



***Response to the Issue Paper  
for the  
Audiovisual Conference in Liverpool  
September 2005***

**Commercial Communications  
of  
Alcoholic Beverages**

**Eu Liaison Office:** 96 Rue des Confédérés, 1000 Brussels.

Tel: 00 32 2 732.67.82; Fax: 00 32 2 736 73 51

**Chair:** Dr Michel Craplet – Association Nationale de Prévention de l'Alcoolisme, Paris, France

**Secretary:** Derek Rutherford, Institute of Alcohol Studies, London, UK

## **Introduction**

Founded in Brussels in 1990, Eurocare is a European not for profit, non-governmental organisation that draws together networks and organisations from the 25 countries of the European Union dedicated to the prevention of the harm done by alcohol. It is an active member of the EU Health Policy Forum and of the EU Alcohol and Health Working Group of the European Commission.

## **General Comments**

As the foremost non-governmental organisation advocating the prevention of alcohol related harm across the European Union, we have been involved in the revision of the Television Without Frontiers Directive since 2003 and took part in the Focus Group 2 discussions organised by the Commission regarding the level of detail in television advertising on 24<sup>th</sup> November 2004 and 14<sup>th</sup> February 2005. During the consultation process, our comments and concerns have been motivated from a public health perspective.

We welcome the initiative of the European Commission in launching a public consultation in preparation for the conference in Liverpool and consider that the consultation process continues to be a good setting to promote a wider debate on topics of both direct relevance to public health; the protection of minors; and the commercial communication of alcoholic beverages. As the Commission is currently developing its own EU alcohol strategy, we believe that this consultation is timely and would like to encourage DG Education and Culture and DG Sanco to continue the coordination they have had regarding both documents as they relate to the Council Recommendation 2001/458/EC adopted in 5 June 2001 by all the member states on the drinking of alcohol by children and young people.

The Recommendation describes alarming trends in regard to alcoholic beverages and young people. Some of the key recommendations are that:

Member States should ensure that alcoholic beverages are not designed or promoted to appeal to children or adolescents

The Commission should support Member States in their efforts to implement these recommendations

Concerned citizens and the governments who represent them are worried about the marketing of alcohol to children and adolescent binge drinking. In 1998 over 200 MEP's from all Member States and from across the political spectrum signed A Declaration on Alcopops expressing concern over the targeting of such drinks at the young. The need for action was also recognised by the European Union Ministers of Health in 2001 when they adopted Conclusions on a Community Strategy to reduce alcohol-related harm at the same time as the

Recommendation 2001/458/EC on the drinking of alcohol by Children and Young People. In the same year the WHO Ministerial Conference issued a Declaration on Alcohol and Young People signed by all EU Member States.

Recent concerns have been voiced regarding the revision of the TWF directive by the Culture Committee of the European Parliament in a report which specifies *the need to define clearly the content of, and rules on, advertising, in particular that relating to alcohol, which has a particularly harmful effect on children and vulnerable people*<sup>1</sup>.

Eurocare notes that, so far, the Commission has emphasised the need for more flexibility for broadcasters so that they could finance their activities and cope with future challenges related to the new technologies as well as the diversification of services and channels. It is crucial that the Commission achieves the right balance between commercial freedom and protection of general interests. As noted on page 3 of the issue paper on commercial communications, there are currently no provisions under Community law governing the advertising of alcohol beverages apart from Article 15 of the current TWF Directive. Eurocare requests that the Commission will now do all it can to ensure that some objective parameters are added to article 15<sup>2</sup>, and that further obligations will be applied to the commercial communication of alcoholic beverages, whether the electronic delivery of the audiovisual content is delivered in a “linear” or “non-linear” way.

