



Inventory Alcohol Marketing Regulations

With this form STAP, the Dutch Institute for Alcohol Policy, would like to ask you to fill out information regarding alcohol marketing regulations in your country.

First, we will ask you to give an overview of the different alcohol marketing regulations that exist in your country. Next, some general questions about time bans and the monitoring system in your country will follow. Finally, we will ask you to fill out more specific questions per regulation. We have included separate Regulation Forms for this part of the questionnaire. For each alcohol marketing regulation that exists, please fill out a separate Regulation Form (please let the number of the form correspond with the number in the table on page 1 of this questionnaire, where you summarized all existing regulations).

Thank you very much for participating and providing the data!

Organization:	Health Department of the Government of Catalonia
Country:	Spain
Date:	22-9-2009

1. Overview Alcohol Marketing Regulations

Below, please fill out all regulations on alcohol advertisement and alcohol sponsorship and promotion that exist in your country.

**With Coverage we would like to know which types of alcohol marketing are being covered by the regulation (e.g. cinema, digital media, event sponsoring, outdoor, print, promotional items, radio, tv, sport sponsoring, etc.)*

Alcohol Marketing Regulations Questionnaire

No.	Name Regulation (original)	Name Regulation (English translation)	Date latest update	Link to original text	Type of Regulation	Coverage*
1.	Ley 34/1988, 11 de Noviembre - Ley General de Publicidad	Law 34/1988, 11th November - General Law of Advertising	11th November 1988	www.boe.es	<input checked="" type="checkbox"/> Statutory/ Legal <input type="checkbox"/> Non-statutory/ Self regulation <input type="checkbox"/> Co-regulation	<input checked="" type="checkbox"/> Tv <input checked="" type="checkbox"/> Radio <input checked="" type="checkbox"/> Cinema <input checked="" type="checkbox"/> Sponsoring <input checked="" type="checkbox"/> Internet / digital media <input checked="" type="checkbox"/> Outdoor <input checked="" type="checkbox"/> Print <input checked="" type="checkbox"/> Prom. Items <input type="checkbox"/> Other, namely:
2.	Ley 25/1994, 12 Julio. incorporación del ordenamiento español de la directiva 89/552/CEE modificación de la ley 22/1999, 7Junio) - TV code	Law 25/1994, 12th July incorporates the EC Directive 89/552/CEE modified by the law 22/1999, 7th June) - TV code	7th June 1999	www.boe.es	<input checked="" type="checkbox"/> Statutory/ Legal <input type="checkbox"/> Non-statutory/ Self regulation <input type="checkbox"/> Co-regulation	<input checked="" type="checkbox"/> Tv <input type="checkbox"/> Radio <input type="checkbox"/> Cinema <input type="checkbox"/> Sponsoring <input type="checkbox"/> Internet / digital media <input type="checkbox"/> Outdoor <input type="checkbox"/> Print <input type="checkbox"/> Prom. Items <input type="checkbox"/> Other, namely:

2. Watersheds / Time bans

We would like to know more about time bans or watersheds in your country on alcohol marketing on TV, radio and in the cinema. Also if no alcohol advertising is allowed at all for this type of medium, please indicate.

Time ban on TV?		
1	Is there a watershed (time ban) for alcohol advertising on TV in your country?	<input type="checkbox"/> Yes, namely: <input checked="" type="checkbox"/> No → go to question 6
Time ban on radio?		
6	Is there a watershed (time ban) for alcohol advertising on the radio in your country?	<input type="checkbox"/> Yes, namely: <input checked="" type="checkbox"/> No → go to question 11
Time ban in the cinema?		
11	Is there a watershed or ban on alcohol advertising in the cinema in your country?	<input type="checkbox"/> Yes, namely: <input checked="" type="checkbox"/> No → go to next part (3)

3. Monitoring system

We would like to know more about organizations that monitor the adherence to alcohol marketing (regulations) in your country.

