

14 Lithuania (LT)

14.1 Introduction

In Lithuania there are two statutory regulations concerning alcohol advertising: One is the Law on Alcohol Control, statutory regulation which specifically refers to alcohol marketing and advertising. The other specific document - the Law on Advertising does not cover specific regulations concerning advertising and marketing of alcoholic beverage. There is presently no overall self-regulatory system for advertising in Lithuania but the Advertising Law establishes the right to voluntarily control advertising. Additionally, The Lithuanian Brewers Association signed its Brewers self-regulation code in December 2004.

So the Law on Alcohol Control is in practice the only one and main regulation of alcohol marketing and advertising document in Lithuania. The Law on Alcohol Control was adopted by the Parliament on the 18th of April 1995. The last new version on the Law on Alcohol Control came in to force on the 1 March 2004. Till 2006 this Law was elaborated and changed more than 20 times. The complaint and sanctioning system connected to marketing and advertising on alcoholic beverages is fully reflected in that legal act.

These are the main principles of the Alcohol Control Policy set down in the Law on Alcohol Control:

- to reduce availability of alcoholic beverages through taxation;
- to ensure through State regulation measures the State's control of alcohol, protection and strengthening of the health of the population and funding of the programmes of education for minors;
- to extend priority to production of alcoholic beverages by natural fermentation and import and sale thereof;
- to limit promotion of sale and consumption of alcoholic beverages;
- to prohibit the means of promotion of buying and consumption of alcoholic beverages by youth;
- to encourage legal persons who are engaged in the alcohol business to join in implementing the state alcohol control policy;
- to increase public information regarding the issues of the social and economic harm inflicted on health and economy through the consumption of alcohol;
- to sponsor action programmes of health and temperance societies and thus augment the number of people who don't consume alcoholic beverages;
- to promote the production and sale of non-alcoholic beverages;
- to support planning of an alcohol-free living environment. It shall be permitted to engage in retail trade in alcoholic beverages in retail establishments and catering established in multi-family dwellings;
- to promote scientific research and dissemination of information concerning the harm caused to health by consumption of alcohol;
- to strengthen the cooperation with other Member states of the European Union and international organizations regarding the issues of the reduction of the consumption of alcohol. (Article 3, Law on Alcohol Control).

To increase the proportion of people not using strong alcoholic beverages the outdoor alcohol advertising (on billboards), except for beer and naturally fermented wine and cider is prohibited. On October 13th, 1997 the Decree of the Minister of Health "Concerning warnings about health damage of alcohol on the exterior advertising means" came into force.

Advertisement of all forms of alcohol is banned if it is directed at children and adolescents up to 18 years of age, features persons under 18 years of age in promotion campaigns, uses sportsmen, physicians, celebrities in art and science or other prominent public authorities, or their names, images, links consumption of alcohol with improvement of the physical condition, links consumption of alcohol with driving, links consumption of alcohol with physical activity improvement, personal problem resolution, social success, higher sexual activity, is related with stimulating, soothing and curing properties, or presents false and (or) deceptive information. It is forbidden to advertise alcohol on the first and last pages (covers) of newspapers, magazines and books, in programs of radio and television stations, cable radio and cable television stations registered in the Republic of Lithuania, being broadcast and rebroadcast from 15:00 to 22:30 hours, and Saturdays, Sundays and school holidays from 8:00 to 22:30 hours, but only of alcoholic beverages which volume exceed 22 percent. Enterprises certified to sell alcoholic beverages are prohibited from giving alcoholic beverages as a premium, an addition to other goods or as a present, to apply fixed discounts to those possessing coupons printed in mass media offerings, to organise retail sale entity competitions in order to promote alcoholic beverage sales, to sell specialized advertising publications, published in the Republic of Lithuania or abroad, and brought into the Republic of Lithuania, with the intention of promoting the sale of alcoholic beverages.

Regulation		Statutory / Non-statutory
1	Alcohol Control Law	Statutory

14.2 Alcohol Control Law

Name of regulation:

1 Alcohol Control Law

Is this statutory or non-statutory regulation?

Statutory

Who made the text of this regulation?

