

Full title Recommendation on the marketing of alcoholic beverages, alcoholic light drinks and indirect alcohol advertising

Jointly adopted by the Swedish Advertisers, Swedish Breweries and the Spirit & Wine Supplier Association.

Last updated June 1, 2018.

<http://alkoholgranskningsmannen.se/wp-content/uploads/2018/06/Rekommendationerna-2018.pdf>

This document is an unofficial translation from the original linked above, and is intended only as directional help, not specific guidance on individual issues. In the event of uncertainty on any particular point, check with Swedish national advisors.

Chapter 1 - Introductory provisions on scope and purpose etc.

1.1 History and scope etc. The recommendation concerning the marketing of alcoholic beverages and alcoholic beverages (the Recommendation) was adopted in its first version on 17 February 2006. It was subsequently revised in June 2011. The 2018 version includes indirect marketing of alcohol advertising.

The recommendation covers the marketing of alcoholic beverages, alcoholic light drinks and indirect alcohol advertising aimed at Swedish consumers. However, it does not include marketing aimed at consumers outside Sweden or marketing targeted at the trade. The recommendation also does not include marketing that falls outside the Swedish jurisdiction (e.g. television advertising broadcast from another EU country or e-commerce from another EU country).

The rules contained in the Alcohol Marketing Act are essentially written for advertising and do not address packaging style. Marketing in the form of labeling / pack presentation / design of packaging is therefore not covered by the Recommendation.

This recommendation is the industry's interpretation of the regulations, but in some cases the supervisory authority, the Consumer Agency or the Swedish Market Court may make a different assessment.

The recommendation is good business practice in Sweden.

1.2 Purpose and compliance etc. This recommendation shall provide guidance for the marketing of alcoholic beverages based on the requirements placed on marketing them. The recommendation should further promote a uniform application of these rules. The recommendation has a similar purpose for light alcoholic drinks and for indirect alcohol advertising, in particular so that such marketing cannot be considered to be the marketing of alcoholic beverages.

The recommendation also aims to ensure that the marketing of alcoholic beverages and light alcoholic drinks as well as indirect alcohol advertising targeted at Swedish consumers follows good business practice. In order to comply with the Recommendation, the Swedish Breweries and the Liquor and Wine Supplier Association have established the self-regulatory Alcohol Review programme Alkoholgranskningsmannen (AGM).

AGM review marketing on the basis of the Recommendation and its opinions define and clarify the meaning of good business practice in the marketing of alcoholic or light alcoholic drinks. AGM examines marketing irrespective of the advertiser in accordance with the signatories' rights under the Marketing Act.

1.3 Definitions The definitions in the recommendation relate to definitions and regulations that are found in the 2010 Alcohol Act and the 2008 Marketing Act respectively.

Marketing means any action taken by a trader to increase its sales. It means, for example, that all communications, regardless of the medium, which has a commercial purpose and which is subject to purely commercial circumstances, constitutes marketing. Purpose and circumstances generally refer to statements regarding the manufacturers' business

activities or products supplied in that respect.

The advertiser must be a trader or someone who acts on their behalf e.g. a newspaper, a so-called influencer or an advertising agency.

An employee who chooses to write about the company or its products in e.g. social media is then usually regarded as a representative of the company, which means that whatever is written must follow the marketing rules.

The use of corporately owned material is also considered to be marketing, for example when the distributor quotes or links to the information from the advertiser or using such material in media that the advertiser controls. This means that the information quoted or linked forms part of their own marketing and must therefore follow the marketing rules.

Indirect advertising means the marketing of a product other than an alcoholic beverage under a trade mark which is used wholly or partly for an alcoholic beverage or which is registered or incorporated for such beverage and which can also be construed as marketing of the alcoholic beverage.

Alcoholic beverage means a drink with an alcohol content that exceeds 2.25% ABV.

Alcoholic light drinks are those containing more than 0.5% ABV up to and including 2.25% ABV.

Up to 0.5% by volume of alcohol is called a light drink. Such beverages may also be termed non-alcoholic/ alcohol free.

The promotion of individually identifiable products is required in order to be part of the marketing of alcoholic beverages in accordance with the Recommendation.

