

Asahi Brands Germany GmbH THE CODE OF COMMERCIAL COMMUNICATION

Asahi Brands Germany GmbH being part of ABE Group decided to adopt the “Asahi Breweries Europe Group – The Code of Commercial Communication” as directly binding policy for its operations (capitalized terms used but not defined herein have the meanings assigned to them below).

Asahi Breweries Europe Group (“ABE Group”)

THE CODE OF COMMERCIAL COMMUNICATION

Issue Date: 1 April 2020

INTRODUCTION

Asahi Brands Germany GmbH strongly believes in the importance of promoting the principles of responsible marketing of alcoholic products. An integral part of this is also the need to communicate and market our products in a responsible way.

Although beer and alcohol advertising are among the most strictly regulated forms of advertising in the world, we recognise that being a responsible beer producer often requires going beyond legal compliance. Therefore, we have adopted the Code of Commercial Communication which establishes consistent standards for the marketing of our brands.

We also expect our agents, partners, and anyone acting on our behalf to adhere to the Code.

To ensure our marketing communication respects local cultural values, we further encourage the adoption of, adherence to and participation in voluntary codes introduced by breweries conducting their business in the communities where we operate.

We are also a member of organisations that seek to improve advertising standards, such as the Czech Advertising Council or the Brewers’ Corporate Responsibility working group.

This Code applies to all commercial communication under control of the Asahi Brands Germany GmbH company either directly or through agents, partners, staff, etc. The Code doesn’t cover commercial communication of non-alcoholic beverages, except non-alcoholic beverages having the same brands name as that of an alcohol beverage.

KEY DEFINITIONS

The Code of Commercial Communication (‘the Code’) provides Asahi Brands Germany GmbH with consistent, minimum content and placement standards for commercial communication.

The term ‘commercial communication’ means product brand advertising and promotion in all media including direct marketing, digital media, the internet, text messaging, packaging, brand promotions, brand public relations activity, experiential marketing programmes, product placement, merchandising, point-of-sale materials, brand sponsorship and category marketing.

‘Commercial communication’ does not include research (Market Research Policy applies), communication devoted exclusively to sustainable development and preventing the irresponsible consumption of alcohol, press releases, corporate communication, or statements to the media or government.

The term ‘controlled environment’ means environment where an age affirmation mechanism is used to ensure the user/viewer is over the legal drinking age.

THE CODE OF COMMERCIAL COMMUNICATION

Basic Principles

1. Commercial communication must:

- a. be legal, decent, truthful and conform to accepted principles of fair competition and good business practice;
- b. be clearly distinguishable in its commercial nature;
- c. be prepared with a due sense of social responsibility;
- d. comply with all legislative and regulatory requirements;
- e. not be unethical or otherwise impugn human dignity or integrity;
- f. be mindful of sensitivities relating to local cultural values, gender, race, sexual orientation and religion; and
- g. not employ themes, images, symbols or figures that are likely to be considered illegal, offensive, derogatory, demeaning or disparaging

Preventing Underage Appeal

2. Commercial communication may not be directed at persons under the legal drinking age (or in countries without a legal drinking age to persons under the age of 18).
3. Paid actors or models in commercial communication must be a minimum of 25 years old, and should reasonably appear to be and behave in a way that is consistent with their age. In the case of brand promotions, all members of the promotional teams must be at least 21 years old.
4. In a controlled environment, where an age affirmation mechanism is used to ensure the user/viewer is over the legal drinking age (or in countries without a legal drinking age over the age of 18) nonpaid actors may be younger than 25 years but they must be above the legal drinking age.
5. All persons visible in user-generated content must be over the legal drinking age, unless they are incidental and clearly are not alcohol consumers (e.g. within a family photograph). If such content is re-used by or on behalf of Asahi Brands Germany GmbH then clause 3 (above) applies.
6. Commercial communication may not employ cartoons, characters (either real or fictional, including cartoon figures or celebrities), animals, icons, music or other elements that are intended to have primary appeal to persons under the legal drinking age.
7. Commercial communication may only be placed in print, radio, television, on any form of digital media including the internet, social media and text messaging, where at least 75% of the audience is reasonably expected to be of legal drinking age (or in countries without a legal drinking age over the age of 18). A placement will be considered reasonable if the audience composition data reviewed prior to the placement satisfied the placement criteria and was the best available data for that medium at that time.
8. All websites controlled (owned or managed) by Asahi Brands Germany GmbH that serve marketing purposes must include an age affirmation mechanism (e.g. age gating, subscription/remember me option, sign-in with social media profile etc.) relying on exact, full date of birth and country information to ensure only visitors above legal drinking age (or in countries without a legal drinking age over the age of 18) enter the website.
9. For all websites under the control of Asahi Brands Germany GmbH, additional controls must be used that include:
 - a. Age verification software that places a cookie (small piece of code) on a user's computer to prevent him / her from leaving a site and re-entering their date of birth during the same session in order to gain entry to a site.
 - b. Appropriate metadata to support content control software.
 - c. Redirection to an appropriate social aspect website intended for underage people for those that fail the age affirmation process.
10. Additional age affirmation prompts should be located within sections of the website where consumers can purchase merchandise.

