



Report on complaints and the complaint system of alcohol marketing

# Complaints on alcohol marketing

Results of monitoring alcohol marketing in Bulgaria in 2010



# AMMIE Project

## Report on complaints and the complaining system in Bulgaria

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**Author:**

Daniela Alexieva  
Foundation 'Horizonti 21'  
Sofia  
'Bolgrad' Str. 5  
Phone: +359(02)963 32 80  
Fax: +359(02)963 32 80  
Email: [daniela\\_alexieva@yahoo.com](mailto:daniela_alexieva@yahoo.com)

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**Contact details:**

Dutch Institute for Alcohol Policy (STAP)  
Postbus 9769  
3506 ET Utrecht  
+31306565041  
[info@stap.nl](mailto:info@stap.nl)  
[www.stap.nl](http://www.stap.nl)

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## 1. Introduction

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Europe is the heaviest drinking region in the world (WHO, 2004) and in most European member states binge drinking (consuming more than 4 units of alcohol) has increased among young people over the last 10 years. Over 1 in 8 15 till 16 year old European youngsters have been drunk more than 20 times in their lives and more than 1 in 6 have been binge drinking during the previous month. The EU young people tend to start drinking alcohol earlier in their lives (Anderson & Baumberg, 2006) and exposure to alcohol advertisements is suggested to be one of the causes.

### 1.1 Impact of alcohol advertising

The effects of alcohol advertising and marketing on drinking behaviour of young people have been extensively studied over the past few years. The influence of alcohol advertising on the drinking behaviour of youngsters is clear. In a review study by Anderson et al. (2009) published in the scientific journal *Alcohol & Alcoholism*, 13 longitudinal studies on the effect of alcohol advertising and media on youth drinking behavior were analyzed. In these 13 studies, a total of more than 38.000 young people were followed for a longer period of time. Twelve out of thirteen studies show an effect of exposure to alcohol marketing on drinking behavior of young people: the more youngsters were exposed to alcohol advertising, the earlier they started to drink alcohol. Also, a higher exposure was related to a higher consumption in the already drinkers. The only study that did not find a direct relationship with drinking behavior did find an increased intention amongst youngsters to start drinking in the future. Intention has proven to be the strongest predictor of behavior (Ajzen, 1991).

Research shows that especially exposure to large volumes of alcohol advertising has an impact on the drinking behaviour of young people. A more extensive description of this impact and the exposure of young people to alcohol advertising on TV in Bulgaria or in Europe, can be found in the AMMIE volume report for Bulgaria ([www.eucam.info/eucam/home/ammie-volume.html](http://www.eucam.info/eucam/home/ammie-volume.html)). Besides the exposure to large quantities of alcohol advertising, also exposure to appealing advertising is found to have a undesirable impact on the drinking behaviour of young people (all AMMIE reports can be found on [www.eucam.info/eucam/home/ammie.html](http://www.eucam.info/eucam/home/ammie.html)).

### 1.2 Effect of youth exposure to appealing alcohol advertising

Usually, alcohol marketing practices do not solely show the promoted product itself, but portray this product in a certain context. Advanced branding strategies concentrate on linking the product to attractive lifestyles and activities in hopes of targeting the desired audience.

Alcohol marketing is found to influence consumption indirectly by an affective response to the exposure to advertising practices (Austin, Chen, & Grube, 2006). Desirable images showed in alcohol advertising are related positively to the wish to imitate the portrayed (Austin, et al., 2006; Austin & Knaus, 2000) and exposure to alcohol marketing practices that are perceived as appealing are associated with an increased alcohol consumption among young people (Casswell & Zhang, 1998). Adolescents intention to purchase alcohol can be predicted by how appealing they find the advertisement (Casswell & Zhang, 1998). The level of appeal can be increased by the use of humour, celebrities and animals, while advertisements only showing the product itself are linked with a lower intention to purchase alcohol (Chen, Grube, Bersamin, Waiters, & Keefe, 2005).

Children from quite a young age are capable of understanding the persuasive intent of advertising practices (Moses & Baldwin, 2005) but until reaching adulthood, young people are very susceptible to advertising due to a late maturing of the brain system (Pechmann, Levine, Loughlin, & Leslie, 2005). The impulsivity and self-consciousness of youngsters make them more vulnerable for advertising, more eager to purchase heavily promoted products and to choose products which are associated with a desired image (Pechmann, et al., 2005). By promoting alcohol as an appealing product that provides immediate satisfaction and/or is associated with a desired lifestyle, adolescents are tempted to purchase this product (Kelly & Edwards, 1998; Pechmann, et al., 2005).

### **1.3 Protecting young people against appealing elements**

One way to protect young people against the harmful appealing content of alcohol advertising, is to restrict all elements that have been found to be appealing to young people (STAP, 2010). Hawkes (Hawkes, 2005) recommends restriction on the use of celebrities and cartoons. Jernigan (2001) underlines this advice in a WHO report and recommends the restriction of the use of activities, images and languages associated with youth culture in alcohol advertisements. In the European Council Recommendation, that aims to protect young people against appealing advertisements, most of these elements are included. Other elements, like humour and sex that have been found to be appealing to young people (Geuens & De Pelsmacker, 1998; Waiters, Treno, & Grube, 2001), are however not included in most alcohol marketing regulations (STAP, 2007). Geuens and De Pelsmacker (1998) show that the level of humour and warmth used in alcohol advertisements is associated with a positive attitude towards the advertisement as well as the brand.

Content restrictions that are included in most self-regulatory codes, but also in the Audio Visual Media Services Directive (European Parliament & the Council, 2010) limit their restrictions to

elements that are specifically appealing to young people. Because elements that are appealing for adolescents are also appealing for adults, the Federal Trade Commission in the US recommends that advertising codes should restrict ads “with substantial appeal to underage consumers, even if they also appeal to adults, or by only targeting ads to persons 25 and older” (FTC, 2008).

## 2. National alcohol advertising code

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Before 2009 only statutory regulation of the alcohol marketing existed in Bulgaria. It was implemented mainly according to two laws – Law on Radio and Television, and the Law on Health. In the latest version of the Law on Radio and Television from 2010 there were introduced changes in line with European legislation. It also introduces regulation of sponsorship and product placement.

### **Art. 88. The commercials and the TV marketing for alcoholic beverages should not:**

1. be directed at minors in particular, or present minors using these beverages;
2. relate the alcohol use with higher achievements or driving vehicles;
3. create impression that the using of alcohol contributes to a social or sexual success.
4. maintain that the alcoholic beverages possess therapeutic qualities, have stimulating or sedative effect or that they solve personal problems;
5. encourage the excessive consumption of alcoholic beverages or present the abstention or the moderation in negative light;
6. suggest that the high alcoholic content is a positive quality of the alcoholic beverages.

### **In the Law on Health (2009):**

#### **Art. 54. The sale of alcohol beverages shall be prohibited:**

1. to persons below 18 years of age;
2. to persons in drunken state;
3. on the territory of the kindergartens, schools, hostels for students, medical establishments;
4. at sport events;
5. at public events, organized for children and students.

#### **Art. 55. (1) The direct advertising of spirit beverages shall be prohibited.**

(2) The indirect advertisement of spirit beverages and the advertisement of wine and beer cannot:

1. be directed to persons below 18 years of age, or to be transmitted in programs or published in printed publications, designated for them;
  2. use persons below 18 years of age as participants;
  3. connect the use of alcohol beverages with sport or physical achievements or with driving of vehicles;
  4. contain claims about usefulness for health, social or sexual well-being or present the abstinence or the temperance in negative aspect.
- (4) The indirect advertisement of spirit beverages cannot be transmitted in radio and television programs before 22.00 hours.

During the autumn of 2009 The National Council for Self-regulation (NCSR) was created. The National Council for Self-regulation (NCSR) is a non-commercial association in public benefit. Founders are the Bulgarian Association of Advertisers (BAA), the Association of the Advertising Agencies - Bulgaria (ARA) and the Association of the Bulgarian Radio- and TV operators (ABBRO).

