ensure the producers of alcoholic beverages comply with the Loi Evin ; provide interpretations of the law on specific issues (for example, size and use of the 'health warning' in advertising) ; and to make additional commitments which go beyond the law on specific subjects (for example no advertising around the pitch in stadiums).

This recommendation serves as basis for ARPP advice work with regards to the Loi Evin.

## 02 | Code Compliance

As beer advertisements are regulated by law, most of the awareness events in this respect aim to help advertising professionals comply with the Loi Evin.

The ARPP provides copy advice free of charge to its members. Requests should be submitted, together with the advertisement, storyboard or script, via the ARPP website: [www.arppenligne.org](http://www.arppenligne.org). The ARPP's copy advice legal department is staffed by specialists in the legal aspects of advertising and provides non-binding advice on all forms of media (except television) such as press, radio, outdoor advertising and the internet within 48 hours.

Advertisers based outside France can access ARPP copy advice and pre-clearance services via the European Copy Advice/Pre-Clearance Facility at [www.ad-advice.org](http://www.ad-advice.org).

The newsletter ARPP Flash is published every month and is available on the ARPP website. This newsletter addresses the whole advertising community – not only members of the ARPP – and its purpose is to promote self-regulation. The work of EASA is also featured in the newsletter. In addition, a publication designed to be used as a practical working tool – the “Cahiers de l'Autodiscipline Publicitaire” (CAP) - Notes on Advertising Self-Regulation - is sent to members of the ARPP every quarter.

## 03 | Complaints Handling

As the Loi Evin stipulates, complaints about beer advertising are generally handled by the courts.

The ARPP also deals with complaints from both consumers and businesses. These complaints are handled free of charge by the Jury de Déontologie Publicitaire (JDP - Advertising Standards Jury), which was set up in 2008. If, upon examination, a violation is found, the brewer is encouraged to respond. If the response is insufficient, the brewer is asked to modify its advertisement to comply with the rules, or to cease publication/broadcast/distribution of the advertisement.

The ARPP Jury de Déontologie Publicitaire (JDP) is composed of nine members, who are all independent of both the industry and consumer groups. All are either academics, civil servants or independent experts.

The Presidency is held by an independent judge, such as a member of the High Court (Conseil d'Etat), the Court of Appeal (Cour de Cassation) or the Audit Court (Cour des Comptes). The current President is a former member of the Audit Court.

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The ARPP also has a review procedure, introduced in 2008. Any advertiser, agency, media source or complainant may ask the JDP to reconsider a decision, in case of new evidence or a breach of procedure. Requests should be submitted within one month of receipt of the original decision. The original decision is not suspended when a request for review is submitted. If a decision is reversed or modified, it is published and disseminated in the same way as the original adjudication. In parallel, Entreprise & Prevention has established an arbitration committee.

## 04 | Speed of Decision

Cases handled by the courts have a long decision making process.

On average, the complaints adjudication system at the ARPP take one month.

The Entreprise & Prevention's arbitration committee meets every two months. In general, decisions are communicated within a 15-day period after the case is submitted to the arbitration committee.

## 05 | Sanctions

As the Loi Evin is criminal law, courts can impose sanctions and fines and as well as prohibit sales in the case of repeated offences.

The main ARPP sanction is the "name and shame principle", i.e. publication of adjudications, with the names of the brewer, the agency and the media.

In the case of non-compliance with a decision, and after giving notice to the brewer, the ARPP asks the media concerned to cease publication of the advertisement. Other sanctions are formal warnings and adverse publicity. The ARPP can expel, after a hearing, any member which fails to comply with its decisions. It may also be party in any court case against those who have been judged to be guilty of misleading or otherwise abusive advertising.

In cases of apparently fraudulent or unethical conduct, the ARPP may issue an Advert Alert (Pub Alerte) to warn consumers.

## 06 | Consumer Awareness

The ARPP organises numerous awareness activities and continues to address the changing needs of society through:

- ▶ The Conseil de l'Éthique Publicitaire (Advertising Standards Council): a majority of the Council's members are independent of the advertising industry (psychologists, sociologists, etc.) and its chairman is an eminent academic expert on communications. The Council's purpose is to identify and consider the major ethical questions with which advertising is, or in the future will be, confronted. The Council meets every two months.
- ▶ The Conseil Paritaire de la Publicité provides a platform for advertising professionals and independent experts, including registered representatives of consumer organisations and environmental associations, to discuss ethics in advertising.

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Not only does it study and forecast the evolution of societal issues concerning advertising, it also proposes new or modified standards of advertising ethics. Even more, it provides an evaluation of self-regulation itself and identifies those sectors where greater vigilance is necessary. This Council is consulted before every new Code, and its opinions and findings are published on the CPP website (for more information: [www.cpp-pub.org](http://www.cpp-pub.org)).

ARPP staff members regularly participate in conferences and seminars, providing information on advertising standards. The ARPP is also regularly involved in educational programmes and provides lectures on responsible communications.

Once a year, the ARPP organises the Forum Pub et Cité, a major public debate between the advertising industry and representatives of civil society on a topical subject (violence, ethnic minorities, sustainable development, etc).

The ARPP's website – [www.arpp-pub.org](http://www.arpp-pub.org) – offers comprehensive information, in French, on the ARPP and its activities; it also provides a link to an online complaint form as well as further information on copy advice and pre-clearance. A summary is available in English. The website also links to separate websites describing the work of the JDP (Jury de Déontologie Publicitaire) and the two Councils (Conseil Paritaire de la Publicité and Conseil de l'Éthique Publicitaire).

The ARPP publishes an annual report with statistics that are available on its website and circulated to a wide audience. The ARPP ran an awareness campaign in 2008, aimed at both consumers and industry, to familiarise both target groups with the re-branded ARPP. The campaign ran on television, radio, and the internet, as well as, in the press and on outdoor sites.

The ARPP has an information centre that contains material concerning self-regulatory codes and legislation relating to advertising; it is available to ARPP members and to students. The ARPP also maintains databases on the registration of television advertisements and music registration.

## 07 | Own-initiative Monitoring

Entreprise & Prevention's legal commission screens campaigns, and when there is a concern the campaign is submitted to an 'arbitration committee' which decides whether there is a violation of the Loi Evin or the self-regulation code.

In addition, the ARPP undertakes numerous monitoring activities on various societal issues such as how people are portrayed in the media and sustainability. The ARPP monitors published advertising in all media except television. Monitoring may in some cases lead to a formal intervention by the ARPP.

Some monitoring exercises are conducted in cooperation with public authorities, and certain issues, such as body image in the media, environmental claims, sustainable development, and ethnic diversity, are monitored on a yearly basis.

Results of the ARPP's monitoring exercises are published and widely disseminated among industry, regulators and other stakeholders. They can also be downloaded from the ARPP website under 'publications/études'.

## 10 | Germany

Die deutschen Brauer  
Deutscher Brauer-Bund e.V.

Wettbewerbszentrale

## New or Improved between 2007 and 2010

01 | Code Coverage

02 | Code Compliance

06 | Consumer Awareness

07 | Own-initiative Monitoring

*There are two self-regulatory organisations in Germany.*

*The Deutscher Werberat (German Advertising Standards Council, known as the DW), established in 1972, deals with issues of social responsibility, taste and decency. The Zentrale zur Bekämpfung unlauteren Wettbewerbs (Centre for Protection against Unfair Competition, known as the Wettbewerbszentrale) has existed since 1912 and is responsible for addressing issues of misleading advertising and unfair competition.*

*The DW is embedded in the German Advertising Federation (ZAW). Both organisations achieved much between 2007 and 2010. A new code was adopted, the DW was overhauled and new services such as copy advice have been put in place at the ZAW.*

*Both entities deal with beer advertisements, but most issues concerning Alcohol and Health Forum members are handled by the DW. Thus, the following concentrates on the DW. More information on the Wettbewerbszentrale can be found on the EASA website.*

*German brewers are members of the German Advertising Federation (ZAW), in which the German Advertising Standards Council (DW) is embedded.*

**01 | Code Coverage**

In 2009, a new Code of Conduct on Commercial Communication for Alcoholic Beverages was set forth by the German Advertising Standards Council (DW). The German Alcohol Industry (beer, spirits, wine and sparkling wine), as well as retail, media and agencies, voluntarily decided to adhere to the new Code. This Code of Conduct covers all forms of advertising including sponsorship, promotions, direct marketing, and communications via the internet and mobile phones.

Whilst all advertisements are covered by the Code, further Guidelines for Responsible Sponsorship by Brewers were adopted in 2009.

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## 02 | Code Compliance

The ZAW regularly organises seminars and training sessions, where advertising trends are examined, and DW codes are explained to industry practitioners. In 2009, the ZAW conducted a seminar for producers of alcoholic beverages concerning its rules on commercial communications for these products. The seminar was held in collaboration with the German Brewers Association and the German Spirits Association.

Since 2009, the ZAW has provided copy advice. To obtain copy advice, an advertiser or advertising agency must become an associated member of the ZAW. This service is available to German Brewers, who are dedicated to raising awareness of this service through a commitment to the Alcohol and Health Forum.

## 03 | Complaints Handling

Whether it concerns beer advertising or other types of products and services, the DW handles both competitor and consumer complaints relating to social responsibility, taste and decency<sup>21</sup>.

Complaints can be submitted in writing, by phone call or via an online complaints form on the website. There is no charge for Complaints Handling.

If the complaint is regarding taste, decency or social responsibility, the Secretariat decides whether it has grounds. If it considers the complaint to be without merit, a Secretariat will reject it. Complainants can appeal against the Secretariat's rejection of a complaint. In this case (or if the Secretariat regards the complaint as being of substance), the brewer or agency is invited to respond. At this stage, the brewer may offer to withdraw or amend the advertisement.

The case is deliberated by the DW jury and a decision is issued, usually in writing. Decisions are taken by a simple majority of votes. The ruling is communicated to the brewer, agency or media outlet concerned and to the complainant. If the advertisement continues to appear despite an adverse ruling, the DW issues a press release with a public reprimand and a request to the media to refuse the advertisement.

The 13 members of the DW Jury come from the media as well as advertising and the industry, and sit in the jury in their own name. Whilst the German brewers have communicated that they are in favour of civil society representation on the DW Jury, as the DW system covers all advertising, agreement on jury composition must be reached among all involved industry stakeholders.

Either party can appeal a ruling. Appeals must be made in writing to the DW. The appeals procedure is the same as that for the initial complaint.

In 2008, the DW dealt with 429 complaints, of which 19 concerned alcohol advertising (beer, spirits and wine).

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<sup>21</sup> Complaints alleging misleading advertising or unfair competition are transferred to the Wettbewerbszentrale.

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## 04 | Speed of Decision

Complaints handled by the DW secretariat take one week at most to come to decision. If the case has to be transferred to the jury, the decision will be reached within 2 weeks.

## 05 | Sanctions

In case of refusal to amend or withdraw an advertisement criticised by the DW, the DW will publish its decision as a public reprimand and also request the media to refuse the advertisement.

Adjudications are published on the DW website. Adjudications that the secretariat considers of interest to the advertising industry and the general public are published in the DW annual report.

## 06 | Consumer Awareness

The DW website ([www.werberat.de](http://www.werberat.de)) was re-launched in 2009 and it now features an online complaints facility and a section in English.

The DW's codes, press releases and decisions are published on its website. The codes are also available in English.

DW Annual Report (Jahrbuch Deutscher Werberat) is published annually in March and contains complaints statistics and a report on complaints and trends in advertising with specific reference to taste and decency issues. Press releases are issued. The decisions that the secretariat takes that are of interest to the advertising industry and the general public are published in the annual report.

The DW holds an annual press conference. A detailed presentation about recent cases is given by the president. The press conference is attended by a large number of journalists from Television and print media and followed by extensive media coverage. Additionally the DW does in between press releases about the semi-annual statistics and recent cases. These are covered by the media as well.

From September 2009, the DW has opened itself to discussions with all interested stakeholders within the framework of the 'Conference – Advertising and Society'. Members of the German brewers provide a link to the DW website, to facilitate complaints and access to the online complaints form.

## 07 | Own-initiative Monitoring

The DW can monitor advertising on its own initiative and may initiate a complaint procedure if it considers that a beer advertisement breaches its rules regarding social responsibility, taste and decency, commercial communications on food and alcohol and commercial communications towards children.

In addition, the DW participated in the pan-European monitoring exercises on alcohol advertising conducted by EASA. Results have been reported on repeated occasions to the Alcohol and Health Forum over the past years.

## 11 | Greece



## New or Improved between 2007 and 2010

06 | Consumer Awareness

07 | Own-initiative Monitoring

Although Greece has operated a self-regulatory system for advertising since the 1970s, an independent advertising self-regulatory body, SEE (ΣΕΕ), was officially established in 2003. This body is legally recognised as having exclusive responsibility for upholding the provisions of the Greek Code of Advertising and Communications Practice. Hence, the SEE is competent to adjudicate on beer advertising by the Greek Code of Advertising and Communications Practice. A law was passed in 2009 formalising a levy system to secure the SEE funding.

The Greek Brewers Association is not a member of the SEE but is considering the possibility of becoming a member.

**01 | Code Coverage**

The Greek Code of Advertising and Communications Practice was adopted in 1973 and based on the ICC International Code of Advertising Practice. The Code has since been updated to include sector-specific rules. It covers all media.

A specific code on beer advertising was adopted by the Greek Brewers Association in 2005, and is also applicable to all forms of commercial communications. It is not enforced by the SEE, but serves as basis for developing advertisements for beer of members of the Greek Brewers Associations. Otherwise, all advertisements in Greece are bound to the Greek Code of Advertising and Communications Practice enforced by the SEE.

**02 | Code Compliance**

The SEE offers copy advice service for advertisers, agencies and the media, for all kinds of advertisements. A response is usually given within five days. This service is available to Greek Brewers.

Non-Greek companies can ask for copy advice by submitting a request via the European Copy Advice/Pre-Clearance Facility, for the same price as the Greek companies ([www.ad-advice.org](http://www.ad-advice.org)).

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### 03 | Complaints Handling

The SEE handles complaints on beer advertising from both consumers and competitors, just like it would do for any other products or services. Complaints must be in writing and contain the identity of the complainant, details of the offending advertisement and an indication of the rules of the Code which have allegedly been breached.

