



Inventory Alcohol Marketing Regulations

With this form STAP, the Dutch Institute for Alcohol Policy, would like to ask you to fill out information regarding alcohol marketing regulations in your country.

First, we will ask you to give an overview of the different alcohol marketing regulations that exist in your country. Next, some general questions about time bans and the monitoring system in your country will follow. Finally, we will ask you to fill out more specific questions per regulation. We have included separate Regulation Forms for this part of the questionnaire. For each alcohol marketing regulation that exists, please fill out a separate Regulation Form (please let the number of the form correspond with the number in the table on page 1 of this questionnaire, where you summarized all existing regulations).

Thank you very much for participating and providing the data!

Organization:	German Centre for Addiction Issues (DHS)
Country:	Germany
Date:	07th July 2009

1. Overview Alcohol Marketing Regulations

Below, please fill out all regulations on alcohol advertisement and alcohol sponsorship and promotion that exist in your country.

**With Coverage we would like to know which types of alcohol marketing are being covered by the regulation (e.g. cinema, digital media, event sponsoring, outdoor, print, promotional items, radio, tv, sport sponsoring, etc.)*

Alcohol Marketing Regulations Questionnaire

No.	Name Regulation (original)	Name Regulation (English translation)	Date latest update	Link to original text	Type of Regulation	Coverage*
1.	Jugendschutzgesetz (JuSchG)	Protection of Young Persons Act	October 31, 2008* (* the update does not concern the paragraph on alcohol)	German language: http://www.kjm-online.de/public/kjm/downloads/juschg%20081128.pdf English language: http://www.kjm-online.de/public/kjm/downloads/Jugendschutzgesetz_englisch.pdf	<input checked="" type="checkbox"/> Statutory/ Legal <input type="checkbox"/> Non-statutory/ Self regulation <input type="checkbox"/> Co-regulation	<input type="checkbox"/> Tv <input type="checkbox"/> Radio <input checked="" type="checkbox"/> Cinema <input type="checkbox"/> Sponsoring <input type="checkbox"/> Internet / digital media <input type="checkbox"/> Outdoor <input type="checkbox"/> Print <input type="checkbox"/> Prom. Items <input type="checkbox"/> Other, namely:
2.	Jugendmedienschutz-Staatsvertrag (JMStV)	Interstate Treaty on the Protection of Human Dignity and the Protection of Minors in Broadcasting and in Telemedia (Interstate Treaty on the protection of minors – JMStV)	January 1 st 2009* (*the update does not concern the paragraph on alcohol)	German language: http://www.kjm-online.de/public/kjm/downloads/JMStV_Stand%2011%20RStV.pdf English language: http://www.kjm-online.de/public/kjm/downloads/JMStV%202009%20englisch.pdf	<input checked="" type="checkbox"/> Statutory/ Legal <input type="checkbox"/> Non-statutory/ Self regulation <input type="checkbox"/> Co-regulation	<input checked="" type="checkbox"/> Tv <input checked="" type="checkbox"/> Radio <input type="checkbox"/> Cinema <input type="checkbox"/> Sponsoring <input checked="" type="checkbox"/> Internet / digital media <input type="checkbox"/> Outdoor <input type="checkbox"/> Print <input type="checkbox"/> Prom. Items <input type="checkbox"/> Other, namely:
3.	Verhaltensregeln des Deutschen Werberats über die kommerzielle Kommunikation für alkoholhaltige Getränke	Code of Conduct on Commercial Communication for Alcoholic Beverages	April 2009	German language: http://www.interverband.com/dbview/owa/IGservsearch1.opt4middleow?puid=2867543&paid=69392&pccat=217042&pscat=4349&purl=/werberat English language: http://www.interverband.com/dbview/owa/IGservsearch1.opt4middleow?puid=2867543&paid=69392&pccat=95103&pscat=4349&purl=/werberat	<input type="checkbox"/> Statutory/ Legal <input checked="" type="checkbox"/> Non-statutory/ Self regulation <input type="checkbox"/> Co-regulation	<input checked="" type="checkbox"/> Tv <input checked="" type="checkbox"/> Radio <input checked="" type="checkbox"/> Cinema <input checked="" type="checkbox"/> Sponsoring <input checked="" type="checkbox"/> Internet / digital media <input checked="" type="checkbox"/> Outdoor <input checked="" type="checkbox"/> Print <input checked="" type="checkbox"/> Prom. Items <input checked="" type="checkbox"/> Other, namely: any communication instrument

2. Watersheds / Time bans

We would like to know more about time bans or watersheds in your country on alcohol marketing on TV, radio and in the cinema. Also if no alcohol advertising is allowed at all for this type of medium, please indicate.