## **I. RULES COMMON TO ALL AUDIOVISUAL COMMERCIAL COMMUNICATIONS**

### ***Issue 1: The concept of audiovisual commercial communications***

New concepts: Eurocare notes that the issue paper proposes a new definition of audiovisual commercial communications which would, apart from conventional advertising slogans, include promotional sponsorship slogans, tele-shopping, split screens, interactive advertising and product placement. We understand that these new definitions are necessary because they reflect the changes that have taken place within the advertising market. Indeed, due to the advertising market undergoing dramatic changes, audience fragmentation, channel competition and the classical means of income such as prime time or advertising breaks no longer sufficient from an advertising investment point of view, it is no surprise that media companies call for more creativity and flexibility with regards to regulation. However, Eurocare would like to point out that new concepts are also necessary for the protection of general interests. Article

---

<sup>1</sup> Rapport sur l'application des article 4 et 5 de la directive 89/552/CEE “Télévision sans frontières”, telle que modifiée par la directive 97/36/CE, pour la période 2001-2002 – Rapporteur Henri Weber

<sup>2</sup> Such as time limits (e.g. 21:00 hours), programme limits (e.g. youth and sports) and limit on concentration of alcohol advertising (e.g. no more than 1 commercial per advertiser per programme).

15 was first established as a way to help Member States regulate their rules for alcoholic drinks commercials. Since then, society has changed, the market has changed, and marketing practices have changed with it. Only the rules appear to have stayed the same. We consider that these rules are not particularly well suited to today's environment. For instance, sex is used to sell drinks much more than it used to be. A recent study of the impact of alcohol advertising on teenagers in Ireland found<sup>3</sup>:

- Alcohol advertisements were identified as their favourites by the majority of those surveyed
- Most of the teenagers believed that the majority of the alcohol advertisements were targeted at young people. This was because the advertisements depicted scenes – dancing, clubbing, lively music, wild activities - identified with young people
- The teenagers interpreted alcohol advertisements as suggesting, contrary to the code governing alcohol advertising, that alcohol is a gateway to social and sexual success and as having mood altering and therapeutic properties.

Another very significant change was the advent of alcopops. Indeed, the alcopops approach to marketing has been a significant change in the overall ecology of drinks promotion and caused serious concerns amongst the European population, Member States and regulators alike. The market has changed, patterns of drinking have changed and marketing tools have changed. It was natural to adapt the old rules to this new environment and it is widely recognised that rules that were written before the 90s are no longer “doing their job”. Furthermore, there is growing international evidence that the volume of alcohol advertisements do affect attitudes and expectancies, consumption levels and patterns, and consequent alcohol-related harm<sup>4</sup>. These facts were also recognised by Ofcom which recently reviewed its rules for broadcast advertising of alcoholic drinks. The Ofcom review stated that:

*“In the past, in the absence of consistent evidence about the influence of alcohol advertising, policy has been purely precautionary. Now, the evidence suggest that alcohol advertising can have some impact on young people’s attitude to alcohol, albeit smaller than other cultural and family influences”*

Over the past twenty years, some Member States have tried to address this problem by adopting tougher rules or by introducing watersheds. **Yet, article 15 has remained unchanged.** It is for this reason that we disagree

---

<sup>3</sup> The Impact of Alcohol Advertising on Teenagers in Ireland. C Dring & A Hope. Health Promotion Unit, Department of Health & Children. November 2001

<sup>4</sup> Cook, Hastings & Anderson, *Desk Research to Examine the Influence of Marketing and Advertising by the Alcohol Industry on Young People’s Alcohol Consumption* (March 2002)

with the Commission's statement that Article 15 can be "*generally considered to be satisfactory*". To be satisfactory this article would need to take specific account of the influence that alcohol advertising has had on children and young people's perception and consumption of alcohol since its introduction in 1989. Given the present drinking culture of binge drinking, the adoption of new marketing strategies, and the provisions on alcohol advertising varying so widely between member states, it is difficult to agree with the Commission's assumption that Article 15 works effectively.

