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Supplementary material in support of the
Advertising Standards Authority (ASA)
evidence to the Health Select Committee
inquiry into alcohol

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ANNEX A – About the ASA one-stop shop

1. The ASA has been responsible for policing non-broadcast advertising standards since 1962, when the industry established the ASA as an independent complaints body to administer the new CAP Code.
2. The self-regulatory system is based on a concordat between advertisers, agencies and the media that each will act in support of the highest standards in advertising. It is not a voluntary system.
3. The success of the self-regulatory system led to the contracting-out of broadcast regulation (TV and radio) by Ofcom in 2004. Approved by Parliament, it created a 'one-stop shop' for all advertising complaints¹.
4. Two industry bodies, the Committee of Advertising Practice (CAP) and the Broadcast Committee of Advertising Practice (BCAP) are responsible for writing and maintaining the Advertising Codes. CAP maintains the non-broadcast Code and BCAP is responsible for the TV and radio Codes.²
5. The system is entirely funded by industry, through a levy of 0.1% on display advertising space and airtime and 0.2% on Royal Mail Mailsort contracts. The levies are collected by two arm-length funding bodies, the Advertising Standards Board of Finance (Asbof) and the Broadcast Advertising Standards Board of Finance (Basbof)³. Last year the ASA was awarded £8m to run the system.
6. The ASA 'one-stop shop' advertising regulatory system brings great benefits for consumers and for business:

¹ Agreed through a formal Memorandum of Understanding (MOU), with the Deregulation and Contracting Out Act 1994 (DCOA) as the legal function that enables the partnership

² The Advertising Codes can be found at: <http://www.cap.org.uk/cap/codes/>

³ www.asbof.co.uk

- **Easier for consumers** – The establishment of a single complaints body has made it easier for consumers to complain
- **Free to the taxpayer** – Because it is funded by industry
- **Simpler regulatory structure for advertisers** – and cheaper for business than seeking resolution through the courts.
- **Harmonious decision making** – Cross media adjudications are made by a single organisation.
- **Corporate Social Responsibility** – Effective self-regulation works because the advertising industry has a strong interest in maintaining a level playing field for business and consumer trust in advertising.

7. Further information about the ASA and the work we do can be found at www.asa.org.uk. The website also contains a searchable database of all our adjudications from the past five years.

ANNEX B – Alcohol Advertising Rules

To note: As well as adhering to the alcohol specific rules, alcohol advertisers must also adhere to the general Code provisions, that all ads must not mislead, harm or offend. The full Advertising Codes can be accessed on the CAP website at www.cap.org.uk.

The British Code of Advertising, Sales Promotion And Direct Marketing (Non-Broadcast Code)

Alcoholic Drinks

(See the CAP Help Note on Health, Diet and Nutritional Claims in Marketing Communications for Alcoholic Drinks)

On 1 July 2007, a new and important regulation governing nutrition and health claims for foods (including alcoholic drinks) came into force. The regulation is complex and mandatory. CAP encourages advertising industry stakeholders to take advice on the effect of the regulation and to consult the Food Standards Agency's Guidance to Compliance with Regulation (EC) 1924/2006 on Nutrition and Health Claims on Foods, which is available at <http://www.food.gov.uk>

56.1 For the purposes of the Code, alcoholic drinks are those that exceed 1.2% alcohol by volume.

56.2 Marketing communications must contain nothing that is likely to lead people to adopt styles of drinking that are unwise. Alcohol must not be handled or served irresponsibly. The consumption of alcohol may be portrayed as sociable and thirst-quenching. Marketing communications may be humorous but must nevertheless conform with the intention of the rules.

56.3

- a)** As is implied by clause 2.8, the spirit as well as the letter of the rules in this section apply whether or not a product is shown or referred to or seen being consumed.
- b)** The rules are not intended to inhibit advertising on alcohol-related health or safety themes that is responsible and is not likely to promote a brand of alcohol.

56.4 Marketing communications should be socially responsible and should neither encourage excessive drinking nor suggest that drinking can overcome boredom, loneliness or other problems. They should not suggest that alcohol might be indispensable. Care should be taken not to exploit the young, the immature or those who are mentally or socially vulnerable.

56.5 Marketing communications should not be directed at people under 18 through the selection of media, style of presentation, content or context in which they appear. No medium should be used to advertise alcoholic drinks if more than 25% of its audience is under 18 years of age.

56.6 People shown drinking or playing a significant role should neither be nor look under 25 and should not be shown behaving in an adolescent or juvenile way. Younger people may be shown in marketing communications, for example in the context of family celebrations, but should be obviously not drinking.