Time ban on TV?		
1	Is there a watershed (time ban) for alcohol advertising on TV in your country?	<input type="checkbox"/> Yes, namely: <input checked="" type="checkbox"/> No → go to question 6
2	In which regulation is the TV time ban embedded?	
3	Is sponsorship of TV <i>programmes</i> during this watershed still permitted? (e.g. a movie or soap series sponsored by an alcohol producer)	<input type="checkbox"/> Yes <input type="checkbox"/> No
4	Is sponsorship of <i>events</i> that are televised during this watershed still permitted? (e.g. a football match sponsored by an alcohol producer).	<input type="checkbox"/> Yes <input type="checkbox"/> No
5	Are Corporate Social Responsibility messages of an alcohol producer still permitted on TV during the watershed? (e.g. 'Drink Responsibly' campaigns).	<input type="checkbox"/> Yes <input type="checkbox"/> No
Time ban on radio?		
6	Is there a watershed (time ban) for alcohol advertising on the radio in your country?	<input type="checkbox"/> Yes, namely: <input checked="" type="checkbox"/> No → go to question 11
7	In which regulation is the radio time ban embedded?	
8	Is sponsorship of radio <i>programmes</i> during this watershed still permitted? (e.g. a radio program sponsored by an alcohol producer)	<input type="checkbox"/> Yes <input type="checkbox"/> No
9	Is sponsorship of <i>events</i> that are broadcast on the radio during this watershed still permitted? (e.g. a football match sponsored by an alcohol producer).	<input type="checkbox"/> Yes <input type="checkbox"/> No
10	Are Corporate Social Responsibility messages of an alcohol producer still permitted on the radio during the watershed? (e.g. 'Drink Responsibly' campaigns).	<input type="checkbox"/> Yes <input type="checkbox"/> No
Time ban in the cinema?		
11	Is there a watershed or ban on alcohol advertising in the cinema in your country?	<input checked="" type="checkbox"/> Yes, namely: No Advertisement of alcoholic beverages before 6p.m. <input type="checkbox"/> No → go to next part (3)
12	In which regulation is the cinema time ban embedded?	Protection of Young Persons Act

3. Monitoring system

We would like to know more about organizations that monitor the adherence to alcohol marketing (regulations) in your country.

Please fill out in the table below as many organizations you know in your country that monitor whether (part of) the alcohol marketing regulations are being adhered to by the parties that the regulations concern (e.g. alcohol producers, broadcasters, etc).

We are interested in the monitoring of statutory as well as non-statutory regulations or co-regulation.

** In the final column you can indicate which types of data are used by the monitoring organization. Where do the data come from? You can select multiple options if necessary.*

Name organization	Which regulation is/are monitored?	Independent from commercial interests?	Official part of the regulation system?	Monitoring routinely/systematically ?	Includes marketing other than on TV, radio, print or outdoor?	Source data used:*
Administrative Agency [Verwaltungsbehörde] - could be either the youth welfare office [Jugendamt] or the local regulatory agency [Ordnungsamt], depending on federal state	1: Protection of young persons act [Jugendschutzgesetz] JuSchG	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Academic organization <input type="checkbox"/> Advertising sector <input type="checkbox"/> Alcohol industry <input checked="" type="checkbox"/> Government <input checked="" type="checkbox"/> Own inventarisation <input type="checkbox"/> Public health NGO <input type="checkbox"/> Research agency <input checked="" type="checkbox"/> Other, namely: It is possible, that the administrative agency is notified by the public. It then starts to investigate.
Commission for Protection of Minors in the Media (KJM)	2: Interstate Treaty on the protection of minors	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Academic organization <input type="checkbox"/> Advertising sector <input type="checkbox"/> Alcohol industry <input checked="" type="checkbox"/> Government <input checked="" type="checkbox"/> Own inventarisation <input type="checkbox"/> Public health NGO <input type="checkbox"/> Research agency <input checked="" type="checkbox"/> Other, namely: public			

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Organisations for the voluntary self-regulation of television (FSF)	2: Interstate Treaty on the protection of minors	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Academic organization <input type="checkbox"/> Advertising sector <input type="checkbox"/> Alcohol industry <input type="checkbox"/> Government <input checked="" type="checkbox"/> Own inventarisation <input type="checkbox"/> Public health NGO <input type="checkbox"/> Research agency <input checked="" type="checkbox"/> Other, namely:Public and TV Broadcaster
Name organization	Which regulation is/are monitored?	Independent from commercial interests?	Official part of the regulation system?	Monitoring routinely/systematically ?	Include marketing other than on TV, radio, print & outdoor?	Source data used:*
Organisations for the voluntary self-regulation of multimedia services (FSM)	2: Interstate Treaty on the protection of minors	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Academic organization <input type="checkbox"/> Advertising sector <input type="checkbox"/> Alcohol industry <input type="checkbox"/> Government <input checked="" type="checkbox"/> Own inventarisation <input type="checkbox"/> Public health NGO <input type="checkbox"/> Research agency <input checked="" type="checkbox"/> Other, namely:Public and Multimedia Services
Jugendschutz.net	2: Interstate Treaty on the protection of minors	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Academic organization <input type="checkbox"/> Advertising sector <input type="checkbox"/> Alcohol industry <input type="checkbox"/> Government <input checked="" type="checkbox"/> Own inventarisation <input type="checkbox"/> Public health NGO <input type="checkbox"/> Research agency <input checked="" type="checkbox"/> Other, namely:Public			
Deutscher Werberat	3: Code of Conduct on Commercial Communication for Alcoholic Beverages	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Academic organization <input checked="" type="checkbox"/> Advertising sector <input checked="" type="checkbox"/> Alcohol industry <input type="checkbox"/> Government <input type="checkbox"/> Own inventarisation <input type="checkbox"/> Public health NGO <input type="checkbox"/> Research agency <input checked="" type="checkbox"/> Other, namely:public complaint



Regulation Form No. 1

Organization:	German Centre for Addiction Issues (DHS)
Country:	Germany
Date:	07 th July 2009

Below, please indicate the name of Regulation No. 1 and provide the definition of alcohol advertising/alcohol marketing according to this regulation (if there is one).

Name Regulation No. 1:	Jugendschutzgesetz (JuSchG) [English translation: Protection of Young Persons Act]
Does the regulation provide a definition of alcohol advertising or alcohol marketing?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
What is the definition of alcohol advertising or alcohol marketing according to this regulation?	Alcohol Advertising: Alcohol Marketing:
How many articles about alcohol advertising/marketing does Regulation No. 1 contain?	1

Please describe all the relevant articles on alcohol advertisement or sponsorships/promotion of Regulation No. 1. For each article we would like to ask you to fill out the original text (in your own language) as well as the English translation of the article.

