

**G-Regs™**

Spain: OIVE Wine Code 2018



Full title	<p>The Wine Code of Commercial Communication December 2018, from the Spanish Wine Interprofessional Organisation (OIVE - <i>Organización Interprofesional del Vino de España</i>), administered by Autocontrol</p> <p><a href="https://www.autocontrol.es/wp-content/uploads/2018/12/codigo-de-comunicacion-comercial-del-vino-web.pdf">https://www.autocontrol.es/wp-content/uploads/2018/12/codigo-de-comunicacion-comercial-del-vino-web.pdf</a> or</p> <p><a href="https://www.interprofesionaldelvino.es/codigo-de-comunicacion-comercial-del-vino/">https://www.interprofesionaldelvino.es/codigo-de-comunicacion-comercial-del-vino/</a></p>
Title of relevant sections	<p>Chapter III: Scope</p> <p>Chapter IV: Adherence</p> <p>Chapter V: Principles</p> <p>Chapter VI: Content of commercial communications</p> <p>Chapter VII Compliance and Monitoring</p> <p>Chapter VIII: Entry into force</p> <p>Annex 1.</p>
<b>CHAPTER III: SCOPE</b>	
1. Scope	<p>This Code shall apply to all commercial communications relating to wine, “Commercial Communications” meaning any advertising or marketing communication instrument by a business enterprise, regardless of the medium used, with the objective of promoting sales of goods or services to consumers or brand image, including corporate advertising, sponsorship, Internet, direct consumer and trade promotion, merchandising and point of sale material. Editorial content is excluded.</p> <ul style="list-style-type: none"> <li>• For its part, “advertising” shall mean that established for these purposes in the current legislation. Hereinafter referred to as “communications” or “commercial communications”.</li> <li>• This Code applies to both online and offline content, in all communication channels, including email, mobile phones and computer applications.</li> </ul> <p>For the purposes of the provisions of this Code, “Wine or Wines” shall mean:</p> <ul style="list-style-type: none"> <li>• Still wines, sparkling wines, liqueur wines, aromatised wines, their non-alcoholic or low alcohol equivalents, and other vine products as defined in Regulations 1308/2013 and 251/2014 (or any legislation replacing them in the future) with the exception of must/ grape juice.</li> </ul> <p>Minors are defined as those individuals who are below the legal age permitted for the purchase and / or consumption of alcohol according to legislation in force.</p>
2. Scope subject	These rules shall apply to:

OIVE link: <https://www.interprofesionaldelvino.es/codigo-de-comunicacion-comercial-del-vino/>

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- All operators in the Spanish wine sector, regardless of where they have their domicile or main establishment, which produce, market, distribute or import wine in Spain.
  - All associations or public or private organisations that bring together producers, marketers, distributors or importers of wine in Spain, who try to extend this commitment to their respective members.
  - Other professionals or participants in the wine value chain, other than those mentioned above.

The Code will also be available for other groups that adhere voluntarily via established means.

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#### CHAPTER IV: ADHERENCE

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##### Clause

Operators and organisations that wish to adhere to this Self-Regulatory Code must do so via the electronic process established on the website <http://www.wineinmoderation.eu>, whereby they will also be authorised to use the Logos<sup>1</sup> of the Wine in Moderation programme.

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#### CHAPTER V: PRINCIPLES

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##### Clause

"Communications" may highlight the sector and/or specific wine attributes (e.g. origins, provenance, tradition, production methods, specific characteristics and serving of the product) as well as the pleasure of communication, conviviality or socialising associated with moderate responsible consumption.

However, Communications cannot encourage any type of irresponsible and/or improper consumption of wines under any circumstance.

Communications must respect the following:

##### 1. LEGALITY

Commercial communications on wines shall comply with current legislation, whatever the content, dissemination medium, or form that they take.

##### 2. TRUTHFULNESS

Communications on wines shall be decent, honest and truthful.

##### 3. FAIRNESS

Communications on wines will always bear in mind their social responsibility and shall meet the requirements of good faith and good business practice, irrespective of the content, dissemination medium or form that they take.

