Alcohol policy in France
Between traditions and paradoxes

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Socio-cultural background

“Douce France” old traditions

- Production, selling and marketing of alcohol drinks
- Café society and family table
- Glamorizing drinking and even drunkenness
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Consumption
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Harms
General population

- Only 12% of the population has a daily alcohol consumption
- Annual consumption = 12.7 liters (pure alcohol).
  (European mean = 10.85 liters)
- Decrease of about 1% per year since 1960 (30 liters)
- 49,000 people die every year because of alcohol consumption
- In 2011, 40% of 3000 person killed in road accidents are linked with alcohol consumption. (The global figure has declined dramatically, from 12,000 per year, 20 years ago, but is now going steady and the responsibility of alcohol is the same)

Young people

- Binge drinking like everywhere in Europe...
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• Some real French paradoxes

• Historical interest for alcohol problems (XIX century)
• Well organised treatment facilities (R-M Haas, Saint Cloud, 1955)
• Model of the population based approach (S. Ledermann, 1960)
• Invention of « Alcoologie » global scientific approach (Fouquet, 1965)
• Discovery of Fœtal Alcohol Syndrom (Lemoine, Nantes, 1968)

• Control of advertising : Loi Evin (1991)
• Warning message (about alcohol risk during pregnancy) on labels (2005)
The ‘loi Evin’ : a French exception

• What is the “Loi Evin”?  
  • An alcohol and tobacco policy law voted in France in 1991

• One of the most strictest laws on advertising in Europe:
  - In a country where ‘passion’ for alcohol is intense
  - In a country where alcohol control is often lax

• How can we explain this real French paradox?
The ‘loi Evin’ : a French exception

Why France benefits of this severe law?

• Former French law (until the seventies) was discriminatory: it gave advantage to French products

• France was condemned in 1980 by the European Court of Justice
    Judgment made after a complaint by the Scotch whisky association

• NGOs and experts lobbied for a new law.

• French governments took time to change the law.

• The new law was passed only in 1991.
The ‘loi Evin’ : a French exception
A decade of *French* advertising

- From 1980 to 1990 alcohol producers, ad men and media used the legal loophole, as France was condemned, and the different governments (socialists and conservative) did nothing
- The ads became more and more provocative
The ‘loi Evin’ : a French exception
A decade of *French* advertising
Sex, alcohol and French life

- Alcohol and sport
- Alcohol and sex
The ‘loi Evin’ : a French exception
A decade of *French* advertising
Government inaction

• Ignoring their own codes of good practices the admen and producers went high in provocation and played with fire.
• The only way to stop them was to legislate.
• ANPAA and health experts lobbied until…
• …’Loi Evin’ was voted by the French parliament

• Why Law Evin was actually voted by the Parliament ? Difficult to say
• A mix of lobby, chance and political opportunities gave us

_Text clear and simple, uneasy to trespass, compatible with European laws_
The ‘loi Evin’ : a French exception

- A clear definition of alcoholic drinks is given: all drinks over 1.2% alcohol by volume are considered as alcoholic beverages.

- Places and media of authorized advertising are defined:
  - No advertising should be targeted at young people;
  - No advertising is allowed on TV and in cinemas;
  - No sponsorship of cultural or sport events is permitted;
  - Advertising is permitted only in the press for adults, on billboards, on radio channels (under precise conditions), on special events or places such as wine fairs, wine museum.
The ‘loi Evin’ : a French exception

No restriction on the volume of advertising
But the content of advertising is strictly controlled

Messages and images should refer only to the qualities of the products: such as degree, origin, composition, means of production, even patterns of consumption but without the image of the drinker

it allows to give information on the products... as the producers wished!

