

Advertising guide

of the Federal Customs Administration

Dos & Don'ts for spirits advertising



Content

Introduction	3
General	3
Scope of application	3
Trade and advertising regulations in the AlcA	3
Advertising concept	4
Design of bottles and labels	4
1 Product-related advertising	5
1.1 Imagery	5
1.2 Wording	15
1.3 Sound	17
2 Ban on promises of benefits	17
3 Special advertising bans	19
4 Competitions	19
5 Special cases	20
5.1 Branding of consumer goods	20
5.2 Carrier bags	20
5.3 Packaging	21
5.4 Product-related gifts	22
5.5 Limited/special editions and second versions	23
5.6 Point of Sale (POS)	24
5.7 Sponsorship	24
5.8 Awards and prizes	24
5.9 Internet/social media	25
6 Contact	26

Introduction

General

Advertising for spirits and beverages containing spirits is restricted under [Art. 42b](#) of the Alcohol Act (AlcA, SR 680) (cf. [Dispatch on the amendment to the Alcohol Act of 11 December 1978, Federal Gazette 1979 I 53 et seq.](#)). Here you will find the most important guidelines and principles that you have to observe when designing your spirits advertising. If you have more detailed questions, please do not hesitate to contact us at the address listed in section 6. In order to assess whether or not the advertising of spirits is permissible, the actual advertising itself is ultimately decisive.

Scope of application

Material scope of application

The Alcohol Act and its advertising regulations apply to the following beverages:

- Pomaceous fruit, speciality brandy, cognac, whisky, vodka, gin, etc.
- Liqueur, sweet wine, port wine, vermouth, aperitifs and bitter spirits, etc.
- Alcopops/new mixed drinks containing spirits: e.g. Smirnoff Ice, Bacardi Breezer, Hooper's Hooch
- Foodstuffs containing ethanol (advertising regulations apply for alcohol content of 6% or more by weight)

Other alcoholic beverages (beer, wine, cider and fruit wine) are not subject to advertising restrictions.

Local scope of application

The advertising regulations of the Alcohol Act apply to advertising that has an impact in Switzerland (territoriality principle). Foreign advertising is subject to the provisions if it is aimed directly at the Swiss public. Prospectuses of foreign providers distributed in Switzerland must therefore comply with the advertising regulations (judgment of the Federal Administrative Court of 3 September 2013, A-5763/2012 E. 3.4). The principle of territoriality also applies to advertising on the internet and on social media platforms (cf. section 5.9).

Personal scope of application

The advertising regulations only apply to end consumers ("B-to-C"), but not to wholesalers ("B-to-B"). But they also apply to wholesalers who cannot rule out the possibility that end consumers are among their customers.

Trade and advertising regulations in the AlcA

The trade regulations under Article 41 of the AlcA provide for local, material and personal trade bans for spirits, e.g. no sale on public streets and squares; no sale at generally accessible vending machines. Individual provisions are an important addition to the advertising regulations, e.g.: a ban on granting extras and advantages as sales gimmicks (Article 41, para. 1, letter h of the AlcA); a ban on free distribution, e.g. during tastings (Article 41, para. 1, letter k of the AlcA). The enforcement of trading regulations is the exclusive responsibility of the cantons.

Advertising concept

The advertising concept is not defined in the Alcohol Act. According to case law, the purpose of Article 42b of the AlcA requires that the concept of advertising for spirits be interpreted comprehensively. The advertising restrictions must therefore apply to all advertising aimed specifically at the Swiss public (judgment of the Federal Administrative Court of 3 September 2013, A-5763/2012 E. 3.4.5.). Spirits advertising includes all communication measures for the purpose of sales promotion and the acquisition of market shares (Werberecht Kommentar, Marc Schwenninger, in Lucas David, 2nd edition, N 3 on Art. 1 of the UCA).

Design of bottles and labels

Bottle and label design is basically unrestricted. The protection of minors and public order remain reserved. The label design must comply with the provisions of food law.



1 Product-related advertising

Advertising for spirits may only contain information and representations in words, pictures and sound which refer directly to the product and its properties (Article 42b, para. 1 of the AlcA). This means that advertising must be strictly product-related. The presentation of the spirit, its production and its properties is permitted. However, the portrayal of consumption of the spirit is not permitted. In particular, any form of advertising that is intended to convey a special attitude to life (lifestyle) is prohibited.



1.1 Imagery

1.1.1 Product image

Principle: Spirits products may be advertised irrespective of their presentation. Restrictions apply to "limited/special editions" and second versions (cf. section 5.5).