If a complaint is not admissible, the complainant is informed and the case is closed. If a case is considered to be of substance, the parties are invited to a meeting with the First Degree Committee. The brewer must be able to substantiate any claims made in the advertisement. In cases where insufficient evidence is available, the Committee may seek independent expert advice. Experts are restricted to advising on specific matters within their competence. The decision is communicated to the parties concerned in writing, along with the reasons for it and reference to the relevant articles of the Code.

Complaints are handled by the SEE First Degree Committee for the Control of Advertisements. At each session of the Committee, a five-member panel is convened. Four members of the panel are selected by the SEE Secretariat from a pool of 60 representatives nominated by the Advertisers Association (SDE) and the Agencies Association (EDEE). The Chairmanship of the First Degree Committee alternates each year between the advertisers and the agencies, and the Chairman is entitled to nominate the fifth member of the panel for each session. The First Degree Committee has a quorum when at least three members are present.

If either party is dissatisfied with the decision of the First Degree Committee, it can appeal to the Second Degree Committee. Appeals are heard by the Second Degree Committee and must be received, in writing, within 15 days of notification of a First Degree Committee's decision.

The Second Degree Committee is composed of 12 members, of which eight represent the industry: two represent the Advertisers Association, two the Agencies Association and four the media: Television, radio, press and magazines. The other four represent external stakeholders: respectively consumer groups, the Secretariat for Consumer Protection, the State Television and the Television and Movie Production Association. The Committee has a quorum when at least six members are present. SEE dealt in 2008 with 85 complaints in total. Out of these two complaints were about alcohol advertising (beer, spirits and wine).

### 04 | Speed of Decision

The average time between receipt of a complaint and decision notification is seven days, while the fast-track procedure takes two to three days. A fast-track procedure is adopted in cases involving a threat to consumer safety or health, the likelihood of grave offence to public morals, the risk of bringing advertising into disrepute, or in flagrant cases of misleading advertising. In these circumstances, the parties are summoned, in writing, to a First Degree Committee meeting which takes place within a maximum two days of notification. When a party cannot participate in the meeting, broadcasting of the advertising has to be stopped. The procedure is otherwise the same as the standard procedure. The Second Degree Committee's decisions are made within seven to 12 days, and they are final.

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<sup>22</sup> The advertisement can continue to appear, but not in its current form. The content can be compliant providing clarifications are added or amendments made.

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Decisions take immediate effect. Nevertheless, when the decision states that the advertisement has to be amended<sup>22</sup> a grace period may be granted to allow amendments to be made, provided the advertisement does not endanger consumer health or safety or provoke widespread public disapproval. This grace period may vary according to the media (e.g. seven days for television, two days for radio) and the nature of the modifications required, but under no circumstances may it exceed 30 days.

## 05 | Sanctions

Decisions of both Committees are published on SEE's website and make reference to both parties involved within four days of notifying the interested parties. The information published includes both the identity of the complainant (only in case of competitor complaints, not for consumer complaints) and that of the brewer, and the decision reached by the Committee.

A negative Jury ruling sanctions the removal of the advertisement which, depending on the nature of the advertisement, takes place within a week. In case of non-compliance, the Council informs in writing all advertisement agencies and media on the issue with the request to stop the transmission.

If an advertiser or agency refuses to implement a decision of either Committee, the SEE may instruct the media to withdraw the advertisement immediately and this action is reported to all interested parties, including industry trade associations, the Ministry of Development, the National Broadcasting Council and Consumer Protection Organisations. Procrastination is regarded as non-compliance.

## 06 | Consumer Awareness

Complaints are not made public but jury decisions are, through announcements and postings on the website of the Council ([www.see.gr](http://www.see.gr)).

The SEE website, re-launched in 2010, includes the text of the Code, the procedural rules of both Committees, the names of Committee members, adjudications, an online complaint form and a copy advice request form, useful links and other general information and news regarding SEE and self-regulation issues.

The SEE also raises awareness by publishing articles in the business press, such as interviews and articles on interesting cases. It issues press releases on important subjects. Representatives of the SRO participate in events and conferences, sometimes as guest speakers.

## 07 | Own-initiative Monitoring

The SEE monitors all new Television advertisements on its own initiative on a weekly basis, and attempts to resolve any potential problems informally. The SEE may initiate a complaint procedure if it considers that the Code has been breached; such cases are referred to the First Degree Committee.

In early 2010, the SEE started monitoring radio advertisements broadcast in Athens and print advertisements published in a selection of magazines and newspapers. In addition, the SEE participates in pan-European compliance monitoring projects on alcohol advertisements (spirits, wine and beer) coordinated by EASA.

## 12 | Hungary



## New or Improved between 2007 and 2010

01 | Code Coverage

02 | Code Compliance

06 | Consumer Awareness

07 | Own-initiative Monitoring

Alcohol advertising in Hungary used to be subject to a ban. It is now allowed under the Law on Economic Advertising Activity, and the Law on Radio and Television (Media Law) listing constraints on content, timing and placement of alcohol advertisements.

The Hungarian SRO *Önszabályozó Reklám Testület (ÖRT)* was set up in 1996.

Although the Hungarian Brewers are not members of the *ÖRT*, a convention agreement was signed with the association of the Hungarian Brewers Association in September 2008.

**01 | Code Coverage**

The General Hungarian Code of Advertising Ethics covers advertising in broadcast and non-broadcast media.

With the signing of the convention agreement with the Hungarian Brewers, the Hungarian beer code is now adjudicated upon by the *ÖRT*, and is applicable to all media.

**02 | Code Compliance**

Seven workshops on alcohol advertising have been organised by the *ÖRT* in order to ensure awareness and consistency in the interpretation of the code, out of which three were specifically directed to Brewers.

The *ÖRT* Copy Advice Committee provides copy advice for members and non-members and is composed of five members: three representing respectively advertisers, agencies and the media (who must be unconnected with the case), a lawyer and the *ÖRT*'s Secretary General.

The agreement signed in 2008 between the *ÖRT* and the Hungarian Brewers cements the *ÖRT* as the authority to provide copy advice at the request of the members of the Hungarian Brewers Association.

Advertisers, agencies or media not located in Hungary who wish to make use of the Hungarian copy advice service can do so directly or via the European Copy Advice/Pre-Clearance Facility at [www.ad-advice.org](http://www.ad-advice.org).

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### 03 | Complaints Handling

Consumers and competitors can complain to the ÖRT by email or via the online complaints form on the ÖRT website. All complaints are handled free of charge. Complaints must be submitted in writing, with an explanation of the grounds for the complaint and a description or example of the advertisement alleged to be in breach of the Code.

The Ethical Ad Hoc Committee (Etikai Ad hoc Bizottság) consists of five members: three representing respectively advertisers, agencies and the media (who must be unconnected with the case), together with a lawyer and an academic.

Either party may appeal against the ruling if it believes that there has been a breach of procedure or there is new evidence. The appeal must be submitted within eight days of the ruling. In the case of a major breach of procedure or significant new evidence, the ÖRT will reconsider the case.

In case of appeals, the Chairman of ÖRT, can invite independent members who did not take part in the previous decision to be part of the Appeals Jury.

ÖRT dealt in 2008 with 63 complaints in total. Out of these two complaints were about alcohol advertising (beer, spirits and wine).

### 04 | Speed of Decision

The ÖRT informs the advertiser concerned of the complaint, the advertiser is asked to respond within five days, after which the ÖRT makes its decision.

In the case of consumer complaints, the identity of the complainant is kept confidential. In case of a competitor complaint, the parties are first encouraged to reach an agreement. Provided this agreement is acceptable to the ÖRT, the case is then settled informally. If the parties are unable to agree, the ÖRT convenes a meeting, attended by both parties, and makes a ruling on the case.

If the case requires it the ÖRT can ask for the opinion of specialists and experts.

Typically a complaint is adjudicated upon within two weeks, if no further information is required for the ÖRT to reach a decision.

### 05 | Sanctions

Decisions are published on the ÖRT website. If a case is solved informally and the advertiser has changed or withdrawn the offending ad, the decision is not published.

In the event of non-compliance with its ruling, the ÖRT formally requires the advertisement to be removed, and in serious cases publishes its decision.

Following the agreement signed in 2008, the members of the Hungarian Association respect the decisions of the ÖRT and regard those decisions as legally binding on them.

## 06 | Consumer Awareness

The ÖRT website consists of two parts. One part is available to the general public and features an online complaints form, general information about self-regulation, the Code and annual complaint statistics, as well as news. The second part is password protected and contains the full adjudications of the Ad Hoc Committee, among other information. An English version of the site is planned. The website of the Hungarian Brewers Association website provides a link to ÖRT.

In 2009 the ÖRT ran a two-month outdoor poster awareness campaign.

## 07 | Own-initiative Monitoring

Monitoring exercises are carried out at least three times a year, on a selected product or media category. The results of the monitoring are presented to ÖRT members and workshops are held to address any issues or trends which have been identified. Summaries of past exercises can be found on the ÖRT website. Detailed reports with information on each advertisement are sent to the companies concerned.

In addition, the ÖRT participates in pan-European compliance monitoring projects on alcohol advertisements coordinated by EASA.

## 13 | Ireland



## New or Improved between 2007 and 2010

01 | Code Coverage  
02 | Code Compliance

06 | Consumer Awareness  
07 | Own-initiative Monitoring

*Alcohol advertisements are subject to a number of controls in Ireland.*

*The content of beer advertisements is subject to the strict rules of the Code of Standards for Advertising, Promotional and Direct Marketing of the Advertising Standards Authority for Ireland (ASAI).*

*In addition, placement codes were adopted under a co-regulatory agreement between the Irish Government and the Alcohol and Advertising Industries in 2008. These Codes, the Alcohol Marketing, Communications and Sponsorship Codes of Practice, are monitored by the Alcohol Marketing Communications Monitoring Body (AMCMB) which has an independent chair and has members from the Department of Health, the Broadcasting Commission of Ireland, the advertising industry and the drinks industry.*

*Beer advertisements undergo a specific procedure. Central Copy Clearance Ireland Ltd was established in February 2003 as an independent organisation to provide a pre-vetting service for all advertising of alcoholic drinks in Ireland. CCCI ensures that no media outlet in Ireland, whether print, broadcast, outdoor, cinema or the internet, will accept any advertising for any alcoholic drinks brand unless it carries a copy clearance number from CCCI.*

*The Irish SRO ASAI has contributed to new guidance notes on codes for use by agencies and others submitting alcohol marketing communications to Central Copy Clearance Ireland (CCCI) for pre-clearance.*

*Despite the clearance process, should a consumer wish to complain about a beer advertisement, they can contact the ASAI.*

**01 | Code Coverage**

The Irish Code of Standards for Advertising, Promotional and Direct Marketing applies to marketing communications (i.e. advertising and sales promotions) in all media. The Alcohol Marketing, Communications and Sponsorship Codes of Practice covers the placement of beer advertising in Cinema, Television, Radio, Outdoor, Print and Digital.

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## 02 | Code Compliance

Regular trainings and workshops are being held to raise awareness on the code. The local industry has even gone a step further and a 'Training and Accreditation Programme' for marketing professionals has been put in place via the Alcohol Beverage Federation of Ireland and the Institute of Advertising Practitioners in Ireland.

All beer advertisements in Irish media must be approved by Central Copy Clearance Ireland (CCCI). Its decisions are based on the rules in the ASAI Code and statutory codes.

The ASAI itself does not pre-clear advertisements, but provides copy advice services for all products, including where requested, proposed beer advertisements. ASAI liaises regularly with CCCI.

## 03 | Complaints Handling

The ASAI handles complaints from any public or private person or body including consumers and competitors. All complaints are handled free of charge. Complaints are first assessed to determine whether they fall within the terms of reference of ASAI. The Secretariat may request information from the brewer at this stage, prior to a formal investigation.

In the light of the response, the Secretariat may settle the case informally or prepare a recommendation for the Complaints Committee. In the latter case, a copy of a recommendation is sent to the complainant and to the brewer/agency, who have an opportunity to comment before adjudication. The case is then considered by the Complaints Committee, which decides whether or not the Code has been contravened. The identity of individual complainants (but not of competitor complainants) remains confidential.

A complaint will not normally be considered if it is the subject of legal action or a matter for the National Consumer Agency or another regulatory agency.

Regarding the media placement of beer advertisements, ASAI handles complaints on behalf of the AMCMB. Where the matter complained of is within remit, the ASAI will write to the media company involved and request their comments. The ASAI Secretariat comes to a preliminary view on whether the placement of the advertisement has breached the Code and advises the parties involved.

Complaints are referred to the AMCMB who either confirm or alter the recommendation.

The ASAI Complaints Committee (Jury) can have 10-14 members with an independent chairperson. The current composition, at the time of writing, is one Independent Chairperson, seven members with a non-industry background, six members with an industry background. Members with a background in the advertising industry may not comprise more than 50% of the total membership; at present they number six out of 13. Members are appointed for a three-year term and the Chairperson for five years. The membership of the Jury has, to the greatest extent possible, been selected to ensure that a range of expertise will be available such as scientific, psychotherapist (with expertise in issues relating to children), etc. Advice is also obtained where necessary from specialists and others in Government Agencies.

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In light of new evidence or proof of substantial flaw in the process, the appeals are considered, submitted by any of the parties. Requests for review must be submitted within 21 days of issue of the adjudication.

The Review Panel is composed differently from the Complaints Committee. The Review Panel comprises three members, an Independent Chairman, a member with an industry background and a member with a non-industry background. The Review Panel considers all requests for review and, where it considers it appropriate to do so, refers the decision back to the Complaints Committee for reconsideration.

The Committee's initial decision stands while the matter is being reviewed.

Neither the Complaints Committee nor the Review Panel consider complaints made under the Alcohol Placement Codes as these are dealt with by the AMCMB.

ASAI dealt in 2008 with 1,428 complaints in total. Out of these 21 complaints were about alcohol advertising (beer, spirits and wine). No advertisements were found in breach of the Code.

## 04 | Speed of Decision

If the ASAI Secretariat considers that there is a prima facie case, the brewer or agency is informed and invited to comment within ten days. The ASAI Secretariat can, however, "fast-track" a case if it considers that it is necessary.

