



EACA Monthly Newsletter - March 2009

EU & National News

▶ Advertising

▶ EU



Scholz & Friends chosen to develop 2009 European Parliament Election Campaign

The European Parliament has hired the German advertising agency Scholz & Friends to mount the EU-wide campaign to encourage people to vote in the coming European parliament elections.

Scholz & Friends' founder Lutz Meyer said "there has not been a campaign like this before. This is completely new, and it is a great challenge."

Mr. Meyer said he wanted to demonstrate that the decisions being taken in Brussels are relevant to people. Ads - from consumer safety to border policy and financial regulation - have been created and each country will have the option to choose which issues to highlight based on local relevance.

For the campaign to succeed, Mr. Meyer is hoping to use Facebook and various publicity stunts to reach young voters.

Source: *The Financial Times*

Parliament Committee bans misleading claims for cosmetics

On 24 March, the European Parliament adopted a resolution released by the Environment, Public Health and Food Safety Committee on the European Commission proposal on cosmetic products.

As far as advertising is concerned, the following amendment on product claims was adopted: "In the labelling and advertising of cosmetics products, text, names, trade marks, pictures and figurative or other signs shall not be used to imply that these products have characteristics or functions which they do not have."

This Regulation, which will replace the much revised cosmetics Directive, should be formally adopted and published in the EU Official Journal before the summer, and will apply 42 months later - late in 2012.

To see the full text adopted, click [here](#)

Source: EACA

▶ Estonia

European Commission urges Estonia to respect TV ad rules

At the request of the European Commission, independent experts monitored how Estonia applies the rules contained in the new Audiovisual Media Services Directive.

The monitoring exercise revealed that Estonia interprets "spot advertising" too narrowly and does not use a correct definition of "sponsorship messages". Many Estonian broadcasters combine a sponsorship message with an advertising spot and the Estonian authorities do not count these combined advertising spots within the EU's limit of 12 minutes per hour.

Under EU law, the promotional nature of an advertising spot is not altered by the fact that it includes information about the sponsorship of the programme. Sponsorship messages exist to inform viewers that there is a sponsorship agreement so these combined spots should fall within the 12 minute advertising limits set by EU rules.

"The commonly agreed rules of the game for advertising on European TV have to be respected by everyone in Europe, in the interest of fair competition and to ensure that TV programmes are not excessively interrupted," said Viviane Reding, the EU's Media Commissioner. "Sponsorship messages are designed to inform the viewer, but not to place more advertising than is allowed under European law."

The Commission has sent Estonia a letter of formal notice asking it to fulfil its obligations under the Audiovisual Media Services Directive. The Estonian Government has two months to respond to the concerns expressed in that letter.

The text of the new Audiovisual Media Services Directive is available at:
http://ec.europa.eu/avpolicy/reg/avms/index_en.htm

Source: *European Commission*

▶ UK

Product placement on TV kept banned despite EU authorization

Culture Secretary Andy Burnham has blocked the introduction of product placement on TV despite the

authorization contained in the EU Audiovisual Media Services Directive.

Burnham said "there is a lack of evidence of economic benefits, along with very serious concerns about blurring the boundaries between advertising and editorial."

Product placement will continue in video-on-demand programmes, and in films and television programmes acquired from outside the UK.

Commercial broadcasters believe Burnham's stand is regrettable and have argued that the effective precedent is there through video-on-demand programmes and films shown in the UK, with examples of how these successful brand partnerships have been achieved without diminishing audience trust or discrediting editorial integrity.

The Government has said it will review its position on television product placement in 2011 and 2012, taking into account conclusions reached by Ofcom on the TV advertising market, changes in viewing habits and "any new evidence about the impact and potential benefits of product placement."

Source: EACA

▶ Alcohol

▶ EU



Health experts call for restrictions on alcohol advertising

A group of European health experts have called for a Europe-wide ban on alcohol advertising directed to children and adolescents. They say evidence from 13 studies of more than 38,000 young people demonstrates that alcohol advertising affects uptake of drinking and also encourages heavier drinking.

Monika Kosinska, secretary-general of the European Public Health Alliance (EPHA) believes that a multi-pronged approach is needed in order to address the issue of alcohol-related harm. "The European Union needs to take urgent action to reduce the health harms of alcohol misuse. An EU strategy must take into account the role of both promotion and pricing on levels of consumption and should not fail to address the issue of third-party harm," she said.

Last month, The European Forum for Responsible Drinking (EFRD), the industry group working for safer alcohol consumption, published new guidelines for its members on online marketing of spirits. The code of conduct says drinks companies should not target promotional activities at minors and avoid using cartoons and sporting figures that might be attractive to young people.

EFRD Chairwoman Elizabeth Crossick said that the drinks industry could regulate itself and has been working to keep up to date with developments in digital mobile media.

Source: Euractiv

▶ France

Alcohol advertising now allowed on internet

On 9 March, the French Parliament clearly authorized alcohol advertising on the internet. Nevertheless, intrusive ads such as spam or pop-ups windows are forbidden. Alcohol advertising is also forbidden on websites mainly aimed at young people and on online services for associations, sport federations and professional sport clubs.

