

**G-Regs™**

## Germany: BSI Policy Paper on Alcohol



---

Full Title: BSI - Policy Paper on Alcohol and Responsibility  
BSI: Federal Association of the German Producers and Importers of Spirits  
(*Bundesverband der Deutschen Spirituosen-Industrie und -Importeure e. V.* (BSI)  
4th Edition, Dec 2014

---

Title of relevant sections: - Chapter 8: Alcohol and Advertising  
- Chapter 9: Marketing and the bar and restaurant trade.

---

Chapter 8 Alcohol and advertising

---

German producers and importers of alcoholic beverages and their associations have been committed to the responsible use of alcohol for many years. Back in 1976, they reached an agreement with the Central Association of the German Advertising Industry (ZAW) on voluntary rules of conduct in the area of alcohol advertising. The "Code of Conduct of the German Advertising Council on Commercial Communication for Alcoholic Beverages" (available at <https://www.werberat.de/keyfacts>) must be complied with by the entire alcohol industry, trade, agencies and media.

The last updated 2009 rules apply to all forms of advertising and sponsorship (online and offline). According to this, anything in the marketing communication for alcoholic beverages has to be omitted that could be misunderstood as a call for misuse (i.e. misconstrued as promoting abusive consumption). The advertisement, for example, should not contain any claims based on the disinhibitory effect of alcoholic beverages (7.1) or improving physical performance through consumption (8.1). It should also not give the impression that the consumption of alcoholic beverages promotes social or sexual success (8.2).

Special provisions also apply to the protection of minors. Thus, for example, the commercial communication for alcoholic beverages should not appear in media whose editorial section is aimed mainly at children or young people, nor should children or young people be shown drinking, nor encouraged to drink in the advertising activities (2.1 and 2.2). Furthermore, commercial communications for alcoholic beverages should not take place via jersey advertising (i.e. sports kits) in children's and youth teams, or through advertising and sponsoring campaigns that are directly related to children and young people (2.5). Incidentally, all persons shown in an advertising campaign must be at least - also from a visual impression - young adults (point 9).

The supervisory body is the German Advertising Council (*Deutsche Werberat*), which has gained a great deal of respect among the public through almost 40 years of consistent conflict management between companies advertising products and the citizens advertised to. The institution is supported by 43 organisations forming the Central Association of the German Advertising Industry (ZAW). Every citizen, every institution can contact the advertising council in Berlin free of charge. Through this control system, the targeted public can, in addition to the reciprocal control of companies with regards to the 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

---

URL of source: [http://www.spirituosen-verband.de/fileadmin/introduction/images/Daten\\_Fakten/BSI-Grundsatzpapier\\_12-2014.pdf](http://www.spirituosen-verband.de/fileadmin/introduction/images/Daten_Fakten/BSI-Grundsatzpapier_12-2014.pdf)

---

discontinue the advertising measures. If it does not comply with the request, the Advertising Council can make the criticism public in the form of a "reprimand/ rebuke".

Since May 2009, companies of all sectors have been able to have their advertising measures subjected to prior assessment. Conflicts with self-disciplinary and legal stipulations should be avoided in advance of advertising being published. The intention of the Central Association of the German Advertising Industry with this offer is to provide additional help in protecting citizens against indiscretions/ gaffes and safeguarding companies against slip-ups.

In its work, the Advertising Council constantly picks up on impulses from society and science and takes them into account in its decisions. In recent years, the exchange of ideas with interested institutions and scientists has been intensified and a new discussion platform set up for this purpose. The "Conference on Advertising and Society" helps to broaden the discourse on the contents of commercial communication and to make suggestions.

The BSI calls on its member companies to comply with the "Code of Conduct of the German Advertising Council on Commercial Communication for Alcoholic Beverages" - which relate to the use of all communication instruments by the industry. At the same time, it rejects further statutory advertising restrictions for alcoholic beverages as supposed anti-abuse instruments by virtue of such activities having been shown to be ineffective in many countries and actually exacerbating the problem. Instead, the BSI prefers effective and extensive self-imposed restriction by the industry itself.

In addition to the voluntary "Code of Conduct of the German Advertising Council on Commercial Communication for Alcoholic Beverages", the BSI member companies undertake only to use models and actors over a minimum age of 25 years for commercial communication activities. The minimum age of models and actors is documented in relation to the corresponding productions and can be verified.