Members of NCSR are players in the advertising industry: advertisers, agencies, media, marketing specialists and other legal entities and individuals; trade and other associations and unions that voluntarily accept the aim and statutes of NCSR.

The governing body of NCSR is the General Assembly of its regular members. Its work is managed by a Managing Board, supported by a Secretariat. To implement its objectives, the Board appoints Ethical Committee, Appeal Committee, Post Monitoring Committee, Expert Group for Code Interpretation, as well as other working structures, necessary for the achievement of the objectives of the council and the effectiveness of its work.

The membership in the NCSR is voluntary. Members can be legal entities or individuals, who share the aim of the Council, accept its statutes and declare willingness to work for the implementation of its objectives.

Members are regular and associated. Regular members are trade associations with a substantial share of the industry they play in. They participate in the work of the General Assembly and have the right to vote. They pay annual membership fee plus additional contributions to secure the financial aspects of NCSR activities.

The Council can also have associated members – legal entities and sui juris individuals who share the aims of NCSR; accept its statutes; declare willingness to work for implementation of its objectives and pay a membership fee.

The National Council for Self regulation (NCSR) is an independent body for self-regulation of advertising and commercial communication in Bulgaria.

NCSR, after consultations with distinguished professionals, creates, revises and ensures the voluntarily application ethical standards and good practices in the advertising industry aiming at providing protection of consumers, the principles of fair competition and the interests of the society as a whole. For this purpose, NCSR creates working bodies, such as Ethical Committee, Appeal Committee, Working Group for Code Interpretation, Monitoring Committee etc.

Members of NCSR can be associations, companies and physical persons, part of the advertising industry – advertisers, marketing specialists, media, as well as distinguished public persons and professionals.

The present National Ethical Standards are the basis for self-regulation in advertising and commercial communications in Bulgaria, hereinafter referred to as 'The Code'.

The Code was accepted by the National Council for Self-Regulation in 2009, in accordance with its Articles of Association, the laws and regulations in Bulgaria and is based on the Consolidated Code of International Chamber of Commerce (ICC), both in spirit and letter.

In November 2010 a section relating to the advertisement of spirits was added to the Code.

The self-regulation distinguishes between volume and content restrictions, but only in the ethical code for spirits. The volume restrictions do not contribute substantially to the total volume of alcohol advertising. The content restrictions address elements that have shown to be appealing to young people, but they do not include humor, for instance. The code covers the entire range of alcohol marketing practices (traditional media and new media). However, young people are not involved in the evaluation of ads and complaints. In regards to the regulation embedded in regulatory context, there are no conflicting regulations on supra-national or national level. The code is mandatory only for members of the National Council for Self-regulation (NCSR) and the Bulgarian Association of Advertisers (BAA). We have not registered punishments for breaches in this Code. The Laws on Health and on Radio and TV apply to all.

Information on the regulation (complaining) process is available to the public at every stage, but there is no obligatory pre-screening system for all marketing types, only for the members of NCRS and BAA. There is an effective complaint system present – everybody can file free complaints online, by mail or fax, to NCRS and CEM (Council of Electronic Media). However, the members of the ethical commission of NCRS are predominantly representatives of the advertising industry. In CEM the members are elected politically – the president and the parliament have their own quotas. Recently, a report by the EC underlines that CEM is not an independent agency. It is

assumed that CEM conducts a constant monitoring but this is in fact not happening. The code is updated regularly, but the sanctions are not substantial.

### 3. Complaining procedure

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Electronic Complaint can be filed on-line on [www.nss-bg.org](http://www.nss-bg.org). Each complaint should contain the following:

- name of the applicant; personal identification number for individuals or trade registry identification/court registration details for legal entities;
- address of the applicant;
- the content of the claim and the circumstances of the complaint. It should indicate detailed and substantial arguments;
- proof in support of the claim;
- signature of the applicant or its authorized agent;

Complaints that are not signed or are anonymous will not be preceded.

When a complaint is posted, the Secretariat of NCSR checks its form and content and immediately files the complaint and notifies the applicant.

In case the Complaint does not satisfy the requirements of the Regulations for application of the Ethical Code, the applicant is requested to cure the irregularities in a 7-day period.

In case of an obvious inapplicability of the Code to the complaint, the Secretariat may refuse to file the complaint and to return it to the applicant respectively.

A second complaint, posted for a case that has already been adjudicated, is not proceeded, except if it relates to the execution of the decision or in case it is based on new facts and circumstances. The adjudication in such a case refers only to the new facts and circumstances.

Should the Code be applicable to the Complaint, the Secretariat opens a Procedure.

The complaints for breach of the Ethical code, for which a Procedure is started are subject of adjudication by the 11-member Ethical Committee, observing the principle of independence and lack of conflict of interest.

The complaints are handled not later than 10 days from the date of complaint registration. In case of a factual complexity, when the nature of case requires more time for collection of arguments from the defendant, the term may be prolonged once by the Ethics Committee, but with no more than 10 days.

Main objective of the Ethics Committee is to analyze the commercial communication claimed to be in breach and to adjudicate the compliance to the Ethical Code.

When the Ethics Committee establishes a breach of the Ethical Code, it takes a substantiated decision to eliminate the breach. In case no breach is found, the Complaint is not upheld.

Only in case new circumstances are available, both the claimant and the defendant have the right to appeal the adjudication of the Ethical Committee in front of the Appeal Committee.

The decision of the Appeal Committee is final and is no subject of further appeals.

One working day after the adjudication, the Secretariat notifies the applicant and the defendant and later sends a copy of the decision and posts it in the NCSR website unless the sides have requested otherwise. When appropriate, a copy of the decision is sent to relevant state authorities or national organizations. NCSR's Board may decide to publish a bulletin, press release or other form of notification about the decision taken by the Ethical/Appeal Committee.

For NCSR members, the decisions of the Ethical/Appeal committees are binding. The term for implementation is 5 working days from the date of receipt, unless the decision itself requires other term.

For non-members of NCSR, the decisions of the Ethical/Appeal committees are not binding. In these cases, NCSR requires the offender to voluntarily discontinue the breach within the required term.

If no voluntary action is taken by the offender, NCSR notifies all its members, the relevant regulating bodies and NGOs, attaching the adjudication along with every collected proof for the breach.

The public institution, receiving complaints about alcohol advertising in electronic media is CEM (Council of Electronic Media). Our experience with the complaints procedure in NCRS showed an improvement on their part - a timely adoption of complaint registration and working through in the established order. On the other hand, the majority of our complaints (1 / 2) were rejected. The reason for this lies in the vague provisions of the Code and the possibility of their broad interpretation in favor of the creators of commercial messages, respectively, of the alcohol industry.

## 4. Youth rating panels

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### 4.1 Working with youth rating panels

Marketing is appealing to minors when it contains elements like humor, music, story, people characters (cartoons), animal characters, special effects or animations (Fielder et al., 2009). When elements like these are used, one can be almost certain that minors will like the commercial. These are nevertheless elements that are frequently used in advertisements. The advertising code states that alcohol advertisements can't be specifically aimed at minors, but this appears to be a vague and multi-interpretable statement.

One can show the shortcomings of the regulations when we compare the decisions of the advertising code committee with opinions of young people on the questionable ads. To find out what youngsters find appealing and what they think of alcohol advertisements we asked a group of youngsters to rate alcohol ads four times. In order to do that we provided the questionable ads in an online format with a specific questionnaire, and the result is a comparison between the judgments of the advertising code committees and the opinion of the adolescents. Each partner in the project monitored alcohol ads on his/her country through various media - television, radio, magazines, billboards, Internet, events, promotional items, etc., in order to gather systematic examples of practice in the alcohol marketing. The method is based on the experience of the Dutch Institute for alcohol policy - STAP.

Participants in the panels received brief training by national coordinators of the monitoring, in order to be able to use online rating system. Because of ethical considerations, the youngsters received training in media literacy, and information on the effects of exposure to alcohol marketing. Participants were shown examples of alcohol advertisements (on web site) four times within one year after which each individual completed an online questionnaire.

