

Press release

Could products using fascist symbols on their product logos be next?

Can consumer products with logos depicting fascist or communist symbols be sold in Hungary? The Budapest Prosecutor's Office needs to respond to this general question concerning TEBÉSZ's charge against the Heineken beer label.

The Association of Individual Stock Exchange Investors [TEBÉSZ] filed charges at the beginning of July at the prosecutor's office alleging the forbidden use of totalitarian symbols on Heineken brand beers and visible in their commercials in connection with its logo containing a red star. The Association – at the request of an individual who wishes to remain anonymous – with its charge seeks to set a precedent in the interpretation of the criminal law of prohibited totalitarian symbols. At the shareholders' meeting for Brau Inc., a distributor of Heineken in Hungary since last year, several small investors became deeply wary concerning the prominent red star on the Heineken logo. According to information from the Dutch chairman of Heineken's board of directors, an unnamed Hungarian state institution believes the emblem depicting the red star does not break Hungarian laws. If this were to prove correct, nothing could stop the Hungarian Arrow Cross, the SS shield, or company logos with swastikas from appearing on domestic store shelves. The ban of the depiction of totalitarian symbols in the criminal legal code does not distinguish between communist and fascist symbols, and for the Constitutional Court to make a distinction in this case would seriously undermine the basis of the legal state.

TEBÉSZ's charges were dismissed in the first stage by the Budapest Prosecutor's 2nd and 3rd District Office. The dismissal refers to whether the red star visible on the Heineken beer only "apparently" breaks the law, as "it cannot be established in the present case that underlying communist ideas are represented in the depiction of the red star, as opposed to cases in which its use signifies the embodiment of one's own political and moral ideals." TEBÉSZ considers this argument unacceptable, and for this reason yesterday filed a complaint against the decision to dismiss the investigation in a letter addressed to the Budapest Prosecutor's Office. The position of TEBÉSZ is that the legal formulation of the ban does not require that additional political intent behind the graphical depiction be recognizable. Furthermore, on the basis of legal equality and legal security principles, it is not possible to differentiate between the symbols and their usages. That is to say, if the display of the red star on the Heineken logo in fact does not constitute criminal activity, it would not be possible to prohibit the sale of biscuits with swastika emblems, baby food with the Arrow Cross on the label, or teddy bears with the SS logo. However this clearly could not have been the intent of the legislation.

Budapest, July 25, 2005.

TEBÉSZ