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Guidelines on alcohol marketing



Valvira

National Supervisory Authority
for Welfare and Health

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Introduction

The guidelines on the marketing of alcoholic beverages apply to marketing as referred to in Chapter 7 of the Alcohol Act (1102/2017). In section 3 of the Act, “marketing” is defined as including advertising, indirect advertising and other promotional activities. Indirect advertising includes, in particular, the promotion of a product in connection with the advertising for another commodity so that the established emblem of the product or its seller, whether as is or in modified but identifiable form, is used as the emblem of the other commodity; or advertising for another commodity that conveys an image of a particular product or its seller.

The packaging of an alcoholic beverage, including the illustrations and texts on its label, may be considered promotion aimed at consumers if they are used in marketing for the products, e.g. in advertising images or as advertising slogans. In such cases, the features in question may also be appraised according to the Alcohol Act’s provisions on marketing.

These guidelines published by the National Supervisory Authority for Welfare and Health (Valvira) concern the application of the marketing provisions in the Alcohol Act and include examples of policy on decisions adopted by the supervisory authorities so far. However, when applying the guidelines in practice, it should be noted that the question of whether any specific activity should be permitted or prohibited is resolved on a case-by-case basis. Moreover, the overall impact of any marketing effort is of core relevance in the evaluation of whether a particular action is unlawful or not.

The guidelines have been issued for Regional State Administrative Agencies for consideration in pursuing their duties in the supervision of alcohol marketing. The purpose of the guidelines is to establish uniform operating principles resulting in a consistent supervision practice nationwide. They are further intended to provide business operators and advertising designers in the sector with a framework of points to consider in the design and delivery of marketing.

Marketing as an activity is in a constant state of flux. Therefore, the guidelines cannot pretend to contain an exhaustive description of permissible or prohibited marketing and promotional activities. Valvira monitors the evolution and impact of marketing and will update these guidelines as required.

Any plans on the marketing of alcoholic beverages must also take into account the [EU’s Audiovisual Media Services Directive](#), which provides for the

coordination of Union-wide national legislation concerning all audiovisual media, both traditional television broadcasts and on-demand audiovisual media services. According to the Directive, audiovisual advertising must be readily recognisable as such and it may not, among other things, prejudice respect for human dignity, include or promote any discrimination, encourage behaviour prejudicial to health or safety or encourage behaviour grossly prejudicial to the protection of the environment.

Prohibited audiovisual advertising includes particularly alcohol advertising aimed at minors or the promotion of immoderate consumption alongside various restrictions, or advertising that exploits children's inexperience or credulity or the trust they place in adults or the unreasonable showing of minors in dangerous situations.

Those carrying out alcohol marketing must also consider the advertising industry's own international basic rules which, alongside other points, emphasise that the general societal responsibility of advertising must be kept in mind in the design of every advertisement.

These guidelines replace the previous guideline on alcohol marketing D. No. V/5394/2018. The revised guidelines aim to introduce the interpretation practices which have emerged following the reformed Alcohol Act which took effect on 1 January 2018 and clarify the structure of the guidelines.

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1 Strong alcoholic beverages

1.1 Marketing of strong alcoholic beverages to consumers (section 50, subsection 1 of the Alcohol Act)

The default provision laid down in the Alcohol Act is that the marketing of strong alcoholic beverages, i.e. alcoholic beverages which contain more than 22 per cent of alcohol by volume, is prohibited.

It is allowed only in exceptional cases provided for separately. These include advertising aimed at professionals involved in the sale of alcoholic beverages; publications and broadcasting of foreign origin; and advertising at strong alcoholic beverages' serving, retail sale and production premises.

An exception is also made for retail sale or serving price lists which include strong alcoholic beverages, and for manufacturers' and wholesalers' product catalogues. The requirement for the aforementioned exception is that all available alcoholic beverages (both mild alcoholic beverages and strong alcoholic beverages) are presented in a uniform way in the price list or product catalogue. These exceptions are discussed in more detail in section 1.5 (Price lists and product catalogues of strong alcoholic beverages) of these guidelines.

1.2 Advertising at the serving, retail sale and production premises of strong alcoholic beverages

The advertising provisions applicable to strong alcoholic beverages in restaurants also apply as applicable to advertising and product displays at the production and retail sales premises of strong alcoholic beverages.

Strong alcoholic beverages may be marketed in the indoor spaces of serving, production and retail sales premises. The advertising may not be displayed outside the restaurant. On the serving premises, the advertising need not be restricted to a licensed area alone. Rather, the advertisements may also be displayed in any other spaces on premises from where they are not clearly visible outside the restaurant. Marketing that takes place on websites maintained by a licence holder or on social media sites is not advertising that takes place on serving, retail sales or production premises.

The advertising must be appropriate. It may not be contrary to good practice, for example, or inappropriate or misleading from a consumer perspective.

Advertisements concerning beverage portions must indicate the size and price of the portion and the quantity of the alcoholic beverage the cocktail contains.

Strong alcoholic beverages may not be advertised

- in products intended to be taken away by customers (postcards, flyers, recipe leaflets, matchboxes sold to customers, etc.)
- by offering tasters of strong alcoholic beverages.

The logos or emblems of strong alcoholic beverages may not be displayed on the staff's clothing or accessories. Work clothes must remain work clothes and they are not to be worn as leisurewear.

Strong alcoholic beverages may not be marketed outside restaurant, production and sales premises. Nor may strong alcoholic beverages be advertised by means of widely known nicknames or euphemisms or established symbols.

Strong alcoholic beverages may not be advertised in newspaper or magazine ads, TV commercials, the compositions of display windows, window tapes, entrance doors, outdoor signs, on internet website or on social media channels. Placing bottles of strong alcoholic beverages on display in the window of a restaurant or shop also constitutes prohibited advertising.

Examples of prohibited advertising include a restaurant's advertisement which includes:

- the brand name of a strong alcoholic beverage;
- the generic name of a strong alcoholic beverage, such as "Irish whiskey" or "coffee and cognac";
- images of the bottles and labels of strong alcoholic beverages.

Advertising placed on an outdoor **terrace** or other outdoor licensed area must be such that it is not prominently visible from outside that area. Large posters advertising strong alcoholic beverages, price labels clearly seen from a distance, parasols with the logos of strong alcoholic beverages, etc. are therefore prohibited.

Advertising **drinks or cocktails** containing strong alcoholic beverages is tantamount to the promotion of those strong alcoholic beverages, regardless of whether the alcohol content of the finished product is over or at most 22 per

cent by volume. This prohibition applies to the advertising of any and all drinks made from strong alcoholic beverages at a restaurant outside the restaurant.

Drinks made entirely out of alcoholic beverages with no more than 22 per cent of alcohol may also be marketed outside the restaurant. In the interest of clarity, it should be mentioned that the drink must be a mild alcoholic drink, unless this is otherwise apparent based on the name of the drink. The sale of bottles of **mixed mild alcoholic beverages** does not constitute the serving of strong alcoholic beverages. However, such beverages may only be advertised if their name does not include the name of a strong alcoholic beverage; advertising cans of the Jim Beam & Cola beverage is prohibited, for example.

Nicknames such as “snapsi”, “salmari” or “salkkari” are well established as referring to strong alcoholic beverages. If such nicknames are used to advertise drinks that are actually prepared using mild alcoholic beverages, this must be clearly indicated, as with “tervasnapsi 21%” (tar schnapps) or “mieto salmari” (mild salt liquorice spirit), to avoid the advertising being misleading.

The prohibition of advertising strong alcoholic beverages does not prevent the licensed or retail sales premises from making a price list available to the public in which all the products on sale are presented to consumers in a consistent and appropriate manner. A venue licensed for the delivery of alcoholic beverages is considered tantamount to a point of retail sale as far as price lists are concerned. For a more detailed discussion on price lists and product catalogues, see section 1.5 Price lists and product catalogues of strong alcoholic beverages.

Marketing is understood to include not only traditional media advertising but also any commercial communications aimed at consumers, such as the distribution of merchandise or clothing bearing emblems of strong alcoholic beverages.

The marketing provisions are not restricted to the marketing of specific **brands**; advertising using a **generic name** may also be prohibited.

Using the **generic name** of a strong alcoholic beverage is not prohibited in the advertising of other products if such advertising has no direct link to the sale of strong alcoholic beverages: for example, a chocolate manufacturer may advertise “cognac liqueur chocolates” and an ice cream manufacturer may advertise “rum and raisin ice cream”.

1.3 Promotion carried out by another operator

The Constitution of Finland guarantees freedom of expression and freedom of speech to everyone. This freedom includes freedom of the press. The Constitution also guarantees freedom of artistic expression. The provisions limiting the marketing of alcoholic beverages do not apply to private individuals or to material produced under the protection of freedom of the press or freedom of artistic expression. However, if a private individual is in a position where they may benefit from the marketing of a strong alcoholic beverage, the prohibition of such marketing may apply to that individual too. An example of this is a person who is in a position of authority in a company that manufactures, sells or imports strong alcoholic beverages.

Similarly, a blogger may not write about strong alcoholic beverages in their blog for a fee or other remuneration. It should also be noted in this case that a professional in the alcoholic beverage industry may be violating the Alcohol Act in providing information on strong alcoholic beverages to a blogger who must be considered a consumer, since advertising strong alcoholic beverages to consumers is prohibited. The issue of a commercial operator executing advertising campaigns is discussed in more detail in section 2.11.3 Commercial executor of advertising.

Consumers may be given information on strong alcoholic beverages in editorial text in mass media, and also in non-fiction books, textbooks, cookbooks, etc., but not if the purpose of providing such information is promotional. A text may be considered promotional if it consists solely of advertising copy provided by the producer of the beverage in question, or if the producer has paid for the text to be published. Also, providing information only on a single product or on the products of a single producer instead of providing information on the type of strong alcoholic beverage in general is prohibited.

National legislation on advertising does not apply to TV broadcasts originating in another EU member state: these may contain advertising for strong alcoholic beverages if such advertising is legal in the originating country (for further information, see section 4.10 Marketing of alcoholic beverages in publications and broadcasting of foreign origin). However, repeating such a broadcast, for instance by screening it from a recording at a marketing event or trade fair, is considered advertising that takes place in Finland.

The prohibition on the marketing of strong alcoholic beverages is not intended to prevent or unreasonably hinder the legal sale of alcoholic beverages. For this

reason, the authorities do not primarily intervene in the publication of generic names of strong alcoholic beverages in cases where alcoholic beverages are served in a context where prohibiting the mentioning of a generic name would clearly unreasonably hinder the activity in question (e.g. in the case of a “whisky fair”).

Decisions by the supervisory authority

The provisions on the promoting of alcoholic beverages also apply to promotions online. A Facebook page dedicated to a strong alcoholic beverage was found to be contrary to section 33, subsection 1 (now section 50, subsection 1) of the Alcohol Act (Prohibition 5823/13.08.00.02/2012).

A manufacturer of alcoholic beverages issued a bulletin reporting that the whisky manufactured by the company was going on sale in a new special package, and also posted the bulletin on its Facebook page. The bulletin was written in advertising-copy style, and several print media published the bulletin virtually unedited. Valvira instructed the company not to issue or distribute bulletins concerning strong alcoholic beverages to any other media except trade publications (Decision 926/99/002/2011).

A proposed TV programme about strong alcoholic beverages, which was to be partly funded by companies in the alcoholic beverages industry, was ruled as constituting prohibited promotion of strong alcoholic beverages, even though the names of the funding providers would not have appeared in the programme title or closing credits. It was ruled that such a programme would not constitute purely the provision of information safeguarded by the freedom of the press but would be partly tantamount to commercial communications with an indirect advertising purpose (Letter 702/99/2011/002/001).

See also

1.8 Advertising aimed at professionals in the alcohol industry

4.10 Marketing of alcoholic beverages in publications and programming of foreign origin

1.4 Indirect marketing of strong alcoholic beverages

Indirect marketing appears particularly in the context of product family marketing, sponsoring, product placement and corporate image marketing, but it can take other forms as well.

An **emblem** established as representing a strong alcoholic beverage must not be used 'as is' in advertising, nor in modified form as the emblem of another product or service. Neither may the advertising of another product convey the **impression** of a specific strong alcoholic beverage in any other respect. Such an impression may arise through images or key colours associated with a beverage, for example.

With reference to a strong alcoholic beverage, the concept of "emblem" must be understood broadly. It may comprise the name of the beverage, its nickname, its logo, etc. An emblem may be established by registering it as a trademark, or it may become established through popular usage, as the nickname "Kossu" for Koskenkorva. Modifying an emblem does not make it acceptable in advertising if it is still recognisable as the emblem of a strong alcoholic beverage.

A situation involving indirect marketing may arise when the manufacturer of a strong alcoholic beverage attempts to circumvent the prohibition on advertising strong alcoholic beverages by establishing a family of products, thereby increasing the advertising of their own alcoholic beverage with the help of other products. For example, this would be the case if the manufacturer of an established and well-known strong alcoholic beverage were to introduce a non-alcoholic beverage bearing the same name.

Following the latest legislative reform, grocery shops may also offer beverages for sale containing no more than 5.5 per cent of alcohol by volume which include the brand name of a strong alcoholic beverage. The exception applies to display alone; these beverages may not be marketed. Further information is available in Chapter 4.1 Displaying alcoholic beverages.

A completely different product may by coincidence have the same name as a strong alcoholic beverage. For example, the name of Finlandia Hall or of the locality of Koskenkorva cannot automatically be construed as promoting the sale of alcoholic beverages when used in other contexts. It depends entirely on the context in which such a name is used whether such usage constitutes the prohibited promotion of strong alcoholic beverages. In such cases, the activities are required to have a promotional purpose.

1.5 Price lists and product catalogues of strong alcoholic beverages (section 50, subsection 3 of the Alcohol Act)

Price lists may be made available to the public at points of retail sale and on licensed premises serving of strong alcoholic beverages. A venue licensed for the delivery of alcoholic beverages is considered tantamount to a point of retail sale as far as price lists are concerned.