They must not be unethical, or discriminatory, nor offend against the generally prevailing standards of good taste and decency, nor in any way constitute an affront to human dignity and integrity.

UNDER NO CIRCUMSTANCES may commercial communications:

- a) Encourage or condone excessive or irresponsible consumption, nor trivialise such consumption, nor present abstinence or moderate consumption in any negative way.
  - b) Present situations of improper consumption. They should not show people who seem to
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<sup>1</sup> Wine in Moderation is a registered trademark owned by the **Wine in Moderation - Art de Vivre Aisbl** with headquarters in Belgium. The use of the logo is allowed to operators and organisations that agree to adhere to the Program and are expressly

OIVE link: <https://www.interprofesionaldelvino.es/codigo-de-comunicacion-comercial-del-vino/>

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have drunk excessively or in any way give the impression that excessive consumption is acceptable.

c) They should not suggest any association with violence, aggression, or with antisocial, illegal or dangerous behavior.

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## CHAPTER VI: CONTENT OF COMMERCIAL COMMUNICATIONS

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### Clause 1

#### 1. Moderate and Responsible Consumption messages

Communication on Wine shall promote the responsible consumption of wines. To this end:

a. Commercial Communications that are visibly perceptible shall include:

- The logo of the "WINE IN MODERATION" program, applying the style book that appears in annex 1.
- The message: "WINE IS ONLY ENJOYED IN MODERATION" ("EL VINO SÓLO SE DISFRUTA CON MODERACIÓN")

This obligation shall not be required:

I. In the messages freely developed by media on the basis of press releases, provided there is no consideration or commission and the member company does not have control over the published content.

II. In the labelling of products, where inclusion is voluntary. If the logo is included, it should be the one designed for this purpose included in the style book in Annex 1.

III. In advertising in which the presence of the winery is restricted to announcement of its sponsorship of activities/ events.

IV. Corporate advertising when it does not promote products or consumption.

b. On a voluntary basis, in the aforementioned cases subject to the obligation to include message and logo, the use of the logos that appear in Annex 2 (not included in this document – see Spanish version) or similar or equivalent is recommended.

c. In the case of advertising spots on radio of more than 20 seconds, the obligation is limited to the voiceover of the message "enjoy in moderation" or equivalent.

d. The message to which point a) refers is common throughout Spain for Wine companies and the associations thereof.

e. The message to which point a) refers shall be displayed to consumers and the public in a clearly visible and legible format. For these purposes, these elements:

- Shall be located in a clearly visible place.
- Shall have a minimum size of 1% of the total advertisement.
- To be considered readable, the typography of the message will have a minimum height of 1.5 mm.
- Shall appear sufficiently contrasted with the background of the advertisement to permit clear and easy reading.
- In the case of television and cinema, they will always appear horizontally using fixed overprint on screen for at least 2 seconds, with a surface area of 1.5% of the total advertisement.
- The web pages of affiliated companies or organisations shall include the message and identifying logo linked to the WIM programme web page <http://www.wineinmoderation.eu> in a permanent, prominent position.

f. Where appropriate, the message stipulated in paragraph a) may be replaced by other responsible consumption messages and expressed in any official language of the European

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Union or co-official language in the State of Spain, whenever it is easily comprehensible to the consumer. In any case, this message must not:

- A) Be able to be interpreted such that the moderate consumption of wine appears something ordinary, commonplace or trivial, cause fear or evoke negative feelings or denigrate or have a negative impact on the image of the wine sector, its companies and associations;
  - B) Mislead;
  - C) Be associated with any content or conduct which does not comply with these Standards;
  - D) Be used for commercial communications in those media in which the commercial communication of wines is not permitted, or be used in any other way to evade legal or self-regulation restrictions in force as regards the advertising of Wines.
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## Clause 2

### 2. Misuse

- a) Commercial Communications may not encourage or condone excessive or irresponsible consumption, nor permit the moderate consumption of wine to be trivialised or appear banal, evoke fear or negative feelings or denigrate or have a negative impact on the image of the wine sector, its companies or associations;
  - b) Commercial Communications shall not present situations of improper consumption. They shall not display persons who appear to have drunk excessively or in any way give the impression that excessive consumption is acceptable;
  - c) Commercial Communications shall not suggest any association with violence, aggression or antisocial, illegal or dangerous behaviour.
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## Clause 3