A health message must be included:

« L’abus d’alcool est dangereux pour la santé »
Alcohol abuse is dangerous for health
The ‘loi Evin’ : a French exception

• Other article on alcohol
  It is forbidden to deliver alcoholic drinks by automatic machines

• The articles on tobacco reinforced a previous law (Veil, 1976)
  – Forbidding advertising and sponsorship
  – Forbidding sales to minors (under 18)
  – Forbidding smoking in public places (except special zones)

• Did these articles helped for the acceptation of the alcohol articles?
• Was alcohol lobby really weak?
• Nowadays, deputies and senators are mobilised on every word
The ‘loi Evin’ : a French exception
Consequences of the law 1991-2015

Consequences :

1) Advertising has lost most of its seductive character
   The image of the drinker disappeared

2) Breaches of the law have been punished
   NGOs are authorized to raise actions to Court
   Only ANPAA did this unpopular work

3) Problems appeared in the field of sports TV retransmission
The ‘loi Evin’: a French exception
These ads were judged illegal
in France in 2004!
The ‘loi Evin’ : a French exception
Consequences of the law 1991-2015

• Before the law

• After the law
The ‘loi Evin’: a French exception
Consequences of the law 1991-2015
The ‘loi Evin’ : a French exception
Consequences of the law 1991-2015

- Permitted ad in the USA
- Illegal ad in France
The ‘loi Evin’ : a French exception
Consequences of the law 1991-2015

Breaches of the law have been punished by action before the ordinary courts of justice (no special court)

70 advertisements were brought before the French courts by ANPAA
• 49 complaints have been upheld
• Penalties were high

Finally, we made few complaints over 25 years, because producers, media and admen were afraid of legal and financial consequences

The law is therefore a prevention measure of “ad abuse”
The ‘loi Evin’ : a French exception
Consequences of the law 1991-2015

Problems appeared in the field of sports

• Cancellation of TV retransmission of international football matches
• American brewer Anheuser Bush could not sponsor the 1998 Football World Cup...
  ... and France won the Cup for the first time!

• More seriously, we can say that a new sponsor was found: Casio Company

Sports do not die without alcohol sponsorship
The ‘loi Evin’ : a French exception
What are the limits of the law?

Many marketing tools are not controlled
  Mailing
  Internet
  Social events

Many new marketing tools are coming

• Control of advertising is only a part of an overall strategy of prevention
The ‘loi Evin’ : a French exception
A law difficult to assess

• Difficult to assess the role of one factor (advertising) on consumption and harm

• Consumption is impacted by many factors and events

• The effect of advertising on consumption is real but weak

• Assessment is even more difficult in France where we benefit of a dramatic diminution of the average consumption :
  ➢ since 1960, of 1 % per year
  ➢ from 30 to 13 liters alcohol per capita per year

• Quantitative effects may be impossible to assess...
• ... but symbolic effects are obvious
  • Images are less seductive
  • The drinker disappeared from advertising : identification is not so easy
The ‘loi Evin’ : a French exception
The symbolic effect of the law

- Advertising increase sales, consumption and harms
  
  If not, why producers would struggle against regulation?
  Ad is not only used to make a choice between brands
  
  **There is no negative impact of the loi Evin on harm**

In France producers claim that the law is responsible for binge drinking!

- Advertising reinforces preconceived ideas about alcohol
  
  In most European countries, advertising associates alcohol consumption with personal, sexual and social success... even if forbidden by codes of practice

- A law is the only way to change this seductive language
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• Since 1991, the law has been attacked in and outside France
• In 2004... following a complaint by Bacardi (Football match, TF1), the Advocate General of the European Court of Justice defend the law
• He proposed that the Court should rule that:
  French measures on advertising limit incitement to consumption
  French rules are not disproportionate
  French law is compatible with European regulations even if limiting the freedom of providing services
• And the European Court of Justice follows 13 juillet 2004
  C-262/02  C-429/02
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In France, since the beginning, the law has been attacked by the French wine producers.