Such a price list may be printed matter. It may be displayed in electronic format over an information network only on the seller's own website. Price lists, whether in printed or electronic format, may not be sent to customers. Producers and wholesalers may also publish their product catalogues according to the same requirements.

It follows from the ban on advertising strong alcoholic beverages that any and all price lists and product catalogues available to customers for takeaway purposes and published over an information network must contain information on all available alcoholic beverages (both mild alcoholic beverages and strong alcoholic beverages), presented in a moderate and equal manner. In other words, no beverage may be highlighted by means of a different font, colour or layout, for instance.

A price list may contain relevant product information on the alcoholic beverages, including the name of a beverage, the name of the producer, the package size, the price, and the country or region of origin. A price list may also include a neutral image of the bottle or package of a beverage. Such an image of the bottle or package of a beverage may only be given if combined with other product information.

The price list may also contain purely informative descriptions of alcoholic beverage product groups that do not include advertising elements. A "product group description" can include, for instance, descriptions of the ingredients and/or manufacturing processes, flavour characteristics and usages of a particular type of alcoholic beverage. Such descriptions must also be provided equally for all product groups of alcoholic beverages.

Decisions by the supervisory authority

A company which produces strong alcoholic beverages had published a product catalogue of all alcoholic beverages available on its website. In addition to appropriate product information, the product catalogue included promotional

descriptions and other information of a promotional nature. Furthermore, the lists of ingredients associated with recipes for drinks published on the company's website mentioned the brand name of the strong alcoholic beverages. The company was instructed to bring its activities into line with the marketing prohibition of strong alcoholic beverages (Instructional letter V/4566/2019).

1.6 Provision of strong alcoholic beverages free of charge (section 50, subsection 1 of the Alcohol Act)

Under the provision in section 50, subsection 1 of the Alcohol Act, the marketing of strong alcoholic beverages is by default prohibited unless it is specifically permitted under particular provisions. Whenever a company that produces, imports or sells alcoholic beverages serves or distributes free of charge a strong alcoholic beverage that it represents, such activities are by default be considered promotional.

Distributing strong alcoholic beverages free of charge is permissible when the beverages are sent to professionals involved in the sale of alcoholic beverages or served to them in a tasting. By contrast, serving or distributing strong alcoholic beverages free of charge to any other professional groups is by default construed as a promotional activity.

It is customary in business contexts to serve alcoholic beverages free of charge, in some cases, specifically strong alcoholic beverages, and to give them as gifts. In such a context, serving, giving or sending strong alcoholic beverages free of charge does not necessarily constitute prohibited promotional activities as referred to in section 50, subsection 1 of the Alcohol Act, even if the beverage served or given as a gift is one that is sold by the company in question itself. The activities are assessed case-specifically.

The following courses of action have been deemed acceptable for a company representing a strong alcoholic beverage:

- A company gives a strong alcoholic beverage it represents as a gift to one of its own employees in respect of that employee's or the company's anniversary.
- A company gives or sends as a business gift to a specific business partner a strong alcoholic beverage it represents in a situation where it is customary to give or send a gift comprising particularly a strong alcoholic beverage (as in the case of a 60th birthday or retirement).

- At a business lunch on its own premises or at a restaurant a company serves a strong alcoholic beverage to guests in a situation where it is customary to serve a strong alcoholic beverage (as in the case of a schnapps at a crayfish banquet or a cognac with coffee).
- A company gives or sends a sample of its product to licence holders in the retail sale, wholesale or commercial serving of strong alcoholic beverages or to persons making purchase decisions on behalf of said licence holders.

It has been understood as marketing when a strong alcoholic beverage is given, sent or served free of charge in a context specifically concerning the business of the company in question as a producer or wholesaler of the beverage in question and where the purpose of giving or serving said beverage is to specifically create a positive impact, directly or indirectly, on the sales of the beverage in question.

The following examples are considered **prohibited promotional activities** under the default provision of the Alcohol Act:

- A company gives, sends or serves a strong alcoholic beverage free of charge, in relation to an anniversary of the company or its product, to anyone other than professionals involved in the sale of alcoholic beverages.
- A company supports parties, contests or other events organised by associations or other groups, by giving or sending a strong alcoholic beverage it represents to such an event.
- A company gives, sends or serves a strong alcoholic beverage free of charge to journalists or other media representatives such as bloggers. Editors of trade journals in the alcoholic beverage industry can be considered comparable to professionals involved in the sale of alcoholic beverages.

See also

1.8 Advertising aimed at professionals in the alcohol industry

1.7 Corporate image advertising (section 50, subsection 1 of the Alcohol Act)

The purpose of corporate image advertising is to foster a positive image of the company by describing its operating principles, goals, history and product quality. Corporate image advertising is intended to promote product sales even when no products or brands are specifically mentioned.

Basically, pure corporate image advertising is also permissible for companies that produce, import, sell or broker strong alcoholic beverages. In some contexts involving public communications, it may be necessary for a company to mention the names of products manufactured by the company. Such contexts include annual reports, recruitment ads, corporate brochures and the sections of corporate websites discussing core operations.

However, in some cases corporate image advertising may constitute prohibited advertising or promotion of strong alcoholic beverages. The evaluation of whether such activities are legal or not depends for instance on the target group for which the communications are intended, how prominently the product names are featured and whether they are featured in a way that resembles advertising. Using promotional images or emblems of products easily gives the impression of promotional activities.

If the official name of a company contains the name of a strong alcoholic beverage, it is basically permissible as a fundamental right for the company to use that name in its publicity. However, the company name must not be used in such a way as to clearly promote sales of the strong alcoholic beverage in question.

Decisions by the supervisory authority

Presenting a company's brand in the context of a company presentation on its website cannot, as is, be construed as the promotion of its products, given that the brands are mentioned as examples in the context of another description of the company's operations and industry. (Administrative Court 04243/15/7209)

1.8 Advertising aimed at professionals in the alcohol industry (section 30, subsection 3, paragraph 3 of the Alcohol Act)

With the exception of the production, retail sale and licensed premises and of price lists and product catalogues, the marketing of strong alcoholic beverages is only permissible to professionals involved in the sale of alcoholic beverages, though not over an information network accessible by the general public. However, even in such cases the advertising must account for the limitations specified in section 50, subsection 2.

Being “involved in the sale” may be construed to mean not only actually selling products to consumers but to also apply to students in the catering sector, for example, and any other employees of the producers, importers, brokers and sellers of alcoholic beverages who only participate in sales indirectly.

In contrast, the employees of companies in other sectors who purchase alcoholic beverages for the hosting or other purposes of their companies are not considered to be “involved in the sale of alcoholic beverages” as referred to in the Alcohol Act. Advertising and promotional activities aimed at the latter employees are subject to the same provisions as all consumer advertising.

Nor are journalists working for publications other than trade journals in the alcoholic beverage industry considered to be involved in the sale of alcoholic beverages, even if they write about alcoholic beverages in their work.

The limitations on content specified for the advertising of mild alcoholic beverages in section 50, subsection 2 of the Alcohol Act also apply to the marketing of strong alcoholic beverages in the exceptional cases permitted under subsection 3. For example, the advertising may not emphasise the product’s alcohol content and it may not be contrary to good practice (see section 2 Mild alcoholic beverages for further information).

There are no specific provisions on the content of product information that may be given to professionals involved in the sale of alcoholic beverages. However, particular care and consideration should be exercised when sending sample bottles of strong alcoholic beverages to this target group.

Trade journals

Strong alcoholic beverages may be advertised in trade journals, such as in the trade journals of the hospitality and retail trade sectors. A publication is considered a trade journal if its circulation is largely connected to professional groups involved in the sale of alcoholic beverages. In earlier practice, “largely” has been interpreted to require an approximately 80–90% share of the circulation.

If the publication in question may be subscribed to by anyone, the publisher must be able to ensure that the subscribers only include persons involved in the sale of alcoholic beverages or that the percentage of other subscribers does not get too high. Strong alcoholic beverages may not be advertised in publications freely available to the general public.

Websites

In addition to trade journals, information on strong alcoholic beverages may be provided to persons involved in the sale of strong alcoholic beverages on the websites of industry professionals, for example. Such websites may not be freely accessible by the general public.

Access by consumers to such a website, to view anything other than a product catalogue or price list, must be reliably prevented, for instance by requiring a member login or other identification procedure. Parties undertaking advertising online must ensure that consumers outside the target group do not have access to members-only content.

2 Mild alcoholic beverages

The marketing of mild alcoholic beverages is by default permitted, but such activities must comply with the limitations imposed in section 50, subsection 2 of the Alcohol Act. These are reviewed point by point in the following sections.

Beverages brought to market in retail sales subject to a licence may also contain strong alcoholic beverages. According to the relevant Government Bill (HE 100/2017 vp), the brand name of a strong alcoholic beverage may also be used in the names of the aforementioned beverages. While products including the brand name of a strong alcoholic beverage may not be marketed, they may

be sold. Further information on the display of such products is available in section 4.1 Displaying alcoholic beverages.

2.1 Advertising aimed at minors (section 50, subsection 2, paragraph 1 of the Alcohol Act)

The marketing of a mild alcoholic beverage is prohibited if it is aimed at minors or other persons to whom alcoholic beverages should not be sold. It is also prohibited to depict in an advertisement any minors, persons behaving in a disorderly manner, persons who are clearly intoxicated or persons who are abusing alcohol. Nor may advertisements be designed so as to solicit the aforementioned groups to consume alcoholic beverages. The impact of an advertisement may be direct if it solicits minors to purchase alcoholic beverages, or indirect, in which case it aims to create positive images and attitudes regarding the alcoholic beverage in question and its consumption to children and adolescents.

Indirect alcohol advertising aimed at minors is likewise prohibited. No name or emblem of any alcoholic beverage may be used when advertising products, services or events used or attended by minors or intended for them. It is also prohibited to attach or link advertisements for alcoholic beverages to such products. Examples of such products intended for children and adolescents include toys, films and games, and especially equipment related to the hobbies of children and adolescents.

Advertising may also be construed to be aimed at minors when an advertisement is presented in connection with content aimed at them. For example, alcoholic beverages may not be advertised in magazines aimed at minors or in connection with online games, music or videos aimed at children and adolescents. Alcoholic beverages may not be advertised at musical, cultural and other events intended for children and adolescents. The advertising is further prohibited at educational institutions and other premises principally intended for or frequented by persons under 18 years of age.

Alcohol advertisements may not be placed on the clothes and equipment of underaged athletes. Advertising alcoholic beverages at a competition or games venue or event is also prohibited when the event mainly involves children or adolescents.

An advertisement may be suspected of being targeted at minors due to its **manner of execution**. Advertising executed in formats that are of interest to

children and adolescents, such as children's comics, animated films or fairy-tale characters, can be considered prohibited. Advertising associating alcoholic beverages with collectible items of interest to children is also considered advertising aimed at children.

No cartoon characters used in advertising may resemble children in their appearance or build, they may not be drawn in a style that particularly appeals to children, and the characters may not, for instance, promote beer by drinking it or raising a glass of it.

The use of a sports team, such as a local ice-hockey team, and its logo in the advertisement of an alcoholic beverage cannot, as such, be considered inappropriate. However, if the team's logo features a shape that is of interest to children, such as a character in children's comics, animated films or fairy-tales, and is featured in the advertising in a style that particularly appeals to children, displaying the logo of the team in the advertisement of an alcoholic beverage or in the labels of bottles of alcoholic beverages may constitute a prohibited form of advertising.

Advertising may be considered to be aimed at minors if an **advertisement features current youth idols**, such as TV or film stars, singers or other performers popular among adolescents. Athletes may also appeal to children and adolescents and serve as their role models. Therefore, featuring star athletes and prominent sport personas in advertisements for alcoholic beverages may be construed as advertising aimed at minors. This impression would be further enhanced if the people would be depicted as consuming or recommending an alcoholic beverage in the advertisements. An underaged performer may not be featured in the advertisement of an alcoholic beverage, even if the performer themselves would not be depicted as the beverage's user.

The advertisement of an alcoholic beverage featuring or aimed at minors may constitute an alcoholic beverage marketing offence punishable under the Criminal Code of Finland.

2.2 Associating alcohol use with operating a vehicle (section 50, subsection 2, paragraph 2 of the Alcohol Act)

Advertising may not feature a person operating a vehicle while drunk or a person consuming an alcoholic beverage before operating a vehicle, while taking a break from driving, or while operating a vehicle. It is also prohibited to

create an impression of the above. It is further prohibited to give a positive impression of driving while under the influence of alcohol or to directly or indirectly encourage such an action.

Using the name of a mild alcoholic beverage or its producer or the emblem of an alcoholic beverage in the title of a TV or radio programme or magazine that focuses on motor sports or road traffic may be considered associating alcohol consumption with operating a vehicle.

Naming a motor sports event after an alcoholic beverage and using the name of that alcoholic beverage in advertising the event may be considered associating alcohol consumption with operating a vehicle. However, simply having a picture of a vehicle on a beverage package cannot in itself be considered prohibited.

In its decision-making policy so far, Valvira has not intervened in the display of emblems of mild alcoholic beverages at motor sports event venues, on the outer surfaces of vehicles at such events, or on drivers' outfits at such events. However, the drivers and vehicles may not function as advertisers of an alcoholic beverage in a public place outside the venue of the motor sports event. Nor may the event be named after an alcoholic beverage. Racing situations or slogans referring to the consumption of alcohol in connection to a race may not be shown in the advertisements of alcoholic beverages.

2.3 Presenting alcoholic content as a positive feature (section 50, subsection 2, paragraph 3 of the Alcohol Act)

It is prohibited to present alcoholic content as a positive feature of a beverage. Advertising does this for instance in cases where the purpose of the ad is to solicit consumers to select and purchase a beverage specifically because of its high alcoholic content. Alcoholic content may also be highlighted in advertising by displaying the percentage describing a beverage's alcohol content in a prominent way. A similar effect is achieved with an advertisement which emphasises that the alcoholic content of a beverage is higher than before, or high in relation to its price or to the alcoholic content of another beverage.