On average, cases that are adjudicated upon by the Jury take three and a half months. The investigation procedure may be speeded up if necessary and in particularly serious cases the Secretariat may require interim action, including immediate amendment or withdrawal of an advertisement or promotion pending completion of the investigation.

All parties are advised of the Complaints Committee's final adjudications.

## 05 | Sanctions

ASAI Adjudications are released to media and other interested parties after each meeting, and are published on the ASAI website.

The publication of Case Reports, including the names of advertisers/promoters or agencies involved, is an important element in the enforcement of the self-regulatory system.

Furthermore, all ASAI members undertake as a condition of membership not to publish an advertisement which contravenes the Code. The media, as members of ASAI, provide an effective sanction in this way. Additionally, a member who does not accept a decision of the ASAI or who brings it into disrepute may be disciplined by the Board and subject to penalties including fines and/or suspension of membership.

The ASAI may require brewers whose marketing communications persistently and/or gravely breach the Code to submit some or all of their proposed marketing communications for Copy Advice until the ASAI is satisfied that future communications are likely to comply with the Code.

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In particular, if a brewer seems to have deliberately flouted the Code with the intention of generating complaints, PR and subsequent notoriety, the ASAI may request the brewer and the media to submit, for a stated period, any of the proposed marketing communications to be checked for compliance with the Code.

## 06 | Consumer Awareness

The main objective of the ASAI is to promote the highest standards of advertising and it pursues a positive information and educational programme. The ASAI website contains information on the ASAI, self-regulation, ASAI's procedures, the Code and an online complaints form. Adjudications of the Complaints Committee for the previous 12 months are also accessible on the ASAI website.

The ASAI's Annual Report reviews the year's activities and provides statistical information on complaints investigated. Annual reports are publicly available and widely disseminated to government departments, public bodies, industry and consumer associations.

Media members of ASAI publish, from time to time, awareness advertisements for advertising self-regulation addressed to the general public. Media include press, radio and television.

ASAI conducts awareness research in December of every year. The research started in 1998 when 37% of the population were aware of the ASAI. The most recent research, conducted in December 2008, showed an awareness figure of 73%.

## 07 | Own-initiative Monitoring

Since 2006, the The Alcohol Marketing Communication Monitoring Body reports are available at : [www.dohc.ie/publications/3rd\\_report\\_alcohol\\_monitoring\\_body.html](http://www.dohc.ie/publications/3rd_report_alcohol_monitoring_body.html)

In addition, the ASAI monitors compliance with the adjudications of the Complaints Committee, as well as media and sectors on an ongoing systematic basis. Issues identified through monitoring may be investigated and brought before the Complaints Committee. Members of the Board and Complaints Committee may also raise issues of concern for investigation. The ASAI can monitor by media, by issue or by product sector. Statistical information on monitoring exercises is published each year in the annual report.

ASAI also participates in pan-European compliance monitoring projects on alcohol advertisements coordinated by EASA.

14 | Italy 

## New or Improved between 2007 and 2010

01 | Code Coverage  
 02 | Code Compliance  
 03 | Complaints Handling

06 | Consumer Awareness  
 07 | Own-initiative Monitoring

*The Italian self-regulatory system, IAP was established in 1966 and is characterised by own-initiative monitoring and the ability of the SRO to start complaint procedures of its own accord.*

*The Italian Brewers association, Assobirra, is a member of the SRO, through the association of the advertisers – UPA.*

*The Italian Brewers Association had planned to launch a new code at the end of April 2010, as well as a specific beer self-regulatory complaints system in charge of implementing the Assobirra Code.*

**01 | Code Coverage**

A specific beer advertisements code was planned to be in place starting April 2010 and should be applicable to Assobirra member companies. This code is open to use by other brewing companies, which are not linked to Assobirra. This code serves as a basis for developing advertisements for beer in Italy.

All media and all products/services advertised in Italy are covered by the Italian Code of Marketing Communication Self-Regulation (Codice di Autodisciplina Pubblicitaria, C.A.P.) The IAP enforces only the rules of the C.A.P., which has a specific section relating to alcohol advertising in general. Hence IAP would not adjudicate directly on the basis of the new Assobirra code.

It should be noted that in addition, the 30 March 2001 law n. 125 (the Act on Alcohol and alcohol related problems) included the requirement for public and private radio and television broadcasters, advertising agencies and alcohol producers to adopt a self-regulatory code and apply it to the presentation and content of advertisements for alcoholic beverages. To this end, article 22 of the IAP Code was reviewed and was referred to manage this co-regulatory approach and covers only alcoholic drinks.

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## 02 | Code Compliance

Brewers and the advertising agencies they hire can ask for copy advice at the IAP.

A sub-group of the IAP Advertising Review Board provides copy advice on request on whether an advertisement (since 2008 broad marketing communication) conforms to the rules of the Italian Code of Marketing Communication Self-Regulation. Opinions that are negative or favourable subject to conditions are adequately explained. Copy advice is given as promptly as possible, and normally no later than five business days from receipt of the request by IAP. Particularly complex cases may require up to eight business days.

In Italy, the approval binds the IAP Review Board not to intervene *ex officio*<sup>23</sup> against the approved communication. Nevertheless the advice given remains non-binding for the advertiser.

The Italian self-regulatory body is also part of the European Copy Advice/Pre-Clearance Facility. For more information please visit [www.ad-advice.org](http://www.ad-advice.org).

## 03 | Complaints Handling

Complaints regarding beer advertisement follow the same procedure as for any other type of product. Complaints from individual consumers, consumer associations or public bodies, must be submitted in writing to the Advertising Review Board. No charge is made for complaints handled by the Advertising Review Board. The Advertising Review Board also reviews cases highlighted through the IAP monitoring process.

If the complaint indicates a clear *prima facie* breach of the Code, the Review Board may instruct the advertiser to change the advertisement to comply with the Code. In the case of a flagrant breach, it may summarily order the advertisement's immediate withdrawal. The order, together with a brief rationale, is sent immediately to the parties concerned, who may appeal within ten days. If no appeal is received within this period, the order acquires the status of adjudication.

Complaints to the IAP are handled by two bodies, the Review Board, which acts in the interest of consumers, and the Jury, which is the judging body.

The Advertising Review Board comprises between 10 and 20 experts in legal matters, consumer affairs, advertising techniques and communications media. Experts who practise professionally in the field of advertising self-regulation are not eligible for membership. Members serve for a renewable two-year term. The Advertising Review Board has a quorum when at least five members are present. Decisions are taken by majority vote of members present, the President casting the deciding vote.

In the event of an appeal, the case is referred to the Jury. If the complaint raises a serious issue of public offence or involves complex matters in the assessment of evidence, the Review Board may refer it directly to the Jury. The IAP Jury is composed of between 10 and 20 members, all of them eminent academics, lawyers or experts in communication.

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<sup>23</sup> see monitoring section

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If the Jury finds a breach of the Code, the parties concerned (including the media) are obliged to withdraw the advertisement immediately. The new Code of Assobirra foresees the creation of a new beer advertising specific jury which will be composed of three members: a consumer representative, a jurist and a sociology expert. IAP dealt in 2008 with 167 complaints in total and additionally with 606 own-initiative investigations. Of these, 19 complaints and own-initiative investigations were about alcohol advertising (beer, spirits and wine).

#### **04 | Speed of Decision**

The average time between the submission of a case and a decision by the IAP Jury is 20 days. Parties have between 8 to 12 clear business days to send their observations and eventual supporting documentation.

Appeals against decisions of the Advertising Review Board are referred to the Jury and need to be submitted within ten days of the decision of the Advertising Review Board together with the reasons for the appeal.

The timeframe for appeal is typically between two and four weeks. The decisions of the Jury are final.

The IAP publishes a brief rationale of the Jury's adjudication on its website within 24 hours of the hearing.

The foreseen average time between the submission of a complaint and the decision of the new beer advertising specific jury will be 10 business days.

#### **05 | Sanctions**

When the Jury or the Advertising Review Board decides that a beer advertisement is contrary to the Code, it requires the brewer to withdraw the advertisement.

However, as a further sanction the Jury may order that a summary of its decision be published, including the names of the parties involved (advertisers), in whatever media is deemed appropriate. If a brewer refuses to comply with its decision, the Jury will make this non-compliance public in whatever media it sees fit. In those very rare cases where this sanction does not result in the withdrawal or modification of the advertisement, the professional association to which the advertiser belongs may take further action. Professional associations can, according to their own statutes, adopt disciplinary sanctions, from a simple warning to expulsion from membership.

The future code of the Italian Brewers foresees that brewers found in breach of the code will be asked to pay a compulsory contribution to agencies, associations and research centres dealing with alcohol abuse and misuse aspects, identified by Assobirra.

#### **06 | Consumer Awareness**

General information about IAP's structure and activities, as well as reports of the decisions of the Jury and the Review Board, are published on IAP's website, which was launched in 1998 and will be updated in 2010. Annual statistics are also published online, as well as up-to-date news bulletins. Consumers can make complaints simply by completing the online complaint form.

The English section of the site contains an English translation of the Code and of the applicable regulations, in addition to general information about IAP and the services it provides.

In 2006/2007, to celebrate its 40th anniversary, IAP organised an exhibition featuring advertising campaigns that have been the subject of IAP Jury adjudications over the last 40 years. The exhibition was held in the central railway stations in Milan and Rome and attracted over 1.5 million visitors. This campaign won an honorary jury mention in the EASA Best Practice Awards 2007.

When the new Assobirra code and the new complaint system started at the end of April 2010, an awareness campaign to consumers and decision-makers was scheduled to be launched.

## **07 | Own-initiative Monitoring**

The Advertising Review Board monitors advertising in all media and all sectors for Code Compliance. Although monitoring is not done on a systematic basis, it is a very important feature of the Italian self-regulatory system as it gives rise to a high proportion of the cases subsequently considered by the Advertising Review Board. If an advertisement monitored by the Advertising Review Board flagrantly breaches the Code, either an immediate order to withdraw the advertisement is issued, or the case is referred to the Jury under the ex-officio procedure mentioned above.

In addition, the IAP participates in pan-European compliance monitoring projects on alcohol advertisements coordinated by EASA.

# 15 | Latvia

## New or Improved between 2007 and 2010

01 | Code coverage  
03 | Complaints Handling  
05 | Sanctions

*Strong regulatory framework*

*A national law was adopted in 2005 and revised in 2007 and prescribes national and legally binding regulations on alcohol advertising, product placement, sales promotion and sponsorship.*

*There is currently no general advertising SRO to handle consumer complaints in Latvia. The Brewers of Europe do not have a member association in this country.*

*However, the Latvian Beer producers (organised in two different organisations: the Latvian Brewers Association and the Latvian Brewers Union) signed a Code of Industry Self-Regulation on 11 March 2009, with a focus to effectively implement the self-regulation code and to set up the foreseen structures.*

### 01 | Code Coverage

The Code of Industry Self-Regulation signed on 11 March 2009 encompasses all commercial communications independently from their form. This means that traditional commercial communications (radio, billboard, etc.) and digital commercial communications (website, advertising on the internet, etc.) are covered by the code.

All members of the Latvian Brewers Association and of the Latvian Brewers Union are covered by the code since it has been signed by the two associations. Their members are bound by the signature of their umbrella organisation. Advertisers and other practitioners are de facto bound by this code when working with brewers which are members of the Latvian Brewers Association or of the Latvian Brewers Union.

### 02 | Code Compliance

Code Compliance is ensured by the strict rules which are set in the Code of Industry Self-Regulation and checked, when a complaint is received, by the Dispute Committee. Awareness of brewers has been raised with regards to the spirit of the code to ensure a maximum compliance, both to the letter and to the spirit.

No copy advice is currently offered. However, should an advertisement be ruled as infringing the code, the Dispute Committee might then ask for a compulsory pre-clearance for future commercial communications.

### **03 | Complaints Handling**

The Complaints Jury is currently formed by three persons, two of them being brewers and the third one being an expert from the Latvian Advertising Association. Through their focused expertise on beer and commercial communications, they adjudicate on the complaints received based on the Code of Industry Self-Regulation. There is a current proposal to include at least an expert from the Health Ministry within the Complaints Jury.

In case the decision is challenged, the Dispute Committee, composed of the Complaints Jury members plus one expert from University and one more additional expert from the Advertising Association, will meet. No appeals have been received yet.

### **04 | Speed of Decision**

When a complaint is upheld, the commercial communication must then be removed within 30 days.

### **05 | Sanctions**

The sanctions include naming and shaming as well as financial sanctions. In case the ad is found in breach, the decision of the Complaints Jury is then published in at least ¼ page in an official newspaper. The cost of publication is borne by the advertiser who did not respect the code.

The Latvian Brewers Association and the Latvian Brewers Union are now working on a strengthening of the sanctions to increase their deterrence power. New rules should be agreed upon in 2010.

### **06 | Consumer Awareness**

There is no online complaints system in place yet. However, the signatories of the Code of Industry Self-Regulation are working on a webpage where complaints could be filled in with the aim of setting it up in 2010.

Jury decisions are not published systematically. This only happens when a complaint is upheld and that the advertiser is obliged to publish the jury decision in the official newspaper.

### **07 | Own-initiative Monitoring**

Own-initiative monitoring is currently not done by the Complaint Jury.

The Code of Industry Self-Regulation is regularly reviewed by its signatories, namely at each meeting of the Latvian Brewers Association and the Latvian Brewers Union.

## 16 | Lithuania



## New or Improved between 2007 and 2010

01 | Code Coverage  
02 | Code Compliance  
03 | Complaints Handling

06 | Consumer Awareness  
07 | Own-initiative Monitoring

*Strong regulatory framework*

*In Lithuania, alcoholic beverages may advertise under restrictions of content and placement under the "Law on Alcohol Control". A distinction is being made between spirits and other alcohol beverages.*

*The general advertising SRO Lietuvos Reklamos Biuras (LRB) was established in 2005.*

*The Lithuanian brewers are not members of LRB and have set up their own Complaints Handling system to adjudicate on their code.*

*Complaints on beer advertising can be handled by the two institutions, depending on who receives the complaint, either the LRB or the Lithuanian Brewers Guild jury.*

*LRB and the Lithuanian Brewers Guild are in the process of preparing a cooperation agreement which should be signed by 1 July 2010.*

## 01 | Code Coverage

As of 1 June 2009, a new Beer code was agreed. Applicable to all media, it is enforced by the Lithuanian Brewers.