**Precautionary principle:** Eurocare supports an evidence-based approach to alcohol policy, and the issue of alcohol advertising should be no exception. We are aware that the alcohol and advertising industries are attacking further restrictions on TV alcohol advertising on the grounds that there is insufficient scientific evidence to prove a direct causal connection between alcohol advertising and levels of alcohol consumption or alcohol-related harm. Our view, however, is that while there is at present no scientific proof that controls on the content of alcohol advertisements alone are likely to bring about direct reductions in either consumption or harm, there is evidence they impact on cultural attitudes and patterns of drinking. This is a prime example of a case where an absence of proof should not be interpreted as proof of an absence of any adverse effect.

Extension of the application of the qualitative rules to all audiovisual commercial communications: As pointed out in the study conducted by Carat, the advertising and the teleshopping of alcoholic beverages is currently permitted under conditions determined by the Member States.<sup>5</sup> Under the current proposal, we are sure that the extension of the application of the qualitative rules to all audiovisual commercial communications including alcoholic beverages would be detrimental to the protection of young people and children. We are aware that media companies have said that they do not necessarily want more advertising minutes but more freedom as to how and when to insert advertising spots as well as a greater use of sponsorship or advertising funded programmes. One of the concerns that Eurocare has is that we are not sure how such advertising would be completely transparent to viewers. Another concern is the concept of surreptitious advertising. The definition proposed in the issue paper stresses that the representation in words or pictures of goods services names the trade-mark or the activities of a producer of goods (...) would not be considered to be surreptitious if the public was informed of its existence by any means. We consider that the wording "by any means" is not sufficient and insist on a clear identification requirement for the commercial communication of alcoholic beverages in general.

---

<sup>5</sup> For instance, in Finland, the advertising of alcoholic beverages is prohibited if the beverage contains more than 22% of alcohol. In France and Poland (with an exception for beer) it is prohibited if it contains more than 1,2% and in Hungary and Lithuania, there are also some restrictions during certain hours

## ***Issue 2: Rules on Human Dignity and the Protection of Minors***

We support the idea that rules on human dignity (article 12) and protection of minors (Article 16) should be applied to all audiovisual commercial communications, both linear and non-linear. At the moment, sponsorship slogans are not covered by these rules and we suggest that specific implementing arrangements should be adapted to the characteristics of each category of audiovisual content services and specified within the TWF Directive.

## ***Issue 3: Rules relating to public health considerations (Tobacco, Alcohol, Medicines)***

The Commission's conclusion that there is a broad consensus regarding the application of the current rules on alcohol to all audiovisual services (whether or not linear) is misleading. Eurocare believes that this is a minimum and inadequate requirement for the following reasons:

Product Placement: We are aware that product placements are likely to greatly increase in the future as they offer broadcasters and media companies a better way to finance their TV programmes. It goes without saying that the product placement of alcoholic beverages should not be used in children's programmes. At present, the protection of children is provided under Art.16, Art.11.5 and Art.15. However, as the Commission knows, there is no uniform definition of "children" nor "children's programmes" nor of "products aimed at children"<sup>6</sup>. While the current regulatory system exists to govern the content of individual advertisements, we are concerned about the high degree of subjectivity involved in the application and implementation of these articles. In the absence of a uniform definition of "children", "children's programmes" and of "products aimed at children"<sup>7</sup> in the Directive, we suggest that this technique should not be used before 10pm and that this new rule should be added to article 15. Indeed, evidence provided by the Commission shows that where product placement of alcoholic beverages already exists, it is most prevalent in family programmes such as situation comedy for fiction (67,9%) or participation variety for TV programmes (40%)<sup>8</sup> which are generally watched by the entire family. Furthermore, in research conducted by the World Health Organization entitled Alcohol and the Media<sup>9</sup>, it was found that

---

<sup>6</sup> Etude Carat – The impact of control measures on television advertising. Questions produced by the confrontation of the legal and economic data. Slides 142/46.

<sup>7</sup> Etude Carat – The impact of control measures on television advertising. Questions produced by the confrontation of the legal and economic data. Slides 142/46.