A large portion of the characteristic properties, taste and effects of an alcoholic beverage is due specifically to its alcoholic content. Therefore, the adjective "strong" when used of an alcoholic beverage is generally taken to refer specifically to its alcoholic content.

It is the opinion of Valvira that the association with alcoholic content can be negated by a clear indication in the advertising that the word “strong” is used to refer to another property of the beverage, like its original gravity or taste. Words alluding to strength, such as “powerful” or “intense”, are evaluated similarly when used in advertising.

2.4 Marketing that depicts abundant use of alcohol in a positive light or sobriety or the moderate use of alcohol in a negative light (section 50, subsection 2, paragraph 4 of the Alcohol Act)

Depicting the abundant use of alcohol in a positive light may include such things as depicting drunken bravado or severe intoxication, and the use of expressions describing severe intoxication, in a positive light. This prohibition may also be considered to prohibit advertising that generally presents the abundant use of alcohol in a positive light by, for example, showing as admirable a person who can drink several alcoholic drinks in rapid succession or who has a high tolerance for alcohol.

Advertising may not depict situations or create the impression that a person who drinks large amounts of alcohol is better dressed, better looking, more successful or happier than a moderate user or sober person. Even if there are no visual comparison between different kinds of users, it is prohibited to show a moderate user or sober person in a negative light with a view to their social status, outlook on life, or physical or mental properties.

2.5 Marketing that contains a promise of enhanced performance, social success or sexual prowess (section 50, subsection 2, paragraph 5 of the Alcohol Act)

Advertising that creates the impression that alcohol improves physical or mental performance is prohibited. For example, alcohol may not be recommended as a bracer.

Advertising may also be considered prohibited if it indicates that a particular alcoholic beverage increases social success or sexual attractiveness or prowess.

An advert may create the impression that an alcoholic beverage enhances performance simply by featuring a person known for their excellent physical or mental performance. This impression only intensifies if the person themselves drinks the beverage in question or endorses it.

Decisions by the supervisory authority

The images and texts used in the packaging of a strong alcoholic beverage were considered to associate the product with an internationally well-known adult entertainment star. In circumstances where the advertising of a strong alcoholic beverage is exceptionally allowed, such advertising must nevertheless conform to the provisions applicable to the advertising of mild alcoholic beverages. Because of the adult entertainment associations, the packaging in question was considered to be contrary to good practice and to create an impression that the product's use adds to sexual prowess; thus, the use of these elements on the packaging was prohibited (Prohibition decision 7563/13.08.02.01/2012).

2.6 Marketing that contains a promise of medical effects (section 50, subsection 2, paragraph 6 of the Alcohol Act)

It is prohibited to create an impression that alcohol use could eliminate physical or mental problems, cure illnesses, alleviate symptoms or make the user feel better. Advertising that creates the impression that an alcoholic beverage, whether in itself or due to the substances it contains, can alleviate stress or insomnia, help relax, ease pain or improve sexual performance is prohibited. Alcoholic beverages may not be advertised as having health benefits or therapeutic properties. Advertising 'flu toddies' or 'hair of the dog' is also typically prohibited under this provision.

For example, advertisements concerning combined mixtures of alcoholic beverages and energy drinks may not claim that these mixtures improve alertness or help the user stay awake. Indeed, such advertising may be even dangerous, because the combined effects of energy drinks and alcohol are not yet well known.

This provision may further be invoked to prohibit advertising where a beverage is named or presented in such a way as to create the impression of medical impact, e.g. if it is recommended by a health care professional.

Decisions by the supervisory authority

An interest group for manufacturers of alcoholic beverages discussed the health benefits of beer in its brochure. Valvira ruled that the brochure was in violation of section 33, subsection 2, paragraph 6 of the Alcohol Act in presenting an alcoholic beverage as having health benefits or therapeutic properties. Moreover, the fact that the brochure failed to mention alcohol's detrimental health effects, it was also liable to make the advertising misleading, in violation of section 33, subsection 2, paragraph 7 of the Alcohol Act (Letter 5564/13.08.02.01/2013).

2.7 Marketing that is contrary to good practice, inappropriate or misleading (section 50 subsection 2, paragraph 7 of the Alcohol Act)

Evaluations on whether the marketing of alcoholic beverages is contrary to good practice, or improper, or misleading as referred to in section 50, subsection 2, paragraph 7 of the Alcohol Act, must be rooted in the general purpose of the Alcohol Act. Section 1 of the Alcohol Act states that the purpose of the Act is to prevent detrimental societal, social and health effects caused by alcoholic substances by controlling the consumption of alcohol.

Therefore, the principal aim of the provisions concerning the marketing of alcoholic beverages is rooted not in consumer protection on the market but in protecting consumers from the detrimental effects caused by alcohol.

In addition to alcohol legislation, the advertising of alcoholic beverages to consumers are also subject to interpretations made pursuant to consumer protection legislation and the Consumer Protection Act. The provisions applicable to the marketing of consumer goods can be found in Chapter 2 (updated on 2.8.2008/61) of the Consumer Protection Act (39/1978). The general purpose of these provisions is to safeguard the consumer's ability to make informed purchase decisions.

Advertising is a form of communication that creates images with a powerful impact on values and attitudes. Advertising is considered contrary to good practice when it contradicts the accepted principles of morality in society or is likely to offend a specific group of people. This includes but is not limited to encouraging behaviour which is unacceptable in society at large, using violence as a means to an end, or discriminating by race, religion or gender in advertising.

It may also be considered contrary to accepted principles of morality to idolise antisocial, intoxicated or otherwise reprehensible behaviour or to depict such behaviour as acceptable through humorous means, for example. The promotion of alcoholic beverages may be considered contrary to the accepted principles of morality of society at large if it is associated with alcohol abuse and the related antisocial behaviour.

An ad is not subject to prohibition simply if someone who sees it considers themselves offended by it; but if it can be anticipated, when creating the ad, that it could be found offensive by specific population groups, the ad should, as contrary to good practice, not be published. An advert intended for a defined, limited audience may be appraised differently than one intended for the general public.

Using humour in an ad does not in itself justify using means contrary to good practice. A message presented in a humorous manner may equally well influence attitudes and offend specific population groups. However, in evaluating the overall impact of an ad it may be of relevance how serious its content should be taken.

Different target groups may understand an advertisement in different ways. If the message of an ad is presented in a veiled or complicated way, the advertiser should be prepared for viewers being left with impressions not originally intended.

Procedures inappropriate from the consumer perspective include means of marketing expressly prohibited by the Consumer Protection Act. Under Chapter 2, section 3 of the Consumer Protection Act, a procedure that may impair the consumer's ability to make an informed purchase decision or other decision with regard to the consumer goods in question, leading the consumer to make a decision that they would not have made in the absence of said procedure, are to be considered inappropriate. Any other procedure that, for example, exploits the inexperience or special needs of vulnerable consumer groups, thereby directing the consumer's attention away from matters relevant for decision-making, is likewise to be considered inappropriate. The provision in Chapter 2, section 2 states, among other things, that marketing aimed at minors or marketing that generally reaches an audience of minors is considered contrary to good practice particularly if it exploits children's inexperience or credulity or if it is apt to have a detrimental effect on children's balanced development. When evaluating whether an advertisement is contrary to good practice, one must

consider the age and developmental level, as well as other circumstances, of the minors generally reached by the marketing.

In the marketing of alcoholic beverages, vulnerable consumer groups include minors, adolescents and heavy drinkers. By definition, such consumer groups are considered more susceptible to influences than others. Alcohol advertising directed at such groups must always be evaluated more strictly. Applying the provision on inappropriate procedures does not require the marketing in question to have been demonstrably harmful or damaging to certain consumers, nor does it require the party which commissioned or executed the advertisement to have known that the procedure was inappropriate vis-à-vis consumers.

Evaluations of whether advertising an alcoholic beverage is appropriate must always be informed by the fact that alcohol is a potentially addictive intoxicant the use of which may have adverse social and health impacts. This is why some advertising practices must be considered inappropriate or contrary to good practice under the Alcohol Act, even if they are acceptable in the marketing of other products. For example, special offers of free drinks intended to cause consumers to increase their alcohol consumption have been considered inappropriate for this reason.

A claim is false if it is demonstrably incorrect. Advertisers using factual claims must therefore be able to substantiate them.

Advertising is misleading if it leaves consumers with an inaccurate impression or understanding of the product's properties. Advertising whose factual content is accurate may nevertheless be misleading if essential information is omitted or presented unclearly. Misleading impressions may be created not only through text but also by visual means, i.e. with the help of images, patterns or layout.

Misleading advertising may also be included in the information on the label of an alcoholic beverage. Valvira may order packages of alcoholic beverages with misleading labels to be removed from the market.

It may also be misleading to label a portion of an alcoholic beverage as "large" or "small" without informing the consumer of the actual size of the portion. If there are several sizes available, as is commonly the case with brewery products, consumers must be informed of the serving sizes even in print ads. For instance, the term "large pint" is not standardized enough to constitute sufficient information on the serving size.

Further information on the provisions and policies of the Consumer Protection Act with regard to marketing and advertising is available on the [website of the Finnish Competition and Consumer Authority](#).

2.7.1 Charity

Operators in the alcohol industry have increasingly expressed a desire to link charitable causes to alcoholic beverages. Valvira has nevertheless consistently ruled that influencing consumers' purchase decisions by referring to charity work is inappropriate and therefore prohibited under the Alcohol Act. A re-evaluation of this stance would require the support of a legislative amendment.

Valvira has noted that a company in the alcoholic industry may foster a positive corporate image for instance by reporting its sponsorship activities in its annual report or in other contexts. However, corporate image marketing must be kept separate from the marketing of an individual alcoholic beverage. The alcoholic beverage and the beneficiary of the sponsorship may not be linked by mentioning, for example, that a certain percentage of each purchased beverage will be donated to a specific charity or beneficiary.

2.7.2 Free serving of alcoholic beverages

Alcohol advertising which solicits customers with the help of a free alcoholic beverage or makes offers according to which the more one drinks, the less they have to pay for alcoholic drinks, is prohibited. It is likewise prohibited to hold tastings of alcoholic beverages open to the public in restaurants. Advertising of this kind easily appeals to vulnerable consumer groups, such as adolescents or heavy drinkers, and may lead to a reckless increase in alcohol consumption.

Examples of inappropriate sales promotion:

- “First drink for free”, “Free-drinks prize draw”;
- Packages sold by restaurants which include a right to consume an unlimited number of alcoholic beverages along the lines of “Unlimited drinks with VIP ticket” or “Pay once, drink as much as you like”;
- “Two drinks for the price of one”;
- Beer passports and other receipts of the kind in which people collect stamps from the purchases of alcoholic beverages and, once they have a specific number of stamps, they receive an alcoholic beverage for free or some other benefit, e.g. “One drink in five at half the price”;

- Vouchers passed out to consumers in the street, for instance, “free beer or cider at restaurant X with this coupon”;
- Beer-drinking contests or other events which specifically involve the drinking of alcoholic beverages or in which the prize is an alcoholic beverage.

However, a licence holder may offer customers a mild alcoholic beverage free of charge as a surprise gesture of hospitality. For instance, a restaurant may declare a round of drinks to be on the house, i.e. free for the customers who happen to be in the restaurant at that moment, on the occasion of a celebration or momentous event. Such hospitality may not be announced beforehand in print media or by text message, for example. Such free serving of drinks must be done completely at random and the amount of the beverage served must be reasonable. Free serving of this kind may not be performed on a regular basis so that customers would be aware of the time of such a serving even though information about it were not published.

Decisions by the supervisory authority

A restaurant advertised its entry fee as all-inclusive. The advertising failed to point out that the price consisted of a programme fee and a drinks coupon fee. The “all-inclusive” ad was found to be misleading. Given that the advert attracted consumers to the restaurant with an idea of chance to consume alcoholic beverages free of charge, the advertising was also deemed inappropriate from the consumer perspective (Statement 8639/13.08.00.01/2013)

An operator wished to print a statement about charity work on the rear label of a wine bottle. Valvira ruled in its statement that influencing consumers’ purchase decisions by referring to charity work is inappropriate and therefore contrary to good practice and prohibited under the Alcohol Act. Valvira has noted that a company in the alcoholic beverages business may foster a positive corporate image for instance by reporting its sponsorship activities in its annual report or in other contexts. However, corporate image marketing must be kept separate from the marketing of an individual alcoholic beverage; the beverage and sponsorship may not be linked in such an obvious manner (Letter 8427/13.08.00.02/2015).

2.7.3 Activities contrary to good practice as referred to in section 4 of the Alcohol Act

According to section 4 of the Alcohol Act, activities contrary to good practice are prohibited in the sales and marketing of alcoholic substances and in any other business operations linked to same contractually or through any other arrangement.

The provision in question complements section 50, concerning marketing, because it can be applied in general to the activities of industry operators.

An activity is considered contrary to good practice if it is clearly in conflict with commonly accepted societal values and especially if it expresses tolerance or disregard toward the endangering of health while under the influence of alcohol, narcotics, pharmaceutical products or chemicals.

General examples of this mentioned in the relevant Government Bill (HE 100/2017 vp) include endangering the safety of a customer, depicting sexuality in a manner demeaning to women or men, or endangering the wellbeing of children. Similarly unacceptable are offers of the type “drink as much as you can for a fixed price” in the serving or marketing of alcoholic beverages or in selling alcohol on credit to vulnerable consumer groups.

Selling alcohol to be ingested by an unusual method may also be contrary to good practice, because alcohol ingested in the form of a powder or an aerosol may be absorbed far more efficiently than alcohol ingested conventionally.

Activities which involve the selling or offering of laughing gas (nitrous oxide), or allow its use in the context of the retail sales or serving of alcoholic beverages could correspondingly constitute activities considered contrary to good practice under the provision. The prohibition should not be circumvented by agreeing on a division of work or by making other arrangements of the kind with another operators.