The Lithuanian Code of Ethical Advertising Practice was first adopted in 2002 and updated in 2005 prior to the launch of the new SRO. It is based on the ICC Consolidated Code and Principles of Good Marketing Practices.

## 02 | Code Compliance

The LRB provides copy advice to both members and non-members. Requests for copy advice should be submitted in writing either by post or by email and should include the story board or script. Copy advice is provided on the basis of the Lithuanian Code of Ethical Advertising Practice.

LRB and the Lithuanian Brewers Guild is in the process of preparing an agreement regarding the provision of copy advice services.

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### 03 | Complaints Handling

The Lithuanian Brewers Guild has its own complaints Jury which can adjudicate on complaints received regarding beer advertisements. The Jury is composed of a former minister of Justice, the chairman of the LRB, a representative from the State Consumer Rights Protection Service, a Doctor of Social Psychology and the President of the Lithuanian Brewers Guild.

Since April 2006, the LRB Arbitration Committee has been handling complaints on advertising. Should it receive a complaint on beer advertisements, the LRB would process it under its normal rules. The LRB Arbitration Committee accepts both consumer and competitor complaints. Complaints may be submitted by post, fax or by completing an online complaint form on the LRB website.

The LRB Arbitration Committee comprises representatives of the advertising industry (advertisers, agencies and media) as well as non-industry members representing the National Institute of Journalism, the National Consumer Rights Protection Body, the Competition Council, the Equal Opportunities Ombudsman and the Children's Rights Protection Office.

A complaints transfer mechanism has been established between the Lithuanian Brewers Guild and the LRB. The agreement states that any complaint (regardless from whom) can be delegated to LRB and the brewers (Code's partners) will respect the decision of LRB.

The LRB offers the possibility of appeal. The appeal is considered by the Committee and, where appropriate, by an independent expert in the relevant subject.

LRB dealt with 27 complaints in total in 2008. Out of these, one complaint was about alcohol advertising (beer, spirits or wine).

### 04 | Speed of Decision

The Brewers Guild Complaints Jury has a timeframe of 10 days to reach a decision.

Once a complaint is received by LRB, the advertiser is contacted and given ten days to respond, following which the decision is taken. Once the LRB Arbitration Committee has adjudicated, both the complainant and the advertiser are informed. Adjudications can take from 10 days to up to two months.

### 05 | Sanctions

The Brewers Guild Complaints Jury requires the publication of the decision (at least 1/2 page publication in the two largest dailies). The cost of the publication is borne by the advertiser found in breach, as well as the cost of the jury's action.

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In the event of non-compliance, the LRB will ask the brewer to amend or withdraw the advertisement. If the brewer fails to do so, the LRB can also ask the media to refuse the advertisement. The LRB also publishes all upheld decisions of the Arbitration Committee, together with the name of the advertiser. The key sanction is this adverse publicity.

## **06 | Consumer Awareness**

The Brewers Guild Complaints Jury is planning to put in place a toll-free number on labels for consumers to complain for July 2010.

The LRB provides members with a monthly news bulletin, and regularly organises seminars to keep government and other key stakeholders informed about self-regulation. Its website features the full code, further information on advertising self-regulation and an online complaints form. An outdoor awareness campaign was launched in spring 2010.

## **07 | Own-initiative Monitoring**

The Brewers Guild plans that, from July 2010 onwards, beer ads will be monitored by the agency CISION and reported to the President of the LBA who will issue an annual compliance report.

The LRB does not currently conduct monitoring.

## 17 | Luxembourg



## New or Improved between 2007 and 2010

01 | Code coverage

02 | Code Compliance

03 | Complaints Handling

04 | Speed of Decision

05 | Sanctions

06 | Consumer Awareness

07 | Own-initiative Monitoring

*The Advertising Council of Luxembourg - CPL was officially registered on 20 November 2008. The aims of the Council were to put in place advertising self-regulation, and to adopt and recommend the observance of all codes that can be used to put into practice its aims. This was pushed forward notably through the efforts of the Brasserie Nationale, with assistance from The Brewers of Europe and EASA.*

*Subsequently, the new SRO in Luxembourg, CLEP (Commission pour l'Éthique en Publicité) was launched on 19 May 2009. Its mission is to enforce the Luxembourgish code of advertising practice.*

*The Brasserie Nationale is a member of the SRO.*

**01 | Code Coverage**

The Luxembourg Code of Practice in Advertising applies to all media (members of the CLEP). Its section on alcohol advertising applies to beer advertisements.

**02 | Code Compliance**

Since its creation, the CLEP provides copy advice to members and non-members.

**03 | Complaints Handling**

The CLEP handles complaints from consumers and public interests (except competitors and for-profit organisations) free of charge. Own-initiative procedures are possible. Anonymous complaints are not assessed.

Complaints must be submitted in writing by mail, fax or email, with an explanation of the grounds for the complaint and a description or example of the offending advertisement.

The CLEP jury is composed of at least 7 members, coming from the advertising industry, the media and academia. They have a mandate for 2 years (renewable).

The decisions of the Jury are final; there is no measure in place for appeals.

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## 04 | Speed of Decision

The jury meets as often as required by the complaints activity. Decisions must be finalised in a maximum of 15 business days.

The complainant receives an acknowledgement of receipt within maximum 10 days. The advertiser is then asked for comments within 10 days.

If a court action is ongoing, the CLEP may decide not to give a decision.

## 05 | Sanctions

When a complaint is upheld, the CLEP asks the offending advertiser to change or discontinue the advertisement in question. Should the brewer refuse to do so, the CLEP will ask the media to discontinue the advertisement, unless it concerns a decision based on decency/good taste. In this case it is up to the advertising industry to decide what they will do with the CLEP's decision.

## 06 | Consumer Awareness

The CLEP has a dedicated website explaining how the self-regulatory body works, and displays the applicable code.

The CLEP aims to launch an awareness campaign for print and digital media in the second half of 2010.

## 07 | Own-initiative Monitoring

The CLEP can act through its own-initiative procedures. But currently, given the recent creation of the SRO, the CLEP does not actively carry out any coordinated monitoring exercises of certain media or issues.

## 18 | Malta



## New or Improved between 2007 and 2010

## 01 | Code Coverage

*The Malta Broadcasting Authority has clearly defined guidelines for advertising on Television and radio<sup>24</sup>.*

*These guidelines were drawn up in consultation with industry's representatives. These stipulate that: Advertisements and teleshopping for alcoholic drinks (including beer and wine advertising) shall not be broadcast between 6.00a.m. and 9.00p.m; In sponsored programmes, it shall not be permitted to use the name of an alcoholic drink as the name of the sponsor between 6.00a.m. and 9.00p.m; and it shall not be permissible to use the brand name of an alcoholic drink for a sponsored activity between 6.00a.m. and 9.00p.m.*

*The Malta Broadcasting Authority developed the Guidelines covering Advertising for Minors and Guidelines on Gender Equality and Gender Portrayal in the Broadcasting Media.*

*In addition, Maltese Guidelines on responsible drinking have been developed by the alcohol sector<sup>25</sup> (producers and importers) and close contacts are maintained with the Health Promotion Unit of the Ministry of Health.*

*Nevertheless, there is currently no general advertising SRO to handle consumer complaints in Malta. Consumer protection bodies and alternative dispute resolution mechanisms exists for other areas of advertising<sup>26</sup>.*

*The Brewers of Europe have a member association in this country.*

*There is only one brewery in Malta. Companies exporting to Malta would apply their company-specific self-regulatory codes regarding the content and placement of advertisement above and beyond the local rules in place.*

<sup>24</sup> Requirements as to Advertisements, Methods of Advertising and Directions applicable to Alcoholic Drink Advertising, Sponsorship and Teleshopping, 2007 see <http://www.ba-malta.org/primary-sub>

<sup>25</sup> see <http://www.drinkawaremalta.com/thesensegroup/html/default.aspx>

<sup>26</sup> [http://ec.europa.eu/consumers/overview/country\\_profile/MT\\_web\\_country\\_profile.pdf](http://ec.europa.eu/consumers/overview/country_profile/MT_web_country_profile.pdf)

# 19 | Netherlands



## New or Improved between 2007 and 2010

01 | Code coverage  
02 | Code Compliance  
05 | Sanctions

06 | Consumer Awareness  
07 | Own-initiative Monitoring

*The Stichting Reclame Code (SRC) was established in 1964. It deals with general advertising self-regulation and handles both consumer complaints and complaints filed by organisations and industry.*

*SRC collaborates with the Foundation for Responsible Use of Alcohol (STIVA), which is the social responsibility organisation of the alcohol industry, responsible for pre-clearing advertisements for alcoholic beverages in case of Television, cinema and radio commercials.*

### 01 | Code Coverage

The scope of the Dutch Advertising Code applies to all media.

The Advertising Code for Alcoholic Beverages, applicable to beer advertising as well as all alcoholic beverages, was reviewed in October 2009. The new code sets forth further restrictions and gives further details about the placement of advertisements in magazines, extended age checks on websites, sports equipment, educational slogans for bus shelters and hoardings, and timing of responsibility messages in Television, cinema and internet commercials.

### 02 | Code Compliance

Training of the alcohol code is organised by STIVA, who set up annual workshops on alcohol advertising Code Compliance and smaller in-company workshops.

Pre-clearance is mandatory for alcohol advertising on radio and television. This service is conducted by STIVA. Print, outdoor and web alcohol advertisements are also cleared by STIVA on a voluntary basis, i.e. at the request of the advertiser.

STIVA's pre-clearance committee is composed of 7 members: independent experts (a 'code contact person' for every industry and the director general of the STIVA) and 3 independent members (1 independent brand advisor, 1 scholar from a university, 1 consultant former MP).

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In addition, since 2009 the SRC has offered, upon request, compliance advice on specific advertising codes such as the one concerning alcoholic beverages. This is done on a limited, informal basis and directed to advertisers who saw a complaint against one of their advertisements upheld by the Advertising Code Committee. This service assists brewers who have to adapt or withdraw an advertisement to ensure that the newly proposed advertisement complies with the advertising code. By 2011, the SRC expects to provide a full formal copy advice service for campaigns in the development stage.

Non-Dutch companies can ask for copy advice by submitting their requests via the European Copy Advice/Pre-Clearance Facility ([www.ad-advice.org](http://www.ad-advice.org)).

### 03 | Complaints Handling

Whether it is about a beer advertisement or any other product, any member of the public (including organisations who represent the values of the general public) can complain to the SRC in writing (post, fax, using the online complaint form to the SRC), with details of the advertisement complained of, why it is thought to be in breach of the Code and, where possible, a copy of the advertisement. An initial assessment is carried out to determine whether the complaint warrants consideration. If it appears that it does not, the complainant is advised accordingly.

In cases of complaints received under the Code for Alcoholic beverages, SRC first contacts the brewer involved. If the brewer is not cooperating, then the SRC would contact STIVA.

The SRC Advertising Code Committee is an independent body responsible for adjudicating on complaints. The Advertising Code Committee is composed of both advertising industry people as well as people representing consumer interests and can consult experts and specialists when a case requires it. The Committee's chairman is a lawyer with judicial experience, mostly from working as a judge within the Dutch courts.

Should either the complainant or the brewer disagree with the SRC's decision, they can appeal within 14 days or, in urgent cases, within 7 days of the decision.

Appeals against the Committee's ruling are referred to the Appeals Board, which issues a definitive ruling. The Board of Appeal will not be composed of the same members as the Jury which reached the original decision. The Board can make use of experts and specialists if necessary.

SRC dealt with 1183 cases in total in 2008 in which the complaints were submitted to the (chairman of the) Committee and/or Board of Appeal. Out of these, 85 cases were about alcohol advertising (beer, spirits or wine).

### 04 | Speed of Decision

A complaint considered to warrant the attention of the SRC is first forwarded to the brewer concerned, who is invited to comment within 14 days. After this period, a copy of any response received is sent to the complainant. A hearing is then arranged at the offices of the SRC, where the parties are invited to state their respective cases, although parties may also provide their point of view in written format. A written ruling is issued within two weeks of the hearing. The average time to process a case is one to three months. There is a fast track procedure to deal with urgent cases within 14 days of the Committee's hearing.

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## 05 | Sanctions

If an advertisement is found to infringe the Code, the SRC instructs the brewer to cease the campaign.

The Dutch Media Law obliges all broadcasters (linear and nonlinear services and radio) who carry advertising to be members of the SRC. Those media are bound to refuse advertisements against which a negative decision has been issued by SRC. When the complaint is upheld by the Committee and/or Board of Appeal, conditions can be set on the broadcast time of the radio and/or Television commercial submitted for adjudication. Furthermore, a broadcaster who considers that an advertisement breaches the Code may refuse to broadcast it. Brewers may lodge an appeal against such a decision with the SRC.

Further sanctions may be imposed as described in the contracts concluded between the SRC and the organisations under a Special Advertising Code, such as the obligation to pay a financial penalty and the instant enforceability of adjudication.

Repeated breaches of the Code may become the subject of an Alert issued by the SRC, which is sent as a press release and published on the SRC website. Since 4 June 2009 a list of advertisers who have repeatedly breached the Code and failed to respond or to comply with the Jury's adjudication is available on the SRC website (Het Rode Oor).

## 06 | Consumer Awareness

The SRC publishes an Annual Report (Jaarverslag) on its website, which contains the annual complaint statistics. A booklet on the procedures of the Advertising Code Committee and the Appeals Board is available in Dutch and English. This booklet also includes the Dutch Advertising Code and can be found online.

SRC regularly sends out press releases on Alerts and the introduction of special advertising codes. Important and/or groundbreaking adjudications are regularly communicated to the press for Alert publication.

The Decisions of the Advertising Code Committee and Appeals Board (Uitspraken Reclame Code Commissie en College van Beroep) are available on a subscription basis, either via the website or via the Secretariat. Alerts are available free of charge on the website.

## 07 | Own-initiative Monitoring

At the request of a sector or a branch of the industry whose advertisements fall within the scope of a Special Advertising Code, the SRC will conduct monitoring to determine whether these advertisements are compliant with the Code. Details and statistics are available on request<sup>27</sup>.

SRC participates in pan-European compliance monitoring projects on alcohol advertisements (spirits, wine and beer) coordinated by EASA.

