



SUPERVISING THE NORWEGIAN ADVERTISING BAN IN THE AGE OF SOCIAL MEDIA: INSIGHTS AND REFLECTIONS

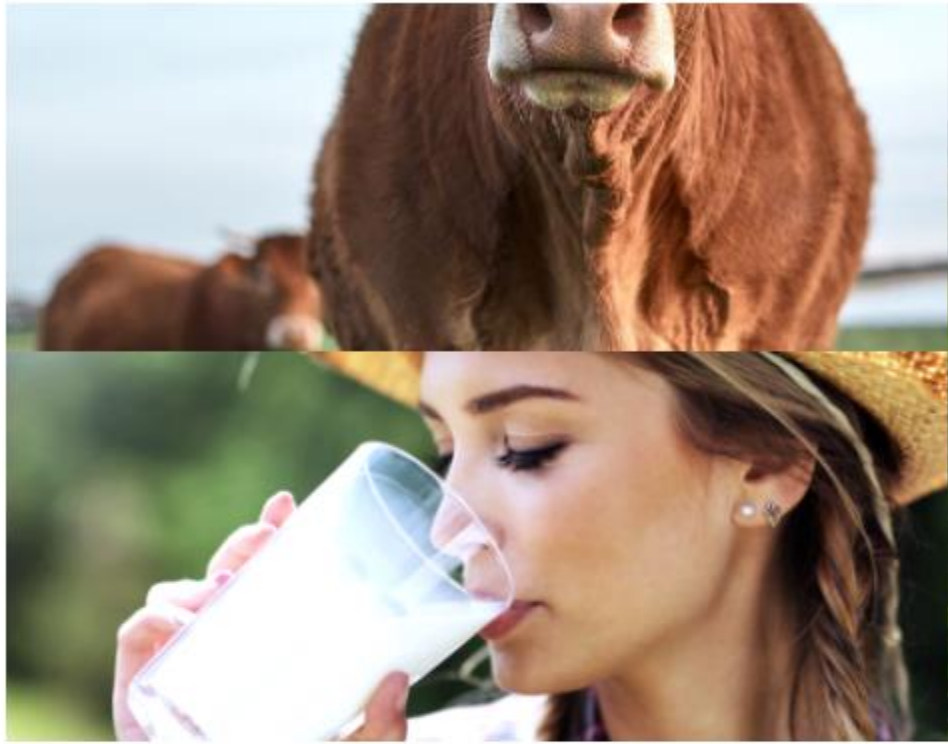
Solveig Haukenes Aase

The Norwegian Directorate of Health



Back in 1975, the Norwegian parliament was concerned about the increasing alcohol consumption in Norway.

As a response, the ban on alcohol advertising was implemented, as one of many measures to address the issue. While times have changed since then, it continues to hold a strong position in Norwegian alcohol policy and enjoys broad support from the public, across political parties, and even from the Norwegian alcohol industry itself.



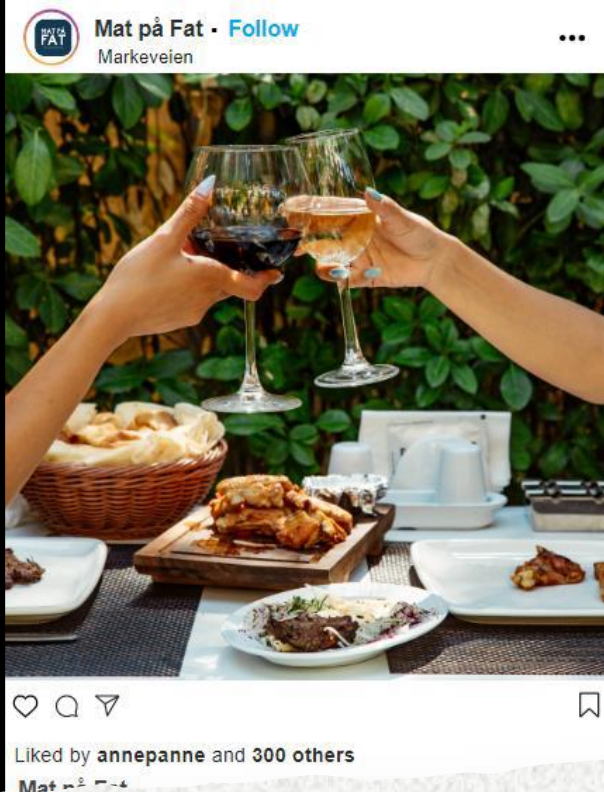
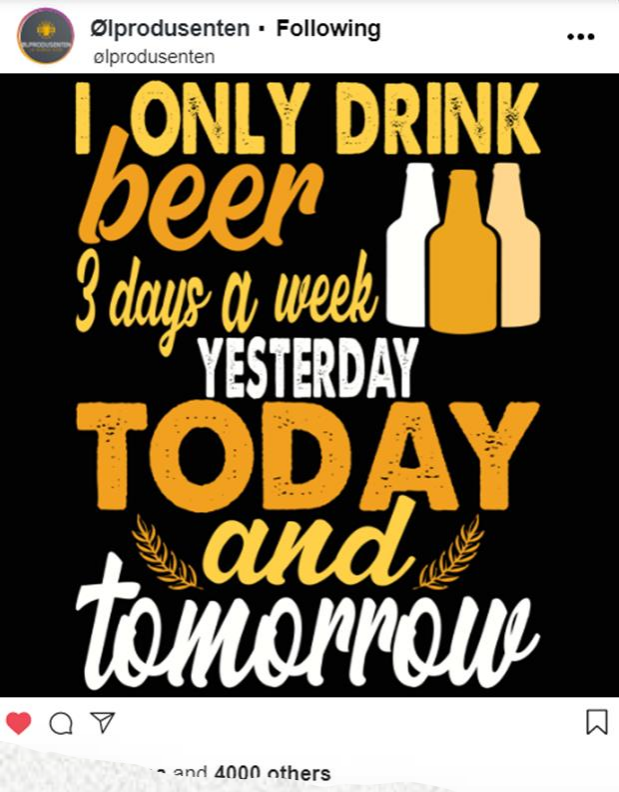
NORWAY, THE LAND OF MILK AND
ALCOHOL-FREE BEVERAGES? /