Authorities may prohibit a trader from continuing activities contrary to good practice insofar as they are fundamentally contrary to good practice and the trader has not remedied the state of affairs despite being urged to do so.

2.8 Marketing carried out on television, on radio and in cinemas (section 50, subsection 2, paragraph 8 of the Alcohol Act)

Advertising alcoholic beverages is prohibited on TV and radio between 7:00 a.m. and 10:00 p.m., and in cinemas when the programme is allowed for persons under 18 years of age. The primary purpose of the time limits applicable to the TV and radio commercials of alcoholic beverages is to prevent and reduce situations in which children and adolescents are exposed to the advertising of alcohol.

Under the Information Society Code (917/2014), television broadcasting means the authentic and simultaneous transmission of programmes consisting of audio-visual programmes to the audience on the basis of a programme schedule. Radio broadcasting is similarly defined. Television and radio broadcasting are linear, meaning that they transmit the same programme stream in real time to the entire audience. It is irrelevant for the purposes of this definition which technology is used for the broadcasting, reception or monitoring of the programme. Therefore, the provision also applies to television broadcasting originating in Finland that is streamed over the internet.

Video-on-demand and audio-on-demand services offered over information networks, where recipients themselves choose when to receive the programmes, are not considered television or radio broadcasting as referred to in the aforementioned provision and are thus excluded from its scope.

2.9 Marketing in public places (section 50, subsection 2, paragraph 9 and section 50, subsection 4 of the Alcohol Act)

Marketing mild alcoholic beverages and connecting the same to the marketing of another product or service is prohibited if it is carried out or aimed at the general public in public places as referred to in the Public Order Act.

This provision applies to alcoholic beverages which contain **at least 1.2 per cent of ethyl alcohol by volume**. In other words, the prohibition on advertising in public places also covers alcoholic beverages which contain 1.2–2.8 per cent of alcohol by volume, even though the sale of such products is not subject to a licence.

2.9.1 Definition of a public place

A public place may be an open space accessible without passing through a door or gate. Typical public places include public roads and streets, footpaths and non-vehicular traffic routes, open markets, public car parks, squares and parks. Open and unfenced sports grounds, recreational routes, camping grounds and public waters are also public places. What is essential in the evaluation of a public place is that it is not **limited to a predefined group of people**.

A public place may also be a building or similar enclosure with a fence, walls and/or ceiling, usually accessible by passing through a door or gate. Such places may be closed to the public at specific times, such as by night or when they are not functioning as the venue of a public event or occasion. Public places of this kind include shopping centres, transport terminals, multi-storey car parks and cinemas.

Access to a public place may be limited by specific criteria, such as:

- an age limit
- admission/entry tickets
- access passes
- security screening.

Public places are places which are intended for use by the general public or which are habitually, whether on a temporary or permanent basis, used by the general public, regardless of who owns the place.

The advertising of alcoholic beverages is prohibited if aimed at the general public in a public place, even if the advertisement itself is not located in a public place. For instance, an advertisement for an alcoholic beverage that is placed on private land, such as in a field or a garden, or on the wall, fence or other structure of a non-public building, may be ordered to be taken down pursuant to the Alcohol Act. Such a prohibition may be issued if the advertisement is clearly visible and can be interpreted as intended to be seen by the general public. Even advertising on licensed premises, i.e. advertising that in itself is permitted, may be prohibited if the advertisement is conspicuously large and clearly intended to be seen by people outside the licensed area.

According to the principal provision of the Public Order Act, the definition of public places excludes locations protected by inviolability of the home and certain buildings unfit for accommodation.

The prohibition on advertisements of alcoholic beverages in public places is particularly aimed against continued outdoor advertising, such as advertising at tram or bus stops, on streets and on large billboards. Advertisements on the outer surfaces of distribution vehicles related to the alcohol trade moving in public places, as well as on public transit vehicles, including buses and trams, can also be considered prohibited advertising.

2.9.2 Exceptions to the prohibition on advertising in public places

Public events and venues used for the same on a permanent basis

Notwithstanding the ban on advertising in public places, promotional activities may be undertaken at public events as referred to in the Assembly Act and at venues used for the same on a permanent basis. Emblems of a mild alcoholic beverage may be displayed at these events in, for instance, programme leaflets, the event area, and on the outfits and equipment of adult competitors.

In section 2, subsection 2 of the Assembly Act, a public event is defined as an event open to the public, but not considered a public meeting.

The concept of a “public event” is extensively defined in the Assembly Act and its legislative drafts; public events include, but are not limited to, various celebrations, performances and concerts. Commercial events such as trade fairs, promotions, air shows, sporting events, competitions and team sports events are also public events. Events at permanent and travelling amusement parks are also public events.

However, it should be noted that at events intended for children and adolescents, such as children’s music, culture or sporting events, advertising alcoholic beverages remains prohibited under section 50, subsection 2, paragraph 1 of the Alcohol Act.

In addition to promotion during public events, advertising is permitted at venues used for public events on a permanent basis. According to the relevant Government Bill (HE 100/2017 vp), if the name of an alcoholic beverage is painted on the side of an ice hockey rink, for instance, it does not need to be removed between matches.

Operations intended to provide individuals with everyday opportunities for independent recreation, such as maintaining fitness facilities, are not to be considered public events. A sports hall or other similar facility is not by default a venue used for public events on a permanent basis if, for instance, public events such as shows, competitions, matches, etc., are held there on sporadically.

The primary purpose of a venue is paramount in an evaluation. If a venue exists primarily for a purpose other than organising public events, then the advertising of alcoholic beverages is only permissible at the times public events are being held there.

If the event has been issued a serving licence, the Alcohol Act's provisions on licensed premises and any restrictions specified in the serving licence are to be complied with.

Other exceptions

The promotion of mild alcoholic beverages as referred to in section 50 of the Alcohol Act may be undertaken, with the restrictions on content specified in subsection 2, on a vessel in international traffic; on premises licensed for the serving or retail sale of alcoholic beverages; and outside such premises as regards the availability and price of specific beverages.

On board vessels and aircraft in international traffic, the advertising and promotion of **mild** alcoholic beverages is also permitted on premises other than those licensed for the serving and retail sale of alcoholic beverages.

Premises licensed for the serving, retail sale or production of alcoholic beverages may advertise those products that they have for sale. Also, a display in the window or outside premises licensed for the serving or retail sale of alcoholic beverages may provide factual information on the mild alcoholic beverages available on the premises and list their prices.

Permission to display advertising with regard to availability and price outside premises licensed for the serving or sale of alcoholic beverages constitutes an exception to the default provision on the prohibition of advertising. Alcohol advertising may only be undertaken by a licence holder or the central firm to which the establishment belongs.

Outside sales premises, a product may not be drawn attention to with a particularly large advertisement, for example, or in a manner that otherwise attracts attention. Nor may the display of the product be clearly promotional; in other words, any extensive description of the product's quality, taste or other characteristics is prohibited.

The advertisement must be placed in the immediate vicinity of the sales premises, and it must be in the control and under the scope of the licence holder's monitoring obligation. Only for a justified reason, such as the location or the difficulty of finding the premises, may an advertisement be placed elsewhere than within sight of the sales premises. Customers must be able to understand the connection, both visual and functional, between an alcohol advertisement and its sales premises. For instance, an illuminated display outside a shopping centre, stops and the like do not meet the aforementioned criteria, even if they were located in the vicinity of the sales premises.

This provision may be relevant with reference to items in the outdoor serving areas of restaurants, such as promotional sunshades, posters, furniture or other items. In terms of these, the alcohol advertising may not attract so much attention, and be directed outside the licensed area to such an extent as to be considered evasive of the advertising ban concerning public places.

The availability and prices of mild alcoholic beverages may be advertised as follows:

- in the window of licensed premises;
- on an advertising display stand in the immediate vicinity of the licensed premises;
- on the awnings and sun blinds of licensed premises;
- on the brand or advertising parasols of an outdoor licensed area.

According to Valvira's interpretation practice, it is permissible for the names, emblems and logos of mild alcoholic beverages to be displayed in the windows and on the awnings of restaurants. There may also be an image of such as a pint of beer in the window as an indication of availability.

The name of a restaurant may be the same as the name of a mild alcoholic beverage. However, it should be noted that in this case, advertising the restaurant in a public place beyond its immediate vicinity may constitute the indirect advertising of an alcoholic beverage, which is prohibited.

2.9.3 Marketing in connection with another product or other advertising, and indirect advertising

Marketing mild alcoholic beverages in association with the marketing of another product or service in a public place is prohibited under section 50, subsection 2 of the Alcohol Act.

Indirect advertising of alcohol in public places is also prohibited, including, in particular, the promotion of a product in connection with the advertising of another commodity so that the established emblem of the product or its seller, whether as is or in modified but identifiable form, is used as the emblem of the other commodity; or advertising for another commodity that conveys an image of a particular product.

Given that the Alcohol Act contains a provision which prohibits the advertisement of mild alcoholic beverages in a public place, this prohibition cannot be circumvented in advertising taking place in public places by, for instance:

- paying the organiser of an event for using the name of alcoholic beverage as the event's name (sponsorship);
- paying the manufacturers of other products for using the name of an alcoholic beverage as the name of other products.

For example, if an event, contest or sporting tournament has been named after a mild alcoholic beverage due to a contractual arrangement, it cannot be advertised in a public place, such as by streets and stops.

Because of the blanket ban on advertising in public places, problematic situations may arise with regard to product families and namesake products. For instance, beverages that contain no more than 1.2 per cent of alcohol by volume must nevertheless not be advertised in public places if they belong to a family of products that includes stronger alcoholic beverages under the same emblem, name or logo. This applies even if they would be only mild alcoholic beverages.

Whether the use of an emblem constitutes indirect advertising of an alcoholic beverage is evaluated on a case-by-case basis. This evaluation will take into account whether such a name or emblem is known primarily as the emblem of an alcoholic beverage.

It has become increasingly common to name alcoholic beverages after sports teams, bands and artists, in such cases, the name or emblem of such a team, band or artist is used as the name, emblem or logo of an alcoholic beverage. The advertising of beverages of this kind must take into account the prohibition on the indirect advertising of alcoholic beverages. However, the matches of a particular team may still be advertised in public places if the advertising does not create an impression of the beverage named after the team.

In keeping with fundamental rights, an enterprise must by default have the right and the opportunity to advertise itself by its own name. An enterprise is also allowed to promote products the advertising of which is not specifically prohibited by law. However, corporate image advertising may not incorporate emblems or slogans used exclusively in the advertising for an alcoholic beverage. If the name or logo of the enterprise is similar to that of a mild alcoholic beverage or includes part of the name of the beverage, its permissibility in corporate image advertising must be appraised on the basis of whether the advertising primarily conveys an image of that specific alcoholic beverage, through means such as typeface, colour scheme or similar features.

With regard to corporate image advertising, the regulations on the indirect advertising and other promotion of strong alcoholic beverages may be taken as a guideline as applicable. Even so, it should be noted that the promotion of strong alcoholic beverages is prohibited by default, while the advertising of mild alcoholic beverages is permitted by default. With a view to the systematic nature of the Alcohol Act, there is no need to restrict corporate image advertising as strictly when it comes to mild alcoholic beverages.

2.10 Games, prize draws and contests (section 50, subsection 2, paragraph 10 of the Alcohol Act)

Any advertising of alcohol which involves consumers entering a game, prize draw or contest is prohibited. Producers and importers of alcoholic beverages and the holders of serving or retail sales licences may not organise games, prize draws or contests in which the prize is an alcoholic beverage. Any other games, prize draws and contests related to specific alcoholic beverages are likewise prohibited, even if the prizes involved were not alcoholic beverages. The implementation method of the game, prize draw or contest makes no difference — the prohibition concerns games, contests and prize draws which, in one way or another, relate to identifiable alcoholic beverages and brands, regardless of whether they are held online or on licensed premises.

Games, prize draws and contests may continue to be held on licensed or retail sales premises, as long as they do not directly or indirectly relate to specific, identifiable alcoholic beverages and if their prizes do not consist of alcoholic beverages.

Only non-alcohol industry operators can give out alcoholic beverages as prizes in a prize draw or contest open to the public. Thus, the organisers must ensure that persons **under the age of 18** cannot enter the prize draw and receive a prize that is an alcoholic beverage.

It should also be noted that if the organisers of a prize draw or contest in which entrants pay a fee and the prizes include alcoholic beverages gain a profit from the prize draw or contest, this may in some cases be considered a violation of the monopoly on sales and licensing system provided for in the Alcohol Act.

Therefore, giving out an alcoholic beverage as a prize in a charity raffle, for instance, is prohibited. Under [Chapter 50\(a\), section of the Criminal Code of Finland](#), a person who in violation of the Alcohol Act or of a provision issued on its basis sells, supplies or otherwise provides to another alcoholic beverages is to be sentenced to a fine or to imprisonment for an alcohol offence.

When giving out non-alcoholic products as prizes, it must be noted that the prohibition on indirect marketing also prohibits the use of products belonging to a product family that includes alcoholic beverages. This also applies to products other than beverages, such as glasses or tumblers or clothing or accessories bearing the logo of an alcoholic beverage.

Basically, corporate image advertising is also permissible for operators involved in the alcohol industry. If an alcohol industry operator organises a game, contest or prize draw which is not related to any specific or identifiable alcoholic beverage or brand, and in which the prizes are not alcoholic beverages, the game, contest or prize draw does not constitute the prohibited marketing of an alcoholic beverage as referred to in section 50, subsection 2, paragraph 10 of the Alcohol Act. However, in such cases, entry in the contest or prize draw may not be conditional on subscribing to a newsletter containing alcohol marketing, for example, or a consent to receiving some other form of alcohol marketing.

2.11 Exploiting content produced by consumers and offering advertising to consumers for sharing on online services (section 50, subsection 2, paragraph 11 of the Alcohol Act)

Advertising alcoholic beverages is prohibited if its commercial executor **uses verbal or visual content created by consumers** in information network services controlled by that executor or makes verbal or visual content produced by it or by consumers available for sharing by consumers through such services.

