



BERMUDA
1993 : 50

ALCOHOL ADVERTISEMENT (HEALTH WARNING) ACT 1993

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[Date of Assent 20 July 1993]

[Operative Date 1 January 1994]

WHEREAS it is expedient to provide for the display of a health warning in respect of alcohol advertisements and for matters connected therewith:

Be it enacted by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:—

Short title and commencement

1 This Act may be cited as the Alcohol Advertisement (Health Warning) Act 1993 and shall come into operation on such day as the Minister responsible for health may appoint by Notice published in the Gazette.

ALCOHOL ADVERTISEMENT (HEALTH WARNING) ACT 1993

Interpretation

- 2 In this Act, unless the context otherwise requires —
- "advertisement" means any announcement to members of the public made or to be made in a printed publication;
- "alcohol" means spirits, liqueurs, wine, beer, cider, perry or other fermented, distilled or spirituous liquor;
- "alcohol advertisement" has the meaning assigned to it by section 5;
- "brand", except in section 5(3), includes a brand product, that is to say, a variety of a brand marketed as having qualities differing from another variety of that brand;
- "newspaper" has the meaning assigned to it by the Printed Publications Act 1971;
- "printed publication" means a publication to which section 3(2) applies;
- "publish" in relation to an advertisement means making known an advertisement in a printed publication.

Alcohol advertisement in printed publications; Schedule

- 3 (1) No person shall print or publish an alcohol advertisement in a printed publication to which this section applies unless the advertisement bears the health warning as set out in the Schedule.
- (2) This section applies to—
- (a) any newspaper with majority ownership by Bermudians printed or published in Bermuda;
 - (b) any periodical, magazine or other publication with majority ownership by Bermudians printed or published in Bermuda.

Health warning when alcohol advertisement displayed; Schedule

- 4 No person shall—
- (a) display; or
 - (b) publish or distribute for the purpose of display,
- an alcohol advertisement in writing or other permanent form or semi-permanent form unless the advertisement bears the health warning as set out in the Schedule.

Meaning of alcohol advertisement

5 (1) For the purposes of this Act an advertisement is an alcohol advertisement if it—

- (a) contains any express or implied inducement, suggestion or request to purchase alcohol; or
- (b) relates to the consumption of alcohol in terms which are calculated, expressly or impliedly, to promote or encourage the use of alcohol.

(2) An advertisement which—

- (a) mentions
 - (i) the name or trade name of any person associated with the marketing of alcohol; or
 - (ii) a brand name of alcohol; or
 - (iii) any pictorial device commonly associated with what is specified in subparagraph (i) or (ii); or
- (b) illustrates or mentions the consumption of alcohol or alcohol or its bottling, canning or packaging or quality,

shall be deemed to be an alcohol advertisement unless the contrary is proved.

(3) Notwithstanding subsection (2), no advertisement is regarded as an alcohol advertisement only because it uses the name or trade mark or a brand name of, or otherwise identifies, a person associated with the manufacture or marketing of alcohol, as the sponsor of an event or as congratulating another person or thing on an achievement of, or event relating to, that person or thing.

Offence and penalty

6 (1) Any person who violates section 3(1) or 4 commits an offence.

Punishment on summary conviction: a fine of \$5,000 and in the case of a continuing offence a further fine of \$500 for every day during which the offence continues.

(2) In any proceedings for a violation of section 3(1) it is a defence for the person charged to prove that the advertisement to which the proceedings relate was printed or published in such circumstances that he did not know and had no reason to believe he was taking part in the printing or publication thereof.

ALCOHOL ADVERTISEMENT (HEALTH WARNING) ACT 1993

SCHEDULE

Sections 3(1), 4

Health Warning in Alcohol Advertisements

The health warning shall be "EXCESSIVE ALCOHOL CONSUMPTION MAY BE HARMFUL TO YOUR HEALTH".