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<sup>27</sup> The Dutch alcoholic drinks industry has not requested for compliance advice/monitoring.

## 20 | Poland



## New or Improved between 2007 and 2010

01 | Code Coverage

02 | Code Compliance

05 | Sanctions

06 | Consumer Awareness

07 | Own-initiative Monitoring

*Alcohol advertising in Poland is subject to legislative regulations under the “The Act of October 26th, 1982 on Upbringing in Sobriety and Counteracting Alcoholism”. This law prohibits all but beer advertising, which may advertise in any media within constraints on its content, timing and placement.*

*Związek Stowarzyszeń Rada Reklamy (Rada Reklamy) - (Union of Associations Advertising Council), which was created in 2006, has been in charge of the enforcement of the self-regulatory code for beer advertisements since 2008, when the Polish Brewers became a member of Rada Reklamy.*

**01 | Code Coverage**

The Polish self-regulatory advertising codes apply to all forms of marketing communication, and so does the Brewers’ Code as it has been included within the general advertising code enforced by Rada Reklamy.

**02 | Code Compliance**

In order to raise awareness on the applicable rules, the Polish Brewers trains practitioners and equips its members with educational materials.

Brewers and the advertising agencies they hire can also request copy advice at Rada Reklamy. Copy advice is provided free of charge upon request for members; non-members can access this service for a fee. Copy advice in most of the cases is given within three business days. Copy advice requests can be submitted electronically to [copy@radareklamy.pl](mailto:copy@radareklamy.pl).

**03 | Complaints Handling**

Rada Reklamy handles complaints from both consumers and competitors. Consumer complaints are handled free of charge, as are complaints lodged by a member, but complaints by a company not in paid-for membership of the SRO are subject to a fee. Consumer complaints can be submitted through an online form on the Rada Reklamy’s website or by mail or fax.

The 30 regular members of Rada Reklamy's Commission of Ethics are elected by the General Assembly from candidates nominated by industry representatives and serve for a two-year period. Members are recruited from member organisations of Rada Reklamy (representing media, agencies and advertiser from different sectors). Every complaint is judged by the Adjudication Panel, whose Members shall not be linked to any party by kinship or legal bond under a regular employment contract, short-term employment contract, specific-task contract or other contract to similar effect. In short, when a complaint concerns beer advertising, no jury members can be linked in any way with the beer sector. Out of its 30 members with voting power, 90% are nominated by the industry while 10% are independent arbiters.

There is also a 31st member of the Commission of Ethics - a legal adviser who assists with Complaints Handling and adjudication procedures, but has no voting power.

Appeals are free of charge and are possible in the case of new evidence or facts that were unknown at the time of adjudication. Appeals can be made within 10 business days of receiving the adjudication in writing by both consumer and brewer. The appeals committee consists of six members of the Commission of Ethics which did not adjudicate in that specific case.

Rada Reklamy dealt with 460 complaints in total in 2008, of which one was about alcohol advertising (beer, spirits or wine).

## 04 | Speed of Decision

On receiving a complaint, Rada Reklamy asks the brewer concerned for a formal response within 14 days. After this period the Committee of Ethics makes adjudication within 10 days. In average, it takes 30 days to get a complaint adjudicated.

All adjudications are published within 7 business days from the day of the adjudication. The adjudication is published on Rada Reklamy's website and is sent to the brewer and the complainant<sup>28</sup>.

## 05 | Sanctions

**The Committee of Ethics can:**

- 1. State the ad violates the code**
- 2. State the ad should be modified ASAP and set up a deadline (according to organisational feasibility)**
- 3. Address the offender and state that the distribution of the ad should be stopped.**

The decisions of Rada Reklamy Committee of Ethics, along with the name and details of the brewer, are published on Rada Reklamy website and circulated to the advertising press. The eight main consumer organisations will be officially informed about the complaints publication.

In the event of non-compliance, the SRO asks the media carrying the advertisement to enforce its decision. In addition, a compliance clause is built into most advertising contracts specifying that the advertisement must comply with Rada Reklamy's Code.

<sup>28</sup> Rada Reklamy dealt with 627 complaints in total in 2009, of which seven were about alcohol advertising (beer, spirits or wine).

In cases of persistent refusal to comply with the SRO's decision, a sponsoring advertiser's "ethical advertising certificate" will be revoked. The licence agreement forbids the use of the 'I advertise ethically' certificate in commercial communications. If the holder of the certificate is refusing to follow the Committee of Ethics' adjudications, the certificate is withdrawn.

## **06 | Consumer Awareness**

Rada Reklamy's website features a clearly laid out and easy to use consumer complaint form, which is easily accessible from many parts of the website. The website contains essential knowledge on advertising self-regulation, the Code of Ethics in Advertising and all the adjudications of the Commission of Ethics, with the latest adjudications highlighted on the home page.

Rada Reklamy provides training seminars for its members from the advertising industry as well as workshops for the media. Rada Reklamy also actively promotes its self-regulatory system to representatives of public authorities, members of parliament, industry specialists, academics and students. The SRO plans to introduce educational programmes for children and young adults.

Rada Reklamy is working with representatives of the press on a regular basis. Most of the high profile cases are commented upon in both professional and general media. Rada Reklamy provides journalists with regular information including statistics on complaints.

In 2010 Rada Reklamy will run an awareness campaign targeting consumers and industry.

In addition, info-lines and websites of all brewer signatories and the Polish Brewers Associations (ZPPP) contain relevant details and links for filing complaints.

## **07 | Own-initiative Monitoring**

Rada Reklamy monitors advertising in selected media for compliance with the Code and participates in pan-European compliance monitoring projects on alcohol advertisements coordinated by EASA.

## 21 | Portugal



## New or Improved between 2007 and 2010

01 | Code Coverage

02 | Code Compliance

03 | Complaints Handling

05 | Sanctions

06 | Consumer Awareness

07 | Own-initiative Monitoring

Portugal has advertising specific legislation and a statutory regulator with exclusive responsibility for advertising and commercial communication.

The Instituto Civil da Autodisciplina da Publicidade (ICAP) was established in 1991. Over the past years this SRO reinforced its monitoring and copy advice service.

APCV - Associação Portuguesa dos Produtores de Cerveja (Portuguese Brewers Association) was created in 1986 and represents the interests of all beer producers in Portugal.

In 2001, APCV first joined the horizontal self-regulation Code of Commercial Communications of the alcoholic beverages industry and later, on 12 April 2007, the six APCV members jointly signed a specific Beer Self-regulation Code for Commercial Communications. This Code entered into force on May 2007, just after the signature of a cooperation agreement between APCV and the Portuguese SRO (ICAP). Additionally, APCV became a member of ICAP from Sept 1<sup>st</sup> of 2007.

**01 | Code Coverage**

The Portuguese Code of Practice covers all marketing communications. Regarding beer advertisements, ICAP enforces and adjudicates on the APCV code of practice.

**02 | Code Compliance**

In order to raise awareness on the applicable rules and share good practices on self-regulation, the APCV organised an internal workshop for discussing self-regulation issues (letter and spirit) on 23 June, 2009 (APCV, Lisbon). Representatives of top marketing managers of the four largest brewing companies – all together representing more than 98% of market share – attended the Workshop.

Copy advice on beer advertisements is provided by the ICAP Technical Legal Cabinet.

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To submit a copy advice request, advertisers, agencies or media must fill out the copy advice request form which can be downloaded from the ICAP website and send it to ICAP, together with the advertisement or storyboard/script and supporting documents, either by post, fax or email.

Copy advice is given within a maximum of 48 hours, in most cases within 24 hours.

ICAP is also affiliated with the European Copy Advice/Pre-Clearance Facility.

For more information please visit [www.ad-advice.org](http://www.ad-advice.org).

### 03 | Complaints Handling

ICAP handles complaints submitted by competitors (both members and non-members), consumers, consumer associations, statutory bodies and other interested parties. For consumers and consumer associations, this service is free of charge and they can submit a complaint through an online form available on ICAP website. A charge is made for competitor complaints and for non-members.

ICAP's JEP (Juri de Etica Publicitaria) is independent, and is composed by two sections and an appeal commission. Each section of the Jury is composed of six members; a Chairman and five voting members (four permanent and one substitute).

The jury can consult experts on beer issues as well as product placement. These two experts are originating from the protocols signed with the APCV and the self-regulation agreement signed with the Portuguese television providers concerning the Product Placement and Production Props and/or Prizes.

Decisions are binding for ICAP members and published on the ICAP website. Non-ICAP members are not bound by the Advertising Code, but it is highly recommended that they follow the decisions and in practice this usually occurs.

ICAP also provides a mediation service, i.e. a forum for the parties to meet and reach agreement about a contested advertisement. Either party can initiate mediation.

When a request is received, the other party is notified and, if both are willing, a meeting is arranged as soon as possible. If an agreement is reached, it is put in writing, signed by both parties and then, if both parties agree, published on the ICAP website. If the parties fail to reach an agreement, the case is considered by the Jury under the normal complaints procedure. Even if it fails, the mediation process does not delay the time periods specified in the procedure.

After the parties have received the decision, either party has five business days to appeal. If an appeal is lodged, the other party has five business days to respond, after which ICAP reaches a decision within eight business days and communicates it in writing to both parties. The Appeals Committee is composed of four members (a Chairman, two Vice-Chairmen and one substitute) only reviews new evidence, if it has been submitted. The decisions of the Appeals Committee are binding for members of ICAP, such as APCV, and are published on the ICAP website and newsletter.

ICAP dealt with 22 complaints in total in 2008. Out of these, 4 complaints were about alcohol advertising (beer, spirits or wine).

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## 04 | Speed of Decision

Once the complaint is received, the brewer is invited to respond to the complaint within five business days. Decisions of the ICAP Jury take effect immediately and the process, assuming there is no appeal, normally takes 10-12 business days.

For all beer advertisements dealt with in 2007/08, the decision time of ICAP was under 48 hours<sup>29</sup>.

## 05 | Sanctions

All decisions are available on the ICAP website and published in ICAP's newsletter, once ICAP has received confirmation from both parties, by registered mail, that they have received notification of the decision and after the expiry of the five business days' appeal deadline.

ICAP can instruct the brewer to withdraw the advertisement. If the brewer refuses to comply, ICAP will request the media to refuse the advertisement. So far, in the few cases that it was necessary to request the media to refuse an advertisement this was promptly done.

In addition, in the event a brewer refuses to comply or keeps on breaking the rules, he will be expelled from the APCV.

## 06 | Consumer Awareness

The APCV held several press conferences in 2007-08 about the new beer code. In addition, they disseminated brochures during seminars and events, attached them to brewers' newsletters, and shared them when meeting with stakeholders and government.

In 2008 the "Portuguese Self-Regulation Beer Code" was displayed in all major public events that APCV had. In 2009, a Consumer Awareness campaign was conducted in national newspapers<sup>30</sup> and through the dissemination of specific brochures including the specific mention of the 'complaints mechanism available for consumers' amongst all 400 participants of Agro-Food national FIPA Congress held on 15 November, 2009 at Convento do Beato, Lisbon.

More generally, information on advertising self-regulation as well as ICAP can be found on the ICAP website - [www.icap.pt](http://www.icap.pt) - which was updated in 2009. The new website features an overview of all the services that ICAP provides to its members (including an extranet accessible only to members) and information for those interested in learning about ICAP's work. ICAP's website has an online form for consumers' complaints and a copy advice request form (in pdf format).

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<sup>29</sup> [http://www.icap.pt/icapv2/images/memos/Relatorio\\_Monitorizacao\\_APCV\\_4trimestre08.pdf](http://www.icap.pt/icapv2/images/memos/Relatorio_Monitorizacao_APCV_4trimestre08.pdf)

<sup>30</sup> EXPRESSO weekly newspaper, 01/08/2009; OJE daily newspaper, 15/12/2009

ICAP regularly participates in seminars and conferences on advertising and self-regulation, and distributes information on the sector to all its members.

ICAP ran a campaign between June and October 2009 to raise awareness on its role and activities among the advertising industry, regulators and the general public. The campaign ran in daily and weekly newspapers, on national television and some cable channels, radio, magazines, outdoor and the Internet.

## **07 | Own-initiative Monitoring**

ICAP formally started to monitor beer advertisements on television from 1 September 2007, three months after having signed a protocol with the Portuguese Brewers Association (APCV). Since then ICAP has regularly produced monitoring. All the reports are available on the ICAP and the APCV websites and were also published in the e-newsletter of ICAP. In 2009, ICAP and APCV started talks to extend the systematic monitoring to other media supports, such as billboards. It is expected to implement it in the second half of 2010.

## 22 | Romania



## New or Improved between 2007 and 2010

01 | Code Coverage  
02 | Code Compliance

06 | Consumer Awareness  
07 | Own-initiative Monitoring

*The Romanian Advertising Council (RAC) was established in 1999. The Romanian Brewers association has been a member of the RAC since 2006 and beer advertisements are therefore judged against the further established code.*

## 01 | Code Coverage

The RAC Code of Advertising Practice, revised at the end of 2008, applies to all media.

The RAC is also responsible for applying the Ethical Code of the Romanian Brewers Association. Even if not all the Romanian brewers are members in the Romanian Advertising Council, any complaint regarding commercial communications for beer will be judged also taking into consideration the Brewers of Romania's Code which is included in the Romanian Advertising Council Codex<sup>31</sup>.

## 02 | Code Compliance

RAC started providing copy advice in July 2009. Advertisers, agencies or media may request copy advice in writing, submitting a script/story board (preferably close to its final stage) or the finished advertisement (before it appears), together with any supporting documents. In 2009, after the launch of the copy advice service RAC ran an extensive communication campaign for advertisers and agencies to promote and explain this service.

Copy advice is offered by the Copy Advice Panel ('CAP'), composed of the following: RAC Executive Director, an expert – permanent member of CAP approved by the General Assembly, and one of the Ethical Committee permanent members.

Copy advice is available to both members and non-members of the RAC and is provided within three business days. Requests and any documents submitted are dealt with in total confidentiality. Requests can also be made through the European Copy Advice/Pre-Clearance Facility at [www.ad-advice.org](http://www.ad-advice.org). Copy advice can also be solicited following a decision to amend an advertisement from RAC'S Ethical Committee, to make sure that the changed advertisement is compliant with the Code.