Changes of Loi Evin 1991-2015
- Billboard advertising authorized everywhere 1994
  (and not only on places of production and selling)
- References to regional origins and « objective » qualities authorized 2004
- Advertising authorized on Internet 2009
  with the general restrictions on content
  but enforcement is problematic
- New distinction proposed between advertising and information 2015
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Ongoing battle in 2015
In a liberal economic law presented by a « socialist » Minister of Economy and industry, an article was introduced by a senator against Loi Evin
This article makes a distinction between advertising and information so that « the media should not be afraid of the law in their work, and would not have to censor themselves »
This is fantasy. Only 4 so called « informative articles » have been condemned in the press during 25 years, because they were real disguised advertising.

The article was voted against the official will of the government by deputies of all parties.
But this article was declared unconstitutional by the Conseil constitutionnel, the official body which scrutinized new laws : it was considered a « rider »
Nevertheless
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The same article was introduced three months ago by the same senators, in a Public health law presented by a socialist (« » ?) Health Minister.

Against the will of the government.

We are waiting for the vote in Parliament

We may be afraid that this article to be seen as « constitutional »... ... in a Health policy law!

This is just another French paradox!
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• The original Loi Evin was
• simple, therefore easy to apply, difficult to distort
• It has modified the seductive language of advertising
• Is compatible with European legislation

➢ This is no real surprise as the law was a response to the 1980 European Court decision
➢ We hoped that this example would be followed in Europe
➢ Our hope relies now in Estonia
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Alcohol and pregnancy
A long battle
1968:
French discovery of the Fetal alcohol syndrom

2000-4
Complaint by parent
French Minister afraid
A French senator mobilized
Anne Marie Payet La Réunion
Amendment passed in a law

2007 Logo compulsory

The result
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Warning label about pregnancy

This is another hope for a European policy
Conclusion

No real coherent alcohol policy in France with 2 majors exception

When I met the civil servant of the Minister who asked me to represent France at this conference, he recognised that with those words. He told me that, as a member of NGO I shall feel more free to say it

Yes, I fell quite free to regret the lack of action

We (ANPAA) are often making the unpopular work (the dirty job) the public responsibles should do

For example in putting advertising to courts, which has never been done by public agencies
Conclusion

Recent measures on alcohol, without any coherent plan

Loi HPST (2009)
   Increase of legal purchasing age: 18 years for all alcoholic drinks
   Open bars forbidden
   Sales in petrol station forbidden between 8 pm and 8 am

Some measures against drink and driving: More controls, higher penalties
   Lower Legal BAC for professional drivers
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• In Northern, Eastern and Central Europe, regulation is often seen as a return to former regimes
• In the same countries, wine consumption is often presented as the solution to alcohol problems. With this traditional consumption we had major medical problems in Mediterranean countries
• Hypocritical arguments are used by producers, admen, media and many personnalities claiming
  – they are struggling for freedom
  – they oppose to a « nanny state », taking all responsibilities from the citizens
• More dangerous arguments is to name us « Ayatollah » of Health
  We can imagine that the recent events in Paris may have an impact on consumption and prevention
  As a mobilisation slogan is « Tous en terrasses »
  Yes, we should go on with our habits, go in bars and café, but we can also adopt safer life styles and drink also non alcoholic drinks
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• Development of large companies of drink industry around the world

  Case of wine producers in France and Southern Europe

  Wine producers can still use many traditional marketing ways

  Loi Evin is more efficient against the industry

But the drinks industry manipulates the wine producers, make them mobilize political forces.

The result will be increasing sales of beers and spirits in the end

• Products and images cross frontiers

• Internationalization of life styles and drinking cultures
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• France in Europe

• Without nationalism or ethnocentrism, we can say that France is in the centre of Europe, regarding patterns of consumption and prevention approach, between South and North, between
  
  – Wines, beers, and spirits cultures
  – Convivial drinking and Binge drinking
  – Control and education in prevention programs
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This complex situation

- explains the interest of many experts all over the world for France alcohol policy
- implies that we are fighting for a comprehensive approach...

« Une politique globale » « Un modèle bio-psycho-social »

... both in prevention and treatment