As a further supplementary provision to the voluntary "Code of Conduct of the German Advertising Council on commercial communication for alcoholic beverages", the BSI member companies undertake to display 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 communication should not be displayed in print media or radio and television programmes or at events where more than 30% of the audience are minors.

The following rules shall apply concretely:

- Commercial communications for alcoholic beverages should not be carried out via shirt advertising in children's and youth teams, nor through 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 violates the rules of conduct if the advertised event is perceptibly aimed at irresponsible consumption (*for the additional BSI self-regulation, see Chapter 9 "Marketing/bar and restaurant trade"*).

---

## Chapter 9

### Marketing/bar and restaurant trade

---

The BSI companies emphatically distance themselves from the marketing of their products – spirits, mixed drinks and spirit-based cocktails – in connection with aggressively priced offers, such as "all-you-can-drink" specials, so-called "drink flat rates", fixed time limit "buy-one-get-x-for-free" offers, "one euro parties", and "50 cent parties". These offers are not suitable for encouraging and promoting responsible consumption of alcoholic drinks among young persons and young adults. The BSI companies hold the view that marketing aimed only at the intoxication effect in the consumer encourages accelerated

---

consumption within a narrow time frame on account of drastically reduced prices, thus pushing the enjoyment aspect into the background, which does not correspond to how the sector sees itself as a producer and importer of luxury consumer goods. The sector also calls for consistent compliance with the rules and regulations of the youth protection law and the licensing act by the bar and restaurant trade and the consistent monitoring of this by the local authority public order offices. In detail, the BSI rejects, among other things, the following forms of specials offered by the bar and restaurant trade:

- *"All you can drink"* specials and *"flat rates"* for payment of a fixed admission charge (e.g. *"pay €20, drink till the doctor comes!"* / *"20 Euro zahlen, saufen bis der Arzt kommt!"*)
- *"Buy-one-get-x-for-free"* offers in which an additional discount is given – in the form of free drinks – after consumption of a certain quantity of alcoholic beverages – associated with a fixed time limit (e.g. *"double-decker party – we double every order up to 11 p.m.!"* / *"Doppeldeckerparty – bis 23:00 Uhr verdoppeln wir jede Bestellung!"*)
- *"One-euro party"* (*Ein-Euro-Party*) or *"50 cent party"* (*50 Cent-Party*) specials during which the normal price for all alcoholic beverages is undercut by more than 50% for an evening or a uniform dumping price applies for all alcoholic beverages.

#### Self-imposed obligations:

- The BSI also emphatically distances itself from third-party advertising of such aggressively priced and enjoyment-hostile offers and gives an assurance that it does not provide any financial support whatsoever for these.
- The BSI companies also distance themselves from the placing of brand logos on advertising materials promoting such marketing specials. They give an assurance that they will take consistent and decisive action against trademark infringements in connection with the unlawful placement of brand logos on relevant advertising materials (posters, flyers, Internet banners, websites, etc.) in order to protect the image of the sector.
- The BSI supports the Central Association of the German Advertising Industry (ZAW) in measures to prevent the advertising of offers encouraging abuse through awareness-raising explanation of the voluntary "Rules of conduct of the German Advertising Council concerning commercial communication for alcoholic beverages".
- The BSI companies give an assurance that they train and instruct their personnel not to actively encourage or promote such offers or support them in any way. When marketing staff become aware of such offers, they will make every effort to enter into dialogue with the partners from the bar and restaurant trade to convince them to no longer put on such offers or specials in association with their products.
- The BSI companies undertake to employ consistent measures to convince bars, restaurants and discotheques within the scope of their influence to refrain from offers that lead to abuse.
- The companies get involved as mediators in order to encourage the businesses concerned to be responsible in the way they serve alcoholic drinks and present special offers. The BSI appeals in this regard to the trade, the German Hotel and Restaurant Association (DEHOGA) and the affiliated Federal Association of German Discotheques and Dancehalls to exert influence for their part on businesses known to display such irresponsible and enjoyment-hostile business practices as such offers can only be prevented in the future if all the companies, associations and institutions involved stand shoulder to shoulder. The members

---

of the BSI point out that they cannot exert any influence when bar and restaurant businesses or third parties purchase their brand-name products, e.g. via beverage wholesalers or LEH, in order to present offers and specials leading to consumption abuse.

- The BSI reserves the right to publish the names of bar and restaurant businesses that contravene the aforementioned ethically responsible rules of conduct or the Licensing Act, with the aim of persuading these to change their business practice.
-