<sup>8</sup> Etude Carat – The impact of control measures on television advertising. Questions produced by the confrontation of the legal and economic data. Slide 130

<sup>9</sup> Research conducted by By Marjatta Montonen, Department of Communication, University of Helsinki, Finland

the portrayal of alcohol on British television<sup>10</sup> contained a fair amount of references to alcohol and that most British programmes contained references to genuine brands<sup>11</sup> mostly of beer and spirits<sup>12</sup>. In any case, as the dual requirement of identification and separation implicitly has the effect of not authorising, within the current legal framework, recourse to product placement in programmes produced by broadcasters covered by the TWF Directive, we urge that these rules should be maintained with regards to alcoholic beverages.

Sponsorship: Article 15 prohibits the specific targeting of minors, but the ubiquity of sports sponsorship ensures that it can hardly be missed by them. As pointed out by Linda Hill and Sally Casswell in a research conducted by the Alcohol & Public Health Research Unit<sup>13</sup> *Alcohol sports sponsorship moves beyond passive absorption of images to embed the product in the lived experience of potential consumers. It accesses audiences when they are most receptive – having a good time at an exciting branded event. Global technology has transformed sports signifying manhood and nation pride into revenue-generating vehicles that deliver mass home audiences and supporters regard logos and signage differently from regular advertisements. Alcohol “impression” are also made on fans well below the drinking age, which helps form preferences for later life (Kilter et al. 1994).*

Perhaps it is worth mentioning here the World Health Organization's European Charter on Alcohol<sup>14</sup> which suggests that each Member State "Implement strict controls, recognizing existing limitations or bans in some countries, on direct and indirect advertising of alcoholic beverages and ensure that no form of advertising is specifically addressed to young people, for instance, through the linking of alcohol to sports." Eurocare strongly suggests that a paragraph should be added to article 17 specifying ***“Television programmes may not be sponsored by undertakings whose principal activity is the manufacture or sale of alcoholic beverages”***.

---

<sup>10</sup> (covering the period 1984–1988)

<sup>11</sup> HANSEN, A. *The portrayal of alcohol and drinking on prime time television*. Leicester, Centre for Mass Communication Research, University of Leicester, 1984.

<sup>12</sup> PENDLETON, L. ET AL. Drinking on television: a content analysis of recent alcohol portrayal. *British journal of addiction*, **86**(6): 769–774 (1991).

<sup>13</sup> Alcohol advertising and sponsorship: Commercial freedom or control in the public interest? Linda Hill and Sally Casswell. For a full exposition of these arguments and reviewed literature, see ‘Alcohol advertising and sponsorship’ in N. Heather, T.J. Peters, T. Stockwell (eds) *Handbook of Alcohol Dependence and Alcohol-Related Problems*, John Wiley & Sons. Publication date: December 2000.

<sup>14</sup> The WHO Charter has been signed by all the Member States of the EU.

***Issue 4: Identification of commercial communications in general, including sponsored spots.***

As mentioned above under the section covering product placement, we strongly recommend that **the current rules of identification and separation should be maintained with regards to alcoholic beverages.**

The issue paper specifies that product placement should comply with the principles set out in Articles 12 to 16 of the present Directive and that such an advertising technique may not be implemented in religious programmes, news programmes or children's programmes. As stated above, in the absence of a uniform definition of "children" or "children's programmes" or of "products aimed at children, we consider that allowing the product placement of alcoholic beverages before 10pm runs counter to the Council Recommendation on the Drinking of Young People and Children and of paragraph c) of Article 16 which specifies that *Television advertising shall not exploit the special trust minors place in parents, teachers or other persons.*

- **A new rule should be added to article 15 specifying that product placement should not be used before 10pm**

***Issue 5: Identification of sponsored content in particular***

As explained under the section covering sponsorship, we strongly recommend that a paragraph should be added to **article 17** specifying

- **"Television programmes may not be sponsored by undertakings whose principal activity is the manufacture or sale of alcoholic beverages and other alcohol products"**

