

IRELAND



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1. Legislation:	Public Health (Amendment) Bill 2003
Topic:	Tobacco advertising, marketing and sponsorship
Who:	Department of Health, Cigarette Companies
When:	September 2003
What happened:	In our report in April 2003 we told how the Public Health (Tobacco) Act 2002 had to be withdrawn after a High Court challenge by the cigarette companies. The legislation had not been implemented in accordance with EU directions so the Irish Government was forced to withdraw it. A new bill has now been prepared which includes the provisions of the 2002 Act and also gives effect to EU Directive 2003/33/EC on the advertising and sponsorship of tobacco products. There will now be a comprehensive ban on tobacco advertising and all forms of tobacco sponsorship.
Comment:	The Department of Health in Ireland has taken a strong anti-smoking stance as shown by the speed with which it drafted new legislation to replace the 2002 Act. In addition from January 1 st 2004 smoking in all workplaces will be banned. This will include pubs and restaurants

2. Topic:	Poster Advertisement
Who:	Advertising Standards Authority of Ireland
When:	July 2003
Where:	Ireland
What happened:	An advertising poster for a Playstation 2 game "Primal" was the subject of complaints from members of the public. The poster displayed a picture of a young woman who was the lead character in the game under the heading "for heroine addicts". Complaints were directed at the words "heroine addicts" which some members of the public felt was a play on the words "heroin addicts" and trivialised heroin addiction while at the same time making it somewhat glamorous through the image of the young woman. The posters were also displayed in areas of Dublin where heroin addiction was a known problem and complainants found this particularly offensive. The advertisers claimed that heroines are a common character in computer games and the people who play them are often "addicted" to the activity of playing those games. They said they had no intention of trivialising drug abuse and their own pre-testing did not raise any issues.
Comment:	The complaint was upheld . The Code on Advertising Standards requires that ads contain nothing likely to cause grave or widespread offence. This advertisement could clearly offend large sections of the public particularly those working in the area of drug addiction and

	rehabilitation.
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3. Topic:	Poster Advertising - Alcohol
Who:	Advertising Standards Authority of Ireland
When:	April 2003
Where:	Ireland
What happened:	A poster advertisement for the drink "Coors Light" was the subject of objections. It featured a man's hand on a woman's bottom underneath which was written " <i>Smooth and well rounded with a 4.3% strength – goes down easy</i> " the complainants claimed the ad was degrading to women and that it belittled them in general by reducing their bodies to sexual objects. The advertisers claimed that the picture merely showed a man with his arms around a woman's waist and that there was no depiction of sexual activity. The people in the ad were fully clothed and the only activity depicted was recreational.
Comment:	The complaint was upheld . The ASAI Code on Advertising requires that an advertisement should not imply that drinking can contribute to social or sexual success. The Complaints Committee found that the advertisement did not respect the dignity of women and were concerned about the implication that drinking Coors Light contributed to sexual success.

4. Topic:	Press - Free Gift Promotion
Who:	Advertising Standards Authority of Ireland
When:	July 2003
Where:	Ireland
What happened:	The News of the World newspaper carried a banner headline stating " <i>Free today – Carry On full length DVD for every reader</i> ". On purchasing the paper complainants found there was no DVD inside and they had in fact to send a stamped address padded A5 envelope to a PO Box and would receive the DVD one month later. They claimed it was misleading as it was not "free". The advertisers acknowledged the headline was incorrect and had been carried over from the UK edition. It had been intended to change the headline for Ireland.
Comment:	The complaint was upheld . The ASAI Code on sales Promotion Practice has specific rules for free gift promotions. Any requirements which might influence a consumer's decision to participate should be prominently displayed. In this case they found the advertising misleading. Advertisers running free gift promotions should therefore be sure to take legal advice before running the promotion to ensure compliance.

5. Topic:	Television Advertisement
Who:	Advertising Standards Authority of Ireland
When:	August 2003
Where:	Ireland
What happened:	A television ad for HB Ice cream which showed three men jumping from a bridge into a river was the subject of a complaint. The complainant voiced concerns that youths could imitate the ad leading to injury or

	death. He felt the dangers of jumping into unknown waters should be clear and were well known to those who work in water safety. The advertisers responded that they had researched the ad with focus groups including teenagers and mothers before it was aired. The ad had received clearance from numerous broadcasting authorities across Europe. They had been careful to ensure that the people jumping off the bridge were all adults and it was not portrayed as taking a risk.
Comment:	The complaint was not upheld . While the Code requires that an advertisement should not depict dangerous or unsafe practices except in the context of promoting safety the Complaints Committee felt that when the ad was taken as a whole it did not encourage dangerous behaviour. It was clear that the advertisers had taken precautions to ensure that it was not the case. The decision displays to potential advertisers the benefits of proper research and advice in advance of airing a commercial.

6. Who:	Director of Consumer Affairs
When:	September 2003
Where:	Ireland
What happened:	As indicated in our April report the European Communities (Requirement to Indicate Product Prices) Regulations 2002 has now been enacted in Ireland. The Director of Consumer Affairs has sought to strictly regulate retailers since that date and has continuously surveyed them to check on compliance. By June 2003 compliance with the pricing regulations was up to 65%. In July a survey of products advertised by Irish companies on the Internet showed that of over 300 products surveyed all were in compliance with the new regulations. It is not clear what action is to be taken against companies not in compliance but District Court proceedings are a possibility. A number of retailers have recently been successfully prosecuted by the Director of Consumer Affairs for non compliance with the EC (Labelling, Presentation and Advertising of Foodstuffs) Regulations 2002 leading to convictions and fines of up to €1,000.
Comment:	After criticism in recent years of the low number of prosecutions taken by the Director of Consumer Affairs there has been an increase in the past twelve months which is matched by an increase in complaints to her office. However retailers and advertisers alike need to be aware of changing pricing and advertising legislation and the possibility of prosecution if found to be in breach of the new legislation.