

Legal Extranet



Sweden

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National Association:

Sveriges Reklamföretag (RF)

General Legal Overview:

The general rules governing marketing are found in the Marketing Practises Act (SFS 1995:450) ("MPA"). The MPA aims to guard the interests of both companies and consumers. The Act is based on a general clause, which stipulates that marketing shall be consistent with generally accepted marketing practises, and otherwise be fair with respect to consumers and undertakings. Besides the general clause there are a catalogue of stipulations restricting marketing, e.g. on misleading and comparative advertising.

A list of relevant legislation can be found at:
<http://www.konsumentratt.konsumentverket.se>

Advertising of the following products are in principal prohibited by law:

- Tobacco
- Alcoholic beverages > 15 % alcohol
- Pharmaceuticals sold on prescription

Basic Guide to Intellectual Property rights in the Territory:

Copyright

Copyright is acquired by those who creates literary or artistic works of art. Generally the shape of the work does not matter, the main point is that the work of art enjoys novelty and has some extent of originality and independence. Also utility goods such as glasses, tables and chairs may be afforded copyright.

Copyright exists for 70 years after the death of the creator, albeit in some situations protection might exist for other periods of time. Copyright consists of pecuniary and moral rights. The pecuniary rights mean the copyright holder has the exclusive right to exploit the work. Consequently only the owner of the copyright may produce copies of the work, or when relevant, make it available to the public. The copyright owner is also afforded moral rights, which means that the work must not be altered in an offensive way and that the copyright owner has a right to be mentioned when the work is presented to the public.

Trade Marks

Swedish legislation on trademarks complies with EU legislation. A trademark is a businessman's

identification symbol used in his business to distinguish his products and services from those of another.

Trade marks signifies that only the trade mark owner may use the trade mark, or a confusingly similar one, in business. However, the scope of protection covers only trade marks used for products and services of the same kind - e.g. if a trade mark is merely registered for chairs, other businessmen freely use the same trade mark for boats, glasses, bicycles etc. A trade mark may be registered for several types of goods/services.

For well known trade marks a special rule should be noticed. The rule means that well known trade marks are afforded protection also outside a certain type of goods/services. The rule is applicable when someone unfairly benefits from a well known trade mark or if the well known trade mark is damaged by someone else's use of the trade mark.

Unfair Trade Practices

The MPA prohibits misleading copying. This goes for both misleading with regard to geographical as well as commercial origin. Additionally, it might be prohibited to parasite from well known products, services, positive image, good will etc. of another undertaking. A breach of the MPA does not require the action to be misleading, it is the parasitism itself that is prohibited.

Besides the MPA there is reason to mention the Act on Names and Pictures in Advertising (SFS 1978:800). It prohibits businessmen to use someone's name, picture or description which clearly points him out, without the person's consent. The prohibition has most impact on the use of the names of celebrities. Consequently it is prohibited to use e.g. a famous athlete's name for marketing purposes without his consent.

The one who has prepared a photographic picture has an exclusive right to make copies of it and to make it available to the public. The rights last until fifty years from the year in which the picture was prepared. Producers of recordings of sounds or of moving images obtain the corresponding right to their recordings. The exclusive rights last for fifty years from the year the recording was made. If a sound recording or recording of moving images was published or made public within the period of fifty years the rights last until fifty years have expired from the year the recording was first published or made public.

