CODE OF GOOD MARKETING PRACTICES OF THE EMPLOYERS' ASSOCIATION POLISH SPIRITS INDUSTRY

Version dated 13 April 2023

Approved at the General Meeting of the Polish Spirits Industry Employers' Association on 13 April 2023.

The guidelines presented in the Code of Good Marketing Practices of the Polish Spirits Industry Employers' Association (hereinafter: "the Code") have received the full support of the organisation's members, who strive to achieve a high level of ethical in their activities on the Polish market. The guidelines set out in the Code do not replace the relevant provisions of generally applicable law, but constitute common standards to be applied in marketing activities. The purpose of this Code is to define principles that guarantee that marketing activities conducted in relation to spirit drinks, including so-called "ready-to-drink" (RTD) beverages, will be conducted in a manner consistent with the law and good manners.
In particular, the purpose of the Code is to ensure that marketing activities do not in any way encourage irresponsible consumption or abuse of alcohol.

PREAMBLE

Spirits are an integral part of Polish culture and tradition. Alcohol is present in everyday life, and its responsible consumption is socially acceptable. As responsible producers and distributors of spirits, we are proud of the quality of our products and the role they can play in life, both for individuals, as well as and society. Alcohol consumed responsibly is part of a balanced lifestyle, and its consumption can be a pleasure for consumers. The signatories to the Code, recognising that excessive consumption and abuse of alcohol are socially harmful phenomena, have decided to adopt this Code.

§ 1. SCOPE

1. This Code applies to marketing activities undertaken by the signatories to the Code in relation to spirit drinks, including ready-to-drink (RTD) beverages, regardless of the form and manner in which these activities are carried out.
2. **Marketing activities** within the meaning of this Code are:
   a. the dissemination of trademarks of alcoholic beverages or graphic symbols associated with them, serving to popularise these designations (**alcohol advertising**),
   b. dissemination of names and graphic symbols:
      i. products and services whose name, trademark, symbol, graphic design or packaging uses a similarity or is identical to the designation of an alcoholic beverage or other symbol objectively referring to an alcoholic beverage,

ii. entrepreneurs and other entities which use in their advertising image a name, trademark, graphic design or packaging associated with an alcoholic beverage, its producer or distributor, for the purpose of promoting alcoholic beverage labels (**indirect advertising),**

c. tasting alcoholic beverages, distributing props related to alcoholic beverages, organising bonus sales of alcoholic beverages, as well as other forms of encouraging the purchase of alcoholic beverages (**alcohol promotion**),

d. promotion of:

i. products and services whose name, trademark, graphic design or packaging uses a similarity or is identical to the designation of an alcoholic beverage or other symbol objectively referring to an alcoholic beverage,

ii. businesses and other entities that use a name, trademark, symbol, graphic design or packaging associated with an alcoholic beverage, its producer or distributor in their advertising image,

serving to popularise the designations of alcoholic beverages or aimed at encouraging the purchase of alcoholic beverages (**indirect promotion**),

e. presenting information containing the name of the sponsor or its trademark in connection with the direct or indirect financing or co-financing of the activities of natural persons, legal persons and organisational units without legal personality, for the purpose of promoting, establishing or enhancing the reputation of the name, manufacturer or distributor, trademark or other sign identifying the entrepreneur, its activities, goods or services (**information about sponsorship)**.

f. the labelling of alcoholic beverages, regardless of the form of such labelling.

3. Marketing activities within the meaning of this Code do not include:

a. the provision of information and statements to the media, public institutions or the public on important social or economic issues, provided that they do not constitute indirect advertising or indirect promotion,

b. the provision of educational materials and other elements of social campaigns marked with the names and conducted by the Signatories to the Code, concerning in particular the responsible consumption of alcoholic beverages, including the risks associated with their consumption, provided that this does not constitute advertising or promotion of alcoholic beverages,

c. the transfer of information used for commercial purposes between undertakings engaged in the production, wholesale and retail trade of alcoholic beverages,
d. placing trademarks and other distinctive marks on the packaging of alcoholic beverages to distinguish between alcoholic beverages, producers and distributors of alcoholic beverages.

§ 2.
BASIC PRINCIPLES OF GOOD PRACTICE IN THE MARKETING ACTIVITIES OF THE SIGNATORIES TO THE CODE

1. All marketing activities, regardless of their form and method of communication, undertaken by the Signatories to the Code should be:
   a. conducted in accordance with generally applicable laws, in particular the Act of 26 October 1982 on upbringing in sobriety and counteracting alcoholism,
   b. in accordance with the principles of fair competition and good manners,
   c. created with a proper sense of social responsibility,
   d. created and conducted in good faith.
2. Any marketing activities using content that:
   a. violates generally applicable laws, in particular those concerning the advertising and promotion of alcoholic beverages,
   b. violates personal rights, including image, dignity and honour,
   c. contains offensive or degrading content, or encourages the insulting or degrading of any person,
   d. portrays abstinence or moderation in alcohol consumption in a negative light or encourages alcohol abuse,
   e. depicts minors or their likenesses,
   f. is directed at minors or encourages the sale of alcoholic beverages to such persons or the consumption of alcohol together with such persons,
   g. depicts persons whose appearance indicates that they are intoxicated,
   h. it depicts or refers to pregnant or breastfeeding women,
   i. is essentially directed at pregnant or breastfeeding women,
   j. suggests that alcohol abuse is socially acceptable,
   k. shows violent, aggressive or unlawful behaviour or encourages such behaviour,

l. contains content that is discriminatory on any grounds, in particular on grounds of sex, age, disability, race, religion, nationality, political opinion, ethnic origin, religion, sexual orientation, or encourages discrimination on any grounds.

m. contains misleading information about the alcohol content of a given beverage or about the health and social effects of alcohol abuse.