* To describe more than one article within the regulation please fill out the desired number of rows in the table. The table is spread over multiple pages. Use as many rows as are necessary (you can leave the rest open).

**The type of restriction can be on the volume of alcohol advertising (e.g. the advertising is not allowed to reach an audience consisting of > 25% minors) or it can be a content-related article (e.g. the ad is not allowed to display social/sexual success).

After filling out the separate articles, please pay attention to the final questions about this regulation at the end of the Regulation Form.

Article (paragraph)*	Type of restriction**	Text article
§ 11 (5)	<input checked="" type="checkbox"/> Volume <input type="checkbox"/> Content <input type="checkbox"/> Both <input type="checkbox"/> Other, namely:	Original text: § 11 Filmveranstaltungen (5) Werbefilme oder Werbeprogramme, die für Tabakwaren oder alkoholische Getränke werben, dürfen unbeschadet der Voraussetzungen der Absätze 1 bis 4 nur nach 18 Uhr vorgeführt werden. English translation: §11 Movie Performances (5) Commercials and advertising programmes for tobacco products and alcoholic drinks must not be shown before 6 p.m., notwithstanding the conditions specified in Sub-Clauses 1 through 4.

Alcohol Marketing Regulations Questionnaire

Next, we have some general questions about Regulation No. 1.

1	Are there any regulations at the national or European level that are in conflict with this alcohol marketing regulation? (e.g. free trade agreements)	<input type="checkbox"/> Yes, namely: <input checked="" type="checkbox"/> No <input type="checkbox"/> I don't know
2	Are there marketing practises used in your country that are not covered by this regulation? (e.g. buzzmarketing, editorial pieces, Corporate Social Responsibility campaigns, direct marketing etc.)	<input checked="" type="checkbox"/> Yes, namely: all other than covered by the law. The law only refers to "comercials and advertising programmes" shown in cinemas. <input type="checkbox"/> No, all marketing practices are covered
3	Which stakeholders are addressed by the (articles about alcohol marketing/advertising of the) regulation?	<input type="checkbox"/> Alcohol producers <input type="checkbox"/> Retailers <input type="checkbox"/> Catering & Hospitality service <input type="checkbox"/> Alcohol distributors/Wholesalers <input type="checkbox"/> Broadcasters/Publishers <input type="checkbox"/> Marketers/Advertising agency <input checked="" type="checkbox"/> Other, namely: Locations of Movie Performances (Cinemas)

The final questions concern three topics: the public availability of the 'complaints', the pre-screening procedure and the complaint system.

** The 'evaluating committee' can be an Advertising Committee, but it can also be a judge, an ombudsman, a civil servant or another organization that handles complaints or indications of violations of the regulation.*

*** A pre-screening system offers the possibility or obliges the advertiser to have the ads checked against the rules of the regulation before being broadcast / published.*

How publicly available?

4	Is the text of the regulation publicly available?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> I was not able to find this. I searched in the following sources:
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5	Are complaints or notifications/indications of possible violations of the regulation publicly available?	<input type="checkbox"/> Yes, see www. <input checked="" type="checkbox"/> No <input type="checkbox"/> I was not able to find this. I searched in the following sources: <input type="checkbox"/> Other, namely:
6	Are the decisions of the 'evaluating committee' publicly available? *	<input type="checkbox"/> Yes, see www. <input type="checkbox"/> No <input type="checkbox"/> I was not able to find this. I searched in the following sources: <input checked="" type="checkbox"/> Other, namely: if i.e. local media reports on a violation of this law.
7	Is data about the compliance (after adjudication/verdict) publicly available?	<input type="checkbox"/> Yes, see www. <input checked="" type="checkbox"/> No <input type="checkbox"/> I was not able to find this. I searched in the following sources: <input type="checkbox"/> Other, namely:
Pre-screening procedure		
8	Is there a pre-screening procedure for the ads available? **	<input type="checkbox"/> Yes, for all media <input type="checkbox"/> Yes, but only available for the following media: <input checked="" type="checkbox"/> No → go to question 11 <input type="checkbox"/> I was not able to find this. I searched in the following sources: <input type="checkbox"/> Other, namely:
9	Is the use of the pre-screening procedure voluntary?	<input type="checkbox"/> Yes <input type="checkbox"/> No, it is obligatory <input type="checkbox"/> I was not able to find this. I searched in the following sources: <input type="checkbox"/> Other, namely:
10	Is the decision according to the pre-screening binding for the stakeholders?	<input type="checkbox"/> Yes <input type="checkbox"/> No, compliance to the pre-screening decision is voluntary <input type="checkbox"/> I was not able to find this. I searched in the following sources: <input type="checkbox"/> Other, namely:

Complaint system		
11	Can everybody file a complaint or point out a possible violation of the regulation?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, filing complaints is limited to: <input type="checkbox"/> I was not able to find this. I searched in the following sources: <input checked="" type="checkbox"/> Other, namely: Everybody can complain/notify the responsible administration agency.
12	Which organisation is responsible for processing the complaints? <i>(please provide name in your own language and in English)</i>	Original name: Verwaltungsbehörde English translation: Administrative Agency (see comments)
13	What is the composition of the 'evaluating committee'?	Administrative Body
14	Who is responsible for the composition of the 'evaluating committee'?	Committee elected by: Committee appointed by: Administrative Body
15	Do young people have a vote in the adjudication process?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> I was not able to find this. I searched in the following sources: <input type="checkbox"/> Other, namely:
16	Which sanctions can the 'evaluating committee' apply? <i>(multiple answers are possible):</i>	<input type="checkbox"/> Recommendation <input type="checkbox"/> Public shaming (e.g. press release) <input type="checkbox"/> Restriction broadcasting rights <input checked="" type="checkbox"/> Financial penalty between and 50.000 euro <input type="checkbox"/> Other, namely:

Comments on Regulation No. 1: The lower administrative agency is responsible for performing searches for violations systematically. This agency can be the local regulatory agency or the youth welfare office, depending on the federal state. Complaints or notifications from the public can be made to the responsible agency, which will then start their investigation.

