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PUBLICATION OF REGULATION THAT AMENDS LAW NO. 19,925 ON THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES

On Friday, July 7, 2023, by means of Decree No. 98 of 2023, the regulations required by Law No. 21,363 (the "Regulations") were published in the Official Gazette. Law No. 21,363, which was published on August 6th 2021 pending the issuance of the regulations required in order to implement these amendments, establishes rules for the commercialization and advertising of alcoholic beverages, with the purpose of introducing amendments to Law No. 19,925 in matters related to labeling and advertising.

Among its main contents, the Regulation establishes the graphic characteristics of the warnings on harmful consumption that must be included in the packaging of alcoholic beverages, as well as the manner in which such warnings must be incorporated in the advertising of these products. It also regulates the manner in which the declaration of the calorie content of the products must be made.

Labeling of warnings

The Regulation establishes that all beverages with an alcohol content equal to or greater than 0.5°, which are intended to be marketed in Chile, must include the following warning:





This warning should be incorporated on the back face or label of the container or package. Either version may be used interchangeably (black or white background). The minimum size of the warning shall not cover less than 15% of the surface of the back face or label of the

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respective container, box or package. In the event that the container, carton or package, as the case may be, does not have a back label, the value indicated above shall be considered with respect to the front label. However, the complete warning shall not be less than 6.2 cm wide and 3.5 cm high, and each of the octagonal symbols shall not be less than 1.7 cm high and 1.7 cm wide. The total of the warning shall not occupy more than 30% of the packaging.

The producer or manufacturer in the case of national products, and the importer in the case of imported beverages, shall be responsible for affixing the warning.

Labeling of calories

The label of all beverages with an alcohol content equal to or greater than 0.5° shall include the energy value or energy of the product expressed in calories, whose unit of measurement shall be expressed in kilocalories. The energy value shall be expressed per 100 milliliters of the product.

This information on the energy value shall be included on the back of the respective container, box or packaging, by means of a rectangle with black borders and a white background, which shall include the information indicated in the Regulation.

Advertisement

• Warnings:

In any graphic or advertising action that is disseminated through written communication media or posters or advertisements of any kind, whether physical or virtual, including those placed at points of sale, a box containing the word "WARNING" must be incorporated, and one of the phrases established in the Regulation must be included.This box must cover at least 15% of the total surface of the graphic or advertising action, have a black background and white letters, in capital letters and include the logo of the Ministry of Health. The box should be displayed in the upper right corner of the graphic or advertising action.The warning must also be incorporated in audiovisual and radio advertising, as established in the Regulations.

• Restrictions:

Any form of advertising, commercial or non-commercial, direct or indirect, of alcoholic beverages by any means, such as product

packaging, computer and non-computer media, or any activity or publication, aimed exclusively at minors, is prohibited.Likewise, the Regulation establishes a prohibition to induce minors to consume alcoholic beverages and to take advantage of their credulity. For these purposes, the Regulation establishes that it will be understood that minors are induced, or their credulity is taken advantage of when, among other elements, children's or young people's characters and figures, animations, cartoons, toys or children's music are used. Also, it shall be especially understood that minors are induced or their credulity is exploited when the presence of real or fictitious persons or characters that attract the interest of this group is used, such as national or international athletes recognized in their discipline or characters from movies or series aimed at children, or persons who influence minors by having a presence in written or digital media aimed at this group; or if the advertisement contains fantastic statements or plots, childish voices, language or expressions typical of minors in general, or if it presents situations that represent the daily life of minors, such as, among others, school, recreation, games, children's or teenagers' hobbies, parties or social gatherings, family or children's, teenagers' or minors' peers in general.Any form of direct or indirect commercial or non-commercial advertising of alcoholic beverages in sporting activities is prohibited, except for "mega sporting events", which must be qualified by the Ministry of Sport.

Sporting goods intended for mass distribution, such as t-shirts and uniforms or posters and promotional items related to all kinds of sporting activities, may not contain names, logos or images of brands of alcoholic beverages, including any sign or allusion to their brands or products.

Advertising of alcoholic beverages on television may only take place between 10:00 pm and 06:00 am, and direct or indirect advertising of alcoholic beverages on the radio is prohibited between 04:00 pm and 06:00 pm.

Entry into force

Finally, in order to implement the Regulation, a time period has been established for the entry into force of its provisions, as follows:

• **One year from its publication (July 7, 2024**), for the entry into force of the provisions related to warning messages and graphics

(including their incorporation in advertising) and energy value; and
• **36 months from its publication (July 7, 2026)** , to the entry into force of the rules regulating advertising restrictions (Title III of the Regulation).

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