



The Statutory Basis of Tobacco Advertising and Labelling in Germany

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THE STATUTORY BASIS OF TOBACCO ADVERTISING AND LABELLING IN GERMANY

The German tobacco industry is subject to the regulatory scheme of the Law on Foodstuff and Articles of Daily Use.¹ In its sections 21 through 23, this Law contains a special chapter for tobacco products which bans cigarette advertisements on television and radio, restricts advertisements and also allows for the enactment of regulations on manufacturing, labelling and advertising.

On the basis of these enabling provisions, a tobacco regulation was enacted in 1977 which has been frequently amended.² This regulation still contains some labelling provisions for tobacco products. However, the mandatory health warnings are now contained in a regulation on the labelling of tobacco products of 1991³ which implement a European Community directive on tobacco labelling of 1989.⁴

In addition to these enacted restrictions, the German tobacco industry adheres to some voluntary agreements that limit the size of tobacco advertisements in newspapers and magazines.⁵

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¹ Lebensmittel- und Bedarfsgegenständegesetz, repromulgated July 8, 1993, *Bundesgesetzblatt* (BGBl., official law gazette of the Federal Republic of Germany) I, p. 1169.

² Tabakverordnung, Dec. 20, 1977, BGBl. I, 2831, as last amended by Verordnung über die Kennzeichnung von Tabakerzeugnissen, Oct. 29, 1991, BGBl. I, p. 2053.

³ *Id.*

⁴ Council Directive (89/622 EEC), Nov. 13, 1989, *Official Journal of the European Communities*, L 359/1.

⁵ *TMA International Tobacco Guide* (Princeton, 1990), at Germany 6.2.