

G-Regs™

France – Loi Evin; Code of Public Health



Full title: **Code of Public Health (Code de la santé publique).** Last modified 16-10-14. Loi Evin as codified and as amended by law No. 2009-879 (known as the Bachelot Law) Article 97, allowing some “non-intrusive” online communications. See article L3323-1 (9) below. Second link below is for the amend, first link is the Public Health Code, which restricts commercial communications for alcohol to, essentially, factual descriptions of the product and its provenance (article L3323-4):

http://www.legifrance.gouv.fr/affichCode.do;jsessionid=CDCFC1193885BE8A6EF6D0ABDB3F952F.tpdjo02v_1?cidTexte=LEGITEXT000006072665&dateTexte=20140113

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

Title of relevant section: **Book III. Title II. Chapter III.
Drinks advertising**

Article L3323-1 There must be a display of non-alcoholic beverages on sale in all public houses and outlets for alcoholic beverages.

This display must include at least ten bottles or containers and, as far as the establishment's specific provisions allow, present at least one sample of each of the following categories of beverage:

- a) Fruit juice, vegetable juice;
- b) Carbonated fruit juices;
- c) Sodas;
- d) Lemonade;
- e) Cordials;
- f) Ordinary water, artificially carbonated or not;
- g) Mineral water, carbonated or not.

This list must be prominently displayed in the establishments where consumers are served and be segregated from other beverages.

If the licensee offers alcoholic beverages at reduced prices for a limited period, the non-alcoholic beverages referred to above must also be available at a reduced price.

Article L3323-2 Publicity or advertising, whether direct or indirect, used for the promotion of alcoholic beverages that may be produced and sold legally is only allowed:

1. In the printed press, with the exclusion of publications intended for young people, as defined in the Article 1, Paragraph 1 of Law no. 49-956 dated 16 July

URL of source:

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1949 concerning publications intended for young people;

2. By means of radio broadcasts for those radio categories and time slots determined by decree of the Council of State;
3. In the form of posters and signs; in the form of small posters and objects of a specialised nature inside the sales premises;
4. In the form of messages, commercial flyers, catalogues and brochures sent by producers, manufacturers, importers, wholesalers, distributors or storage agents, provided that these documents only contain the references set out in Article L. 3323-4 and the conditions of sale of the products offered in the same;
5. By way of inscription on the vehicles normally used for delivering the beverages, provided that these inscriptions contain no more than the trade name of the products and the name and address of the manufacturer, agents or dealers, and no other information;
6. In the promotion of traditional festivals and fairs devoted to locally produced alcoholic beverages and within the confines of such festivals and fairs, subject to the conditions set out in the decree;
7. In the promotion of museums, universities, societies or introductory courses in traditional wine-making, as well as in the promotion of presentations and wine-tasting sessions, subject to the conditions set out in the decree;
8. In the form of provision by the producers and manufacturers of alcoholic beverages, either free of charge or subject to payment, of items whose purpose is strictly limited to the consumption of these drinks and which are inscribed with their product names, at the time of the sale of their products directly to consumers and distributors or on the occasion of tours of the manufacturing sites by members of the public;
9. On on-line communications services, with the exception of those which, by their nature, their appearance or their objective, seem to be mainly intended for young people, as well as those produced by sports associations, societies and federations or professional leagues within the meaning of the Sports Code, on condition that the publicity or advertising is not intrusive or interstitial (the latter a page/communication that is displayed before an expected content page).

Any form of sponsorship is forbidden when its aim or effect is to provide direct or indirect publicity or advertising to benefit the promotion of alcoholic beverages.

Article L3323-3

The term "indirect publicity or advertising" refers to any publicity or advertising to benefit the promotion of a body, service, activity, product or item other than an alcoholic beverage which, by way of its graphic design, appearance, use of a product or brand name, some kind of advertising symbol or any other distinctive sign, brings an alcoholic beverage to mind.

These provisions do not, however, apply to publicity or advertising to benefit the promotion of a product other than an alcoholic beverage that was placed on the market before 1 January 1990 by a company that is legally and financially separate from any company responsible for manufacturing, importing or marketing an alcoholic beverage.

Article L.3323-3-1

Introduced by Law 2016-41, Article. 13:

<https://www.legifrance.gouv.fr/affichTexteArticle.do;jsessionid=20C5EF86FF1F165625644>

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[37429349C4E.tpdila17v_1?cidTexte=JORFTEXT000031912641&idArticle=LEGIARTI000031916602&dateTexte=20160127](http://www.legifrance.gouv.fr/affichCode.do?cidTexte=JORFTEXT000031912641&idArticle=LEGIARTI000031916602&dateTexte=20160127)

Not considered to be advertising/ publicity within the meaning of this chapter are: the content, images, representations, descriptions, comments or references relating to a production area, a region name, a reference or geographical information, a land, a route linked to a production area, a 'savoir faire', an historic, cultural, gastronomic or landscape heritage associated with an alcoholic beverage having an identification of quality or origin, or protected under Article L. 665-6 of the Rural And Maritime Fishing Code.

Article L3323-4

Amended by [Law No. 91-32 of January 10, 1991 - art. 10 Official Journal January 12, 1991](#)

Advertising authorised for alcoholic beverages is restricted to a notification of the level of alcohol content, the origin, the name, the composition of the product, the name and address of the manufacturer, agents and dealers, as well as the product's method of preparation, the sales modalities and the manner of consuming the product.

Such advertising can include references to producing regions and awards received, appellations of origin as set out in Article L. 115-1 of the French Consumer Code or to geographical information as defined in properly ratified international conventions and treaties. It can also include objective references concerning the colour, aroma and taste of the product.

The packaging can only be reproduced if it is in compliance with the above provisions.

All advertising to benefit the promotion of alcoholic beverages, except for commercial flyers intended for professionals or sent by post to named individuals, as well as small posters, price lists, menus or items of a specialised nature inside the sales premises must be accompanied by a health warning specifying that alcohol abuse damages people's health.

Article L3323-5

Flyers, desk blotters, notebook covers or any other items whatsoever that name an alcoholic beverage or extol the virtues of or carry the logo or the name of the manufacturer of such a drink may not be given, distributed or sent to minors.

Article L3323-6

The initiator(s) of a sponsorship campaign may publicise their participation exclusively by means of written references included in the documents circulated at the time of such a campaign or on souvenirs or commemorative items on the occasion of actions to improve or restore items of natural or cultural heritage.

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