



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:	ASSOCIAZIONE EUROCARE ITALIA
Country:	ITALY
Date:	30.10.2009

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.	LEGGE QUADRO IN MATERIA DI ALCOL E PROBLEMI ALCOL CORRELATI	LAW ON ALCOHOL AND ALCOHOL RELATED PROBLEMS - ART. 13 ON ALCOHOL ADVERTISING - LAW N. 125/2001	MARCH 2001	www.parlamento.it/pa/rlam/leggi/01125l.htm	<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 checked="" type="checkbox"/> Cinema <input type="checkbox"/> Sponsoring <input type="checkbox"/> Internet / digital media <input type="checkbox"/> Outdoor <input checked="" type="checkbox"/> Print <input type="checkbox"/> Prom. Items <input type="checkbox"/> Other, namely:
2.	RATIFICA E APPLICAZIONE DELLA CONVENZIONE EUROPEA SULLA TELEVISIONE TRANSFRONTALIERA	RATIFICATION AND IMPLEMENTATION OF THE EUROPEAN CONVENTION ON TELEVISION WITHOUT FRONTIERS - LAW N. 327/1991	1991	http://www.consiglio.regione.toscana.it/corcom/normativa/normativa_doc/leg_327_91.html	<input checked="" type="checkbox"/> Statutory/ Legal <input type="checkbox"/> Non-statutory/ Self regulation <input type="checkbox"/> Co-regulation	<input checked="" type="checkbox"/> Tv <input type="checkbox"/> Radio <input 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:
3.	CODICE DI AUTOREGOLAMENTAZIONE NEI RAPPORTI TRA TELEVISIONE E MINORI	SELF-REGULATION CODE ON TELEVISION AND MINORS (approved in 1997 and included later Law 112 2004)	1997	http://www.comunicazioni.it/tutela_minori/comitato_media_e_minori/codice_autoregolamentazione/	<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 type="checkbox"/> Internet / digital media <input type="checkbox"/> Outdoor <input type="checkbox"/> Print <input type="checkbox"/> Prom. Items <input type="checkbox"/> Other, namely:
4.	REGOLAMENTO CONCERNENTE L'ATTUAZIONE DEGLI ARTICOLI 13, 15 E 16 DELLA DIRETTIVA EUROPEA 89/552 CEE RELATIVI ALLA PUBBLICITA' TELEVISIVA DEI PRODOTTI DEL TABACCO E DELLE BEVANDE ALCOLICHE ED ALLA TUTELA DEI MINORENNI	REGULATIONS FOR THE IMPLEMENTATION OF ARTT. 13,15,16 OF THE EUROPEAN DIRECTIVE 89/552 CEE REGARDING TELEVISION ADVERTISING OF TOBACCO AND ALCOHOLIC BEVERAGES AND THE PROTECTION OF MINORS - MINISTERIAL DECREE N. 425/1991	1991	http://www.tuttoconsumatori.it/documenti/Normativa/documenti/decreto_ministeriale_n_425_del_30_novembre_1991.rtf	<input checked="" type="checkbox"/> Statutory/ Legal <input type="checkbox"/> Non-statutory/ Self regulation <input type="checkbox"/> Co-regulation	<input checked="" type="checkbox"/> Tv <input type="checkbox"/> Radio <input 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:

Alcohol Marketing Regulations Questionnaire

No.	Name Regulation (original)	Name Regulation (English translation)	Date latest update	Link to original text	Type of Regulation	Coverage*
5.	CODICE DELL'AUTODISCIPLINA PUBBLICITARIA	ADVERTISING SELF-REGULATION CODE-48th edition, in force since 8 June 2009. (First edition 1996)	June 2009	http://www.iap.it/it/codice.htm	<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 type="checkbox"/> Cinema <input type="checkbox"/> Sponsoring <input type="checkbox"/> Internet / digital media <input checked="" type="checkbox"/> Outdoor <input checked="" type="checkbox"/> Print <input type="checkbox"/> Prom. Items <input type="checkbox"/> Other, namely:

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 checked="" type="checkbox"/> Yes, namely: from 4 p.m. to 7 p.m. <input type="checkbox"/> No → go to question 6
2	In which regulation is the TV time ban embedded?	1, 3
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 checked="" 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 checked="" 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 checked="" 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 checked="" type="checkbox"/> Yes, namely: from 4 p.m. to 7 p.m. <input type="checkbox"/> No → go to question 11
7	In which regulation is the radio time ban embedded?	1
8	Is sponsorship of radio <i>programmes</i> during this watershed still permitted? (e.g. a radio program sponsored by an alcohol producer)	<input checked="" 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 checked="" 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 checked="" 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 type="checkbox"/> Yes, namely: <input checked="" type="checkbox"/> No → go to next part (3)
12	In which regulation is the cinema time ban embedded?	

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:*
Associazione Altroconsumo (Consumers' organization)	all statutory regulations	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" 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 type="checkbox"/> Other, namely:
osservatorio di pavia	all statutory regulations	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" 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 type="checkbox"/> Other, namely:
osservatorio regione lazio	all statutory regulations	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" 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 type="checkbox"/> Other, namely:



Regulation Form No. 1

Organization:	ASSOCIAZIONE EUROCARE ITALIA
Country:	ITALY
Date:	22.10.2009

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:	LAW ON ALCOHOL AND ALCOHOL RELATED PROBLEMS - ART. 13 ON ALCOHOL ADVERTISING - LAW N. 125/2001
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?	One article with 7 paragraphs

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.

Alcohol Marketing Regulations Questionnaire

Article (paragraph)*	Type of restriction**	Text article
ART 13- PARAGRAPH 1	<input type="checkbox"/> Volume <input type="checkbox"/> Content <input type="checkbox"/> Both <input checked="" type="checkbox"/> Other, namely: adoption of self-regulation code	<p>Original text: Entro sei mesi dalla data di entrata in vigore della presente legge, le emittenti radiotelevisive pubbliche e private e le agenzie pubblicitarie, unitamente ai rappresentanti della produzione, tenuto conto anche dell'esigenza di valorizzare le produzioni tipiche ed a denominazione di origine controllata, adottano un codice di autoregolamentazione sulle modalità e sui contenuti dei messaggi pubblicitari relativi alle bevande alcoliche e superalcoliche.</p> <p>English translation: Within six months after the date this law is effective, public and private TV networks, together with advertising agencies and alcohol industries, taking into account the need to value typical and DOC productions, shall adopt a self-regulation code on the rules and on the content of advertising ads of all alcoholic beverages.</p>
ART. 13 - PARAGRAPH 2	<input type="checkbox"/> Volume <input type="checkbox"/> Content <input checked="" type="checkbox"/> Both <input type="checkbox"/> Other, namely:	<p>Original text: . E' vietata la pubblicità di bevande alcoliche e superalcoliche che:</p> <p>a) sia trasmessa all'interno di programmi rivolti ai minori e nei quindici minuti precedenti e successivi alla trasmissione degli stessi;</p> <p>b) attribuisca efficacia o indicazioni terapeutiche che non siano espressamente riconosciute dal Ministero della sanità;</p> <p>c) rappresenti minori intenti al consumo di alcol ovvero rappresenti in modo positivo l'assunzione di bevande alcoliche o superalcoliche.</p> <p>English translation: Alcohol advertising of all alcoholic beverages is forbidden in the following situations:</p> <p>a) In programmes specifically devoted to children and adolescents and during the 15 minutes before and after the programmes themselves;</p> <p>b) In case the message suggests that alcohol has therapeutic properties which are not officially recognised by the Health Ministry;</p> <p>c) Where advertising shows children and adolescents consuming alcohol or representing alcohol intake as a positive attitude.</p>
ART. 13 - PARAGRAPH 3	<input checked="" type="checkbox"/> Volume <input type="checkbox"/> Content <input type="checkbox"/> Both <input type="checkbox"/> Other, namely:	<p>Original text: È vietata la pubblicità diretta o indiretta delle bevande alcoliche e superalcoliche nei luoghi frequentati prevalentemente dai minori di 18 anni di età.</p> <p>English translation: Direct or indirect advertising of alcoholic beverages is forbidden in those environments mainly attended by young people under 18.</p>