11. Whenever content from Asahi Brands Germany GmbH controlled platforms is able to be shared a clear reminder or 'Forward Advice Notice' must be included stating that any recipient must also be over the legal drinking age (or in countries without a legal drinking age over the age of 18).

Responsible Drinking

12. Commercial communication may not depict, promote or sponsor situations where alcohol is being consumed rapidly in large quantities, involuntarily, as part of a drinking game or as a result of a dare or peer pressure.
13. Commercial communication may not portray persons lacking or having diminished control over their behaviour, movement, vision or speech as a result of consuming alcohol, or in any way suggest that intoxication is acceptable.
14. Commercial communication may not present refusal, abstinence or moderate alcohol consumption in a negative light.
15. Commercial communication may not depict or suggest alcohol consumption before or during activities that, for safety reasons, require a high degree of alertness, judgment, precision or coordination (for example driving, operating machinery or other hazardous activities).
16. Commercial communication may not depict or suggest alcohol consumption during working hours at the workplace, except when portraying taste testers or members of taste panels.

Alcohol Content

17. Commercial communication may not encourage choice of a brand by emphasising its higher alcohol strength or the intoxicating effect of alcohol generally. Factual information regarding a brand's alcohol content is acceptable on product labels where permitted by law.

Performance

18. Commercial communication may not suggest physical prowess, power or strength as a result of consuming alcohol beverages. Anyone who is featured in commercial communication may not be shown consuming beer before or during any athletic event or other endeavour requiring exceptional physical ability, power or strength.

Health Aspects

19. Commercial communication may not depict or include pregnant women or promote consumption of alcohol during pregnancy.
20. Commercial communication may not claim that alcohol has curative qualities, nor offer it expressly as a stimulant, sedative, tranquilliser or delivering energising or stimulating effects.
21. Commercial communication may not suggest that alcohol beverages should be consumed for potential net health benefits. Commercial communication may include factual information such as calorie or carbohydrate content so long as it is not linked to any claims about health benefits. Other evidence-based nutrition information approved by Industry Affairs and Legal departments of Asahi Brands Germany GmbH is also permissible.

Violence and Anti-Social Behaviour

22. Commercial communication may not have an association with violent or anti-social imagery or behaviour, or with illicit drugs or drug culture.

Social / Sexual Success

23. Commercial communication may not imply that alcohol beverage consumption is essential to

business, academic, sporting or social success.

24. Commercial communication may not portray nudity or suggest that alcohol beverages can contribute directly to sexual success or seduction. Anyone who is featured in commercial communication should not be posed in a position or stance that is overtly sexual in nature.
25. Apparel should be appropriate to the overall context of the commercial communication.

Brand Promotions; Promotional and Display Items

26. No brand promotions may be directed to persons under the legal drinking age (or in countries without a legal drinking age to persons under the age of 18).
27. All promotions and promotional materials must follow cultural standards of good taste and not encourage irresponsible consumption of alcohol.
28. No games that require drinking alcohol as an element of the game are allowed.
29. Attendees should be encouraged to assume personal responsibility for their decision whether or not to drink alcohol.
30. Alcohol beverages must not be supplied to visibly intoxicated persons. Servers must be trained, preferably with a certified programme if available.
31. Water and soft drinks must be available wherever possible during the promotion.
32. All brand promotion materials and retail displays with company or brand logos must comply with the other provisions of this Code. Promotional items or merchandise may not be of primary appeal to persons under the legal drinking age (e.g. children's toys) or in countries without a legal drinking age to persons under the age of 18.

