

BVTE Marketing-Standards for E-Cigarettes

E-cigarettes provide a potentially reduced-risk opportunity of nicotine consumption.

There is, however, a high degree of ignorance and substantial misconceptions about this potential of e-cigarettes to reduce risk. The BVTE has therefore set itself the goal of informing consumers about e-cigarettes and informing the public about evidence-based scientific facts.

The BVTE also advocates adequate advertising freedom for e-cigarettes and e-liquids (herein after “e-liquids” includes both nicotine-containing and nicotine-free e-liquids, unless expressly stated otherwise) and further communication options with adult consumers of nicotine-containing products.

The BVTE member companies are aware of their special responsibility as producers and distributors of e-cigarettes and e-liquids. We use responsible, not misleading advertising and take consumer and youth protection very seriously.

We do not want that children and adolescents consume e-cigarettes and e-liquids.

We consistently comply with the legal prohibition on selling e-cigarettes and e-liquids to minors. In addition, our marketing activities do not address children and adolescents. Our advertising only addresses adult consumers of nicotine-containing products.

We therefore do not trivialize the risks of our products.

The BVTE advertising standards serve to ensure fair competition based on performance and oblige BVTE member companies to comply with the following regulations on the protection of minors as well as on the risks of consumption.

A. Protection of Children and Minors

1. Regulations Prohibiting Sales to Minors

In the over-the-counter retail and mail order business, e-cigarettes and e-liquids must only be sold to people who are of age. We strictly adhere to the statutory youth protection regulations and also appeal to our business partners to consistently observe the laws prohibiting the sale to minors.

2. Advertising for E-Cigarettes and E-Liquids

We do not address children and adolescents when advertising e-cigarettes and e-liquids. We do not use advertising motifs and messages that are aimed specifically at children and young people.

a) Advertising Presentation

- aa)** In advertising, we do not present situations, environments and objects that are typical of the world of children and adolescents.
- bb)** We do not display people who are below 25 years of age.
- cc)** We do not display people in advertising who are very popular with children and adolescents such as actors and actresses, pop stars and we also do not quote or report their statements.
- dd)** We do not use sport motifs of amateur sports and recreational exercises in advertising that show performance-enhancing, physically demanding activities.
- ee)** We do not use names, terminology and statements in advertising that are part of the vocabulary typically used by children and adolescents.
- ff)** We do not suggest in advertising that the consumption of e-cigarettes and e-liquids would contribute to professional or sexual success.

b) Advertising Messages

Our marketing activities are not aimed at children and adolescents. This shall apply to general advertising as well as direct communication with or personal messages to individual consumers.

- aa)** Direct marketing may only address consumers who are verifiably of age. As promoters in direct marketing, we exclusively use people who are at least 21 years of age.
- bb)** We will not distribute advertising material or articles that are particularly attractive for children and adolescents.
- cc)** We will not advertise in cinemas during screening before 8:00pm.

c) Advertising Scope

We do not advertise at events that are predominantly attended by children and adolescents. We do not advertise in front of schools and youth centres (minimum distance 100m from the main entrance); this does not include outdoor advertising at one's own places of performance or shops of third parties.

3. Sponsoring

We do not sponsor events or activities if they primarily address children or adolescents as a target group.

B. Risks of Consuming E-Cigarettes and E-Liquids

E-cigarettes and e-liquids should be consumed only by informed adults who are aware of the risks of nicotine consumption and have already been using tobacco

and/ or nicotine products. Advertising must not give the impression that the consumption of e-cigarettes and e-liquids does not pose a health risk.

1. Information on Age Restriction

In advertising for e-cigarettes and e-liquids as well as on marketing materials with an advertising space of more than 250 cm², we clearly indicate that the products are only intended for adult consumers.

2. Information on Nicotine-Containing Products

In advertising for nicotine-containing e-cigarettes and nicotine-containing e-liquids and on marketing material with an advertising space of more than 250 cm², we clearly indicate that the products contain nicotine.

3. Health Risks

We do not use any motifs or messages nor do we depict people associated with health in advertising.

The advertising notice that e-cigarettes and e-liquids are less harmful than conventional tobacco products when used as intended is permitted advertising information.

C. Back-Up Clause

With regard to the design of the sales packaging, we promote legal regulations that prohibit the display of motifs or objects that are typical of the world of children and adolescents.

For other marketing activities related to e-cigarettes and e-liquids that are not expressly mentioned, the regulations of Section A and B herein apply accordingly.

Against the backdrop of the great potential of the e-cigarette as an innovative, low-risk product and the dynamic market developments, we regularly review our advertising standards and develop them further if necessary.

D. Violation of the Advertising Standards

The BVTE advertising standards are applicable for e-cigarettes and e-liquids of the member companies with effect from the date of publication of the competition rules by the antitrust agency. The territorial scope is the Federal Republic of Germany.

The BVTE member companies ensure that the companies affiliated with them in the marketing of e-cigarettes and e-liquids in the Federal Republic of Germany also comply with these standards.

Compliance with the advertising standards is monitored through voluntary self-regulation. In the event of a dispute, an arbitrating body shall be convened, who will ultimately decide on the dispute. The arbitration body shall consist of three members.

The arbitral award may rule the cessation and desistance of the infringement, as the case may be with an appropriate transition period. In the event of wilful or serious negligence, a fine of up to € 150,000 can be imposed. The fine must be paid to a non-profit organization to be designated by the arbitral tribunal.

The jurisdiction, composition and location of the arbitration body shall be governed by §§19-21 of the BVTE Articles of Association. In addition, §§ 1025 pp Code of Civil Procedure shall apply to the proceedings at the arbitration body.

E. Review of the Advertising Standards

Against the backdrop of the great potential of the e-cigarette as a novel, reduced-risk product and due to dynamic market developments, we regularly review our advertising standards and adapt them if necessary.

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The foregoing BVTE advertising standards for e-cigarettes were adopted as competition rules and guidelines of conduct by the general members meeting pursuant to § 11(2), letters j and k of the Articles of Association on 28 February 2020.