Featured are three cities (Sofia, Plovdiv and Svoge), within which we contacted groups of students at different educational levels who are motivated to participate fully in a period of 12 months. It is expected of the same group to submit evaluations four times per year. The young people are aged 13-17 years. They are evenly distributed by size of city, school, educational level, age and sex. The monitoring coordinator contacted the parents (or caregivers of the child) to seek their permission for the child to take part in the panel. We provided written informed consent for all parents of the participants. They have read it thoroughly and signed it.

In Sofia and Plovdiv we were assisted by the youth section of the Bulgarian Red Cross. In Svoge we contacted a group of high school students, who are part of a dancing class. The access to schools is extremely difficult due to the reluctance of the teachers to expose students to alcohol advertisements.

The participants got general information on the project and technical training, necessary for the work with the web based rating system. Reminders were sent on a regular basis and we also kept personal contact with a number of the participants. Besides communicating with them, our efforts were mainly directed at keeping them motivated and interested in the project.

During the training the participants were interested in the general goals of the project (e.g. protection of adolescents from alcohol advertisements and improvement of the regulating system) as well as the possibility to really influence the regulating organs and the public perception. They showed strong eagerness to become better acquainted with the problems, related to alcohol marketing in Bulgaria.

## **4.2 Youth rating panel**

### **Demographic information**

29 participants out of the initially recruited 39 responded to the preliminary questionnaire. 18 are girls and 11 - boys. The average age is 15 years, and the average educational level is 9th grade. 3 respondents are 12 years old, 3 are 13 years old, 3 are 14 years old, 4 are 15 years old, 6 are 16 years old, and 9 are 17 years old. 19 are from big cities (Sofia and Plovdiv), and 10 from a relatively smaller city (Svoge). The average hours of TV watched before 10pm is 1.5 hours, and after 10pm – less than 1 hour. Internet use is 2.5 hours on an average weekday, and 3.4 hours on an average Saturday or Sunday.

2 participants have stated Sobieski as a favourite alcohol brand, 2 – beer Kamenitza, 2 – Baileys, 1 – beer Shumensko, 1 – Johnnie Walker, and 1 – Jameson. On average the participants have consumed alcohol at least one time during the last month. Favorite types of alcohol are: spirits – 8 participants, beer – 4 participants, wine – 3 participants, and low alcohol liquors – 2. Average amount of alcohol drunk last time was 2 glasses. The amount drunk during the last 30 days: 2 glasses. Amount drunk during the last 12 months: 6 glasses. Amount drunk during lifetime: 12 glasses. Beer: Less than 2 glasses, Liquor: 0.4 glasses, Wine: 0.8 glasses, and Spirits: 0.7 glasses. This average level of alcohol consumption is relatively lower than the corresponding figures on EU level.

### **Results from the final questionnaire**

20 participants out of the initially recruited 39 responded to the final questionnaire. The average hours of TV watched before and after 10pm is the same as in the initial questionnaire – 1.5 hours before 10pm, and less than 1 hour after 10pm. Internet use on an average weekdays is also the same - 2.5 hours. 1 participant has stated Sobieski as favorite alcohol brand, the other mentioned brands are: Grant, Bushmills, Captain Morgan, Ruskij Standart and Heineken, which does not show an increase of interest in alcohol consumption among the youngsters. On average the participants have consumed alcohol at least one time during the last month. Favorite types of alcohol are: spirits – 2 participants, wine – 5 participants, liquors – 1 participant. Average amount of alcohol drunk last time was 2 glasses. The amount drunk during the last 30 days: 2 glasses. Amount drunk during the last 12 months is higher compared to the preliminary questionnaire: 9 glasses. Amount drunk during lifetime is also higher: 14 glasses. The interest in beer and liquors is lower, but wine has become more popular (2 glasses), spirits – 1.5 glasses. This surprisingly does not show a considerable marketing effect of the advertisements shown to the participants in the youth panels.

Only 6 out of 20 participants think that alcohol ads aim at being informative, and only 2 think that ads show important information about the product. All of the respondents think that it is more important for the producers to sell their product than to follow the interests of the consumers. Most of the youngsters expressed opinions favoring restrictions of alcohol advertisements before 10 pm and avoiding the use of lifestyle elements in the alcohol ads. However, they are skeptical about implementing such regulations.

## 5. General overview of complaints

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Table 1. Review statements and number of complaints about alcohol commercials in 2010.

Number of complaints:	10
Upheld	4
Not upheld	6
Both sub-complaints are upheld and not upheld	40
Not accepted by the Committee	0
Closed file	0
Repealed by Horizont 21 Foundation	-
Total filed complaints 2010	10

In 2010 10 complaints were filed with the NCRS and one to the CEM. One is included in the 'Adolescents' section of the report, and 9 – in the 'Social, sportive or sexual success section'. 8 of these ads were included in the youth panels.

The paradox here is that the complaint against the TV ad of Mastika Peshtera was accepted by NCRS but rejected by the National regulator (CEM) - a precedent in European practice.

Four appeals were upheld. As a result, the broadcasting of the TV ad of Mastika Peshtera was suspended. Unfortunately, given the processing time in making its decision, the summer campaign had already ended. Other ads (vodka Flirt - bartender with a brush, and vodka Orgasm) remained standing in corporate websites, despite the decision of the NCRS.

In one of the complaints (on the corporate website of Ariana) there was a meeting conducted by NCRS, in which representatives of the manufacturer of the brand in question tried to convince us that the percentage of persons under 18 years using Internet is too low. As a result, there was no agreement and subsequently the appeal was rejected by NCRS.

The sources we used for the monitoring: TV, websites, outdoor marketing – billboards, printed materials. We checked them: at least once a week for the websites, every day for the others. We also checked a list of websites, including: National alcohol products – spirits (see below); web sites of sport clubs and tournaments – once a month (included in the final report on sport sponsorship):

- [www.flirt.bg](http://www.flirt.bg) (Bulgarian vodka)

- [www.peshtera.com](http://www.peshtera.com) (Vodka Alaska, Alaska Purity (premix), Black Ram Whiskey, Mastika Pestera, Peshterska Grozdova, Vodka Flirt, Flirt Tease (premix), Savoy Club vodka)
- [www.sisindustries.bg](http://www.sisindustries.bg)

National and international beers:

- [www.ledenika.com](http://www.ledenika.com)
- [www.pirinskopivo.bg](http://www.pirinskopivo.bg)
- [www.boliarka.com](http://www.boliarka.com)
- [www.zagorka.bg](http://www.zagorka.bg) (Heineken Zagorka Brewery - Beck's, Staropramen, Stella Artois, Astika, Pleven, Burgasko)
- [www.kamenitzafanclub.com](http://www.kamenitzafanclub.com) (In Bev - Heineken, Zagorka, Stolichno, Kaiser, Ariana, Amstel)

International brands:

DIAGEO

- [www.smirnoff.com](http://www.smirnoff.com)
- [www.johnie-walker.bg](http://www.johnie-walker.bg)
- [www.jbscotch.com](http://www.jbscotch.com)
- [www.perno-ricard.com](http://www.perno-ricard.com)
- [www.ballantines.com](http://www.ballantines.com)
- [www.absolut.com](http://www.absolut.com)
- [www.jamesonwhiskey.com](http://www.jamesonwhiskey.com)

## 5.1 Overview of the complaints by theme

### 5.1.1. Adolescents

These ads make use of elements appealing to minors like humor, music, story, people characters (cartoons), animal characters, special effects or animations (Fielder et al., 2009).

We filed one complaint (Beer Ariana) with 6 sub-complaints included. All were rejected by both Ariana and NCRS.