I wasn't able to find out, if the process and outcome are available to the public generally. The problem in this search was due to the many different responsible agencies. However, it could be that local media reports on a violation, thus it indicates, that decisions are publicly available.

Sanctions are imposed by the lower administrative agency and can be fines up to 50.000€ for violation of the §11.



Regulation Form No. 2

Organization:	German Centre for Addiction Issues
Country:	Germany
Date:	07 th July 2009

Below, please indicate the name of Regulation No. 2 and provide the definition of alcohol advertising/alcohol marketing according to this regulation (if there is one).

Name Regulation No. 2:	Jugendmedienschutz-Staatsvertrag (JMStV) [English language: Interstate Treaty on the Protection of Human Dignity and the Protection of Minors in Broadcasting and in Telemédia]
Does the regulation provide a definition of alcohol advertising or alcohol marketing?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
What is the definition of alcohol advertising or alcohol marketing according to this regulation?	Alcohol Advertising: Alcohol Marketing:
How many articles about alcohol advertising/marketing does Regulation No. 2 contain?	1

Please describe all the relevant articles on alcohol advertisement or sponsorships/promotion of Regulation No. 2. For each article we would like to ask you to fill out the original text (in your own language) as well as the English translation of the article.

* To describe more than one article within the regulation please fill out the desired number of rows in the table. The table is spread over multiple pages. Use as many rows as are necessary (you can leave the rest open).

**The type of restriction can be on the volume of alcohol advertising (e.g. the advertising is not allowed to reach an audience consisting of > 25% minors) or it can be a content-related article (e.g. the ad is not allowed to display social/sexual success).

After filling out the separate articles, please pay attention to the final questions about this regulation at the end of the Regulation Form.

Article (paragraph)*	Type of restriction**	Text article
§ 6 JMStV	<input type="checkbox"/> Volume <input checked="" type="checkbox"/> Content <input type="checkbox"/> Both <input type="checkbox"/> Other, namely:	<p>Original text: § 6 JMStV Jugendschutz in der Werbung und im Teleshopping (5) Werbung für alkoholische Getränke darf sich weder an Kinder noch an Jugendliche richten noch durch die Art der Darstellung Kinder und Jugendliche besonders ansprechen oder diese beim Alkoholgenuss darstellen. [...] (6) Die Absätze 1 bis 5 gelten für Teleshopping entsprechend. [...]</p> <p>English translation: § 6 JMStV Protection of Minors from Advertisement and Teleshopping (5) Advertising for alcoholic beverages must neither be directed towards children and adolescents nor show them drinking alcoholic beverages. [...] (6) Subsections 1 to 5 are also valid for teleshopping. [...]</p>

Next, we have some general questions about Regulation No. 2.

1	Are there any regulations at the national or European level that are in conflict with this alcohol marketing regulation? (e.g. free trade agreements)	<input type="checkbox"/> Yes, namely: <input checked="" type="checkbox"/> No <input type="checkbox"/> I don't know
2	Are there marketing practises used in your country that are not covered by this regulation? (e.g. buzzmarketing, editorial pieces, Corporate Social Responsibility campaigns, direct marketing etc.)	<input checked="" type="checkbox"/> Yes, namely: all other than are referred to by the law. The law covers comercial in TV and Radio, also "Marketing" in the Internet (without giving a clear definition on "Marketing") <input type="checkbox"/> No, all marketing practices are covered
3	Which stakeholders are addressed by the (articles about alcohol marketing/advertising of the) regulation?	<input checked="" type="checkbox"/> Alcohol producers <input checked="" type="checkbox"/> Retailers <input type="checkbox"/> Catering & Hospitality service <input type="checkbox"/> Alcohol distributors/Wholesalers <input checked="" type="checkbox"/> Broadcasters/Publishers <input checked="" type="checkbox"/> Marketers/Advertising agency <input type="checkbox"/> Other, namely:

The final questions concern three topics: the public availability of the 'complaints', the pre-screening procedure and the complaint system.

** The 'evaluating committee' can be an Advertising Committee, but it can also be a judge, an ombudsman, a civil servant or another organization that handles complaints or indications of violations of the regulation.*

*** A pre-screening system offers the possibility or obliges the advertiser to have the ads checked against the rules of the regulation before being broadcast / published.*

How publicly available?

