

11 Ireland (IE)

11.1 Introduction

Advertising in Ireland is regulated through both statutory codes and through industry self-regulatory codes. Broadcasting is regulated by the statutory body the Broadcasting Commission of Ireland and the Broadcasting Complaints Commission (BCC). The BCC was founded in 1976 to receive and adjudicate on complaints about material broadcast, both programmes and advertisements.

The ASAI is the self-regulatory body for the advertising industry, it provides pre-vetting service to the industry and its Complaints Committee adjudicates on complaints made about individual advertisements. The MEAS Code of Practice, published by the social aspects organisation of the Irish drinks industry, concentrates on the naming, packaging and promotion of alcoholic drinks.

Central Copy Clearance Ireland Ltd was established in February 2003 as an independent organisation to provide a pre-vetting service for all advertising of alcoholic drinks in Ireland. CCCI ensures that no media outlet in Ireland will accept any advertising for any alcoholic drinks brand unless it carries a copy clearance number from CCCI. CCCI is funded by members of the Drinks Industry Group of Ireland (DIGI) – which represents brewers, distillers, distributors and retailers of alcoholic products. The day-to-day running of the organisation is the joint responsibility of the Institute of Advertising Practitioners in Ireland (IAPI) - which represents the advertising agencies - and the Association of Advertisers in Ireland (AAI) - which represents major advertisers.

In January 2006 a new Monitoring Body was established by the Minister for Health and Children. The body will oversee the implementation of and adherence to the Voluntary Codes of Practice agreed between the Department of Health and Children and representatives of the advertising, drinks and media communications industries. The Alcohol Advertising Monitoring Body will be made up of representatives from four key groups; the Health Promotion Unit of the Department of Health and Children; the Broadcasting Commission of Ireland; the Drinks Industry Group of Ireland and the Advertising Standards Authority.

The new Monitoring Body will have access to and will review data from the Advertising Standards Authority of Ireland, Central Copy Clearance Ireland, AC Nielson, Joint National Listenership Research (JNLR), Irish Film Censor Reports (cinema). In addition, the Body can commission independent research across all media to assess adherence to the Code. This research will be funded by the Department of Health and Children.

Regulation		Statutory / Non-statutory
1	Code of Standards, Practice and Prohibitions in Advertising Sponsorship and other forms of Commercial Promotion in Broadcasting Services (Broadcasting code)	Statutory
2	Advertising Standards Authority for Ireland (ASAI)	Non-statutory
3	MEAS Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks	Non-statutory
4	Voluntary Code to Limit the Exposure of Young People to Alcoholic Drink Advertising on Television, Radio, in Cinema and on Outdoor/Ambient media.	Non-statutory

11.2 Code of Standards in Advertising Sponsorship and other

Name of regulation:

- I **Code of Standards, Practice and Prohibitions in Advertising Sponsorship and other forms of Commercial Promotion in Broadcasting Services (Broadcasting code)**

Is this statutory or non-statutory regulation?

Statutory

Who made the text of this regulation?

Minister for Arts, Culture and the Gaeltacht (Gaelic or Irish speaking areas)

Which types of marketing are controlled by in this regulation?

All kinds of broadcast (tv, radio: public, private, advertising, sponsoring, commercial, promotional)

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

Alcohol beverages in general (controlled);

Spirit based alcoholic drinks (ban)

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

The legislation governing the drawing up of this code states that “...every sound broadcasting contractor and the television programmes service contractor shall comply with every such code in relation to its broadcasting services.” This in effect means that it applies to the State broadcasting authority RTE and its radio and tv stations, the independent TV station, TV3, and the independent radio stations governed by the BCI.

Additional comments

Mature Enjoyment of Alcohol in Society (MEAS) is a social aspects organisation established in 2002 by the principal companies and trade organisations in the drinks industry but is operationally independent from the drinks companies.