<sup>31</sup> <http://www.rac.ro/EN/cod>, Annex 1 - Rules of responsible commercial communication for beer

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### 03 | Complaints Handling

All the complaints regarding commercial communications for beer are judged by the Ethical Committee of the Romanian Advertising Council based on the protocol signed between RAC and Brewers of Romania.

The RAC Ethical Committee handles complaints on advertising content from consumers, competitors and institutions. RAC receives the complaints directly from consumers, competitors and institutions, or via the National Audiovisual Council, the Ministry of Public Finances and the National Authority for Consumer Protection. In all cases, complaints are handled free of charge. Complaints must be made in writing or via the online complaint form and must include a clear explanation of the reasons for the complaint as well as a detailed description or example of the offending advertisement.

If the complaint is found to be within the remit of the RAC, the brewer is informed and invited to respond to the complaint within two days. If the brewer concedes the complaint and agrees to change or withdraw the advertisement, the case is closed, and all parties are informed. If the brewer disagrees or does not respond, the complaint is considered by the Ethical Committee within three business days of receiving the complaint.

The Ethical Committee (jury) is composed of five members: two 'permanent members' and three representatives of the RAC's members. There are three permanent members alternating, whereas the three RAC members are convened according to the case to avoid any conflicts of interest. In case of a potential conflict of interest, members of the Ethical Committee are required to withdraw from the case. The Ethical Committee takes a decision by a simple majority of votes. Both the complainant and the brewer are informed of the decision. If the complaint is upheld, the brewer is invited to amend or discontinue the advertisement.

RAC currently has no appeals procedure.

RAC dealt with 37 complaints in total in 2008. Out of these, 5 complaints were about alcohol advertising (beer, spirits or wine).

### 04 | Speed of Decision

Complaints are handled within 4 business days.

### 05 | Sanctions

In the event of non-compliance, the Ethical Committee may publish its decision in the press, having the approval of the Board of Directors.

Also, RAC may report non-compliance to the statutory regulatory body - the National Audiovisual Council (CNA) - under the RAC-CNA protocol agreement (signed in November 2003) and to the Ministry of Finance – Directorate General of State Aid, Unfair Competition and Regulated Prices – under the RAC-MFP protocol agreement (signed in December 2009).

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RAC may also report the breach to the National Authority for Consumer Protection. RAC intends to establish a similar formalised backstop procedure with this authority.

In addition, the Brewers of Romania members who don't respect the Romanian Advertising Council's decisions will lose their membership, and the RAC decisions will be posted on Brewers of Romania's website.

## 06 | Consumer Awareness

The RAC decisions regarding beer advertisements are published on the Brewers of Romania's website twice per year. The Brewers of Romania's website also has a link to the RAC for lodging the complaints<sup>32</sup>.

The RAC website [www.rac.ro](http://www.rac.ro), available in Romanian and English, was upgraded in June 2009. Non-members have access to information about RAC, self-regulation, news, the online complaint form and the guide on how to send a complaint, the online membership form and how and why to become a RAC member. Guests have access to the online newsletter and other documents posted especially for them.

## 07 | Own-initiative Monitoring

The Romanian Brewers regularly conducts assessments on whether or not the code needs to be reviewed.

RAC does not monitor advertising on a routine basis. However, in exceptional circumstances it may carry out monitoring of a particular medium or a specific issue.

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<sup>32</sup> <http://www.berariiromaniei.ro/en/commercialcodeofcommunication.html>

## 23 | Slovakia



## New or Improved between 2007 and 2010

01 | Code coverage

02 | Code Compliance

03 | Complaints Handling

06 | Consumer Awareness

07 | Own-initiative Monitoring

*While alcohol advertising is subject to framework regulation, self-regulation ensures that beer advertisements comply with the required standards.*

*The Slovak SRO, Rada Pre Reklamu (RPR) was established in 1995. Although the Slovak Beer and Malt Association is not a member of the RPR, a cooperation agreement was signed in June 2009. Under this agreement, the RPR will send to the Slovak Beer and Malt Association periodical reports on the complaints received on beer advertising.*

*Complaints on beer advertising received by the RPR would follow the normal procedure.*

*Over the recent years the SRO has further consolidated itself by overhauling its complaints procedure which is now mostly handled online and significantly raising awareness. Its 2008 awareness campaign, created and run 100% pro-bono, gained the SRO the EASA Gold Best Practice Award of 2009.*

*The Slovak SRO system and national code are currently under review and further changes are expected to come into place in 2010.*

**01 | Code Coverage**

The scope of the Code of Advertising Practice of the Slovak Republic applies to all marketing communications, including internet, SMS and MMS advertising. The Slovak beer code has recently been annexed to the general code of advertising practice.

**02 | Code Compliance**

In order to ensure compliance with the applicable rules, the members of the Slovak Beer and Malt Association must brief the advertising agencies with whom they cooperate to respect and be in line with the applicable codes.

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Furthermore, the RPR Arbitration Committee provides copy advice. Requests for copy advice must be submitted in writing, either via email or post. The advertisement, or the script/storyboard, must be submitted together with any supporting information.

Brewers, agencies or media not located in Slovakia who wish to make use of the Slovakian copy advice service can do so by requesting copy advice online through the European Copy Advice/Pre-Clearance Facility at [www.ad-advice.org](http://www.ad-advice.org).

### 03 | Complaints Handling

Under the current rules of order, the RPR handles complaints from both consumers and competitors free of charge. In certain cases, if the beer advertisement is in clear breach of the Code, the RPR may ask the brewer to withdraw or change the ad immediately. If the brewer agrees, the complaint is resolved informally. If the brewer does not agree, the complaint will go to the arbitration committee.

The RPR Arbitration Committee is responsible for the interpretation of the Code for copy advice and Complaints Handling, and comprises eleven experts from various professions including lawyers, academics and advertisers. Members are appointed by the General Assembly for an unlimited period. Under the new system, as of March 2010, the Committee would meet now only online, and adjudicates on complaints by using the password protected online database.

RPR recently created an appeals body, which is also expected to come into being in 2010.

RPR dealt with 337 complaints in total in 2008. Out of these, 23 complaints were about alcohol advertising (beer, spirits or wine).

### 04 | Speed of Decision

Up until now, the complaints jury met physically every month. In order to speed up the complaints process, an online jury facility is being created. The new system was submitted for approval by the RPR general assembly in March 2010. Under the new system, complaint adjudications typically take less than 14 days.

In urgent cases a fast track procedure allows the complaint to be dealt with immediately.

### 05 | Sanctions

Adjudications are published online on the public RPR website. The RPR can instruct media to refuse or withdraw an advertisement against which it has upheld a complaint; it may also instruct the brewer to publish a corrective statement.

All media members of the RPR agree to stop carrying advertisements against which complaints have been upheld. A communication is sent to the operators once the decision is published to ask for the removal of the campaign. The press is informed of all decisions and are also published each month in a leading advertising trade publication and on a special media website with an open discussion forum for each case.

## 06 | Consumer Awareness

One of the members of Slovak Beer and Malt Association organised, in cooperation with the RPR the conference 'Responsible Marketing Communication' where many attendees from the public services, journalists and industry representatives received information on the applicable code and self-regulatory mechanisms in place in Slovakia.

The RPR website contains information on the self-regulatory body, information about self-regulation, national legislation, the governing bodies of RPR, lists and profiles of members, the ethical principles of advertising, an online complaint form, an online copy advice request form and published adjudications. More information on the RPR can be found on its website [www.rpr.sk](http://www.rpr.sk).

The RPR promotes awareness and informs the public through campaigns, media presentations and the organisation of seminars/workshops. Its latest campaign ran for two weeks in November 2009 and was aimed at the advertising industry, raising RPR's profile and highlighting the benefits of becoming a member. A previous campaign, which ran in 2008, was aimed at the general public and specifically residents of the central and eastern parts of Slovakia, as statistics showed very few complaints originating in these areas. This campaign received the Gold Award in the 2009 EASA Best Practice Awards.

RPR also regularly issues press releases and RPR staff members appear in the media to explain the concept of advertising self-regulation.

## 07 | Own-initiative Monitoring

Since 2006 the RPR has monitored print advertising of its own initiative in partnership with Media Print Kappa Progresso, a Slovakian distributor of print media. Monitoring of print media is carried out on a daily basis and the Secretariat decides whether an advertisement warrants referral to the Arbitration Committee.

## 24 | Slovenia



SLOVENSKA  
OGLAŠEVALSKA  
ZBORNIKA

## New or Improved between 2007 and 2010

## 06 | Consumer Awareness

*In Slovenia, there are significant legislative restrictions to advertising under the “Act Amending the Health and Hygiene Safety of Foodstuffs and Products and Materials Coming in Contact with Foodstuffs Act.”*

*Beer advertising can appear on television, print and radio but there is a watershed broadcast ban between 07.30 and 21.30. Cinema advertising is only allowed after 22.00. Outdoor advertising is banned altogether. In addition, restrictions in content apply. Alcohol advertising must also carry a compulsory health warning message.*

*The Slovenian SRO Slovenska oglaševalska zbornica (SOZ) was established in 1999. The two local beer producers are members of the SRO via the advertising association.*

**01 | Code Coverage**

The Slovenian “Act Amending the Health and Hygiene Safety of Foodstuffs and Products and Materials Coming in Contact with Foodstuffs Act” regulates the placement and content of beer advertising in Slovenia. Hence its application is the competence of the courts and self-regulation is limited to making an interpretation of the law and assisting the advertisers in respecting the legal requirements.

The Slovenian Code of Advertising Practice, applying to all advertisements in Slovenia, applies to all media.

**02 | Code Compliance**

Copy advice services are available to Slovenian brewers.

Copy advice is provided by the Advertising Arbitration Court and is available to both SOZ members and non-members. Requests must be made in writing either by post or by email. The usual time frame for issuing copy advice is 10 days upon receiving the request.

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### 03 | Complaints Handling

Complaints regarding an advertisement or advertising campaign may be addressed by any person or organisation to the SOZ Advertising Arbitration Court. All complaints are handled free of charge. Complaints should be submitted in writing, if possible with a copy of the advertisement in question; complaints can be filed either by post or by email. If the complainant cannot provide a copy of advertisement, the SOZ acquires it either from the advertiser or the media.

On receipt of the complaint, the Secretariat is obliged to notify the brewer and, if necessary, the advertising agency and the media concerned, inviting comments and the substantiation of the parties' claims.

The Advertising Arbitration Court has seven members. They are elected by the General Assembly from a minimum of nine candidates proposed by the Slovenian Association of Advertisers (three), the Slovenian Association of Advertising Agencies (three) and the Slovenian Association of Media (three). New Advertising Arbitration Court Procedures were adopted in December 2005 stipulating that at least three of the seven elected members must be independent, non-governmental persons (retired advertising practitioners, academics, etc. also qualify for this category) and the three associations under the auspices of the SOZ are obliged to nominate at least one member each.

In cases requiring specialised knowledge, the Advertising Arbitration Court may obtain an independent professional opinion. In that case, the time from the receipt of the complaint to the publication of the decision may be extended by an additional two weeks.

Either party (complainant or brewer) can ask the Advertising Arbitration Court to reconsider its decision within eight days, in any of the following circumstances: where it is thought that there has been an incorrect application of the code; substantial procedural errors; incorrect determination of the actual situation; or in the case of new facts or evidence.

The Advertising Arbitration Court's appeal decision is final.

SOZ dealt with 50 complaints in total in 2008. None were about alcohol advertising (beer, spirits or wine).

### 04 | Speed of Decision

The Advertising Arbitration Court is required by the procedural rules to reach a decision on the complaint within one month of receiving it and subsequently to inform all the parties involved of the outcome.

After the expiration of the appeal deadline (eight days from the receipt of the adjudication), the verdict is published on the website and a press release is issued.

### 05 | Sanctions

The SOZ publishes all adjudications on the website within three business days of closing the case.

The adjudications are also distributed to main trade press as part of a press release.

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## 06 | Consumer Awareness

The SOZ does not currently publish annual complaints statistics, but they are available on request to both members and non-members. SOZ media members provide space to publicise its activities and decisions.

The SOZ regularly communicates with national and trade press about self-regulation and Jury decisions.

The SOZ web-site ([www.soz.si](http://www.soz.si)) was launched in 2004 and includes an archive of all decisions of the Arbitration Committee since 2004. The SOZ issues an e-newsletter which is disseminated to SOZ members and journalists. It is issued approximately eight times a year and is the most important communications channel with SOZ members. In the e-newsletter, the SOZ reports on its own activities as well as on the regulatory and self-regulatory issues in the EU and its Member States. The Slovenian Code of Advertising Practice and Advertising Arbitration Court Procedures are available in English upon request.

The SOZ organises press conferences and seminars. It also organises the annual Golden Drum International Advertising Festival and Slovenian Advertising Festival, as well as the biannual Effie® communication effectiveness award. All these activities indirectly promote self-regulation, since advertisements or campaigns found by the Advertising Arbitration Court to be in breach of the Code are ineligible for entry.

## 07 | Own-initiative Monitoring

The SOZ does not currently carry out monitoring.

The SOZ is seeking a solution adequate to the relatively small Slovenian market, which results in too limited financial resources to implement monitoring (regarding special sensitive areas within a limited period of time).

## 25 | Spain



## New or Improved between 2007 and 2010

01 | Code Coverage

02 | Code Compliance

03 | Complaints Handling

04 | Speed of Decision

05 | Sanctions

06 | Consumer Awareness

The general advertising SRO called *Asociación para la Autorregulación de la Comunicación Comercial (Autocontrol)* was created in 1995.

Since 2003, Autocontrol has been in charge of applying the *Brewers Code (in second instance)*. In 2009, a cooperation agreement was signed between *Cerveceros de España* and Autocontrol.

**01 | Code Coverage**

The Spanish Brewers Code of Advertising Practice applies to all media and covers all areas of marketing communication.

**Spanish Brewers Code of Advertising Practice is enforced as follows:**

- ▶ **Spanish Brewers Association:** Spanish Brewers Association Complaints Commission, competent to solve complaints against beer advertising, in first instance.
- ▶ **Autocontrol:** The Legal Team of Autocontrol is in charge of issuing copy advice for beer advertising and Autocontrol's Jury is in charge of resolving complaints against beer advertising in second instance.