#### Case 1: Beer Ariana – Interactive website



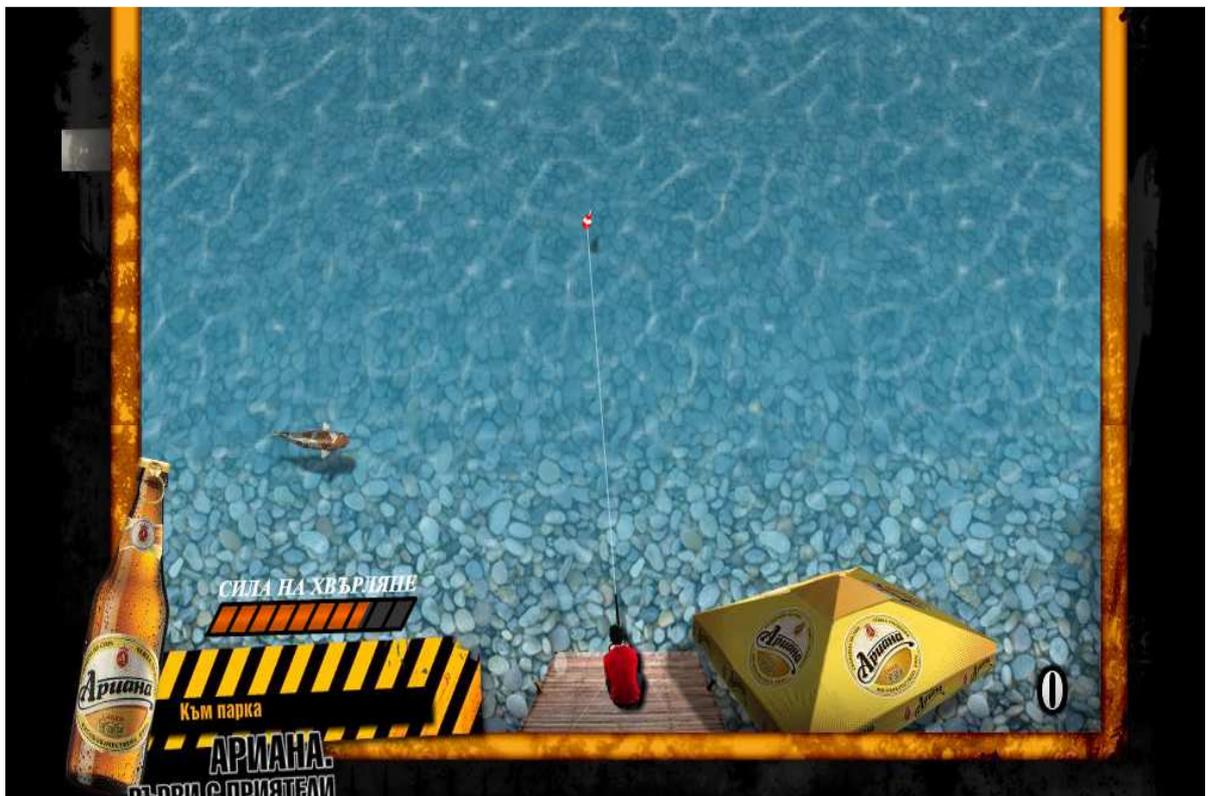
'A game of billiard?', 'See a video', 'Let's have a walk outside'.



'Lift the ball!'



'How is beer poured', 'Try it!'





'Throw some darts!'

**Violated regulations:**

Article 1.2 of the Ethical code

Article 1.3 of the Ethical code

Article 55, paragraph 2, point 3 from the Health law

Article 75, paragraph 7 from the Law of radio and television

Article 88, point 1 from the Law of radio and television

Code of responsible commercial communication and ethical standards of the Union of Bulgarian brewers: sections "Children and youths" and "Achievements and success".

**Description of the violations:**

Different sports are represented in the form of games associated with the use of beer. The campaign is inappropriate for children because the whole concept of <http://ariana.bg> site is designed to attract children and young people - judging from the cartoon style, humor and interactivity. In the left half of the site, called "Ariana goes with friends", there are situations where

different sports are represented in the form of games associated the use of beer. It can easily be said that the target audience of the interactive games in question is less than 18 years. This also applies to the proposal to replace the characters with familiar faces – “Become one of the heroes of Ariana: if you want to replace some of those characters with faces of your friends”. The characters are presented as drinking beer while exercising sports and offering beer as an alternative - a girl holding a tray of beer says: "Enough with this football!"

On May 12, 2010 a procedure was opened, registered under № 39. On the same day an opinion from the defendant - Zagorka AD was requested. On May 18 the opinion of Zagorka AD was filed. Meanwhile, on May 13 Zagorka AD requested a meeting with the applicant. The meeting was held on 27 May with the participation of two representatives from each country. Agreement was not reached.

### **Opinion of the defendant**

In the opinion of Zagorka AD it is stated that the product is not intended and aimed at people less than 18 years of age. Ariana's target consumers are middle-aged men (30-35 years old), working people with families, responsibilities and obligations who love to have fun. An important part of the marketing messages are favorite ways to spend your free time through the most popular hobbies of the consumer - football, fishing, etc. In 2009, Ariana has lead a campaign by stocking of reservoirs in the country, and in a 2010 football tournament where amateurs faced off with professionals. The site of the brand reflects the marketing strategy of Ariana beer. Its main purpose is to communicate with target consumers on the Internet and enable them to obtain information about beer in a funny and entertaining way. This is achieved through Flash technology that allows content to be presented not only by verbal means but through moving images and sound.

The used characters are not animated, not intended for minors and not specifically attractive to a child audience, instead they are represented as men between 30 and 35. The words “Enough with the football!” of the young woman with a tray helps the user to exit the park and does not offer beer as an alternative to sport. None of the games are matched by action or use of images of beer and no direct or indirect suggestion or association between consumption of beer or any success is made.

In regards to the alleged breaches of the Code for responsible commercial communication and ethical standards of the Union of Brewers in Bulgaria, the website complies with the opinion of the Council for self-regulation of the brewing industry. The opinion states that upon activation of the electronic site it requires confirmation that the person is an adult (age verification). Thus, the advertiser has clearly declared that the information on this site and the product itself is not

intended for persons under 18 years of age, and does not use minors or images and characters, attractive to the child audience. None of interactive games is combined with a display of beer consumption and it cannot be concluded that success is determined by it.

### **Decision**

The Ethics Commission finds the complaint of Foundation Horizonti 21 against the ad campaign in the corporate site of beer Ariana unfounded in terms of violation of national ethical rules for advertising and commercial communications in Bulgaria.

### **Motifs**

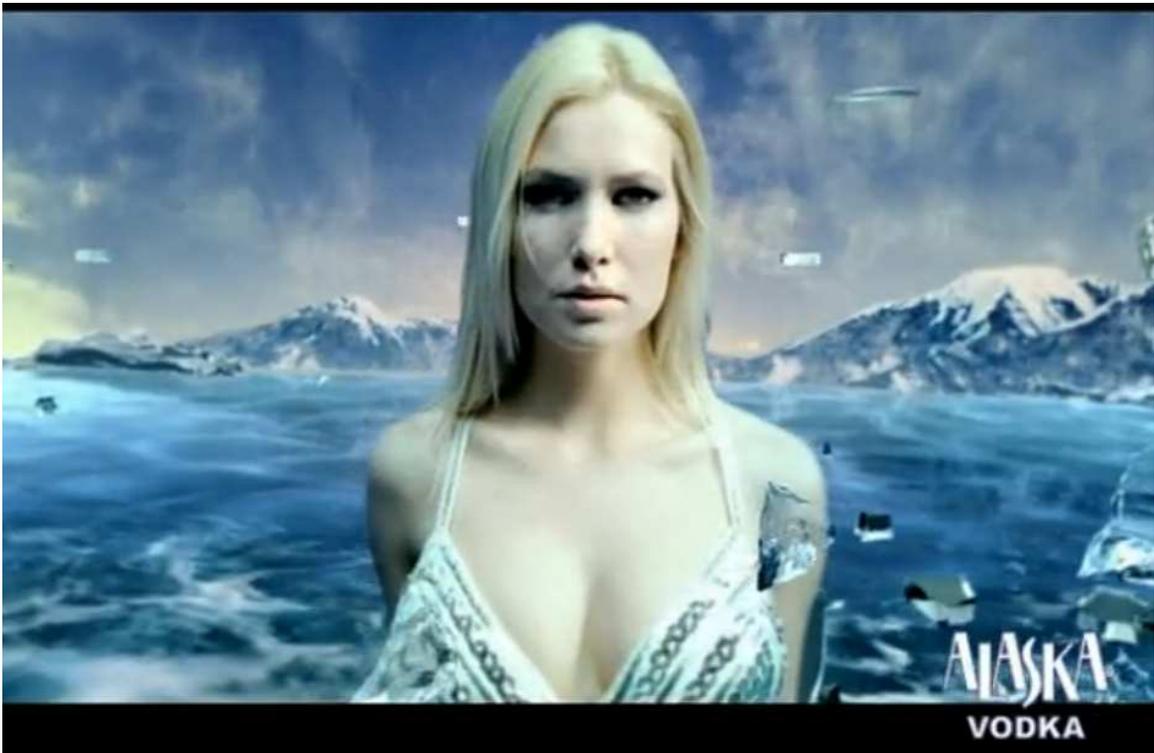
The Ethics Commission believes that there is no violation of national ethical rules for advertising and commercial communications in Bulgaria. It is of the opinion that art. 1.1. and art. 1.2 from the national ethical rules for advertising and commercial communications in Bulgaria are not infringed. The website is designed in a funny way, implying game attitude in the visitor. It can be assumed that such attitudes are mostly present in young people, especially children, but this is not a sufficient argument to claim that the advertising is directed to a group of minors. From the ad site it is visible that there is a form for verifying the age and warning that only adults can continue. According to a graphic attached by Zagorka AD, 90% of Internet users are over 18 years. The characters in the website are clearly mature and are having fun with friends. Favorites and recognizable images of favorite children characters are not used. The adopted focus on various sports games is also related to the amateur football tournament organized by Arianna and this completely logically and consistently presents the product as leisure. At the same time there is no suggestion that athletic performance is associated with the use of beer.

