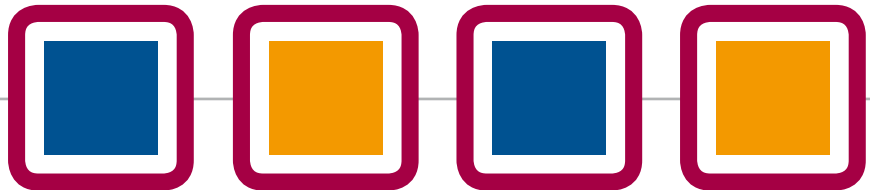


# spiritsEUROPE Guidelines for the Development of Responsible Marketing Communications



## INTRODUCTION

**spiritsEUROPE** is the representative body for the spirits industry at the European level, comprising 32 national associations as well as 8 leading multinational companies.

While believing that commercial communication is essential for fair competition and a free consumer choice, spiritsEUROPE members encourage responsible decision making regarding drinking by adults, fully accept consumer choice not to drink, and discourage the inappropriate and excessive consumption of their products.

Adopted in March 2012, the spiritsEUROPE guidelines for the development of responsible marketing communication are designed to assist spiritsEUROPE members in conducting their advertising and marketing of their products in accordance with these principles. They come as an addition to the general principles of responsible marketing communications covered in the ICC Code of Advertising and Marketing Communication Practice.

**The spiritsEUROPE Guidelines for Responsible Marketing Communications do not replace existing national regulatory standards, but provide reference criteria for the development and future amendment of national and sectoral self-regulatory codes applicable to marketing communications for spirits drinks.**



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## DEFINITIONS

For the purposes of spiritsEUROPE Guidelines for Responsible Marketing Communications, marketing communications are defined as in the Consolidated ICC Code of Advertising and Marketing Communication Practice. The term “marketing communications” includes advertising as well as other techniques, such as promotions, sponsorships, and direct marketing, and should be interpreted broadly to mean any form of communication produced directly by or on behalf of marketers intended primarily to promote products.

The provisions of the spiritsEUROPE Guidelines for Responsible Marketing Communications apply to every type of media, including “electronic media” defined as any media providing electronic, interactive communications, such as the internet, online services and electronic and communication networks including the telephone. These provisions also apply to every type of promotional or marketing activity or event, including all product placements and sponsorships<sup>1</sup>.

The definition of marketing communications does not extend indiscriminately to every type of commercial or corporate communication. For instance, it does not include editorial content such as non-paid for press articles, information in annual reports and the like, or corporate public affairs messages in press releases or statements to the media, government agencies or the public about matters of societal concern, such as the risks or benefits related to the consumption of alcohol, or educational messages about responsible drinking or the role of alcohol in society.

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### 1. BASIC PRINCIPLE

- 1.1 Marketing communications should be legal, decent, honest and truthful.
- 1.2 They should respect accepted principles of fair competition and good business practice.
- 1.3 They should be prepared with a due sense of social responsibility and be based on the principle of fairness and good faith.
- 1.4 They should not under any circumstances be unethical, offend against generally prevailing standards of taste and decency, or otherwise impugn human dignity and integrity.

<sup>1</sup> Any commercial agreement by which a sponsor, for the mutual benefit of the sponsor and sponsored party, contractually provides financing or other support in order to establish an association between the sponsor's image, brands or products and a sponsorship property in return for rights to promote this association and/or for the granting of certain agreed direct or indirect benefits.

- 1.5 Marketing communications and product promotions must be transparent as brand marketing by being identifiable as such.
- 1.6 Marketing communications must respect user privacy.
- 1.7 All marketing communications must comply with both the letter and the spirit of all applicable laws, regulations and self-regulatory codes of practice.