Now, you might be wondering if the advertising ban means that Norwegians is not surrounded by positive messages about alcohol.



Legal mention of alcohol

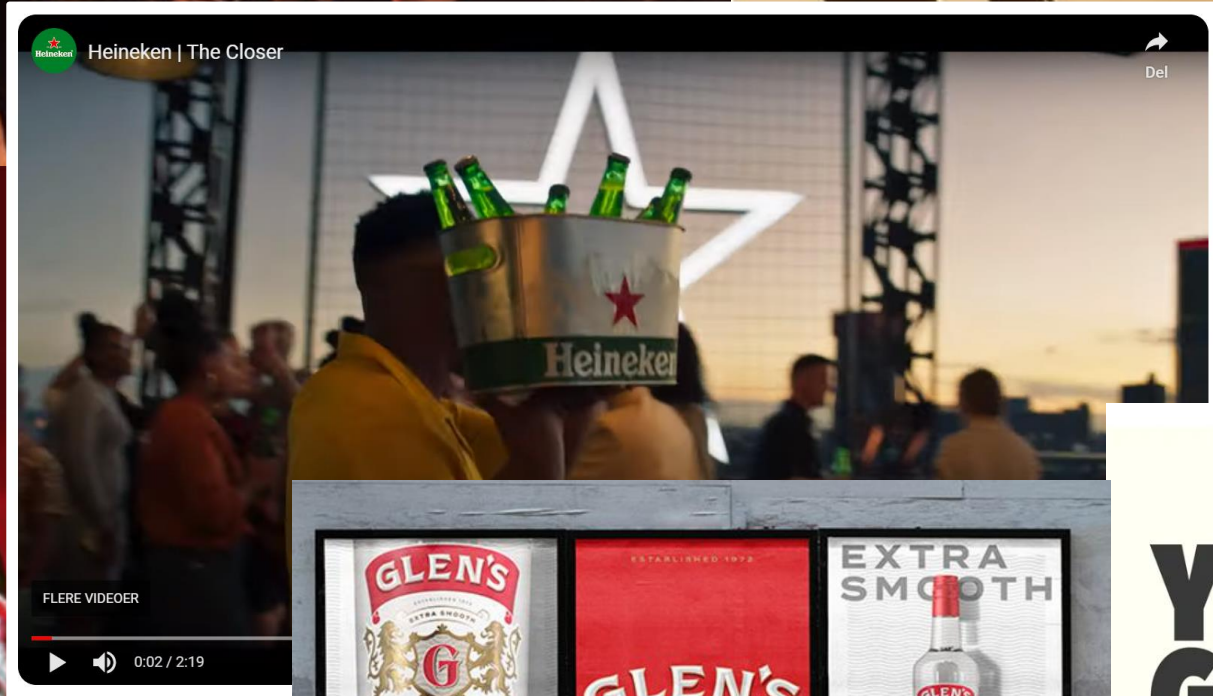
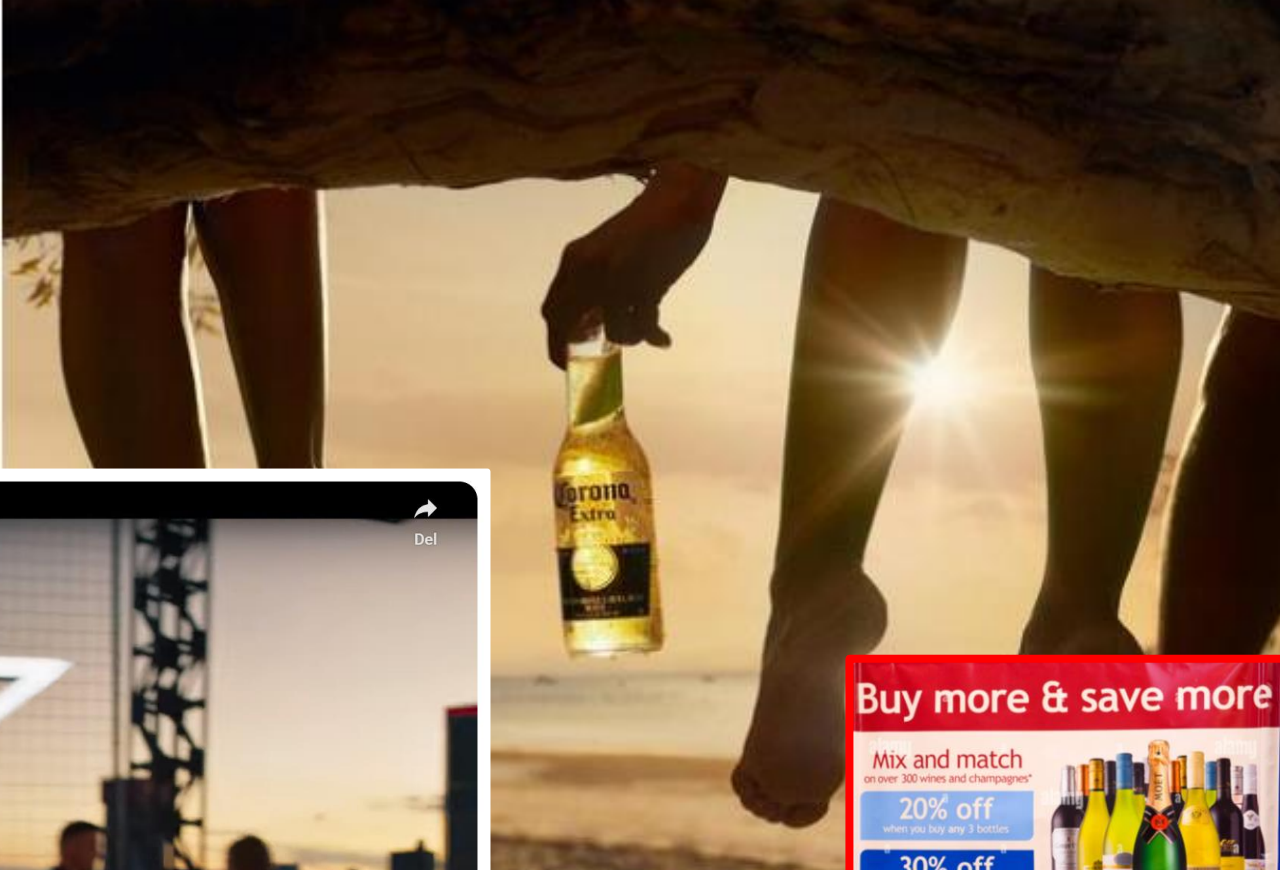
While commercial marketing of alcohol is prohibited, other forms of communication related to alcohol are protected by the principles of Freedom of Speech. Therefore, we still encounter legal and positive coverage of alcohol in traditional media on a daily basis. Additionally, there is a significant amount of legal mention and discussion of alcohol on social media platforms by various media, influencers and the general public.



Numerous violations
of the advertising ban

In addition to this, we do observe a notable number of violations of the advertising ban, especially in the social media.

These are all examples of social media posts by different alcohol actors.



Buy more & save more

Mix and match on over 300 wines and champagnes*

20% off when you buy any 3 bottles

30% off when you buy any 6 bottles or more



YOU SAW YOUR GIRLFRIEND ON TINDER.

Some days you just want to forget.

82% ABV

However, what we lack in Norway, or have very little of, are:

- professional marketing campaigns for alcohol, sometimes using questionable methods.
- TV or YouTube commercials promoting alcohol,
- posters or billboards endorsing alcohol in public spaces,
- or offers enticing consumers to buy more alcohol than they originally intended.



Kahlúa
Sponsored

SURPRISINGLY EASY ESPRESSO MARTINI



THIS MATERIAL RELATES TO THE PROMOTION OF ALCOHOL AND SHOULD NOT BE KEPT BY ANYONE BELOW THE LEGAL AGE OF ALCOHOL. PLEASE DRINK RESPONSIBLY IN THE COUNTRY OF YOUR RESIDENCE.

