



Prohibition of alcohol advertising in Norway

It is not permitted to market alcoholic beverages to consumers.

There is a broad political consensus that we should have a strict ban on alcohol advertising in Norway, and this is also something the largest industry organisations in the alcohol sector support.

The alcohol ban has its basis in Section 9-2, first paragraph, of the Alcohol Act (lovdata.no), with detailed rules in Chapter 14 of the Alcohol Regulations (lovdata.no). The Norwegian Directorate of Health has prepared its own notes on the provisions:

Norwegian Directorate of Health notes on the provisions on alcohol advertising in the Alcohol Act, valid from 01.11.2015 (PDF, 2015). The notes supersede previous notes in the Handbook to the Alcohol Act (Circular IS-5/2008). <https://helsedirektoratet.no/folkehelse/alkohol/forbud-mot-alkoholreklame#kort-om-reklameforbudet>

The advertising ban in brief:

Under Section 9-2, first paragraph, of the Alcohol Act (lovdata.no), it is forbidden to:

- advertise alcoholic beverages
- advertise goods with the same branding or identifying features as alcoholic beverages
- allow alcoholic beverages to be included in marketing of other goods or services

The primary objective of the advertising ban is to avert the impact of increased demand for alcoholic beverages. Another purpose of the prohibition is to maintain awareness in the population that alcoholic beverages differ from other commodities and that special provisions are required to limit alcohol consumption in Norway. In order to achieve these objectives, the ban is cast as a general prohibition on all forms of marketing of alcohol, but with some limited exceptions (read about the exceptions in the section on Exceptions to the advertising ban).

Mass communication for marketing purposes

Advertising in the meaning of the Alcohol Act is “any form of mass communication for marketing purposes”.

Firstly, this means that it matters how the message is communicated. In practice, the communication must be one-way and controlled by the sender (not answers to specific questions/requests) and addressed to an indefinite number of people. The key is whether the communication has the potential to reach a lot of people, not whether it actually does.

Secondly, the purpose behind the communication is important. The purpose of the communication must be to promote the sale of alcohol or other goods/services. In assessing whether there is such a purpose, the emphasis should be on who is the sender of the information, who takes the initiative to provide the information, the content and design of the information, and how the information is presented and disseminated.

For example, if the sender has a financial interest in informing people about alcohol or creating associations to it, this will be a strong indication of a marketing aim. This will typically apply to



holders of sales and liquor licenses, suppliers, importers, manufacturers and other industry operators, but not private individuals and independent media.

Political statements (such as motions for debate on alcohol advertising) are not covered by the prohibition either.

Read more about the definition of advertising in the Alcohol Act in the Norwegian Directorate of Health notes (point 9.2.2).

The advertising ban applies in all channels, including social media and the product labelling/packaging.

The advertising ban is media-neutral. If the information counts as mass communication for marketing purposes, it does not matter what channels or media are used to convey it, whether through newspapers, magazines, film, radio, television, internet, posters, signs, displays, oral information or distribution of brochures/printed matter, samples etc.

Social media and newer channels

Newer channels for marketing are also covered, such as social media and blogs on the internet, mobile services/applications, discussion forums, games, etc. Such media are not only used by individuals, but have also become an important communication and marketing channel for companies and other businesses. Examples of such online services are Facebook, YouTube, Twitter, SnapChat, Instagram, discussion forums, and various games.

Packaging and labels

The product packaging itself can also be a channel for marketing. However, there is slightly more scope for providing product information on the product itself than there is in other mass communication channels.

Firstly, it is in practice permitted to provide plain, everyday product information on the product itself, such as alcohol content, bottle size and manufacturer, as well as plain and fact-based notes on taste, use and storage. Other information is not normally allowed, such as positive words on alcohol, games of chance, awards etc.

Secondly, there is in practice relatively wide scope for what is allowed by way of 'decoration' on the product itself, provided that this has only decorative value. However, 'bonus items' are not allowed, i.e. an additional product or gift with the purchase of the product or other extras intended to attract the buyer's attention, such as gift wrapping, bags, lights, serving equipment etc.

Read more about channels for alcohol advertising in the Norwegian Directorate of Health notes (Point 9.2.2.3).

Editorial reference to alcohol in newspapers, television and other independent media is allowed

Editorial reference to alcohol in newspapers, magazines, television, and other media generally falls outside the scope of the advertising ban, as it is not normally intended to promote the sale of alcohol. Moreover, such editorial mention has a stronger justification in freedom of speech than commercial utterances.



The reference must be considered and presented by an independent editorial team, and there must be genuine editorial freedom. This implies that the reference must not be designed, initiated, influenced or funded by industry operators or others with an interest in the sale of alcohol. Among other things, paid product placement and so-called 'content marketing' are prohibited.