2.11.1 Content produced by consumers

It is prohibited to use material created by consumers, such as comments or photos or videos of consumers drinking, in advertising alcoholic beverages online. Material created by consumers may not be shared through the website or social media services of a commercial operator. An alcohol industry operator may not re-publish or otherwise share an image, story or other content published by a consumer on their own pages on a website controlled by the operator or in a social media service.

Commercial operators are obliged to delete any consumer-created material tantamount to advertising alcoholic beverages from the information network services they control. For instance, favourable comments on and images of alcoholic beverages are considered such consumer-created content. However, material created in collaboration with a manufacturer, importer or seller, such as a blog text, is not considered consumer-created material.

Many services also provide a “like” function. A consumer clicking a button, without producing verbal or audio-visual content, to express that they approve of the advertiser’s content does not constitute consumer-produced content. In other words, an advertiser does not need to delete or prevent “likes”.

An evaluation of the permissibility of the use of hashtags must consider the overall image formed of the activities. What is particularly essential for this consideration is whether a commercial operator can be considered to have sought to advertise and promote an alcoholic beverage by leveraging the active participation of consumers or content produced by them. Therefore, activities in which consumers are actively encouraged to use particular hashtags, for example, could potentially be considered contrary to the marketing provisions of the Alcohol Act.

2.11.2 Encouragement to share alcohol advertising

Advertisers must disable the sharing option in any promotional content they have created and may not encourage or suggest that consumers share content created by themselves or by other consumers that may be construed as advertising an alcoholic beverage.

Advertisers must use the settings available to them in the information network services to prevent any sharing of the advertising of alcoholic beverages that they produce. If it is possible to disable the sharing function in the information network service used by an advertiser, then the advertiser must disable that function in connection with advertising alcoholic beverages.

The display of user-targeted sponsored ads for mild alcoholic beverages via social media services is basically permitted, but the party executing the advertising must ensure that the advertising is aimed at adults. The sharing function must also be disabled in sponsored ads. The reception of personal advertising via email or as private message in a social media service usually requires the recipient's prior consent for receiving advertisements.

If an advertiser has blocked the sharing of advertising material produced by the advertiser using the means available to it, the advertiser is not responsible for consumers forwarding or sharing links or material with other consumers. In practice, this means that advertisers must exercise diligence and responsibility in selecting service-specific settings in the information network services they use.

2.11.3 Commercial advertising operators

The restrictions on social media marketing provided for in the Alcohol Act apply to the **commercial operator** of the alcohol advertising. A commercial operator is an entity with a direct financial interest in the advertising of the alcoholic beverage. Typically, a commercial operator in this context is the seller, importer or producer of an alcoholic beverage. Therefore, the restriction has no impact on the freedom of speech of private individuals or consumers, because independent communication between consumers does not constitute advertising.

However, any other party engaged in the advertising and potentially benefiting from the advertising of alcoholic beverages may also be considered a commercial operator. If an individual person has an immediate financial interest

or other clear commercial connection to the advertising of alcoholic beverages, then that person is to be considered a commercial operator by virtue of their status. An example of this is a person who is in a position of authority in a company that produces, sells or imports alcoholic beverages.

A blogger, YouTube account holder or Instagram account holder may also be considered a commercial operator if they collaborate with or are commissioned by a producer, importer or seller of alcoholic beverages, or they promote alcoholic beverages for a fee. In such a case, the individual must abide by the provisions on the advertising of alcoholic beverages, and the same restrictions apply to that individual as to other advertisers.

Where the boundary between a prohibited or permitted operation lies is always evaluated comprehensively on a case-by-case. If a blogger only occasionally receives product samples and is not otherwise guided in their writing by an operator in the alcoholic beverage industry, then the blogger's writing is interpreted as the expression of a private individual and as such not subject to the provisions on the advertising of alcoholic beverages. That being the case, an operator in the alcohol industry may not make use of such material produced by a consumer in their own marketing.

An **information network service controlled** by a commercial operator means any online service or channel which is visible to consumers and whose content may be determined by the commercial operator. Such information network services include websites, Facebook, Instagram, blogs and YouTube.

Whether any particular action or practice is prohibited or permitted is always evaluated comprehensively on a case-by-case basis. What is particularly essential for this consideration is whether a commercial operator can be considered to have sought to advertise and promote an alcoholic beverage by leveraging the active participation of consumers or content produced by them. Relevant factors in this respect are the purpose, scope, target group and duration of any given action.

The following is permitted:

- the advertising of mild alcoholic beverages on traditional web pages;
- the advertising of mild alcoholic beverages on a social media service, provided that the limitations pertaining to the use of the share function are accounted for and that consumers' possibility to write on the page and post comments there has been blocked or the advertiser deletes any

consumer writings or comments that can be considered alcohol advertising;

- making use of content produced by consumers and the sharing option in the advertising of products and services other than alcoholic beverages. If the principal message of the content produced by a consumer is not related to alcoholic beverages, it need not be deleted.
- engaging in cooperation with a social media influencer. Such cases require the marketing provisions of the Alcohol Act to be taken into account and any comments made by the followers of a blog or social media account to be blocked, or any comments that can be construed as alcohol advertising to be deleted.

The following is prohibited:

- using consumer-produced material such as images, videos, comments or blog texts in marketing;
- aiming “sponsored” advertisements at minors;
- an encouragement to share alcohol advertising in the context of material;
- links to social media services, and making use of the share function in the context of alcohol advertising on a traditional website controlled by the advertiser (i.e. “social media buttons”).

3 Price notices, pricing and rebates on purchases of alcoholic beverages

3.1 Price notices in marketing

It is noted in the Decree on Price Marking in Marketing ([553/2013, Price Indication Decree](#)), that if a retail seller or other business operator operating in the manner of a retail seller markets a specific item of goods by giving a specific sales price, then the unit price for those goods must also be given. The provisions of the Decree must be complied with in all marketing, irrespective of the marketing medium.

In case a consumer goods item is marketed at a particular sales or unit price, both the sales price and the unit price must be posted in a clear and unambiguous way that is easy for the consumer to notice and understand.

Under the Consumer Protection Act, enterprises must in their marketing provide consumers with all the information relevant for making a purchase decision. The Consumer Ombudsman has ruled that price is one of the essential and significant factors affecting a consumer's purchase decision, and as such should be reported even when there is no specific provision requiring it.

Licensed premises must keep the prices of all beverages sold on the premises available. If it is not possible to record all sales prices or the bases for those prices in a price list because of the large number of services provided or other similar factors, it is sufficient to enter the most common sales prices or the bases for those prices in the price list. In such cases, it must be clearly indicated in the price list that a comprehensive price list exists, and that it must be provided to consumers at their request.

The prices of mild alcoholic beverages may also be displayed on an outdoor stand, in a glass case mounted on the wall or on a door or window of the restaurant.

3.2 Pricing (section 51, subsection 1 of the Alcohol Act)

According to section 51, subsection 1 of the Alcohol Act, two or more packages or portions of alcohol may not be offered at a quantity discount price, i.e. a joint discount price, in retail sales and serving in such a way that the unit price of the same commodities is more expensive when bought separately. Discounts and joint discount prices are considered to be particularly effective with regard to those whose alcohol consumption is most restricted by the scarcity of disposable funds and to those whose judgement is impaired, for instance because of alcohol addiction.

Price notices may not mislead the consumer. It may be misleading to label a portion of an alcoholic beverage as "large" or "small", given that the restaurant may have different portion sizes in use. The advertisement must indicate how much a "pint" of beer or a "glass" of red wine is in centilitres, for example.

Based on the ban on joint discount prices, a consumer must be able to buy a single item at the unit price of that same item in a multi-package. The price is to be calculated on the basis of the cheapest multi-package available for the brand in question. The provision does not apply to a situation in which the same alcoholic beverage is sold in individual packages of different sizes, like 0.33-litre and one-litre bottles. The price per litre of an alcoholic beverage in a bigger individual package may be cheaper than its price per litre in a smaller individual

package. In terms of serving, this applies to the pricing of, among others, beer as well as red and white wines, when they are being served by glass or by bottle.

Licensed or retail sales premises may price an alcoholic beverage to be cheaper than normal when the case involves a limited group of customers, such as individuals registered as loyal customers. Special loyal-customer prices or staff discounts are therefore permitted.

The ban on joint discount prices pursuant to section 51, subsection 1 of the Alcohol Act also applies to the aforementioned two-price system. In other words, consumers must be allowed to purchase an individual product within the pricing group in question at the discount price, and a loyal customer or benefit card holder, for instance, must be able to purchase an individual product at a loyal customer's special price.

Decisions by the supervisory authority

Not all alcoholic beverages on sale at a retail sales outlet were available in individual packages, and there was a sign on the shelves specifically prohibiting customers from opening multi-packages. The relevant Regional State Administrative Agency instructed the licence holder that a seller may not refuse to sell multi-packaged items individually. (Regulatory letter of the Regional State Administrative Agency for Southern Finland, 3750 99 2013 170 020)

3.3 Prohibition on rebate provided on the price of alcoholic beverages (section 51, subsection 2 of the Alcohol Act)

According to the new provision under section 51, subsection 2 of the Alcohol Act, it is prohibited in the retail sales and the serving of alcoholic beverages to offer and grant rebates on the price of alcoholic beverages calculated on the basis of purchases of alcoholic beverages, or other consumer goods or services. It is also prohibited for a benefits programme operating in Finland to grant rebates on the purchase of alcoholic beverages made abroad.

“Rebate” is a generic term which covers both bonuses and benefits offered in some other form, such as payment method benefits. The provision aims to prohibit rebate arrangements of any kind.

The provision applies expressly to the retail sales and serving of alcoholic beverages, and it is noted in the Act's preamble that its purpose is to prevent shops and restaurants from promoting the sale of alcoholic beverages through rebates in connection to their loyal customer cards or benefits programmes. The provision does not prohibit any benefits that may accrue from the use of credit cards, provided that the credit card in question is issued by a financial institution and that the financial institution in question is not itself engaged in the restaurant or retail sales business to any significant extent. The benefits accrue on all purchases made by the cardholder using the card, not just on the products purchased from the operator granting loyal customer status. Therefore, the rebate is not related to the loyal customer card or benefits programme of a specific seller of alcoholic beverages.

3.4 Special price notices concerning alcoholic beverages (section 51, subsection 3 of the Alcohol Act)

Price advertising on mild alcoholic beverages aimed outside retail sales premises is restricted in section 51, subsection 3 of the Alcohol Act. According to said provision, advertising the discount prices of alcoholic beverages outside retail sales premises is prohibited if the special offer is valid for a period of less than two months. Such discount prices of alcoholic beverages may not be displayed so as to be visible outside the retail sales premises, as on the door, in a window or on the street, and they may not be advertised in print media, on the retail sales premises' website or in loyal customer communications.

Using terms and images referring to a discount on alcoholic beverages outside retail sales premises may also be considered the unlawful advertising of a discount price if their actual purpose is to advertise a discount price valid for less than two months.

Discount prices on alcoholic beverages may only be advertised if the discount is valid for a consecutive period of at least two months. It is advisable to display the period for which a discount price is in force so as to avoid confusion in this respect.

Licensed premises may also display short-term discount prices concerning mild alcoholic beverages outside the premises. The marketing of strong alcoholic beverages is prohibited and any exceptions to this ban, such as a price list published on a website or any marketing occurring inside the licensed premises, are specifically provided for in the Alcohol Act. In other words, it remains

prohibited to publish any discount prices on strong alcoholic beverages on social media or in a restaurant's window or a newspaper, for example.

Decisions by the supervisory authority

The advertising leaflet of a retail outlet chain advertised cider at a discounted price of two cans for the joint price of EUR 5. The offer was valid for a week. The relevant Regional State Administrative Agency ruled that the advertising violated both the ban on joint discount prices and the ban on discount advertising and issued a warning to the licence holder (Decision by the Regional State Administrative Agency for Northern Finland 110 99 2011 170 015).

4 Special issues

4.1 Displaying alcoholic beverages

Pre-mixed drinks in retail sales which contain no more than 5.5 per cent of alcohol by volume may also contain strong alcoholic beverages. According to the relevant Government Bill (HE 100/2017 vp), the brand name of a strong alcoholic beverage may also be used in the names of the aforementioned beverages. While the prohibition on marketing strong alcoholic beverages does not extend to having such beverages for sale, it remains prohibited to market **products whose name contains the brand name of a strong alcoholic beverage.**

Such products should be displayed in a restrained and moderate way at the actual point of sale. How well this is achieved may also be evaluated on the basis of the overall impression with regard to the sales volume and range of products of the point of sale in question.

The Alcohol Act does not specifically prohibit the marketing of mild alcoholic beverages whose name includes the generic name of a strong alcoholic beverage, such as gin, rum or vodka. However, it must be ensured in such cases, by considering the overall impact or other marketing means, that such marketing does not constitute the indirect marketing of a specific brand of strong alcoholic beverages.

It must be ensured in the display of all alcoholic beverages that they are clearly separate from soft drinks. Alcoholic beverages must also be placed away from sweets shelves or other products popular with children and adolescents.

4.2 Products containing no more than 1.2 per cent of alcohol by volume

The Alcohol Act applies to alcoholic substances. An “alcoholic substance” is any substance or product that contains more than 1.2 per cent of ethyl alcohol by volume. Therefore, the provisions of the Alcohol Act are not directly applicable to products which contain at maximum 1.2 per cent of alcohol by volume.

The restrictions on sales hours and the permitted sales age provided in the Act are not applicable to the aforementioned beverages. However, nothing prevents the seller of a beverage from setting outlet- or chain-specific sales or marketing restrictions or recommendations for a product if it contains some alcohol, although no more than 1.2 per cent of ethyl alcohol by volume.

The marketing restrictions of the Alcohol Act may become applicable due to “indirect” marketing, namely in respect of product families. In practice, the most common restriction to become applicable is the prohibition on advertising a beverage belonging to a particular product family in a public place. The marketing of these beverages is likewise prohibited if it is aimed at minors or other people to whom alcoholic beverages may not be sold pursuant to section 37, or if it depicts people of this kind. It is also prohibited to link the use of alcohol to driving a vehicle.