56.7 Marketing communications should not be associated with people under 18 or reflect their culture. They should not feature or portray real or fictitious characters who are likely to appeal particularly to people under 18 in a way that might encourage them to drink.

56.8 Marketing communications should not suggest that any alcoholic drink has therapeutic qualities (for example, stimulant or sedative qualities) or can change moods or enhance confidence, mental or physical capabilities or performance, popularity or sporting achievements. They should not link alcoholic drinks to illicit drugs.

56.9 Marketing communications must neither link alcohol with seduction, sexual activity or sexual success nor imply that alcohol can enhance attractiveness, masculinity or femininity.

56.10 Marketing communications may give factual information about:

- a)** product contents, including comparisons, but must not make any health claims, which include fitness or weight control claims. The only permitted nutrition claims are “low alcohol”, “reduced alcohol” and “reduced energy”.
- b)** the alcoholic strength of a drink or make factual strength comparisons with other products but must not otherwise suggest that a drink may be preferred because of its high alcohol content or intoxicating effect. Drinks may be presented as preferable because of low or lower strength.

56.11 Marketing communications should not suggest that drinking alcohol is a reason for the success of any personal relationship or social event. A brand preference may be promoted as a mark of, for example, the drinker’s good taste and discernment.

56.12 Drinking alcohol should not be portrayed as a challenge, especially to the young. Marketing communications should neither show, imply or refer to aggression or unruly, irresponsible or anti-social behaviour nor link alcohol with brave, tough or daring people or behaviour.

56.13 Particular care should be taken to ensure that marketing communications for sales promotions requiring multiple purchases do not encourage excessive consumption.

56.14 Marketing communications should not depict activities or locations in which drinking alcohol would be unsafe or unwise. In particular, marketing communications should not associate the consumption of alcohol with an occupation that requires concentration to be done safely, for example, operating machinery, driving or activity relating to water or heights. Alcohol should not normally be shown in a work environment.

56.15 Low alcohol drinks Low alcohol drinks are those that contain between 0.5% - 1.2% alcohol by volume. Marketers should ensure that low alcohol drinks are not promoted in a way that encourages their inappropriate consumption and should not depict activities that require complete sobriety.

Radio Advertising Standards Code

11 Alcoholic Drinks

On 1 July 2007, a new and important regulation governing nutrition and health claims for foods (including alcoholic drinks) came into force. The regulation is complex and mandatory. BCAP encourages broadcasters to take advice on the effect of the regulation and to consult the Food Standards Agency's Guidance to Compliance with Regulation (EC) 1924/2006 on Nutrition and Health Claims on Foods, which is available at <http://www.food.gov.uk>.

Central copy clearance is required. Alcoholic drink advertisements must comply with the minimum standards set out here. These Rules also apply to low alcoholic drinks, except where otherwise stated.

These Rules apply principally to advertisements for alcoholic drinks and low alcoholic drinks. However, incidental portrayals of alcohol consumption in advertisements for other products and services must always be carefully considered to ensure that they do not contradict the spirit of these Rules.

11.1 Scheduling of Advertisements for Alcohol

Advertisements for alcoholic drinks must not be broadcast in or around religious programming or programming aimed particularly at those aged below 18 years (see also Rule 11.2, below).

11.2 Protection of Younger Listeners

- a) Alcoholic drink advertising must not be aimed at those aged below 18 years or use treatments likely to be of particular appeal to them;
- b) Advertisements for alcoholic drinks must not include any personality whose example is likely to be followed by those aged below 18 years, or who has a particular appeal to those aged below 18 years;
- c) Advertisements for alcoholic drinks must only use voiceovers of those who are, and sound as if they are, at least 25 years of age;

- d)** Advertisements for drinks containing less than 1.2% alcohol by volume must only use voiceovers of those who are, and sound as if they are, at least 18 years of age;
- e)** Children's voices must not be heard in advertisements for alcoholic drinks.

11.3 Unacceptable Treatments

- a)** Advertisements must not imply that drinking is essential to social success or acceptance, or that refusal is a sign of weakness. Nor must they imply that the successful outcome of a social occasion is dependent on the consumption of alcohol;
- b)** Advertisements must neither claim nor suggest that any drink can contribute towards sexual success or that drinking can enhance sexual attractiveness;
- c)** Advertisements must not suggest that regular solitary drinking is acceptable or that drinking is a means of resolving personal problems. Nor must they imply that drinking is an essential part of daily routine or can bring about a change in mood;
- d)** Advertisements must not suggest or imply that drinking is an essential attribute of gender. References to daring, toughness or bravado in association with drinking are not acceptable;
- e)** Alcoholic drinks must not be advertised in a context of aggressive, dangerous, anti-social or irresponsible behaviour;
- f)** Advertisements must not foster, depict or imply immoderate or irresponsible drinking or drinking at speed. References to buying rounds of drinks are unacceptable;
- g)** Advertisements must not offer alcohol as therapeutic, or as a stimulant, sedative, tranquilliser or source of nourishment/goodness, or link the product to illicit drugs. While advertisements may refer to refreshment after physical performance, they must not give any impression that performance can be improved by drink;
- h)** Advertisements must not suggest that a drink is preferable because of its higher alcohol content or intoxicating effect and must not place undue emphasis on alcoholic strength.