Alcohol Marketing Regulations Questionnaire

Article (paragraph)	Type of restriction	Text article
ART. 13 PAR. 4	<input checked="" type="checkbox"/> Volume <input type="checkbox"/> Content <input type="checkbox"/> Both <input type="checkbox"/> Other, namely:	<p>Original text: . E' vietata la pubblicità radiotelevisiva di bevande superalcoliche nella fascia oraria dalle 16 alle 19</p> <p>English translation: Radio and television advertisement of spirits is forbidden between 4 p.m. and 7 p.m.</p>
ART. 13 - PAR. 5	<input checked="" type="checkbox"/> Volume <input type="checkbox"/> Content <input type="checkbox"/> Both <input type="checkbox"/> Other, namely:	<p>Original text: E' inoltre vietata in qualsiasi forma la pubblicità di bevande superalcoliche:</p> <p>a) sulla stampa giornaliera e periodica destinata ai minori;</p> <p>b) nelle sale cinematografiche in occasione della proiezione di film destinati prevalentemente alla visione dei minori.</p> <p>English translation: Any kind of spirits advertising is also forbidden:</p> <p>a) in daily and periodical press targeting children and adolescents;</p> <p>b) in movie theatres when movies for children and adolescents are shown</p>
ART. 13 - PAR. 6	<input type="checkbox"/> Volume <input type="checkbox"/> Content <input type="checkbox"/> Both <input checked="" type="checkbox"/> Other, namely: Violations and sanctions	<p>Original text: La violazione delle disposizioni di cui ai commi 2,3 e 4 è punita con la sanzione amministrativa consistente nel pagamento di una somma da lire 5 milioni a lire 20 milioni. La sanzione è raddoppiata per ogni ulteriore trasgressione.</p> <p>English translation: Violations to paragraphs 2, 3 and 4 are punishable by fines from 2500 to 10000 euros. Fines are doubled for any further violation.</p>
ART. 13 PAR. 7	<input type="checkbox"/> Volume <input type="checkbox"/> Content <input type="checkbox"/> Both <input checked="" type="checkbox"/> Other, namely: Violations and sanctions	<p>Original text: La sanzione di cui al comma 6 si applica altresì alle industrie produttrici ed ai responsabili delle emittenti radiotelevisive e degli organi di stampa nonché ai proprietari delle sale cinematografiche.</p> <p>English translation: Fines apply to the alcohol industry, TV networks, press media and movie theatres owners.</p>

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: editorial pieces, internet <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 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:
5	Are complaints or notifications/indications of possible violations of the regulation publicly available?	<input checked="" type="checkbox"/> Yes, see www.agcm.it <input 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 checked="" type="checkbox"/> Yes, see www.Agcm.it <input type="checkbox"/> No <input type="checkbox"/> I was not able to find this. I searched in the following sources: <input type="checkbox"/> Other, namely:
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 type="checkbox"/> Other, namely:

Alcohol Marketing Regulations Questionnaire

12	Which organisation is responsible for processing the complaints? <i>(please provide name in your own language and in English)</i>	Original name: 1. Autorità Garante della Concorrenza e del Mercato - AGCMt English translation: 1. Antitrust Authority
13	What is the composition of the 'evaluating committee'?	1. Jurists and professional experts from various economic fields
14	Who is responsible for the composition of the 'evaluating committee'?	Committee elected by: .Evaluating committee is the AGCM board, that is, President and Four members Committee appointed by: The President and the 4 members are appointed by the Heads of the two Chambers of Parliament
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 2500 and 10000 euro <input type="checkbox"/> Other, namely:

Comments on Regulation No. 1:

A. Unofficial translation by T. Codenotti - Associazione Eurocare Italia

B. Legislation on advertising of alcoholic beverages is extremely complicated, included in different laws and quite vague when it comes to complaint system. Regarding all statutory regulations on alcohol advertising and marketing practices, one can follow three complaint procedures:

1. to report to a statutory official institution, but it takes a very long time to get any results or verdicts

2. to report the misleading advertising to the Antitrust Authority (Autorità Garante della Concorrenza e del Mercato - AGCM)

3. to report to the Institute for Advertising Self-Regulation (IAP).