4.3 Alcoholic beverages containing 1.2–2.8 per cent of alcohol by volume

“Alcoholic substance” refers to a substance or product which contains more than 1.2 per cent of ethyl alcohol by volume, whereas “alcoholic beverage” refers to an alcoholic substance meant to be imbibed which contains at least 1.2 per cent and at maximum 80 per cent of ethyl alcohol by volume.

The provisions of the Alcohol Act apply only partly to products containing between 1.2 per cent and 2.8 per cent of alcohol by volume. Such products may not be sold to persons under the age of 18 or intoxicated persons.

Some marketing restrictions also apply, for instance:

- the marketing may not be aimed at minors;
- the marketing may not be contrary to good practice;
- marketing in public places is prohibited;
- marketing on social media is subject to restrictions;
- games and prize draws involving these beverages are prohibited.

The ban on both joint discount prices and purchase rebates applies, in retail sales and serving alike.

In retail sales, a discount price for an alcoholic beverage may only be advertised outside the retail sales premises if it is valid for at least two months.

Products containing 1.2–2.8 per cent of ethyl alcohol by volume are not subject to the limitations on sales hours or serving, and selling these products is not subject to a licence.

4.4 Alcoholic products

An “alcoholic product” refers to an alcoholic substance which is not an alcoholic beverage nor a spirit and which may be denatured. Any foods and confectioneries containing ethyl alcohol are alcoholic products, for example. According to section 52 of the Alcohol Act, alcoholic products may not be sold for consumption. However, this provision does not apply to alcoholic products sold as a food or nutritional supplement. The producers, importers and sellers of the alcoholic products in question may not promote or present their use for intoxication.

The provisions on the sales and marketing of alcoholic beverages also apply to any alcoholic products that are wholly or partly solid and have a total alcohol content of more than 2.8 per cent of ethyl alcohol by weight. A product’s alcohol content by weight is also deemed its alcohol content by volume. The sales and serving of such products therefore require a licence. The provisions on age limits and sales hours also apply to the sales of these products. Products containing a maximum of 2.8 per cent of ethyl alcohol by weight, such as chocolates and ice cream, may be sold freely.

4.5 Customer and consumer events

This section discusses various customer events—including loyal customer events, tasting events and alcohol-focused trade fairs or trade fairs offering, introducing or selling specifically alcohol—from the perspective of alcohol marketing. In respect of any and all customer events, one should always remember that the event may require a serving licence and that the taxes of the alcoholic beverages that will be served must be paid.

4.5.1 Events for loyal customers

Licence holders may occasionally hold closed events of a limited time for their loyal customers in which they may serve a reasonable amount of alcoholic beverages to the loyal customers free of charge. The beverages served may also include strong alcoholic beverages, but due to the marketing prohibition, they cannot be otherwise marketed or mentioned in the invitation to the event, for example.

A loyal customer is required to have an existing customer relationship. The invitation to the loyal-customer event must be sent in advance and it must be personal. A person who enters the restaurant and only then registers as a loyal customer of the restaurant to make use of the free serving is not considered a loyal customer.

Invitations for closed loyal-customer events must define the hours of the event. During the hours in question, the restaurant or section of the restaurant in question must be closed to other members of the public. Once the event has ended, the restaurant may continue its operations normally, as a restaurant also open to other members of the public.

4.5.2 Licence holder's hospitality at invitation-only events

When opening a new restaurant, a licence holder may hold an opening function for invited guests. The individually invited persons in this case are guests of the licence holder, and as such may be served food and drink free of charge as hospitality on part of the licence holder. Such an event held by the licence holder is a by-invitation-only function held by the licence holder and not an occasion intended to promote the sale of alcoholic beverages. Normal regulations concerning the serving of alcoholic beverages do nevertheless apply.

A licence holder may also organise other kinds of entertainment functions at the restaurant. Food and alcoholic beverages may be offered free of charge in relation to business negotiations, for instance. Whether any given event is considered to constitute an entertainment function held by the licence holder or a promotional event for consumers concerning alcoholic beverages must be evaluated on a case-by-case basis, depending on the nature and scope of the event.

4.5.3 Tastings/product demonstrations

A “tasting” refers to a situation in which the importer of a beverage, seller, licence holder or equivalent serves the public smallish portions of the products they represent. Information about the beverages in question may be distributed in the same context.

The alcoholic beverages may be purchased from an alcohol company, a licensed producer of alcoholic beverages or wholesaler. A licence holder may also import the alcoholic beverages for serving purposes having notified Valvira of the importation. Any alcoholic beverages purchased for product demonstration purposes must also be purchased to the licensed premises in the manner described above, with the deliveries recorded under the licensed premises’ licence number.

Under the provisions of the Alcohol Act, the organising of tastings involving alcoholic beverages is limited depending on the venue and target group of the particular tasting.

Tastings may not be held in premises where the consumption of alcoholic beverages is prohibited pursuant to section 85 of the Alcohol Act. Therefore, tastings cannot be held at a restaurant or other place in which food and/or beverages are made available to the public against a charge or at a public event as referred to in the Assembly Act.

The justifications behind this prohibition include the maintenance of good manners and public order, and preventing situations in which the serving of alcohol is used to attract purchasers in trading.

The prohibition on consumption is also provided for elsewhere in the Alcohol Act. Section 35 of the Alcohol Act prohibits the consumption of alcoholic beverages in indoor or outdoor areas controlled by a retail licence holder or in the immediate vicinity of the same. Correspondingly, section 36 specifies that

only alcoholic beverages **sold** by a holder of a serving licence may be consumed on the licence holder's licensed premises.

The police also have the authority to prohibit the drinking of alcoholic beverages in a public place if so required to keep public order.

Organising a tasting also constitutes the promotion of products. Tastings cannot therefore be held in public places. Tastings involving alcoholic substances may not be held at an open market, on a public beach, at shopping centres or in front of a shop, for example.

Free tastings of strong alcoholic beverages may not be held for consumers on licensed premises or any other premises. The ban on tastings cannot be circumvented by charging a nominal payment alone for the tasting portions. Professionals in the restaurant business are subject to different rules, of which further details can be found in section 1.8 Advertising aimed at professionals in the alcohol industry.

Consumers may be organised tasting events in connection with the guided tours of distilleries or plants which produce strong alcoholic beverages, provided that the production location houses licensed premises with the right to sell strong alcoholic beverages.

Handing out free samples of mild alcoholic beverages to consumers for promotional purposes is generally regarded as inappropriate and contrary to good practice. In other words, a producer, importer or seller of alcoholic beverages cannot organise a tasting to which it would freely invite the public, without selecting the participants in advance.

A producer or wholesaler of a mild alcoholic beverage may offer tastings of their mild alcoholic beverage to pre-invited groups in connection with a presentation of its operations or a tour of its production facility in its product demonstration facilities.

Product information on alcoholic beverages may be provided to **professionals involved in the sale of alcoholic beverages** by holding tastings for them on premises not subject to consumption prohibitions. Tastings may also be held on licensed premises (in the form of a customer event held in a restaurant's private room, for example), but in such cases, the beverages tastes must be served by the holder of the serving licence in question.

The wholesalers of alcoholic beverages often also hold a retail sales licence, given that not all customers of the wholesalers are involved in the sale of alcohol. Due to provisions on consumption prohibitions, tastings of alcoholic beverages cannot be held in the facilities of a wholesaler in which retail sales of alcoholic beverage are also engaged or in their immediate vicinity.

4.5.4 Tasting events

A “tasting event” refers to an event in which invited individuals or individuals who have otherwise signed up for the event taste a variety of alcoholic beverages. The beverages are usually part of a particular package.

A tasting event may be held on licensed premises with a valid serving licence or, with limitations, on premises with no serving licence. If the event is held on premises with a serving licence, one must remember that only beverages purchased under the serving licence may be sold on the licensed premises. This means that the beverages purchased for the event must pass through the licence holder’s accounting. The pricing must be transparent and the participant must be provided with clear details on what the package includes. The event is also subject to other provisions applicable to serving; the participants must be adults and the amount of the alcohol served may not be excessive, for example.

If strong alcoholic beverages are served, it must be noted that the event may not be advertised as is outside the licensed premises. It has nevertheless been understood that the restaurateur is permitted to say that tastings of strong alcoholic beverages are also held on the premises. In such cases, it has also been considered acceptable to send further information, such as on pricing and the beverages served, to a customer/interested party at their request.

A tasting event may be held somewhere other than on licensed premises and without a serving licence only according to specific conditions. In terms of the premises in which the event is held, it must be noted that some premises are subject to a prohibition on the consumption of alcoholic beverages, due to which the event cannot be held in such premises. According to section 85 of the Alcohol Act, alcoholic beverages may not be consumed in a restaurant or any other place in which food and/or beverages are made available to the public against a charge or at a public event as referred to in the Assembly Act.

The participants themselves must procure the beverages by purchasing them from the holder of a retail sales licence or from Alko. An event of this kind may be held against payment, i.e. a fee may be charged for the instruction without a

need for a licence or notification pursuant to the Alcohol Act. The event's organiser may not supply the beverages, because in this case, they would be seen as gaining profit from the event. This is the case even if the price would not concern the supply of the beverages.

A tasting event can also be held free of charge, but in such a case, the event must be a closed event held for a pre-determined, limited group of people. In principle, a commercial operator in the alcohol industry may not market alcoholic beverages to consumers by offering them free of charge due to the marketing provisions of the Alcohol Act.

4.5.5 Trade fairs

If only mild alcoholic beverages are being presented at a trade fair for professionals, the trade fair may also be attended by some representatives of occupational groups which are not involved in the sales of alcoholic beverages, provided that this is in line with the trade fair's business idea and that participation to the trade fair can be limited with the help of invitations, for example. The invitees to such trade fairs may also include individuals responsible for the alcohol purchases and serving of companies, or representatives of wine or beer associations, etc.

Product information on strong alcoholic beverages may be provided at trade fairs to persons involved in the sale of alcoholic beverages. If tastings of strong alcoholic beverages are held at a trade fair, the organisers must be able to ensure that the attendees are in fact persons involved in the sale of alcoholic beverages. Serving samples free of charge to consumers at trade fairs is considered a promotional activity contrary to good practice.

At trade fairs in which the attendees also include other occupational groups or consumers, the premises in which strong alcoholic beverages are exhibited must be clearly separated from the main trade fair premises and it must be ensured that the people entering the separate exhibition premises are involved in the sales of alcoholic beverages.

If the trade fair is held on licensed premises (valid until further notice or temporary), strong alcoholic beverages may also be advertised, in compliance with the general limitations applicable to the advertising of alcoholic beverages.

Exhibitors representing the alcohol industry must agree with the holder of the serving licence on the delivery of the alcoholic beverages exhibited for serving

at the trade fair and on other practical arrangements related to the product demonstrations. It should be noted that only alcoholic beverages delivered to licensed premises legally may be served and consumed there.

The alcoholic beverages to be served may be purchased from an alcohol company, a licensed producer of alcoholic beverages or a wholesaler. Once they have filed the necessary notification with Valvira, a licence holder may also import alcoholic beverages for serving purposes. Any alcoholic beverages purchased for product demonstration purposes must also be purchased to the licensed premises in the manner described above, with the deliveries recorded under the licensed premises' licence number.

The responsibility for the legality of promotional activities lies with their operator, i.e. in this case the company serving the tastings. The organiser of the trade fair is, for their part, also responsible for the legality of the activities

4.6 Free gifts and combined offers

A **free gift** is an item of consumer goods given to a consumer either free of charge or at a discounted price on the purchase of another item of consumer goods. A **combined offer** is an offer where two or more products are sold at a combined price.

While the Consumer Protection Act does not require free gifts or combined offers to be necessarily connected to the principal product being sold, it does require the marketing for such offers to be transparent. The aim is for benefits and discounts not to compete against each other. For competition to be fair, consumers must be provided with clear information about the product on offer and the benefit related to it.

It follows from the special nature of alcohol as an intoxicant that free gifts and combined offers can be evaluated more strictly than the marketing of other consumer goods, pursuant to section 50, subsection 2, paragraph 7 of the Alcohol Act. Therefore, a practice that is not inappropriate for other consumer goods may be inappropriate in the marketing of alcoholic beverages. For the marketing of alcoholic beverages to comply with good practice, it must be appropriate. The purchase of alcoholic beverages should not be made more attractive by drawing the consumer's attention to additional benefits that are irrelevant to the product itself.

Therefore, any free gifts or combined offers connected to purchases of alcoholic beverages must necessarily be connected to the principal product. In other words, a free gift or combined offer connected to a purchase of an alcoholic beverage must have something to do with the consumption or storage of the beverage, etc. Therefore, items such as one or more serving glasses, a corkscrew, wine carafe, bottle seal, thermos bag, a wine thermometer or foods may be offered as a free gift or combined offer with the purchase of alcoholic beverages.

Furthermore, such free gifts or combined offers may not be contrary to any other paragraphs in section 50, subsection 2 of the Alcohol Act, i.e. they may not be aimed at children or link alcohol to driving, for instance. Also, items referred to in section 8 of the Tobacco Act, such as tobacco products or tobacco accessories, may not be offered as free gifts or combined offers with the purchase of alcoholic beverages.

If an ancillary product has no **independent value**, it cannot be considered an item of consumer goods as referred to in the Act. If, however, value is created for such inherently valueless items, for instance by turning them into collectibles, then they may become inappropriate for marketing to consumers. The same evaluation is extended to beverage packages. Nor may a free gift be offered as a random benefit along the lines of: “Free pint glass to the first 100 people who buy beer.”