Council on Marketing Ethics (Marknadsetiska Rådet, MER)

Dalenum 29, 181 70 Lidingö. Phone no. +46 8 636 22 30

Web link: <http://www.marknadsetiskaradet.org>

Hälsokostbranschens bedömningsnämnd

Box 6356, 102 35 Stockholm, Phone no. +46

Image Rights:

(0)8-545 411 60

Web link:

<http://www.halsokostradet.se/default.aspx?SelSidId=10014>

The Swedish Association of the Pharmaceutical Industry

Box 17608, 118 92 Stockholm, Phone no. +46 (0)8 - 462 37 00

Web link: <http://www.lif.se/cs/default.asp?id=5610&ptid=>

The Swedish Brewer's Association

Box 16287, 103 25 Stockholm, Phone no. +46 (0)8-762 78 80

Web link: <http://www.sverigesbryggerier.se/>

The Swedish Direct Marketing Association

Box 3276, 103 65 Stockholm, Phone no. +46 (0)8-534 802 60

Web link: <http://www.swedma.se/>

The Chemicals Inspectorate

Box 1384, 171 27 Solna, tel: +46 (0)8-783 11 00

Web link: www.kemi.se

The Consumer Agency

118 87 Stockholm, tel: +46 (0)8-429 05 00

Web link: www.konsumentverket.se

The Medical Products Agency

Box 26, 751 03 Uppsala, tel: +46 (0)18-17 46 00

Web link: www.lakemedelsverket.se

The National Board of Trade

Box 6803, 113 86 Stockholm, tel: +46 (0)8-690 48 00

Web link: www.kommers.se

The National Food Administration

Box 522, 751 26 Uppsala, tel: +46 (0)18-17 55 00

There is no tripartite body

Data Protection/Privacy	12 June 2006
Comparative advertising	12 June 2006
Prize Promotions	14 June 2006
Coupons	14 June 2006
Collateral Gifts	14 June 2006
Sponsorship	14 June 2006
Financial products and services	15 June 2006
Health & Beauty	15 June 2006
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Pharmaceuticals	20 June 2006
E-mail	20 June 2006
Alcohol	20 June 2006
Tobacco	20 June 2006
Gaming & Betting	22 June 2006
Direct Marketing	30 June 2006

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Michael Plogell

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Activity	Data Protection/Privacy	
Country	Sweden	
General legal framework	The Personal Data Act (SFS 1998:204), which is based on EC directives. The Personal Data Act is subject to the supervision of the Data Inspection Board (DI).	
The subject of the rules	Personal data is all kind of information that directly or indirectly may be referable to a natural person who is alive. The general rule is that processing of personal data requires consent, save for processing for journalistic purposes and for artistic literary creation. If the processing of personal data is necessary in order to satisfy a purpose that concerns a legitimate interest of the controller of the personal data or of such a third party to whom personal data is provided and if this interest is of greater weight than the interest of the registered person in protection against violation of personal integrity, processing is permitted even without consent. In case law a company's interest in marketing their products has been considered being a legitimate interest. The commercial interests and a persons interest of integrity must however be weighed against each other in each specific case. If the registered person has given notice in writhing to the controller of personal data that he opposes processing for purposes concerning direct marketing, such processing may not be done. The DI accepts in its supervision processing of harmless data. The Personal Data Act is thus stricter than the DI's application. In case of eventual disputes, the Personal Data Act obviously will take priority why it should be followed in order to ensure that the processing complies with all relevant regulation.	
Restrictions to the media	<i>Direct Mail</i>	Personal data must not be processed in order to be used in advertising if a person has objected in written to such processing.
	<i>Web</i>	The Personal Data Act is fully applicable.
Sanctions	The personal data controller may be liable to compensate to the registered person for damages and the violation of personal integrity that the processing of personal data in contravention of the Personal Data Act has caused. The breach of the provisions regarding sensitive personal data and other more important provisions of the Act may be imposed a fine or imprisonment of at most six months, or if the offence is grave, to imprisonment of at most two years. In petty cases a sentence shall not be imposed.	
Last updated	12 June 2006	

