

DEUTSCHER WERBERAT

GERMAN ADVERTISING STANDARDS COUNCIL CODE OF CONDUCT ON COMMERCIAL COMMUNICATION FOR FOODS AND BEVERAGES

(Valid from July 2009)

Preamble

Producers of foods and beverages are responsible for the quality of their products and their advertising. But advertising of foods and beverages is not the determining explanation for the societal problem of overweight, as numerous scientific findings have shown. The causes of overweight are complex. In particular, socio-economic factors (level of education, social status, descent) play a role in its development, together with lack of physical activity, unhealthy dietary behaviour, genetic predisposition and psycho-social aspects.

In comparison to adults, children and adolescents in principle require special care and protection. Dietary education, encouragement of physical activity, comprehensible information on nutritional values and freedom of choice among a wide range of food products on offer are points of departure in seeking to avoid overweight in children and adolescents. Children's dietary habits are formed under the influence of their social environment, above all of the family. The parents have a key function in conveying correct dietary habits, physical activity and interactive skills.

The organisations of the food and beverage industry, retailers, the media, communication agencies and advertising professions which are members of the German Advertising Federation (Zentralverband der deutschen Werbewirtschaft - ZAW e.V.) firmly believe that commercial communication has a fundamental and indispensable role in free, fair and open competition. Commercial communication makes the connection between enterprises advertising their products and their customers and helps to create and maintain well-ordered markets to the advantage of all concerned. Advertising is indispensable also to the existence of free and independent media.

Responsible commercial communication on the basis of recognised codes of conduct of voluntary self-regulation shows that economic players are aware of their social responsibility. The member organisations of ZAW wish

- to ensure, to the full extent of their abilities, compliance with the legal requirements in the area of food and beverage advertising, in particular the provisions of the Act against Unfair Competition (Gesetz gegen den unlauteren Wettbewerb - UWG), the Food and Feed Act (Lebensmittel- und Futtermittelgesetzbuch - LFGB), the Regulation on nutrition and health claims made on foods (Verordnung über nährwert- und gesundheitsbezogene Angaben über Lebensmittel) and the law for the protection of minors (Jugendschutzgesetz/JuSchG and Jugendmedienschutz-Staatsvertrag/JMStV)
- to promote competitive commercial communication in accordance with the Code of Conduct and to work to inhibit advertising which contravenes these standards.



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They have accordingly drawn up the following code of conduct on commercial communication for foods and beverages.¹ 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.

For the purposes of this code of conduct

- 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.
- children are persons under 12 years old.

In the design and execution of commercial communication for foods and beverages the following principles in particular are to be observed:

1. General Principles

- 1.1 Commercial communication for foods and beverages should be designed in a way that doesn't abuse the consumers' confidence in the quality of the advertised product.
- 1.2 Commercial communication for foods and beverages should not undermine a healthy, active lifestyle.
- 1.3 Commercial communication for foods and beverages should not undermine a balanced, healthy diet.
- 1.4 Commercial communication for foods and beverages should not encourage excessive or one-sided consumption of the advertised products.
- 1.5 Commercial communication for foods and beverages containing nutrients and substances with a nutritional or physiological effect, of which excessive intakes in the overall diet are not recommended, should not represent avoidance of consumption of this item in a negative manner.

2. Children

In commercial communication directed at children, in addition to the principles under point 1, the following rules are to be observed. Account must be taken of the commercial inexperience and the need for protection of persons of this age group.

- 2.1 Commercial communication for foods and beverages should contain no direct demand for purchase or consumption addressed to children.
- 2.2 Commercial communication for foods and beverages should contain no direct demand to children to induce their parents, other adults or other children to purchase the advertised product.
- 2.3 Commercial communication for foods and beverages should not exploit the special confidence which children place in persons of trust such as parents and teachers.
- 2.4 Commercial communication for foods and beverages directed to children should

¹ In addition to this Code of Conduct of the German Advertising Standards Council there are further codes specific to particular industries or enterprises such as the ICC Framework for Responsible Food and Beverage Marketing Communication or the so-called EU-Pledge.

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- 2.5 not employ inducements to purchase (e.g. add-ons) and aleatory advertising (e.g. lotteries and prize competitions) in a way which exploits children's commercial inexperience. In particular, commercial communication for foods and beverages should not attract children with excessive advantages in a non objective inappropriate manner.
- 2.6 Commercial communication for foods and beverages should not suggest to children that the consumption of a particular product is irreplaceable in a complete and balanced meal.
- 2.6 Commercial communication for foods and beverages should not deter children from acquiring a healthy, active lifestyle.
- 2.7 Commercial communication for foods and beverages should not deter children from acquiring balanced, healthy dietary habits.