- Its Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks came into force in May 2004 after consultation with representatives from all categories of stakeholders.
- Applicable to all types of alcoholic drinks, it generally addresses areas not covered by ASAI.
- MEAS offers a non-binding advisory service for all commercial communications apart from broadcast media where responsibility lies with ASAI and CCCI.
- Its Independent Complaints Panel hears complaints relating to all commercial communications for alcoholic beverages apart from national advertising broadcast media, cinemas, outdoor and national sponsorships which fall within the remit of the ASAI. Its decisions are publicised.
- A campaign to promote the Code to the public is planned for 2005.

- Guidance Notes, developed in consultation with the industry, provide additional advice on promotional practices and multiple drinks servings.
- In January 2005, The Drinks Industry Group of Ireland, in agreement with advertisers, advertising agencies and the relevant media suppliers, implemented voluntary codes to limit the exposure of young people to alcoholic drink advertising on television and radio, in cinemas and on outdoor/ambient media.
- The Drinks Industry Group of Ireland has also agreed a Code of Sponsorship to ensure the promotion of and adherence to the highest standards in sponsorship of events. The Code is intended to complement the ASAI Codes in addition to the regulations, legislation and voluntary codes covering the sale and general marketing of alcohol drinks in the Republic of Ireland.

11.2.1 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	Yes	No	Yes	Yes	No

* other than young people

11.2.2 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	No	No	Yes	No	No	Yes	Yes	No	Yes	No	No

Remarks on elements

- C Advertisements for alcoholic drink may not be aimed specifically at minors or, in particular, depict minors consuming these beverages.
- F “The advertising of alcoholic drinks should not create the impression that consumption of such beverages contributes towards sexual attraction and success, or social success”.
and “Advertisements shall not link the consumption of alcohol to enhanced physical performance or to driving”.
- G Alcoholic drink advertising must not encourage young people or other non-drinkers to begin drinking - it must be cast towards brand selling and identification only.
- I Broadcasters will ensure that alcoholic drink advertisements are not transmitted in or around programmes primarily intended for young viewers

or listeners; advertisers are required to take account of the age profile of the viewers and listeners so that ad

11.2.3 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	Yes	No	Yes	No	No	Yes

Pre-launch advice is provided by Central Copy Clearance Ireland (the name of the body). It is funded by the drinks industry in Ireland and operated by the advertising industry. It was set up in 2003 and the two advertising bodies AAI and IAPI offer independent and the media operate a voluntary ban on any advertisements that have not obtained the CCCI stamp of approval prior to publication.

Complaints can be made to a statutory body called the Broadcasting Complaints Commission. It is state funded

It is left up to the advertiser whether a marketing practice is still used during a complaint procedure. In some cases they take off the advertisement as soon as they receive the complaint, pending a decision by the Commission, however in other cases the advertisement continues to air until a complaint is upheld.

The possibility of complaining is made known to the public. Information is published on website and booklet available from BCC.

The Broadcasting Complaints Commission consider that the fact of having a complaint against a broadcaster upheld and being required to state this publicly on air is a good sanction for the broadcaster.

The broadcaster is required to publicise the decision of the Broadcasting Complaints Commission at some relevant point within the schedule - if the complaint is about a particular programme or item of discussion the broadcaster is requested to read an 'apology' or announcement that the complaint has been upheld by the BCC.

The complaint has to be made within 30 days of the airing of the advertisement or programme. The complaint is then forwarded to the broadcaster who has 21 days to respond, the complainant receives their response and has 14 further days to make a further complaint to the Commission. The Commission meet every 3 months and generally deal with all complaints before them at this stage so the procedure is unlikely to take more than 3 months.

11.3 Advertising Standards Authority for Ireland

Name of regulation:

2 Advertising Standards Authority for Ireland (ASAI)

Is this statutory or non-statutory regulation?

Non-statutory

Who made the text of this regulation?

Advertising Standards Authority for Ireland, a limited company whose main activity is the regulation of advertising. The system is financed entirely by the advertising industry by way of membership subscriptions. The Board consists of thirteen members – the Chairman and four Advertiser members, four Agency members and four Media members. It is the independent self-regulatory body set up and financed by the advertising industry.

Which types of marketing are controlled by in this regulation?

