

20 Slovak Republic (SK)

20.1 Introduction

In the Slovak Republic there are no specific regulations regarding alcohol marketing and advertising but there exist three different regulations which include regulations on alcohol marketing and advertising. The “Advertising Act” and “Act on Broadcasting and Retransmission” which are statutory and non-statutory “Ethical Principles on Advertising Practice Valid in the Slovak Republic”. The statutory “Advertising Act” valid from 2001 replaced the act from 1996. This new act introduced legal definition of comparative advertisement and specified definition of misleading advertisement in commercial code to harmonize it with EU regulations. Alcohol advertising in this act is more liberal – it allows advertisement of alcoholic beverages but states several conditions regarding restrictions concerning minors and forbids alcoholic beverage advertising to suggest that consumption of alcohol has a positive effect to physical and mental performance. The search for violations and complaints can be performed by the State Veterinary and Food Administration which is also responsible for sanctions and can entail obligation to publish this decision in mass communication media. The statutory “Act on Broadcasting and Retransmission” regulates advertising practice in broadcasting (TV, radio – advertising, teleshopping, sponsoring etc.). Alcohol marketing and advertising in this act is also limited regarding minors and giving the impression that alcohol consumption contributes to social and sexual success. The complaint and sanctioning system is carried out by supervisory authority Council for Broadcasting and Retransmission of the Slovak Republic Administration.

Basically, the advertising sector is in the Slovak legislation adapted to the extend, that regulations of the advertising in radio and TV broadcasting are in the Act No. 308/2000 Coll. on Broadcasting and Retransmission and other kinds of advertising amended by Act No. 147/2001 Coll. on Advertising. One exception is an adaptation of the comparative advertising sector which is included in the Act on Advertising but is applicable also for the radio and TV broadcasting sector. The non-statutory “Ethical Principles on Advertising Practice Valid in the Slovak Republic” were designed and adopted by the Slovak Advertising Standards Council in 2004. This ethical code in the area of alcohol advertisement regulates depiction of minors in advertisements; violence and restricts alcoholic beverage advertisement in media designed for youth. The Slovak Advertising Standards Council provides pre-launch advice, receives complaints and publishes results publicly.

Regulation		Statutory / Non-statutory
1	Advertising Act	Statutory
2	Act on Broadcasting and retransmission	Statutory
3	Ethical principles of advertising practice valid in the Slovak Republic	Non-statutory

20.2 Advertising Act

Name of regulation:

I Advertising Act

Is this statutory or non-statutory regulation?

Statutory

Who made the text of this regulation?

National council of the Slovak republic / Slovak parliament

Which types of marketing are controlled by in this regulation?

Advertising (general-; misleading-; unacceptable comparative-)

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

Alcoholic beverages are spirituous liquors, wine, beer, and other beverages which contains more the 0.75% VOL.

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

There is no such definition in the Advertising act, however it's obvious that every subject who is involved in advertising practise is regulated by this act.

20.2.1 Bans

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

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

* other than young people

20.2.2 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 Succes	G Encouragement	H Events	I Media	J Free	K Other
Yes or No	No	No	Yes	No	No	Yes	No	No	Yes	No	No

Remarks on elements

C ...no person considered to be a minor must be shown in any connection with the consumption of alcoholic beverages in advertising.

F Advertising of alcoholic beverages must not relate to consumption of alcohol to positive effects on physical performance or mental performance

I Advertising of alcoholic beverages must not be targeted at minors.

20.2.3 Procedures connected to the regulation

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

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

The search for violations is performed by the State veterinary and food administration of the Slovak Republic.

Complaints can be made to State veterinary and food administration of the Slovak Republic. And during a procedure a marketing practice can still be used.

The possibility of complaining is made known to the public on the website of the State veterinary and food administration of the Slovak Republic. It is not a special procedure. The complaints are regulated by the general Act on complaints and this procedure is common to the most of state administration.

Sanctions, where appropriate, are imposed by State veterinary and food administration of the Slovak Republic and can be a fine up to ca €50 000 or prohibition of dissemination of advertising.