Comment: a company can, without it qualifying as the marketing of alcoholic beverages, communicate in general terms about e.g. red wines from a specific area / country as long as individual alcoholic beverages are not mentioned or are otherwise identifiable.

The information to which a restaurant has full rights, or information of the type "Large glass of wine" together with the relevant price information, has not been considered by the authorities to constitute marketing of alcoholic beverages.

Chapter 2 - Where the marketing of alcoholic beverages may occur

The premise is that marketing of alcoholic beverages in all media is permitted unless there is an explicit prohibition on the media in question. That means it is permitted to promote alcoholic beverages e.g. on the Internet, in social media, in press / magazines or via certain forms of direct advertising.

However, the fact that it is allowed does not define how it should look: how the marketing should be designed is set out in Chapter 3.

Below are the media that prohibit, or restrict, the ability to market alcoholic beverages. The prohibition / restriction thus applies to the medium itself.

2.1 Marketing specifically aimed at people under 25 years of age

Marketing of alcoholic beverages, regardless of medium, can only take place where at least 70% of the recipients of the information are 25 years of age or older (the so-called 70-30 rule).

Comment: The rule is not intended to be applied such that 70% of visitors to a point of sale (e.g. pub or festival) must be over 25 years of age. It is the advertiser who is responsible for ensuring that the marketing complies with the 70-30 rule. When using e.g. different advertising networks and the like, it is the advertiser's responsibility that the marketing does not appear on websites that do not comply with the 70-30 rule.

Nor should marketing be designed to attract children or young people in particular. The assessment of whether the marketing is designed to attract children or young people should be based on an overall assessment. This means that the actual products being marketed, the manufacturer's design in its entirety and, not least, the context in which the

	marketing occurs shall be taken into consideration. Symbols or scenarios that can be particularly associated with or attract children or young people under the age of 25 may not be used.
2.2 Radio and television advertising	According to the Alcohol Act, it is prohibited to use commercial advertising in audio radio programmes, television programmes, or on-demand TV. This also applies to satellite television broadcasts covered by the Radio and Television Act.
2.3 Advertising in periodicals (newspaper ads) and newspaper publishing	<p>According to the Alcohol Act, it is prohibited to use commercial advertisements in periodicals (newspaper ads) for alcoholic beverages that exceed 15% ABV. If the newspaper in question is provided only at the point of sale for such drinks, it is then permitted to advertise alcoholic drinks that exceed 15% ABV.</p> <p>Permitted advertising must not exceed 2100 column millimeters - i.e. tabloid format. According to the Alcohol Act, it must also not contravene good practice through the context in which it appears, using techniques that are inappropriate for the consumer, or include false or misleading information about alcohol, alcohol consumption, effects of alcohol or other characteristics.</p> <p>The advertisement must clearly state the alcoholic strength of the beverage but must not present high alcohol strength as a positive characteristic.</p> <p>Newspaper advertising should include so-called warning messages (information text); see section 3.5.</p> <p>If a printed newspaper is also provided as a web edition, the rules in this section also include the web edition.</p>
2.4 Outdoor advertising, advertising at sales and manufacturing sites, etc.	<p>There is no general prohibition on outdoor advertising, but the key issue is whether the advertising is considered to be a dominant element of the environment or not. Factors that are important for the assessment are e.g. size, design, colours, location, lighting, scale or whether the marketing took place in a place where the average consumer might reasonably expect alcohol advertising.</p> <p>This means that traditional outdoor advertising, such as large sites, is normally prohibited, as it generally constitutes a dominant element of the environment and is then considered to be intrusive. Advertising for alcoholic beverages made at, or in connection with, manufacturing or sales locations for alcoholic beverages or visitor centres for such activities are normally permitted (unless such placement is a dominant element of the environment).</p> <p>The advertising must be placed in or in the immediate vicinity to the venue (e.g. a sign on the façade, or located a few metres from the entrance). Marketing that confronts passers-by should be somewhat more restrained.</p> <p><i>Comment:</i> Visitor centre, alcoholic beverage manufacturing or selling point is a place where the average consumer can expect to be exposed to alcohol advertising. Advertising is also permitted on vehicles used in e.g. the sale or distribution of alcoholic beverages or otherwise within the framework of such activities. Such marketing should comply with the requirement of special moderation and in the image only reproduce the brand or individual pack(s).</p>
2.5 Direct Advertising	Direct advertising means marketing that is directly offered to individual consumers through e.g. flyers, SMS, e-mails, letters, etc. Direct advertising includes messages in social media that are directly sent to individuals (direct messages) but not sponsored posts that are reproduced in the stream (feed).
2.5.1. Unaddressed direct mail	The only unaddressed direct mail that is accepted is conventional mailbox advertising/ mailing from the grocery store. When such advertising covers a number of different products, it may also include the marketing of such alcoholic beverages sold there.