Please fill out in the table below as many organizations you know in your country that monitor whether (part of) the alcohol marketing regulations are being adhered to by the parties that the regulations concern (e.g. alcohol producers, broadcasters, etc).

We are interested in the monitoring of statutory as well as non-statutory regulations or co-regulation.

** In the final column you can indicate which types of data are used by the monitoring organization. Where do the data come from? You can select multiple options if necessary.*

Name organization	Which regulation is/are monitored?	Independent from commercial interests?	Official part of the regulation system?	Monitoring routinely/systematically ?	Includes marketing other than on TV, radio, print or outdoor?	Source data used:*
Asociación de Usuarios de la Comunicación		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Academic organization <input type="checkbox"/> Advertising sector <input type="checkbox"/> Alcohol industry <input type="checkbox"/> Government <input type="checkbox"/> Own inventarisation <input checked="" type="checkbox"/> Public health NGO <input type="checkbox"/> Research agency <input type="checkbox"/> Other, namely:



Regulation Form No. 1

Organization:	Health Department of the Government of Catalonia
Country:	Spain
Date:	22-9-2009

Below, please indicate the name of Regulation No. 1 and provide the definition of alcohol advertising/alcohol marketing according to this regulation (if there is one).

Name Regulation No. 1:	Law 34/1988, 11th November - General Law of Advertising
Does the regulation provide a definition of alcohol advertising or alcohol marketing?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
What is the definition of alcohol advertising or alcohol marketing according to this regulation?	Alcohol Advertising: Alcohol Marketing:
How many articles about alcohol advertising/marketing does Regulation No. 1 contain?	1

Please describe all the relevant articles on alcohol advertisement or sponsorships/promotion of Regulation No. 1. For each article we would like to ask you to fill out the original text (in your own language) as well as the English translation of the article.

* To describe more than one article within the regulation please fill out the desired number of rows in the table. The table is spread over multiple pages. Use as many rows as are necessary (you can leave the rest open).

**The type of restriction can be on the volume of alcohol advertising (e.g. the advertising is not allowed to reach an audience consisting of > 25% minors) or it can be a content-related article (e.g. the ad is not allowed to display social/sexual success).

After filling out the separate articles, please pay attention to the final questions about this regulation at the end of the Regulation Form.

Alcohol Marketing Regulations Questionnaire

Article (paragraph)*	Type of restriction**	Text article
8	<input checked="" type="checkbox"/> Volume <input type="checkbox"/> Content <input type="checkbox"/> Both <input type="checkbox"/> Other, namely:	<p>Original text: Se prohíbe la publicidad de bebidas con graduación alcohólica superior a 20 grados centesimales, por medio de la televisión.</p> <p>English translation: The advertising on television of drinks with an alcoholic strength in excess of 20% ABV is prohibited.</p>
8	<input checked="" type="checkbox"/> Volume <input type="checkbox"/> Content <input type="checkbox"/> Both <input type="checkbox"/> Other, namely:	<p>Original text: Queda prohibida la publicidad de bebidas alcohólicas y de tabacos en aquellos lugares donde esté prohibida su venta o consumo.</p> <p>English translation: It is prohibited to advertise alcoholic drinks and tobacco in places where their sale or consumption is prohibited.</p>
8	<input type="checkbox"/> Volume <input checked="" type="checkbox"/> Content <input type="checkbox"/> Both <input type="checkbox"/> Other, namely:	<p>Original text: La forma, contenido y condiciones de la publicidad del tabaco y bebidas alcohólicas serán limitadas reglamentariamente en orden a la protección de la salud y seguridad de las personas, teniendo en cuenta los sujetos destinatarios, la no inducción directa o indirecta a su consumo indiscriminado y en atención a los ámbitos educativos, sanitarios y deportivos. Con los mismos fines que el párrafo anterior el Gobierno podrá, reglamentariamente, extender la prohibición prevista en el presente número a bebidas con graduación alcohólica inferior a 20 grados centesimales.</p> <p>English translation: The form, content and conditions of advertisements for tobacco and alcoholic drinks will be restricted by regulation with a view to the protection of the health and safety of the population, bearing in mind the target audience, the absence of inducement, whether direct or indirect, to drink indiscriminately and paying attention to the ambits of education, healthcare and sport. To the same end as the previous paragraph, the Government may, through regulation, extend the prohibition currently applied to drinks with an alcoholic strength of less than 20% ABV.</p>