#### **5.1.2. Social, sportive or sexual success**

9 complaints were filed; they included 36 sub-complaints. 4 complaints were determined to be unfounded (including 24 sub-complaints). 5 complaints were determined to be founded (including 16 sub-complaints).

Case 2: Vodka Alaska





**Description**

The ad clearly shows a message that alcohol contributes to social success through visual elements, clothing and luxurious interior.

**Violated regulations:**

Article 1.2 of the Ethical code

Article 1.3 of the Ethical code

Article 2 of the Ethical code

Article 5.5 of the Ethical code

Article 55, paragraph 2, point 4 from the Health law

Article 80, paragraph 3, point 7 from the Law of radio and television

**Decision**

The ethics commission finds the complaint of Foundation Horizonti 21 against the TV advertising of vodka Alaska unfounded in terms of violation of national ethical rules for advertising and commercial communications in Bulgaria.

**Motifs**

The ethics commission is of the opinion that there is no violation of art.1.2, art.1.3 and art.5.5 of the national ethical rules for advertising and commercial communications in Bulgaria. This finding of the Ethics Commission is based on the fact that there are no TV commercial visuals or actions which are contrary to the regulations of the country, as well as generally accepted in the Bulgarian society norms of decency and morality. Alcohol does not appear in the ad in whatever form. From the content of the ad one cannot assume that the possible social or sexual success of the characters is a function of the consumption of alcoholic beverages.

**Case 3: Vodka Flirt – Cherry**





**Description**

The girl in the video uses her tongue and manages to tie a ribbon on the handle of a cherry cocktail to win the heart of a famous Bulgarian artist.

**Violated regulations:**

Article 1.2 of the Ethical code

Article 1.3 of the Ethical code

Article 2 of the Ethical code

Article 4.9 of the Ethical code

Article 55, paragraph 2, point 4 from the Health law

Article 80, paragraph 3, point 7 from the Law of radio and television

**Description of the violations:**

The ad clearly shows a message that alcohol contributes to social and sexual success.

**Decision**

The ethics commission finds the complaint of Foundation Horizonti 21 against the TV advertising of Winery Peshtera AD for vodka Flirt unfounded in terms of violation of national ethical rules for advertising and commercial communications in Bulgaria.

**Motifs**

The ethics Commission is of the opinion that there is no violation of the texts cited by the applicant of the national ethical rules for advertising and commercial communications in Bulgaria, namely art.1.2, art.1.3, art. 2 and art. 4.9. This finding of the Ethics Commission is based on the fact that in the TV commercial there are no visual vulgar and repulsive elements or actions which are contrary to generally accepted in the Bulgarian social norms of decency and morality. The characters in the ad are in decent clothing and appearance, do not carry obscene or vulgar action. In the ad alcohol does not appear in whatever form. From the content of the ad one cannot draw the conclusion that the social or sexual success of the characters is a function of consumption of alcoholic beverages.

**Case 4: Vodka Flirt – Bartender**





**Description**

A cute bartender washes glass and manages to seduce a beautiful girl.

**Violated regulations:**

Article 1.2 of the Ethical code

Article 1.3 of the Ethical code

Article 2 of the Ethical code

Article 4.9 of the Ethical code

Article 55, paragraph 2, point 4 from the Health law

Article 80, paragraph 3, point 7 from the Law on radio and television

**Description of the violations:**

The ad clearly shows a message that alcohol contributes to social and sexual success.

**Decision**

The ethics commission finds the complaint of Foundation Horizonti 21 against the TV advertising of Winery Peshtera AD for vodka Flirt is founded in terms of violation of national ethical rules for advertising and commercial communications in Bulgaria.

**Motifs**

Ethics Commission concludes that there is a breach of national ethical rules for advertising and commercial communications in Bulgaria and in particular art. 2. The advertising video clip looks sharply contrary to generally accepted for the Bulgarian society norms of decency and morality, because it contains clearly obscene and vulgar acts. The "Flirt" brand is avant-garde and is targeted at the younger generation, but the suggestion of the ad is highly sexualized. The video clip provokes human imagination and associability by vulgar vision dictated by the actions of the bartender who in an obsessed and rough way creates the impression of simulated intercourse.

The ethics commission recommends that the Winery Peshtera AD ad clip should not be broadcasted anymore in this form and should be removed from both the corporate site and

possibly other sites on the Internet. The ethics commission recommends that Winery Peshtera AD should refrain in the future from this type of vision in their ads. They should not promote distorted patterns of behavior because it is an extremely thin line that separates the vulgar vision of commonplaceness and pornography.

#### **Case 5: Vodka Flirt – ‘Games for advanced’ billboard**



It is not necessary to choose between two women. You can have both of them.

Vodka Flirt – Games for the advanced

#### **Description**

A highly erotic billboard showing attractive women.

#### **Complaint**

The complaint was sent by an individual (anonymous). The content of advertising is qualified by the applicant as an insult. According to him the text of the outdoor advertising displays women as an object of possession by men, which violates the equality of the sexes. Advertising is in

violation of decency, as it is clear that the hands of the girls are not in the popcorn box, but in the lap of the boy and this shows encouraging and readiness for sex. The clothes of the girls are also too beaoning. Displayed in public places such as billboards, which are accessible to children, this outdoor advertising undermines good public behavior and violates child care.

**Violated regulations:**

Article 2 of the Ethical code

Article 4.3 of the Ethical code

Article 4.9 of the Ethical code

Article 17.1 of the Ethical code

**Decision**

The ethics commission finds the complaint of K. E. against the outdoor advertising of Winery Peshtera AD for vodka Flirt is unfounded in terms of a violation of all the articles in it.

**Motifs**

The ethics commission concludes that there is no violation of national ethical rules for advertising and commercial communications in Bulgaria and in particular Art. 2. This finding of the ethics commission is based on the fact that the advertising does not include visual elements that are vulgar and repulsive. Those involved in the ad are in decent dress and appearance in accordance with generally accepted moral norms and we do not observe any indecent or vulgar action. In this part the advertising is consistent with generally accepted ethical and aesthetic rules and regulations.

Ethics Commission concludes that there is no violation of art. 4.3. The principle of gender equality is not violated and the ad does not contain any visual elements or a story that impose a conclusion towards gender inequality.

