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GLOBAL ADVERTISING LAWYERS ALLIANCE

Alcohol Advertising under Swiss Law

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Introduction

- Swiss law is rather liberal in terms of advertising alcoholic beverages (especially for beer & wine);
- Important distinction: Beer&Wine vs. Spirits;
- Key elements in regulation: Protection of minors and prohibition of deception.

Categories of Alcohol: Beer & Wine

Beer & Wine = Alcoholic products *exclusively* obtained by fermentation, i.e.



Beer, panaché



Wines from fruits and berries (max. 15% vol.)



Natural wines from fresh grapes (max. 18% vol.)



Sparkling wines, Sangria, Ciders



Subject to Foodstuffs Act

Categories of Alcohol: Spirits

Spirits = All alcoholic products *not* exclusively obtained by fermentation, i.e.



Spirituuous liquors like Vodka, Whisky, Rum etc.



Apértifs like Aperol, Pastis etc.



Liqueur wines like Wermut, Sherry etc.





Alcopops like Smirnoff Ice, Bacardi Breezer etc.



Subject to Alcohol Act

General Prohibitions of Alcohol Advertising

Advertising of alcoholic beverages is **generally legal** under Swiss law, subject to the following prohibitions - applicable to **wine/beer** and **spirits**:

-  Advertising of alcoholic beverages **specifically targeted at minors**;
-  Advertising for alcoholic beverages at **places and events** attended mainly by minors, in **publications** aimed mainly at minors, on **objects** used mainly by and distributed free of charge to minors is prohibited.

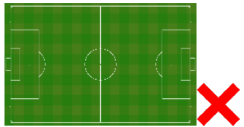
Prohibited Places for Advertising of Spirits



In and on buildings and areas serving public purposes (e.g. train stations),



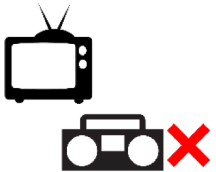
In and on public transportation,



On sports fields and sports events;



In establishments selling pharmaceutical products;



On TV and radio.

Examples of Design Restrictions for Advertising Spirits



Bottle design: No restrictions.



«Lifestyle» ads are **prohibited**; advertising must be product-related.



If bartenders are depicted, only their hands preparing the drink may be shown. No depiction of **faces** or **lifestyle elements**.

Source: Advertising Guide 2019
of the Federal Customs Administration

Examples of Ad Copy Restrictions for Advertising Spirits



Product descriptions on founder, production site, ingredients etc. and product related slogans are **permitted**.



Lifestyle slogans («Made to Celebrate») are **prohibited**.

Source: Advertising Guide 2019
of the Federal Customs Administration

Further Restrictions for Advertising Spirits



Source: Advertising Guide 2019
of the Federal Customs Administration

Advertising discounts and price benefits is **prohibited**.



Raffles, prize draws or competitions where spirits are used as publicity material or as a prize or in which their purchase is a condition of participation are **prohibited**.

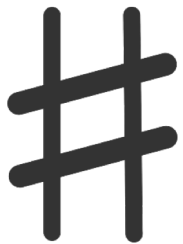
Alcohol Advertising Online



Principle: The rules that apply offline also apply online. Responsibility lies with owner of website / social media account.



Influencer marketing for spirits is subject to the advertising provisions of the Foodstuffs and the Alcohol Act.



Hashtags must be product-related:

#vodkafromrussia 

#be_happy_drink_vodka 

October 12, 2019: Federal Customs Administration issues warning against Swiss Influencer Sylwina Spiess for posting a photo holding a Gin & Tonic



Source: watson.ch

Sanctions

- Fines of up to CHF 40,000;
- Cantonal laws with further criminal and administrative sanctions;
- Competent authorities: Cantonal prosecution authorities, Federal Food Safety and Veterinary Office and Federal Customs Administration.



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Thank you.

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