

State of Israel

Office of the Legal Advisor

Ministry of Health

Jerusalem

19 July, 2012

29 Sivan, 5772

29665812

Ms. Etty Bendler, Advocate
Legal Advisor,
Knesset Economic Affairs Committee

Dear Advocate Bendler,

RE: Restriction on Advertising and Marketing Alcohol Beverages (Warning Mark) Regulations, 5772-2012

For the purpose of fixing a date for the Committee debate, attached is a draft of the above Regulations as well as the Minister of Health's letter to the Committee Chairman, and the detailed explanatory notes.

At the same time, after concluding the proceedings in our Ministry, I have been asked to advise you that it is the Ministry's intention to change Regulation 2(c), as follows: the words.... "having a size of not less than two-thirds of the size of the lettering of the name of the beverage ..." will be deleted, and after the words: "... as thick as the lettering of the warning" there will be inserted ... "and whose area will be 15% of the internal area of the intoxicating liquor can on the side, as stated in sub-regulation (b)).

Yours faithfully,

Marina Ostfeld, Advocate

c.c.

MK Rabbi J. Litzman, Deputy Minister of Health

Professor R. Gamzo, Director-General

Dr. B. Lev - Deputy Director-General

Professor A. Grutto - Head of Public Health Services

Advocate M. Hibner - Harel, Legal Advisor

Advocate A. Mischer, Deputy Legal Advisor

Ms. L. Veron, Administrator Knesset Economic Affairs Committee

Engineer A. Gordon, Manager-General Food and Nutrition Service

Advocate S. Guttman-Trudel, Food and Nutrition Service

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Restriction on Advertising and Marketing Alcohol Beverages, (Warning Mark) Regulations, 5772-2012

By virtue of the power vested in me according to sections 8 and 12(a)(2) of the Restriction on Advertising and Marketing Alcohol Beverages Law, 5772-2012¹ (hereinafter: “**the Law**”) with the approval of the *Knesset* Economic Affairs Committee and the Second TV and Radio Authority Council and the Cable and Satellite Broadcasting Council, I promulgate the following Regulations:

Definitions Approved

1. In these Regulations -
“warning” - means a warning regarding the possible damage from consuming intoxicating liquors.

Warning on intoxicating liquor containers

2. (a) The wording of the warning on, or on the label of, the intoxicating liquor container will be as set out below:
 - (1) with respect to strong intoxicating liquor - “Warning - excessive alcohol consumption risks life and is harmful to health!” Approved
 - (2) with respect to intoxicating liquor - “Warning - contains alcohol - excessive drinking should be avoided.” Approved
- (b) The wording of the warning mentioned in sub-regulation (a) will be affixed or printed on the intoxicating liquor container itself or on its label as stated in section 8 of the Law, in a legible manner. Approved
- (c) The wording of the warning mentioned in sub-regulation (a), as appropriate, will be prominently marked, in black lettering that is legible and identically emphasized, on a white background, having a size equal to 15% of the size of the label but not smaller than 10% of the surface of the container and will be surrounded by a black frame as thick as and emphasized in the same way as the lettering of the warning. Approved

Method of including the warning in written and printed advertising

3. The warning, in the wording detailed in regulation (2)(a), as appropriate, to be included in written or printed advertising will be in the language of the advertisement as follows:
 - (a) The warning shall be in clear and easily readable black lettering surrounded by a black border emphasized identically, and of a thickness equal, to the lettering of the warning.
 - (b) The area of the warning shall be 5% at the least of the area of the advertisement and the lettering of the warning shall occupy most of the bordered area. Approved

Method of including the warning in verbal advertising

¹ Statute Book 2335, 5772 (2012) at page 158.

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4. In verbal advertising, the warning will be heard in the wording detailed in regulation 2(a), as appropriate, at audible volume at not less than the volume range usual in other than advertising broadcasts and as customary when the news is read clearly.

Method of including the warning in advertising by electronic means

5. (a) The warning in advertising by electronic means in which writing can be included, including television advertising broadcasts, shall be as stated in Regulation 3 or be audible as stated in Regulation 4.
- (b) The warning in advertising by electronic means in which writing cannot be included, including a radio broadcast advertisement, will be audible as stated in Regulation 4.

Saving of laws

6. (a) Nothing contained in these provisions shall derogate from the provisions of any law.

BENJAMIN NETANYAHU
Prime Minister and Minister of Health

_____, 5772 (_____ 2012)
(HM 304001)

**State of Israel
Ministry of Health
Public Health Services
Food and Nutrition Services
Central Office**

www.health.gov.il/fcs

Re: Explanatory notes to the Restriction on Advertising And Marketing Alcoholic Beverages
(Warning Mark) Regulations, 5772-2012

On 30 January, 2012, the Restriction on Advertising and Marketing Alcoholic Beverages Law, 5772-2012 (hereinafter: “**the Law**”) was published in the Statute Book no. 2335, at page 158, which, *inter alia*, provided for a prohibition against marketing intoxicating liquor in a can unless it has a marking by means of a label in a manner and in the wording prescribed by the Minister of Health with the approval of the Economic Affairs Committee of the Knesset.

The Law further provided for an obligation to include such a warning in advertising (as defined in the Law) and granted the Minister of Health power to promulgate regulations on the subject, there being an obligation to consult with the Second TV and Radio Authority Council and the Cable and Satellite Broadcasting Council with regard to the inclusion of a warning in TV and radio advertising broadcasts.

The draft of the Regulations attached regulates the wording and design of the warning on the intoxicating liquor cans. Section 8(a) of the Law allows the Minister of Health to determine “different warnings with respect to different intoxicating liquors” and, therefore, two forms of wording of the warning are proposed that relate to the types of the intoxicating liquor, according to their strength and as defined in the Law.

In addition, the wording of the draft regulates the method of including the warning in all the types of advertising that are detailed in the Law.