



DEUTSCHER WERBERAT

**Code of Conduct of the German Advertising Standards
Council on commercial communication for foods and
beverages**

Brussels, October 25th 2010



German Advertising Federation

A true Advertising Tripartite composed of 40 associations

German Advertising Standards Council

- Selfregulatory body, established 1972
- Conflict settlement between consumers and commercial advertisers
 - Panel of 13 experts from all sectors of the advertising industry



Complaints Procedure



Executive office channels complaint

Rejection

If the complaint is manifestly unfounded, the executive office rejects the complaint; the procedure ends

Hearing

If the complaint appears to be founded, the executive office asks the advertiser to give a statement on the complaint and/or the opportunity to withdraw the ad

Forwarding to specialist regulatory bodies

- Center of Protection against unfair competition
- Self-regulatory body for the tobacco industry
- Integritas (self-regulatory body for pharmaceutical advertising)

Executive office gives complainant written notice of outcome

Commercial communication for foods and beverages: Legal regulation in Germany I

- §§ 3, 4, 5 national German act against unfair competition (UWG), especially number 28 „Black List“
- §§ 11, 12 national German Food and Feed act (LFBG)
- EU Health claims regulation
- §§ 4,6 national German nutrition content labelling regulation (NKV)
- § 2 national German regulation for dietary food

Commercial communications for foods and beverages: Legal regulation in Germany II

- Article 3e Abs. 1 g), Art. 3e Abs. 2 EU AVMS Directive
- § 6 national German law for the protection of minors in the media
- §§ 7, 15, 44 national German interstate broadcasting treaty and advertising rules

Selfregulation on commercial communication for foods and beverages in Germany

Rules of Conduct of the German advertising standards council, Deutscher Werberat

- General principles – Rules on Advertising and its Apraisal updated 2007
- Rules on Advertising with and for children on radio and television, valid from 1998
- Code of Conduct on Commercial Communication for food and beverages, valid from July 2009

Code of Conduct on Commercial Communication for food and beverages

national code developed and endorsed by

- Advertisers
- Agencies
- Media

- based on global ICC Code

Code of Conduct on Commercial Communication for food and beverages valid from July 2009

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.

Code of Conduct on Commercial Communication for food and beverages valid from July 2009

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.

Code of Conduct on Commercial Communication for food and beverages valid from July 2009

- 2.4. Commercial communication for foods and beverages directed to children should 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.
- 2.5 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.



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Thank you !

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