Since labels serve in particular to differentiate products, picture elements of the label with a special recognition value - also enlarged - may be used as design elements in advertising. The element used for recognition must be faithfully reproduced in the advertisement.



1.1.2 Serving suggestions

Glasses filled with spirits or drink preparations (e.g. cocktails) may be displayed. Images of appetisers and snacks consumed with spirits are also permitted.



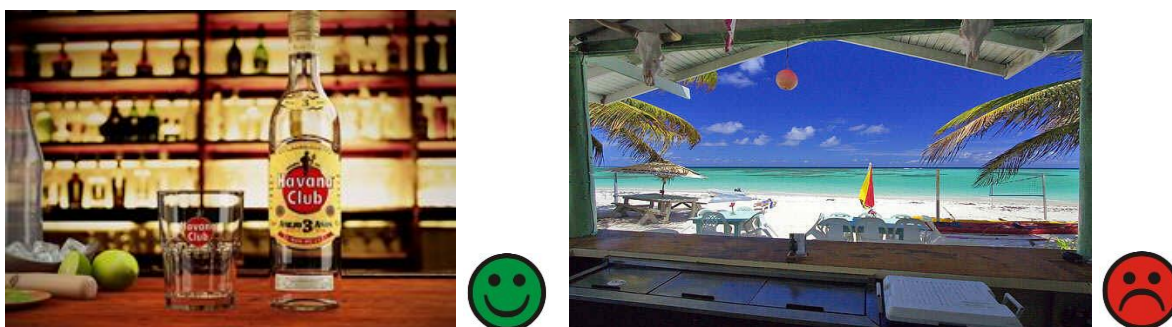
1.1.3 Objects

Objects directly related to the product may be shown, e.g. cocktail glasses, shakers, straws, stirrers, ice cubes, etc.



1.1.4 Setting: counter area

The counter area in bars, clubs, etc. may be shown, but must be focused on bar counters with a bar view. Non-product-related settings, e.g. a beach and especially consumption scenes with people are not allowed.



1.1.5 Bartenders

Since no people may be shown in the area where spirits are consumed, the image of a bartender must be focused on drink preparation (cf. judgment of the Federal Alcohol Appeals Commission of 9 November 2001, FAAC 2001-002 E. 4.). In particular, it is not permissible to depict the face of the bartender and lifestyle elements (cf. section 1.1.9 on personal portrayal).



1.1.6 Image background

Design elements may be used for the image background if they are product-related, e.g. in the form of stylised botanicals for a gin. An abstract background design with patterns is permitted, but may not make reference to items other than the product (e.g. seasons, festive days, occasions, leisure, holidays, art, etc.).



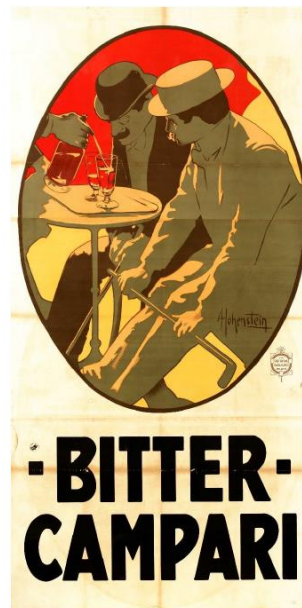
1.1.7 Origin

The display of flags, maps with a focus on the country or region of production of a spirit is permitted. The depiction of pure landscapes showing the region of origin is not permitted.



1.1.8 Company history

Production facts with reference to products are permitted.



1.1.9 Production

It is permitted to depict production processes, distillery equipment, factory buildings (in particular production buildings and storage areas), bottling, etc. Employees involved in the production process may also be shown. The depiction of company founders and managing directors is also permitted. Pictures of the production facilities must be focused on the buildings (not just on the landscape).



1.1.10 Raw materials

It is permitted to depict raw materials (fruits, cereals, etc.) and ingredients (e.g. herbs, spices, botanicals). Images of raw material production (e.g. herb field, cereal field) must be focused on the raw materials (no pure landscape image).



1.1.11 Raw materials in nature

It is permitted to depict raw materials in nature: fruit-bearing plants, vines, herb/grain fields, etc. Here, too, pure landscape images are not permitted.



1.1.12 Visual representation of tasting notes

Tasting notes may only be depicted if they refer directly to the raw materials contained in the product (cf. also sections 1.2.2 and 1.2.6).