### 3. Alcohol Content

- a) Commercial communications must not create any confusion as to the nature and alcoholic strength of wines.
  - b) When commercial communications refer to alcoholic strength, this reference must be provided for information only.
  - c) They cannot convey the idea that a high alcohol content is a positive quality of the wine or a possible reason to buy it.
  - d) They cannot convey the idea that a wine with a low alcohol content prevents abusive consumption.
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## Clause 4

### 4. Minors

- a) Web pages of the companies to which this code applies must provide a mechanism preventing access to minors at the outset
  - b) Commercial communications must not be aimed at minors nor show minors or those who appear to be minors, consuming or encouraging the consumption of wines.
  - c) Commercial communications must not be transmitted by media (for example, programmes, sessions, sections and pages) specifically aimed at minors in terms of editorial content and/ or audience).<sup>2</sup>
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<sup>2</sup> A good mechanism to prevent minors from accessing digital commercial communications is the use of user age control tools or parental control applications. In audio-visual media, audience data can be made available by age group.

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d) Commercial communications must not suggest that abstinence is synonymous with immaturity.

e) Commercial communications must not suggest that consumption contributes to growing up or maturity.

f) Commercial communications must not use any element (objects, people, images, styles, symbols, logos, colours, music or characters) that may be of interest or attractive to minors.

g) Commercial communications of non-alcoholic products covered by this code shall apply the same restrictions on advertising as those established in the legislation in force for their equivalents with alcohol.

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**Clause 5****5. Drinking and driving vehicles and other possible hazardous recreational or work-related activity**

Commercial communications must not associate wine consumption with driving vehicles or operating potentially dangerous machinery or with other potentially hazardous recreational or work-related activities that involve responsibility for third parties.

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**Clause 6****6. Workplace**

Commercial communications must not associate the consumption of wine with permanent workplaces or people consuming wine when working, with the exception of workplaces and/or people directly connected to a wine profession.

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**Clause 7****7. Health Aspects**

Commercial communications must not claim or suggest that wines have therapeutic properties or that their consumption may help to prevent treat or cure any human disease or that they have any medicinal effect.

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**Clause 8****8. Pregnancy**

Commercial communication must not show pregnant women drinking or be aimed specifically at women who are pregnant.

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**Clause 9****9. Psycho-social aspects (lack of inhibition, anxiety and mental conflict)**

Commercial communications must not:

- Claim the disinhibiting effect of wine consumption.
  - Suggest that wine consumption helps overcome shyness, fear or encourages wrongdoing.
  - Show situations implying that consumption contributes to reducing or eliminating problems of social maladjustment, anxiety or psycho-social conflicts and, in general, must never suggest or present consumption on one's own as helping to solve these types of problems.
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**Clause 10****10. Performance**

Commercial communications must not give the impression that wine consumption increases mental or physical ability or improves physical skills or performance.

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**Clause 11****11. Social Success**

Commercial communications can show scenes of socialisation or conviviality between people but they should not:

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- a) Suggest that wine consumption contributes to acceptance or social success.
- b) Suggest that abstinence is synonymous with failure in social life, at work or in business.
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**Clause 12****12. Sexual Aspects**

- a) Commercial Communications should not show images of women or men of a discriminatory or degrading nature or stereotypical female or male images that may incite violence;
- b) Commercial communications must not suggest that wine consumption increases sexual capacity, stimulates sexual desire, or leads to sexual relations.
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**CHAPTER VII: COMPLIANCE AND MONITORING**

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1. Operators within the Spanish wine sector supporting these standards undertake to observe the principles set out therein in their communications.
2. The monitoring of compliance with these Standards shall be entrusted to the Association for the Self-Regulation of Commercial Communication (Autocontrol).
3. Recommended elements for promoting the effective application and monitoring of compliance with these Standards shall be via the following mechanisms:

**A.1) Prior consultation or "Copy Advice®"**

- Companies affiliated to this code may send their advertisements or draft advertisements to the Technical Office of Autocontrol for prior review via the system of prior consultation or voluntary, confidential and non-binding 'Copy Advice®' prior to their issue.