## 2. RESPONSIBLE PLACEMENT

- 2.1 Marketing communications for alcoholic drinks in non-proprietary channels should be placed only where at least 70 % of the audience is reasonably expected to be above 18 years old<sup>2</sup> whatever media or technique is used.
- 2.2 Content in non-proprietary channels can be sponsored only where at least 70% of the audience is reasonable expected to be above 18 years-old.
- 2.3 Digital marketing communications on a site or web page controlled by the brand advertiser that involve direct interaction<sup>3</sup> with a user should require age affirmation<sup>4</sup> by the user providing full date of birth and country of origin prior to full user engagement of that communication to determine that the user is above legal purchase age. If a user enters a date of birth that indicates they are under the legal purchase age, access to a member-controlled website should be denied and visitors



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<sup>2</sup> Throughout the document '18 years old' should be read as the standard, but must be set above where required by law.

<sup>3</sup> **Direct interaction** is a two-way communication between the user and the brand advertiser on a site or web page controlled by the brand advertiser. It occurs when the user affirmatively interacts with the brand advertiser, such as responding to a direct communication from the brand advertiser.

<sup>4</sup> **Age affirmation** is a process or a mechanism by which users provide their full date of birth (month, day and year) and, when appropriate, country of residence to affirm they are of legal purchase age. Age affirmation mechanisms may vary depending upon available technology and examples could include, among other things, an age affirmation page, an email or instant messaging age affirmation, or the use of a site's "registered user" database of users above 18 years old.

should be given an appropriate message and/or directed to an information website on responsible drinking, such as those referred under the EU Portal [www.responsibledrinking.eu](http://www.responsibledrinking.eu) or on the site itself.

- 2.4 Digital marketing communications that are intended to be forwarded<sup>5</sup> by users should include instructions to individuals downloading the content that they should not forward these materials to individuals below 18 years old<sup>6</sup>.
- 2.5 To implement these placement commitments, only reliable, up-to-date audience composition data, should be used (certified by an independent third party when possible).
- 2.6 User-generated content<sup>7</sup> on a site or web page controlled by the brand advertiser must be monitored and moderated on a regular basis.

## Product placement

- 2.7 All the provisions of the spiritsEUROPE Guidelines for Responsible Marketing Communications apply to product placement.
- 2.8 Paid for alcohol placement in movies, television programmes, music videos, and video games and related signage in their productions should be approved or rejected upon the audience information provided by the project's producers.

## Events and promotional activities

- 2.9 Marketing communications for alcoholic drinks as defined above can take place at events, promotional or sponsorship activities that are used primarily for adult, i.e. where at least 70 percent of the spectators/participants are reasonably expected to be 18 years-old and above. For product promotional events organized by or on behalf of alcohol beverages producers, where sampling is permitted, spiritsEUROPE members should ensure that appropriate measures are employed to safeguard against under-age drinking.

<sup>5</sup> **"Forwardable" content** is any branded digital content placed on a site in a manner that is designed or enabled to be shared, such as with a share, download or email "button click."

<sup>6</sup> For micro-blogging sites such as twitter, information should be made available in the feed, not every entry.

<sup>7</sup> **User Generated Content** (UGC) is material (including text, pictures, audios, and videos) that has not been created by the brand advertiser, but by a user. UGC that appears on a site or web page controlled by the brand advertiser should be monitored when possible each business day or, at a minimum, every five business days. When content is determined to be inappropriate, the inappropriate material should be removed within 2 business days. A disclaimer should appear saying that all inappropriate content generated by users will be removed from the site or web page over which the brand advertiser has control.



### 3. RESPONSIBLE CONTENT

#### Responsible consumption

- 3.1 Marketing communications for alcoholic drinks should never encourage or condone excessive or irresponsible consumption<sup>8</sup>.
- 3.2 Beverages and drinkers may be portrayed as part of responsible personal and social experiences and activities.
- 3.3 Marketing communications for alcoholic drinks should respect the choice not to drink alcohol and never portray abstinence or moderation in a negative way.
- 3.4 Marketing communications for alcoholic drinks should avoid any association with violent, aggressive, illegal, dangerous or antisocial behaviour or language.
- 3.5 Marketing communications for alcoholic drinks should avoid any association with, or allusion to drugs or the drug culture.
- 3.6 A Responsible Drinking Message (e.g., in the form of a consumer information website address) should be included in alcohol advertising, including advertorials in print media, marketing materials, digital media such as brand websites, promotional and sponsored events as well as labels in a legible way where practicable.
- 3.7 spiritsEUROPE member-controlled websites should provide a link to an information website on responsible drinking, such as those referred under the EU Portal [www.responsibledrinking.eu](http://www.responsibledrinking.eu) or on the site itself.



