

4 Czech Republic (CZ)

4.1 Introduction

In the Czech Republic, five different regulation mechanisms exist, which relate to the advertising and marketing of alcoholic beverages. Three of them are statutory - Act No. 40/1995 Coll., on the Regulation of Advertisement, Act No. 231/2001 Coll., on TV and Radio Broadcasting and Act No. 37/1989 Coll., on the Protection against Alcoholism and other Toxicomanias, the remaining two are non-statutory self-regulations: Code of Practice of the Association of Alcohol Producers and Code of Advertising Practice of the Czech Advertising Standards Council.

To understand the situation in the Czech Republic, it is necessary to mention, that before 1989 there were no privately owned companies in the CR; the sole owner of all business organizations was the state. Advertising and product marketing were quite insignificant, only of secondary nature. After the political changes in 1989, a lavish boom of advertising and promotional activities took place, in principle without any restrictions. The free market and strongly expanding availability of alcoholic beverages together with their massive and aggressive advertisement and promotion led to the increase in alcohol consumption especially among adolescents.

Regulations related to alcohol were not particularly strong in the CR. However, after the Czech Republic joined the European Union, they were harmonised with EU legislation. Nevertheless, provisions regulating advertisement and promotion of alcohol remain unsatisfactory. Non-statutory codes declare in principle the intention of alcohol producers and the advertising industry to voluntarily follow the policy to not target children and youth. However, taking into account the fact that Czech football Extra-league officially bears the name “Gambrinus” (popular beer brand), it is obvious that this official declaration of intentions may not always translate into serious actions.

Regulation		Statutory / Non-statutory
1	Act No. 40/1995 Coll., on the Regulation of Advertisement	Statutory
2	Act. No. 231/2001 Coll., on TV and Radio Broadcasting	Statutory
3	Act. No 379/2005 Coll. On protection against harm done by tobacco products, alcohol and other addictive substances]	Statutory
4	Code of practice – Asociation of Alcohol Producers	Non-statutory
5	Code of Advertising Practice – the Czech Advertising Standards Council	Non-statutory

4.2 Act on the Regulation of Advertisement

Name of regulation:

I Act No. 40/1995 Coll., on the Regulation of Advertisement

Is this statutory or non-statutory regulation?

Statutory

Who made the text of this regulation?

Ministry of Industry and Trade. Originally the text of the law is prepared by the relevant ministry. The Parliament endorses it and the Ministry of interior's Board of editors is responsible for specific editing.

Which types of marketing are controlled by in this regulation?

Announcement [...] [also sponsoring]

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

Alcoholic beverages > 0,5 VOL

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

Advertising companies, advertisements publishers, advertisement submitters.

4.2.1 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	No	No	No	No

* other than young people

4.2.2 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	No	Yes	Yes	No	Yes	Yes	Yes

Remarks on elements

B Ban on marketing targeting young people under 18 years.

C Alcohol advertisement must not depict people under 18 years of age consuming alcohol.

F Alcohol advertisement must not make any implications of alcohol consumption contributing towards social or sexual success.

- G Alcohol advertisement must not:
 - 1 encourage immodest consumption of alcohol beverages;
 - 2 judge abstinence or alcohol restraint in a negative manner;
 - 3 target persons younger than 18 years of age.
- I Advertising of alcoholic beverages may not be targeted at persons under 18 years of age.
- J Ban on selling/advertising alcohol to young people under 18 years. Plus no encouragement for immoderate use and/or negatively or ironically evaluate abstinence or abstemiousness.
- K Advertising of alcoholic beverages may not use factors, means or actions addressing persons under 18 years.

4.2.3 Procedures connected to the regulation

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

PROCEDURES						
	Pre-launch advice	Sis-tematically 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	No	Yes	Yes	Yes	Yes	Yes

The search for violations is performed by the authority competent to exercise supervision over the compliance with this Act:

- the Board for Radio and Television Broadcasting
- for Advertising Spread in Radio and Television Broadcasting and
- for Sponsoring in Radio and Television Broadcasting and
- the regional trade licence offices appropriate to the place of business or abode of the person responsible for the compliance with this Act.

Complaints can be made to:

- The Czech Advertising Standards Council.
- The Council for Radio and Television Broadcasting.
- Regional trade licence offices.

The possibility of complaining is made known to the public by the Media.

Sanctions, where appropriate, are imposed by:

- The Council for Radio and Television Broadcasting (GOV);
- Regional trade licence offices.

Sanctions can be a fine of €70.000 – €300.000.

The results of procedures are publicly announced by a press announcement.