**A.2) Prior consultation or "Copy Advice®" for advertisements to be broadcast on television**

- Companies affiliated to this code undertake to send their advertisements or draft advertisement to the Technical Office of Autocontrol for prior review via the system of prior consultation or confidential and binding 'Copy Advice®' prior to their broadcasting on television.

**B. Complaints Procedure**

OIVE entrusts the control of compliance with this code to the Autocontrol Jury. For this reason, the companies supporting this code undertake to obey and comply immediately with the content of the decisions issued by the Autocontrol Jury in relation to complaints lodged by any interested party, consumers or Authorities for any breach of the Code; to this end, they shall stop the advertising and make the changes required thereto, should the Jury so require.

Companies supporting this Code undertake to lodge any complaints against the advertising of other supporting companies with the Autocontrol Jury prior to the courts of justice.

The Autocontrol Jury shall comply with the provisions of its own Regulations in the processing and resolution of any complaints lodged against the advertising of companies supporting this Code; in accordance with the said Regulations, these decisions shall be public.

**C) Sanctions**

In the case of repeat offending or ignoring codes or resolutions of the Autocontrol Jury, OIVE, by resolution of the Board of Directors, shall issue the interested parties with a warning,

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Should the breach of the obligations undertaken with respect to this Code persist, for repeated non-compliance OIVE will proceed to withdraw attachment to the commitment made.

OIVE reserves the right to refer to the courts of justice in the event that any of its members breaches the content of a decision issued by the Autocontrol Jury in respect of the advertising of the drinks to which this Code applies.

D) OIVE shall organise, jointly with Autocontrol, training activities for professionals involved in the marketing efforts of member companies, in order to contribute to better compliance with this Code.

E) Independence

The Autocontrol Jury is a specialized body in terms of advertising ethics, composed of independent people from the sector.

As specialized body responsible for settling disputes and claims relating to commercial communications, the Jury has full and complete independence in its duties.

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## CHAPTER VIII: ENTRY INTO FORCE

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### Clause:

This code shall enter into force from August 1<sup>st</sup> 2018

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## ANNEX 1. Style book of Wine in Moderation ® logos

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The logos and symbols of the WINE IN MODERATION (WIM) program are registered trademarks and are therefore protected by law. The owner of the WIM trademarks, in the current iterations and the variations that may occur in future, is the Association Wine in Moderation - Art of Vivre Aisbl (Association WIM).

The use of these symbols and logos is reserved for authorized users and is controlled by a Regulation of use (RoU). To be an authorised user, you must join the WIM program, register and accept the terms and conditions of the RoU.

All this can be done through the website <http://www.wineinmoderation.eu>, as explained in section IV Adherence to the Wine Code of Commercial Communication.

This document establishes all valid WIM brand variations authorised for use by Spanish operators. The WIM logo includes a main version and variations in positive, negative, transparent and in black and white format. It also includes a version for use in wine labels.

The following sections contain important and necessary information for the use of the logo in authorized users communication. It is important always to check this style book, respect the logo and not modify any of its elements. If you have any questions that are not addressed in this manual, please contact the Spanish Wine Interprofessional Organization (<mailto:info@oive.org>) or the WIM association (<mailto:info@wineinmoderation.eu>).

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### Important reminder

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As established in Section VI. 1a of the Wine Code of Commercial Communication, all commercial communications must include the following message with the WIM logo (in any of its versions):

1. "WINE, ONLY APPRECIATED IN MODERATION" or
2. Any other equivalent responsible consumption message.

No typography or colour is defined for the inclusion of this message. However, the image

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with the integrated message is made available to the users for their convenience.



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All of the logos and related style guides are available (to supporting companies) in the original Spanish version of the Code which is here: <https://www.autocontrol.es/wp-content/uploads/2018/12/codigo-de-comunicacion-comercial-del-vino-web.pdf> or from OIVE's website here:

<https://www.interprofesionaldelvino.es/codigo-de-comunicacion-comercial-del-vino/>

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