The third procedure is the most used, since the complaint procedure seems to be clearer, better organised and more effective. Nevertheless, if the alcohol producers do not subscribe their self-regulation code, the Institute does not take the complaint into consideration.



Regulation Form No. 2

Organization:	ASSOCIAZIONE EUROCARE ITALI
Country:	ITALY
Date:	30.10.2009

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:	RATIFICATION AND IMPLEMENTATION OF THE EUROPEAN CONVENTION ON TELEVISION WITHOUT FRONTIERS - LAW N. 327/1991
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?	One article

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.

Alcohol Marketing Regulations Questionnaire

Article (paragraph)*	Type of restriction**	Text article
ART. 15	<input type="checkbox"/> Volume <input checked="" type="checkbox"/> Content <input type="checkbox"/> Both <input type="checkbox"/> Other, namely:	<p>Original text: La pubblicità per le bevande alcoliche di qualsiasi tipo è soggetta alle seguenti regole: non rivolgersi espressamente ai minori; nessuna persona che può essere considerata come minore deve essere implicata in una pubblicità per il consumo di bevande alcoliche; non collegare il consumo di alcolici con prodezze fisiche o con la guida di autoveicoli; non indurre a credere che le bevande alcoliche possiedono proprietà terapeutiche oppure non hanno un effetto stimolante, sedativo o che possono risolvere problemi personali; non incoraggiare il consumo smodato di bevande alcoliche o presentare in luce negativa l'astinenza o la sobrietà; non insistere indebitamente sul forte grado alcolico delle bevande.</p> <p>English translation: Advertising of all alcoholic beverages is subjected to the following rules: it can not target minors explicitly; nobody who can be regarded as minor is to be involved in an advertising message promoting alcohol use; it is forbidden to link alcohol use with physical performances or with driving any vehicle; advertising should not make people believe that alcoholic beverages have therapeutic properties or sedative or stimulating effects, or that they can solve personal problems; it should not encourage excessive alcohol consumption or depict abstinence and sobriety negatively; it should not emphasize the high alcohol content of alcoholic beverages.</p>

Alcohol Marketing Regulations Questionnaire

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: It covers only advertising on TV <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 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:
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 checked="" type="checkbox"/> Yes, see www.agcm.it <input type="checkbox"/> No <input type="checkbox"/> I was not able to find this. I searched in the following sources: <input type="checkbox"/> Other, namely:
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 type="checkbox"/> Other, namely:
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Alcohol Marketing Regulations Questionnaire

12	Which organisation is responsible for processing the complaints? <i>(please provide name in your own language and in English)</i>	Original name: 1. Autorità Garante della Concorrenza e del Mercato - AGCMt English translation: 1. Antitrust Authority
13	What is the composition of the 'evaluating committee'?	1. Jurists and professional experts from various economic fields
14	Who is responsible for the composition of the 'evaluating committee'?	Committee elected by: .Evaluating committee is the AGCM board, that is, President and Four members Committee appointed by: The President and the 4 members are appointed by the Heads of the two Chambers of Parliament
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) x Restriction broadcasting rights x Financial penalty between 5000 and 50000 euro <input type="checkbox"/> Other, namely:

Comments on Regulation No. 2:

A. Unofficial translation by T. Codenotti - Associazione Eurocare Italia.

B. Legislation on advertising of alcoholic beverages is extremely complicated, included in different laws and quite vague when it comes to complaint system. Regarding all statutory regulations on alcohol advertising and marketing practices, one can follow three complaint procedures :

1. to report to a statutory official institution, but it takes a very long time to get any results or verdicts
2. to report the misleading advertising to the Antitrust Authority (Autorità Garante della Concorrenza e del Mercato - AGCM)
3. to report to the Institute for Advertising Self-Regulation (IAP).The third procedure is the most used, since the complaint procedure seems to be clearer, better organised and more effective. Nevertheless, if the alcohol producers do not subscribe the self regulation code the Institute does not take the complaint into consideration.