Alcohol Marketing Regulations Questionnaire

Next, we have some general questions about Regulation No. 1.

1	Are there any regulations at the national or European level that are in conflict with this alcohol marketing regulation? (e.g. free trade agreements)	<input type="checkbox"/> Yes, namely: <input checked="" type="checkbox"/> No <input type="checkbox"/> I don't know
2	Are there marketing practises used in your country that are not covered by this regulation? (e.g. buzzmarketing, editorial pieces, Corporate Social Responsibility campaigns, direct marketing etc.)	<input checked="" type="checkbox"/> Yes, namely: <input type="checkbox"/> No, all marketing practices are covered
3	Which stakeholders are addressed by the (articles about alcohol marketing/advertising of the) regulation?	<input checked="" type="checkbox"/> Alcohol producers <input type="checkbox"/> Retailers <input type="checkbox"/> Catering & Hospitality service <input type="checkbox"/> Alcohol distributors/Wholesalers <input checked="" type="checkbox"/> Broadcasters/Publishers <input checked="" type="checkbox"/> Marketers/Advertising agency <input type="checkbox"/> Other, namely:

The final questions concern three topics: the public availability of the 'complaints', the pre-screening procedure and the complaint system.

** The 'evaluating committee' can be an Advertising Committee, but it can also be a judge, an ombudsman, a civil servant or another organization that handles complaints or indications of violations of the regulation.*

*** A pre-screening system offers the possibility or obliges the advertiser to have the ads checked against the rules of the regulation before being broadcast /published.*

How publicly available?		
4	Is the text of the regulation publicly available?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> I was not able to find this. I searched in the following sources:
5	Are complaints or notifications/indications of possible violations of the regulation publicly available?	<input checked="" type="checkbox"/> Yes, see www.auc.org <input type="checkbox"/> No <input type="checkbox"/> I was not able to find this. I searched in the following sources: <input type="checkbox"/> Other, namely:

6	Are the decisions of the 'evaluating committee' publicly available? *	<input type="checkbox"/> Yes, see www. <input checked="" type="checkbox"/> No <input type="checkbox"/> I was not able to find this. I searched in the following sources: <input type="checkbox"/> Other, namely:
7	Is data about the compliance (after adjudication/verdict) publicly available?	<input type="checkbox"/> Yes, see www. <input checked="" type="checkbox"/> No <input type="checkbox"/> I was not able to find this. I searched in the following sources: <input type="checkbox"/> Other, namely:
Pre-screening procedure		
8	Is there a pre-screening procedure for the ads available? **	<input type="checkbox"/> Yes, for all media <input type="checkbox"/> Yes, but only available for the following media: <input checked="" type="checkbox"/> No → go to question 11 <input type="checkbox"/> I was not able to find this. I searched in the following sources: <input type="checkbox"/> Other, namely:
9	Is the use of the pre-screening procedure voluntary?	<input type="checkbox"/> Yes <input type="checkbox"/> No, it is obligatory <input type="checkbox"/> I was not able to find this. I searched in the following sources: <input type="checkbox"/> Other, namely:
10	Is the decision according to the pre-screening binding for the stakeholders?	<input type="checkbox"/> Yes <input type="checkbox"/> No, compliance to the pre-screening decision is voluntary <input type="checkbox"/> I was not able to find this. I searched in the following sources: <input type="checkbox"/> Other, namely:
Complaint system		
11	Can everybody file a complaint or point out a possible violation of the regulation?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, filing complaints is limited to: <input type="checkbox"/> I was not able to find this. I searched in the following sources: <input type="checkbox"/> Other, namely:

Alcohol Marketing Regulations Questionnaire

12	<p>Which organisation is responsible for processing the complaints? <i>(please provide name in your own language and in English)</i></p>	<p>Original name: a. El Instituto Nacional de Consumo (The National Consumers' Institute) and the corresponding organs or entities of the Autonomous Communities and of the local Corporations with competence in matters of consumer protection.</p> <p>b. The consumers' and users' associations which comply with the requisites set out in the General Law 26/1984, of 19th July, on the Defence of Consumers and Users, or, if applicable, in the autonomous legislation on matters of consumer protection.</p> <p>c. The entities of the other member states of the European Community alluded to in article 29.</p> <p>d. Holders of a legitimate right or interest.</p> <p>English translation:</p>
13	<p>What is the composition of the 'evaluating committee'?</p>	
14	<p>Who is responsible for the composition of the 'evaluating committee'?</p>	<p>Committee elected by:</p> <p>Committee appointed by:</p>
15	<p>Do young people have a vote in the adjudication process?</p>	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> I was not able to find this. I searched in the following sources:</p> <p><input type="checkbox"/> Other, namely:</p>

16	<p>Which sanctions can the 'evaluating committee' apply? (multiple answers are possible):</p>	<p><input type="checkbox"/> Recommendation</p> <p><input type="checkbox"/> Public shaming (e.g. press release)</p> <p><input type="checkbox"/> Restriction broadcasting rights</p> <p><input type="checkbox"/> Financial penalty between and euro</p> <p><input checked="" type="checkbox"/> Other, namely: pronouncements:</p> <p>a) Allowing the advertiser a limited time in which to remove the illicit elements from the advertisement.</p> <p>b) Ordering the cessation or definitive prohibition of the illicit advertisement.</p> <p>c) Ordering the total or partial publication of the sentence in whichever form is deemed appropriate, at the expense of the advertiser.</p> <p>d) Demanding the publication of a correcting advertisement when the gravity of the case so requires, and whenever this may contribute to the reparation of the effects of the illicit advertising, determining the content of this, as well as the modalities and period of publication</p>
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Comments on Regulation No. 1: In this sense the competence to resolve disputes arising from the aforesaid illicit advertising under the terms of articles 3 to 8 is attributed to ordinary justice. This is one of the innovations introduced by this Law, opting for a different approach than that which is contemplated in the Statute on Advertising of 1964. The latter contemplates the figure of an administrative organ, the Central Jury on Advertising, as having competence to hear cases arising from advertising activity.



Regulation Form No. 2

Organization:	Health Department of the Government of Catalonia
Country:	Spain
Date:	22-9-2009

Below, please indicate the name of Regulation No. 2 and provide the definition of alcohol advertising/alcohol marketing according to this regulation (if there is one).

Name Regulation No. 2:	Law 25/1994, 12th July incorporates the EC Directive 89/552/CEE modified by the law 22/1999, 7th June) - TV code
Does the regulation provide a definition of alcohol advertising or alcohol marketing?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
What is the definition of alcohol advertising or alcohol marketing according to this regulation?	Alcohol Advertising: Alcohol Marketing:
How many articles about alcohol advertising/marketing does Regulation No. 2 contain?	1

Please describe all the relevant articles on alcohol advertisement or sponsorships/promotion of Regulation No. 2. For each article we would like to ask you to fill out the original text (in your own language) as well as the English translation of the article.