The minimum and maximum amount of time the procedure officially takes is usually 30 days, occasionally longer.

4.3 Act on TV and Radio Broadcasting

Name of regulation:

2 Act. No. 231/2001 Coll., on TV and Radio Broadcasting

Is this statutory or non-statutory regulation?

Statutory

Who made the text of this regulation?

Ministry of Culture (Ministry of Interior – Body of editors – responsible for the exact text)

Which types of marketing are controlled by in this regulation?

Broadcast (tv, radio: advertising and teleshopping)

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

> 0,50 VOL (not exactly stated in this law, alcoholic beverages mentioned generally).

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

Radio and TV stations, advertising companies.

4.3.1 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

4.3.2 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	No	No	No	No	No	Yes	Yes	No	Yes	No	No

Remarks on elements

C Alcohol advertisement must not depict people under 18 years of age consuming alcohol.

F Alcohol advertisement must not make any implications of alcohol consumption contributing towards social or sexual success, enhanced physical performance or car driving.

- G Alcohol advertisements must not:
 - 1 encourage immodest consumption of alcoholic beverages;
 - 2 depict abstinence or alcohol restraint in a negative manner.
- I Alcohol advertisement must not be specifically targeted at youth.

4.3.3 Procedures connected to the regulation

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

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

The search for violations is performed by the Council for Radio and Television Broadcasting

(<http://www.rrtv.cz/en/>).

Complaints can be made to:

- The Czech Advertising Standards Council (<http://www.rpr.cz>).
- The Council for Radio and Television Broadcasting (<http://www.rrtv.cz/en/>).

The possibility of complaining is announced by the Media.

Sanctions, where appropriate, are imposed by the Council for Radio and Television Broadcasting (GOV) and can be a fine with a range between €70.000 – €300.000.

The results of procedures are publicly announced by a press announcement.

The minimum and maximum amount of time the procedure officially takes is usually 30 days, occasionally longer.

4.4 Act on Protection against harm done by addictive substances

Name of regulation:

- 3 Act. No 379/2005 Coll. On protection against harm done by tobacco products, alcohol and other addictive substances

Is this statutory or non-statutory regulation?

Statutory

Who made the text of this regulation?

Ministry of Health (Ministry of Interior – Body of editors – responsible for the exact text)

Which types of marketing are controlled by in this regulation?

Selling, serving or otherwise encouraging alcohol consumption.

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

Alcoholic beverages > 0,5 VOL

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

States circumstances under which selling or serving alcohol beverages is forbidden.

4.4.1 Bans

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

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

* other than young people

4.4.2 Elements of Council Recommendation

Any elements of the Council Recommendation that are forbidden by this regulation or code (either literally or formulated in other words) are indicated with 'yes' in the following table. If an element is not forbidden at all, it is indicated with 'no'.

ELEMENTS											
	A Production	B Styles	C Children	D Drugs	E Violence	F Succes	G Encouragement	H Events	I Media	J Free	K Other
Yes or No	No	No	No	No	No	No	No	No	No	Yes	No

Remarks on elements

J Selling, serving or otherwise encouraging alcohol consumption anyone younger than 18 years of age is forbidden.

4.4.3 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 incase of violators	Results published or publically announced
Yes or No	No	Yes	Yes	Yes	Yes	No

The search for violations is performed by the Police. The Police is responsible for the enforcement and execution of laws.

Complaints can be made to the police. During a procedure a marketing practice can still be used.

The possibility of complaining about the ill enforcement of the law is a standard procedure within the Czech legal system. This is defined by the Collections of law of the Czech Republic.

Sanctions, where appropriate, are imposed by police officials or the relevant court and can be a fine up to € 100 or up to one year imprisonment.

The minimum and maximum amount of time the procedure officially may range from instant (a fine issued by a police officer) up to years (judicial process).

4.5 Code of practice

Name of regulation:

4 Code of practice – Association of Alcohol Producers

Is this statutory or non-statutory regulation?

Non-statutory

Who made the text of this regulation?

Forum PSR

Which types of marketing are controlled by in this regulation?

Advertising

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

Alcohol (no further definition)

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

Advertising companies, Alcohol producers

4.5.1 Bans

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

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

* other than young people

4.5.2 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	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	No

Remarks on elements

- B The members of the association will not use graphics, symbols, music or cartoon characters which are related to persons under 18 years of age.
- C The advertisements will feature no persons looking younger than 25 years of age.
- E The advertisement will never connect alcohol consumption to violence, aggression, harmful or antisocial behaviour.
- F The advertisement will never connect alcohol consumption to sexual success.
- G The advertisement will not be specifically aimed at children or persons younger than 18 years of age.
- H The members of the association will not sponsor activities where at least 1/4 of the audience consists of persons under 18 years of age.
- I The advertisement will not be placed in media that are primarily aimed at children.
- J Members of the association will not utilise any marketing offer that would allow them to place advertisements on products which are primarily targeted at children.

