



# IOGT-NTO advertising complaint – An Anglo-Swedish European drama of 6 years running

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## Some history..

- Alcohol marketing on TV has always been prohibited in Sweden
- But in the 80's something changed..



SÖNDAGEN DEN 13 OKTOBER 1995

# LJUD & BILD

EXPRESSEN



**NU TAR  
DIGITAL-  
SKIVAN  
ÖVER**



**HÖSTENS  
300 NYA  
VIDEO-  
RULLAR**

Foto:  
AMAND  
ERIKS

# **NU KOMMER FOLKPARABOLEN**

— med program från hela världen



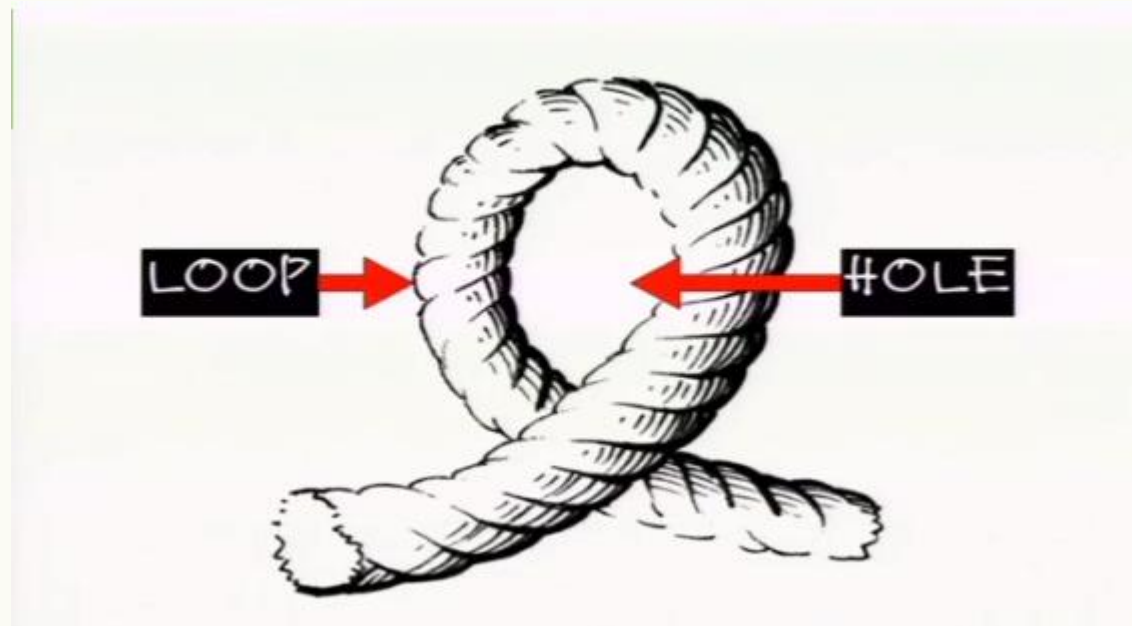
## Some history..

- 6 June 1986: EC-proposes country of origin principle



# Country of Origin Principle

- Follow the rules of where the broadcast originates from, not where it is received.





# Effect on Swedish television

- 31 December 1987: TV3 starts broadcasting to Sweden in order to "broadcast tv-commercials when commercials weren't allowed on television"



# Effect on Swedish television

## Alcohol Commercials



## Alcohol sponsorship



## Alcohol product placement





# We reported them

Konsumentombudsmannen  
Konsumentverket  
Box 48  
651 02 Karlstad  
Granskningsnämnden för radio och tv  
Myndigheten för radio och tv  
Box 33  
121 25 Stockholm-Globen

**Öberg & Associés**

Myndigheten för radio och tv  
2011-03-04  
Dnr 1160567-1

Stockholm den 4 mars 2011

## ANMÄLAN TILL KONSUMENTOMBUDSMANNEN OCH GRANSKNINGSNÄMNDEN FÖR RADIO OCH TV

Anmälare:

IOGT·NTO  
Box 12825  
112 97 Stockholm

Ombud:

Advokat Ulf Öberg  
EU-advokat Ida Otken Eriksson  
(medlem av det danska advokatsamfundet,  
registrerad vid Sveriges advokatsamfund)

Advokatfirman Öberg & Associés AB  
Box 2098  
SE-103 13 STOCKHOLM  
Tel: +46 8 545 125 50  
Fax: +46 8 545 125 59  
E-post: info@obergassocies.se  
Mobil: +46 709 71 25 51 (Ulf Öberg)  
Mobil: +46 709 71 25 56 (Ida Otken Eriksson)

Fullmakt för advokat Ulf Öberg och Ida Otken Eriksson ges in som  
bilaga 1.





# **Audiovisual Media Services Directive** **2010/13/EU**

- Article 4 – intended to combat abuse of the Country of Origin Principle



# Where we are today

- More than 30 letters sent in the process
- The Swedish authorities have just submitted their final notification
- Commission judgement will follow within 3 months
  
- Chance for success: Low



# Audiovisual Media Services Directive

The first Member State **may adopt appropriate measures** against the broadcaster concerned where it assesses that:

..

**(b) the broadcaster in question has established itself in the Member State having jurisdiction in order to circumvent the stricter rules**, in the fields coordinated by this Directive, which would be applicable to it if it were established in the first Member State.



# Revision of the AVMSD

“Such evidence does not have to establish a media service provider's intention to circumvent those stricter rules. However, the Member State concerned shall detail a set of corroborating facts allowing for such circumvention to be reasonably established”

- **Potential game changer!**



# Lessons learned

1. Have patience
2. Strong national legislation is the first step for change
3. Report report report
4. Never let policy makers forget the problem
5. Country-of-origin-principle is here to stay



**Looking forward**



# **Linear television – still an important battlefield?**



# What about Social Media?

## No Country of Origin Principle..

### Facebook advertising rules:

Adverts that promote or reference alcohol must **comply with all applicable local laws**. Note that **adverts promoting or referencing alcohol are prohibited in some countries**, including, but not limited to: Afghanistan, Brunei, Bangladesh, Egypt, Gambia, Kuwait, Libya, **Norway**, Pakistan, Russia, Saudi Arabia, Turkey, United Arab Emirates and Yemen.





## **But.. Ways to avoid national legislation**

There may be other reasons why you're seeing this ad, including that Artsy wants to reach people aged 18 and older who live or have recently been in Belgium. This is information based on your Facebook profile and where you've connected to the Internet.



# Marketing that national legislation doesn't capture



Sunsets Session by Corona shared Society's photo.

4 July · 🌐

Ni har väl inte missat att för andra året i rad rullar Corona Sverige ut en sommarturné med Corona Sunsets Session & deep house / pop artisen Sean Bradford! Ni kan följa hela turnén via Sean Bradford's social media kanaler #seanbradford #sunsetssession #corona



Society is with Sean Bradford and 3 others at Societen.  
2 July · Varberg, Sweden · 🌐

👍 Like Page



**Thank you for listening!**

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