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Activity	Comparative advertising
Country	Sweden
General legal framework	The MPA. The provisions are in accordance with EC directives.
The subject of the rules	Comparative Advertising is principally allowed. In order to be allowed to make comparisons with other products it is however required that (1) the comparison is not misleading, (2) it relates to similar products, (3) the comparison objectively relates to relevant material of the product, (4) the comparison does not give rise to confusion between undertakings or products, (5) the comparison does not discredit or disparage another undertaking's business, (6) the comparison in respect of goods bearing a designation of origin pertains to the goods of the same designation, (7) the comparison does not take undue advantage of the reputation of another undertaking's trade marks or other business names, and (8) the comparison does not present a product as an imitation or copy of a product with a protected trade mark or business name. The standard for reliability is set especially high. Documentation supporting the reliability must be available at the time of the advertising
Sanctions	Marketing in breach of the MPA may be prohibited. A prohibition is usually made subject to a default fine. A businessman may also be ordered to pay a so called market disruption fee if he intentionally or carelessly violates the provisions of the MPA. This fee shall not exceed ten percent of the businessman's annual turnover and shall be at least 5 000 SEK and at most five million SEK. The fee belongs to the state. A businessman may also be ordered to pay compensation to a consumer or a businessman for damages caused by a violation of the MPA.
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Activity	Prize Promotions	
Country	Sweden	
General legal framework	The organisation of lotteries is regulated in the Lotteries Act (SFS 1994:1000). Prize competitions are regulated in the MPA. The deciding factor of whether it is a lottery or a prize competition is the degree of luck decisive for the outcome. Subsequently, if competitive moments are largely dependent on luck, the arrangement will be deemed a lottery.	
The subject of the rules	In principle it is prohibited to organise lotteries for advertising purposes. As to prize competitions they are subject to the general rules concerning sales promotions. The scope of the permitted use of prize competition is wide. There are however requirements on the presentation of the applied conditions and grounds for evaluation of the competition. Prize promotions are not subject to any prior approval.	
Restrictions to the public	<i>Children and adolescents</i>	Prize competitions directed towards children and youths should be particularly clear and easy to understand. According to the Consumers Agency parents' consent are sometimes appropriate, e.g. when prizes may affect others than the child.
Sanctions	It is according to the Lotteries Act a criminal offence to organize a lottery without a license. Licenses are in principle only given to state-owned gambling companies and non-profit organizations and thus not to organizers of commercial lotteries. Organizing a prize promotion in breach of the MPA may be prohibited. A prohibition is usually made subject to a default fine. A businessman may also be ordered to pay a so called market disruption fee if he intentionally or carelessly violates the provisions of the MPA. This fee shall not exceed ten percent of the businessman's annual turnover and shall be at least 5 000 SEK and at most five million SEK. The fee belongs to the state. A businessman may also be ordered to pay compensation to a consumer or a businessman for damages caused by a violation of the MPA.	
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Activity	Coupons	
Country	Sweden	
General legal framework	The MPA	
The subject of the rules	Discount coupons shall, as all other special offers, contain information on the conditions of the offer, the nature and value of the offer, as well as the time limit and other limitations of the offer. It is also relevant to pay attention to the rules regarding direct marketing, see section "Direct Marketing".	
Restrictions relating to products or services	<i>Tobacco</i>	Marketing of tobacco products which is obtrusive or soliciting, or encourage the use of such products is prohibited according to the Tobacco Act (1993:581). It is probable that the use of coupons for tobacco products therefore will be regarded as prohibited.
	<i>Alcoholic beverages</i>	Alcohol must not be advertised with discount coupons.
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Activity	Collateral Gifts	
Country	Sweden	
General legal framework	The MPA, the Tobacco Act (1993:581), the Alcohol Act (1994:1738)	
The subject of the rules	Gifts in connection with sales of another product shall, like other special offers, contain information on the conditions of the offer, the nature and value of the offer, as well as the time limit and other limitations of the offer.	
Restrictions relating to products or services	<i>Tobacco</i>	Having tobacco products as free gifts or commercial samples is prohibited.
	<i>Alcoholic beverages</i>	When marketing other products or services than alcohol beverages such beverages may not be used as free gifts. A businessman who produces, markets or arranges sales of alcohol beverages may only give away such beverages as commercial samples.
