

Frequently Asked Questions
Section 19 Public Health (Alcohol) Act 2018
Broadcast Watershed

<p>What are the watershed requirements under Section 19?</p>	<p>From 10 January 2025, a person shall not broadcast, or cause to be broadcast, an advertisement for an alcohol product on:</p> <ul style="list-style-type: none"> • a television programme service between the hours of 3am to 9pm • a radio on a weekday between hours of 3pm and 10am the following morning.
<p>What is the purpose of the legislation?</p>	<p>To reduce exposure of children and young people to advertisements for alcohol products.</p>
<p>What is the time frame for implementation/compliance?</p>	<p>Section 19 was commenced on 13 November 2023 and will come into effect on 10 January 2025.</p>
<p>Does Section 19 apply to non-alcohol products?</p>	<p>No, Section 19 applies to alcohol products only.</p> <p>“alcohol” means pure ethyl alcohol and an “alcohol product” has the same meaning as it has in section 73 of the Finance Act 2023.</p>
<p>Are 0.0% products included under Section 19?</p>	<p>Zero alcohol products are not included.</p>
<p>Can marketing campaigns include alcohol offers before the watershed? (for example, grocery copy that includes a number of items and one item of alcohol as part of a special offer).</p>	<p>Any such advertisement/broadcast including an alcohol product pre-watershed, would be in breach.</p> <p>The purpose of including an alcohol offer in grocery copy would constitute advertising as its aim is to promote an alcohol product and would therefore be in breach of Section 19.</p>

Does Section 19 apply to programming on +1 channels?	If alcohol is advertised within the times specified (3am and 9pm) on a +1 channel this would be a breach of Section 19, the +1 channel is not exempt.
Does Section 19 apply to on-demand services?	Non-linear on-demand services are not covered by Section 19.
Does Section 19 apply to live streaming of linear broadcasts on digital services?	<p>It is the view of the NEHS that if alcohol is advertised within the times specified that this would be a breach of Section 19.</p> <p>Section 19 applies to linear broadcasts following a schedule determined by the broadcaster.</p>
Will the restrictions apply to sponsorship and other types of commercial communications that are not advertising?	Yes, 'advertising' under the Public Health (Alcohol) Act means any form of commercial communication with the aim, or direct or indirect effect, of promoting an alcohol product and includes, in relation to an alcohol product, every form of recommendation of the product.
Is it the case that the watershed only applies for radio on weekdays, i.e. Monday to Friday and not weekends?	Section 19 does not apply to radio at weekends.
How will the 'watersheds' be monitored, by whom and what might the sanctions be for non-compliance?	<p>The HSE National Environmental Health Service is responsible for enforcing the legislation.</p> <p>Penalties for non-compliance are set out in Section 8 of the Public Health (Alcohol) Act 2018.</p> <p>A person guilty of an offence under Section 19 (3) shall be liable on summary conviction, to a class A fine, or imprisonment for a term not exceeding 6 months, or both or (b) on conviction on indictment, to a fine not exceeding €250,000 or imprisonment for a term not exceeding 3 years, or both.</p>

Post implementation of Section 19, will access to guidance on advertising be available?	In addition to this document, guidance for industry is available here
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Linear broadcast: Traditional television or radio programming, where content is delivered to viewers in a pre-determined, scheduled format.

Non-linear broadcast: Allows viewers to access content at any time, at their convenience. It is on-demand, meaning users can select what to watch and when to watch it.