



Valvira

# ALCOHOL ADVERTISING IN FINLAND

(ALKOHOLREKLAM I FINLAND)

Lawyer Sari Tujunen

National Supervisory Authority for Welfare and Health  
VALVIRA  
(Tillstånds- och tillsynsverket för social- och hälsovården)



# Valvira

- **Valvira is a national agency operating under the Ministry of Social Affairs and Health, charged with the supervision of the social and health care, alcohol and environmental health sectors (appr. 160 employees - 15 in alcohol admin.).**
- **Valvira provides licensing for social and health care providers and offers guidance to the Regional State Administrative Agencies to achieve harmonised licensing, guidance and supervisory practices throughout Finland.**
- **Compliance with the Alcohol Act / alcohol advertising is supervised nationally by Valvira and locally by 6 Regional State Administrative Agencies.**
- **Ministry of Social Affairs and Health is responsible for drafting of the Alcohol Act.**

# Supervision of Alcohol Advertising

- **Consumers, traders, organisations and other authorities report to Valvira about violations. Valvira also makes its own observations.**
- **Traders can inquire the legality of the planned marketing activity. Valvira gives advice, but it can not give binding prior opinions in advertising matters. Unlawful conduct can be addressed only after the event .**
- **Possible sanctions:**
  - **Instructions**
  - **Prohibition with or without conditional fine**
  - **For licence holders: notice, warning, limiting the licence or withdrawing the licence for a fixed term or permanently**
  - **Criminal procedure (theoretically) possible in severe cases**



## ...Supervision of Alcohol Advertising

- **Primarily guidance of the operators (60 pages of guidelines)**
  - **2014: 436 cases, only 5 sanctions**
- **Decisions may be appealed against to a competent administrative court / The Market Court (a prohibition decision)**
- **Valvira follows advertising to determine whether the operator takes the required corrective measures within the set time limit and whether the unlawful advertising continues.**
- **A sanction aims primarily to ensure that violations do not occur again - the main purpose is not to punish but to prevent.**



# Alcoholic beverages

- **Strong alcoholic beverages: over 22 vol-%**
  - Advertising is prohibited as a rule since 1977, certain exceptions
- **Mild alcoholic beverages: over 2,8 vol-%, max 22 vol-%**
  - Advertising permitted as a rule since 1995, certain restrictions: eg. if aimed at minors
  - Restrictions apply to beverages with alcohol percentage 1,2 – 2,8
  - Some new restrictions came into force in 2015



## Strong alcoholic beverages

- It is prohibited to advertise, indirectly advertise or otherwise promote the sales of strong alcoholic beverages.



- Exceptions:

- 1) restaurants, retail shops, production sites;
- 2) retail price lists (printed or on internet, all beverages presented in a uniform manner);
- 3) targeted at professionals on alcohol sector (not on website open to consumers)

## Mild alcoholic beverages – restrictions

- Advertising, indirect advertising and other sales promotion of mild alcoholic beverages and beverages containing at least 1.2 % by volume of ethyl alcohol **is prohibited if:**
  - 1) It is aimed at minors, disturbingly behaving or clearly intoxicated persons or if such persons are presented in it;
  - 2) consumption of alcohol is linked to driving a vehicle;
  - 3) the alcohol content is emphasized as a positive quality;



*”If alcohol percentage of this beer were any higher it would be class A.”*



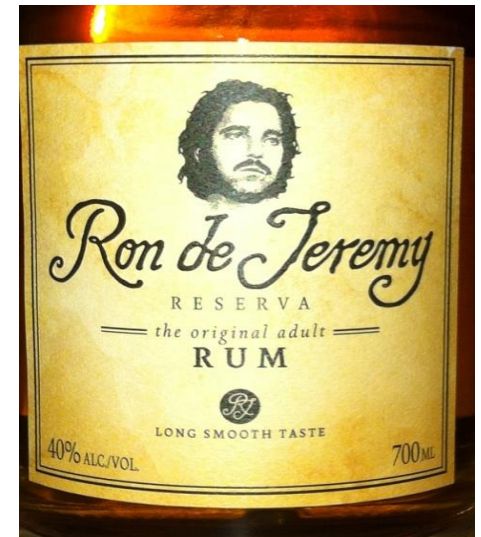
## ...Mild alcoholic beverages – restrictions

### ...is prohibited if:

- 4) an abundant consumption is described in positive terms / temperance or moderate use in negative terms;

*”January is a constant celebration if you don’t ruin it by being sober.”*

- 5) it gives an idea of increase of functional capacity / social or sexual success; (eg. Ron de Jeremy)





## ...Mild alcoholic beverages – restrictions

### ...is prohibited if:

6) it gives an idea that alcohol has medical or therapeutic properties / refreshes / calms / is a means to settle conflicts;

***”Remember to buy beer for hangover cure.”***

7) it is contrary to good manners / uses methods that are inappropriate / gives untruthful or misleading information about alcohol, its use, effects or other properties.