Learn More



Kahlúa TRY KAHLUA COCKTAIL RECIPES

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And we do not see many examples of paid advertising in social media, as we've seen so many examples of here today.



To fully comprehend the Norwegian situation, it is crucial to understand the rules and regulations governing the ban.

Firstly, the purpose behind the advertising ban is twofold:

- to reduce overall alcohol consumption in conjunction with other alcohol policy measures and
- to convey to the public that alcohol is not an ordinary commodity, thereby supporting additional alcohol policy initiatives.



The ban itself is designed as a comprehensive prohibition on all forms of alcohol marketing. The starting point is that all marketing activities are prohibited unless they have a regulatory basis for exception.

“mass communication for the purpose of marketing”



An essential aspect of the ban lies in the definition of advertising.

Advertising is defined as any form of mass communication intended for marketing purposes. To determine whether something qualifies as advertising, we always ask two key questions: Does the communication have the potential to reach multiple recipients? And is there a commercial interest behind the communication? If the answer is yes to both questions, the communication is considered advertising and is therefore prohibited - unless it's covered by an exception.

It's important to note that this approach is media neutral, which means that the ban applies to any kind of communication channel. This allows us to address the rapidly evolving marketing methods, without the need to adapt the regulations constantly.

GOURMET LAGER



THE BEST BEER



YOUR FAVORITE BEER



Furthermore, the ban includes three crucial elements:

The first element involves the direct marketing of alcohol through traditional advertising, brand or business profiling, and the use of language and images associated with alcohol.

For instance, this ad from – a fictive - company called Gourmet, marketing its own beer, would be a clear violation of the ban.

GOURMET ZERO ALCOHOL



THE BEST
ALCOHOL-FREE
BEER



GOURMET BAKERY
HOMEMADE BREAD



The second element of the ban is the prohibition of indirect marketing.

This means that advertising products bearing the same brand name as alcohol is not allowed.

For example, the same Gourmet company, which also sells alcohol-free beer and baked goods, can sell these products under the same brand name but cannot actively market them.



The ban on indirect marketing was not included in the initial advertising ban. However, in the nineties, when TV commercials were introduced in Norway, we began to see party-oriented commercials for low-alcohol beer, which falls outside the scope of the alcohol act.

A typical example is this commercial from a major beer company in Norway, claiming that drinking Ringnes light beer would cure the Norwegian stiffness and make people dance.

It became obvious that they were using the common brand name to market their regular beer products. This was seen as a significant loophole that needed to be addressed.

[★ TILBAKE TIL VÅRE DRIKKER](#)

Munkholm Original

Kategori: Alkoholritt øl, Pilsner/Lys Lager

Historie

Munkholm alkoholritt øl blir brygget som ekte øl ved at gjæringen avbrytes etter at ølet er dannet, men før alkoholen skapes.

Smak

Munkholm Original har en lys strågul farge. Aromaen er preget av nyåpnet maltsek høy fra malt, med et hint av blomster fra humle. Smaken er lett fylldig med en balanse av bitterhet og full maltsmak.

Mat

Munkholm Original egner seg til norsk hverdagsmat som pizza, pastaretter, lyse kjøttfisk, omelett og salater.



Foto: Kilian Munch

As a result, beer companies who wish to market low-alcohol or alcohol-free beer are now required to use a different brand name from their alcohol-containing products. After the ban on indirect marketing was implemented, the same Ringnes beer company made an alcohol-free beer under the totally different brand, named Munkholm, which they can then market freely.

As you can see, so called alibi marketing is prohibited in Norway.

www.newplacetravel.com

Where are
you travelling
this summer?



Check our new travel packs

| It's time to travel

| It's time to travel

The third element of the ban prohibits the use of alcohol to market other products or services.

For instance, using pictures of alcohol in marketing for travel, hotels, or wine glasses, associating alcohol with a desirable lifestyle, would be considered a violation.