Broadcast (tv, radio, cinema);
Advertisements in/on all printed material;
Electronic systems (internet, teleshopping etc.);
Promotional media in public places;

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

Alcoholic beverages > 1.2% VOL.
(ban on spirit based alcohol drinks for Broadcast)

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

The code is directed at all sectors of the advertising industry - advertisers and promoters, advertising agencies, direct marketing interests, sales promotion consultants, media independents and the various media - print, radio and television, cinema, outdoor and Internet.

Additional comments

- Self-regulation of alcoholic beverages in Ireland is addressed by three organisations. The Advertising Standards Authority for Ireland (ASAI) is complemented by two drinks industry initiatives that apply specifically to alcoholic drinks advertising: Mature Enjoyment of Alcohol in Society (MEAS) and Central Copy Clearance Ireland (CCCI).
- Self-regulation of advertising is primarily through the ASAI, an independent self-regulatory body set up in 1981 and financed by the advertising industry.
- ASAI applies two codes: the Code of Sales Promotion Practice and the Code of Advertising Standards for Ireland and which applies to advertising and sales promotions in all media. It includes specific regulations relating to alcohol.
- Applicable to all alcoholic drinks, they were arrived at after extensive consultation with all stakeholders and cover the majority of commercial communications although not labelling, packaging, merchandising, point of sale, sponsorship and product placement.
- The coverage of its provisions is comprehensive and non-binding copy advice is offered by ASAI.
- ASAI offers a complaints mechanism and either party may appeal their decision. The decisions are published.
- ASAI does not offer copy clearance but Central Copy Clearance Ireland (CCCI), a self-regulatory body set up in 2003, funded by the drinks industry in Ireland, and operated by the advertising bodies, the Association of Advertisers in Ireland (AAI) and the Institute of Advertising Practitioners in Ireland (IAPI), provides independent vetting for all alcoholic-related advertising, judged against the ASAI Codes. No alcohol-related product advertisement will be published in any media until it has obtained prior clearance from CCCI.

11.3.1 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	No	No

* other than young people

11.3.2 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	Yes	Yes	Yes	No	Yes	Yes	Yes	No	Yes	No	No

Remarks on elements

- A Advertisements should not be directed at minors (those under 18 years of age) or in any way encourage them to start drinking. (The code applies only to advertising not production).
- B Treatments that are likely to appeal to minors should not be used. Advertisements should not feature characters (real or fictitious), motifs, colours or styles that are likely to appeal particularly to minors in a way that would encourage them to drink.
- C Anyone depicted in an alcohol advertisement should be over twenty-five and should appear to be over twenty-five.
- E An advertisement may refer to the social dimension or refreshing attributes of a drink but should not link in any way the consumption of alcohol to aggressive or anti-social behaviour.
- F
 - a Should not imply that it can improve physical performance,
 - b Should not imply that drinking can contribute to social or business success or distinction or that those who do not drink are less likely to be acceptable or successful than those who do,
 - c Should not suggest that any drink can contribute towards sexual success or make the drinker more attractive to the opposite sex by word or allusion.
- G Advertisements should not be directed at minors (those under 18 years of age) or in any way encourage them to start drinking.

11.3.3 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	Yes	No	Yes	No	Yes	Yes

Non binding advice on a proposed advertisement or promotion may be obtained from the ASAI secretariat. In addition Central Copy Clearance Ireland was set up in 2003. It is a self-regulatory body funded concerned solely with by the Drinks Industry Group of Ireland (DIGI) and operated by the jointly by the two advertising industry bodies - Association of Advertisers of Ireland (AAI) and the Institute of Advertising Practitioners in Ireland (IAPI). According to an agreement between the various media, the Drinks Industry Group of Ireland (DIGI), the AAI and the IAPI, alcohol advertisements which do not have the CCCI stamp of approval will not be accepted by any Irish media.

Complaints can be made to ASAI. And during a procedure a marketing practice can under certain conditions still be used. If a case is particularly grave the Secretariat may request interim action by the advertiser/promoter or agency including the immediate amendment or withdrawal of an advertisement or promotion pending completion of the investigation.