4	Is the text of the regulation publicly available?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> I was not able to find this. I searched in the following sources:
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Alcohol Marketing Regulations Questionnaire

5	Are complaints or notifications/indications of possible violations of the regulation publicly available?	<input type="checkbox"/> Yes, see www. <input type="checkbox"/> No <input type="checkbox"/> I was not able to find this. I searched in the following sources: <input checked="" type="checkbox"/> Other, namely: examples of the procedure can be found on www.fsm.de -not all procedures are made public
6	Are the decisions of the 'evaluating committee' publicly available? *	<input type="checkbox"/> Yes, see www. <input type="checkbox"/> No <input type="checkbox"/> I was not able to find this. I searched in the following sources: <input checked="" type="checkbox"/> Other, namely: examples of the procedure can be found on www.fsm.de -not all procedures are made public
7	Is data about the compliance (after adjudication/verdict) publicly available?	<input type="checkbox"/> Yes, see www. <input checked="" type="checkbox"/> No <input type="checkbox"/> I was not able to find this. I searched in the following sources: <input type="checkbox"/> Other, namely:

Pre-screening procedure

8	Is there a pre-screening procedure for the ads available? **	<input type="checkbox"/> Yes, for all media <input checked="" type="checkbox"/> Yes, but only available for the following media: Television (through FSF) Internet (FSM) [Details see comments] <input type="checkbox"/> No → go to question 11 <input type="checkbox"/> I was not able to find this. I searched in the following sources: <input type="checkbox"/> Other, namely:
9	Is the use of the pre-screening procedure voluntary?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, it is obligatory <input type="checkbox"/> I was not able to find this. I searched in the following sources: <input type="checkbox"/> Other, namely:

10	Is the decision according to the pre-screening binding for the stakeholders?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, compliance to the pre-screening decision is voluntary <input type="checkbox"/> I was not able to find this. I searched in the following sources: <input checked="" type="checkbox"/> Other, namely: It is binding, because a violation would indicate a violation of the law.
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Complaint system

11	Can everybody file a complaint or point out a possible violation of the regulation?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, filing complaints is limited to: <input type="checkbox"/> I was not able to find this. I searched in the following sources: <input type="checkbox"/> Other, namely:
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12	Which organisation is responsible for processing the complaints? <i>(please provide name in your own language and in English)</i>	Original name:Kommission für Jugendschutz (KJM) ODER Freiwillige Selbstkontrolle Fernsehen (FSF) ODER Freiwillige Selbstkontrolle Multi-Media-Dienstanbieter (FSM) ODER Landesmediananstalten ODER Jugendschutz.net) English translation: Commission for the Protection of Minors in the Media (KJM) OR Organisations for the voluntary self-regulation of television (FSF) OR Organisations for the voluntary self-regulation of multimedia-services (FSM) OR State Media Authority for broadcasting OR Jugendschutz.net
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13	What is the composition of the 'evaluating committee'?	too complex, please see comments
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14	Who is responsible for the composition of the 'evaluating committee'?	Committee elected by: Committee appointed by: too complex, please see comments
15	Do young people have a vote in the adjudication process?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> I was not able to find this. I searched in the following sources: <input type="checkbox"/> Other, namely:
16	Which sanctions can the 'evaluating committee' apply? <i>(multiple answers are possible):</i>	<input checked="" type="checkbox"/> Recommendation <input checked="" type="checkbox"/> Public shaming (e.g. press release) <input checked="" type="checkbox"/> Restriction broadcasting rights <input type="checkbox"/> Financial penalty between and euro <input checked="" type="checkbox"/> Other, namely: initiation of regulatory offence proceedings

Comments on Regulation No. 2: There are a lot of organisations, committees and commissions who are responsible for different parts. The German federal system makes this very complicated, and competences of the federal states or the federation are complex. However this does not lead to more transparency. I will try to answer question 13 and 14:

The state media authorities for broadcasting (fourteen for sixteen federal states) monitor the adherence to the treaty. Therefore they installed the Commission for Protection of Minors in the Media (KJM) in §14 of the treaty. The KJM certifies self-regulative organizations (FSF and FSM). For systematically searching for violations on the internet, the Jugendschutz.net was installed and is organizationally linked to the KJM. Possibilities to complain are: directly to the KJM, directly to FSF (for television) and to FSM or Jugendschutz.net (for internet).

The composition of the Committees and Commissions are:

- The state media authorities for broadcasting are (federal state) governmental.
- The Commission for Protection of Minors in the Media (KJM) is composed of directors of the state media authorities for broadcasting, members of state authorities for youth welfare (für den Jugendschutz zuständige oberste Landesbehörden)
- Jugendschutz.net is organisationally tied to the KJM
- The organizations for voluntary self-regulation have to be approved by the KJM, but can be composed of independent and of stakeholders



Regulation Form No. 3

Organization:	German Centre for Addiction Issues (DHS)
Country:	Germany
Date:	08 th July 2009

Below, please indicate the name of Regulation No. 3 and provide the definition of alcohol advertising/alcohol marketing according to this regulation (if there is one).

Name Regulation No. 3:	Code of Conduct on Commercial Communication for Alcoholic Beverages
Does the regulation provide a definition of alcohol advertising or alcohol marketing?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
What is the definition of alcohol advertising or alcohol marketing according to this regulation?	<p>Alcohol Advertising: The Code of Conduct provides a definition of Commercial Communication: "Commercial communication is the use of any communication instrument by a business enterprise with the primary objective of promoting the sale of goods or services, excluding editorial content."</p> <p>Alcohol Marketing: The Code of Conduct provides a definition of Commercial Communication: "Commercial communication is the use of any communication instrument by a business enterprise with the primary objective of promoting the sale of goods or services, excluding editorial content."</p>
How many articles about alcohol advertising/ marketing does Regulation No. 3 contain?	9

Please describe all the relevant articles on alcohol advertisement or sponsorships/promotion of Regulation No. 3. For each article we would like to ask you to fill out the original text (in your own language) as well as the English translation of the article.

** To describe more than one article within the regulation please fill out the desired number of rows in the table. The table is spread over multiple pages. Use as many rows as are necessary (you can leave the rest open).*

***The type of restriction can be on the volume of alcohol advertising (e.g. the advertising is not allowed to reach an audience consisting of > 25% minors) or it can be a content-related article (e.g. the ad is not allowed to display social/sexual success).*

After filling out the separate articles, please pay attention to the final questions about this regulation at the end of the Regulation Form.