Responsibility Message

33. Where none is mandated by law, a clearly visible and noticeably placed responsibility message must be included in all commercial communication, wherever appropriate.
34. A responsibility message is defined as at least one of the following statements:
 - a. Don't drink and drive,
 - b. For people over the age of 18 only,
 - c. Pregnant women should not drink alcohol,which should also include a hyperlink to one of the following websites: www.aboutalcohol.com
A responsibility message or an icon together with a hyperlink to one of the following websites: www.aboutalcohol.com should also be included on packaging materials.
35. A responsibility message or icon should be included in all commercial communication (including downloadable and shareable assets for example videos, photos, applications or user-generated content reused by or on behalf of Asahi Brands Germany GmbH), except on permanent point-of-sale (e.g. glassware, neon signs, chairs), consumer novelty items (e.g. pens or t-shirts) and when the size of an advertising unit makes the responsibility message illegible (for example in digital advertising where the image is equal to or smaller than 80 pixels in both dimensions), where a message is recommended but optional.

Digital media

36. All content, including user-generated content, on Asahi Brands Germany GmbH controlled (owned or managed) digital platforms should be compliant with this Code. Content should be moderated on a regular and frequent basis.
37. User-generated content that is subsequently used in commercial communication should have the permission of the original user or owner of the content.
38. All the websites under the control of Asahi Brands Germany GmbH must include a hyperlink to the

website which engages in the social aspects of alcohol consumption; in the Czech Republic, this involves for example the following websites: www.aboutalcohol.com

Direct Communication

39. Asahi Brands Germany GmbH must receive specific consumer consent, including exact date of birth affirmation, prior to delivering one-to-one communication to consumers, excluding the communication to obtain consumer permission itself. One to-one communication may not be directed to persons under the legal drinking age.
40. The company should provide a clear and transparent mechanism for consumers to opt-out of receiving direct commercial communication.
41. All and any processes regarding the collection and processing of personal data must comply with Act N. 101/200, Coll. (Personal Data Protection), as amended.

Brand Names

42. Brand names and any corresponding packaging, labels, internet and social media domain names may not use disparaging colloquial names (e.g. 'alcopop'), convey sexual innuendo or use terms typically associated with intoxication or irresponsible consumption.

Brand Sponsorship

43. Brand sponsorship for the purpose of the Code means any commercial agreement by which Asahi Brands Germany GmbH contractually provides financing or other support in order to establish an association between the company's brands and a sponsorship property (e.g. sport, music, community event) for the granting of certain agreed direct or indirect rights or benefits.
44. Asahi Brands Germany GmbH may not engage in sponsorship agreements unless at least 75% of the audience for the event (meaning those primarily attending the event) are reasonably expected to be over the legal drinking age (or in countries without a legal drinking age over the age of 18).
45. Asahi Brands Germany GmbH may not engage in sponsorship agreements unless the relevant Sales and Marketing Compliance Committee approves the nature and elements of the sponsorship proposal.
46. This Code applies to the overall sponsorship agreement, including any sponsored event material carrying company or brand logos, for the duration of the sponsorship agreement. Sponsorship items may not be of primary appeal to persons under the legal drinking age (e.g. children's toys) or in countries without a legal drinking age to persons under the age of 18.
47. General sport or music sponsorships featuring brand logos are acceptable as long as there is no suggestion in the commercial communication that alcohol consumption contributes to athletic or musician success.

RESPONSIBILITIES

The Sales and Marketing Compliance Committee (SMCC) is responsible for the sign off, monitoring and evaluation of all commercial communication, as well as any complaints that the company receives about commercial communication.

Marketing and Trade Marketing staff, as well as other authorised persons involved in the creation of commercial communication, are responsible for submitting commercial communication to the Sales and Marketing Compliance Committee for approval prior to releasing such communication.

RULES FOR NON-ALCOHOLIC BEER BRANDS

These rules are applicable to commercial communication of non-alcoholic beer brands.

