

Alcohol Advertising

A Global Legal Perspective



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Global Advertising



Lawyers Alliance

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What are the main legal controls on advertising and marketing of alcohol in your jurisdiction?

Main legal controls on advertising of alcohol in the Republic of Hungary are contained in Act no. XLVIII of 2008 on the Basic Requirements and Certain Restrictions of Business Advertising Activities.

What are the main regulatory controls on advertising and marketing of alcohol in your jurisdiction?

Main regulatory controls may be found in the Hungarian Code of Advertising Ethics, adopted by the Hungarian Advertising Association, which has also been adopted by the Association of Hungarian Breweries and the Union of the Hungarian Alcohol Industry. Both the Association of Hungarian Breweries and the Union of the Hungarian Alcohol Industry have their own code of ethics.

What are the main principles of alcohol advertising regulation in your jurisdiction?

Alcoholic beverages may not be advertised if the advertising:

- (a) is targeted at children or juveniles; when selecting the media it must be provided that at least 70% of the audience can reasonably be expected to be of 18 or older; alcoholic beverages may not be advertised/promoted in media or at events where at least 30% of the audience is predictably child or underage;
- (b) depicts children or juveniles; advertisement of alcoholic beverages may not present models or actors younger than 25.
- (c) encourages extreme alcohol consumption or shows self-control or the abstention from alcohol consumption in a negative way; an advertisement should not show people who appear to be drunk or in any way imply that drunkenness is acceptable;
- (d) connects alcohol consumption with a better physical performance or the driving of vehicles (including bicycles, power-boats, jet skis, snowmobiles and airplanes); an advertisement shall not suggest that consumption of alcohol before or during operating dangerous machinery or connected to any dangerous free time or work activity is acceptable;
- (e) gives the impression that alcohol consumption is beneficial to social or sexual success; it should especially not suggest that alcohol consumption is a condition of social acceptance or success, that it enhances sexual performance, attractiveness or leads to the creation of a sexual relationship, or that it helps to overcome inhibition or shyness;
- (f) states or gives the impression that alcohol has medicinal properties, or stimulating or sedative effects; advertisement should not claim that alcoholic products may help to preventing, treating or curing human disease; information on nutrition value, carbohydrate content or calorie content may, under certain circumstances, be acceptable provided that they are lawful, true and applied with due care;
- (g) states or gives the impression that alcohol may be an instrument to solve personal conflicts; or

(h) emphasizes as a positive quality of a product its high alcohol.

Advertisement of alcoholic beverages may not present alcohol consumption at the workplace, in connection with work. Exceptions from this rule are advertisements connected to product tasting, company visit, where it is presented connected to a professional work.

An advertisement shall not use any – real or imaginary – objects, pictures, styles, symbols, colours, music or characters (especially cartoon characters, sportsmen or celebrities) that are primarily appeal the under-age or are strongly linked to their thoughts or emotions. No brand logo and product tag can be used that primarily aim children and under-age (names, logos, sports equipment, sport, game or other) and cannot suggest that it makes the consumer adult or adult like.

Advertisement of alcoholic beverages may not create any confusion as the nature and the strength of the product. It may present information on alcohol strength but may not create the impression that high alcohol content is the positive trait of the product. It cannot suggest that by consuming beverages of low alcohol content addiction or excessive drinking may be avoided.

Advertising of alcoholic beverages is prohibited:

- (a) on the front cover of printed materials and – in the case of a web page, on the opening page;
- (b) in theaters or cinemas before 8 pm, as well as during or immediately before or after any programs for children or juveniles;
- (c) on toys and their packaging;
- (d) in a public education or health institution, or on billboards situated within 200 meters of their entrance.

On the Internet website of the company or the brand it must be clearly and well visibly indicated that the given site may only be visited only by those who are above the age limit. To this effect, advertiser must ensure that the given site may only be visited after the visitor giving their date of birth. On the Internet site of the company or the brand, clear notice of alcohol responsibility message must be placed.

How would you assess the pressure for tighter regulation in your jurisdiction?

Hungarian regulations are tight and it does not seem to be much pressure to impose stricter regulations.

Please describe any recent interesting, significant, or archetypal examples of an alcohol advertisement that has been banned in your jurisdiction.

There have not been significant advertisements that have been banned in Hungary. Typical issues are, for example, a Soproni beer advertisement that CMS Brand Connection Kft. placed on a phone box located within 200 of a public school in Székesfehérvár.