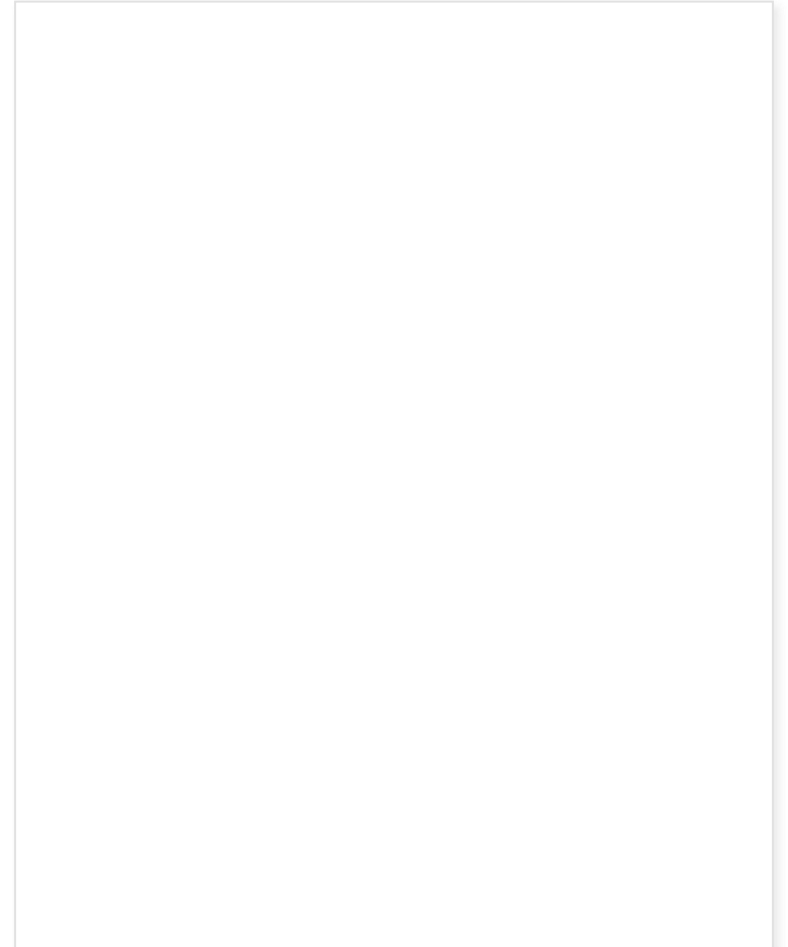
EXCEPTIONS



Although the ban is comprehensive, it does include some exceptions. In fact, there are 20 exceptions in total.



Image by atlascompany on Freepik



Some exceptions are necessary to enable communication between sellers and buyers regarding product price and important characteristics.

These exceptions facilitate interactions between industry actors, and to the consumers inside the shops and restaurants, typically through menus and pricelists.



Seafood Night

★ COME & ENJOY ★

FEB 9TH, 2024

9:00 PM- 00:00 AM

123 False Street
City, Country

Another important exception makes it possible for pubs and restaurants to market the place itself or events, like concerts or theme nights.



In 2016, several new exceptions were added to modernize the advertising ban.

This was in response to industry and consumer demands for the ability to research different products before going to the shops or restaurants.

Prior to 2016, the consumers would have to contact producers, sellers, and importers directly to get such information.

HOME PAGE

WINE PRODUCER



Frescobaldi Di Castiglioni Chianti 2020 750ml

Chianti Castiglioni 2020 is a wine with a ruby red colour and shades of purple.

It has a pleasantly fruity bouquet, with elegant fragrances of pepper and cloves.

Wine pairing: Roast chicken, sauteed beef with vegetables and medium-aged cheeses.

Alcohol content: 14 %

Allergens: Sulphite

Health warning: link to official website,
www.helsenorge.no

The new exceptions allow alcohol actors, including producers, importers, retailers, and pubs/restaurants, to provide consumers with neutral and fact-based information about specific products and alcohol in general.

However, these exceptions apply only to channels where consumers actively seek out information on alcohol.

Moreover, for specific product information, the exception is even stricter, limited solely to the company's official website.



Social media



It's important to note that the new exceptions do not apply to social media platforms. The rationale behind this decision is that consumers do not necessarily need to actively seek out information on social media.

Most social media platforms enable the spread of messages through content shared by friends and algorithms that personalize our feeds.

From our perspective, social media is considered a marketing channel, and a post on social media is viewed as comparable to a traditional newspaper ad.

We do not believe businesses are on social media platforms to make friends; obviously, the only reason they are there, is to make money.



Although the exceptions do not include social media, as I mentioned earlier, we still observe numerous violations of the advertising ban here.

In fact, social media is also where we normally see the most serious violations, including direct marketing of products, brand profiling, general promotion of alcohol, and the sharing of third-party alcohol-related content.

This is a typical example of what we have found during a nationwide supervision which is ongoing at the moment.

18:38:19 Rogaland TV Radio Tips oss!

Reklamerer for alkohol i sosiale medier: – Utviklingen har løpt fra loven

Norges alkohollov stadfester at all reklamering for alkohol er ulovlig. Likevel markedsfører flere norske aktører for alkoholholdig drikke på sosiale medier.



Elise Pedersen
Journalist

Vi rapporterer fra Stavanger

Publisert 30. okt. 2022 kl. 15:30

... bryggeri mener de må få kunne kommunisere med utenlandske kunder via sosiale

Raser: - Noe må gjøres

Jens Eikeset i 7 Fjell Bryggeri mener dagens reklameforbud på alkohol i praksis er en munnkurv.