Source: EACA

▶ UK

MPs question effectiveness of alcohol advertising code

Members of Parliament from various political parties gathered in the Common Health Select Committee to launch a new inquiry on the effectiveness of the existing code of conduct on alcohol advertising.

They are planning to question pressure groups and health experts who want a 9pm watershed and new restrictions on cinema commercials.

The Advertising Association will submit evidence to the Committee that the existing code is working. Sue Eustace, the AA's Director of Public Affairs insisted that the main thrust of the inquiry was about ill-health caused by alcohol misuse, consequences for the NHS and Britain's drinking culture. She said that she will be pointing out that attempts to prove links between problem-drinking and advertising fail because those links do not exist.

Source: Campaign

▶ Children

▶ Switzerland



New food labelling and advertising regulations under consideration

On 19 March 2009, the Swiss National Council adopted a popular motion: "Postulate", to investigate the introduction of new food labelling regulations. The motion, introduced by conservative deputy Humbel Näf Ruth (PDC/AG) calls on the Swiss Federal Council to draft and potentially implement a number of food labelling and food marketing restrictions in collaboration with the industry.

The motion, which was approved by 82 votes to 73 with 10 abstentions, states that "the Federal Council is charged, in collaboration with the food industry, to study the possibility of taking the following measures, including:

- The introduction of a clear and mandatory labelling system for all food products containing a higher than average calorie count, based on which consumers will be informed of the dangers of an unbalanced and high calorie diet;
- The implementation of stricter restrictions on advertising; for example, chocolate snacks for children would not be allowed to be promoted as 'healthy' if they contain levels of sugar or fat that are deemed too high;
- The consideration of a system making it compulsory for food manufacturers to include a green, orange or red label on product packaging, depending on the calorie content of the product, following the British example."

The Federal Department of Home Affairs will now be evaluating the questions raised in the motion, and provide the Council with a non-mandatory opinion on the potential adoption of new food labelling regulations.

Source : AEF

► UK

Public consultation on review of advertising self-regulation codes

On 26 March, the Committee of Advertising Practice (CAP) and the Broadcast Committee on Advertising Practice (BCAP) launched a joint public consultation as part of a forthcoming review of the existing CAP and BCAP Codes. The consultation document makes a number of references to children, including a proposed new rule referring to children's 'nutritional habits'.

With regard to advertising to children, the CAP proposed "Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing" which include the following new rules:

- Promotions that contain a direct exhortation to buy a product must not be addressed to or targeted at children.
- Marketing communications that contain a direct exhortation to buy products via a direct-response mechanism must not be directly targeted at children.

With regard to advertising to children, the BCAP's new propositions for its revised 'Broadcast Advertising Standards Code' include:

- Advertisements must avoid anything likely to condone or encourage poor nutritional habits or an unhealthy lifestyle, especially in children.
- Exploitation of trusts: BCAP's proposed TV and radio rule is: Advertisements must not exploit the special trust children place in parents, guardians, teachers or other persons.
- Expensive products of interest to children: BCAP's proposed television rule is: Advertisements for an expensive product or service of interest to children must include a statement of the product or service's price or, if it is not possible to include a precise price, an approximate price. BCAP considers a product or service of interest to children costing £30 or more to be expensive.
- Competitions: BCAP's proposed TV and radio rule is: Advertisements for promotions directly targeted at children:
 - must include all significant qualifying conditions
 - must not include a direct exhortation to buy a product
 - must make clear if adult permission is required for children to enter.

Advertisements for competitions directly targeted at children are acceptable if any skill required is relevant to the age of likely participants and if the values of the prizes and the chances of winning are not exaggerated."

- Testimonials or endorsements used in advertising must be genuine, unless they are obviously fictitious, and be supported by documentary evidence. Testimonials and endorsements must relate to the advertised product or service. Claims that are likely to be interpreted as factual and appear in advertisements must not mislead."

The public consultation will close on 19 June 2009.

Source: AEF

► Environment

► EU



Parliament report calls for energy labelling in advertising

Within the framework of the current discussions on the Energy Labelling Directive, MEP Anni Podimata (Socialist, Greek) has tabled an amendment that would extend the environmental labelling requirements to all advertising products.

The aim of the recast is to extend the scope of the Directive, which is currently restricted to household appliances, and to allow for the labelling of all energy-related products including the household, commercial and industrial sectors and some non-energy using products.

Anni Podimata has argued that the obligation to include in all advertisements of products which are connected to energy consumption a reference on energy consumption can play a decisive role in strengthening the environmental conscience of the end-users without any loss in advertising profits.

A coalition of advertisers and media has argued that extending information requirements to advertising is not

the solution, has no proven effectiveness and would act as a disincentive to advertise.

The vote in plenary will take place at the beginning of May.

To see European Commission's full proposal, click [here](#)

To see Anni Podimata's Draft Report, click [here](#)

Source: EACA

▣ Data protection

▣ EU



Kuneva says data collection must be in line with consumer policy principles

On 31 March, Meglena Kuneva the European Consumer Commissioner, gave a keynote speech during the Digital Roundtable organised with key actors from the online industry amongst whom EACA.

