

22 Spain (ES)

22.1 Introduction

In contrast to the case of tobacco, there is no existing specific state legislation in Spain regarding either addictive substances, or drug addictions, or alcoholic beverages, except for the so-called “Wine Law” which in any case safeguards the rights of this economic sector with regards to possible future alcohol regulations. In the case of alcohol, those regulations relating to alimentary products, and those which govern their advertising, also apply. In Spain, a large part of the regulation of the advertising of alcoholic beverages in the various media (press, radio, cinema, exterior and even television) is established by regulations at the regional level which add a catalogue of prohibitions to those established by state legislation:

- In television, the most common practice is the prohibition of advertising of alcoholic drinks of any strength when associated with programmes aimed at minors as an exclusive or preferred target audience. There are cases in which the prohibition refers to particular periods in the schedule (between 8.00 and 22.00) or to specific contents (educational or public interest). In general, the ban includes both direct advertising and indirect or hidden advertising.
- The most common practice in radio is the prohibition of advertising of alcoholic drinks of any strength when associated with programmes aimed at minors as an exclusive or preferred target audience.
- In the press, the most common practice is to prohibit the advertising of alcoholic drinks in children’s or youth publications or in those sections of the printed media aimed at minors as an exclusive or preferred target readership. In some cases the ban is extended to include the first page, sections on hobbies, and sports sections.
- With regard to advertising in those media, in some cases the prohibition is limited to media whose influence extends to the majority of the public.
- With regard to exterior media, the advertising of alcoholic drinks is generally prohibited as a consequence of the prohibition of consumption of alcohol in public thoroughfares. In some Autonomous Communities it is not even contemplated; in others, exterior advertising is extensively prohibited or is focussed solely on higher proof alcoholic beverages.
- Generally the restrictions are established especially for people under 18 years of age, and in some cases for under-16s.
- The restrictions for alcoholic strength are set, according to the regulation, at 18, 20 or even 23 degrees proof.
- In a large part of this regulation the sale and consumption, and therefore the advertising, is prohibited in a wide range of places and establishments which include public thoroughfares.

In this chapter only the state legislation related to alcoholic beverages is included.

Regulation		Statutory / Non-statutory
1	General Law of Advertising	Statutory
2	TV code	Statutory
3	Law of Sport	Statutory
4	Code of self-regulation of beer producers	Non-statutory
5	Code of self-regulation of beer producers	Non-statutory

22.2 General Law of Advertising

Name of regulation:

I General Law of Advertising

Is this statutory or non-statutory regulation?

Statutory

Who made the text of this regulation?

Government

Which types of marketing are controlled by in this regulation?

Advertising on television

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

Alcoholic beverages > 20% VOL.

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

No information found.

22.2.1 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	No	Yes	Yes	Yes	No

* other than young people

22.2.2 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	No	Yes	No	No	No	Yes	Yes	No	No

Remarks on elements

- A The form, content and conditions for the alcoholic beverage advertisements will be limited to protect health and safety of people taking into consideration the target group, there is no direct or indirect induction of its excessive consumption.
- D The form, content and conditions for the alcoholic beverages advertisements will be limited to protect the health and safety of people taking into consideration the target group, the no direct or indirect induction of its excessive consumption and taking into consideration the educative, sanitary and sportive settings.

22.2.3 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	No	Yes	Yes	Yes	Yes

Complaints can be made to ordinary justice. And during a procedure a marketing practice won't be used if the judge asks its cessation. When it can cause risk or damages for health.

The possibility of complaining is made known to the public by publication of the results of the procedure.

22.3 TV code

Name of regulation:

2 TV code

Is this statutory or non-statutory regulation?

Statutory

Who made the text of this regulation?

Spanish Parliament

Which types of marketing are controlled by in this regulation?

Television (direct or indirect advertisement, product placement, telesale, sponsorship through television, etc.)

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

Alcoholic beverages > 20% VOL.

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

Television produced in Spain

22.3.1 Bans

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

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

* other than young people

22.3.2 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	No	No	Yes	Yes	Yes	Yes	Yes	No	No	No	No

Remarks on elements

- B not targeted at minors or to show minors drinking
- C not targeted at minors or to show minors drinking
- D not targeted at minors or to show minors drinking
- H The presence of brands or products (including alcohol) in televised sporting events organised by a third party (sports sponsorship) is not considered hidden advertising.

22.3.3 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	No	Yes	Yes	Yes	Yes

The search for violations is not systematically done but at a regional level the Autonomous Governments are responsible for looking for violations and at a national level the Ministry of fomento is responsible.

Complaints can be made to the National institute of consumption.
 And during a procedure the cessation can be asked from the beginning until the end of the illicit behaviour.
 Sanctions, where appropriate, can be a fine: up to €601.000.

22.4 Law of Sport

Name of regulation:

3 Law 10/1990, of Sport

Is this statutory or non-statutory regulation?

Statutory

Who made the text of this regulation?

Spanish Parliament

Which types of marketing are controlled by in this regulation?

Advertising.

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

All alcoholic beverages

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

The stadium owner

22.4.1 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	Yes	No	No

* other than young people

Location: No advertising in sports stadiums.

Type of product: prohibition for all types of alcoholic beverages.

22.4.2 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	No	No	No	No	No	No	No	No	No

Remarks on elements

–

22.4.3 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 in case of violators	Results published or publically announced
Yes or No	No	No	Yes	Yes	Yes	Yes

Complaints can be made through a legal procedure. And during a procedure a marketing practice can still be used.

Sanctions, where appropriate, are imposed by judicial bodies and can be withdrawal of the advertising, publication of the sanction in the media at the advertisers' expense, publication of corrective advertising in the same media and formats in which the campaign was conducted, at the advertiser expense.

The results of procedures are publicly announced in journals, by judicial bodies and media channels.

The minimum and maximum amount of time the procedure officially takes is a minimum of one year.

22.5 Code of self regulation of spirit producers

Name of regulation:

3.4 Code of selfregulation of spirit producers

Is this statutory or non-statutory regulation?

Non-statutory

Who made the text of this regulation?

FEBE (Spirits Producers Spanish Federation)

Which types of marketing are controlled by in this regulation?

Any type of advertising with the exception of product placement

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

Alcoholic beverages > 1% VOL.

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

All the enterprises associated in FEBE

22.5.1 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	Yes	No	Yes	No

* other than young people

22.5.2 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	Yes	No	Yes	Yes	No	No

22.5.3 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	Yes	Yes	Yes

Pre-launch advice is provided by AAP Jury.

Complaints can be made to the promoter and to the legal authority.

Sanctions, where appropriate, are imposed by FEBE and can be expulsion from FEBE.

22.6 Code of self regulation of beer producers

Name of regulation:

5 Code of selfregulation of beer producers

Is this statutory or non-statutory regulation?

Non-statutory

Who made the text of this regulation?

Spanish Beer Producers

Which types of marketing are controlled by in this regulation?

Advertising, sponsorship

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

Not applicable to beer without alcohol

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

Beer Producers

22.6.1 Bans

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

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

* other than young people

22.6.2 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	Yes	Yes	Yes	Yes	Yes	No	Yes	No	Yes	No

22.6.3 Procedures connected to the regulation

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

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

The search for violations is performed by the Commission.

Complaints can be made to the Commission.

Particularly serious cases may lead to suspension of activities for the offender. All public aid will be suspended.