***Issue 6: Application of the Rules***

The Information Report of the section for the Single Market, Production and Consumption on the Current state of co-regulation and self-regulation in the Single Market (Rapporteur: Mr Vever)<sup>15</sup> states clearly that *in areas that very directly affect health and safety, and more broadly in the case of services of general interest, co-regulation and self-regulation – even if backed up by sanctions – can prove inadequate in the absence of legislative provisions.*

---

<sup>15</sup> On 17 July 2004, the European Economic and Social Committee, acting under Rule 31 of its Rules of Procedure, decided to instruct the Section for the Single Market, Production and Consumption to draw up an information report on the Current state of co-regulation and self-regulation in the Single Market. The preparatory work was carried out by the following members and the rapporteur's expert: President: Ms Eva BELABED – II, Rapporteur: Mr Bruno VEVEER - I

Whilst possibly offering advantages to sectors other than in public health, co-regulation and self-regulation raise **a number of concerns**. These concerns were raised during the presentation of preliminary results (interim report) of the study on Co-Regulation Measures in the Media Sector organised by the Commission on Thursday 28 April 2005, namely safeguarding the public interest; enforcement; diminution of the role of law; and representativeness. We will not therefore discuss them again here. However, the question of legitimacy seems to be particularly important in the context of this revision. Indeed, we are concerned by the fact that co-regulation can endow private interests with real law-making powers. It is our understanding that a simplification of the rules through a system of co-regulation, even backed up by the public authorities by dissuasive systems of penalties would still weaken- the role of the European Parliament, the only EU directly elected body with a democratic mandate. It would also not allow the Council to make any changes to the negotiated text. This raises a question as to the legitimacy and democratic accountability of a situation in which EU law, such as a Directive, would be drafted in the future.

The issue paper also suggests that a control mechanism comparable to that put in place by the Commission to verify the Member States' application of the qualitative rules could guarantee compliance with the qualitative provisions of the Directive. We are doubtful regarding the effectiveness of the Commission's control mechanism with regards to the application of article 15. In 2003, the Commission received a complaint regarding the application of article 15 in the Netherlands. This case is of interest. In the Netherlands, the TWF Directive is implemented through a self - regulatory control mechanism, which is not legally binding. It is our view that the complaint should have been investigated thoroughly as it raises some question about the legitimacy of the implementation of a Directive in a Member States through a self-regulatory system. We would appreciate a clear legal response on this question from the Commission at the Liverpool conference. The complaint was about a TV advertisement that had been broadcast many times on Dutch TV-stations at the end of 2002 and the beginning of 2003. A formal complaint had been filed to the Dutch commission for the advertising code ('Reclame Code Commissie') to no avail. The complainant was questioning the compliance of the Netherlands self regulatory authority with article 15. However, the only response the complainant received from the Commission was a letter specifying that the complaint had to be referred back to the Dutch self-regulatory authority. No investigation was carried out at European level to evaluate the validity of the complaint.

Another concern we have is the fact that the **monitoring** of Article 15 at European level has never been carried out despite several requests. We note that, in some reports<sup>16</sup>, it is stated that the TWF Directive should demonstrate the validity of a common European approach to audio-visual issues and the Member States' commitment to achieve this goal. Paradoxically, the Commission also states that there is a *remarkable number of differences at Member State level regarding the specific provisions covering alcohol advertising*<sup>17</sup>, while still concluding that the Directive, as implemented in the Member States, works effectively. We do not draw the same conclusions: the different cultures and traditions of the member States are given as the reason for the lack of harmonisation and monitoring of this article. However, it is widely recognised that youth drinking styles are converging in the European Union countries<sup>18</sup>. Indeed, one of the most important concerns mentioned in the Council Recommendation 2001/458/EC is that "binge drinking patterns" are becoming a general trend among young people in Europe. It is timely to review member states restrictions on marketing alcohol beverages to underage consumers and to see if they have been implemented correctly across all the Member States. The Commission should note that the Culture Committee of the European Parliament issued a report (21 June 2005 Rapporteur Henri Weber) calling for *the need to define clearly the content of, and rules on, advertising, in particular that relating to alcohol, which has a particularly harmful effect on children and vulnerable people; recalling that protection of minors must continue to be a priority objective of audiovisual policy and a fundamental principle which ought to be extended to all audiovisual services made available to the public*<sup>19</sup>.