Ethics Commission concludes that the ad does not show too much erotica and does not promote susceptibility to sexuality by promoting readiness for sex. There is no violation of art. 4.9. In order

to conclude that there is a violation of the code referred to by the appellant, namely - to promote readiness for sex, the ad must provoke this mode by displaying excessive eroticism. Erotica (from the Greek Eros - love) is the art of sexual transmission of emotion and feeling and the ethics commission concludes that it is not listed in the ad, nor does it meet the criteria for excessiveness.

The ethics commission concludes that the advertising is not targeted at children and there is no violation of art.17.1. Otherwise the ad would meet one of two mandatory criteria – 1. It is targeted at children. Certainly the advertising of vodka Flirt is not aimed at children, or 2. Children to participate in the ad itself. Clearly it is not true.

#### **Case 6: Vodka Flirt – ‘Sex can lead to love’ billboard**



Sex can lead to love. This does not have to stop you.

Vodka Flirt – Games for the advanced

#### **Description**

A highly erotic billboard showing a woman that ties a man with her hair.

#### **Complaint**

The applicant (anonymous, from Plovdiv) is outraged by yet another ugly billboard advertising the vodka Flirt series, which reads "Sex can lead to love, but this should not stop you." One billboard of vodka Flirt caused an auto accident in the city of Plovdiv as one of the drivers admitted that he did not watch the road ahead, but a naked woman from the eponymous ad. The applicant considers that the public does not need such a manifestly encouragement of sexual promiscuity, and sincerely indignities of each ad in the Flirt series and prays future children not to grow against porn scenes. He hopes not to have to read by streets that "Sex can lead to love."

### **Decision**

The ethics commission finds the complaint against the outdoor advertising of Winery Peshtera AD for vodka Flirt unfounded in terms of violation of national ethical rules for advertising and commercial communications in Bulgaria.

### **Motifs**

The applicant has held that the advertising is inappropriate for children and is legal propaganda of indiscriminate sex. The ethics commission concludes that there is no violation of art. 17.1. or art. 4.9. The vodka Flirt ad actually focuses on sex, but the thesis of the appellant is not correct. The iconography shows a discreet erotic embrace with a girl hugging a young man, by simply using her hair. Erotic context is clear but the public and professional measures are met. The slogan "Sex can lead to love, but this should not stop you" is challenging, makes a link between sex and love, but it is not an incitement to indiscriminate sex. The distinction between the two emotions is inherent in modern civilization, but this is no scandal, nor violates decency and moral standards.

**Case 7: Vodka Orgasm – ‘Share orgasm’**



**Description**

A highly erotic picture of a famous TV hostess. In the shape of the bottle there is a direct allusion to male genitals, and the message reads "Share orgasm!"

**Violated regulations:**

Article 1.2 of the Ethical code

Article 2 of the Ethical code

Article 4.9 of the Ethical code

Health law (section on alcohol advertising)

**Description of the violations:**

In violation of good public morals, in the shape of the bottle there is a direct allusion to male genitals, and the message reads "Share orgasm!". Moreover, the ad is in breach of the Health law, which precludes direct advertising of spirits.

**Opinion of the defendant**

Following a reminder letter we received the following reply: "At this stage we refrain from formal opinion on the attached complaint. We look forward to the verdict of the ethics commission. Whatever it will be, we will use it in our campaign .For the provision of that opportunity we thank you! "

**Decision**

The ethics commission finds that the complaint against the advertising of vodka Orgasm is founded in terms of violation of national ethical rules for advertising and commercial communications in Bulgaria.

**Motifs**

The ethics commission considers that there is a breach of the national ethical rules for advertising and commercial communications in Bulgaria and in particular of art. 1.2 and art.1.3. The advertising is indecent because it contains elements of visual and verbal messages and suggestions that are contrary to generally accepted in the Bulgarian society moral standards. The advertisement is in violation of the Health law, which contains a mandatory ban on direct advertising of alcoholic beverages and therefore is unacceptable as the use of the drink itself (showing the bottle) and messages relating to its consumption.

The ethics commission recommends that the vodka Orgasm ad should not be distributed anymore in this form. The ethics commission recommends vodka Orgasm in the future to refrain from this type of vision in their ads, which is contrary to moral views, values and moral and legal norms.

In connection with violations of the Health law the ethics commission decides that the application will be submitted for consideration at the Ministry of Health and be referred to the Commission for Consumer Protection.

**Case 8: Mastika Peshtera – Season of the watermelons**





**Description**

Highly erotic visuals of a famous Bulgarian singer.

**Violated regulations:**

Article 2 of the Ethical code

Article 4.9 of the Ethical code

**Description of the violations:**

It is totally unacceptable to display the breasts of a well known Bulgarian folk singer and the association with watermelons. The popularity of the participants in the TV commercial – the singer Galena and the young actor Kalin Vrachansky, makes the ad even more attractive for the youth audience. The ground for appeal is related to morality and decency, and in particular the presence of sexual images.

**Decision**

The ethics commission finds that the complaint of Foundation Horizonti 21 against the TV advertising of Mastika Peshtera is founded in terms of violation of national ethical rules for advertising and commercial communications in Bulgaria.

**Motifs**

The ethics commission concludes that there is a breach of national ethical rules for advertising and commercial communications in Bulgaria. The ad positions the product as a means of overcoming sexual barriers and unambiguously linked with sexual success. The advertising is contrary to good morals and definitely violates best advertising practices and undermines the prestige of the industry as a whole. In spirit and point the ad is dishonest and indecent as it draws the attention of consumers in a scandalous manner.

Television advertising of Mastika Peshtera is in violation of the following texts of the Code:

Article 1. The ad has not been prepared with a sense of responsibility towards society, as it suggests low aesthetic, ethical standards and sense of irresponsibility. Showing a situation in which women's breasts are exposed, it does not fit into the established concepts of decency and good manners. It is unethical and immoral to present evidence of the female gender in TV commercial communication (one of the most accessible media).

Art.1.2. The Advertising is indecent and dishonorable as it manipulates human sexuality in a manner unsuitable for a wide audience - a woman's breasts clearly visible in the entire screen.

Art.2: Literal association of female breasts with watermelons is vulgar and shows lack of respect for the female personality and human dignity. The Advertising is contrary to good morals, it is vulgar and repulsive and does not comply with generally accepted moral values of Bulgarian society.

4.1. The ad does not respect human dignity, demonstrating both men in advertising and the blonde woman in a simple and offensive manner. The ad carries a message of disregard for human dignity because of the extreme humiliation of female breasts. The ad leaves no doubt that the beach sex and Mastika Peshtera are necessarily related.

Art. 4.2. The ad is too erotic and is unacceptable to the mass media. Such content is the association between female breasts and watermelons.

Art. 4.3. The ad denigrates the woman to a sexual object, identifying her as a "juicy piece" (a piece of watermelon or a piece of meat?). It also puts it at a lower level compared to the camera and the eyes of men say - on the ground at their feet.

Art. 4.9. Objectionable is the exploitation of nudity in advertising of alcoholic products. The combination of the two products promoted is exploited as a means of removing of sexual barriers.

The ethics commission recommends that the Mastika Peshtera commercial communication should be aligned with the norms of national ethical rules for advertising and commercial communications in Bulgaria within the prescribed period, or to stop its broadcasting.

#### **Case 9: Johnnie Walker – Jenson Button ad**



**Description**

Recollection of important moments in Jenson Button's successful season in Formula 1.

**Violated regulations:**

Art.2.4. of the Ethical code

Art. 3. of the Ethical code

Art. 8. of the Ethical code

Art. 9. of the Ethical code

**Decision**

The ethics commission finds the complaint of Foundation "Horizonti 21" against the TV ad of Johnnie Walker of Diageo Bulgaria Ltd unfounded in terms of violation of national ethical rules for advertising and commercial communications in Bulgaria and in particular to the general standards for alcohol beverages .

**Motifs**

The ethics commission believes that the commercial communication is not in breach of the texts of general standards for spirits and the texts of national ethical rules for advertising and commercial communications in Bulgaria.

