

23 Sweden (SE)

23.1 Introduction

The Alcohol Act is the statutory regulation. There are also two non-statutory codes adopted by the alcohol industry (see below). The Alcohol Act states that all marketing to consumers must be distinct moderate and are not allowed to be intrusive or seeking. Alcoholic beverages as gifts are not allowed.

Advertisement in periodical publications is allowed for alcoholic beverages that are not stronger than 15 % VOL. The advertisement must be moderate and can only express the product or its content of raw products. An advertisement must hold a text of information about the risks that are connected with alcohol consumption (for example: "alcohol can damage your health"). There are 11 different possible texts to choose between in a statutory ordinance.

Outdoor advertisement is not considered distinctly moderate and therefore not seen in Sweden. The same goes for advertisement for example in cinemas, sports centres, hospitals and buses.

The search for violations is done by The Swedish Consumer Agency. Complaints can be made to this authority. If a company violates the rules in the Act it can be forbidden to repeat the marketing practice. The decision normally includes a fine – which will be fixed by a court decision. The Swedish Consumer Agency does not give pre launch advice regarding marketing or advertisement. On the local level the municipalities are responsible for controlling the marketing inside premises. If a restaurant owner violates the Act he could lose his license to serve alcoholic beverages.

As guidance concerning marketing and advertisement of alcoholic beverages and also to help determining which advertisement is moderate and which are not The Swedish Consumer Agency worked out "Guiding Principles". The authority will shortly replace these principles with "General Recommendations".

There are two different non-statutory codes decided by the alcohol industry:

- A. Swedish Spirits & Wine Suppliers Code - adopted in the year 2004. All sorts of marketing, information and promotion of all alcoholic beverages and soft drinks are under control in this regulation.

The member companies can get advices on a principle basis from a special person called 'AGM'. This person checks that member companies do not offend the rules in the Alcohol Act and the rules adopted by the member companies. The AGM-person can stop a marketing practise for the time being until a complaint has been judged by him. He also decides whether there shall be a fine (maximum 100.000 Euro).

- B. In February 2006 the Association of Swedish Advertisers, The Swedish Brewer's Association and Swedish Spirits & Wine Suppliers has adopted "Recommendations concerning advertisement of alcoholic beverages and soft drinks that contains alcohol". The Recommendation contains interpretations of the rules in The Alcohol Act.

The purpose of the Recommendation is said to be a guidance regarding the rule mentioned above (marketing to consumers must be distinct moderate), for the benefit of a uniform practice of the rules and also to give guidance when it comes to marketing of soft drinks that contains a small amount of alcohol (less than 2.25 % VOL) so that it will not be mistaken for marketing of stronger alcoholic beverages.

These Recommendations are not further reported or commented on in this report.

Regulation		Statutory / Non-statutory
1	The Alcohol Act	Statutory
2	Swedish Spirits & Wine Suppliers (SSWS) - (selfregulation code)	Non-statutory

23.2 The Alcohol Act

Name of regulation:

I The Alcohol Act

Is this statutory or non-statutory regulation?

Statutory

Who made the text of this regulation?

Ministry of Health

Which types of marketing are controlled by in this regulation?

Marketing;

Advertisement (in periodical publications or other publications on which the press law is applicable);

Alcoholic beverages as gifts in connection with marketing;

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

Alcoholic beverages > 2,25% VOL.

(total ban for alcoholic drinks > 15% VOL.)

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

To all who sell or mark alcoholic beverages.

23.2.1 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	Yes	Yes	No	No

* other than young people

23.2.2 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	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Remarks on elements

- A Not allowed to children and adolescents under the age of 25
- B An advert (picture) can only express the product or it's content of raw products, isolated boxes of the product or the trade-mark.
- C Not allowed to use children and adolescents under the age of 25
- E An advert (picture) can only express the product or it's content of raw products, isolated boxes of the boxes of the product or the trade-mark. An advert is not allowed to be contrary to good manners and customs or indecent.
- F An advert (picture) can only express the product or it's content of raw products, isolated boxes of the product or the trade-mark. An advert is not allowed to be contrary to good manners and customs or indecent
- G Not allowed to children and adolescents under the age of 25
- H Marketing must be distinct moderate and are not allowed to be intrusive or seeking.
- I Not allowed to children and adolescents under the age of 25
- J Alcoholic beverages as gifts are not allowed

23.2.3 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 incase of violators	Results published or publicly announced
Yes or No	No	No	Yes	Yes	Yes	No

The search for violations is performed by the Swedish Consumer Agency. This is the supervisory authority at the national level. On the local level the municipalities are responsible for controlling the marketing inside premises.
 Complaints can be made to The Swedish Consumer Agency.
 The possibility of complaining is made known to the public by The Swedish Consumer Agency's homepage.
 Sanctions, where appropriate, are imposed by the Swedish Consumer Agency. The court has to condemn the fine. The fine depends on the turnover of the company.
 The minimum and maximum amount of time the procedure officially takes depends on the complexity of the case.
 The procedure to ban an alcohol marketing practices or to condemn a fine are stipulated in the Marketing Act (1995:450).

23.3 Self regulation code Swedish Spirits & Wine Suppliers

Name of regulation:

2 Swedish Spirits & Wine Suppliers (SSWS) - (selfregulation code)

Is this statutory or non-statutory regulation?

Non-statutory

Who made the text of this regulation?

The association itself (grounded 1998).

Which types of marketing are controlled by in this regulation?

All sorts of marketing, information and promotion of all alcoholic beverages and soft drinks.

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

All beverages (alcoholic and non alcoholic) that the members trades with.

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

To the member companies of the association.

23.3.1 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	No	No	No	No

* other than young people

23.3.2 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	No	Yes	Yes	Yes	No	No	No	No

Remarks on elements

C People used in marketing, information (advertising with pictures etc) must look as if they are at least 25 years old.

E The marketing etc should not evoke or overlook violence or behavior that's illegal or that should be rejected from a social point of view.

F The marketing etc. shall not point out sexual capacity.

G Marketing etc. could not be aimed to persons who are under 18 years old.

23.3.3 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	Yes	Yes	Yes	Yes	Yes	Yes

The trade association offers members help to get legal advice. The executive president of the association also gives advice. A special person (called AGM) can give advice on a principle basis.

The search for violations is done by a special person (called AGM). He has got an assignment (as a sort of controller) to check that member companies do not break the rules in the alcohol act and the rules adopted by the member companies.

A complaint shall be sent to the association (Swedish Spirits & Wine Suppliers) or direct to the "AGM" person. The "AGM" person can stop advertising practice for the time being, until the complaint has been judged.

The possibility of complaining is made known to the public by newspapers covering alcoholic business. At some time TV also covered questions regarding a complaint.

Sanctions, where appropriate, are imposed by the AGM person. He decides the size of the fine (a maximum of €100.000).

The results of procedures are publicly announced on the association's homepage. The minimum and maximum amount of time the procedure officially takes is 4-6 weeks.