** To describe more than one article within the regulation please fill out the desired number of rows in the table. The table is spread over multiple pages. Use as many rows as are necessary (you can leave the rest open).*

***The type of restriction can be on the volume of alcohol advertising (e.g. the advertising is not allowed to reach an audience consisting of > 25% minors) or it can be a content-related article (e.g. the ad is not allowed to display social/sexual success).*

After filling out the separate articles, please pay attention to the final questions about this regulation at the end of the Regulation Form.

Alcohol Marketing Regulations Questionnaire

Article (paragraph)*	Type of restriction**	Text article
10	<input checked="" type="checkbox"/> Volume <input type="checkbox"/> Content <input type="checkbox"/> Both <input type="checkbox"/> Other, namely:	<p>Original text: 1. Queda prohibida cualquier forma directa o indirecta de publicidad y de televenta de bebidas con graduación alcohólica superior a veinte grados centesimales.</p> <p>English translation: It is prohibited to advertise, directly or indirectly, or by Teleshopping, any alcoholic drink with a strength in excess of 20% ABV.</p>
10	<input type="checkbox"/> Volume <input checked="" type="checkbox"/> Content <input type="checkbox"/> Both <input type="checkbox"/> Other, namely:	<p>Original text: 2. La publicidad y la televenta de las restantes bebidas alcohólicas deberá respetar los siguientes principios:</p> <p>a) No podrán estar dirigida específicamente a las personas menores de edad, ni, en particular, presentar a los menores consumiendo dichas bebidas.</p> <p>b) No deberán asociar el consumo de alcohol a una mejora del rendimiento físico o de la conducción de vehículos, ni dar impresión de que el consumo de alcohol contribuye al éxito social o sexual, sugerir que las bebidas alcohólicas tienen propiedades terapéuticas o un efecto estimulante o sedante, o que constituyen un medio para resolver conflictos.</p> <p>c) No deberán estimular el consumo inmoderado de bebidas alcohólicas u ofrecer una imagen negativa de la abstinencia o de la sobriedad, ni subrayar como cualidad positiva de las bebidas su contenido alcohólico.</p> <p>English translation: Advertising and teleshopping of the remaining alcoholic drinks must adhere to the following principles:</p> <p>a) They may not be targeted specifically at minors, and in particular, they must not show minors consuming such drinks.</p> <p>b) They must not associate the consumption of alcohol with an improvement in physical performance or the driving of vehicles, nor must they give the impression that the consumption of alcohol contributes to social or sexual suggest, suggest that alcoholic drinks have therapeutic effects or a stimulant or sedative effect, or that they represent a means to resolve conflicts.</p> <p>c) They must not stimulate immoderate consumption of alcoholic drinks, or offer a negative image of abstinence or sobriety, or highlight the alcohol content of the drink as a positive quality</p>

Next, we have some general questions about Regulation No. 2.

1	Are there any regulations at the national or European level that are in conflict with this alcohol marketing regulation? (e.g. free trade agreements)	<input type="checkbox"/> Yes, namely: <input type="checkbox"/> No <input checked="" type="checkbox"/> I don't know
2	Are there marketing practises used in your country that are not covered by this regulation? (e.g. buzzmarketing, editorial pieces, Corporate Social Responsibility campaigns, direct marketing etc.)	<input checked="" type="checkbox"/> Yes, namely: <input type="checkbox"/> No, all marketing practices are covered
3	Which stakeholders are addressed by the (articles about alcohol marketing/advertising of the) regulation?	<input checked="" type="checkbox"/> Alcohol producers <input type="checkbox"/> Retailers <input type="checkbox"/> Catering & Hospitality service <input type="checkbox"/> Alcohol distributors/Wholesalers <input checked="" type="checkbox"/> Broadcasters/Publishers <input checked="" type="checkbox"/> Marketers/Advertising agency <input type="checkbox"/> Other, namely:

The final questions concern three topics: the public availability of the 'complaints', the pre-screening procedure and the complaint system.