<sup>8</sup> Marketing communication materials should not trivialize drunkenness, nor should they portray persons in a state of intoxication or in any way suggest that intoxication is socially acceptable conduct, and they should not promote the intoxicating effects of alcohol consumption.

- 3.8 Wherever feasible, promotional and branded sponsorship activities should to include initiatives to promote responsible drinking.
- 3.9 On-premise promotions should encourage responsible consumption by those adults who choose to drink, and discourage drinking games, “rapid” or “down-in-one” promotions that encourage excessive consumption behavior.
- 3.10 The naming, packaging, and labelling of alcohol products should not create confusion with non-alcoholic drinks.

### **Underage Person**

- 3.11 The content of marketing communications for alcoholic drinks should not primarily appeal<sup>9</sup> to individuals below 18 years-old.
- 3.12 Marketing communications for alcoholic drinks should not depict a child or portray objects, images, impressions, symbols, music, characters (either real or fictitious) or celebrities that primarily appeal to persons below 18 years-old.
- 3.13 Alcoholic drinks should not be advertised or marketed in a manner associated with the attainment of adulthood or the “rite of passage” to adulthood.
- 3.14 Marketing communications for alcoholic drinks should not use models and actors who are not at least 25 years of age.
- 3.15 No alcohol brand identification, including logos, trademarks or names, should be used or licensed for use on clothing, toys, games, or game equipment, or other items intended for use primarily by persons below 18 years-old.

<sup>9</sup> Marketing communications for alcoholic drinks is considered to “primarily appeal” to persons below 18 years-old if it has special attractiveness to such persons beyond the general attractiveness it has for an adult.



## 4. SAFETY AND HEALTH

- 4.1 Marketing communications for alcoholic drinks should not portray an association of drinking alcohol with driving vehicles of any kind, or with operating potentially dangerous machinery.
- 4.2 Marketing communications for alcoholic drinks should not be associated with dangerous activities, i.e. should not portray alcohol being consumed by a person who is engaged in, or is immediately about to engage in, any action (sports, workplace, etc) that requires alertness or physical coordination.
- 4.3 There should be no suggestion that alcohol has therapeutic properties or that the consumption thereof can help to prevent, treat or cure any human disease. Where permitted by law, factual statements about carbohydrate, calorie or other nutrient content may be appropriate in some circumstances.
- 4.4 Marketing communications for alcoholic drinks should not feature pregnant women or be targeted at women who are pregnant.



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## The effect of alcohol

- 4.5 Marketing communications should not create confusion as to the alcoholic nature and strength of alcohol.
- 4.6 Information on alcoholic strength may be presented factually, but high alcohol strength must never be the dominant theme or principal basis of appeal of any marketing communications.
- 4.7 Conversely, marketing communications should not imply that consuming alcohol with relatively low alcohol content will avoid abuse.
- 4.8 Marketing communications for alcoholic drinks should avoid creating the impression that consumption of alcohol can enhance physical performance or mental ability.
- 4.9 Marketing communications for alcoholic drinks should not suggest that the consumption of alcohol helps to overcome shyness, anxiety, inhibitions or social related issues (problems, conflicts...).
- 4.10 While alcohol may be presented as an enjoyable part of social life, marketing communications should not suggest that consumption is a requirement for social acceptance or success, nor that non-consumption is synonymous with failure in social, working or business life.
- 4.11 Marketing communications for alcoholic drinks may depict affection, romantic settings, sociability and friendship but should not suggest that the consumption of alcohol can enhance sexual capabilities or increase a person's sexual success.
- 4.12 Marketing communications for alcoholic drinks should not contain or depict graphic or gratuitous nudity, overt sexual activity, promiscuity or sexually lewd or indecent images or language. Alcohol marketing communications that rely upon sex as a selling point for the brand are likely to be disallowed in any case under this article.