Information on how to complain outlined on ASAI website also contained in the Advertising Self-Regulation Manual.

Sanctions, where appropriate, are imposed by ASAI and can be a fine (no standard fine (because of good control of ASAI rarely nescesary)) or withdrawal or amends and refusion to publish. An additional sanction is the publication of Case Reports, including names of advertisers and agencies involved, this is considered by the ASAI to be an important element of the self-regulatory system.

The results of procedures are publicly announced. Complaints Bulletins are published on ASAI website and supplied to national media.

The minimum and maximum amount of time the procedure officially takes is 2 – 6 months.

11.4 MEAS Code of Practice

Name of regulation:

3 MEAS Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks

Is this statutory or non-statutory regulation?

Non-statutory

Who made the text of this regulation?

MEAS (the working title of Mature enjoyment of Alcohol in Society Limited) is an independent company, limited by guarantee, currently supported by: Beamish & Crawford plc Diageo Ireland Edward Dillion & Co. Ltd. Irish Distillers Group Licensed Vintners Association C & C Group plc Drinks

Industry Group of Ireland Heineken Ireland Interbrew Ireland Vintners' Federation of Ireland.

MEAS is the social aspects organisation of the drinks industry in Ireland.

Which types of marketing are controlled by in this regulation?

Any media (packaging, sale, sponsorship, promotions, ... via direct or indirect / print or electronic communication)

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

Alcoholic beverages > 0.5% VOL

(even if they are classified as foodstuffs rather than drinks)

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

The code states that it is the responsibility of all companies connected with the alcoholic drinks industry in the Republic of Ireland (whether as producers, distributors, marketers or retailers) to comply with this Code. This includes the provision of adequate and appropriate briefings to external agencies from whom companies may commission design or promotional work.

Irish distributors are defined as "a company that either produces a brand, holds the trademark rights for a brand within the Republic of Ireland or has contractual rights to distribute or sell a brand within the Republic of Ireland to wholesalers and retailers.

11.4.1 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	No	No	No	No	No	No

* other than young people

11.4.2 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	Yes	Yes	Yes	Yes	Yes	Yes	Yes	-	Yes	Yes

Remarks on elements

B A drink, its packaging and any promotional material or activity must not in any direct or indirect way: have a particular appeal to under 18s by including, inter alia, the use of styles, such as characters (real or fictitious, including sporting heroes),

- C A drink, its packaging and any promotional material or activity must not in any direct or indirect way: incorporate images of people who are, or look as if they are, under twenty-five years of age;
- D A drink, its packaging and any promotional material or activity must not in any direct or indirect way:suggest any association with, acceptance of, or allusion to, illicit drugs;
- E A drink, its packaging and any promotional material or activity must not in any direct or indirect way:suggest any association with bravado, or with violent, aggressive, dangerous or anti-social behaviour;
- F A drink, its packaging and any promotional material or activity must not in any direct or indirect way:suggest any association with sexual success or prowess; and suggest that consumption of the drink can lead to social, sporting or business success or popularity;
- G A drink, its packaging and any promotional material or activity must not in any direct or indirect way:encourage illegal, irresponsible or immoderate consumption, such as binge-drinking,* drunkenness or drink-driving; ('illegal' being an indirect reference to children and adolescents)
- H Point-of-sale materials and promotions for alcoholic drinks must not be projected to an under 18s audience or be available at events or activities where more than 25 per cent of the expected audience is under 18.
- J Branded merchandise must not be aimed at children or have a particular appeal to them.
- K Companies must not require sponsored parties to feature alcohol branding on children's size replica sports kit. No other merchandise bearing the brand name or logo of an alcoholic drink will be aimed at children or have a particular appeal to them.

11.4.3 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	Yes	No	Yes	Yes	Yes	Yes

MEAS offers an advisory service to its clients. *“The Advisory Service offers drink producers, distributors, marketers, retailers and importers an opportunity to seek advice, in advance, about the packaging, including naming and labelling, of any alcoholic drink that they are planning to launch or re-launch or any promotional material or activity or merchandising arrangements that they are intending to undertake that is covered by the Code. This enables any concerns about possible breaches of the Code to be discussed and dealt with at an early stage.”*

Complaints can be made to MEAS.