**02 | Code Compliance**

Five workshops were run in 2009 and 2010 by the Spanish Brewers Association, to present the recent evolutions. Two were aimed at presenting the new code to the members of the consumer organisations (CECU and UCE on 14th and 15th December 2009), one was aimed at members of the Spanish Brewers Association (19th of January 2009) and two were aimed at individual companies active in Spain (06th of July 2009 and 09th of March 2010). They were run in collaboration with Autocontrol.

Three types of advice are available from the Legal Team of Autocontrol. Firstly, Autocontrol members may request informal legal advice on general issues concerning advertising ('Legal Advice'). Secondly, the Legal Team will provide brewers, agencies or media with written advice on a proposed advertisement and any revisions needed to bring it into compliance with the Code and relevant legislation ('Copy Advice'). Finally, the Legal Team will provide brewers, agencies or the media with a detailed written opinion ('Report') on a legal or ethical issue regarding advertising, or on a specific advertising campaign launched by advertisers (this one can only be requested by

advertiser brewer regarding its own campaign).

Following the cooperation agreement signed in 2009, copy advice is required for all brewers' television advertisements. Some advertisers also use this service for other media.

Non-Spanish companies can ask for copy advice by submitting their request via the European Copy Advice/Pre-Clearance Facility ([www.ad-advice.org](http://www.ad-advice.org)).

The Brewers' Code does not establish pre-clearance for beer advertising.

### 03 | Complaints Handling

For beer advertisements, complaints are handled in first instance by the Spanish Brewers Association Complaints Commission. According to the Brewers Code, once the Complaints Commission receives a complaint, it informs both parties about its reception and acceptance (the Commission has three days for accepting the complaint). It also informs about the schedule for its resolution, normally no more than 15 business days. The decision reached by the Complaints Commission is sent to both parties. If the advertisement is considered to be infringing, the brewer will be asked to modify or withdraw the advertisement.

When it was established, the Spanish Brewers Association Complaints Commission was composed of 2 members from the Spanish Brewers Association and one representative from consumer group "CECU". As of January 2009, a second representative from a consumer group (UCE) joined the jury. Therefore the Spanish Brewers Association Complaints Commission has four members, two of which are members of the Spanish Brewers Association. The Spanish Brewers Code does not establish what would happen in case of a voting tie when deciding over a case.

Should a complaint be received directly at Autocontrol and motivated by a breach of the Beer Code, Autocontrol would transfer the complaint to the Spanish Brewers Association Complaints Commission. In case the complaint would be motivated by another matter different from the Brewers Code (legality, truthfulness) the complaint would be handled under the normal procedure of Autocontrol.

In case of disagreement by any party with the Spanish Brewers Association Commission's decision, or non-compliance of the decision by the advertiser or in case that the term established for the Commission to solve the case expires without any decision taken, the case will be sent to Autocontrol's Jury.

Autocontrol's Jury is composed of a President, five Vice-Presidents and fifteen board members. A list of the members of the Jury is available to the public on the website of Autocontrol. The members of the Jury may not maintain professional relations with associate companies, either at the moment of their appointment or during their mandate. Among others, the following would be causes for the members of the Jury to object or abstain: (i) Providing or having provided professional services, within a period of less than one year, to one of the contending parties. (ii) Having or having had an employment relationship with either of the contending parties. The member of the Jury to whom any of the above clauses applies should refrain from hearing the case without waiting to be challenged. 25% of the members are directly appointed by the National Consumer Affairs Institute ('Instituto Nacional de Consumo').

Autocontrol's Jury is split into six Sections, each with the same number of members. Each Vice-Chairman acts as

a Chairman of one of the six Sections. Each Section has four members each, with at least three substitute members, appointed amongst the members of the remaining Sections; they can be called by the Secretary of the Jury to cover any absences. The Sections shall require at least three members in order to be validly constituted, one of the members shall be its President, and he shall have the deciding vote, in the event of voting tie.

Once a complaint reaches Autocontrol, it is forwarded to the brewer concerned, who is invited to comment and, where appropriate, produce evidence to substantiate any claims, within a time limit of five business days. If the brewer agrees in writing to withdraw or modify the advertisement, the case is closed.

In cases where there is the possibility of reaching an agreement between the two parties, the Autocontrol Secretariat may try to solve the dispute by mediation within the time limit of five business days. If mediation proves unsuccessful, the case is submitted to the Jury and handled in the normal way.

If the brewer does not agree to withdraw or modify the advertisement, he may comment within the five-day limit, or simply not respond. After this time limit, the case is referred to the Jury, which examines the case and reaches a decision. Both parties are immediately informed in writing of this decision.

Autocontrol also has its own appeal's system, where the Autocontrol Jury will come together in a Plenary Session, composed of the Chairman of the Jury and the Chairmen and members (regular or substitute members) from two Sections different from the Section of the Jury which had adjudicated in first instance.

Beer advertising complainants may also have access to this second instance before Autocontrol's Jury.

Either party is entitled to appeal against a decision within four business days from the day following its receipt. The appeal must be in writing and the reasons for appeal must be clearly indicated. As soon as it reaches Autocontrol, it is sent to the other party, which has four business days to respond. Upon expiry of this time limit, the Plenary Session of the Jury will examine the case.

The Jury or its Chairman can ask for new evidence if it considers it necessary or appropriate to clarify facts (e.g. they can commission a reliable market research survey, in agreement with the parties, who will need to pay for the necessary expenses).

Once a final decision is reached it is communicated, in writing, to both parties and it is binding for companies. If the decision refers to a possible infringement of the Brewers Code, it is as well communicated to the Spanish Brewers Association Complaints Commission.

Autocontrol dealt with 226 complaints in total in 2008. Out of these, 36 complaints were about alcohol advertising (beer, spirits or wine).

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## 04 | Speed of Decision

As of January 2009, the Spanish Brewers Association complaints Commission decided on a 15 business days deadline for decision-making which has been included in the agreement signed with Autocontrol. Subsequently, removal or modification of the advertisements must be made within 10 days.

Taking into account that the average time for Autocontrol's Jury to get a complaint adjudicated is 14 days, a complaint motivated by a breach of the Beer Code should be solved before 35 days (15 business days before the Spanish Brewers Complaints Commission -21 natural days-, and 14 natural days before Autocontrol).

In case of appeal before Autocontrol's Jury Plenary Session, the complaint should entirely be solved before 49 days (15 business days before the Spanish Brewers Complaints Commission -21 natural days- and 28 natural days which is the average time to get an appeal heard before Autocontrol's Jury Plenary Session).

## 05 | Sanctions

The decision taken by the Spanish Brewers Association Complaints Commission may ask the advertiser to modify or withdraw the advertisement within 10 days. Resolutions of the Spanish Brewers can be published on the Consumer Organisations' and Spanish Brewers Association's websites<sup>33</sup>.

If a brewer repeatedly breaks the rules, Spanish Brewers Association has the possibility to expel him from the association.

Autocontrol's Jury may also ask the advertiser to withdraw or amend the advertisement, or issue a formal reprimand. The decisions of the Jury are automatically published, but in cases involving particularly serious breaches of the Code, the Board of Directors may decide actively to publicise the case, using whatever means it considers appropriate. Serious failure to comply with the Jury's ruling may result in an Autocontrol member being expelled from membership.

Some other codes applied by the Jury of Autocontrol foresee monetary penalties (e.g. Code PAOS on advertising on food and beverages to children, Drugs Code).

All the rulings of the Autocontrol's Jury (first instance and appeals) are published in Autocontrol's monthly newsletter, which is widely read among statutory authorities, the courts, the advertising industry, consumer associations, legal firms, consulting firms, universities, EASA members, etc. They are also entirely published on the Autocontrol website without restrictions.

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<sup>33</sup> At the time of the review (February 2010), the websites of the Spanish Brewers Association, CECU and UCE do not seem to have any resolution published.

<sup>34</sup> According to the last version of the annual report available at [www.cerveceros.org](http://www.cerveceros.org) (annual report 2008), the information regarding the decisions of the Spanish Brewers Association Complaints Commission is given in an anonymous way (company name not mentioned).

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## 06 | Consumer Awareness

Regarding beer advertisements, annual follow-up reports are to be published on the Spanish Brewers Association website<sup>34</sup> and distributed through a mailing list of stakeholders (brewers, trade associations, public authorities, Consumer organisations...).

Autocontrol's website, [www.autocontrol.es](http://www.autocontrol.es) was re-launched in January 2007. It contains general information on its codes and rules, complaints procedure, services, activities, fees, membership, and the decisions of the Jury. Adjudications by experts about domain name disputes (.es) are also available. A database on advertising regulation can be accessed by all Autocontrol members and subscribers. The website includes an online complaints form and provides information in Spanish and English (limited).

Autocontrol publishes an Annual Report, also available on its website, which is circulated to all interested parties. A monthly newsletter, called Autocontrol, is circulated to the advertising industry, consumers, consumer associations, statutory bodies, judicial authorities, universities and legal and consulting firms. As well as news about Autocontrol's activities and members and details of cases handled, the newsletter contains news and articles on advertising and regulatory issues by academics and other specialists. The newsletter is published in hard copy and a summarised version is circulated by email. The digital email newsletter was created in 2003 and has been well received. The aim of both printed and digital versions is to deliver Autocontrol's key objective of transparency.

Autocontrol launched its first awareness campaign in 2007; since then it has run multimedia advertising campaigns every year (2008 and 2009) to increase awareness of the SRO among both public bodies and society. The 2009 campaign ran on Television, radio, in newspapers, magazines, online and outdoors.

Joint annual reports produced by Cerveceros de Espana, the consumer organisation CECU and Autocontrol are published. In 2010, the consumer organisation UCE will also contribute to the report.

## 07 | Own-initiative Monitoring

The Spanish Brewers Association can decide to undertake a complaints procedure on its own initiative (without waiting for a consumer complaint). The principle of the system though is based on consumer complaints and the fact that the consumer organisations are involved and/or informed.

There is currently no advertising compliance monitoring system in Spain. Nevertheless, Autocontrol participates in pan-European compliance monitoring projects on alcohol advertisements (spirits, wine and beer) coordinated by EASA.

## 26 | Sweden



**Ro.**  
Reklamombudsmannen

## New or Improved between 2007 and 2010

01 | Code Coverage  
02 | Code Compliance  
03 | Complaints Handling  
04 | Speed of Decision

05 | Sanctions  
06 | Consumer Awareness  
07 | Own-initiative Monitoring

*The Swedish law (Alcohol Act) bans all advertising of alcoholic beverages of more than 15% alcohol, as well as prohibits Television and radio advertising for any other alcoholic beverage e.g. beer.*

*Self-regulation codes could just be developed as a complement, based on the law, strengthening it and helping in its interpretation.*

*Since the 1970's, most consumer complaints have been handled by a public official, the Consumer Ombudsman. A specialised judicial body, the Market Court (marknads domstol), was set up under the Marketing Act.*

*Regarding alcohol advertisements exclusively, the Alcohol Marketing Supervisor (Alkoholgranskningsmannen, AGM) was set up by the Association of Swedish Spirits and Wine Suppliers and the Swedish Breweries' Association.*

*The general Swedish advertising SRO, Reklamombudsmannen (Ro.) was established in 2009, replacing the two former councils on marketing ethics: ERK and MER. The former focused on sexism and gender discrimination and the latter on all other aspects of ethical advertisement, such as marketing to children, misleading advertising, etc. Ro. has incorporated these two councils within its Committee.*

### 01 | Code Coverage

As stated above, beer advertisements in Sweden are subject to a ban on Television and radio. All other media are covered by the sector's self regulatory codes. In 2006, Brewers of Sweden, 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 applies to all media and is also consistent with the Swedish Marketing Practices Act and the Swedish Radio and Television Act. In parallel, Ro. enforces the ICC Consolidated Code of Advertising and Marketing Communication Practice, which applies to all media.

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## 02 | Code Compliance

AGM gives copy advice services for its members.

In parallel, the Ro.'s Secretariat gives non-binding copy-advice to all advertisers. There are no fees charged for the copy-advice service. Due to the recent establishment of Ro., there have not been many requests for copy advice, thus a representative average of the length of the process can not yet be given.

## 03 | Complaints Handling

Complaints based on the Alcohol Act are made before the Swedish courts.

In addition, any member of the public may report an advertisement to the AGM or the Ro. In practice, the AGM is responsible for first instance decisions and the Ro. is the appeals body, but consumers can contact both. Should the Ro. receive a complaint on beer advertising, it would transfer it to the AGM for a first instance decision. Should companies wish to appeal AGM's decision, they can then contact the Ro.

The AGM decisions are taken by a Scrutineer, Gun Neuman, who independently ensures that member companies observe the Alcohol Act and the shared recommendation.

With regards to the Ro., complaints can be filed by consumers, competitors and other interested parties. Complaints must be made in writing, either via the online complaints form on the Ro. website, or by mail. When it receives a complaint, the Secretariat sends a copy to the brewer for comment, indicating which ICC rules the advertisement might be breaching.

The Ro. Committee adjudicates on new or complicated cases. It consists of 14 members experienced in advertising and marketing law. The Chairman and Vice-Chairman are lawyers. The members of the Committee represent agencies, advertisers and media as well as independent experts such as scientists.

If the case is considered to be of substance and if there is relevant precedent in the form of a previous adjudication, the Reklame Ombudsman can make a decision. If there is no precedent on the case, it is referred to the Ro. Committee (i.e. the Complaints Committee). In this case, the Secretariat submits a written recommendation to the Committee for discussion. The Committee may either accept the recommendation or make a different decision.

If an existing adjudication is relevant to the complaint, the Secretariat may use it as a precedent, to decide whether to uphold or dismiss the complaint. It can also dismiss a complaint if it finds that it does not concern commercial marketing. Appeals can be made to the Committee against any decision made by the Secretariat.

Both parties are informed of the outcome and the decisions are published in full on the Ro. website.

In general, grounds for appeal to the Ro. are limited. Only decisions of the Advertising Ombudsman are challengeable, decisions of the Committee are final. The Committee may decide to reconsider a case, should new facts or circumstances come to light, or if it emerges that the procedure was flawed to an extent that might have influenced the outcome of the case. An appeal can be made within four weeks of the original adjudication by the Advertising Ombudsman. No complaints statistics are available yet as the Ro. was restructured in 2008.

