

Full title of law or regulation:

**2010 - Evin Law** (*Loi Evin, consolidated*)

This law, encoded under the Public Health Code (*Code de la santé publique*) was adopted in 1991 and has been regularly updated since. It bans alcohol advertising on television and in cinemas, and limits marcoms to a set of specific product –based communications, explained and amplified in the ARPP Alcohol Code. The latest decree allows “non-intrusive” online alcohol advertising, per the amendment from law No. 2009-879 (known as the Bachelot Law) Article 97, shown beneath the two links below:

[http://www.legifrance.gouv.fr/affichCode.do;jsessionid=CDCFC1193885BE8A6EF6D0ABDB3F952F.tpdjo02v\\_1?cidTexte=LEGITEXT000006072665&dateTexte=20140113](http://www.legifrance.gouv.fr/affichCode.do;jsessionid=CDCFC1193885BE8A6EF6D0ABDB3F952F.tpdjo02v_1?cidTexte=LEGITEXT000006072665&dateTexte=20140113)

An English translation of the relevant clauses is here:

<http://www.g-regs.com/downloads/FRLoiEvinB.pdf>

<http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000020879475&dateTexte=&categorieLien=id>

Title of relevant section

Article L3323-4

Issue

Case Law

Counsel commentary

**Court of Appeal of Versailles, 3<sup>rd</sup> of April, 2014**

On 3 April 2014, the Court of Appeal of Versailles rendered an interesting decision on the interpretation of article L3323-4 of the French PHC. The Court of Appeal of Versailles considered that the individuals presented on the campaign visuals were not likely to be perceived as consumers but as professionals who took part in the production or sale of Bordeaux wines. The campaign showed them holding a glass of wine, not drinking it, without any representation of a bottle, on a neutral background, so in the Court of Appeal's view, no reference to conviviality or to circumstances favourable to the consumption of alcohol could be inferred. The Court further ruled that the indisputable impression of satisfaction conveyed by the visuals was inherent to the nature of advertising and did not exceed the limits set out by the law. This law only regulates the advertisement of alcoholic beverages but did not prohibit it or prevent wine professionals from presenting their products in an appealing manner. Thus, the court considered that an advertising campaign which showed alcoholic beverages in a favourable light was not necessarily inconsistent with the law, as long as it did not encourage excessive consumption. (G-Regs note we believe the below is the ad they reference

<http://www.g-regs.com/downloads/FRBordeauxwineRange.jpg>

The advertisement is a vertical poster for 'LES 6 ELUS TALENTS BORDEAUX SUPERIEUR'. At the top, it features a close-up of a man's face on the left and a woman's face on the right, both looking towards a central wine glass held by a hand. The text 'LES 6 ELUS' is prominently displayed in a large, stylized font, with 'TALENTS BORDEAUX SUPERIEUR' below it. A circular seal on the right side of the top section reads 'TALENTS BORDEAUX SUPERIEUR 2014'. Below the faces, it says 'PAR UN JURY DE PROFESSIONNELS'. The bottom section of the poster shows a row of six wine bottles from different appellations: 'LES 6 ELUS', 'LAURIC', 'LE GRAND VIGNON', 'LE GRAND VIGNON RESERVE', 'LE GRAND VIGNON RESERVE', and 'LE GRAND VIGNON RESERVE'. To the left of the bottles, there is a small text block: '18<sup>EME</sup> EDITION MILLESIME 2012'. At the very bottom, there is a paragraph of text: 'L'appellation Bordeaux Supérieur est la signature d'un vigneron, où savoir faire, exigence et passion offrent un produit d'exception. Elle concerne environ 800 vigneronnes pour une production moyenne de plus de 65 millions de bouteilles. Ce qui la place au 2ème rang en volume des appellations rouges du Bordelais.' Below this, it says 'Plus d'infos sur les #Talents : www.planete-bordeaux.fr' and 'BORDEAUX BORDEAUX SUPERIEUR'. At the bottom right, there is a small logo for 'BORDEAUX SUPERIEUR' and a disclaimer: 'L'abus d'alcool est dangereux pour la santé - A consommer avec modération.'