And during a procedure a marketing practice can still be used.

The possibility of complaining is made known to the public by media coverage and website publication of complaints guide.

Sanctions, where appropriate, are imposed by MEAS (the working title of Mature Enjoyment of Alcohol in Society Limited)- the social aspects organisation of the

drinks industry. It is an independent company, limited by guarantee, currently supported by: Beamish & Crawford plc Diageo Ireland Edward Dill. In the case of Code breaches concerning packaging or point of sale materials, a timetable for implementing the necessary changes will be notified in writing to the company concerned. Retailers will be instructed to dispose of stocks of either any product whose packaging has been found in breach of the Code, or any point of sale material found in breach of the Code, after the date specified by the Code Secretariat. In the event that a MEAS member company chooses not to make the required changes to their product, representatives would be asked to explain their position to MEAS and the company may be expelled from membership. Should any Code signatory other than a MEAS member company not adhere to a Panel decision, it may be removed from the list of Code signatories.

All decisions are published via a press notice issued by MEAS shortly after decisions have been made final and in an annual report submitted to relevant Government Ministers, alcohol interest groups, the Gardaí, licensing authorities, the media and members of the public who request it. The Code Secretariat may advise the aforementioned of any company(ies) who choose not to comply with the Panel's decisions; the Code Secretariat may also notify the media.

According to Meas the minimum amount of time the procedure officially takes is "a few weeks" and the maximum two months.

11.5 Voluntary Code to Limit the Exposure of Young People to Alcoholic Drink Advertising

Name of regulation:

4 Voluntary Code to Limit the Exposure of Young People to Alcoholic Drink Advertising on Television, Radio, in Cinema and on Outdoor/Ambient media.

Is this statutory or non-statutory regulation?

Non-statutory

Who made the text of this regulation?

The Drinks Industry Group Ireland, together with the Association of Advertisers in Ireland, The Institute of Advertising Practitioners in Ireland and the Cinema Industry based in the Republic of Ireland

Which types of marketing are controlled by in this regulation?

All marketing on Television, Radio, Cinema and Outdoor or Ambient media

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?

All advertisers on the above media

11.5.1 Bans

The Cinema Industry will not accept alcohol advertising from strength alcohol brands. The Outdoor Media Association (OMA) will not place advertising for any alcoholic drinks within 100 metres of a primary or secondary school entrance

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

* other than young people

11.5.2 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	No	No	No	No	No	No	No

Remarks on elements

- C Alcohol advertising will only be shown in the cinema with films targeting an adult audience and where it is deemed that at least 75% of the attendances will be aged 18 or over.
 No advertising for alcohol would be booked by an alcoholic drinks advertiser or his agency or placed by the Broadcasters in any television programming where more than 33% of the audience is under the age of eighteen years.
 No advertising for alcohol will be placed in any programming specifically aimed at children or young people.
 On radio all alcohol advertising are banned from programmes where over 33% of the listeners are young people.

11.5.3 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	No	No	No	No

Pre-launch advice is provided by the Central Copy Clearance Ireland (CCCI) and all advertisements must carry the CCCI stamp of approval before acceptance
 The search for violations is done by the Alcohol Marketing Communications Monitoring Body. While it is understood that the Body has yet to decide on its operational methods it will have access to and will review data from the Advertising Standards Authority of Ireland, Central Copy Clearance Ireland, AC Nielson, Joint National Listenership Research (JNLR), Irish Film Censor Reports (cinema).
 Complaints cannot be made by members of the public.

The possibility of complaining is not made known to the public.
Sanctions; Where breaches occur, the Body will approach the relevant organisations with details and obtain agreement on the application of the Code. Where agreement cannot be reached, the Body will report the issue to the Minister for Health and Children and will include details of such breaches and attempts to resolve the issue.
The results of procedures will be published annually.
The minimum and maximum amount of time the procedure officially takes is unknown.