Customer magazines, shopping centre newspapers and similar publications are not considered to have editorial freedom, as the purpose behind them is normally to promote the sale of goods or services.

If an industry operator links to or refers to an editorial article that deals with the vendor's products, the link itself will be deemed to have the purpose of promoting the sale of alcoholic beverages, even if the article itself is lawful.

Read more about editorial reference to alcohol in the Norwegian Directorate of Health notes (point 9.2.6).

Individuals are free to talk about alcohol

Statements by individuals are not generally affected by the advertising ban, both because they have a stronger protection in freedom of speech than commercial statements, and because they are not designed to promote the sale of alcohol.

However, the individual's views must not appear to be expressed on behalf of or initiated by an industry operator in the alcohol market, and the individual must not profit from mentioning alcoholic products. An example of this is where industry operators sponsor celebrities or bloggers with products, travel or events.

It will also be considered as a circumvention of the advertising ban if shareholders and employees of the industry operator, or others with close ties to the business, use blogs, websites or social media profiles to mention the vendor's products.

Read more about discussion by individuals of alcohol in the Norwegian Directorate of Health notes (point 9.2.6).

It is forbidden to hand out alcohol to consumers, event, film and television producers, bloggers, celebrities, etc.

The Alcohol Act includes a specific prohibition of all forms of free distribution of alcoholic beverages for marketing purposes, cf. Section 8-6a (lovdata.no). The prohibition limits the distribution of alcohol to consumers in the form of prizes, product testing, tastings, etc. if the aim is to promote the sale of alcohol or other goods/services. The provision also covers distribution at such a low price that it cannot be considered to be monetary transaction.

This includes distribution aimed at marketing the product directly to the person receiving the alcohol. Such distribution will also be covered if the purpose is for discussion or images of the alcoholic product to be disseminated by the participants themselves or the press. This could be the



case, for example, where alcohol is served at events where many celebrities and the press are present, or products are sent out to celebrities, bloggers or journalists.

The provision does not, however, cover the use of alcohol as a genuine gift, because this does not constitute distribution for marketing purposes.

It is forbidden to promote products with the same branding as alcoholic beverages

In addition to the ban on direct advertising of alcoholic beverages, the Alcohol Act also prohibits advertising of other goods with the same branding or identifying features as alcoholic drinks.

This is designed to cover advertisements for non-alcoholic and low-alcohol products which in reality serve as advertising for alcoholic drinks. This prohibition covers advertisements for food, clothing, light beer, non-alcoholic wine, etc. which have the same brand-name as alcoholic drinks.

If a manufacturer of other types of product starts producing and selling alcohol, this will also mean that all marketing of the existing goods must cease.

Marketing of the business as such may also be contrary to the advertising ban if 'a not insignificant part' of the target group associates the company name with alcoholic beverages. This principle was first established by the Supreme Court of Norway in its ruling on advertising on clothing (Case-no 2000 p. 46), and has since been incorporated into the Alcohol Regulations, Section 14-1 (lovdata.no). For example, it is not normally permitted to use a brewery name on playing strips or stadium advertising, even if the brewery also produces non-alcoholic beverages.

Read more about the prohibition on advertising of goods with the same branding as alcohol in the Norwegian Directorate of Health notes (point 9.2.3).

It is forbidden to include alcoholic drinks in advertising for other goods or services.

Although an advertisement may be mainly for goods other than alcoholic beverages, it is illegal for alcoholic drinks or goods with the same branding or identifying features as alcoholic beverages to be included in the advertising. For example, images, illustrations or names of alcoholic beverages in marketing of food, clothing, furniture, travel, leisure activities, hotel rooms, homes or other goods or services are prohibited.

Read more about the prohibition on using alcohol in advertising for other goods and services in the Norwegian Directorate of Health notes (point 9.2.4).

Exceptions to the advertising ban

If the communication may be regarded as advertising in the meaning of the Alcohol Act, it must be decided whether it falls under any of the 20 exclusions listed in Section 14-3 of the Alcohol Regulations (lovdata.no).

The statutory exclusions have been laid down to address concerns over the limits of national regulatory powers and the needs of business to make its products and its operations known to others in the industry as part of ordinary sales activities, and to meet consumers' needs and expectations of plain and fact-based information on alcoholic beverages.



For information and images to be considered 'plain', they may not contain promotional elements, present a positive image of alcohol, be particularly prominent, facilitate the dissemination of information in other channels, or otherwise directly or indirectly encourage alcohol use.

Each exception is discussed in more detail in the Norwegian Directorate of Health notes on the Alcohol Regulations, Section 14-3 (p. 29). <https://helsedirektoratet.no/folkehelse/alkohol/forbud-mot-alkoholreklame#kort-om-reklameforbudet>

Oslo, 092018