Examples: "Smells like sea breeze" → picture of the sea with beach 🙄

"Smells like a meadow of flowers" → Picture of a meadow of flowers 🙄

1.2 Wording

ARE ALLOWED:

- 1.2.1 Product description: founder, production site, production process, storage, ingredients, etc.



BACARDI.

BACARDÍ RESERVA

Zu verdanken ist dieser einzigartige Blend den handwerklichen Fertigkeiten, dem Geschick und den Techniken von Don Facundo Bacardí, die von einer Generation an die nächste überliefert wurden. Durch die bis zu dreijährige Eichenfasslagerung in tropischem Klima entfalten sich die besonderen Eigenschaften eines erlesenen goldenen Rums.

Der kräftige Geschmack ist perfekt ausgewogen und reich an Aromen von Vanille, Rosinen sowie Aprikosen und einem Hauch von Karamell, gefolgt von einem langen und tragenden Eichenabgang.



- 1.2.2 Perceptible product characteristics especially tasting notes, provided they are characteristics that are perceptible with the senses. Examples: dark colour, floral scent, intense taste, long finish.

FARBE	Golden, mit roten Reflexen
DUFT	Reich, mit einem Aroma von reifen Birnen
GESCHMACK	Aroma von gereiften Birnen, würzigen Orangen und Honig sowie Nuancen von Eiche und Vanille
ABGANG	Intensiv und persistent



- 1.2.3 Product-related slogans



ORIGINAL
APPENZELLER ALPENBITTER

**AKTUELL.
SEIT 116 JAHREN.**

APPENZELLER.COM




MADE TO CELEBRATE

GREY GOOSE

GREY GOOSE VODKA

GREY GOOSE

MADE IN FRANCE



1.2.4 Cocktail names incl. recipes



1.2.5 Company history

Historical facts on production

NOT PERMITTED ARE:

1.2.6 Non-perceptible product characteristics

Tasting notes in particular, provided they are characteristics that are not perceptible with the senses. Examples: royal, majestic, dramatic, rousing, stunning, seductive, etc.

1.2.7 Non-product-related slogans

Examples: "Vodka XY – time to party!" "XY – the gin for trendy people"

1.2.8 Cocktail names without content description

Since cocktail names are often fantasy names without product reference, the contents must be stated for non-established creations.

1.2.9 Personification

Examples: "The favourite of all whisky fans," "XY - the pop star of vodkas."

1.2.10 Plays on words

Examples: "Let the fun beGIN", "RUMforgettable"

1.2.11 Incentives to drink or buy

Examples: "cheers", "Bottoms up!", "belongs in every cocktail bar", "a must for whisky lovers", "your favourite whisky"

1.2.12 Information on festive days/holidays/theme days and seasons

Examples: "a perfect birthday present", "XY, the egg liqueur for Easter", "the gin for the Football World Cup", "the perfect summer cocktail"

1.2.13 Historical advertising without a product reference

The description of the company history has to be limited to historical facts with product reference.

1.3 Sound

Advertising videos may be accompanied by neutral background sound and neutral background music. Sounds and music that evoke associations with particular life situations (e.g. holidays, celebrations, etc.) are not permitted.

Examples: Sounds that occur when mixing a drink 😊;

The sound of voices and clinking of glasses while toasting in a bar ☹️

"Martini" video with "James Bond" film music ☹️

2 Ban on promises of benefits

Price comparisons or the promise of gifts and other benefits are prohibited (Article 42b, para. 2 of the AlcA). Any reference to a price advantage for spirits is therefore prohibited. The perception of the average consumer is decisive. Article 42b, para. 2 of the AlcA is already infringed if the average consumer can assume on the basis of an offer that there is a benefit (judgment of the Federal Administrative Court of 21 April 2010, A-6610/2009 E. 6.2.1).

☹️ NOT PERMITTED ARE:

2.1.1 Discounts, benefits



2.1.2 Price comparisons



2.1.3 Visual indications of benefits

It is not permitted to emphasise the price (e.g. by means of colouring and/or typeface) in a special way, on the basis of which the customer can assume that a discounted offer is available.

