

# 17 Poland (PL)

## 17.1 Introduction

There are two documents in Poland which regulate alcohol marketing matters:

- Statutory: The Act of October 26th, 1982 on Upbringing in Sobriety and Counteracting Alcoholism (last version: 1.04.2005);
- Non-statutory: Polish Brewers Advertising Code of June 8th, 2005.

Two articles of the first document (Art. 2 [1], Art. 13 [1]) contain regulations on the promoting, the advertising and the sponsoring of alcoholic beverages. According to the law only beer is allowed to be advertised and promoted through media channels like TV, radio, billboards etc. The only exception for this is at the point of sale of the alcoholic beverages: in these places (a liquor store, a restaurant, a bar, a pub, a separate stall, a wholesale trade – they all have to have a special permission for alcoholic beverages selling) any kind of alcoholic beverages might be promoted and advertised in any way.

The Act of October 26th, 1982 on Upbringing in Sobriety and Counteracting Alcoholism has been changed many times both in the direction of liberalization and more restrictions (it depends mostly on the current government's alcohol policy). Long term analysis shows that when the national law moves in the direction of more restrictions and strict rules it causes more respect among alcohol producers and the alcohol marketing practices field seems to be well organized. Any liberalization of the Polish alcohol law usually causes some chaos in marketing practices and gives the producers much more flexibility to promote their products. Among many other issues there has always been a discussion and concerning the rules regarding TV advertising. The last version of the Act of October 26th, 1982 on Upbringing in Sobriety and Counteracting Alcoholism from the 1.04.2005, allows beer producers to advertise their products on the TV channels after 8 p.m. (in the past there were many different options: after 11 p.m., only non-alcoholic beverages were allowed to be advertised etc.).

The second document: Polish Brewers Advertising Code of June 8th, 2005, is a non-statutory one and refers only to beer advertising. Most of the rules from this regulation are reflected in the statutory one. So making any complaints organizations and institutions usually act on the basis of the Act of October 26th, 1982 on Upbringing in Sobriety and Counteracting Alcoholism.

Some of the elements of the Council Recommendation are reflected in the Polish regulations, both in the statutory and non-statutory.

Regulation		Statutory / Non-statutory
1	The Act of October 26th, 1982 on Upbringing in Sobriety and Counteracting Alcoholism	Statutory
2	Polish Brewers Advertising Code	Non-statutory

## 17.2 The Act on Upbringing in Sobriety and Counteracting Alcoholism

### Name of regulation:

#### 1 The Act of October 26th, 1982 on Upbringing in Sobriety and Counteracting Alcoholism

*Is this statutory or non-statutory regulation?*

Statutory

*Who made the text of this regulation?*

Polish Parliament, Polish Government, Minister of Health, The State Agency for Prevention of Alcohol-Related Problems.

*Which types of marketing are controlled by in this regulation?*

Promotion, advertising, sponsoring of alcoholic beverages; and Information on the sponsor/sponsoring.

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

Alcoholic beverages > 0,5% VOL.  
(beer, wine and spirits)

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

The Act states that:

“Any ban (..) shall apply to any individual, legal person, or organisational unit without legal personality that participates in provision of advertisement as a customer or a contractor, regardless of the manner and form of such provision.”

### Additional comments

Art. 2 (1) and 13 (1) of this Act contain the entire text regarding advertising, sponsoring and promotion of alcoholic beverages in Poland. The entire text of The Act of October 26th, 1982 on Upbringing in Sobriety and Counteracting Alcoholism is available on the following web page: <http://www.parpa.pl/parpaeng/?action=box&id=3>.

#### 17.2.1 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	Yes	Yes	Yes	Yes	No	Yes

\* other than young people

#### 17.2.2 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	No	Yes	No	No	Yes	No	No

### Remarks on elements

- C The Act states that: “Neither advertisement of beer, nor promotion thereof, referred to in par. 1 above shall be executed: (... ) with participation of the under aged.”
- F The Act states that: “Advertisement and promotion in the territory of the country of any alcoholic beverage shall be prohibited, except for beer, advertisement and promotion of which shall be permitted provided that the same is not targeted at the under aged or executed by forming associations with:
- 1 sexual attractiveness,
  - 2 relaxation or leisure,
  - 3 fitness,
  - 4 learning, work, or professional success,
  - 5 personal health or success.”
- I The Act states: “Neither advertisement of beer, nor promotion thereof, referred to in par. 1 above shall be executed: (..) in press for the youth and children, “

### 17.2.3 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 in case of violators	Results published or publically announced
Yes or No	Yes	Yes	Yes	Yes	Yes	Yes

Pre-launch advice is provided by The State Agency for Prevention of Alcohol-Related Problems, not officially (there is no any article regarding this issue in the Act).