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## 04 | Speed of Decision

AGM reacts when seeing or being informed about a breach of the code. Usually it only takes a week or two for the AGM and the advertiser to reach an agreement.

The Ro. process takes from two to six months, depending on the complexity of the case. A fast track procedure is not yet in place. Where a sectoral self-regulatory body exists, as this is the case for alcohol, cases are normally referred to that body. If necessary, cases can be referred to the public official, the Consumer Ombudsman.

## 05 | Sanctions

If the decision is based on the Alcohol Act, Swedish courts have a possibility to impose fines.

The AGM also has the possibility to fine, up to the equivalent of 100,000 euros, companies that contravene the recommendations and laws relating to alcoholic and low-alcohol beverages.

All Ro. decisions are published on the Ro. website and decisions of importance are sent to the press and television. The names of the advertiser and the advertising agency are published. Should an advertisement be found in breach of the Code(s) appear again, a competitor, a consumer or the Consumer Ombudsman may take action in the Market Court (marknads domstol). The Court is likely to hold that the advertisement contravenes 'good marketing practice' and will then apply the appropriate sanctions under the Marketing Act.

## 06 | Consumer Awareness

In March 2008, a website in Swedish and English was designed and launched, to inform consumers about the AGM system. This website also provides an easy-to-use form and guidance for consumers who may see drinks' advertising and wish to issue a formal complaint towards the Scrutineer: [www.alkoholgranskningsmannen.se](http://www.alkoholgranskningsmannen.se).

A monthly newsletter about the Ro.'s activities is sent to industry, consumers and relevant government and political bodies. The Ro. publishes an Annual Report, as well as rulings from the Advertising Ombudsman and the Committee, on its website. When the Committee makes a ruling of general interest, a press release is issued at the same time as the ruling is posted on the website. Complaints statistics are available on the website and in the Annual Report.

## 07 | Own-initiative Monitoring

The AGM monitors how companies market and inform about alcoholic beverages in Sweden on a routine basis.

The Ro. does monitoring on an ad-hoc basis and can choose to act upon advertising that may be a breach of the code. The monitoring covers all types of media including the internet.



## New or Improved between 2007 and 2010

01 | Code Coverage  
02 | Code Compliance

06 | Consumer Awareness  
07 | Own-initiative Monitoring

*Since 1962, the UK has operated a self-regulatory system for non-broadcast advertising comprising the code-making Committee of Advertising Practice (CAP) and the code-applying Advertising Standards Authority (ASA). In 1974, the industry set up the Advertising Standards Board of Finance (Asbof) to collect a levy on advertising to fund the system more effectively. Since 1988, the Office of Fair Trading (OFT) has been the backstop regulator for issues of misleading advertising and comparative advertising in non-broadcast media.*

*In November 2004, the regulatory system was extended to cover broadcast media, under a co-regulatory partnership with Ofcom as the backstop statutory regulator. In practice the broadcast advertising regulatory system broadly mirrors the non-broadcast system. It comprises the code-making and monitoring Broadcast Committee of Advertising Practice (BCAP); the code-applying Advertising Standards Authority (Broadcast) (ASA[B]); and the fund-raising Broadcast Advertising Standards Board of Finance (Basbof), which collects a levy on broadcast advertising.*

*Broadcasters are required under their license conditions to ensure that advertising which they carry complies with the BCAP code. Broadcast advertisements are also subject to compulsory pre-clearance, which is carried out by Clearcast and the Radio Advertising Clearance Centre (RACC). Clearcast was set up in 1993 to ensure the Television Advertising Standards Code applies to all television services licensed by Ofcom. Clearcast has two principal functions: the examination of preproduction scripts and the pre-transmission clearance of finished television advertisements. Clearcast provides advice to advertising agencies on proposed Television advertisements prior to broadcast.*

*From a communications perspective, a single ASA is presented to the public as the “one-stop-shop” for all advertising regulation. Similarly, a single CAP is presented to the industry as the rule-making body for all advertising. In addition, with respect to alcohol advertisements, The Portman Group (TPG), supported by the UK’s leading drinks producers is in charge of social responsibility issues surrounding alcohol. The Portman Group operates the TPG Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks.*

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## 01 | Code Coverage

CAP and BCAP operate three codes: for non-broadcast advertising, television advertising and radio advertising respectively (supplementary codes cover the scheduling of Television advertisements and Text services). The non-broadcast code applies to digital marketing communications.

Over the past 2 years, CAP and BCAP have undertaken a full review of all the advertising Codes to ensure they remain up-to-date and evidence based. As part of the review process, in 2009 CAP and BCAP held a full 12 week public consultation on their proposed new Codes and received around 4,500 individual responses from members of the public, experts, consumer bodies, governmental bodies, charities and religious groups. The new codes were published on 16 March 2010<sup>35</sup>.

In order to help with the interpretation, Clearcast also publishes Notes of Guidance, which offer guidance on the current interpretation of the Code and the Copy Committee's policies. The Notes are updated as and when necessary.

## 02 | Code Compliance

The Portman Group organised a training session jointly with ASA for alcohol industry professionals in 2008 to help ensure the spirit of the code was understood by relevant stakeholders. These sessions were organised free of charge and took place across the United Kingdom.

CAP offers regular training events, (called Advice:am) on a variety of topics throughout the year, in response to topical issues. CAP also offers bespoke seminars for individual companies and annual training events for advertising agencies' new graduate employees in October.

Copy Advice is free, confidential and can be submitted online. Queries are usually answered within 24 hours. Advertisers, agencies or media not located in the UK who would like to make use of this copy advice service can do so by requesting copy advice online through the European Copy Advice/Pre-Clearance Facility at [www.ad-advice.org](http://www.ad-advice.org).

As stated above, Broadcast advertisements need to be pre-cleared by either Clearcast (for Television) or the Radio Advertising Clearance Centre (RACC). Clearcast has an online clearance system, through which all scripts and commercials should be submitted, [www.clearcastdigital.co.uk](http://www.clearcastdigital.co.uk).

However, it is important to note that neither pre-clearance, nor seeking Copy Advice prevents the ASA from investigating, and upholding complaints against advertisements.

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<sup>35</sup> <http://www.cap.org.uk/Media-Centre/2010/Advertising-Codes-Launch.aspx>

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### 03 | Complaints Handling

The ASA handles complaints from competitors, consumers and other interested parties. All complaints are handled free of charge. Complaints must usually be submitted in writing, by post, fax or via the online complaints form on the ASA website with details of the advertisement concerned.

The ASA Council is the independent arbiter of the Codes and operates in the public interest. It is chaired by a person of distinction unconnected with the advertising industry and adjudicates complaints received from consumers, competitors and others. It comprises the Chairman and 15 members.

Broadcast and non-broadcast advertisements are considered separately. Two thirds of Council members are independent of the advertising business and are recruited following public advertisement. The Chairman appoints members of the Council.

The Executive (i.e. the Secretariat) first assesses the complaint to ascertain whether or not it warrants being pursued and, if so, in what way. When a complaint is pursued, the brewer and/or the agency and, where relevant, the broadcaster and the pre-clearance self-regulatory organisation, are informed and asked for written comments.

The Codes require brewers to hold evidence to support their claims and to make that evidence available without delay. The brewer's comments and evidence are evaluated in the light of the complaint.

In the case of minor infringements of the Code, where the brewer immediately agrees to modify the advertisement, the case may be closed without further action. If the brewer does not accept that the Code has been breached, the Executive submits a draft recommendation to the ASA Council, which is responsible for the final decision. If the Council decides that the advertisement has contravened the Code, the brewer is asked to amend or withdraw it and to undertake not to repeat the breach.

If the issue in question is particularly complex, or requires expert analysis, the ASA Executive can consult with independent experts as part of an investigation. The final decision, however, is made by the ASA Council, which is composed of two thirds lay people and one third industry representatives,

Appeals against the Council's rulings must be sent to the Independent Reviewer for ASA Adjudications, in writing, within 21 days of the ruling and should be accompanied by relevant new evidence, or demonstrate a substantial flaw in the conclusion reached by the Council or the process by which the adjudication was made.

The Independent Reviewer considers appeals and may ask the Council to reconsider its adjudication.

ASA dealt with 26 438 complaints in total in 2008. Out of these, 355 complaints were about alcohol advertising (beer, spirits or wine).

### 04 | Speed of Decision

Parties are normally given ten business days to respond to a request for information.

Typically a case is resolved within five days if there is no investigation; ten days if there is some preliminary work; 25 days if there is no investigation after an ASA Council discussion; 35 days for an informal investigation; 85 days for a standard investigation; and 140 days for a complex investigation.

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## 05 | Sanctions

The ASA has a variety of sanctions at its disposal. The media may be asked to refuse an advertisement, by CAP issuing an Ad Alert warning them to seek clearance for that brewer's future advertisements. Adverse publicity may result from the publication of rulings; trading sanctions may be imposed or recognition revoked by the brewer's, agency's or promoter's professional associations; financial privileges provided by trade, professional or media organisations may be withdrawn.

In the case of outdoor advertising, brewers found to have breached the Code's rules on taste or social responsibility may be required to seek mandatory copy advice (i.e. pre-clearance) for a two-year period.

Brewers who repeatedly publish or distribute misleading non-broadcast advertisements or those containing unacceptable comparisons may be referred to the Office of fair Trading (OFT) for legal action. Broadcasters who repeatedly transmit commercials that breach the Codes may be referred to Ofcom (communications regulator), whose sanctions range from fines to the eventual revocation of their licenses. However, referral to the ASA's statutory partners is a last resort and is rarely necessary.

## 06 | Consumer Awareness

The ASA and CAP websites, at [www.asa.org.uk](http://www.asa.org.uk) and [www.cap.org.uk](http://www.cap.org.uk), provide information about the UK system. In addition, the ASA provides an enquiry service for members of the public and industry seeking general advice and literature. Other means of informing the public and industry include regularly organised seminars dealing with self-regulation in general, or specific product-sectors or issues.

The ASA takes note of independent surveys and commissions its own qualitative research into public attitudes about advertising. In addition to its Annual Report, posting adjudications on its website every week and offering advice on topical issues, the ASA produces a number of other publications: consumer and advertiser e-newsletters, guides to self-regulation and Background Briefings – a series of summary sheets on specific areas of ASA activity.

The ASA maintains a high public profile through its Press Office, which deals each year with thousands of enquiries from journalists, and through its own promotional activity for the self-regulatory system.

The ASA also has a selection of advertisements that can be downloaded and used in non-broadcast media space donated by media owners.

## 07 | Own-initiative Monitoring

The CAP Code Policy and Monitoring and Compliance teams provide policy advice on the codes, monitor advertising and work to enforce ASA decisions and ensure conformity with the Codes. This is achieved by taking immediate action against obviously problematic advertisements (compliance cases), investigating questionable advertisements that have not been subject to complaint (spot-checks), ensuring that advertisements subject to an "upheld" ASA ruling are amended or withdrawn (post-investigation monitoring), applying individual ASA decisions (if they have a wider significance to the industry) across entire sectors (projects) and taking appropriate action against repeat offenders. The Compliance team can also refer repeat offenders to the Office of Fair Trading (OFT) and communications regulator Ofcom.

The ASA and CAP monitoring and compliance reports are published on the ASA website. These reports usually focus on areas of low compliance, or on sensitive sectors.

## Independent Assurance Report to the Brewers of Europe



### Introduction

We have been engaged by the management of The Brewers of Europe to provide limited assurance on the information in the expert report entitled 'Leading by example - Responsible beer advertising through self-regulation' on The Brewers of Europe's commitments under the EU Alcohol and Health Forum (further referred to as the 'Report'). The Report, including the identification of issues to be reported, is the responsibility of The Brewers of Europe management. Our responsibility is to provide limited assurance on the information contained in this Report. Procedures performed to obtain limited assurance are aimed at determining the plausibility of information and are less extensive than those performed to obtain reasonable assurance.

We conducted our engagement in accordance with the International Standard for Assurance Engagements (ISAE 3000): Assurance Engagements other than Audits or Reviews of Historical Financial Information, issued by the International Auditing and Assurance Standards Board. Amongst others, this standard requires that the assurance team possess the specific knowledge, skills and professional competencies needed to understand and review the information in the Report, and that they comply with applicable ethical requirements, including independence requirements.

### Reporting criteria

There are no generally accepted standards for reporting on responsible alcohol consumption.

With regard to the self-regulation commitments on commercial communication, The Brewers of Europe have applied the definitions of the 7 Operational Standards. The reporting criteria are explained on page 29 of the Report.

### Work undertaken

We reviewed the information in the Report, based on:

- A kick-off meeting with The Brewers of Europe and EASA to discuss and confirm systematic and simple indicators and benchmarks for the criteria against the implementation is measured
- The Prepared-by-Client list applicable for all the 27 member organisations with an overview of the information and proof documents needed
- A visit to The Brewers of Europe and EASA for a review of underlying documentation in relation to claims made about progress on the EU-wide commitment as well as of the systems in place for the collection and processing of data
- A review of documentation provided by the member organisations based on the Prepared-by-client list in relation to the claims made in the report
- A visit to two member organisations of both The Brewers of Europe and EASA to review the implementation process for the 7 operational standards at local level as well as to assess the reliability of the reported information. The two member countries visited were Portugal and Bulgaria.
- Following our review we discussed changes to the draft Report with The Brewers of Europe, and reviewed the final version of the Report to ensure that it reflected our findings.

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## Conclusion

Based on our work described above, nothing has come to our attention that causes us to believe that the information in the Report is not prepared, in all material respects, in accordance with the reporting criteria as set out on page 29 of the Report.

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## Commentary

Without affecting the conclusions presented above, we would like to draw the readers' attention to the following:

This Report reflects the progress made on the implementation of the commitment to the European Alcohol and Health Forum in relation to advertising self-regulation. The results show that not all member Organisations comply with the 7 Operational Standards yet. Specifically for the standards on Speed of Decision and Monitoring further progress is necessary for a number of member organisations. We recommend these member organisations to put a strong focus on the full implementation of the 7 Operational Standards and we advise the Brewers of Europe to assist and to stimulate their members during this process.

**W.J. Bartels RA**

*Amstelveen, 26 May 2010*

*The Netherlands*

*KPMG Sustainability*

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