** The 'evaluating committee' can be an Advertising Committee, but it can also be a judge, an ombudsman, a civil servant or another organization that handles complaints or indications of violations of the regulation.*

*** A pre-screening system offers the possibility or obliges the advertiser to have the ads checked against the rules of the regulation before being broadcast / published.*

How publicly available?		
4	Is the text of the regulation publicly available?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> I was not able to find this. I searched in the following sources:
5	Are complaints or notifications/indications of possible violations of the regulation publicly available?	<input checked="" type="checkbox"/> Yes, see www.auc.org <input type="checkbox"/> No <input type="checkbox"/> I was not able to find this. I searched in the following sources: <input type="checkbox"/> Other, namely:

6	Are the decisions of the 'evaluating committee' publicly available? *	<input type="checkbox"/> Yes, see www. <input type="checkbox"/> No <input checked="" type="checkbox"/> I was not able to find this. I searched in the following sources: <input type="checkbox"/> Other, namely:
7	Is data about the compliance (after adjudication/verdict) publicly available?	<input type="checkbox"/> Yes, see www. <input type="checkbox"/> No <input checked="" type="checkbox"/> I was not able to find this. I searched in the following sources: <input type="checkbox"/> Other, namely:

Pre-screening procedure

8	Is there a pre-screening procedure for the ads available? **	<input type="checkbox"/> Yes, for all media <input type="checkbox"/> Yes, but only available for the following media: <input checked="" type="checkbox"/> No → go to question 11 <input type="checkbox"/> I was not able to find this. I searched in the following sources: <input type="checkbox"/> Other, namely:
9	Is the use of the pre-screening procedure voluntary?	<input type="checkbox"/> Yes <input type="checkbox"/> No, it is obligatory <input type="checkbox"/> I was not able to find this. I searched in the following sources: <input type="checkbox"/> Other, namely:
10	Is the decision according to the pre-screening binding for the stakeholders?	<input type="checkbox"/> Yes <input type="checkbox"/> No, compliance to the pre-screening decision is voluntary <input type="checkbox"/> I was not able to find this. I searched in the following sources: <input type="checkbox"/> Other, namely:

Complaint system

11	Can everybody file a complaint or point out a possible violation of the regulation?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, filing complaints is limited to: <input type="checkbox"/> I was not able to find this. I searched in the following sources: <input type="checkbox"/> Other, namely:
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Alcohol Marketing Regulations Questionnaire

12	Which organisation is responsible for processing the complaints? <i>(please provide name in your own language and in English)</i>	<p>Original name:Las funciones de inspección y control, se ejercerán por el Ministerio de Fomento. En este supuesto, la imposición de las sanciones por el incumplimiento de los dispuesto en esta Ley, corresponderá, en el caso de infracciones graves, al Ministro de Fomento y en el de infracciones muy graves, al Consejo de Ministros, a propuesta de aquél.</p> <p>English translation: The Ministry of Development carries out functions of inspection and control. Thus the imposing of sanctions for failure to comply with the terms laid out in this Law falls, in the case of serious infractions, to the Ministry of Development and in the case of very serious infractions, to the Council of Ministers, meeting for that purpose.</p>
13	What is the composition of the 'evaluating committee'?	Not specified
14	Who is responsible for the composition of the 'evaluating committee'?	<p>Committee elected by:</p> <p>Committee appointed by:</p>
15	Do young people have a vote in the adjudication process?	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No</p> <p><input type="checkbox"/> I was not able to find this. I searched in the following sources:</p> <p><input type="checkbox"/> Other, namely:</p>
16	Which sanctions can the 'evaluating committee' apply? <i>(multiple answers are possible):</i>	<p><input type="checkbox"/> Recommendation</p> <p><input type="checkbox"/> Public shaming (e.g. press release)</p> <p><input checked="" type="checkbox"/> Restriction broadcasting rights</p> <p><input checked="" type="checkbox"/> Financial penalty between and euro</p> <p><input type="checkbox"/> Other, namely:</p>