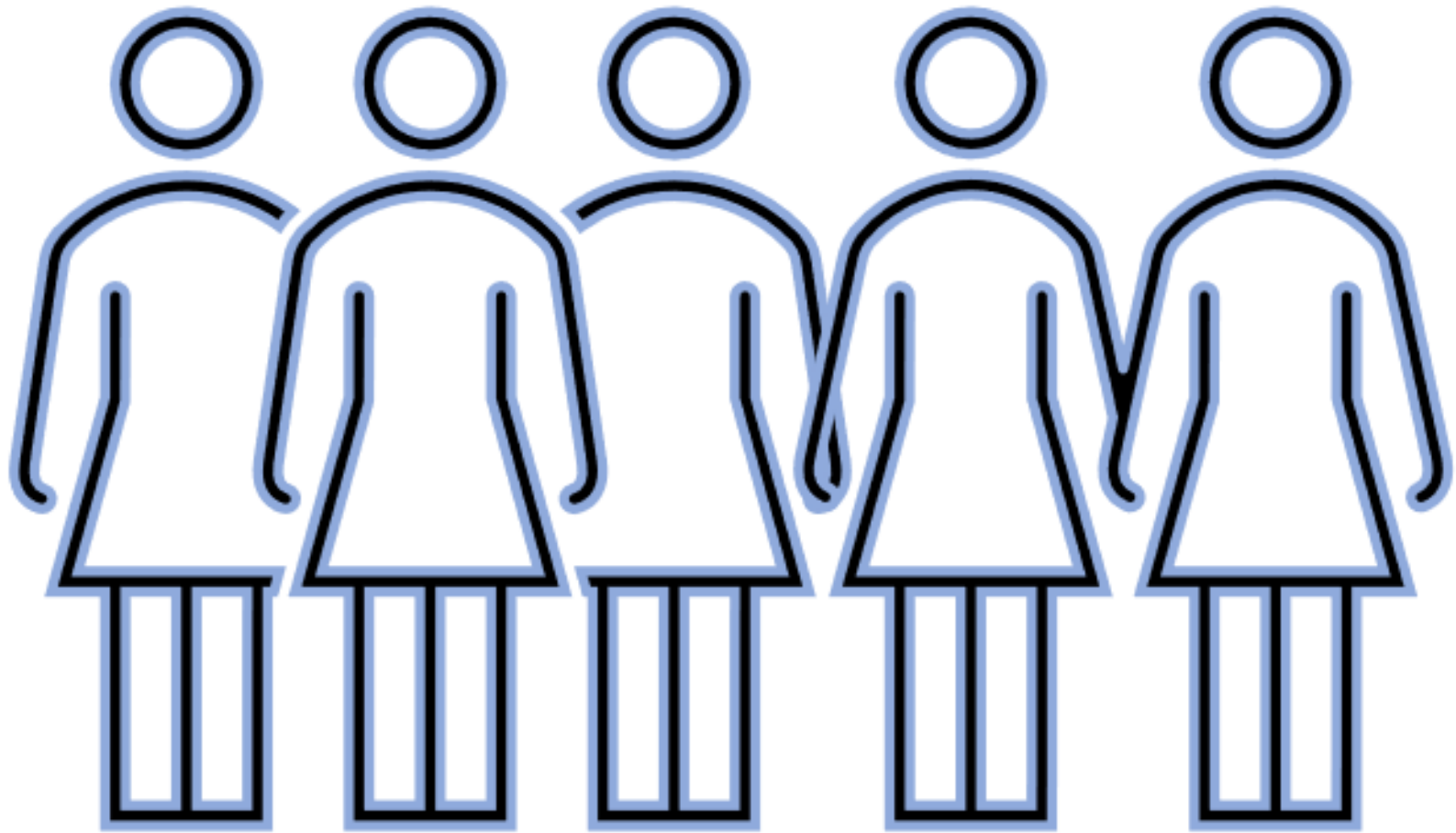


– Bør være mulig å fortelle at man har kjøpt en sekk med malt og skal lage øl



It's important to note that the alcohol industry disagrees with the current regulations and is actively working to extend the new exceptions to their profiles in social media. They argue that the ban is outdated, they ridicule it and calls it an information ban. I have to say here that it's actually correct to call it an information ban – as product information is normally at the core of advertising.

Although the industry organizations urge their members to comply with the rules until any changes are officially made, I think the lack of respect and understanding of the ban may impact overall compliance.



Turning our attention to the enforcement of the ban, one major challenge is the lack of resources.

On the national level, our team consists of only five people who, as I mentioned earlier, also handle other tasks related to the alcohol act and alcohol prevention.



Another important challenge is that our current sanctions are not very effective.

We can order rectification within a specified deadline, and we can issue coercive fines if the order is not followed.

