

7 Finland (FI)

7.1 Introduction

In Finland there is only one regulation, which specifically refers to advertising and other sales promotion of alcoholic beverages. This regulation is included in the “Alcohol Act” and it is statutory. This regulation can be amended only by the Finnish Parliament. In addition to this regulation there is one ministerial decree, which concerns interpretation of the ban on the advertising of strong alcoholic beverages. Control authorities have also published a guidebook in order to give more detailed information about the interpretation practices of the basic regulation, but the guidebook is only for guidance purposes and is not binding. Advertising targeted at minors (under 18s) is totally banned. This applies to all kinds of sales promotion and marketing practices, not only ads. Also depicting minors in ads is prohibited.

However, there are no time limits for advertising on TV or radio. The Finnish government has discussed alcohol prevention in 2006 and has decided that the Alcohol Act should be amended so that advertising on TV will be banned before 9 PM. Also, advertising in cinemas will be banned with exception to films rated for 18 year-olds only. The government will submit a proposal to the Parliament before summer 2006 and these amendments will be discussed in the Parliament in the autumn.

Legislation is not the only way to restrict alcohol advertising. The Ministry of Education has decided that financial aid is not given to sports organisations, if they accept alcohol advertising connected to their sports events. The impact of this decision will be evaluated when the transition period of three years is over.

Regulation		Statutory / Non-statutory
1	Alcohol Act (Alkoholilaki)	Statutory

7.2 Alcohol Act

Name of regulation:

1 Alcohol Act (Alkoholilaki)

Is this statutory or non-statutory regulation?

Statutory

Who made the text of this regulation?

Ministry of Social Affairs and Health / Finnish Parliament

Which types of marketing are controlled by in this regulation?

Advertising (direct and indirect) and other ways of sales promotion

Which alcoholic beverages are subject to this regulation? (in VOL.)

Difference between:

- Mild alcoholic beverages 1,2 – 22 % VOL and

- Strong alcoholic beverages > 22% VOL

Whom is this regulation directed at or who has to adhere to it?

Not mentioned; it applies to all involved, not only the industry and those selling alcoholic beverages but also advertising agencies and publications.

Additional comments

At the time of writing the Ministry of Social Affairs and Health intends to submit a proposal to the Government to amend the Alcohol Act before summer 2006. The most important amendments will be bans on TV advertising before 9 PM and in cinemas with exception to films rated for 18 year-olds only. There will also be health warnings on the labels of alcoholic beverages.

7.2.1 Bans

Any bans on alcohol marketing practices in this regulation or code regarding the following marketing or advertising aspects are indicated with 'yes' in the following table. If a ban regarding this aspect is absent it is indicated with 'no'.

BANS						
	Location	Time	Media-channel	Type of product	Target-group*	Advertiser
Yes or No	No	No	No	Yes	No	No

* other than young people

7.2.2 Elements of Council Recommendation

Any elements of the Council Recommendation that are forbidden by this regulation or code (either literally or formulated in other words) are indicated with 'yes' in the following table. If an element is not forbidden at all, it is indicated with 'no'.

ELEMENTS											
	A Production	B Styles	C Children	D Drugs	E Violence	F Success	G Encouragement	H Events	I Media	J Free	K Other
Yes or No	No	No	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Remarks on elements

- B Even though there is no mention in the lawtext it is clear that this kind of advertising can always be interpreted (and has been interpreted) to be targeted at minors.
- C See point a) "if such persons are depicted in it".
- E Article 33, section 1 POINT 7):
"Advertising, indirect advertising and other sales promotion of mild alcoholic beverages .. is prohibited if it is contrary to good manners".
- F Article 33, section 1 POINT 5):
"Advertising, indirect advertising and other sales promotion of mild beverages is prohibited if it suggest that alcohol increases functional capacity or makes one socially or sexually more successful".
- G Not mentioned in the lawtext but POINT 7 "prohibited if it is contrary to good manners" is interpreted to mean that this kind of marketing is prohibited.
- H Not mentioned in the lawtext but POINT 1 ("targeted at minors") is interpreted to mean that advertising during this kind of events is prohibited. The ban is literally declared in a detailed guidebook published by the control authorities.

- I Not specifically mentioned in the lawtext, but POINT 1 right away bans all advertising in publications targeted at minors.
- J Not mentioned in the lawtext, but (see point g) free distribution is interpreted to be against “good manners”. The ban is literally declared in a detailed guidebook published by control authorities.
- K Not mentioned in the lawtext, but several advertising measures are interpreted to be against good manners or targeted at minors

7.2.3 Procedures connected to the regulation

It is indicated whether the following procedures are ('yes' or 'no') connected to the regulation.

PROCEDURES						
	Pre-launch advice	Systematically searching for violations	Possibility to complain and to start a procedure	System of appeal	Sanctions incase of violators	Results published or publically announced
Yes or No	Yes	Yes	Yes	Yes	Yes	Yes

Pre-launch advice is provided by the governmental control agency (Product Control Agency for Welfare and Health) and also the provincial authorities, which are responsible for monitoring and supervising the advertising rules. In addition to direct advertising the Product Control Agency can give advice regarding marketing methods such as labelling and packaging, which can influence to investments in a product. The Product Control Agency has published a detailed guidebook on interpreting of the rules, but it also quite frequently gives advice on specific cases if asked beforehand. The agency always has to emphasize that the advice is of a preliminary nature and has no legal status.

The search for violations is performed by the above-mentioned governmental control authority “National Product Control Agency for Welfare and Health” nationwide, and by provincial authorities in their provincial areas. Provincial authorities, who work under the guidance of the Product Control Authority normally take measures if rules are violated at a local level - e.g. at restaurants or in local publications.

Complaints can be made to the Product Control Agency or to the provincial control authorities.

- The Council of Ethics in Advertising (MEN) deals mainly with complaints from consumers and with issues that are deemed to have public significance.
- The Council of Ethics in Advertising handles complaints from consumers and advertisers regarding commercial communications in all media. There is no right of appeal.
- No sanctions are available to the Council if its decisions are ignored because its statements are recommendations .

Marketing practices can be used until the control authority bans it. In cases where the violation is clear and it is important to stop that marketing, the ban can be immediate. Normally the process takes some weeks before judgement is passed. The complaining process is described in the Alcohol Act. In Finland anyone can submit a complaint to control authorities if violations are found. However, most cases are raised by control authorities themselves. Sanctions are administered take by control authorities, which apart from banning procedures are entitled to

give a warning or impose conditional fines. If violations are repeated conditional fines are taken to Market Court, which can rule that the fines have to be paid. The fine ranges from € 10.000 to € 50.000. According to a proposal for amendment of the Criminal Law (currently at the Parliament) the violation could also lead to imprisonment for a maximum of 6 months.

If the case is considered very important the result is published on the web-pages (by control authorities) and control authorities sometimes also submit a press-release. Press-release normally is used only if the case has been in the Market Court. Market Court also publishes all its cases on the Internet and in its annual publication.

There are no precise time limits for the procedure. Minimum: If the violation is clear and has to be stopped as soon as possible the authorities can order to discontinue it almost immediately (phone call and fax). Normally it takes 2-4 weeks to make the final judgement. Maximum can be much longer if the case is very complicated or insignificant. If the judgement is taken to the Market Court it can take months.