Sanctions	When gifts in connection with sale are used in a way that is inconsistent with the MPA the practice may be prohibited. A prohibition is usually made subject to a default fine. A businessman may also be ordered to pay a so called market disruption fee if he intentionally or carelessly violates the provisions of the MPA. This fee shall not exceed ten percent of the businessman's annual turnover and shall be at least 5 000 SEK and at most five million SEK. The fee belongs to the state. A businessman may also be ordered to pay compensation to a consumer or a businessman for damages caused by a violation of the MPA. Gifts made inconsistent with the provisions in the Tobacco Act and the Alcohol Act may be prohibited according to the provisions in the MPA.	
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Activity	Sponsorship	
Country	Sweden	
General legal framework	The Radio and Televisions Act (SFS 1996:844), The Tobacco Act (SFS 1993:581).	
The subject of the rules	Most relevant rules concern TV and radio broadcasting.	
Restrictions relating to products or services	<i>Tobacco</i>	Manufacturers, wholesalers or importers of tobacco products must not sponsor events and activities to which the general public have entrance, or which have effects in other countries, if such sponsorship can be assumed to promote the sale of tobacco products. See further section on "Radio" below.
	<i>Alcoholic beverages</i>	See section on "Radio" below.
	<i>Pharmaceuticals</i>	See section on "TV" below.
Restrictions to the media	<i>Radio</i>	Programs wholly or in part financed by external funding must indicate in the beginning and end of the program, the person financing the programme. Companies mainly occupied with manufacturing or selling of tobacco or alcohol must not sponsor a programme. News programmes must not be sponsored.
	<i>TV</i>	See section on "Radio" above. A pharmaceutical company sponsoring a TV-programme may only promote its name and reputation and not pharmaceuticals sold on prescription.
Sanctions	If a person or entity disregards the provisions regarding sponsorship in the TV and Radio Act a special fee may be imposed. Sponsorship on events or activities which are prohibited according to the Tobacco is regarded as inappropriate conduct toward consumers. Such marketing activities may be prohibited according to the MPA.	
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Subject	Financial products and services
Country	Sweden
General legal framework	The MPA, the Consumer Credit Act (SFS 1992:830), Financial Advisory Services Act (SFS 2003:862), Guidelines of the Consumer Agency, KOVFS 2004:6 and KOVFS 2004:5, Guidelines of the Financial Supervisory Authority, FFFS 2004:4.
The subject of the rules	Generally information and advertising of credits to consumers must contain the effective rates and the credit cost. There are also rules on the amount to be paid in cash. Extenders of credit must comply with generally accepted market practises and credit practises. This means that information given to consumers must be clear and easy to observe. Information should also be factual, correct and objective. In addition information should be complete with regard to such things that assumingly are of particular importance to the credit applicant. All advertising should be restrained and moderate. When providing financial advisory services to consumers one should clearly separate what is considered advice on placements, respectively advertising or information on products. In addition the consumer should be informed of his rights under the Financial Advisory Services Act (SFS 2003:862)
Sanctions	The sanctions in the MPA apply if a businessman omits to provide such information the Consumer Credit Act requires or information that otherwise is especially important from the consumer perspective. The businessmen may therefore be ordered to provide such information. He may also be ordered to pay a market disruption fee and be ordered to cease with certain marketing activities or formulations used in marketing, under penalty of a fine.
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Subject	Health & Beauty
Country	Sweden
General legal framework	The MPA, Guidelines of the Consumer Agency, KOVFS 1993:4, the Pharmaceuticals Act and to some extent by the Environmental Code. The Environmental Code comes into question with regard to chemical products and products containing biotechnical organisms.
General self-regulatory framework	The Hälsokostbranschens bedömningsnämnd is a self regulatory body, initiated by the Hälsokostbranschens Leverantörsförening (The Suppliers Association of the Health Trade) that judges on good practises issues in the business. The Bedömningsnämnden för Kost-/Hälsainformation is also a self regulatory body and was founded by the food industry in 2001. It handles complaints and makes statements when health claims in labelling and marketing of food products are questioned. It bases its decisions and statements on "Health Claims in Labelling and Marketing of Food Products - the Food Sector's Code of Practice" which the operators in the food industry have set out.