Article (paragraph)*	Type of restriction**	Text article
1. Abusive Consumption	<input type="checkbox"/> Volume <input checked="" type="checkbox"/> Content <input type="checkbox"/> Both <input type="checkbox"/> Other, namely:	<p>Original text: 1. Missbräuchlicher Konsum</p> <p>1.1 Kommerzielle Kommunikation für alkoholhaltige Getränke soll nicht zu missbräuchlichem Konsum alkoholhaltiger Getränke auffordern oder einen solchen Konsum verharmlosen. Eine Aufforderung zu missbräuchlichem Konsum kann auch in der kommerziellen Kommunikation für so genannte Flatrate- oder All-you-can-drink-Angebote liegen, wenn die beworbene Veranstaltung erkennbar auf verantwortungslosen Konsum abzielt.</p> <p>1.2 Kommerzielle Kommunikation für alkoholhaltige Getränke soll keine Menschen zeigen, die erkennbar zuviel alkoholhaltige Getränke zu sich genommen haben oder den Eindruck erwecken, ein solches Konsumverhalten sei akzeptabel.</p> <p>1.3 Kommerzielle Kommunikation für alkoholhaltige Getränke soll keine Verbindung zwischen dem Konsum alkoholhaltiger Getränke und gewalttätigen, aggressiven oder gefährlichen Verhaltensweisen herstellen.</p> <p>1.4 Kommerzielle Kommunikation für alkoholhaltige Getränke soll den verantwortungsvollen Umgang mit alkoholhaltigen Getränken fördern und den Verzicht auf alkoholhaltige Getränke nicht abwertend darstellen.</p> <p>English translation: 1. Abusive Consumption</p> <p>1.1 Commercial communication for alcoholic beverages shall not promote abusive consumption of alcoholic beverages or trivialise such consumption. Commercial communication of 'flat-rate' and 'all you can drink' offers can also constitute promotion of abusive consumption if the event being advertised is identifiably designed to foster irresponsible consumption of alcoholic beverages.</p> <p>1.2 Commercial communication for alcoholic beverages shall not display any person who has visibly consumed too much alcohol or gives the impression that such consumption is acceptable.</p> <p>1.3. Commercial communication for alcoholic beverages shall not create any association between the consumption of such beverages and violent, aggressive or dangerous conduct.</p> <p>1.4 Commercial communication for alcoholic beverages shall promote responsible consumption of alcoholic beverages and shall not disparage abstinence from such beverages.</p>

Article (paragraph)	Type of restriction	Text article
2. Minors	<input type="checkbox"/> Volume <input checked="" type="checkbox"/> Content <input type="checkbox"/> Both <input type="checkbox"/> Other, namely:	<p>Original text: 2. Kinder und Jugendliche</p> <p>2.1 Kommerzielle Kommunikation für alkoholhaltige Getränke soll Kinder und/oder Jugendliche weder zum Trinken alkoholhaltiger Getränke auffordern noch trinkende bzw. zum Trinken auffordernde Kinder und/oder Jugendliche zeigen.</p> <p>2.2 Kommerzielle Kommunikation für alkoholhaltige Getränke soll nicht in Medien erfolgen, deren redaktioneller Teil sich mehrheitlich an Kinder und/oder Jugendliche richtet.</p> <p>2.3 Kommerzielle Kommunikation für alkoholhaltige Getränke soll keine Aussagen enthalten, in denen Kinder und/oder Jugendliche als noch nicht alt genug für den Konsum alkoholhaltiger Getränke angesprochen und dadurch zum Trinken provoziert werden.</p> <p>2.4 Kommerzielle Kommunikation für alkoholhaltige Getränke soll keine Personen darstellen, die aussagen, dass sie bereits als Kind oder Jugendlicher alkoholhaltige Getränke getrunken haben.</p> <p>2.5 Kommerzielle Kommunikation für alkoholhaltige Getränke soll weder über Trikotwerbung bei Kinder- und Jugendmannschaften erfolgen, noch über Werbe- und Sponsoringmaßnahmen, die im direkten Zusammenhang mit Kindern und Jugendlichen stehen.</p> <p>English translation: 2. Minors</p> <p>2.1 Commercial communication for alcoholic beverages shall neither promote drinking of alcoholic beverages by minors nor show minors in the act of drinking or promoting the drinking of such beverages.</p> <p>2.2 Commercial communication for alcoholic beverages shall not be conveyed by media the majority of whose editorial content addresses minors.</p> <p>2.3 Commercial communication for alcoholic beverages shall not make any claim or representation to the effect that minors are not old enough to consume alcoholic beverages and so provoke drinking.</p> <p>2.4 Commercial communication for alcoholic beverages shall not show persons stating that they drank alcoholic beverages as minors.</p> <p>2.5 Commercial communication for alcoholic beverages shall neither be shown on sports kits worn by sports teams comprising minors nor be conveyed in advertising and sponsoring campaigns that are directly related to minors.</p>
3. Sports-persons	<input type="checkbox"/> Volume <input checked="" type="checkbox"/> Content <input type="checkbox"/> Both <input type="checkbox"/> Other, namely:	<p>Original text: 3. Leistungssportler</p> <p>Kommerzielle Kommunikation für alkoholhaltige Getränke soll keine trinkenden oder zum Trinken auffordernde Leistungssportler darstellen.</p> <p>English translation: 3. Sports persons</p> <p>Commercial communication for alcoholic beverages shall not show athletes drinking or promoting drinking.</p>