C. Article 20 establishes a Permanent Committee for the implementation of this regulation (unclear whether this could also include evaluation of possible violations)



Regulation Form No. 3

Organization:	ASSOCIAZIONE EUROCARE ITALIA
Country:	ITALY
Date:	30.10.2009

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:	SELF-REGULATION CODE ON TELEVISION AND MINORS (approved in 1997 and included later Law 112 2004)
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. 3 contain?	One article with two paragraphs

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
ART. 4 (on advertising) PAR. 4.2	<input type="checkbox"/> Volume <input checked="" type="checkbox"/> Content <input type="checkbox"/> Both <input type="checkbox"/> Other, namely:	<p>Original text: 4.2 PROTEZIONE GENERALE La protezione generale si applica in tutte le fasce orarie di programmazione. I messaggi pubblicitari: ... b) non debbono rappresentare i minori intenti al consumo di alcol, di tabacco o di sostanze stupefacenti, né presentare in modo negativo l'astinenza o la sobrietà dall'alcol, dal tabacco o da sostanze stupefacenti o, al contrario, in modo positivo l'assunzione di alcolici o superalcolici, tabacco o sostanze stupefacenti;</p> <p>English translation: 4.2 GENERAL PROTECTION General protection applies to all broadcasting times. Advertising messages: .. b) must not show minors consuming alcohol, tobacco or other psychoactive drugs, nor present abstinence or sobriety negatively or, conversely, the use of all alcoholic beverages, tobacco and other psychoactive drugs in a positive way.</p>
ART. 4 PAR. 4.4	<input checked="" type="checkbox"/> Volume <input type="checkbox"/> Content <input type="checkbox"/> Both <input type="checkbox"/> Other, namely:	<p>Original text: 4.4 PROTEZIONE SPECIFICA La protezione specifica si applica nelle fasce orarie di programmazione in cui si presume che l'ascolto da parte del pubblico in età minore non sia supportato dalla presenza di un adulto (fascia oraria di programmazione dalle 16.00 alle 19.00 e all'interno dei programmi direttamente rivolti ai bambini). In questa fascia oraria si dovrà evitare la pubblicità in favore di: a) bevande superalcoliche e alcoliche, queste ultime all'interno dei programmi direttamente rivolti ai minori e nelle interruzioni pubblicitarie immediatamente precedenti e successive;</p> <p>English translation: 4.4 SPECIFIC PROTECTION Specific protection applies to those broadcasting times in which presumably minors are not supported by adults during TV shows (between 4 p.m. and 7 p.m., and within shows specifically targeting children). In this time range, it has to be avoided advertising of a) all alcoholic beverages within programmes specifically targeting minors and during commercial breaks immediately before and after the programmes themselves;</p>

Alcohol Marketing Regulations Questionnaire

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 checked="" type="checkbox"/> Yes, namely: it covers only TV advertising <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 checked="" type="checkbox"/> Broadcasters/Publishers <input 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:
5	Are complaints or notifications/indications of possible violations of the regulation publicly available?	<input checked="" 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 type="checkbox"/> Other, namely:

Alcohol Marketing Regulations Questionnaire

6	Are the decisions of the 'evaluating committee' publicly available? *	<input checked="" 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 type="checkbox"/> Other, namely:
7	Is data about the compliance (after adjudication/verdict) publicly available?	<input checked="" 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 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 type="checkbox"/> Other, namely:
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Alcohol Marketing Regulations Questionnaire