✓ = the rule remains same ✗ = the new rule is applied

AREA	CURRENT RULE	NON-ALCOHOLICLINE EXTENSIONS OF ALCOHOLIC BRANDS	STAND-ALONE NAB BRANDS	NEW RULE
PREVENTING UNDERAGE APPEAL	Commercial communication may not be directed at persons under the legal drinking age (LDA).	✓		
	Paid actors or models must be older than 25 years (promotion team must be at least 21 years old).	✓	✗	Paid actors, models or promotion team must be older than LDA and should reasonably look and behave in a way that is consistent with their age. The environment of commercial communication must be of adult nature. When communicating stand-alone non-alcoholic flavoured brands only, non-paid/paid actors may be younger than LDA, but the must: - Be older than 12, - Only appear in the background of the communication visual, - Not consume the product being advertised. Such commercial communication using actors younger than 18 must be mindful of sensitivities relating to local cultural values and market/public perception of the brand and approved by SMCC.
	In a controlled environment, non-paid actors may be younger than 25 years, but above LDA.	✓	✗	
	Commercial communication may not use cartoons, characters, etc. that are intended to have primary appeal to persons under LDA.	✓		
	Commercial communication must comply with the 75 : 25 rule	✓	✗	see below
	All websites must be controlled by age affirmation mechanism.	✓	✗	Websites of stand-alone brands do not have to have age gates.
RESPONSIBLE DRINKING	Commercial communication may not depict, promote or sponsor situation where alcohol is being consumed rapidly, involuntarily, as a part of drinking game.	✓		
	Commercial communication may not portray intoxicated persons.	✓		
	Commercial communication may not present refusal, abstinence or moderate alcohol consumption in a negative light.	✓		
	Commercial communication may not depict or suggest alcohol consumption before or during activities that, for safety reasons, require a high degree of alertness, judgment.	✗		Commercial communication must be mindful of sensitivities relating to local cultural values and market/public perception of the brand.
	Commercial communication may not depict or suggest alcohol consumption during working hours at the workplace.			
ALCOHOL CONTENT	Commercial communication may not encourage choice of a brand by emphasizing its higher alcohol strength or the intoxicating effect of alcohol generally.	Not relevant.		
PERFORMANCE	Commercial communication may not suggest physical prowess, power or strength as a result of consuming alcohol beverages.	Not relevant.		
	Commercial communication may not show consuming beer before or during any athletic event or other endeavor requiring exceptional physical ability, power or strength	✗		Commercial communication must be mindful of sensitivities relating to local cultural values and market/public perception of the brand.
HEALTH ASPECT	Commercial communication may not depict or include pregnant women or promote consumption of alcohol during pregnancy.	✓		
	Commercial communication may not claim that alcohol has curative qualities, energizing or stimulating effects, etc.	Not relevant.		All nutritional and health claims must follow regulatory approval process and be approved by quality assurance and legal teams.

	Commercial communication may not suggest that alcohol beverages should be consumed for potential net health benefits		
VIOLENCE AND ANTI-SOCIAL BEHAVIOR	Commercial communication may not have an association with violent or anti-social imagery or behavior.	✓	
SOCIAL/SEXUAL SUCCESS	Commercial communication may not imply that alcohol beverage consumption is essential to business, academic, sporting or social success.	Not relevant.	
BRAND PROMOTIONS	Commercial communication may not be directed to persons under LDA.	✓	✗
	No games that require drinking alcohol as an element of the game are allowed	Not relevant.	
	Water or soft drinks must be available during the promotion.		
RESPONSIBILITY MESSAGE	Responsible drinking message must be included in all commercial communication.	✗	Responsible drinking message is not mandatory.
DIRECT COMMUNICATION	Direct communication must be directed to persons above LDA.	✓	
BRAND SPONSORSHIP	Brand may not engage in sponsorship agreements unless at least 75% of audience is adults.	✓	✗
	Brand sponsorships must be approved by local SMCC.	✓	
			see below

AREA	ALCOHOLIC LINE EXTENSIONS OF ALCOHOLIC BRANDS	STAND- ALONE NAB BRANDS	75 : 25 RULE -> 50 : 50 RULE
Placement in media (digital, print, TV)	✓	✗	It is allowed to promote stand-alone NAB brands at events/in media/via sponsorships where at least 50% of the audience is reasonably expected to be of LDA. Commercial communication shall not emphasize the beer aspect of the drink, if the rule 50 : 50 is to be applied.
Sponsorships agreements			
Event management			

PLACEMENT ON SHELVES

Non-alcoholic line extensions may be placed:

- in beer sections (primary placement)
- anywhere, but not near products with clear underage appeal (secondary placement)

Stand-alone brands may be placed:

- anywhere, but not near products with clear underage appeal (primary and secondary placement)



Asahi Breweries Europe Ltd
A subsidiary of Asahi Group Holdings, Ltd.