But by then the advertising has often already served its purpose, and our rectification order is posing no real risk.

The lack of effective enforcement also provides a competitive advantage to those alcohol actors who are willing to break the law, which in turn puts pressure on other companies to follow suit.

Fortunately, there's good news on the horizon. A new provision authorizing infringement fees, similar to fines, has been adopted and it's expected to come into force next year.

These new regulations will allow us to respond with a fine related to the company's revenue even after the advertisements have been terminated.



While cross-border marketing presents a challenge, it is not as significant as many might assume.

This is partly because major social media platforms have policies against paid alcohol advertising targeting Norwegian users.



lervigbeer



491
Innlegg

37,1 k
Følgere

797
Følger

LERVIG

Bryggeri

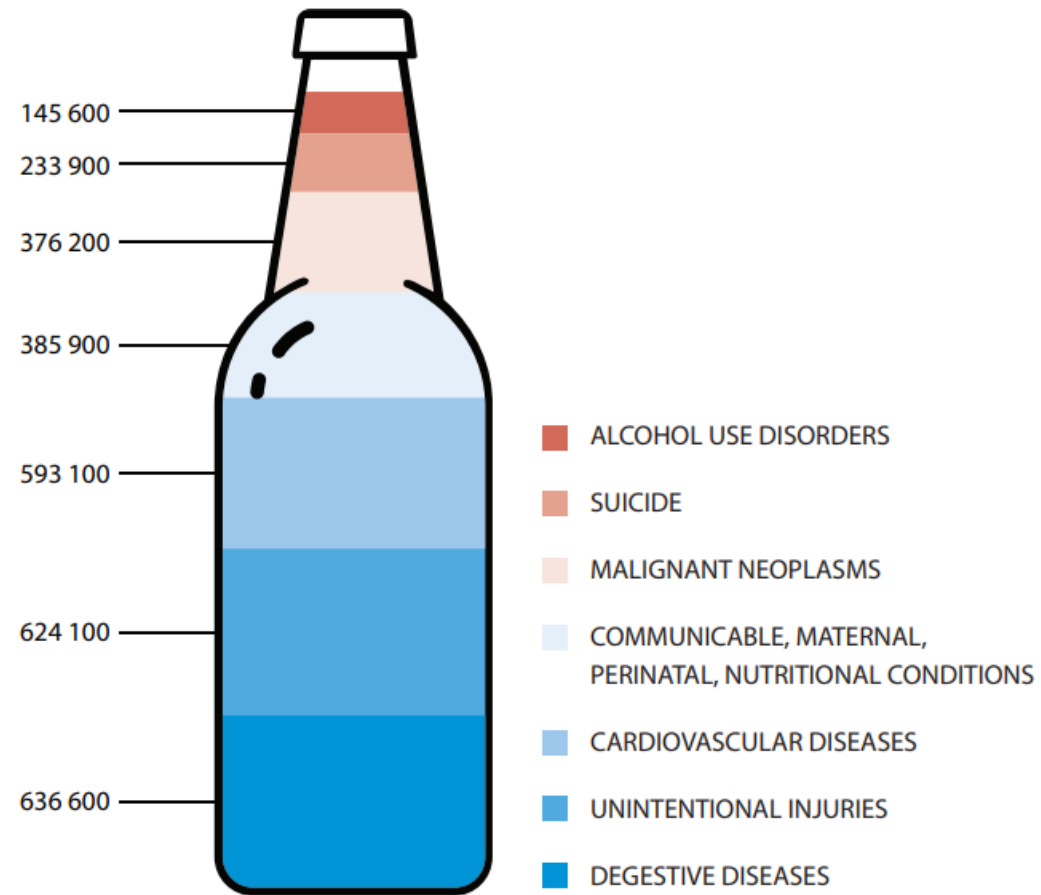
Disclaimer:

This profile is only for international beer lovers due to the Norwegian regulations. 🇳🇴 🍺 🌍

However, the alcohol industry's persistent attempts to circumvent the ban are notable.

Their creativity in finding ways around the regulations is in some ways impressive.

But the focus on the underlying aim of the communication, is helpful here, and it closes many loopholes.



3 MILLION DEATHS CAUSED BY ALCOHOL

Source: WHO Global Status Report on Alcohol and Health 2018.

So does the Norwegian advertising ban have a future or is it truly outdated?

While it is true that communication technology has transformed the world since 1975, and consumers now expect easy access to information on any topic, there are other significant factors to consider.

We now possess a deeper understanding of the harms caused by alcohol to both individuals and society. Additionally, the protection of consumers against corporate interests in promoting harmful products has gained more prominence. The protection of children and adolescents also has a stronger standing today. And then there's also the fight against non-communicable diseases and cancer.