We urge the Commission to carry out the following recommendations:

- In accordance with article 23a of the Directive, the contact Committee should investigate how the monitoring and the effective implementation of Article 15 has been done in the Member States in order to facilitate an exchange of information on the situation and the development of this article. Images of alcohol advertising across the different member states should be examined as well as the codes of conduct that sustain them.

---

<sup>16</sup> Requirement of Article 26 – reports have to be submitted to the European Parliament, the Council of the European Union and the Economic and Social Committee

<sup>17</sup> Study on the impact of advertising and teleshopping on minors (99/S 139-102855) – **Page 13** in the Fourth Communication from the Commission (COM (2002) 778 final) relating to the application of the "Television without Frontiers" 89/552/EEC directive for the period 2001-2002 has been adopted on 06.01.2003.

<sup>18</sup> This fact is also confirmed by the ESPAD (The European Scholl Project on Alcohol and Drugs) – See Appendix I - <http://www.espad.org/history.html>

<sup>19</sup> Rapport Final A6-9999/2005 – page 8, Article 28.

- The European Commission should set up an **independent advisory expert group** which would look at reducing and resolving the differences of the specific provisions covering alcohol advertising in all the Member States.
- The advisory expert group should be made up of at least **50% of professionals working in public health** as well as **professionals working in television advertising** in order to be recognized as a valid entity by all people involved.

## II. QUANTITATIVE RULES ON TELEVISION ADVERTISING

### *Issue 1: Hourly and Daily Advertising Limits*

The issue paper specifies that the experts consulted during the revision of the TWFD said that quantitative limits made little sense for “on-demand” services. It is obvious that quantitative limits cannot be used on the internet. But this should not be a justification for abolishing the hourly and daily advertising limits as laid down by the current Directive. We are aware that it is in the interest of media companies to abolish the daily limit on advertising and teleshopping in order for them to maintain a steady advertising revenue. But, as also mentioned in the issue paper, all consumers’, television viewers and print media representatives said that there was no need to question the hourly restrictions (also for teleshopping) as they were still proportionate. Perhaps it is worth recalling here the overwhelming response of viewers as outlined in the Carat report (slide 146) on the impact of control measures on television advertising (Comparative international study - Workshop of January 19, 2005). Viewers across Europe were asked to assess whether there was too much advertising, if there was exactly the right amount of advertising, or if they thought that there could be even more advertising without it becoming a nuisance. The top negative response came from Spain with 92% of viewers saying that there was too much advertising; the least negative response came from the UK with 54%. The total CEE negative response (from the 25 Member States) was 71%. With such results, it is hardly conceivable that the Commission would consider increasing the hourly and daily amount of advertising limits, irrespective of the techniques used and the need to maintain the advertising revenue needed by broadcasters. One of the fundamental aims of the Directive is to maintain programme integrity and quality which would be greatly challenged if more advertising was made possible as emphasized throughout the EP report of Rapporteur Weber (already mentioned in footnote 15) voted on the 21 June 2006.