The subject of the rules	Natural remedies must have been afforded permission from the Medical Products Agency in order to be allowed to be marketed. The guidelines of the Consumer Agency, KOVFS 1993:4, connects to provisions of the MPA, and the Pharmaceuticals Act. The guidelines include rules on the use of natural remedies and advertising and labelling of the packages. Advertising may only concern products relating to self-care usage. It is permitted to advertise natural remedies as long as it contains clear information on the name of the product, and the business name and address of the manufacturer/importer or other person liable for the product. Advertising must not involve statements from doctors or "satisfied customers" unless the statement coheres with generally existing opinion among the expertise, or can be documented by acceptable scientific results. In marketing of health products that are not approved by the Medical Products Agency statements on effects with regard to diseases and symptoms are regarded as unfair towards consumers according to the MPA. Regarding approved natural remedies and herbal medicinal products the mentioned statements are allowed, provided that they are subject to reliability. The requirement for reliability is set high and goes for all medical argumentation in advertising.
Sanctions	The sanctions in the MPA apply, see further under the heading on "Direct Marketing".
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Subject	Motors
Country	Sweden
General legal framework	The MPA's general rules apply. The Consumer Agency has issued guidelines on information regarding new cars' fuel consumption, CO2 emission and environmental classification, KOVFS 2002:2 and 2004:7. The guidelines relate to the MPA and EC directive 1999/947EG.
The subject of the rules	According to the guidelines of the Consumer Agency, advertising of passenger cars by the means of brochures, posters or other printed matters contain information on fuel consumption and CO2 emissions. Fuel consumption must be stated in litres per 100 km, using one decimal. In addition, the environmental class of the passenger car must be stated. This information must be easy to read and not less dominant than main part of the other parts of the information. The same requirements on advertising apply when advertising is used at the point of sales.
Sanctions	The Guidelines of the Consumer Agency are considered to represent the requirements of the MPA regarding car marketing. If they are disregarded the Consumer Agency may issue an information or prohibitory injunction. The Consumer Ombudsman, a businessman affected by the marketing or an association of businessmen, consumers, wage or salary earners may institute proceedings at the Market Court if they consider certain marketing being incompatible with the MPA. Marketing in breach of the MPA may be prohibited or the businessman may be ordered to provide information. A prohibition or order is usually made subject to a default fine. A businessman may also be ordered to pay a so called market disruption fee, see further under the heading on "Direct Marketing". A businessman may also be ordered to pay compensation to a consumer or a businessman for damages caused by a violation of the MPA.
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Subject	Pharmaceuticals	
Country	Sweden	
General legal framework	Besides the generally applicable MPA, there are certain special provisions applicable to pharmaceuticals. The Pharmaceutical Act (SFS 1992:859) states how advertising of pharmaceuticals and other pharmaceutical information is to be conducted. New provisions regarding marketing were implemented on May 1st, 2006, which is due to Directive 2001/82/EC and 2001/83/EC. In addition there are so called rules on pharmaceutical information that is applied by the Läkemedelsindustrins informationsgranskingsman (the Pharmaceutical Industry's Information Examiner (IGM)) and Nämnden för bedömning av läkemedelsinformation (the Information Practice Committee (NBL)).	
General self-regulatory framework	The Swedish Association of the Pharmaceutical Industry (LIF) has for a long time had a self regulating programme for good practises on advertising. The programme covers all advertising measures within the business and contains two different bodies on judgment of advertising, specific rules and education. The review of the advertising of pharmaceuticals is largely made by IGM and NBL.	
The subject of the rules	Marketing of pharmaceuticals available only on prescription to the public is prohibited. Information to the public shall subsequently refer to pharmaceuticals sold without prescription, and mainly relate to illnesses that the consumer is presumed capable to diagnose himself. Other mentioned indications shall specifically identify that they require medical treatment or other contact with health or medical personal. A basic requirement is that the information may only refer to indications and dosages that are authorised by the Medical Products Agency. It is further prohibited to promote medicinal products for human use if these have not been authorised by the Medical Products Agency. There are also additional provisions regarding marketing of homeopathic medicinal products and natural remedies.	
Restrictions to the media	TV	The TV and Radio Act includes a provision stating that TV advertising for pharmaceuticals may only concern pharmaceuticals available without prescription. This prohibition is however covered the new general prohibition of marketing pharmaceuticals sold on prescription in the Pharmaceutical Act.
Restrictions to the public	Children and adolescents	Marketing of medicinal products for human use towards children is prohibited.
Sanctions	The Medicinal Products Agency supervises the compliance of the marketing provisions of the Pharmaceutical Act in cooperation with the Consumer Agency. Contravention of the marketing provisions applicable on pharmaceuticals may be proceeded against both according to the sanctions of the Pharmaceutical Act and of the MPA. Both the Market Court and the administrative courts will therefore rule on marketing of pharmaceuticals. According to the Pharmaceuticals Act the Medicinal Products Agency may issue an injunction or prohibition order. The sanctions of the MPA are explained in, for example, "Direct Marketing".	