12	Which organisation is responsible for processing the complaints? <i>(please provide name in your own language and in English)</i>	Original name:COMITATO DI APPLICAZIONE DEL CODICE (in collegamento con AGCOM) English translation: THE CODE REVIEW BOARD (in connection with AGCOM)
13	What is the composition of the 'evaluating committee'?	Members of the television companies, institutions and consumers organizations
14	Who is responsible for the composition of the 'evaluating committee'?	Committee elected by: Ministry of Communications Committee appointed by: Ministry of Communications
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 type="checkbox"/> Restriction broadcasting rights <input checked="" type="checkbox"/> Financial penalty between 25000 and 350000 euro <input type="checkbox"/> Other, namely:

Comments on Regulation No. 3:

A. Unofficial translation by T. Codenotti - Associazione Eurocare Italia

B. Legislation on advertising of alcoholic beverages is extremely complicated, included in different laws and quite vague when it comes to complaint system. Regarding all statutory regulations on alcohol advertising and marketing practices, one can follow three complaint procedures :

1. to report to a statutory official institution, but it takes a very long time to get any results or verdicts
2. to report the misleading advertising to the Antitrust Authority (Autorità Garante della Concorrenza e del Mercato - AGCM)
3. to report to the Institute for Advertising Self-Regulation (IAP).The third procedure is the most used, since the complaint procedure seems to be clearer, better organised and more effective. Nevertheless, if the producer does not subscribe the self regulation code, the Institute does not take the complaint into consideration.



Regulation Form No. 4

Organization:	ASSOCIAZIONE EUROCARE ITALIA
Country:	ITALY
Date:	30.10.2009

Below, please indicate the name of Regulation No. 4 and provide the definition of alcohol advertising/alcohol marketing according to this regulation (if there is one).

Name Regulation No. 4:	REGULATIONS FOR THE IMPLEMENTATION OF ARTT. 13,15,16 OF THE EUROPEAN DIRECTIVE 89/552 CEE REGARDING TELEVISION ADVERTISING OF TOBACCO AND ALCOHOLIC BEVERAGES AND THE PROTECTION OF MINORS - MINISTERIAL DECREE N. 425/1991
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. 4 contain?	

Please describe all the relevant articles on alcohol advertisement or sponsorships/promotion of Regulation No. 4. 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).*

Alcohol Marketing Regulations Questionnaire

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
ART. 2	<input type="checkbox"/> Volume <input checked="" type="checkbox"/> Content <input type="checkbox"/> Both <input type="checkbox"/> Other, namely:	<p>Original text: Pubblicità delle bevande alcoliche.</p> <p>1. La pubblicità televisiva delle bevande alcoliche non deve:</p> <p>a) rivolgersi espressamente a minorenni, nè, in particolare, presentare minorenni intenti a consumare tali bevande;</p> <p>b) collegare il consumo di alcoolici con prestazioni fisiche di particolare rilievo o con la guida di autoveicoli;</p> <p>c) creare l'impressione che il consumo di alcoolici contribuisca al successo sociale o sessuale;</p> <p>d) indurre a credere che le bevande alcoliche possiedano qualità terapeutiche stimolanti o calmanti, o che contribuiscono a risolvere situazioni di conflitto psicologico;</p> <p>e) incoraggiare un uso eccessivo e incontrollato di bevande alcoliche o presentare in una luce negativa l'astinenza o la sobrietà;</p> <p>f) usare l'indicazione del rilevante grado alcolico come qualità positiva delle bevande.</p> <p>English translation: Advertising of alcoholic beverages</p> <p>1. Advertising of alcoholic beverages must not:</p> <p>a) explicitly target minors, nor represent minors drinking alcoholic beverages;</p> <p>b) link alcohol consumption with special physical performances or driving abilities;</p> <p>c) create the impression that alcohol consumption contributes to social or sexual success;</p> <p>d) make people believe that alcoholic beverages have therapeutic, stimulating or sedative properties; nor that they can contribute to solve psychological conflicts;</p> <p>e) encourage excessive and uncontrolled consumption of alcoholic beverages, or present abstinence and sobriety in a negative way;</p> <p>f) use high alcohol content as a positive quality of alcoholic beverages.</p>

Next, we have some general questions about Regulation No. 4.