## ***Issue 2: Hourly and Daily limits applied to teleshopping***

We consider that in view of the technological development and the new interactive services offered to viewers, the special rules regarding the hourly and daily limits applied to teleshopping do not make sense. On the other hand, the teleshopping of alcoholic beverages presents serious problem. In all western countries, the sale of alcohol is restricted through licensing and other laws. Alcohol is a regulated product. In developed countries, alcohol is responsible for 9.2 per cent of the disease burden. Whilst it is less than the disease burden caused by tobacco (12.2%), it is more than that caused by overweight (7.4%) and illicit drugs (1.8%). Beside the direct effects of intoxication and addiction, worldwide alcohol is estimated to cause 20-30% of cancer of the esophagus, liver cancer, cirrhosis of the liver, epilepsy, homicide and motor vehicle accidents. At present, the teleshopping for alcoholic beverages are permitted if they comply with the criteria on presentation and impact in Article 15 of the TWF Directive. In view of the new technological development and for public health policy considerations and the protection of minors, we strongly recommend that as provided under Article 13 of the TWF Directive for tobacco products, **the teleshopping for alcoholic beverages should be prohibited.**

## ***Issue 3: Insertion of Advertising***

Eurocare recommends that the current rules on insertion should be maintained with regards to the commercial communication of alcoholic beverages.

## **Summary and Conclusion**

Eurocare *proposes* that the European Commission takes into account the following recommendations in their final version of the revision of the TWF Directive:

### **I. RULES COMMON TO ALL AUDIOVISUAL COMMERCIAL COMMUNICATIONS**

#### ***Issue 1: The concept of audiovisual commercial communications***

- Just as new concepts have been defined for commercial communication, new concepts are needed for general services and public health protection
- With regards to surreptitious advertising, Eurocare feels that the wording “by any means” is not clear and insists on a clear identification requirement for the commercial communication of alcoholic beverages in general.

## ***Issue 2: Rules on Human Dignity and the Protection of Minors***

- Eurocare supports the idea that rules on human dignity (article 12) and protection of minors (Article 16) should be applied to all audiovisual commercial communications, both linear and non-linear.
- At the moment, sponsorship slogans are not covered by these rules and Eurocare suggests that specific implementing arrangements should be adapted to the characteristics of each category of audiovisual content services and specified within the TWF Directive.

## ***Issue 3: Rules relating to public health considerations (Tobacco, Alcohol, Medicines)***

- The application of the current rules on alcohol to all audiovisual services (whether or not linear) is a minimum and inadequate requirement and suggest the Article 15 should be revised and add objectives parameters such as time limits (e.g. 21:00 hours), programme limits (e.g. youth and sports) and limit on concentration of alcohol advertising (e.g. no more than 1 commercial per advertiser per programme).
- Product Placement: This technique should not be used before 10pm and that this new rule should be added to article 15.

## ***Issue 4: Identification of commercial communications in general, including sponsored spots***

- The current rules of identification and separation should be maintained with regards to alcoholic beverages.

## ***Issue 5: Identification of sponsored content in particular***

Eurocare recommends that “Television programmes may not be sponsored by undertakings whose principal activity is the manufacture or sale of alcoholic beverages and other alcohol products”

## ***Issue 6: Application of the Rules***

Eurocare urges the Commission to carry out the following recommendations:

- In accordance with article 23a of the Directive, the contact Committee should investigate how the monitoring and the effective implementation of Article 15 has been done in the Member States in order to facilitate an exchange of information on the situation and the development of this article. Images of alcohol advertising across the different member states should be examined as well as the codes of conduct that sustain them.

- The European Commission should set up an **independent advisory expert group** which would look at reducing and resolving the differences of the specific provisions covering alcohol advertising in all the Member States.
- The advisory expert group should be made up of at least **50% of professionals working in public health** as well as **professionals working in television advertising** in order to be recognized as a valid entity by all people involved.

## II QUANTITATIVE RULES ON TELEVISION ADVERTISING

### *Issue 1: Hourly and Daily Advertising limits*

- Eurocare recommends that the hourly and daily limits of advertising should be maintained for linear services.

### *Issue 2: Hourly and Daily limits applied to teleshopping*

- The teleshopping for alcoholic beverages should be prohibited.
- 

### *Issue 3: Insertion of Advertising*

- Eurocare recommends that the current rules on insertion should be maintained with regards to the commercial communication of alcoholic beverages.