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Activity	E-mail
Country	Sweden
General legal framework	Specific rules based on EU legislation can be found in the MPA.
The subject of the rules	Generally it is prohibited for undertakings to advertise by sending e-mails to natural persons, i.e. consumers and private firms, without their prior consent. Advertising may however be sent without prior consent if the undertaking has achieved the e-mail address in the course of sales, the consumer has not opposed to the sending, and the advertising concerns similar products. In e-mails there must always be a valid address to which the consumer may inform that he wishes to be excluded from e-mail advertising.
Sanctions	Sending advertising in e-mails in contravention the provisions of the MPA may result in a prohibition order. If a valid address is not included in the e-mail the businessman may be ordered to pay a market disruption fee. The sanctions of the MPA are more thoroughly described under the heading of "Direct Marketing".
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Subject	Alcohol	
Country	Sweden	
General legal framework	Legislation can be found in the Alcohol Act (SFS 1994:1738), which refers to the MPA. The Consumer Agency has issued guidelines on the marketing of spirits, wine and beer of class III, respectively beer of class II, KOVFS 1979:5 and KOVFS 1979:6. The guidelines provide the view of preliminary works and case law.	
General self-regulatory framework	The Swedish Brewer's Association has adopted an agreement covering its members regarding marketing of low-alcohol beer and other low-alcohol beverages, which is based on the guidelines of the Consumer Agency.	
The subject of the rules	The Alcohol Act is applicable on alcoholic beverages containing > 2, 25 percentages by volume of alcohol. Although advertisements for low alcoholic beverages must be construed so that no confusion with alcoholic beverages exist. Advertisements of alcoholic beverages containing up till 15 percentages of alcohol must be construed so that no confusion with alcoholic beverages containing more than 15 percentages of alcohol exist. Alcohol must always be advertised with special moderation. Intrusive, specially targeted or encouraging marketing is not allowed. The concept of "special moderation" is further defined in the guidelines of the Consumer Agency. Advertising of alcohol must not be specifically directed towards, or illustrate people under 25 years of age. According to the guidelines of the Consumer Agency advertising material must not be spread in premises principally designated for, or visited by people under 20 years old. Generally it is prohibited to use trademarks in advertising that are related to alcoholic beverages. Alcohol beverages may not be used as free gifts. A businessman who produces, markets or arranges sales of alcohol beverages may only give away such beverages as commercial samples.	
Restrictions to the media	<i>Cinema</i>	According to the guidelines of the Consumer Agency you must not advertise in still on cinemas.
	<i>Direct Mail</i>	According to the guidelines of the Consumer Agency you must not advertise directly to consumers.
	<i>E-mail</i>	E-mails are covered by the same rule as Direct Mail above.
	<i>Web</i>	No special rules exist, but the general requirement for special moderation apply.
	<i>Outdoor</i>	According to the guidelines of the Consumer Agency you must not advertise on public places.
	<i>Press</i>	In so called periodicals you may only advertise for alcoholic beverages containing up till 15 percentages of volume. Advertising of beverages containing less than 15 percentages of alcohol is heavily restricted. The advertisement may only show images of the product or ingredients thereof, a few packages, the trademark or business mark of the advertised product. Additionally there are inter alia restrictions on the size of the image, the indication of the product's amount of alcohol and the context of the advertisement. One of the eleven in the Alcohol Ordinance (SFS 1994:2046) specified information texts on the harmful effects of alcohol must also be included.
	<i>Radio</i>	It is prohibited to advertise for alcoholic beverages in radio and television, this goes for both satellite as well as terrestrial TV broadcasting.
	<i>SMS</i>	SMS are covered by the same rule as Direct mail above.
	<i>TV</i>	It is prohibited to advertise for alcoholic beverages in radio and television, this goes for both satellite as well as terrestrial TV broadcasting.
Other conditions	It is prohibited to use an inaccurate or misleading designation of origin when marketing alcohol products. Even if the true origin is stated it is prohibited to use the designation in order to compare with the marketed product e.g. by stating "sort", "type" "copy" or alike.	
Sanctions	The Alcohol Act refers to the MPA and states that marketing in breach of the provisions in the Alcohol Act is considered to be unfair towards consumers (and businessmen regarding the provision on gifts). Such advertisement may therefore be prohibited and this is generally made subject to a default fine. If a businessman advertises in TV or radio he may also be ordered to pay a so called market disruption fee. The sanctions of the MPA are more thoroughly described under the heading of "Direct Marketing".	
Upcoming	New and revised guidelines have been discussed between the Consumer Agency and alcohol business for	