The results of procedures are publicly announced according to Act on advertising, the Supervisory authority in its decision about prohibition of advertising propagation can entail the obligation to publish this decision or its part or to publish the corrective statement in mass communication media.

The fine can be imposed within the period of one year from the date when supervisory authority found out about breaking of the law, but not later than three years from the date of breaking this law. The minimum amount of time is limited by the procedural rights of the subject against which the complaint was aimed.

20.3 Act on Broadcasting and retransmission

Name of regulation:

2 Act on Broadcasting and retransmission

Is this statutory or non-statutory regulation?

Statutory

Who made the text of this regulation?

National council of the Slovak republic / Slovak parliament

Which types of marketing are controlled by in this regulation?

Broadcast (tv, radio: advertising, teleshoping, sponsoring etc.)

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

All alcoholic beverages - not further defined but with references.

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

This act shall apply to:

- a) a broadcaster who has permission authority for broadcasting on the basis of the law (“public service broadcaster”),
- b) a broadcaster who has permission for broadcasting on the basis of a licence according to this act (further only “broadcaster with a licence” or “licensed broadcaster”),
- c) an operator of retransmission who obtained permission for retransmission according to this act.

20.3.1 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

20.3.2 Elements of Council Recommendation

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

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

Remarks on elements

- C Television advertising and teleshopping of alcoholic beverages must not be aimed at minors and especially must not show minors consuming these beverages
- F Television advertising and teleshopping of alcoholic beverages must not create the impression that consumption of alcohol contributes towards social and sexual success.
- I Television advertising and teleshopping of alcoholic beverages must not be aimed at minors and especially must not view minors consuming these beverages.

20.3.3 Procedures connected to the regulation

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

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

The search for violations is performed by Council for Broadcasting and Retransmission of the Slovak republic. Council performs state administration in the area of broadcasting and retransmission to the extent determined by Act on broadcasting. In the area of the content of the broadcasts this is done both by Council's own monitoring of broadcasts and by complaints from public. Complaints can be made to Council for Broadcasting and Retransmission of the Slovak republic. And during a procedure a marketing practice can still be used. The possibility of complaining is not a special procedure. The complaints are regulated by the general Act on complaints and this procedure is common to the most of state administration.

Sanctions, where appropriate, are imposed by Council for Broadcasting and Retransmission of the Slovak Republic and can be a fine from €250 to €125,000, a warning on infringement of law, broadcasting of an announcement about infringement of law or suspension of the broadcasting of the programme.

The results of procedures are publicly announced on the web site of the Council and by announcement to the press.

The minimum and maximum amount of time the procedure officially takes is max. 6 months.

20.4 Ethical principles of advertising practice

Name of regulation:

3 Ethical principles of advertising practice valid in the Slovak Republic

Is this statutory or non-statutory regulation?

Non-statutory

Who made the text of this regulation?

The Slovak Advertising Standards council, The Slovak Advertising Standards Council defines its main goal as the codification and updating of a formal set of Ethical Principle of Advertising Practise in Slovakia, application of the principle in society and

Which types of marketing are controlled by in this regulation?

All advertising

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

Alcoholic beverages - nu further defenition

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

According to the Code, Subjects of advertising communication process who are responsible for adhering to the Code are mainly advertisers, advertising agencies, and operators of communication media.

20.4.1 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	No	No	No	No	No

* other than young people

20.4.2 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	No	No	Yes	No	Yes	No	No	No	Yes	No	No

Remarks on elements

- C Advertisements which include indications of alcohol consumption by individuals considered to be under age or their consumption of alcohol is to be considered inappropriate.
- E Advertisements supporting aggression or physical violence.
- I Alcoholic beverages advertisement must not be placed in media designed for youth.

20.4.3 Procedures connected to the regulation

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

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

Pre-launch advice is provided by the Slovak Advertising Standards Council. Complaints can be made to the same body. And during a procedure a marketing practice can still be used. The possibility of complaining is announced on the website of the Slovak Advertising Standards Council. The results are published on the website of the Slovak Advertising Standards Council and are available for the press.