3. Marketing activities may not take place in:
   a. places of religious worship,
   b. places and institutions intended primarily for minors,
   c. health care facilities.

§ 3.
AGE OF RECIPIENTS AND PARTICIPANTS IN MARKETING ACTIVITIES

1. No materials distributed by the Signatories to the Code may depict, in any form, persons under the age of 21. This prohibition applies to all representations of persons. It is recommended that such persons be at least 25 years of age.
2. In marketing activities, including promotional activities, only persons of legal age shall be employed, in particular as bartenders and hostesses.
3. Marketing activities will not include references to:
   a. goods and services, in particular games and toys, as well as accessories related to games, toys and other items,
   b. symbols, images of real or fictional characters, as well as songs intended, by their nature, exclusively or predominantly for minors.
4. Markings associated with alcoholic beverages shall not be used to mark items intended, by their nature, exclusively or predominantly for minors, in particular toys or games for children.
5. Marketing activities conducted via the Internet shall be protected against access by minors in a manner justified by the circumstances. In particular, websites containing alcohol advertising shall have a bridge page on which there shall be a clear question as to whether the persons who wish to use the website are of legal age and information that the content on the target page is intended exclusively for persons of legal age.
6. During promotions and other events permitted by generally applicable laws, during which advertising materials concerning beverages are distributed

alcoholic beverages are distributed, will be taken all reasonable measuresto to prevent minors from accessing such materials.

7. A minor within the meaning of this Code is a person under the age of 18.

§ 3A.
SPECIAL RULES FOR COMMUNICATION ON SOCIAL MEDIA

1. The rules set out in this Code also apply to communication on social media, subject to the following specific requirements.
2. Due to the interest of minors in content published on social media, the Signatories to the Code should take particular care to ensure that marketing activities conducted through these communication channels are carried out in a responsible manner and ensure that content relating to alcoholic beverages is not directed at minors.
3. Signatories to the Code should ensure that marketing activities conducted via social media are only accessible to logged-in adult users. In particular, the content must not be publicly accessible, i.e. to non-logged-in users (e.g. via a web search engine).
4. Signatories to the Code should refrain from marketing activities via social media platforms that do not provide the possibility of restricting access to content in accordance with paragraph 3 above.
5. Marketing activities should, as far as possible, be targeted at individuals who have previously shown an interest in content related to alcoholic beverages.
6. Signatories may consider using the technical guidelines developed by the International Alliance for Responsible Drinking (IARD) – these include guidelines on the use of safeguards and the placement of warnings, but do not exclude the obligation to apply this Code; the guidelines are published at: https://www.iard.org/science-resources/detail/How-to-add-safeguards-to-social-media-marketing

§ 4.
SPECIAL RESTRICTIONS RELATED TO DRIVING

1. Marketing activities must not suggest that the consumption of alcoholic beverages is acceptable before or while driving any motor vehicle or other means of transport.

2. Marketing activities shall not suggest that the consumption of alcoholic beverages is acceptable before or while operating equipment that may pose a danger, in particular to life or health.

§ 5.
LABELLING OF SPIRIT DRINKS

Notwithstanding the provisions of paragraph 2 of the Code, the Signatories to the Code undertake to label products in accordance with generally applicable laws, in particular to label them in a manner that does not mislead consumers, including with regard to alcohol content, geographical origin, quality, ingredients used in production, tests and results of tests or inspections carried out on the product, awards or distinctions obtained by the product, or other significant characteristics of the product.

§ 6.
RESPONSIBLE CONSUMPTION

Signatories to the Code should, as far as possible, include statements relating to responsible alcohol consumption in materials distributed as part of marketing activities, if justified by the nature of the material. Each signatory to the Code shall use the content of the statement of their choice, but in all cases it should include the website address of the Polish Spirits Industry Employers' Association www.pijodpowiedzialnie.pl.

§ 7.
SPECIAL RESTRICTIONS RELATED TO HEALTH, SOCIAL SUCCESS AND SEXUAL ATTRACTIVENESS

1. The following is prohibited in marketing activities:
   a. suggesting that alcoholic beverages may have properties that prevent or treat diseases,
   b. suggesting that not consuming alcoholic beverages may have a negative impact on human health,
   c. suggesting that the consumption of alcoholic beverages is necessary to achieve social acceptance or success,
   d. suggesting that consuming alcoholic beverages increases sexual performance, attractiveness or leads to sexual encounters.

2. Where permitted or required by generally applicable law, it is possible to include accurate information about the carbohydrate content, calorie content and other nutritional components in materials distributed as part of marketing activities.

§ 8.

APPLICATION OF THE CODE

1. The application of the Code is mandatory for all its Signatories. This Code should form an integral part of the approval process for all materials and communications distributed by the Signatories.
2. Partners of the Signatories to the Code, such as advertising agencies, market research agencies, promotional agencies and other external consultants, should be required to apply the provisions of this Code when providing services to a Signatory to this Code as part of their commissioned marketing activities.

§ 9.

TRANSITIONAL PROVISIONS

Marketing activities commenced prior to the entry into force of the provisions of this Code are not subject to the obligation to comply with its provisions, although such compliance is recommended.

This Code has been drawn up in Polish and English. In the event of any discrepancies between the Polish and English versions, the Polish version shall prevail.

§ 10.

RULES OF CONDUCT IN THE EVENT OF A VIOLATION OF THE PROVISIONS OF THE CODE

The rules of conduct in the event of a breach of this Code are set out in the document "*Procedure in the event of a breach of the provisions of the ZP PPS Code of Good Marketing Practice*", which constitutes an Appendix to the Code.

Appendices:

Procedure in the event of violation the provisions Code Good Marketing Practices Code of ZP PPS.