2.5.2. Addressed Direct Mail

Addressed direct mail not expressly ordered by the recipient must meet the following requirements.

- Advertising may only be sent to persons who have reached the age of 25.
- The advertising must be distributed in such a way that it requires deliberate action by the recipient to access its content. It should therefore be distributed in sealed envelopes and opaque outer packaging.
- It should be clear from the outer packaging that the consignment contains alcohol advertising.

In the case of e-mail, the subject line of the email should be compared with the outer packaging of direct mail. For the direct advertising method that is deployed, relevant NIX (opt out) registers and other relevant advertising blocks must be respected. The same applies to the provisions of the Marketing Act on unpublished advertising. These include that direct mail, e-mail, SMS and MMS and other similar methods require the individual recipient's opt-in.

Direct advertising that is specifically ordered by the recipient may be sent provided that at the time of ordering, he / she declared to be of such age that he / she can buy the alcoholic drinks to which the advertisement refers.

2.6 Own Website

The first page of the website should clearly state that the site contains alcoholic beverages. Access to the site requires active age verification. The age limit should be 20 years.

Alcoholic beverages and brands should be kept separate from content that does not constitute marketing of alcoholic beverages. This also applies to the page on which the visitor lands directly after the landing page or the landing page from a banner or similar.

Comment: Pages that deal exclusively with the company and its operations, but which do not promote individual alcoholic beverages, are exempted from the restrictions in design since they are not about the marketing of alcoholic beverages.

On individual pages of the website, which do not contain alcoholic beverages but, for example, advertisements for water and soft drinks, where there are links that lead to other pages with alcoholic beverages, it should be made clear at that point that the link leads to such alcohol marketing.

2.7 Situations that should not be associated with alcohol consumption

The marketing of alcoholic beverages must not, in the context in which it occurs, be associated with situations where, according to generally accepted opinion, alcohol consumption should not occur. It means, for example, sports (exercise as well as spectator), work, pregnancy, or traffic (driving a vehicle that the average consumer might normally be considered to be driving).

Comment: The rule aims to prevent marketing in connection with the consumption of alcohol in the workplace, in connection with driving a car or during pregnancy.

Marketing should therefore not occur e.g. on a website with information for pregnant women, in newsletters from trade associations or in motor magazines. The fact that alcoholic beverages are not to be linked to sports follows, among other things, a ruling in the Market Court. However, the judgment does not prohibit the sale of alcoholic beverages in connection with / at sporting events.

2.8 Other

According to the Alcohol Act, promotion of alcoholic beverages that is intrusive, insistent or encouraging alcohol consumption is prohibited. According to the preparatory work for the Alcohol Act, encouragement to use alcohol should be seen in a more active sense.

This means that alcohol marketing such as "Pop-up ads" or ads that cover the entire front page of a journal are normally incompatible with the requirement of moderation. The listing is not exhaustive and new media or ways of distributing alcohol advertising may arise where it cannot be excluded that the procedure itself is considered e.g. intrusive.

Comment: It is therefore a question of the medium and not the advertising message per se.

Chapter 3 - How to design the marketing of alcoholic beverages

3.1 The requirement for special moderation.

The rules in the Alcohol Act (especially the requirement for special moderation) are a balance between the state's interest in protecting public health and the need for information for consumers.

The consumer must be able to obtain information so that he/ she can make an informed purchase decision and sellers / suppliers must then be able to provide such information.

The Alcohol Act's requirements for special moderation apply to all consumer marketing of alcoholic beverages. What is set out below about e.g. limitations in image or text thus applies to all such marketing of alcoholic beverages wherever they occur.

The requirement of moderation covers both the design and content of the communication as promotional measures.