changes	some time. It is not yet determined when these will be issued.
Last updated	20 June 2006

Information supplied by:

Wistrand Advokatbyrå
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Legislation Article

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Subject	Tobacco	
Country	Sweden	
General legal framework	Legislation can be found in the Tobacco Act (SFS 1993:581).	
The subject of the rules	As a general rule advertisement of tobacco products is prohibited. However marketing which only consists of offering tobacco products available for sale and having commercial messages within the interiors of sales premises is allowed. Such commercial messages must not be obtrusive or soliciting, or encourage the use of tobacco products and they must be located so that they are not visible from outside the premises. The general prohibition do not apply to work to which the Freedom of the Press Act apply. It is therefore permitted to mention a tobacco brand in a book or show it in a movie or alike. Manufacturers, wholesalers or importers of tobacco products must not sponsor events and activities to which the general public have entrance, or which have effects in other countries, if such sponsorship can be assumed to promote the sale of tobacco products. Further, companies mainly occupied with manufacturing or selling of tobacco or alcohol must not sponsor a programme. Indirect tobacco advertising is also prohibited, which entails that businessmen are prohibited to market such items as shoes and clothing if they include a brand of a tobacco product.	
Restrictions to the media	<i>Cinema</i>	Advertising is prohibited.
	<i>Direct Mail</i>	Advertising is prohibited.
	<i>E-mail</i>	Advertising is prohibited.
	<i>Web</i>	Advertising is prohibited.
	<i>Outdoor</i>	Advertising is prohibited since July 1, 2005. Old signs could be used until the end of 2005.
	<i>Press</i>	Advertising is prohibited.
	<i>Radio</i>	Advertising is prohibited.
	<i>SMS</i>	Advertising is prohibited.
	<i>TV</i>	Advertising is prohibited.
Other conditions	Packages of tobacco products must contain warning messages indicating the risks of using tobacco products.	
Sanctions	The Tobacco Act refers to the MPA and states that marketing in breach of the provisions in the Tobacco Act is considered to be unfair towards consumers. Such advertisement may therefore be prohibited and this is generally made subject to a default fine. If tobacco products are advertised in periodical publication or in TV or radio the Market Court may order the businessman to pay a so called market disruption fee. The sanctions of the MPA are more thoroughly described under the heading of "Direct Marketing".	
Last updated	20 June 2006	