Even if offering an ancillary product alongside the principal product does not in itself constitute inappropriate consumer marketing, the **marketing may become inappropriate from the perspective of consumers if:**

- the ancillary product is used as the principal message in the marketing or otherwise emphasised at the expense of the principal product;
- the ancillary product is advertised as “free” even though the consumer must pay for the principal product to receive it;
- the ancillary product forms part of a collectible series (e.g. products for wine enthusiasts such as decanters, wine thermometers, etc.) available by purchasing a specific brand;
- the ancillary product is a T-shirt, badge or other item that is in no way related to consumption of the beverage;
- any item, prize or other benefit to be awarded at a later date to a consumer collecting labels, corks or other parts of the package of an alcoholic beverage.

Established practice has considered an offer by a licensed restaurant in which a meal and a portion of a mild alcoholic beverage are sold for a combined price permissible, provided that the following conditions are met:

- Consumers are also free to choose a non-alcoholic beverage.
- The beverage may not be advertised as free or as a gratuity to the buyer, because the customer pays a combined price for it.
- An alcoholic beverage may not be the principal message of the advertisement.

Authorities have tended to consider the following permissible:

- Including one portion of a mild alcoholic beverage to be offered during the same visit in the price of an admission ticket. In the same context, consumers must be informed that they are also free to choose a non-alcoholic beverage. A beverage may not be advertised as “free of charge”, given that the customer pays for it in the price of the admission ticket.
- Including, in the price of a programme ticket sold by a restaurant for an organised entertainment event held on licensed premises, one mild alcoholic beverage as a possible welcoming drink and a limited, reasonable amount of mild alcoholic beverages as drinks to be consumed with a meal. A non-alcoholic option must also be made available.

When marketing a restaurant’s packages including food, an alcoholic beverage, and entertainment, it must be noted that no one other than the licence holder may sell the packages in question. In other words, there may be no other party between the restaurant and consumer which buys the package including alcohol from the restaurant and then sells it on to a consumer, because supplying alcoholic beverages against remuneration is a punishable offence according to the Criminal Code of Finland.

Section 51, subsection 1 of the Alcohol Act states that it is prohibited to offer two or more packages or portions of alcoholic beverages at a discounted combined price in the retail sale or commercial serving of alcoholic beverages. Two or more packages of alcohol may not be offered at a quantity discount price, i.e. a joint price, in such a way that the unit price of the same commodities is more expensive when bought separately. In other words, the price of a unit of alcoholic beverage when sold individually must not be higher than the price of

such a unit when sold together or in a multi-package. In practice, this means that in a combined offer including two or more packages of alcoholic beverages and another product, the alcoholic beverages must be priced at their normal price.

It should also be noted that under section 12 of the Consumer Protection Act, the separate prices of all items offered at a combined price must be displayed, unless the price of each item if bought separately is under EUR 10.

4.7 Using an alcoholic beverage as an ancillary product for another product

If alcoholic beverages are used to promote other products, it should be noted that in Finland, alcoholic products for consumption may be sold only by Alko Inc. and by the holders of retail sales and serving licences for alcoholic beverages.

The provisions applicable to the selling of alcohol also apply to the supply and delivery of an alcoholic substance against payment or marketed in the context of other goods or services.

The delivery of an alcoholic beverage for payment is considered contrary to the Alcohol Act's monopoly and licensing system if it requires the purchase of another product or service, or another remuneration or some other comparable activity when the operator does not have an appropriate serving or retail sales licence. Such practices are prohibited regardless of whether the offer is aimed at businesses or private consumers.

Examples of practices to be understood as unlawful:

- a hardware shop offers a case of beer as a bonus to consumers who buy a gas barbecue;
- an IT company offers a bottle of sparkling wine as a gift to consumers who buy computer hardware;
- a printing press offers corporate clients the gift of a bottle of wine if they pay for postage;
- a kitchen fitter offers bonus coupons against which customers can receive an alcoholic beverage free of charge at the restaurant next door.

Decisions by the supervisory authority

A shipping line advertised cruises by noting that the price included a case of beer. Valvira ruled that the alcoholic beverage was framed as the principal message in the advertising, due to which the advertisement was to be understood as contrary to good practice. The advertisement also violated the discount advertising provision in section 33a, subsection 2 of the Alcohol Act. (Letter 3028/13.08.02.01/2012).

4.8 Business gift packages

Because of the State monopoly provided for in the Alcohol Act, only holders of a licence for the retail sale, serving or wholesale of alcoholic beverages may sell alcoholic beverages. It is also prohibited to supply alcoholic beverages for a fee. Alcoholic beverages may be sold to enterprises selling business gifts only by Alko Inc. and by shops selling fruit wines or, in the case of beverages containing at maximum 5.5 per cent of alcohol by volume, the holders of licences for retail sales or serving.

When offering a business gift product consisting of an alcoholic beverage packaged with other products, the business gift enterprise must require customers to purchase the alcoholic beverage themselves through licenced retail sales. The business gift enterprise can only package the beverage. The customer may also commission the business gift enterprise to act on the customer's behalf in obtaining the alcoholic beverage from a retail sales outlet, but alcohol purchases must be kept separate from the price otherwise charged for the products in invoicing. No fee may be charged for obtaining the beverage. The clearest arrangement would be for the retailer or Alko Inc. to invoice the customer directly for the alcoholic beverages.

The advertising of the business gift enterprise may not give the impression that the enterprise itself is selling alcoholic beverages. If alcoholic beverages are included in advertising images or mentioned in text, it must also be clearly indicated that the beverages must be separately obtained. The cost of the beverages must not be included in the prices of the gift packages. The sales prices of mild alcoholic beverages may nevertheless be shown on retail sales premises, as may examples of the combined price with another package.

Brand names or emblems of strong alcoholic beverages may not be displayed. However, suggestions as to the content of a business gift package may be made using generic names, as in 'a selection of coffee with a bottle of cognac of

the customer's choice' or 'sauna set and bottle of vodka of the customer's choice', etc. No identifiable bottles or emblems of strong alcoholic beverages may be used in illustrations. The exceptions mentioned in the Alcohol Act regarding price lists only apply to licence holders.

4.9 Marketing of alcoholic beverages in tax free shops

There are special regulations for the sale of alcoholic beverages in tax free shops and on board transport between Finland and other countries. This, however, does not mean that such areas are outside Finnish legislation.

Tax-free shops in Finnish territory are subject to Finnish legislation. On board vessels, under the United Nations Convention on the Law of the Sea, the "flag state law" principle applies. In other words, a vessel is governed by the exclusive jurisdiction of the country under whose flag she sails.

On board vessels registered in Åland, the legislation of the Åland Islands apply to the extent of their autonomy. Under the Act on the Autonomy of Åland, the Åland Islands have been given legislative powers in matters concerning licences for the serving of alcoholic beverages. However, the Åland Islands have not been given legislative powers in matters concerning the advertising of alcoholic beverages, and thus the provisions of Finnish law concerning such advertising apply in Åland and on vessels registered in Åland.

The special regulations on the sale of alcoholic beverages in tax-free shops represent an exception to the State monopoly and licensing system provided for in the Alcohol Act and to the excise tax system. The provisions in Finnish law on the marketing of alcoholic beverages apply wherever Finnish legislation applies. However, under section 50, subsection 4, paragraph 2 of the Alcohol Act, the marketing of mild alcoholic beverages on board vessels in international traffic is permitted without regard to the prohibition on advertising in public places (for more on the prohibition on advertising in public places, see section 2.9 Marketing in public places).

In accordance with the Alcohol Act, advertising alcoholic beverages is prohibited at ports and airports in those premises that are not retail sales premises or licensed premises. The marketing of strong alcoholic beverages is also prohibited in tax-free shops' printed media advertisements and TV advertising published in Finland and direct mail marketing.

The retail sales premises of strong alcoholic beverages may have a price list available to the general public where the alcoholic beverages on sale (both mild alcoholic beverage and strong alcoholic beverages) are presented in a consistent manner. Such a price list may be printed or available in electronic format over an information network. A printed price list may only be available to the general public on the retail sales premises selling strong alcoholic beverages. Price lists may be published online only on the seller's own website. Price lists, whether in printed or electronic format, may not be sent to customers.

It follows from the ban on advertising strong alcoholic beverages that any price list available to customers for takeaway purposes and published over an information network must contain information on all available alcoholic beverages, presented in a moderate and equal manner. In other words, no beverage may be highlighted by means of a different font, colour or layout, for instance.

A price list may contain relevant product information on the alcoholic beverages, including the name of a beverage, the name of the producer, the package size, the price, and the country or region of origin. A price list may also include a neutral image of the bottle or package of a beverage.

The price list may also contain purely informative descriptions of alcoholic beverage product groups that do not include advertising elements. A "product group description" can include, for instance, descriptions of the ingredients and/or manufacturing processes, flavour characteristics and usages of a particular type of alcoholic beverage. Such descriptions must also be provided equally for all types of alcoholic beverages.

4.10 The marketing of alcoholic beverages in publications and programming of foreign origin (section 50, subsection 5 of the Alcohol Act) and online

Section 50, subsection 5 of the Alcohol Act provides for the regional application of restrictions on the advertising of alcoholic beverages. It states that the restrictions on the advertising of strong alcoholic beverages and mild alcoholic beverages does not apply to publishing or broadcasting which is practised abroad by a business operator not based in Finland and which is intended to be received exclusively outside of Finland or is intended to be received with exactly the same content regardless of the recipient's country of residence.

What this provision means is that, for example, advertisements for alcoholic beverages published by a foreign operator in a foreign magazine or on a foreign website and intended for consumers in another country are not actionable under the Finnish Alcohol Act even if the magazine or website is available in Finland. Correspondingly, alcohol ads on a satellite TV channel visible in the entire Northern Hemisphere are not subject to supervisory action pursuant to the Finnish Alcohol Act.

However, said provisions do apply to marketing by foreign parties concerning alcoholic beverages available on the Finnish market and which is specifically aimed at Finnish consumers. The ban on advertising cannot therefore be circumvented by aiming advertising at Finnish consumers from abroad. A prohibition order as per section 68 of the Alcohol Act may be issued against a party that commissions or executes a marketing action, or against anyone employed by the same. A prohibition order may thus be issued against a Finnish importer of alcoholic beverages who advertises a strong alcoholic beverage to Finnish consumers on a website based abroad or in a programme broadcast from abroad.

Marketing of alcoholic beverages online

The provisions in the Finnish Alcohol Act are principally media-neutral. Therefore, promotional activities online and on social media basically fall under the same provisions as traditional media (TV, radio, newspapers, magazines). The legislation also extends to advertising via e-mail and various mobile services and applications. However, there are some restrictions that pertain solely to online advertising. These restrictions are discussed above in section 2.11 Exploiting content produced by consumers and offering it to consumers for sharing purposes in online services.

An operator actually operating in Finland, engaged in actual commercial operations in a permanent establishment, must comply with Finnish legislation with regard to advertising and marketing on the internet (Information Society Code (917/2014)). Establishment is determined irrespective of in which country the company is registered, in which languages the website is published, where the server maintaining the website is physically located, or which domain name is used. The country of establishment cannot be reliably deduced even if the domain name has a country suffix. If an operator has an establishment in several EEA member states, the crucial factor is in which country the centre providing the service in question is located.

According to the “country of origin” principle, it is basically irrelevant whether the advertising of alcoholic beverages on the internet is aimed at consumers residing in Finland or not. Operators established in Finland must comply with the marketing provisions in the Alcohol Act even if their marketing is principally or exclusively aimed at another EEA member state. However, despite the “country of origin” principle, online advertising directed at Finland from abroad may be intervened in on the basis of the Alcohol Act if the purpose of such advertising is to circumvent the legislative provisions protecting public health, for instance.

In evaluating whether marketing based abroad is specifically directed at Finland, the factors to be considered include not only the country where the originating server is located but also the overall impression given by the advertising (using the Finnish language or being localised for Finnish circumstances, etc.). Because people in Finland generally know English quite well, it does not follow that advertising in English is necessarily aimed at countries other than Finland. It is also important to consider whether the website in question is referred to in other advertising in Finland. Under section 68 of the Alcohol Act, a prohibition order may be issued to a Finnish manufacturer of alcoholic beverages advertising strong alcoholic beverages to Finnish consumers on a foreign website.

It is also common to link external websites to one’s own: if, for instance, the website of a Finnish importer of alcoholic beverages contains a link to a foreign producer’s website advertising a strong alcoholic beverage, this may be considered to constitute part of the importer’s advertising and thus actionable.

This being the case, it is **prohibited** for a commercial operator established in Finland to publish material on the internet including but not limited to the following:

- advertisements on strong alcoholic beverages;
- links on pages advertising alcoholic beverages that lead to foreign websites advertising strong alcoholic beverages;
- advertisements of mild alcoholic beverages using marketing means banned in section 50, subsection 2 of the Alcohol Act (see section 2 (Mild alcoholic beverages) for details).

There are also numerous internet pages published by private individuals and by media outlets providing information on strong alcoholic beverages. Such pages are by default covered by freedom of speech as safeguarded by the

Constitution. However, publishing such pages may be considered unlawful if prepared in collaboration with a producer, importer or seller of strong alcoholic beverages so that the pages also constitute a presentation of the product(s) in a promotional or advertising capacity.

Product information on strong alcoholic beverages may be provided to professionals involved in the sale of alcoholic beverages. Such information may also be provided on a website if the administrator can ensure (for instance with user IDs and passwords) that only professionals involved in the sale of alcoholic beverages can have access to the relevant pages (further information is available in section 1.8 Advertising aimed at professionals in the alcohol industry).

Decisions by the supervisory authority

A Finnish-language page in Facebook was established for a strong alcoholic beverage and contained advertising material. The page was administered by a wholesale licence holder established in Finland. The company was in breach of the ban on advertising strong alcoholic beverages and was ordered to discontinue posting the page. (Prohibition decision 5823/13.08.00.02/2012).

5 Supervision of marketing of alcoholic beverages (sections 68–70 of the Alcohol Act)

5.1 Authority and sanctions

The supervision of the marketing of alcoholic beverages is primarily the duty of each Regional State Administrative Agency within its respective territory. The agencies' territorial divisions and contact details can be found on the [website of the Regional State Administrative Agencies](#). Valvira supervises the marketing of alcoholic beverages throughout the country, i.e. marketing that takes place in the territory of more than one Regional State Administrative Agency or that is implemented nationally.