4.5.3 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 in case of violators	Results published or publicly announced
Yes or No	No	Yes	Yes	Yes	Yes	Yes

The search for violations is performed by the Council for Radio and Television Broadcasting (more information can be found at <http://www.rrtv.cz/en/>). Complaints can be made to the Czech Advertising Standards Council (more information can be found at <http://www.rpr.cz>), the Council for Radio and Television Broadcasting (more information can be found at <http://www.rrtv.cz/en/>). During a procedure a marketing practice can still be used. The possibility of complaining is announced through the media. Sanctions, where appropriate, are imposed by the Council for Radio and Television Broadcasting (GOV) and can be a fine of €70.000 – €300.000. The results of procedures are publicly announced by a press announcement. The minimum and maximum amount of time the procedure officially takes is usually 30 days, exceptionally even longer.

4.6 Code of Advertising Practice

Name of regulation:

5 Code of Advertising Practice – the Czech Advertising Standards Council

Is this statutory or non-statutory regulation?

Non-statutory

Who made the text of this regulation?

Czech advertising standards council

Which types of marketing are controlled by in this regulation?

Advertising (all media of communication: electronic, printed, ...)

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

“Strong Drinks”

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

Advertising companies

Additional comments

Advertising - For the purpose of this Code, advertising is to be understood as a process of commercial communication, performed on basis of payment, by whatever entrepreneurial subject, or another subject acting in favor thereof, the purpose of which is to provide the consumer with information about goods and services (referred to as the “product” only) as well as activities and projects of charitable nature. This information is above all spread by media of communication, which are understood for purpose of the Code to be television, radio, audio-visual carriers, periodic and occasional press, transportation means, posters, flyers, and other communication means allowing transmission of information.

Following this definition, the transmission of information, in which advertisers only indicate the place for selling the goods, is not understood as advertising, even if in other cases it would be considered to be advertising.

1.2 Advertising governed by this Code is in particular business advertising, i.e. information about products and information about subjects operating on the free market.

1.3 The concept of advertising under this Code shall when appropriate apply to the advertising performed by non-business subjects or by those entities acting on behalf thereof.

4.6.1 Bans

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

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

* other than young people

4.6.2 Elements of Council Recommendation

Any elements of the Council Recommendation that are forbidden by this regulation or code (either literally or formulated in other words) are indicated with ‘yes’ in the following table. If an element is not forbidden at all, it is indicated with ‘no’.

ELEMENTS											
	A Production	B Styles	C Children	D Drugs	E Violence	F Succes	G Encouragement	H Events	I Media	J Free	K Other
Yes or No	No	No	Yes	No	Yes	Yes	Yes	No	Yes	Yes	Yes

Remarks on elements

- C Forbids to: “Use children in advertising of strong drinks”
- E Forbids: “Advertising supporting aggression or physical violence “”Advertising indicating avoidance of safety or lack of respect towards the laws and public order.”
- F Forbids: “Advertising indicating excessive sexuality, sexual stimulations, yielding, nakednes or partial nakedness presented in a distasteful way, presentation of women in whatever compromizing situation or advertising presenting strong drinks as an appropriate tool to abolish sexual inhibitions or fear in general.”
- G Forbids: “Advertising specially focused on children.”
- I Forbids: “Advertising specially focused on children.”
- J Forbids: “Advertising specially focused on children.”
- K Forbids: “Advertising specially focused on children.”

4.6.3 Procedures connected to the regulation

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

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

The search for violations is performed by the Council for Radio and Television Broadcasting (more information can be found at <http://www.rrtv.cz/en/>). Complaints can be made to the Czech Advertising Standards Council (more information can be found at <http://www.rpr.cz>), the Council for Radio and Television Broadcasting (more information can be found at <http://www.rrtv.cz/en/>)). During a procedure a marketing practice can still be used. The possibility of complaining is announced through the media. Sanctions, where appropriate, are imposed by the Council for Radio and Television Broadcasting (GOV) and can be a fine with a range between €70.000 – €300.000. The results of procedures are publicly announced by a press announcement. The minimum and maximum amount of time the procedure officially takes is usually 30 days, exceptionally even longer.