She made the following points:

- Discussions on the new generation of practices and business models built on the ability to profile consumers and use their profile to target them for commercial purposes need to be organised.
- Tools must be developed that balance the interests of business with that of the consumers. This means two things: the respect of users' right to control their public exposure; and the obligation to protect them against abusive and risky practices targeted at them.
- The traditional consumer policy principles such as principles of transparency, clear information, choice, fair commercial communications and fair contract terms need to be adapted to the digital world especially in the activity of collecting consumers' personal data for the purpose of commercially targeting them.
- Data collection activities need to be more transparent in order to reassert users' trust.
- Guiding principles to help address the rapid evolution of very targeted commercial messages and viral marketing need to be developed.
- Tools need to be established to fight against commercial discrimination.
- The regulatory protection in Europe is extensive and far-reaching but an international cooperation needs to be considered on that issue.

To see full speech, click [here](#)

Source : European Commission

EU close to agreement on Telecoms Package

On 25 March, European Commissioner Viviane Reding said that about 95 percent of the package had been agreed after the latest negotiating round between the Commission, the European Parliament and the Council.

Viviane Reding did not specify what hurdles remain but she said she is "confident that a deal is within reach if all sides make a small last effort." Her confidence was echoed by Malcolm Harbour, a Member of the European Parliament involved in the negotiations. "We are making progress all the time, working through all elements in the package," he said.

The Commission, Council and Parliament are trying to agree a compromise before the telecoms package is put before a plenary meeting of the European Parliament at the end of April. If they succeed the changes can be rubber-stamped before the Parliament dissolves for elections in the summer.

EACA is mainly concerned by the amendment 84 on cookies and has argued that internet consumption and commerce would grind to a halt if users had to give an opt-in to every cookie dropped on their browser. This would ruin the smooth flow of information / website retrieval that users experience today as they would be bombarded with opt-in requests.

The package will be voted in Plenary on 21st April.

Source: EACA

▣ Gambling

▣ EU



Parliament adopts report on integrity of online gambling

On 10 March, the European Parliament adopted Christel Schaldemose's (Danish, Socialist) non-binding own-initiative report on the "integrity of online gambling".

The European Parliament has rejected calls for community-wide regulation of online gambling saying it is a job for individual countries but does see room for universal standards on issues such as age limits, protection of children and problem gamblers and also sees the need to regulate gambling advertising.

The adopted amendments include:

- Self-regulation regarding the advertising, promotion and provision of online games is not sufficiently effective and therefore emphasizes the need for both regulation and cooperation between industry and the authorities.
- The Report advises Member States, to cooperate at EU level to take measures against any aggressive advertising and marketing of any public and private operator of gambling online, including free demonstration games, to protect especially problem gamblers and vulnerable consumers such as children and young people.
- The report calls on the European Commission to initiate research on online gambling and the risk of developing a gambling addiction, for example how advertising influences gambling addiction, whether it is possible to create a common European categorisation of games according to addictive potential, and possible preventive and curative measures.
- The report calls on the Commission to examine in particular the role of advertising and marketing (including free online demonstration games) in encouraging, directly or implicitly, under-age young people to gamble.

The alternative minority opinion report drafted by a small number of MEPs led by Malcom Harbour (Conservative, UK) who argued that advertising self-regulation was effective in certain Member States was not adopted.

To see full Report, click [here](#)

Source: EACA

► Obesity

► France



Parliament rejects proposed restrictions on food advertising to children

On 9 March, the French Parliament rejected two amendments to the 'Draft Bill on Hospital Reform aiming to ban HFSS food advertising during children programmes and raising the tax on HFSS food advertising. The amendments had been introduced by deputies from the French centre right party (UMP). The two amendments are:

- "TV or radio advertising for foods containing added sugar, fat or sweeteners will be banned during programs qualified by the Superior Broadcasting Council as having an audience mostly composed by children and youth. This advertising will also be banned during the fifteen minutes preceding and following these programs." (Amendment 552)
- "The rate: '1.5%' [for the tax on processed foods and sugary drinks advertising] is replaced by the rate: '3%' [...] in the Public Health Code." (Amendment 545)

Source: AEF

► Pharmaceuticals

► EU



Information to Patients Directive will not be adopted before the summer elections

The Internal Market and Consumer Protection Committee (IMCO) was asked to produce an opinion on the European Commission's Information to Patients Directive.

Cristian Silviu Buşoi (ALDE, Romania), the draftman of the opinion, said his Committee will issue an opinion and will discuss the basis during the few sittings left before the elections.

The aim of the working document on the proposal is to:

1. Tie-up existing legislation in different Member States
2. Facilitate the dissemination of information
3. Clarify the type of information that will be provided to patients
4. Guarantee a clear distinction between advertising and information
5. Establish a clear definition of the type of information authorized
6. Determine the authorized channels
7. Establish a monitoring system for the type of information disseminated

To see the IMCO working document, click [here](#)