The search for violations is performed by prosecutors, Police, The State Agency for Prevention of Alcohol-Related Problems, Local community governments, national council for radio and television broadcasting, office for protection of competition and consumers. After they get information about any violation of the code they can act before courts in the capacity of a public prosecutor.

Complaints can be made to The State Agency for Prevention of Alcohol-Related Problems, Local community governments, Prosecutors, Courts, Police.

Marketing practices can be continued as long as legal proceedings are ongoing, namely: it is possible but not a must. It depends on the organisation which provides the procedure of the complaint.

The possibility of complaining is made known to the public through media and Internet.

Sanctions, where appropriate, are imposed by the court. It decides about the fine and the money is given to the budget of the country. Sanctions can be a fine between €2.500 and €125.000.

The results of procedures can be publicly announced- it depends on the court's decision.

The minimum and maximum amount of time the procedure officially takes is 1 month – years (it is dependent on the functioning of the Polish system of justice).

## 17.3 Polish Brewers Advertising Code

### Name of regulation:

#### 2 Polish Brewers Advertising Code

*Is this statutory or non-statutory regulation?*

Non-statutory

*Who made the text of this regulation?*

The Union of Brewing Industry Employers in Poland – Polish Brewers. It covers 96% of beer producers in Poland. It is financed by the members, e.g. Carlsberg Poland, Grupa Zywiec (Heineken), Kompania Piwowarska (Sab Miller), Browar Belgia.

*Which types of marketing are controlled by in this regulation?*

Advertising (direct or indirect to promote the sale of beer / not applying to messages placed on beer packaging, sponsorships and promotions, but applying to the information regarding such sponsorships and promotions)

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

Beer, with no description of alcohol percentage (in VOL.).

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

The Brewers which have signed the code/agreement.

### Additional comments

The entire text of Polish Brewers Advertising Code is available on the following web page: [http://www.browary-polskie.pl/rynek\\_piwa\\_w\\_polsce.php?struct=3](http://www.browary-polskie.pl/rynek_piwa_w_polsce.php?struct=3)

#### 17.3.1 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	Yes	No

\* other than young people

### 17.3.2 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	Yes	Yes	No	Yes	Yes	Yes	No	No	No	No

#### Remarks on elements

- B "Advertising may not:
1. (...);
  2. use images of people or figures which influence minors in a special way;
  3. suggest that beer is essential to becoming an adult or to achieve success in work or areas of social activity."
- C "Advertising may not:
1. contain images of people who are less than 25 years old"
- E "Advertising may not encourage aggressive or anti-social behavior."
- F "Advertising may not use or promote sexual promiscuity, consent to sex or nudity, nor suggest that beer consumption can have a positive influence on sexual performance."  
"Advertising may not:
1. (...);
  2. (...)
  3. suggest that beer is essential to becoming an adult or to achieve success in work or areas of social activity."
- G "Advertising may not be addressed at people under the age of 18, in any way whatsoever, be it through its contents or the method of publicizing."

### 17.3.3 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 in case of violators	Results published or publically announced
Yes or No	Yes	No	Yes	No	Yes	Yes

Pre-launch advice is provided by The Commission established by the Brewers to ensure observance of the rules of the Advertising Standards.

Complaints can be made to the Commission mentioned earlier. Marketing practices can be continued as long as legal proceedings are ongoing.

Sanctions, where appropriate, are imposed by The Commission and can be:

- prohibition of further advertising,
- announcement,
- or even publication.

The results of procedures are publicly announced ("Article 14

1. The offending Brewer is obliged to publish the *announcement within two months from the day of receiving the resolution.*

2. *The announcement is to be placed on page 3 of the "Rzeczpospolita" daily newspaper and cover a quarter of its area.* 3. *Within seven days from receiving the resolution, the offending Brewer is obliged to provide the Commission with proof that an order for the announcement was placed.* 4. *When requirements are not met, the Commission shall order the ZPPP to publish it.* 5. *Brewer is obliged to reimburse the costs of the publication placed by the ZPPP."*

The minimum and maximum amount of time the procedure officially takes is not known, because this act is too fresh. There are no data on this yet.