Using popular sports personalities is rather a hint to conduct a responsible, fair and transparent advertising policy of the company - with a clear message not to drive after drinking. The claim that the advertising is aimed at children is unfounded. Evidence of this is provided by the advertiser with a Global Report on broadcasts of Formula One™ in 2010 - demographic characteristics of viewers and table demographic characteristics of viewers of Formula 1 in Europe for 2010, by IFM Sport Marketing Surveys. On the contrary, it is a kind of warning to those who would drive after drinking.

In the ad there is no appearance of alcohol in whatever form and content, and it cannot be displayed clearly that any social or athletic success of the character is a function of consumption of alcoholic beverages. At the same time there is no suggestion that athletic performance is associated with the use of the spirit. There are no visual elements or actions which are contrary to the regulations of the country, as well as generally accepted in the Bulgarian society norms of decency and morality. The ethics commission finds that the challenged advertising communication does not contain a message that it is aimed at promoting the overuse or abuse of alcoholic beverages, use of alcohol by minors, driving after drinking.

#### **Case 10: Mastika Peshtera Billboard – Passion in Crystals**



**Description**

Highly erotic visuals of a young woman on the beach.

**Violated regulations:**

Article 2 of the Ethical code

Article 4.8 of the Ethical code

**Description of the violations:**

The ad does not respect decency and is too inappropriate for children. The sexually explicit content may incite sexual violence.

**Decision**

The ethics commission finds that the complaint of I.M. against the outdoor advertising of Mastika Peshtera founded in terms of violation of national ethical rules for advertising and commercial communications in Bulgaria.

**Motifs**

The ethics commission concludes that there is a breach of national ethical rules for advertising and commercial communications in Bulgaria (art. 4.9 of the Ethical code).

The ad positions the product as a means of overcoming sexual barriers and unambiguously linked with sexual success. It is contrary to good morals and definitely violates good advertising practices and undermines the prestige of the industry as a whole. The ad is dishonest and indecent as it draws the attention of consumers in a scandalous manner.

## 6. Youths opinion vs. Advertising code committee

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In Bulgaria 19 out of the initially recruited 39 youngsters completed all the questionnaires, of which 7 boys and 12 girls, with an age between 13 and 17 years old. Here is the comparison of opinions between the participants in the youth panels and the national regulator.

### **Case 1: Ariana beer**

While the advertising code committee finds this ad not specifically appealing to adolescents 17 out of 21 members of the youth rating panel found this ad appealing to them, 12 found the animations attractive, and for 17 in the ad one can find styles (music, characters, language, colors, etc.), related to youth culture. Also, 9 respondents answered that, according to them, this ad is designed to be attractive for children and adolescents. 13 out of 21 think that the target group is 18-25 years old, and 6 out of 21 think it is under 18 years old, which contradicts the committee's judgment.

### **Case 3: Vodka Flirt ('Cherry')**

While the advertising code committee finds this ad does not imply social or sexual success, 11 out of 25 respondents state that the advertising implies social success, and 8 think that by consuming the product their peers will expect their social success to improve. 18 respondents think that the ad also implies sexual success, and 16 think that by consuming the product their peers will expect their sexual success to improve. 24 think that the characters in the ad are young models; 20 think that in the ad one can find styles (music, characters, language, colors, etc.), related to youth culture. 6 respondents state that according to them both the product and the ad are designed to be attractive to young people. 22 young people think that the music will appeal to their peers, 17 state the same think for the language, and 18 – for the images. 17 out of 25 respondents think that this ad will be attractive for their peers.

### **Case 4: Vodka Flirt ('Bartender')**

In accordance with the decision of the advertising code committee, 14 out of 25 respondents state that the advertising implies social success, and 16 think that by consuming the product their peers will expect their social success to improve. 10 respondents think that the ad also implies

sexual success, and 13 think that by consuming the product their peers will expect their sexual success to improve. 18 think that the characters in the ad are young models; 7 think that in the ad one can find styles (music, characters, language, colors, etc.), related to youth culture. 5 respondents state that according to them both the product and the ad are designed to be attractive to young people. 20 young people think that the music will appeal to their peers, 15 state the same think for the language, and 16 – for the images. 16 out of 25 respondents think that this ad will be attractive for their peers.

#### **Case 5: Vodka Flirt – ‘Games for advanced’ billboard**

In discordance with the decision of the advertising code committee, 15 out of 25 respondents state that the advertising implies social success, and 16 think that by consuming the product their peers will expect their social success to improve. 10 respondents think that the ad also implies sexual success, and 11 think that by consuming the product their peers will expect their sexual success to improve. 21 think that the characters in the ad are young models; 16 think that in the ad one can find styles (music, characters, language, colors, etc.), related to youth culture. 6 respondents state that according to them the product is designed to be attractive to young people. 5 people think that the ad is designed to be attractive to young people. 14 young people think that the language will appeal to their peers; 18 state the same for the images. 16 out of 25 respondents think that this ad will be attractive for their peers.

#### **Case 6: Vodka Flirt – ‘Sex can lead to love’ billboard**

In discordance with the decision of the advertising code committee, 16 out of 25 respondents state that the advertising implies social success, and 18 think that by consuming the product their peers will expect their social success to improve. 10 respondents think that the ad also implies sexual success, and 10 think that by consuming the product their peers will expect their sexual success to improve. 22 think that the characters in the ad are young models; 18 think that in the ad one can find styles (music, characters, language, colors, etc.), related to youth culture. 9 respondents state that according to them the product is designed to be attractive to young people. 8 people think that the ad is designed to be attractive to young people. 15 young people think that the language will appeal to their peers; 23 state the same for the images. 18 out of 25 respondents think that this ad will be attractive for their peers.

**Case 8: Mastika Peshtera – Season of the watermelons**

In accordance with the decision of the committee, 10 out of 21 respondents state that the advertising implies social success, and for 13 the ad is attractive because it has associations with sex. 16 think that the ad will be attractive to their peers. 17 state that the ad contains images attractive for their peers, and for 14 – it contains language and humor attractive for their peers. 9 think that the ad is designed to be attractive for kids and adolescents, and 13 think that the target group is people of age 18-25, for 3 it is under 18 years. For 17 the ad contains styles, associated with youth culture. For 13 out of 20 respondents the characters in the ad are of age 18-25, and for 7 it is between 25 and 30 years old. 6 respondents think that the ad is designed to be attractive for kids and adolescents, and for 13 the consumer age is 18-25, for 4 it is 25-30.

**Case 9: Johnnie Walker – Jenson Button ad**

While the advertising code committee finds this ad not specifically appealing to adolescents 15 out of 20 members of the youth rating panel think that this ad will be appealing to their peers. 12 out of 20 think that the humor elements in the ad will be appealing to their peers, and 12 out of 20 participants think that their participants will expect their sport success to improve after consuming the product in the ad.

**Table 2. Summary of Advertisements, Complaints by Theme, Judgment of Committee and the Opinion of Youngsters**

Case	Advertisement	Themes of (sub)complaints	Number of (sub)complaints	Judgement of committee	Opinion of youngsters
1	Ariana Website	Minors	6 (a, b, c, d, e, f)	Not upheld	a) Not asked b) Not asked c) Not asked d) Disagree e) Disagree f) Disagree
2	Vodka Alaska	Social/sexual success	6 (a, b, c, d, e, f)	Not upheld	Not asked
3	Vodka Flirt - Cherry	Social/sexual success	6 (a, b, c, d, e, f)	Not upheld	a) Not asked b) Not asked

					c) Agree d) Disagree e) Disagree f) Disagree
4	Vodka Flirt - Bartender	Social/sexual success	6 (a, b, c, d, e, f)	Upheld	a) Not asked b) Not asked c) Disagree d) Agree e) Agree f) Agree
5	Vodka Flirt – ‘Games for advanced’ billboard	Social/sexual success	4 (a, b, c, d)	Not upheld	a) Agree b) Not asked c) Disagree d) Not asked
6	Vodka Flirt – ‘Sex can lead to love’ billboard	Social/sexual success	2 (a, b)	Not upheld	a) Disagree b) Disagree
7	Vodka Orgasm – ‘Share orgasm’	Social/ sexual/ sportive success	4 (a, b, c, d)	Upheld	Not asked
8	Mastika Peshtera – Season of the watermelons	Social/ sexual/ sportive success	2 (a, b)	Upheld	a) Agree b) Agree
9	Johnnie Walker – Jenson Button ad	Social/ sexual / sportive success	4 (a, b, c, d)	Not upheld	a) Disagree b) Not asked c) Disagree b) Not asked
10	Mastika Peshtera Billboard – Passion Crystals in	Social/ sexual/ sportive success	2	Upheld	Not asked
<b>Total</b>	<b>10</b>		<b>10 (40)</b>	<b>Upheld 4 (14)</b> <b>Not upheld 6 (26)</b>	<b>Agree 7</b> <b>Disagree 12</b> <b>Not asked</b>

					14
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Explanation Table 2

**Case**= number of advertising as used in the report

**Advertising**= name of advertisement as used in the report

**Themes of (sub) complaints**= sometimes a complaint against one advertisement consists of more articles, so called 'sub-complaints'.

