

# DEUTSCHER WERBERAT

## GERMAN ADVERTISING STANDARDS COUNCIL CODE OF CONDUCT ON COMMERCIAL COMMUNICATION FOR ALCOHOLIC BEVERAGES

(Valid from April 2009)

Definitions:

For the purposes of this code of conduct:

- Alcoholic beverages are all beverages containing alcohol in any quantity, excluding beverages that are allowed to be designated alcohol-free.
- Commercial communication is the use of any communication instrument by a business enterprise with the primary objective of promoting the sale of goods or services, excluding editorial content.
- Minors are all persons to whom the sale of advertised alcoholic beverages is prohibited under the German Protection of Minors Act (*Jugendschutzgesetz*).

### Preamble

The members of the German Advertising Federation (*Zentralverband der deutschen Werbewirtschaft/ZAW*), are of the firm opinion that:

- Commercial communication is a fundamental and indispensable part of free and fair competition.
- Most people in Germany consume alcoholic beverages responsibly without harming themselves or others.

Recognising that abusive consumption of alcoholic beverages can have serious consequences for the persons concerned, for their families and friends, and for society as a whole, the producers and importers of alcoholic beverages organised in ZAW acknowledge their obligation to shape commercial communication for their products in such a way that it does not promote abusive consumption of alcoholic beverages.

In accepting this obligation, the producers and importers of alcoholic beverages wish:

- To prevent representations and claims made in commercial communication for their products from being misconstrued as promoting abusive consumption of alcoholic beverages.
- To prevent commercial communication for their products from being misconstrued as being addressed at minors.



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- To ensure, as far as they are able, compliance with all laws relating to commercial communication for alcoholic beverages, including the laws governing fair trading (*Gesetz gegen den unlauteren Wettbewerb/UWG*), food and drinks (*Lebensmittel- und Bedarfsgegenständegesetz/LFGB*) and the protection of minors (*Jugendschutzgesetz/JuSchG* and *Jugendmedienschutz-Staatsvertrag/JMStV*).
- In the framework of the competitive market to promote compliance and combat noncompliance with this Code of Conduct.

Thus, in cooperation with the German Advertising Federation (ZAW), producers, sellers and importers of alcohol beverages have drawn up the following Rules of Conduct on Commercial Communication for Alcoholic Beverages. Compliance with this Code of Conduct, organisation of the complaints procedure and the assessment of complaints are the responsibility of the German Advertising Standards Council.

Commercial communication for alcoholic beverages shall comply in both content and presentation with the principles set out in the following.

## **1. Abusive Consumption**

- 1.1 Commercial communication for alcoholic beverages shall not promote abusive consumption of alcoholic beverages or trivialise such consumption. Commercial communication of 'flat-rate' and 'all you can drink' offers can also constitute promotion of abusive consumption if the event being advertised is identifiably designed to foster irresponsible consumption of alcoholic beverages.
- 1.2 Commercial communication for alcoholic beverages shall not display any person who has visibly consumed too much alcohol or gives the impression that such consumption is acceptable.
- 1.3. Commercial communication for alcoholic beverages shall not create any association between the consumption of such beverages and violent, aggressive or dangerous conduct.
- 1.4 Commercial communication for alcoholic beverages shall promote responsible consumption of alcoholic beverages and shall not disparage abstinence from such beverages.

## **2. Minors**

- 2.1 Commercial communication for alcoholic beverages shall neither promote drinking of alcoholic beverages by minors nor show minors in the act of drinking or promoting the drinking of such beverages.
- 2.2 Commercial communication for alcoholic beverages shall not be conveyed by media the majority of whose editorial content addresses minors.
- 2.3 Commercial communication for alcoholic beverages shall not make any claim or representation to the effect that minors are not old enough to consume alcoholic beverages and so provoke drinking.
- 2.4 Commercial communication for alcoholic beverages shall not show persons stating that they drank alcoholic beverages as minors.
- 2.5 Commercial communication for alcoholic beverages shall neither be shown on sports kits worn by sports teams comprising minors nor be conveyed in advertising and sponsoring campaigns that are directly related to minors.

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## **3. Sportspersons**

Commercial communication for alcoholic beverages shall not show athletes drinking or promoting drinking.

## **4. Safety**

4.1 Commercial communication for alcoholic beverages shall not show any person drinking or promoting drinking while driving a vehicle.

4.2 Commercial communication for alcoholic beverages shall not create any association between the consumption of alcoholic beverages and the driving of a vehicle.

4.3 Commercial communication for alcoholic beverages shall not show consumption of alcoholic beverages in situations constituting a breach of safety rules.

## **5. Health claims**

5.1 Commercial communication for alcoholic beverages shall not make any claim to cure, relieve or prevent any ailment.

5.2 Commercial communication for alcoholic beverages shall not claim that alcoholic beverages have any medicinal effect.

5.3 Commercial communication for alcoholic beverages shall not show persons wearing clothing typical of the healthcare professions, healthcare trades or the pharmaceutical trade.

## **6. Alcohol content**

6.1 Commercial communication for alcoholic beverages shall not present high alcohol content as a positive quality of a brand or as a reason to purchase it.

6.2 Commercial communication for alcoholic beverages shall not give the impression that a beverage's low alcohol content prevents abusive consumption.

## **7. Anxiety, disinhibition and conflict**

7.1 Commercial communication for alcoholic beverages shall not make any claim relating to the disinhibiting effect of alcoholic beverages.

7.2 Commercial communication for alcoholic beverages shall not make any claim relating to the elimination or relief of anxiety.

7.3 Commercial communication for alcoholic beverages shall not make any claim or representation relating to the elimination or resolution of psycho-social conflicts.

## **8. Performance**

8.1 Commercial communication for alcoholic beverages shall not make any claim relating to improvement of physical performance as a result of consuming alcoholic beverages.

8.2 Commercial communication for alcoholic beverages shall not give the impression that consumption of alcoholic beverages promotes social or sexual success.

## **9. Age of Depicted Individuals**

Individuals depicted in commercial communication for alcoholic beverages must at minimum be and give the impression of being young adults.