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: it covers TV advertising <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 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:
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:

Alcohol Marketing Regulations Questionnaire

6	Are the decisions of the 'evaluating committee' publicly available? *	<input checked="" type="checkbox"/> Yes, see www.agcm.it <input type="checkbox"/> No <input type="checkbox"/> I was not able to find this. I searched in the following sources: <input type="checkbox"/> Other, namely:
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 type="checkbox"/> Other, namely:
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Alcohol Marketing Regulations Questionnaire

12	Which organisation is responsible for processing the complaints? <i>(please provide name in your own language and in English)</i>	Original name: Autorità Garante della Concorrenza e del Mercato English translation: Antitrust Authority
13	What is the composition of the 'evaluating committee'?	Jurists and professional experts from various economic fields
14	Who is responsible for the composition of the 'evaluating committee'?	Committee elected by: .Evaluating committee is the AGCM board, that is, President and Four members Committee appointed by: The President and the 4 members are appointed by the Heads of the two Chambers of Parliament
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 checked="" type="checkbox"/> Restriction broadcasting rights <input checked="" type="checkbox"/> Financial penalty between 5000 and 50000 euro <input type="checkbox"/> Other, namely:

Comments on Regulation No. 4:

A. Unofficial translation by T. Codenotti - Associazione Eurocare Italia

B. Legislation on advertising of alcoholic beverages is extremely complicated, included in different laws and quite vague when it comes to complaint system. Regarding all statutory regulations on alcohol advertising and marketing practices, one can follow three complaint procedures :

1. to report to a statutory official institution, but it takes a very long time to get any results or verdicts

2. to report the misleading advertising to the Antitrust Authority (Autorità Garante della Concorrenza e del Mercato - AGCM)

3. to report to the Institute for Advertising Self-Regulation (IAP). The third procedure is the most used, since the complaint procedure seems to be clearer, better organised and more effective. Nevertheless, if the producer does not subscribe the self regulation code, the Institute does not take the complaint into consideration



Regulation Form No. 5

Organization:	ASSOCIAZIONE EUROCARE ITALIA
Country:	ITALY
Date:	30.10.2009

Below, please indicate the name of Regulation No. 5 and provide the definition of alcohol advertising/alcohol marketing according to this regulation (if there is one).

Name Regulation No. 5:	ADVERTISING SELF-REGULATION CODE- 48 th edition, in force since 8 June 2009. (First edition 1996)
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. 5 contain?	1