**Number of sub-complaints**= How many sub-complaints (articles) are filed per theme against the relevant advertisement.

**Judgement of committee**= what is the conclusion of the Committee regarding the sub-complaints per theme (upheld/not upheld). Sometimes there are more sub-complaints per theme, what can result in partially upheld and partially not upheld complaints → list per sub-complaint the judgement, like a, b, c, d and also the opinion of the youngsters with a, b, c, d.

**Opinion of the youngsters**= state here if the majority of the young people were in agreement with the judgement of the committee.

**Table 3. Summary of Agreements and Disagreements by theme between the Committee and Youngsters.**

Theme	Number of (sub) complaints	Judgement complaints by Committee	Opinion of youngsters (18 of more out of 35)	Conclusion
Minors	6	Upheld 0	Disagree 3  Not asked 3	Agreements: 0  Disagreements: 3
Social/ sexual/ sportive success	34	Upheld 14		Agreements: 7
		Not upheld 26	Agree 7	Disagreements: 5

			Disagree 9	
			Not asked 11	
<b>Total</b>	40	Upheld 14 Not upheld 26	Agree 7 Disagree 12 Not asked 14	Agreements 7 (of which 1 not upheld) Disagreements 12 (of which 9 not upheld)

Explanation of Table 3

**Theme:** Themes of the complaints against the advertisements which are used in the youth rating panel.

**Number of sub-complaints:** Number of sub-complaints (articles) filed per theme against the relevant advertising.

**Judgement complaints by Committee:** conclusion of the Committee regarding the sub-complaints per theme (upheld/not upheld)

**Opinion of youngsters:** in how many cases did the majority of the young people agree or disagree with the committee

**Conclusion:** How many agreements/ disagreements between the Committee and the youngsters per theme are there?

## 7. Conclusions

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We tested the system for self-regulation, created in the end of 2009. The State regulator (CEM – Council of Electronic Media) has proven its lack of interest over the years. In the case when we approached CEM to inform them about an established by NCRS violation, our complaint was rejected as unfounded.

Our experience with the complaints procedure in NCRS showed an improvement on their part - a timely adoption of complaint registration and working through in the established order. On the other hand, half of the complaints (1 / 2) were rejected. The reason for this lies in the vague provisions of the Code and the possibility of their broad interpretation in favor of the creators of commercial messages, respectively, of the alcohol industry.

Marketing is appealing to minors when it contains elements like humor, music, story, people characters (cartoons), animal characters, special effects or animations (Fielder et al.,2009). When elements like these are used, one can be almost certain that minors will like the commercial. These are nevertheless also elements that are frequently used in advertisements we used in the youth panels. The advertising code states that alcohol advertisements can't be specifically aimed at minors, but this appears to be a vague and multi-interpretable statement.

One can show the shortcomings of the regulations when we compare the decisions of the advertising code committee with opinions of young people on the questionable ads. To find out what youngsters find appealing and what they think of alcohol advertisements we asked a group of youngsters to rate alcohol ads four times. In order to do that we provided the questionable ads in an online format with a specific questionnaire, and the result is a comparison between the judgments of the advertising code committees and the opinion of the adolescents.

In four of the advertisements that were available for assessment, the opinions of the youngsters coincided with the contents of our complaint and were therefore contrary to the decision of NCRS. In the remaining three ads the decision of NCRS coincided with our opinion, as well as the opinion of the youngsters.

## 8. Recommendations

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### 8.1 Regulations and procedure

It is necessary that the code for self-regulation contains clear rules that prevent ambiguous interpretations. The same applies to the laws – the law for health, and law for radio and TV.

### 8.2 Policy recommendations

More active participation of state and government institutions in monitoring of alcohol marketing and legal compliance.

## 9. Appendix

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### 9.1 Regulation Codes

Article 1.2 of the Ethical code: "Each marketing communication should be consistent with the law, decent, honest, fair and truthful."

Article 1.3 of the Ethical code: "Advertisers are responsible for the legality of commercial communication. Any commercial communication should not ignore any statutory rule, must not contain elements violating the law, or urge anyone to breach or circumvent the law."

Article 2 of the Ethical code: "Commercial communications should not contain statements or visual or audio elements that violate decency or can be defined as vulgar or repulsive, according to generally accepted moral norms in the country and culture."

Article 2.4 of the Ethical code. Commercial communications of drinks should not use objects, images, styles, symbols, colors, music and characters (real or fictitious, including cartoon characters or celebrities such as sports celebrities) who are attractive especially for children and minors.

Article 3 of the Ethical code Commercial communications of drinks should not create assumptions that the consumption of alcohol before or during driving of any kind is allowed.

Article 4.3 of the Ethical code: "Commercial communications must respect the principle of gender equality."

Article 4.8 of the Ethical code: "Commercial communications should not include pornographic

Article 4.9 of the Ethical code: "Commercial communications must not show too much erotic elements or promote susceptibility to excessive display of sexuality by encouraging and readiness for sex, uncovering of the human body in an inappropriate manner, and should not present products as a tool to eliminate sexual barriers. The human body can appear only in respect of individual rights and human dignity."

Article 5.5 of the Ethical code: "Commercial communications should not contain any allegations, or audio or visual presentation which directly or indirectly, incl. through misinformation or misrepresentation of facts, deliberate omission, inaccuracy, ambiguity, exaggeration, etc. is likely to deceive or mislead the consumer."

Article 8 of the Ethical code. Commercial communications of drinks should not give the impression that alcohol consumption increases mental or physical ability or has a stimulating effect, e.g. when engaging in activities that require concentration to be safely carried out.

Article 9 of the Ethical code. Commercial communications of drinks should not suggest that alcohol consumption is a prerequisite for social approval or success.

Article 17.1 of the Ethical code: "Special care must be made in the marketing communication directed at or involving children and adolescents. Such communication should not undermine good social behavior, lifestyles and attitudes."

Article 55, paragraph 2, point 3 from the Health law: "Indirect advertising of alcoholic beverages and advertising of wine and beer must not connect the use of alcohol with sport and physical performance or driving."

Article 55, paragraph 2, point 4 from the Health law: "Indirect advertising of alcoholic beverages must not contain false statements regarding health benefits, social or sexual being."

Health law: There should be no direct advertising of alcoholic beverages.

Article 75, paragraph 7 from the Law of radio and television: "Commercial communications of alcoholic beverages must not be aimed specifically at children and must not encourage immoderate consumption of such drinks."

Article 80, paragraph 3, point 7 from the Law of radio and television: "The advertising of all alcoholic beverages must not give the impression that alcohol contributes towards social or sexual success."

Article 88, point 1 from the Law of radio and television: "Advertising and teleshopping of alcoholic beverages should not be aimed specifically at children and, in particular, at providing children consumption of these beverages."

Code of responsible commercial communication and ethical standards of the Union of Bulgarian brewers: sections "Children and youths" and "Achievements and success".

## 10. References

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