When it comes to the term "Encourage the use of alcohol", in accordance with the law's foundation and practice, it should be seen in a more active sense. "Insistent" and "intrusive" usually have more to do with where the advertising is placed than how it is designed.

Comment: A total ('in the round') assessment of the message is always made; the scope of recipients, the medium / channel and content (text together with image, placement of headlines and visuals are of significant additional importance). So messages do not have to be direct or explicit, but they can include implicit or indirect claims. When evaluating advertising, it is generally assumed that the consumer only has brief contact with the content.

In the case of marketing that the consumer himself/ herself searched for / subscribed to (e.g. websites, newsletters, or product pieces), it should be considered that the consumer has actively chosen to take note of the information.

3.2 Communication in text

The marketing of alcoholic beverages should be focused on providing factual and informative elements and give a balanced and valid presentation of the marketed product. This means that communication in the form of e.g. details of the product price, origin, raw materials, use with food that conventionally suits, is compatible with the moderation requirement.

Comment: Alcoholic beverages may be placed in a context as long as it is a responsible one.

This means that alcoholic beverages can be part of a meal without it being a necessary accessory. Information such as recipes for suitable dishes should be considered permissible as well as e.g. drinks recipes.

- Direct consumer calls-to-action are not compatible with the moderation requirement.
- Negative communication such as a play on emotions and mood risk transgressing the requirement of moderation.

Comment: Meaning e.g. to give alcoholic drinks as a gift for a holiday or to "celebrate love" through alcohol consumption.

- Value statements, assessments and certificates must be used with caution and in accordance with the Marketing Act and with the ICC advertising rules. Information from Reviewers should be meaningful, balanced and up to date.

Comment: Information about how others rated a product, e.g. descriptions, reviews or grades, is for many people relevant and important knowledge in the choice of a product. However, it is important that these reviews are designed responsibly if they are to be used in marketing.

- Marketing must not, by its design, be associated with situations when according to generally accepted opinion, alcohol consumption should not occur e.g. sports (exercise as well as spectator), work, pregnancy or traffic (driving a vehicle that the average consumer might normally be considered to be driving).
-

	<p><i>Comment:</i> The rule aims to prevent marketing being linked to the consumption of alcohol in the workplace, in connection with driving a car, or during pregnancy.</p> <ul style="list-style-type: none"> • Marketing must not claim or give the impression that alcohol consumption increases physical or mental ability, promotes social or sexual success or resolves problems such as loneliness or sadness. • Alcohol consumption should not be made out to be of particular importance during holidays or seasons or that it otherwise enhances an experience. <p><i>Comment:</i> It may be communicated that alcoholic drinks are suitable for e.g. Christmas food but it must not be stated that alcohol consumption e.g. "puts gold on the Christmas table". Descriptions such as Christmas aquavit, October party beers, Easter beers etc. are permitted. It should not be conveyed that alcohol consumption is associated / has a natural connection with a certain season (e.g. Spring and consumption of rosé wine).</p>
<p>3.3 Communication in visuals</p>	<p>According to the Alcohol Act, images in commercial advertising for alcohol may only show an item or commodities included in the product, the individual packaging or the brand or similar feature. This applies to all types of commercial advertising for alcoholic beverages of any medium covered.</p>
<p>3.4 Designation of origin, etc.</p>	<p>According to the Alcohol Act, the use of incorrect or misleading designations of origin by which the beverage directly or indirectly is stated to be manufactured in a region of a foreign state is prohibited. This is the case even if the true origin is stated, or if the term is used only in translation or accompanied by terms such as species, variety, type, replication or similar expression. The provision was created because of Sweden's international obligations in trade and is primarily aimed at countering unfair competition.</p> <p>In accordance with good business practice, geographical indications of origin on alcoholic beverages must always be reserved for the original products and cannot be assigned to others. An alcoholic beverage should not be described as "genuine" as it risks diminishing confidence in designations of origin or labeling in general. Also, it is not compatible with good business practice to use another product's good commercial reputation without permission.</p> <p><i>Comment:</i> The starting point is that the marketed product should be able to stand on its own legs. It is therefore not allowed to write e.g. mini-Amarone or that in advertising for another product state that the manufacturer also does e.g. and Amarone. However, there is no obstacle to two different products appearing in the same advertisement and that they are described as e.g. Amarone and Ripasso respectively.</p>
<p>3.5 Information texts (warning messages)</p>	<p>According to the Alcohol Act, newspaper advertisements must contain a prescribed "information text". The requirement applies only to newspaper ads / advertisements in newspaper web editions and not to other advertising.</p> <p>When advertising is repeated, the various information texts should be used interchangeably and if possible to the same extent.</p> <p>The information texts to be used are in the Alcohol Ordinance. Over time, different texts must be included in advertisements. This applies both to repeated campaigns for a particular item, as well as ads from a particular advertiser. Information texts should also be found in journals that are distributed at points of sale for alcoholic beverages if it is a periodical or comparable to one.</p> <p>According to the Alcohol Regulation, the following information texts have been established:</p> <ul style="list-style-type: none"> • Alcohol can damage your health • Alcohol is addictive • Alcohol can cause nerve and brain damage • Alcohol can cause damage to the liver and pancreas • Alcohol can cause cerebral haemorrhaging and cancer • Every second driver who dies in single-car accidents is intoxicated • Half of all victims of drowning have alcohol in their blood