## 5. COMPLIANCE WITH LAWS, REGULATIONS AND OTHER INDUSTRY CODES

- 5.1 To ease compliance, regular training of marketing professionals should take place.
- 5.2 Control mechanisms should help ensure that marketing communications for alcoholic drinks reaching the market are compliant with the enclosed provisions. In case of doubts regarding compliance of an alcohol marketing communication project, advertisers should seek copy advice from the local Self-Regulatory Organisation (SROs). An online EU portal is available for copy advice / pre-clearance at <http://european.clearcast.co.uk>.
- 5.3 Advertising SROs <sup>10</sup> handle consumer complaints on the content of marketing communications in accordance with their national self-regulatory codes. In case of cross border complaints, an appropriate mechanism is coordinated by the European Advertising Standards Alliance (EASA).

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### ANNEX 1: PRIVACY POLICIES

Privacy policies govern the collection of personal information from adults above 18 years old and encompass any direct digital marketing or advertising whether conducted through a social networking site, website or other digital channel and must ensure the following:

- i. Prior to the collection of any information, the brand advertiser will require that individual to affirm that they are above 18 years old and user information only can be collected from those individuals who are above 18 years old.
- ii. The brand advertiser shall employ a mechanism for a user to “opt-in” before receiving a direct digital marketing communication and to “opt-out” to discontinue receiving such direct communications.
- iii. Clear information must be provided about collection and use of personal data.
- iv. Under no circumstances will the information collected be sold or shared with third parties unrelated to the brand advertiser.

<sup>10</sup> In 2015, Advertising Self-Regulatory Organisations (SROs) handling complaints on marketing communications for alcoholic drinks are operational in 23 countries of the EU (Croatia, Denmark, Estonia, Latvia and Malta do not currently have an SRO). The list and contact details of SRO members of the European Advertising Standards Alliance (EASA), can be found at [www.easa-alliance.org](http://www.easa-alliance.org). For Sweden, please contact AGM ([www.alkoholgranskningsmannen.se](http://www.alkoholgranskningsmannen.se)) and for Denmark, contact Alkoholreklamenævnet ([www.alkoholreklamenavn.dk](http://www.alkoholreklamenavn.dk)).



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- v. Users should be encouraged to read the privacy statement before submitting their information.
- vi. Measures will be taken to keep user information secure and protected from loss or theft.

## **ANNEX 2: INVITATION TO RESPONSIBILITY IN CONTRACT CLAUSES WHEN ENGAGING WITH THIRD PARTIES**

### **APP 2.1: RESPECT FOR SELF-REGULATORY ADVERTISING STANDARDS AND DECISIONS**

spiritsEUROPE members are encouraged to include in their contracts and other agreements pertaining to advertising and other marketing communication, a statement committing the signatories to adhere to the applicable self-regulatory rules and to respect decisions and rulings made by the appropriate self-regulatory body.

No marketer, communications practitioner or advertising agency, publisher, media owner or contractor should be party to the publication or distribution of an advertisement or other marketing communication which has been found unacceptable by the relevant self-regulatory body.

### **APP 2.2: RESPONSIBLE DISTRIBUTION AND IN-STORE PLACEMENT**

spiritsEUROPE members are encouraged to include in their contracts and other agreements pertaining to the distribution and in-store placement of their product a statement committing the signatories to avoid creating confusion with non-alcoholic drinks.

For more information visit

[www.marketresponsibly.eu](http://www.marketresponsibly.eu)

[www.drinksinitiatives.eu](http://www.drinksinitiatives.eu)

[www.responsibledrinking.eu](http://www.responsibledrinking.eu)



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