Seite 14 | AKTUELL

9.85 pro Flasche

13.80 pro Flasche

BIS 31% RABATT
statt 9.99 pro Flasche
6.90 ab 48 Flaschen
7.90 ab 24 Flaschen
8.50 ab 12 Flaschen
8.90 ab 6 Flaschen

18.90 pro Flasche

15.85 pro Flasche

19.70 pro Flasche

PROSECCO
EXTRA DRY

CAMPARI BITTER
23.0% Vol. & 170 g Glas EWK
SAP-Nr.: 40337

CYNAR
15.0% Vol. & 1000 g Glas EWK
SAP-Nr.: 22140

51 Cachaça
40.0% Vol. & 170 g Glas EWK
SAP-Nr.: 31022

PROSECCO SPUMANTE DOC - CONTESSA GIULIA
6 x 75 g Glas EWK
SAP-Nr.: 40623



2.1.4 Reference to an offer limited in time

Example: "valid from... to..."

2.1.5 Reference to free gifts

Example: "with free cocktail glass". cf. also section 6.4 (Product-related gifts)

BACARDÍ

BACARDÍ RON 8 AÑOS
REIFER, VIELSCHICHTIGER GESCHMACK.
PUR AUF EIS ALS
OLD CUBAN.

2 Gläser GRATIS
2 verres GRATUITS



2.1.6 **Promotional terms which include a price advantage**

"Special offer", "reduced price", "bargain price", "hit price", "top price", "introductory price", "cheaper", "special/top offer", "offer valid from ... to ...", "only for a short time", "one-time/exclusive offer", etc.

2.1.7 **Catering sector**

Since catering establishments are considered to be points of sale (POS), the special features mentioned under section 5.6 apply. Not permitted are all forms of happy hour offers (e.g. "five-franc evening", "five-franc Friday", "all drinks 5 francs") or references to free drinks (e.g. "ladies' night", "welcome drink") which do not expressly exclude spirits (see judgment of the Federal Administrative Court of 21 April 2010, A-6610/2009 E. 6).

ARE ALLOWED:

2.1.8 **Promotional terms that do not promise a price advantage**

"Current", "(seasonal) hit", "bestseller", "top seller", "cheap", "(permanently) low price", "permanent price reduction", "as long as stocks last", "valid from", etc.

3 Special advertising bans

The advertising of spirits on TV and radio, as well as in certain places and on special occasions, is prohibited: in and on buildings and premises used for public purposes (e.g. railway stations, post office buildings, communal administrations), in and on public transport (train, bus, tram, etc.), on sports grounds and at sporting events as well as at children's and youth events (cf. Article 42b, para. 3 of the AlcA). For advertising on consumer goods, see section 5.1.

4 Competitions

No competitions may be held in which spirits are used as publicity material or as a prize or in which their purchase is a condition of participation (Article 42b, para. 4 AlcA). This also applies to prize draws and competitions.

5 Special cases

5.1 Branding of consumer goods

The branding of consumer goods that have no connection with the spirit is prohibited (Article 42b, para. 3 lit. g of the AlcA).

The branding of consumer goods that have a connection with the spirit is permitted. Examples: glasses, bar utensils. The branding of company vehicles (transport and representative vehicles) of spirits producers and dealers is also permitted.

In addition to the brand logo, such consumer goods may also be provided with product-related picture elements and texts. It is forbidden to depict elements that are not product-related.



Company vehicles

5.2 Carrier bags

Carrier bags with branding and/or product-related advertising made of paper, plastic, etc. may be given to customers. However, the bags may not be made of durable materials. However, such carrier bags are permitted if they are equipped with fixed bottle compartments.

5.3 Packaging

Only product-related packaging (form and overprint) may be used for advertising. Non-product-related packaging, on the other hand, may be offered at the POS. These may not, however, be accompanied by a promise of an advantage or a reference to a competition.



Packaging with added value and product connection (e.g. a cocktail shaker) may be sold and advertised. Packaging with added value but no product connection (e.g. a lantern) may not be placed on the market in Switzerland (cf. section 5.1 Branding of consumer goods).



5.4 Product-related gifts

Product-related gifts are consumer goods that are sold together with a spirit. According to the Alcohol Act, product-related gifts are generally prohibited in spirits marketing (Article 41, para. 1h and Article 42b, para. 2 of the AlcA). Low-value product-related gifts of a maximum value of 10% of the value of the goods are permissible, provided they are related to the spirit (e.g. stirrers, jiggers, glasses, drinking straws, pour spouts and spirit sample bottles) and are product-related (cf. dispatch on the Alcohol Act of 11 December 1978, Federal Gazette 1979 I 71).

The branding of product-related gifts is allowed. Product-related gifts may not be advertised with information such as "free", etc. However, references such as "with", "inclusive" or "set offer" are permitted.



