

## Germany: BSI Policy Paper on Alcohol

### English translation of Chapter 10 Advertising

#### July 2021 edition

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Full title	<p>BSI Policy Paper on Alcohol and Responsibility 5th Edition, July 2021</p> <p><a href="https://www.spirituosen-verband.de/fileadmin/introduction/downloads/BSI-Code_of_Conduct_2021.pdf">https://www.spirituosen-verband.de/fileadmin/introduction/downloads/BSI-Code_of_Conduct_2021.pdf</a></p> <p>BSI is the Federal Association of the German Producers and Importers of Spirits (<i>Bundesverband der Deutschen Spirituosen-Industrie und -Importeure e. V.</i> (BSI))</p> <p>This is an unofficial and non-binding translation of the July 2021 version of Chapter 10 of the Policy Paper. The paper does not provide rules per se, but refers to those from the Self-Regulatory Organisation Deutscher Werberat and adds some principles related to marketing to young people. We have not translated other aspects of the paper, which are obviously important for all aspects of the distribution and marketing of this sector. In particular, the BSI distances itself from 'aggressive price promotion' and any activity that encourages excess in the on trade. The full code is linked above and in the footer at the base of this and subsequent pages.</p>
Relevant section	Chapter 10: Alcohol and Advertising
Chapter 10	<p>German producers and importers of alcoholic beverages and their associations have been committed to the responsible use of alcohol for many years. As early as 1976, they reached an agreement with the Central Association of the German Advertising Industry (ZAW) on voluntary rules of conduct in alcohol advertising. The Code of Conduct of the German Advertising Council on Commercial Communication for Alcoholic Beverages (available at <a href="http://www.werberat.de/">www.werberat.de/</a>) must be complied with by the entire alcohol industry, the trade, agencies and media.</p> <p>The 2009 version of the rules applies to all forms of advertising and sponsorship (online and offline) and from 2015 also includes social media guidelines in the requirements. Advertising and dialogue with customers is increasingly taking place on the social media sites of the manufacturers of alcoholic beverages and on the channels of so-called influencers. The dynamics of social media place special demands on responsible market communication. The requirements from 2015 are intended as an aid to the application of the rules of conduct of the German Advertising Council in day-to-day practice and are intended to make it easier to comply with the code in social media if the alcohol industry's advertising companies are responsible for and control the content</p> <p>In line with these requirements, anything in marketing communication for alcoholic beverages that could be misconstrued as encouraging abuse must be avoided. Advertising should not, for example, contain any claims based on the disinhibiting effect of alcoholic beverages or improving physical performance as a result of consumption. It should also not give the impression that consumption of alcoholic beverages promotes social or sexual success.</p> <p>Special provisions also apply to the protection of minors. Thus, for example, commercial communication for alcoholic beverages should not appear in media whose editorial is aimed primarily at children or young people, nor should advertising show children or</p>

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young people drinking, nor should they be encouraged to drink

Furthermore, commercial communications for alcoholic beverages should not take place via shirt advertising in children's and youth teams, or via advertising and sponsoring campaigns that are directly related to children and young people. Further, all persons shown in an advertising campaign must be and appear to be at least young adults.

The supervisory body is the German Advertising Council, which has established a premium reputation among the public throughout almost 50 years of consistent issue management between advertisers and their consumers. The institution is supported by 43 organisations forming the Central Association of the German Advertising Industry (ZAW). Every citizen and every institution can contact the advertising council in Berlin free of charge.

Via this control system, the consumer can, in addition to the mutual control of companies governed by competition law, exercise ethical supervision over the advertising process. If there is a violation of the voluntary code of conduct, the advertiser is requested to modify or discontinue the advertising. If it does not comply with the request, the Advertising Council can make the criticism public in the form of a reprimand.

Since May 2009, companies from all sectors have been able to have their advertising pre-evaluated by the ZAW. Transgressions of self-regulatory and legal requirements should be avoided before advertising is published. The Central Association of the German Advertising Industry's objective with this service is to provide additional help in protecting citizens against indiscretions and safeguarding companies against mistakes. In its work, the Advertising Council continuously observes trends from society and from science and takes them into account in its decisions.

The BSI requires its member companies to comply with the Code of Conduct of the German Advertising Council on Commercial Communication for Alcoholic Beverages, which covers all forms of communication by the industry. At the same time, the BSI opposes further statutory restrictions on advertising for alcoholic beverages as a supposed means to prevent abuse, as such measures have been shown to be ineffective in many countries and actually exacerbate the problem. Instead, the BSI prefers effective and extensive self-imposed regulation by the industry itself.

In addition to the requirements of the voluntary Code of Conduct of the German Advertising Council on Commercial Communication for Alcoholic Beverages, BSI member companies undertake to use only models and actors over a minimum age of 25 years for commercial communications. The minimum age of models and actors must be documented with regard to respective productions and capable of verification.

As part of the cooperation between spirits manufacturers and importers and influencers in social media – who are active for example on Facebook, Instagram, Twitter, YouTube or other social media – and publish or sponsor commercial content from the company for monetary or other form of consideration, the paid content should always be provided with a technical age restriction so that Minors cannot see this content. If BSI companies use social media platforms in cooperation with influencers that have not (yet) technically implemented effective age limits, then the influencers must, in the case of commercial cooperation be at least 25 years old (rule analogous to the spiritsEUROPE guidelines). For perspective, those social media platforms that have effective, comprehensive age limits for alcohol-related commercial content are to be preferred in this context

The minimum age of influencers, models and actors must be documented with regard to respective productions and capable of verification.

As a further supplementary provision to the voluntary Code of Conduct of the German

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Advertising Council on Commercial Communication for Alcoholic Beverages, BSI member companies undertake to present commercial communication only in those print media or radio and television programmes that are known to be aimed at a minimum of 70% of adults aged 18 years or older. Commercial communications should not be shown in media or at events where more than 30% of the audience are minors.

The following rules are fixed in stone:

- Commercial communications for alcoholic beverages should not be deployed via shirt advertising in children's and youth teams, nor via advertising and sponsorship campaigns that are directly related to children and young people.
  - The advertising of so-called 'flat-rate' or 'all-you-can-drink' offers is regulated in explicit terms. It is a transgression of the rules if the advertised event can be seen to have irresponsible consumption as its objective.
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