

MINISTERIAL DECREE 30 November 1991, n. 425

Regulation concerning the implementation of Articles 13, 15 and 16 of the European Communities Council Directive of 3 October, 1989 (89/552/EEC) relating to television advertising of tobacco products and alcoholic beverages and the protection of minors.

Preamble

The Minister of the Post and Telecommunications:

Given art. 8, paragraph 5 of Law 6 August 1990, n. 223;

Given art. 17, paragraph 3 of Law 23 August 1988, n. 400;

Given the law 10 April 1962, n. 165;

The need to enact legislation for the implementation of Articles 13, 15 and 16 of the European Communities Council Directive of 3 October 1989 (89/552/EEC);

Hearing the opinion of the State Council, expressed in the meeting General of 21 November 1991;

Given the communication to the President of the Council of Ministers dated 29 November 1991 under Article. 17, paragraph 3 of Law 23 August 1988, n. 400;

Adopts the following policies:

Article 1

Article 1. Advertising of tobacco products.

1. *Television advertising of cigarettes and any tobacco product has been banned*, even if carried out indirectly by the use of names, trademarks, emblems or other distinctive features of tobacco products or companies whose main business is the manufacture or sale of such products, when in form, manner and means used or under any other unique element such use is likely to pursue an aim of advertising products.
2. In order to determine what the main activity referred to is in paragraph 1, it shall bear the reference incidence of turnover of individual activities so that the principal activity is, however, prevalent more than any other single business activity within the national territory.

Article 2

Article 2. Advertising for alcoholic beverages.

1. Television advertising for alcoholic drinks must not: a) be aimed specifically at minors or, in particular, depict minors consuming these beverages; b) link the consumption of alcohol with particular relevance to physical performance or to driving; c) create the impression that the consumption of alcohol contributes towards social or sexual success; d) claim that alcoholic beverages possess therapeutic qualities, stimulants or sedatives, or help to resolve personal conflicts, and e) encourage overuse and uncontrolled alcoholic beverages in a negative light or present abstinence or moderation; f) use an indication of significant alcohol content as a positive quality of beverages.

Article 3

Article 3. Rules on protection of minors.

1. Television advertising in order to prevent any moral or physical detriment to minors, must not: a) directly encourage minors to buy a product or service by exploiting their inexperience or credulity; b) directly encourage minors to persuade their parents or others to purchase the goods or services, c) exploit the special trust minors place in parents, teachers or other persons; d) unreasonably show minors in dangerous situations.