Please describe all the relevant articles on alcohol advertisement or sponsorships/promotion of Regulation No. 5. 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
ART. 22	<input type="checkbox"/> Volume <input checked="" type="checkbox"/> Content <input type="checkbox"/> Both <input type="checkbox"/> Other, namely:	<p>Original text: La comunicazione commerciale relativa alle bevande alcoliche non deve contrastare con l'esigenza di favorire l'affermazione di modelli di consumo ispirati a misura, correttezza e responsabilità. Ciò a tutela dell'interesse primario delle persone, ed in particolare dei bambini e degli adolescenti, ad una vita familiare, sociale e lavorativa protetta dalle conseguenze connesse all'abuso di bevande alcoliche.</p> <p>In particolare la comunicazione commerciale deve evitare di:</p> <ul style="list-style-type: none"> -incoraggiare un uso eccessivo e incontrollato, e quindi dannoso, delle bevande alcoliche; -rappresentare situazioni di attaccamento morboso al prodotto e, in generale, di dipendenza dall'alcol o indurre a ritenere che il ricorso all'alcol possa risolvere problemi personali; -rivolgersi o fare riferimento, anche indiretto, ai minori, e comunque rappresentare questi ultimi intenti al consumo di alcol; -associare la guida di veicoli con l'uso di bevande alcoliche; -indurre il pubblico a ritenere che il consumo delle bevande alcoliche contribuisca alla lucidità mentale e all'efficienza fisica e sessuale e che il loro mancato consumo comporti una condizione di inferiorità fisica, psicologica o sociale; -rappresentare come valori negativi la sobrietà e l'astensione dal consumo di alcolici; -indurre il pubblico a trascurare le differenti modalità di consumo che è necessario considerare in relazione alle caratteristiche dei singoli prodotti e alle condizioni personali del consumatore; -utilizzare come tema principale l'elevato grado alcolico di una bevanda. <p>English translation: Marketing communication concerning alcoholic beverages should not be in contrast with the obligation to depict styles of drinking behaviour that project moderation, wholesomeness and responsibility. This principle aims to safeguard the primary interest of the population in general, and of children and young people in particular, in a family, social and working environment safeguarded from the negative consequences of alcohol abuse.</p> <p>In particular, such marketing communication should not:</p> <ul style="list-style-type: none"> -encourage an excessive, uncontrolled, and hence harmful consumption of alcoholic beverages; -depict an unhealthy attachment or addiction to alcohol, or the belief that resorting to alcohol can solve personal problems; -target or refer to minors, even only indirectly, or depict minors consuming alcohol; -associate the consumption of alcoholic beverages with the driving of motorised vehicles; -encourage the belief that the consumption of alcoholic beverages promotes clear thinking and enhances physical and sexual performance, or that the failure to consume alcohol implies physical, mental or social inferiority; -depict sobriety and abstemiousness as negative values; -induce the public to disregard different drinking styles associated with the specific features of individual beverages and the personal conditions of consumers; -stress high alcoholic strength as being the principal feature of a beverage.

Alcohol Marketing Regulations Questionnaire

Next, we have some general questions about Regulation No. 5.

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: <input checked="" type="checkbox"/> No, all marketing practices are covered. Theoretically the Code include all marketing practises (to be verified!)
3	Which stakeholders are addressed by the (articles about alcohol marketing/advertising of the) regulation?	<input checked="" type="checkbox"/> Alcohol producers <input 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:
5	Are complaints or notifications/indications of possible violations of the regulation publicly available?	<input checked="" type="checkbox"/> Yes, see www.iap.it <input type="checkbox"/> No <input type="checkbox"/> I was not able to find this. I searched in the following sources: <input type="checkbox"/> Other, namely:

Alcohol Marketing Regulations Questionnaire

6	Are the decisions of the 'evaluating committee' publicly available? *	<input checked="" type="checkbox"/> Yes, see www.iap.it <input type="checkbox"/> No <input type="checkbox"/> I was not able to find this. I searched in the following sources: <input type="checkbox"/> Other, namely:
7	Is data about the compliance (after adjudication/verdict) publicly available?	<input checked="" type="checkbox"/> Yes, see www.iap.it <input 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 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:
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:

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: Comitato di controllo dell'Istituto di Autodisciplina Pubblicitaria English translation: Review board of the Institute of Advertising Self-Regulation
13	What is the composition of the 'evaluating committee'?	Legal, communication and consumers experts
14	Who is responsible for the composition of the 'evaluating committee'?	Committee elected by: the Institute itself Committee appointed by: the Institute itself
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 type="checkbox"/> Other, namely:

Comments on Regulation No. 5:

1. Official English version downloaded from www.iap.it
2. The Italian Advertising Self-Regulation Institute represents the best available complaint system, both in term of the procedure and in terms of the time necessary for decision making, on the average 3 weeks. Nevertheless, if the producer or the advertiser does not subscribe the self regulation code, the Institute does not take the complaint into consideration.
3. Although this regulation does not include a definition of alcohol advertising or alcohol marketing, it does give a definition of marketing communication:
"...it shall refer to advertising and all other forms of communication including corporate and institutional messages whose aim is to promote the sale of goods or services irregardless of the modalities used, as well as forms of communication regulated by Title VI. The term does not refer to sales policies or marketing techniques as such". According to this definition, all marketing practices should be covered.