The sanctions for marketing violations are provided for in section 68–70 of the Alcohol Act. The sanctions may be imposed on both the **party ordering** and the **party executing** the marketing and a person who works for them.

When detecting shortcomings or activity contrary to the provisions of the Alcohol Act or regulations, Valvira or a Regional State Administrative Agency may provide informal guidance for remedying the activity.

If the guidance is insufficient for ending the unlawful activity, Valvira or the Regional State Administrative Agency may prohibit the party which has ordered the marketing activity or the party executing it, and a person working for them, from continuing or repeating the activity contrary to the provisions.

Under section 30 of the Alcohol Act, the producer and importer answers for the quality and composition of the alcoholic beverages delivered by them for consumption, as well as for the circumstance that the product and its labelling and other presentations of it are in compliance with the provisions and regulations issued. Valvira supervises compliance with this provision. Under section 68, Valvira may prohibit an alcoholic substance from being released on the market, or may require the removal of an alcoholic substance from the market without compensation, if the product or how it is presented contravenes the relevant provisions and regulations, or if the quality of the product or its possible health hazards and risks are not appropriately monitored, or if such a prohibition is otherwise justifiable in the interests of safeguarding public health.

If it is, owing to the large extent or great significance of the practice, necessary to urgently prevent the continuance or repetition of a practice, Valvira may temporarily prior to the final settlement of the matter issue a prohibition to that end. A temporary prohibition of this kind enters into force immediately when issued and may be reversed before the matter is finally resolved. A Regional State Administrative Agency may also issue a temporary prohibition on a marketing measure on the aforementioned grounds before the matter is finally resolved.

The supervisory authorities may also prohibit a licence holder from continuing business operations insofar as they are materially in breach of good practice as referred to in section 4 and insofar as such activities have not been corrected or discontinued within a reasonable time limit, despite the supervisory authority's request to do so.

When deciding on a prohibition or when imposing a temporary prohibition, the supervisory authority may require the recipient of the prohibition to correct the activities concerned within a specified time and in a specified way, if such a correction is considered necessary because of the obvious adverse impacts of the illicit activities.

Such a correction may concern unlawful marketing material distributed to consumers or incorrect information given in marketing. Valvira and the Regional State Administrative Agencies may enhance a prohibition, order or correction imposed pursuant to the present Act with a periodic penalty payment or a notice of enforced compliance, whereby corrective action mandated but neglected is undertaken at the negligent party's expense. The levying of a periodic penalty payment imposed by the supervisory authority and the execution of a notice of enforced compliance issued by the supervisory authority is to be decided by the Market Court on application by the supervisory authority.

A prohibition, temporary prohibition, periodic penalty payment or enforced compliance issued or ordered by Valvira or the Regional State Administrative Agencies may not be appealed, but the matter may be submitted to the Market Court on application within 30 days of receiving notice of the decision or order. The decision issued by Valvira or a Regional State Administrative Agency must be complied with notwithstanding any appeal, unless the appellate authority orders otherwise.

Advertising in violation of the Alcohol Act is also subject to punishment under the Criminal Code. A person who deliberately markets a mild alcoholic beverage in violation of sections 50 and 51 may be sentenced to a fine for an **alcohol offence** ([Section 90, section 3 of the Alcohol Act](#) paragraph 4). A person who in violation of the Alcohol Act (1) directly or indirectly advertises strong alcoholic beverages or otherwise promotes the sale of strong alcoholic beverages; (2) directs advertisement, indirect advertisement or other sales promotion of mild alcohol drink towards minors or combines this with advertisement or other sales promotion of another product or service; or (3) depicts minors in the marketing of mild alcohol drink may be sentenced to a fine or to imprisonment for a maximum of six months for an **alcoholic beverage marketing offence** ([Chapter 30, section 1 of the Criminal Code of Finland](#)).

5.2 Liability of party publishing an advertisement

A prohibition order as per section 68 of the Alcohol Act may be issued against a party that commissions or **executes** a marketing action, or against anyone employed by the same. The "commissioner" is generally the company for whose benefit the advertising is being published. The "executor", with similar liability for the advertising, may be the advertising agency that designed the advertisement or the publisher or owner of the medium in which it was published.

The prohibition may also be personally directed at an individual in the employ of the commissioner or the executor of the advertising. The latter may be the case if the circumstances indicate that there is a risk of the prohibition being circumvented by continuing the unlawful action in the name of a new company or other legal entity.

Commercial communications fall within the domain of the freedom of speech provision in [section 12 of the Constitution](#) but are not considered to be in the core area of the freedom of speech. Regulation concerning advertising has to do not only with the freedom of speech but also with the freedom of livelihood safeguarded in [section 18 of the Constitution](#). The Constitutional Law Committee has consistently ruled in its policy that the promoting of public health and the protection of children justify quite far-reaching restrictions on fundamental rights and freedoms in the case of marketing in business operations involving particular risks of adverse impact. The Market Court has upheld this policy in numerous decisions.

It is in the discretion of the supervisory authority whether to issue a prohibition order against the commissioner or executor of advertising, or both. In urgent cases, often the most efficient way to discontinue an extensive advertising campaign already in progress is to extend the prohibition to the medium publishing the advertising.

The periodic penalty payment imposed to enhance the prohibition may be scaled separately for each party so as to be proportional to their solvency and other relevant factors.

If the decision by an authority results in an advertisement being discontinued or removed before the end of the advertising period agreed with the commissioner, the commissioner is generally not entitled to demand indemnification from the publisher of the advertisement on the basis of breach of agreement, because the commission itself was illegal. If the publisher of the advertisement independently undertook its design as well, the publisher may be liable to the commissioner regarding the legality of its content. This, however, does not absolve the commissioner's responsibility for advertising published in its name.

Legal provisions

Section 3, paragraphs 1–4, 16 of the Alcohol Act

Definitions

For the purposes of this Act

- 1) “alcoholic substance” means a substance or product which contains more than 1.2 per cent of ethyl alcohol by volume;
- 2) “alcoholic beverage” means an alcoholic substance intended for drinking which contains at maximum 80 per cent of ethyl alcohol by volume;
- 3) “mild alcoholic beverage” means an alcoholic beverage which contains at maximum 22 per cent of ethyl alcohol by volume;
- 4) “strong alcoholic beverages” means an alcoholic beverage which contains more than 22 per cent of ethyl alcohol by volume;

- 16) “marketing” means advertising, indirect advertising and other sales promotion; indirect advertising includes, in particular, the promotion of a product in connection with the advertising for another commodity so that the established emblem of the product or its seller, whether as is or in modified but identifiable form, is used as the emblem of the other commodity; or advertising for another commodity that conveys an image of a particular product or its seller.

The provisions of this Act applicable to the selling of alcohol also apply to the supply and delivery of an alcoholic substance against payment in the context of business activities and marketed in the context of other goods or services, unless otherwise provided in this Act.

Section 4 Prohibition of activities contrary to good practice

Activities contrary to good practice are prohibited in the production, import, sales and marketing of alcoholic substances and in any other business operations linked to the same contractually or through any other arrangement.

An activity is considered contrary to good practice if it is clearly in conflict with commonly accepted societal values and especially if it expresses tolerance or

disregard toward the endangering of health while under the influence of alcohol, narcotics, pharmaceutical products or chemicals.

Chapter 7 Marketing and pricing

Section 50 Regulation of marketing

The marketing of strong alcoholic beverages is prohibited.

The marketing of a mild alcoholic beverage and its connection to the marketing of another product or service is prohibited if:

- 1) it is aimed at minors or other people to whom alcoholic beverages may not be sold pursuant to section 37, or if it depicts people of this kind;
- 2) it links the use of alcohol to the driving of a vehicle;
- 3) it presents the alcoholic content of a beverage as a positive feature;
- 4) it depicts abundant use of alcohol in a positive light or sobriety or the moderate use of alcohol in a negative light;
- 5) it creates an image that the use of alcohol enhances performance or advances social success or sexual prowess;
- 6) it creates an image of alcohol having medical or therapeutic qualities or that it stimulates, relaxes or is a means for resolving conflicts;
- 7) it is contrary to good practice, relies on a practice inappropriate from the perspective of consumers or otherwise provides false or misleading information on alcohol, its use, effects and other qualities;
- 8) it is carried out in the context of television and radio broadcasting as referred to in the Information Society Code (917/2014) between 7:00 a.m. and 10:00 p.m. or in the context of the public screening of an audiovisual programme with an age limit pursuant to the Act on Audiovisual Programmes (710/2011) of less than 18 shown at a cinema;
- 9) it is carried out or aimed at an audience at a public place as referred to in the Public Order Act (612/2003);

10) it involves consumers entering a game, prize draw or contest;

11) its commercial executor uses verbal or visual content created by consumers in information network services controlled by that executor or makes verbal or visual content produced by it or by consumers available for sharing by consumers through such services.

In derogation of what is provided in section 1 above, a strong alcoholic beverage may be marketed, under the restrictions provided for in section 2,

1) in the production, retail sales and licensed premises of strong alcoholic beverages;

2) in a retail sales or serving price list which is either printed or available in an information network, and in a product catalogue of the producer or wholesaler in such a way that all beverages available are presented to consumers in a consistent manner; and

3) to those who in other respects as well are involved in the sales of alcoholic beverage, although not over an information network accessible by the general public.

The prohibition provided above in section 2, paragraph 9 does not apply to the marketing of a mild alcoholic beverage except as in respect of the restrictions provided for in section 2:

1) at a public event as referred to in the Assembly Act and a venue used for the same on a permanent basis;

2) on board a vessel used in international traffic;

3) at retail sales and licensed premises;

4) outside retail sales and licensed premises as regards advertising the availability and prices of a beverage.

Subsections 1 and 2 above do not apply to publishing or broadcasting as referred to in Act on the Exercise of Freedom of Expression in Mass Media (406/2003) which is practised abroad by a business operator not based in Finland and which is intended to be received exclusively outside of Finland or is intended to be received with exactly the same content regardless of the recipient's country of residence. However, said provisions do apply to marketing

by foreign parties which concerns alcoholic beverages available on the Finnish market and which is specifically aimed at Finnish consumers.

Section 51 Pricing and price notices

It is prohibited to offer two or more packages or portions of alcoholic beverages at a discounted combined price in the retail sale or commercial serving of alcoholic beverages.

It is prohibited in the retail sales and the serving of alcoholic beverages to offer and grant rebates on the price of alcoholic beverages calculated on the basis of purchases of alcoholic beverages, or other consumer goods or services.

Advertising a limited, special price valid for less than two months outside retail sales premises is prohibited.

Section 10 Prohibitions and sanctions for breaching provisions

Section 11 The supervisory authority's prohibitions and preventive measures

If an alcoholic beverage is marketed in violation of section 50 or section 51, a supervisory authority may prohibit the commissioner or executor of the marketing and a person in their employ from continuing or repeating the action contrary to the provisions.

The National Supervisory Authority for Welfare and Health may prohibit an alcoholic substance from being released on the market, or may require the removal of an alcoholic substance from the market without compensation, if the product or how it is presented contravenes the relevant provisions and regulations, or if the quality of the beverage or its possible health hazards and risks are not appropriately monitored, or if such a prohibition is otherwise justifiable in the interests of safeguarding public health.

The supervisory authority may prohibit a licence holder from continuing business operations as referred to in this Act insofar as they are materially in breach of good practice as referred to in section 4 and insofar as such activities have not been corrected or discontinued within the prescribed, reasonable time limit, despite the supervisory authority's request to do so.

If, owing to the large extent or great significance of a practice referred to in subsection 1–3 contrary to provisions and regulations or detrimental to health, it

is necessary to urgently prevent the continuance or repetition of a practice, the National Supervisory Authority for Welfare and Health may, in a matter referred to in the aforementioned subsections, and a Regional State Administrative Agency, in a matter referred to subsection 1 and 3, temporarily, prior to the final settlement of the matter, issue a prohibition to that end. A temporary prohibition enters into force immediately when issued and may be reversed before the matter is finally resolved.

Section 69 Rectification

When deciding on a prohibition provided for in section 68 or when imposing a temporary prohibition, the supervisory authority may obligate the party subject to the prohibition to rectify the practice in the prescribed period of time and in the manner specified, should this be considered necessary due to the manifest harm caused by the practice contrary to provisions.

Section 70 A periodic penalty payment and enforced compliance

The supervisory authority may enhance a prohibition, order or correction imposed pursuant to the present Act with a periodic penalty payment or a notice of enforced compliance, whereby corrective action mandated but neglected is undertaken at the negligent party's expense.

The levying of a periodic penalty payment imposed by the supervisory authority in a matter referred to in section 68 and 69 of this Act and the execution of a notice of enforced compliance issued by the supervisory authority is to be decided by the Market Court on application by the supervisory authority.

The appeal process as regards a periodic penalty payment and enforced compliance is provided for in section 82. In other respects, periodic penalty payments and enforced compliance are provided in the Act on Conditional Fines (1113/1990).

Section 90 Penal provisions

The penalty for an alcoholic beverage marketing offence is provided in Chapter 30, section 1a of the Criminal Code of Finland. A person who deliberately markets a mild alcoholic beverage in violation of sections 50 and 51 may be sentenced to a fine for an alcohol offence.

Chapter 30 of the Criminal Code of Finland

Section 1 a Alcoholic beverage marketing offence

A person who, in violation of the Alcohol Act or of a provision issued by virtue of it,

1) directly or indirectly advertises a strong alcoholic beverage or otherwise promotes the sales of a strong alcoholic beverage;

2) directs advertisement, indirect advertisement or other sales promotion of a mild alcoholic beverage towards minors or combines this with advertisement or other sales promotion of another product or service; or

3) depicts minors in the marketing of a mild alcoholic beverage as referred to in paragraph 2, shall be sentenced to a fine or imprisonment of no more than six months for a marketing offence involving an alcoholic beverage.



Valvira

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