Against this backdrop, one could argue that the Norwegian advertising ban is actually quite modern.



In fact, it may be a valuable tool that other countries should consider incorporating into their own alcohol policy frameworks.

We hope our experiences and challenges can serve as a starting point for international discussions and inspire adaptations that align with each country's circumstances.

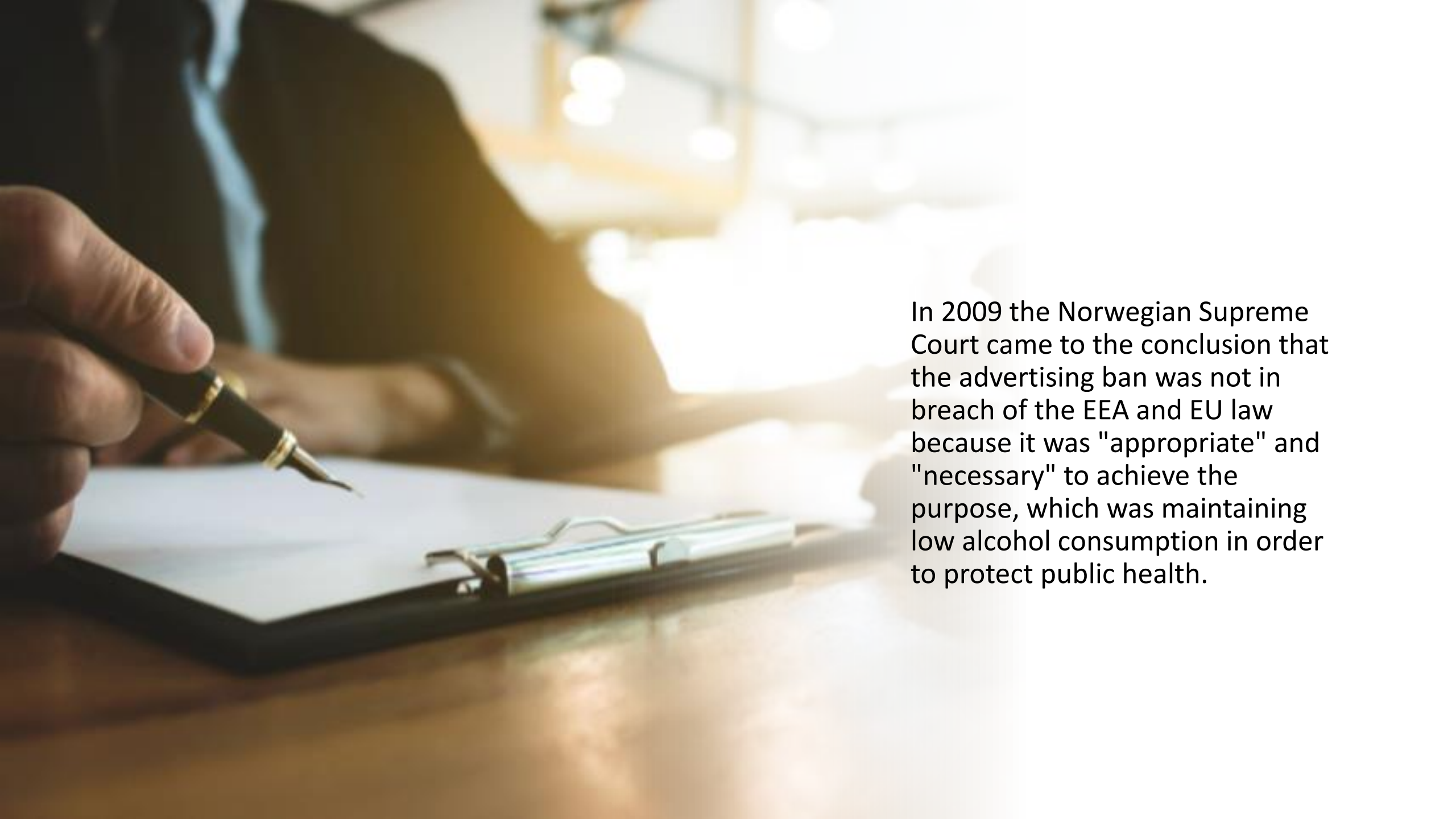
Key takeaways

- A comprehensive ban aimed at reducing alcohol consumption and shaping public perceptions
- It encompasses direct and indirect marketing, and prohibits the use of alcohol to promote other products or services
- It includes exceptions for specific types of communication
- Efforts are underway to enhance enforcement
- A modern approach to alcohol policy?



Thank you for your attention!





In 2009 the Norwegian Supreme Court came to the conclusion that the advertising ban was not in breach of the EEA and EU law because it was "appropriate" and "necessary" to achieve the purpose, which was maintaining low alcohol consumption in order to protect public health.