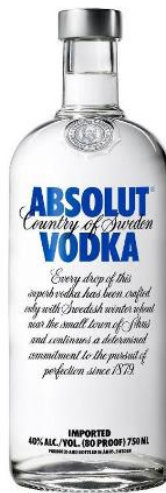
5.5 Limited/special editions and second versions

Spirits are often marketed in specially designed limited/special editions and second versions. The bottled product is the same. Such editions of a spirit must be product-related in advertising. Non-product-related editions, in particular event-related editions (e.g. football World Cup, holidays) or artist editions, are therefore not permitted in advertising. The terms "Limited Edition" and "Special Edition" may only be visible on the bottle in advertising. Mention in slogans and product descriptions is not permitted.

"Limited/Special Editions" may be advertised as such (also in slogans and product descriptions) if they differ in quality from the original product.

All of the non-product-related editions may be sold at the point of sale (POS).

"Standard version":



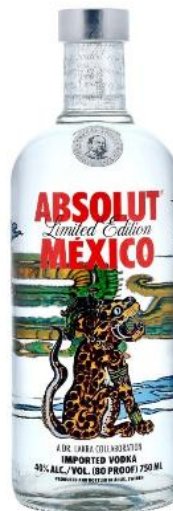
"Limited editions":



Advertising:



POS:



Advertising:



POS:



5.6 Point of Sale (POS)

Since the POS is usually visited by customers with the intention of buying, the advertising provisions in this area are applied less strictly. For this reason, the following special features apply with regard to the previous points at the POS:

- non-product-related packaging may be offered 😊 (see section 5.3)
- non-product-related special editions and second versions may be sold 😊 (see section 5.5)
- other advertising materials such as displays, neck hangers, shelf stoppers, posters, etc. must also be product-related at the POS
- promises of benefits or references to free gifts and any kind of competitions are not permitted at the POS either 😞

This rule also applies to catering establishments, since they operate a POS (see section 2.1.7).

5.7 Sponsorship

Company sponsorship for example for events is permitted. However, product and brand sponsorship is not permitted. The use of logos is likewise prohibited.

In the case of company sponsorship, the company name (according to the commercial register entry) must be stated in neutral writing. The company's website address is also permitted. If the company name does not refer to products or brands of a company and there is no reference to spirits in the company logo, the original company logo may be used for company sponsorship.

Examples:

Campari Schweiz AG; Lateltn – The Top of Spirits 😞 (neutral writing required)

Diageo Suisse SA; Dettling & Marmot AG 😊 (original company logo permitted)

5.8 Awards and prizes

Mention of official awards and prizes for products is permitted in words and imagery. Company or product anniversaries such as "100 years of product XY" may also be communicated.



5.9 Internet/social media

5.9.1 Principle

Principle: what applies offline also applies online. This means that the same provisions apply to advertising on the internet and on social media platforms as to advertising in print media.

5.9.2 Scope of the advertising regulations

The advertising regulations apply if a website/social media account is aimed primarily at a Swiss audience. The advertising restrictions do not apply to internationally oriented websites/social media accounts.

The assessment of whether a website/account is national or international is based on the following criteria:

- internet domain (.ch/.com)
- reference to Switzerland in account name (e.g. xxxx_ch; xxxx_switzerland)
- country selection
- language
- prices (in CHF or foreign currency)
- content-related reference
- composition of the followers

The overall impression is decisive for the assessment.

Influencer marketing for spirits is also subject to the advertising provisions of the Alcohol Act. Corresponding contributions by influencers may therefore only contain information and representations in words, pictures and sound which refer directly to the product and its properties. Due to references in this type of advertising to the lifestyle of influencers, influencer marketing for spirits is unlikely to be permitted in the majority of cases.

5.9.3 Banner, skyscraper and other advertising blocks

Banner, skyscraper and other spirit advertising blocks on websites addressed to the Swiss public must be clearly distinguished from the rest of the content of the website.

5.9.4 Responsibility of the site or account owner

The owner of a website/social media account is responsible for ensuring that the content complies with the law. The owner has to ensure that non product-related third-party posts are deleted.

5.9.5 Links/hashtags

The wording of links/hashtags must be product-related.

Examples:

#vodkafromrussia 😊

#be_happy_drink_vodka 😞

6 Contact

Federal Customs Administration FCA
Alcohol and Tobacco Division
Ethanol Section, Alcohol Market and Advertising Section
Route de la Mandchourie 25, 2800 Delémont
Tel.: +41 58 462 65 00
Email: khw@ezv.admin.ch
Website: https://www.ezv.admin.ch/ezv/en/home/topics/alcohol/spirituosen_werbung.html