

18 Portugal (PO)

18.1 Introduction

In terms of advertising regulation and compliance with recommendations of the EU on alcohol and young people, Portugal is accomplishing most of the suggestions in the document of the European Union. The Portuguese Advertising Code approved by the parliament years ago applies to the advertising of all products and services by all means and has a special article which relates to alcoholic beverages.

Some of the aspects which are properly regulated by law, although some of them not appropriately enforced are:

- Sporting and event sponsorship: Linkage of a brand name of an alcoholic beverage to an event is not permitted if the event is intended for minors. All the rules in the Code apply to sporting and events sponsorship. Association of any alcoholic beverage commercial communication with national symbols such as national flag and national colors, as mentioned in the Portuguese constitution, is not allowed. The advertising of alcoholic beverages is not permitted inside sports stadiums. Any marketing practice of alcoholic beverages in all education facilities or schools is forbidden even if the enrolled students are in majority adults. It is also forbidden to market alcoholic beverages in any magazine, TV or radio programs and any other activity mainly targeted at minors.
- The advertising or mentioning implicitly or explicitly of alcoholic beverages in connection with events, namely sports, cultural, recreational or others where minors participate is not allowed.
- It is forbidden to associate alcoholic beverages advertising to national symbols such as the nations flag.
- The advertising of alcoholic beverages in connection with events, namely music festivals and students celebrations, mainly targeted at minors is forbidden.
- Alcoholic beverages advertising, independent of the channel it only permitted when it does not target minors, and in particular doesn't portray minors in the act of consumption.
- The advertising of alcoholic beverages may not portray situations that encourage excessive consumption or suggest the existence in alcoholic beverages of stimulant, therapeutic or sedative properties.
- The advertising of alcoholic beverages is only permitted if it does not suggest that the consumption will enhance success, especially social success or any other special skills or aptitude by ways of drinking.
- It is also forbidden to market alcoholic beverages in any magazine, TV or radio programs and any other activity mainly targeted at minors.
- The advertising of alcoholic beverages may not suggest that the consumption of alcoholic beverages increases sports performance or should be associated with physical activity and with vehicles driving. The advertising of alcoholic beverages may not display, suggest or stimulate excessive consumption. The advertising of alcoholic beverages may not portray abstinence from alcohol consumption or moderate alcohol consumption negatively. The advertising of alcoholic beverages may not suggest that the alcoholic content is in itself a positive property.

Also, advertising of alcoholic beverages is permitted in all media subject to restrictions on content, timing and place. This includes a ban on advertising on radio and television between 7:00 am and 10:30 pm.

From a self-regulatory point of view, the alcoholic beverage and communication industry such as media have agreed on a voluntary basis and according to their codes of conduct to include educational messages in advertising for most media. There are no reports about the implementation of these codes. These codes are not properly publicized among society and stakeholders.

The Advertising Regulatory Commission (CACMP) is responsible for investigating alleged violations of the advertising regulations and imposing sanctions in Portugal. In cases of misleading advertising or where it is dangerous to health or consumer safety, it can order cessation or suspension of an advertisement. Its decisions are subject to judicial review. Complaints are heard by the Permanent Commission for the Monitoring of the Code of Good Practises of Commercial Communications of Alcoholic Beverages, which is made up of representatives drawn from the beer, wine and spirits industry, advertising agencies and media. There are no public reports to date of the action of these bodies and more importantly there is no report about complaints, handling of complaints and there is no information on how to and by whom a complaint can be presented.

Another organization - the Consumer Institute - monitors advertising on its own initiative and is willing to accept complaints. It also has the power to initiate and support legal initiatives.

The drinks industry code, the *Código de Boas Práticas de Comunicação Comercial de Bebidas Alcoólicas* is subscribed to by a group of associations representing the alcoholic drinks and allied sector representative organisations, media and advertising associations and individual companies.

Regulation		Statutory / Non-statutory
1	Advertising code for all communication media channels	Statutory
2	Self-regulation code for marketing and advertising of AB – alcohol industry	Non-statutory

18.2 Advertising code for all communication media channels

Name of regulation:

1 Advertising code for all communication media channels

Is this statutory or non-statutory regulation?

Statutory

Who made the text of this regulation?

The Portuguese Government

Which types of marketing are controlled by in this regulation?

Advertising of all products and services by all means and has a special article which relates to alcoholic beverages (specifically intended for Portugal)
All the rules in the Code apply to sporting and events sponsorship.

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

The regulation applies to all kind of alcoholic beverages, namely beer, wine and spirits. Definitions. [...] Alcoholic beverages: beverages containing 0.5 VOL or more;

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

Everybody has to adhere to this regulation since this is a state law.

18.2.1 Bans

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

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

* other than young people

18.2.2 Elements of Council Recommendation

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

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

Remarks on elements

- A Article 17:
- The alcoholic beverages advertising, independently of the channel is only permitted when it does not targets minors, and in particular doesn't portray minors in the act of consumption.
- C Article 17:
- The alcoholic beverages advertising, independently of the channel is only permitted when it does not targets minors, and in particular doesn't portray minors in the act of consumption.
- E Article 17:
- The advertising of alcoholic beverages may not portray situations that encourage excessive consumption or suggest the existence in alcoholic beverages of stimulant, therapeutic or sedative properties.
- F Article 17:
- The advertising of alcoholic beverages is only permitted if it does not suggest that the consumption will enhance success, especially social success or any other special skills or aptitude by ways of drinking. [...]
- H Article 17:
- The advertising or mentioning implicitly or explicitly of alcoholic beverages in connection with events, namely sports, cultural, recreational or others where minors participate is not allowed.
- The advertising of alcoholic beverages in connection with events, namely music festivals and students celebrations, mainly targeted at minors is forbidden.
- I It is also forbidden to market alcoholic beverages in any magazine, TV or radio programs and any other activity mainly targeted at minors.

K Article 17.

The advertising of alcoholic beverages may not:

- suggest that the consumption of alcoholic beverages increases sports performance or it should be associated with physical activity and with driving vehicles.
- display, suggest or stimulate excessive consumption.
- portray abstinence from alcohol consumption or moderate alcohol consumption negatively.
- suggest that the alcoholic content is in itself a positive property.

18.2.3 Procedures connected to the regulation

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

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

Pre-launch advice is not provided in the present regulation but yes in the industry code of practice.

18.3 Self-regulation code of alcohol industry

Name of regulation:

2 Self-regulation code for marketing and advertising of AB – alcohol industry

Is this statutory or non-statutory regulation?

Non-statutory

Who made the text of this regulation?

Alcohol producers' associations and advertisers' associations

Which types of marketing are controlled by in this regulation?

All

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

All

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

All alcohol producers, retailers, sellers, etc....

18.3.1 Bans

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

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

* other than young people

18.3.2 Elements of Council Recommendation

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

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

Remarks on elements

18.3.3 Procedures connected to the regulation

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

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