

LOI EVIN – France

(Code of Public Health)

a french exception! a European exemple?

■ HISTORY OF THE LAW ■

- The former French law (*in the seventies*) was discriminating: it gave advantage to French products.
- France was condemned in 1979 by the European Court of Justice
- But governments took time to change the law
- From 1980 to 1990 alcohol producers used this legal gap and the advertisements became more and more provocative associating alcohol, sex and sport... The professionals and producers ignored their own codes of practices...



And the only way to stop this was to legislate. ANPAA (*Association Nationale de Prévention en Alcoologie et Addictologie*) and Health experts supported the project of the Loi EVIN till its vote by the parliament.

■ THE LAW ■

ADVERTISEMENT

Article 3323-2

Propaganda or advertising, directly or indirectly, for alcoholic beverages whose manufacture and sale is not prohibited is **allowed only**:

- 1- In the printed media except for youth publications, as defined in the first paragraph of Article I of Law No. 49-956 of July 16, 1949 on youth publications ;
- 2 - As radio commercials for radio categories and time slots determined by Order in the State Council;
- 3 - In the form of posters and banners; posters and other items inside specialized outlets , under conditions defined by decree in the State Council;
- 4 - In the form sent by the producers, manufacturers, importers, traders, dealers, or wholesalers, messages, business flyers, catalogues and brochures, provided that these documents contain only the details listed in Article L. 3323-4 and the conditions of sale of products they offer;
- 5 - On vehicles used for normal operations to deliver drinks, provided this item only contains the product description and the name and address of manufacturer, agents or trustees, excluding any other indication;
- 6 - In favour of traditional fairs and festivals devoted to local and alcoholic beverages, under conditions defined by decree;
- 7 - In support of museums, universities, fraternities or oenological introductory courses that are traditional as well as for presentations and tastings, under conditions defined by decree;

■ THE LAW ■

- 8 - In the form of supply, whether free or not, of products strictly reserved for the consumption of beverages containing alcohol, marked with the names of the producers and manufacturers of these drinks, the opportunity when they sell their products directly to consumers and distributors as they visit touristic places of manufacture;
- 9 - On online communication services except those which by their nature, their appearance or object, appear as intended primarily for the young, as well as those published by associations, companies and sports federations or professional leagues as defined by the Sports Code, provided that this propaganda or advertising is neither intrusive nor interstitial.

Any **sponsorship** operation is prohibited if the purpose or effect is propaganda or advertising, directly or indirectly, for alcoholic beverages.

Article L 3323-4

The authorized advertising for alcoholic beverages is limited to the indication of the degree of alcohol by volume, origin and name of the product, name and address of manufacturer, agents and custodians and the method of production, terms of sale and consumption mode of the product.

These can include **references** to the production area, the distinctions obtained, designations of origin as defined in Article L. 115-1 of the Consumer Code or geographical indications as defined in international conventions and duly ratified treaties. It may include some objective reference to colour and smell and taste characteristics of the product.

The **packaging** may be reproduced only if it complies with these conditions.

Any advertising of alcoholic beverages, except for commercial circulars to persons acting in a professional or subject of registered mail as well as posters, price lists, menus or items within the premises selling specialized nature, must be accompanied by a sanitary message stating that alcohol abuse is dangerous for health.

Article 3323-6

The initiators of a sponsoring may make their contribution public only through written items in documents released in connection with the operations of enrichment or restoration of natural or cultural inheritance.

European Court of Justice July 2004 Case Bacardi/TV1- EC/France


French ban constitutes a restriction on the freedom to provide services, **but is justified by the aim of protecting public**

the Court states that the "French television advertising rules seek to protect public health and that they are appropriate to ensure that that objective is achieved"

So that the **Television Without Frontiers (TWF) Directive** is not applicable.

Before the law


Get 27 c'est l'enfer.



UNE BIÈRE EN SIX DES GLASSES D'UN APÉRITIF LI CONSOMMEZ UNE BOISSON.

After the law

Get 27, la fraîcheur allongée.



L'abus d'alcool est dangereux pour la santé, consommez avec modération.

YOUTH

Article L3323-5

It is prohibited to submit, send or distribute to minors leaflets, blotters, notebooks or any objects naming an alcoholic beverage, or praising or bearing the trademark of the manufacturer of such beverages

Article L3342-1

The sale of alcoholic beverages to minors under **eighteen** is prohibited. The supply of such free drinks to minors is also banned in public houses or shops and all public places. The person delivering the drink may require the customer to establish proof of age.