- Drinking alcohol and working at the same time increases the risk of accidents
- Alcohol consumption during pregnancy can damage your unborn child.
- Children who are given alcohol at home get drunk more often than other children
- Starting to drink at an early age increases the risk of alcohol problems

The information text should

- Be printed in bold font Helvetica
- Be printed with a font size that means that the text covers the largest possible proportion of the area reserved for it
- Be depicted in black on a white background
- Be centred in the area where the text is printed
- Be surrounded by a black border that does not encroach on the area reserved for the information text
- Cover at least twenty percent of the ad's area, and
- Be placed horizontally and in a way that makes it easy to read.

3.6 Other requirements

In addition to the Alcohol Act, there are requirements for e.g. competence and good practice in the Marketing Act and the ICC Advertising and Marketing Communications Code

Chapter 4 Promotional measures in the promotion of alcoholic beverages

Sales promotion measures are often aimed at increasing consumption, and they therefore run the risk of contravening the requirement of moderation. When assessing a particular measure, all circumstances must be taken into account, e.g. the target audience of the offer, the context in which it is presented, as well as the design and presentation of the offer.

4.1 Competition

Competitions are permitted provided that no purchase of alcoholic beverages is required in order to participate and that the prizes/ winnings cannot be in the form of alcoholic beverages.

4.2 Combination Offer

When purchasing alcoholic beverages, the additional product can be offered at no extra cost or at a special price if the value thereof is in reasonable proportion to the price of the alcoholic beverage. According to good business practice, the additional product (the value of the additional product / of a discount on the price for it) should amount to a maximum of 20% of the price for the main product, or in any case, a maximum of SEK 99.

Comment: In practice, sports-related additional products are considered to be prohibited.

Alcoholic beverages can be accepted as additional products only if the beverage represents part of a meal and alcohol-free alternatives are offered at the same time. In the case of such an offer, the price of the alcoholic beverages must comply with the requirements of the Alcohol Act regarding reasonable supplements etc.

4.3 Gifts

Gifts are allowed provided the value of the gift is low and it must not be alcoholic. The gift should have a natural connection with alcoholic beverages. Gift giving should be done at a visitor centre, at a place of manufacture or point of sale for alcoholic beverages, otherwise they risk contravention of the moderation requirement.

4.4 Discounts etc.

As a general rule, discounts, coupon offers etc. are not allowed. However, the usual price difference between different packaging sizes (for example smaller and larger bottles, bottles and bag-in-boxes, individual glasses and whole bottles) should be considered permissible.

However, customary discounts such as "Happy hour", "Beer of the month" and similar at the point of sale may occur. Such discount may not be designed according to "two for the price of one", "on sale" or similar. In such a discount of alcoholic beverages, discounts of dishes as well as non-alcoholic beverages should be made.

Quantity discount, brand offer discounts and the like can be accepted for the sale of alcoholic beverages containing a maximum of 3.5% by volume within the framework of

normal price activities in the grocery trade.