Article (paragraph)	Type of restriction	Text article
4. Safety	<input type="checkbox"/> Volume <input type="checkbox"/> Content <input type="checkbox"/> Both <input type="checkbox"/> Other, namely:	<p>Original text: 4. Sicherheit</p> <p>4.1 Kommerzielle Kommunikation für alkoholhaltige Getränke soll keine trinkenden oder zum Trinken auffordernde Personen beim Führen von Fahrzeugen zeigen.</p> <p>4.2 Kommerzielle Kommunikation für alkoholhaltige Getränke soll keine Verbindung zwischen dem Konsum alkoholhaltiger Getränke und dem Führen eines Fahrzeuges herstellen.</p> <p>4.3 Kommerzielle Kommunikation für alkoholhaltige Getränke soll keinen Konsum alkoholhaltiger Getränke in Situationen darstellen, die gegen Sicherheitsanforderungen verstoßen.</p> <p>English translation: 4. Safety</p> <p>4.1 Commercial communication for alcoholic beverages shall not show any person drinking or promoting drinking while driving a vehicle.</p> <p>4.2 Commercial communication for alcoholic beverages shall not create any association between the consumption of alcoholic beverages and the driving of a vehicle.</p> <p>4.3 Commercial communication for alcoholic beverages shall not show consumption of alcoholic beverages in situations constituting a breach of safety rules.</p>
5. Health Claims	<input type="checkbox"/> Volume <input checked="" type="checkbox"/> Content <input type="checkbox"/> Both <input type="checkbox"/> Other, namely:	<p>Original text: 5. Krankheitsbezogene Aussagen</p> <p>5.1 Kommerzielle Kommunikation für alkoholhaltige Getränke soll keine Aussagen zur Beseitigung, Linderung oder Verhütung von Krankheiten enthalten.</p> <p>5.2 Kommerzielle Kommunikation für alkoholhaltige Getränke soll keine Aussagen enthalten, die alkoholhaltigen Getränken die Wirkungen eines Arzneimittels zusprechen.</p> <p>5.3 Kommerzielle Kommunikation für alkoholhaltige Getränke soll keine bildlichen Darstellungen von Personen in der Berufskleidung oder bei der Tätigkeit von Angehörigen der Heilberufe, des Heilgewerbes oder des Arzneimittelhandels enthalten.</p> <p>English translation: 5. Health claims</p> <p>5.1 Commercial communication for alcoholic beverages shall not make any claim to cure, relieve or prevent any ailment.</p> <p>5.2 Commercial communication for alcoholic beverages shall not claim that alcoholic beverages have any medicinal effect.</p> <p>5.3 Commercial communication for alcoholic beverages shall not show persons wearing clothing typical of the healthcare professions, healthcare trades or the pharmaceutical trade.</p>

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<p>6. Alcohol Content</p>	<p><input type="checkbox"/> Volume <input checked="" type="checkbox"/> Content <input type="checkbox"/> Both <input type="checkbox"/> Other, namely:</p>	<p>Original text: 6. Alkoholgehalt 6.1 Kommerzielle Kommunikation für alkoholhaltige Getränke soll nicht einen hohen Alkoholgehalt eines Getränks als besonderes Merkmal einer Marke oder als Kaufaufforderung herausstellen. 6.2 Kommerzielle Kommunikation für alkoholhaltige Getränke soll nicht den Eindruck erwecken, ein niedriger Alkoholgehalt eines Getränks verhindere einen missbräuchlichen Konsum.</p> <p>English translation: 6. Alcohol content 6.1 Commercial communication for alcoholic beverages shall not present high alcohol content as a positive quality of a brand or as a reason to purchase it. 6.2 Commercial communication for alcoholic beverages shall not give the impression that a beverage's low alcohol content prevents abusive consumption.</p>
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Article (paragraph)	Type of restriction	Text article
<p>7. Anxiety, disinhibition and conflict</p>	<p><input type="checkbox"/> Volume <input checked="" type="checkbox"/> Content <input type="checkbox"/> Both <input type="checkbox"/> Other, namely:</p>	<p>Original text: 7. Angst, Enthemmung, Konflikte 7.1 Kommerzielle Kommunikation für alkoholhaltige Getränke soll keine Aussagen enthalten, die auf eine enthemmende Wirkung alkoholhaltiger Getränke abstellen. 7.2 Kommerzielle Kommunikation für alkoholhaltige Getränke soll keine Aussagen enthalten, die auf die Beseitigung oder Linderung von Angstzuständen abstellen. 7.3 Kommerzielle Kommunikation für alkoholhaltige Getränke soll keine Aussagen oder Darstellungen enthalten, die auf die Beseitigung oder Überwindung von psychosozialen Konflikten abstellen.</p> <p>English translation: 7. Anxiety, disinhibition and conflict 7.1 Commercial communication for alcoholic beverages shall not make any claim relating to the disinhibiting effect of alcoholic beverages. 7.2 Commercial communication for alcoholic beverages shall not make any claim relating to the elimination or relief of anxiety. 7.3 Commercial communication for alcoholic beverages shall not make any claim or representation relating to the elimination or resolution of psycho-social conflicts.</p>
<p>8. Performance</p>	<p><input type="checkbox"/> Volume <input checked="" type="checkbox"/> Content <input type="checkbox"/> Both <input type="checkbox"/> Other, namely:</p>	<p>Original text: 8. Leistungsfähigkeit 8.1 Kommerzielle Kommunikation für alkoholhaltige Getränke soll keine Aussagen enthalten, die auf eine Verbesserung der physischen Leistungsfähigkeit durch den Konsum alkoholhaltiger Getränke abstellen. 8.2 Kommerzielle Kommunikation für alkoholhaltige Getränke soll nicht den Eindruck erwecken, der Konsum alkoholhaltiger Getränke fördere sozialen oder sexuellen Erfolg.</p> <p>English translation: 8. Performance 8.1 Commercial communication for alcoholic beverages shall not make any claim relating to improvement of physical performance as a result of consuming alcoholic beverages. 8.2 Commercial communication for alcoholic beverages shall not give the impression that consumption of alcoholic beverages promotes social or sexual success.</p>