Article L3342-3

It is forbidden to receive in the pubs minors under **sixteen** who are not accompanied by their parent, guardian or another person over eighteen years in charge or control.

However, minors over **thirteen** years, even unaccompanied, can be received in public houses with a license 1st category.

Article L3353-4

Making a minor drink to intoxication is an offence under the provisions of Article L. 3353-3. Persons convicted of offences under the first paragraph also incur the following additional penalties: withdrawal of **parental authority** - obligation to attend a parental responsibility session, as set out in article 131-35-1 of the Penal Code.



DISTRIBUTION « ... »

Article L3322-2

The label of an alcoholic beverage has to contain a sanitary message recommending no alcohol consumption by the **pregnant women**.

Article L3322-8

It is forbidden to deliver alcoholic drinks by means of **slot machines**.

Article L3322-9

It is forbidden to offer alcoholic drinks *free of charge* at will either to sell them for a lump sum (**open bars**) except within the framework of feasts and traditional fairs or during tastings events organized for sale.

Alcohol cannot be selling in **petrol stations** between 6 pm and 8 am. It is forbidden to them to sell cooled alcoholic drinks.

Article L3323-1

Any public house has to put on an appropriate display at least **ten non alcoholic drinks** in its establishment. If the retailer proposes alcoholic drinks at reduced prices during a restricted period (**happy hours**), he also has to propose non alcoholic drinks at a reduced price.

Article L3331-4

Every person selling alcoholic drinks to be consumed on the spot between 10 pm and 8 am in shops others than public houses have to follow the **training** foreseen in the article L3332-1-1.

The remote sale is considered as a takeaway.

Article L3332-1-1

The new responsible of an public house must follow a specific training to obtain a license of sale. This training concerns namely the **prevention** and the struggle against alcoholism.

Article L3335-1

The local representative of the State in the "Département" [geographic area] may issue orders to determine without prejudice to acquired rights, the **distances** at which the licensed premises for consumption on site may be established in the vicinity of the buildings and establishments whose list follows : any religious building; cemeteries; health facilities, nursing homes and all public and private prevention, treatment and care

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« ... » **DISTRIBUTION**

establishments, hospital and local clinics; public educational institutions and private schools and all training or leisure institutions ; stadiums, swimming pools, sports grounds, public or private; prisons; barracks, camps, arsenals, and all buildings occupied by the staff of the army (land, sea and air); buildings for public transport companies.

These distances are calculated using the straight line connecting the ground access nearest to the protected establishment and the drinks outlet. In this calculation, the slope above and below ground, in case the outlet is installed in a building above ground floor or in a basement infrastructure, must be taken into account.

The inside of the protected buildings and establishments is within the protection zones thus determined.

Orders of the local representative of the state in the "Department" under this section are compulsory for the buildings mentioned in 3° and 5°.

The existence of licensed premises for on site consumption regularly installed can not be challenged on grounds related to this article.

In municipalities where there is not more than one outlet, the state representative in the "Department" may, subject to the provisions of this section, authorize, after consultation with the Mayor, the installation of an outlet for on site consumption in areas, where the requirements for tourist or local events warrant it.

Article L3335-4

The sale and the distribution of alcoholic beverages are forbidden in stadiums and spaces of physical and sports activities. However, the mayor of the municipality can consent a temporary derogation for opening drink rooms on the occasion of sports, agricultural or touristic events.

Law of July 21st, 2009 of the reform of the Hospital, Health and Territory :

Article 95

The mayor can forbid the sale of alcohol in the territory of his municipality between 8 pm and 8 am.

Code of Consumption:

Article R112-9-1

A beverage with more than 1,2 % of alcohol has to contain the indication of its alcoholic **volume**.

Advertising is forbidden - when targeted to young people - on TV and cinema

No sponsorship is authorised

When ads are authorized a health message must be included:

"alcohol abuse is dangerous for health"

A warning message or a pictogram is compulsory on packaging

"Consumption of alcoholic beverages during pregnancy even in small amounts can seriously damage the child's health"



A.N.P.A.A. : Association Nationale de Prévention en Alcoolologie et Addictologie (National Association of Prevention of Alcoholology and Addictology) is a non governmental and not for profit organization involved in prevention as well as in treatment. ANPAA employs 1400 people and welcomes 72 000 consultants in out-patient centers.

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