4.5 Sales, special prices and limited lots etc.

As a general rule, the use of sales, special prices, bar clearances and similar expressions is not compatible with the moderation requirement. This also applies to traditional special prices and similar, that is, offers that are available only for a limited time. Information that the product is only available in a limited number / quantity or for a limited period of time may also conflict with the requirement of moderation.

However, it should be considered permissible to announce a new lower price if the new price will be applied for a longer period.

Furthermore, it should be considered permissible to state that the product is available for a limited period of time or in a limited number / quantity for products supplied in certain parts of the Systembolaget's (government-owned chain of alcohol stores) range e.g. "Temporary collection" or "small batches" or equivalent. This is also the case at places where alcohol is served.

4.6 Gift Prohibition

According to the Alcohol Act, it is not allowed to give alcoholic beverages as a gift when marketing services or other goods. However, anyone who manufactures, sells or facilitates the sale of alcoholic beverages may, in their transfer, submit such beverages as a gift in the form of sample goods.

Product samples may only be given to licensees (restaurateurs, wholesalers, etc.) who are entitled to purchase the product directly from the person submitting the product sample and only for the purpose of the recipient to assess the product in question. Product samples may also be given to beverage writers in and for their journalistic activities.

Comment: A beverage writer refers to a person, publication, blog or similar who regularly writes and responsibly writes or otherwise communicates about food and drink. Beverage writer replaces in the Recommendation the description wine journalist as was used by the authorities when in the mid-1990s they approved that samples of products be given to "wine journalists". The word choice aims to follow the principle set by the authorities while reflecting the development of available information that has taken place since then.

Chapter 5 Alcoholic soft drinks and indirect alcohol advertising

The regulations on indirect alcohol advertising contained in the Alcohol Act concern a ban on confusion in the marketing of alcoholic light drinks and alcoholic beverages, as well as a ban on confusion in the marketing of alcoholic beverages below 15% by volume and one containing more than 15% by volume.

The prohibition on alcoholic beverages does not apply when the marketing of alcoholic beverages containing a maximum of 15% by volume of alcohol is permitted or in cases where this is unreasonable.

5.1 Marketing of alcoholic light drinks

According to the Alcohol Act, marketing in commercial advertising aimed at consumers and relating to alcoholic light drinks must not be confused with the marketing of alcoholic beverages. This means that the ad must be labeled so that it clearly indicates which product is being marketed. An indication of the alcoholic strength is not in itself sufficient to ensure that there is no likelihood of confusion.

Therefore, in all advertising, the alcoholic content of the beverage and, for example, the name light beer, class I, or light cider must appear at least once and in such a form that the whole message can easily be read / perceived. The trademark, in the case of a spoken message or a message in the form of a song, must be immediately followed by clarification that an alcoholic light drink is being referred to, by stating the name, for example the drink's alcohol content, the name low-alcohol beer, class I, low-alcohol cider or light drink.

Advertising must not include a disparaging assessment of alcohol-free drinks.

5.2 The Prohibition of

The Alcohol Act contains a ban on confusion in the marketing of alcoholic beverages below

Confusion between Alcoholic Beverages	15% ABV and alcoholic beverages containing more than 15% ABV. This means that the ad must be labeled so that it is clearly stated which product it is that is being marketed. If these are different types of products (e.g. vodka / rum and mixed drinks), the likelihood of confusion is reduced. If the products also have, in whole or in part, different names then there should normally be no likelihood of confusion - especially if there are alcohol content or other clarifications such as e.g. product description.
---------------------------------------	--

5.3 Indirect advertising for alcoholic beverages	In general It is permissible to promote products other than alcoholic beverages under a trademark which is used wholly or partly for an alcoholic beverage or which is registered or incorporated for such beverage. Other than that which is stated above, there is no additional ban on confusion.
--	--

Regarding indirect alcohol advertising for other beverages (light beverages), it should be stated in the marketing that it is a light beverage. It should also be allowed to market such products as non-alcoholic. In order for the marketing of another product not to be considered as 'alcohol advertising', the distributor should avoid simultaneously (in the same advertisement) communicating his or her alcoholic drink with another product, especially if these are marketed under the same branding or in another similar way to the alcoholic beverage. Particular caution should be exercised at the point of sale for alcoholic beverages.