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9. Age of Depicted Individuals	<input type="checkbox"/> Volume <input checked="" type="checkbox"/> Content <input type="checkbox"/> Both <input type="checkbox"/> Other, namely:	<p>Original text: 9. Alter der dargestellten Personen Werden Personen in der kommerziellen Kommunikation für alkoholhaltige Getränke gezeigt, müssen sie mindestens, auch vom optischen Eindruck her, junge Erwachsene sein.</p> <p>English translation: 9. Age of Depicted Individuals Individuals depicted in commercial communication for alcoholic beverages must at minimum be and give the impression of being young adults.</p>
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Next, we have some general questions about Regulation No. 3.

1	Are there any regulations at the national or European level that are in conflict with this alcohol marketing regulation? (e.g. free trade agreements)	<input type="checkbox"/> Yes, namely: <input checked="" type="checkbox"/> No <input type="checkbox"/> I don't know
2	Are there marketing practises used in your country that are not covered by this regulation? (e.g. buzzmarketing, editorial pieces, Corporate Social Responsibility campaigns, direct marketing etc.)	<input type="checkbox"/> Yes, namely: per definition, all marketing practices should be covered. In reality, the focus is mainly on TV ads. <input checked="" type="checkbox"/> No, all marketing practices are covered
3	Which stakeholders are addressed by the (articles about alcohol marketing/advertising of the) regulation?	<input checked="" type="checkbox"/> Alcohol producers <input checked="" type="checkbox"/> Retailers <input checked="" type="checkbox"/> Catering & Hospitality service <input checked="" type="checkbox"/> Alcohol distributors/Wholesalers <input checked="" type="checkbox"/> Broadcasters/Publishers <input checked="" type="checkbox"/> Marketers/Advertising agency <input type="checkbox"/> Other, namely:

The final questions concern three topics: the public availability of the 'complaints', the pre-screening procedure and the complaint system.

** The 'evaluating committee' can be an Advertising Committee, but it can also be a judge, an ombudsman, a civil servant or another organization that handles complaints or indications of violations of the regulation.*

*** A pre-screening system offers the possibility or obliges the advertiser to have the ads checked against the rules of the regulation before being broadcast/published.*

How publicly available?

4	Is the text of the regulation publicly available?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> I was not able to find this. I searched in the following sources:
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5	Are complaints or notifications/indications of possible violations of the regulation publicly available?	<input checked="" type="checkbox"/> Yes, see www.werberat.de <input type="checkbox"/> No <input type="checkbox"/> I was not able to find this. I searched in the following sources: <input checked="" type="checkbox"/> Other, namely: the list is incomplete and not very transparent
6	Are the decisions of the 'evaluating committee' publicly available? *	<input checked="" type="checkbox"/> Yes, see www.werberat.de <input type="checkbox"/> No <input type="checkbox"/> I was not able to find this. I searched in the following sources: <input checked="" type="checkbox"/> Other, namely: the list is incomplete and not very transparent
7	Is data about the compliance (after adjudication/verdict) publicly available?	<input checked="" type="checkbox"/> Yes, see www.werberat.de <input type="checkbox"/> No <input type="checkbox"/> I was not able to find this. I searched in the following sources: <input checked="" type="checkbox"/> Other, namely: the list is incomplete and not very transparent

Pre-screening procedure

8	Is there a pre-screening procedure for the ads available? **	<input checked="" type="checkbox"/> Yes, for all media <input type="checkbox"/> Yes, but only available for the following media: <input type="checkbox"/> No → go to question 11 <input type="checkbox"/> I was not able to find this. I searched in the following sources: <input type="checkbox"/> Other, namely:
9	Is the use of the pre-screening procedure voluntary?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, it is obligatory <input type="checkbox"/> I was not able to find this. I searched in the following sources: <input type="checkbox"/> Other, namely:

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10	Is the decision according to the pre-screening binding for the stakeholders?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No, compliance to the pre-screening decision is voluntary <input type="checkbox"/> I was not able to find this. I searched in the following sources: <input type="checkbox"/> Other, namely:
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Complaint system

11	Can everybody file a complaint or point out a possible violation of the regulation?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, filing complaints is limited to: <input type="checkbox"/> I was not able to find this. I searched in the following sources: <input type="checkbox"/> Other, namely:
12	Which organisation is responsible for processing the complaints? <i>(please provide name in your own language and in English)</i>	Original name: Deutscher Werberat English translation: German Advertising Council
13	What is the composition of the 'evaluating committee'?	delegates of: advertising producers marketing industrie (media) communication agencies professionals in marketing jobs
14	Who is responsible for the composition of the 'evaluating committee'?	Committee elected by: the delegates are representatives of their alliances. Members are elected by the German Advertising Federation (they have to be board members of this Federation as well). Committee appointed by:
15	Do young people have a vote in the adjudication process?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> I was not able to find this. I searched in the following sources: <input type="checkbox"/> Other, namely:

16	Which sanctions can the 'evaluating committee' apply? <i>(multiple answers are possible):</i>	<input type="checkbox"/> Recommendation <input type="checkbox"/> Public shaming (e.g. press release) <input type="checkbox"/> Restriction broadcasting rights <input type="checkbox"/> Financial penalty between and euro <input checked="" type="checkbox"/> Other, namely: public rebuke. The Sanction is published on the councils website.
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