## More action was needed...

...to reduce exposure of children and young people to alcohol advertising and sponsorship.

...to deal with new forms of communication such as games and social media.

- Different digital games both in consoles and web
- Product placement in video games
- All kinds of competitions in Facebook etc. -> "Share this and win tickets to the next match!"
- People sharing their stories or photos of "Beer X" in the social media
- Viral marketing intended to be shared in Fb or shared by eg. blogger's web page



## Mild alcoholic beverages – restrictions, new provisions into effect 1.1.2015

- The legislation was adopted in early 2014 and did not cause any stir. New restrictions entered into force 1.1.2015.
- In October 2014 -> “alcoholrage” in the media: ***“Did you praise your favourite beer on a restaurant’s Fb pages? Soon that will be against the law.”***
- ***“The regional state administrative agency prohibited the use of the word “whisky” – social media baffled by the decision.”***
- ***“The new alcohol legislation about to hit this sympathetic part of Helsinki’s street scene.”***





## Mild alcoholic beverages - new restrictions: TV and radio

- Advertising, indirect advertising and other sales promotion of mild alcoholic beverages and beverages containing at least 1.2 % by volume of ethyl alcohol ***is prohibited if:***
  - 8) Broadcasted in TV and radio between 7-22 o'clock or in a cinema in connection with public presentation of an audiovisual programme allowed to minors;
    - Time limit was extended by one hour and the prohibition was extended to include radio broadcasting with same time limits
    - Old ban was maintained; alcohol advertising is prohibited in movie theaters, if the movie can be shown to children under the age of 18.



## Mild alcoholic beverages - new restrictions: public places

*...is prohibited if:*

**9) Carried out or aimed at the general public in public places;**

- **Advertising ban in all indoor and outdoor public places**
- **Exceptions: availability and prices outside licenced premises (shops, restaurants) and public events**

***No more this:***





Valvira

## ...Mild alcoholic beverages – new restrictions: public places

- **Ban on advertising is directed to eg. bus stops, public transport vehicles, pavements poster locations and on boards, shopping centers / roadside placements.**
- **Advertising is also prohibited if aimed at the general public in public places.**

***No more this:***





Valvira

## And no more this:



...after



## Exceptions

- **Public events and places that are permanently used for public events**
  - **Sports halls, Exhibition Halls and other halls, stadiums...**
  - **Permanent structures of the places: eg. ice hockey rinks sides, stands and other permanent structures**

***Why were sports competitions excluded from the ban on outdoor advertising?***





## ...Exceptions

- **International traffic - air and water vessels**
- **Inside shops, restaurants and production sites**
- **Price and availability outside licensed premises – shops and restaurants**
- **Advertising must be placed in the immediate vicinity of the point of sale, eg. a display window, A-stand**





Valvira

## Mild alcoholic beverages – new restrictions: games, lottery or competition

*...is prohibited if:*

- 10) Participation by consumers in a game, lottery or competition is used;**
- The ban applies to all forms of advertising, including traditional media advertising.
  - With or without a prize
  - No more alcohol advertising using digital games etc., product placement in video games, competition and prizes "in real life" or in social media

***No more this:***



## Mild alcoholic beverages – new restrictions: social media

### ...is prohibited if:

- 11) it involves any textual or visual content which is produced by consumers or which is intended to be shared by consumers in an information network service administered by a commercial operator**
- **The ban does not apply to consumers own Fb pages etc.**
  - **Brand advertising through conventional web pages continues to be allowed within the existing rules.**





## Mild alcoholic beverages – new restrictions: social media

- **If it is not possible to "eliminate" the share-button, commercial operator must not urge to share the content - "liking" is allowed.**



- **Consumer comments on the product are not allowed, if they are considered alcohol advertising.**
- **Commercial operator has an obligation to remove consumer comments regarded as advertising material.**
- **Communication by private citizens is not affected – restriction do not apply to blog pages, social media postings, private emails...**

## Problems

- **New restrictions are mainly not easy to supervise.**
- **Supervision is based on external reports; more resources have not been granted**
- **It is a challenge to supervise alcohol advertising in an information network service.**



***But...***

- **The situation has calmed down – there hasn't occurred many severe violations (not to Valvira's knowledge).**



Valvira



**THANK YOU  
FOR YOUR  
INTEREST!**

**TACK FÖR  
VISAT  
INTERESSE!**