The Governmental office

Which types of marketing are controlled by in this regulation?

Production, sale, stocking, transportating, bringing in, importing, exporting, consumption, advertising and sponsorship, ...

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

Alcoholic beverages > 1,2 % VOL.
(or beer more than 0,5 % VOL.)

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

The provisions of this Law have been harmonised with the legal acts of European Union which are indicated in the Annex of the Law. Principles of the State Policy concerning Alcohol Control are obligatory to all who are connected in some way with production, sale, bringing in, import, export and consumption of alcoholic beverages and other products containing Ethyl Alcohol.

Additional comments

Information is available to different institutions on written request. But the full description of the complaint and recommendation are not obtainable.

Framework of Self-regulation

- There is presently no overall self-regulatory system for advertising in Lithuania but the Advertising Law establishes the right to voluntarily control advertising
- Advertisers, agencies and the media have, however, announced plans to launch an advertising standards system
- Additionally, The Lithuanian Brewers Association is presently in the final stages of planning concerning a self-regulatory body and code

14.2.1 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	Yes	No	Yes	No	No

* other than young people

14.2.2 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	Yes	No	No	Yes	No	Yes	Yes	Yes	No	Yes	Yes

Remarks on elements

- A Article 29. 1. part:
Alcohol advertising of all forms shall be prohibited in the Republic of Lithuania if it:
- 1) is aimed at children and adolescents up to 18 years of age;
 - 2) features persons under 18 years of age in promotion campaigns;
2. part 4) at events
- D Article 29. 1. part:
Alcohol advertising of all forms shall be prohibited in the Republic of Lithuania if it:
- 7) links consumption of alcohol with stimulating, sedating and other beneficial characteristics;
- F Article 29. 1. part:
Alcohol advertising of all forms shall be prohibited in the Republic of Lithuania if it:
- 8) links consumption of alcohol with social success and sexual energy;

- G Article 28. Restriction of Promotion of Alcoholic beverage Sales
 1. part: For businesses certified to sell alcoholic beverages it shall be prohibited to employ the following means of promoting alcoholic beverage sales:
 1) to give alcoholic beverages as a premium, an addition to goods or as a present;
 2) to apply fixed discounts to those possessing coupons printed in mass media offerings;
 4) to organise retail sale entity competitions in order to promote alcoholic beverage sales;
 5) to sell specialized advertising publications, published in the Republic of Lithuania or abroad, and brought into the Republic of Lithuania, with the intention of promoting the sale of alcoholic beverages.
 2. part: It shall be prohibited to invite as assistants in promotion campaigns persons under 18 years of age.
- H Article 29. Alcohol advertising shall be prohibited:
 2. part: 4) at events intended for children and adolescents up to 18 years old;
- J Article 28. Restriction of Promotion of Alcoholic Beverage Sales
 1. part: For undertakings having the right to sell alcoholic beverages it shall be prohibited to employ the following means of promoting alcoholic beverage sales:
 3) to organise dissemination
- K Article 29. 1.part: Alcohol advertising of all forms shall be prohibited in the Republic of Lithuania if it:
 3) athletes, doctors political figures and persons famous in art and science circles, and other famous public figures participate in, and their person or uses their person, name, picture, etc.;
- 4)links consumption of alcohol with improvement in physical condition;
 5)links consumption of alcohol with driving; links consumption of alcohol with stimulating, sedating and other beneficial characteristics.
 9) favourably portrays immoderate consumption of alcoholic beverages or negatively responds to abstinence or moderation.

14.2.3 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	No	Yes	No

Complaints can be made to The National Consumer Rights Protection Board under the Ministry of Justice and State tobacco and alcohol control service under the Government of the Republic of Lithuania.

And during a procedure a marketing practice can not still be used.

The possibility of complaining is made known to the public. It can be published in newspapers or may be published by other mass communication media.

Sanctions, where appropriate, are imposed by the employees (officers) of the control institutions and can be a fine between 1000 and 10.000 Litas (1 € = 3,5 LT) or an institution can lose its license and in case of persons. The procedure is under Administrative Law Violation Code. The minimum and maximum amount of time the procedure officially takes is unknown.