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Subject	Gaming & Betting
Country	Sweden
General legal framework	Gaming and betting are subject to the Lotteries Act (SFS 1994:1000).
The subject of the rules	All lotteries generally requires license and licenses to organize lotteries are in principle only given to state-owned gambling companies and non-profit organizations. A lottery is according to the Lotteries Act any activity where one or more, but not all participants, can receive a prize of some value and where the winner is determined by the element of chance. Licenses are not given to lotteries arranged for marketing purposes. It is prohibited in business to promote gambling and betting organised from abroad. The same is true as regards non-authorized gambling and betting, i.e. gambling and betting lacking authorisation. The term "promote" includes advertising. The provisions are subject to criminal sanctions.
Sanctions	Violations of the Lotteries Act may lead to fines or imprisonment.
Upcoming changes	The Swedish Government appointed in 2004 a commission to review the Swedish gambling and betting legislation, which issued its official report in January 2006. It did however not contain any legislative proposal. There are ongoing cases where private companies have appealed against decisions in which they have not been granted license to organize lotteries. The Swedish rules regulating gaming and betting are today questioned by many, but there is also a strong opposition to any relaxation on the rules in Sweden.
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Activity	Direct Marketing	
Country	Sweden	
General legal framework	The MPA and the Personal Data Act (1998:204)	
General self-regulatory framework	There is a trade association agreement on the use of personal data in direct marketing regarding sales, collection and recruiting of members. SWEDMA has together with the Association of Swedish Advertisers and the Swedish Mail Order and Traders' Association instituted a board for ethical matters regarding direct marketing. It is generally accepted in the business to respect notes on the mailbox that advertising is not wanted.	
The subject of the rules	Direct marketing addressed to youths under 16 years old does not comply with generally accepted market practises. Caution is to be observed in direct marketing to descendant's estate. E-mails or SMS sent without the consent to natural persons are generally prohibited. Direct marketing should be clear and easy to read.	
Restrictions to the media	<i>E-mail</i>	See further section on "E-mails"
	<i>SMS</i>	See further section on "E-mails"
Restrictions to the public	<i>Children and adolescents</i>	See further section on direct marketing addressed to youths under 16 years above. Direct marketing of diapers and baby articles may not be sent to newly-parents earlier than sex weeks after a baby's birth in order to comply with generally accepted market practises.
Other conditions	The holder of a register of persons that is completely or partially automated is according the Personal Data Act subject to a notification duty to the Data Inspection Board (DI). DI does not control whether the applicant complies with the Personal Data Act. Notification is not necessary if a personal data representative is appointed and in some cases, e.g. if the register contains personal data of clients of members, it is sufficient that the controller of personal data makes up a register of the data concerned.	
Sanctions	The Consumer Ombudsman, a businessman affected by the marketing or an association of businessmen, consumers, wage or salary earners may institute proceedings at the Market Court if they consider certain marketing being incompatible with the MPA. Marketing in breach of the MPA may be prohibited or the businessman may be ordered to provide information. A prohibition or order is usually made subject to a default fine. A businessman may also be ordered to pay a so called market disruption fee if he intentionally or carelessly violates the provisions of the MPA. This fee shall not exceed ten percent of the businessman's annual turnover and shall be at least 5 000 SEK and at most five million SEK. The fee belongs to the state. A businessman may also be ordered to pay compensation to a consumer or a businessman for damages caused by a violation of the MPA.	
Last updated	30 June 2006	

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