11.3.1 Health, Diet and Nutritional Claims

(See the BCAP Help Note on Health, Diet and Nutritional Claims in Radio Alcohol Advertisements)

Advertisements for alcoholic drinks may contain factual statements about product contents, including comparisons, but must not make any other type of health, fitness or weight control claim.

11.4 Safety

- a) Nothing may link drinking with driving or with the use of potentially dangerous machinery, except in drunk driving messages (see also Section 3, Rule 18 Motor Vehicles);
- b) Nothing may link alcohol with a work or other unsuitable environment.

11.5 Sales Promotions

Advertisements for alcoholic drinks must not publicise sales promotions (including competitions) that appear to encourage excessive consumption.

11.6 Cut-price Offers

References to 'cut-price/happy hour drinks', 'buy two and get one free', 'money-off coupons' and the like must be considered with caution. References which encourage excessive or immoderate consumption are unacceptable. However, off-licences and alcoholic drink retailers may advertise price reductions for their stock.

11.7 Low Alcohol Drinks

Provided they comply generally with the Code and reflect responsible consumption and behaviour, advertisements for drinks containing less than 1.2% alcohol by volume will not normally be subject to Rules 11.3f), 11.4b) and 11.5. However, if a significant purpose of an advertisement for a low alcoholic drink could be considered to promote a brand of stronger alcoholic drink, or if the drink's low alcohol content is not stated in the advertisement, all the above Rules are applicable.

TV Advertising Standards Code

11.8 ALCOHOLIC DRINKS

On 1 July 2007, a new and important regulation governing nutrition and health claims for foods (including alcoholic drinks) came into force. The regulation is complex and mandatory. BCAP encourages broadcasters to take advice on the effect of the regulation and to consult the Food Standards Agency's Guidance to Compliance with Regulation (EC) 1924/2006 on Nutrition and Health Claims on Foods, which is available at <http://www.food.gov.uk>

The spirit as well as the letter of the rules in this section apply whether or not a product is shown, referred to or seen being consumed. (See also rule 1.2).

Rule 11.8.1 applies to all advertising. 11.8.2 applies only to advertising for alcoholic drinks. Where soft drinks are promoted as mixers, rules 11.8.1 and 11.8.2 apply in full

11.8.1 Rules which apply to all advertising

11.8.1(a)

(1) Advertisements must not suggest that alcohol can contribute to an individual's popularity or confidence, or that refusal is a sign of weakness. Nor may they suggest that alcohol can enhance personal qualities.

(2) Advertisements must not suggest that the success of a social occasion depends on the presence or consumption of alcohol.

11.8.1(b)

Advertisements must not link alcohol with daring, toughness, aggression or anti-social behaviour.

11.8.1(c)

Advertisements must not link alcohol with sexual activity or success or imply that alcohol can enhance attractiveness.

11.8.1 (d)

Advertisements must not suggest that regular solitary drinking is acceptable or that drinking can overcome problems.

11.8.1(e)

Advertisements must neither suggest that alcohol has therapeutic qualities nor offer it as a stimulant, sedative, mood-changer, or source of nourishment, or to boost confidence. Although they may refer to refreshment, advertisements must not imply that alcohol can improve any type of performance. Advertisements must not suggest that alcohol might be indispensable or link it to illicit drugs.

11.8.1 (f)

Advertisements must not suggest that a drink is to be preferred because of its alcohol content nor place undue emphasis on alcoholic strength. (This does not apply to low alcohol drinks. See 11.8.3)

11.8.1 (g)

(1) Advertisements must not show, imply or encourage immoderate drinking. This applies both to the amount of drink and to the way drinking is portrayed.

(2) References to, or suggestions of, buying repeat rounds of drinks are not acceptable. (Note: This does not prevent, for example, someone buying a drink for each of a group of friends. It does, however, prevent any suggestion that other members of the group will buy any further rounds.)

(3) Alcoholic drinks must be handled and served responsibly.

11.8.1(h)

Advertisements must not link drinking with the use of potentially dangerous machinery, with behaviour which would be dangerous after consuming alcohol (such as swimming) or with driving.

11.8.2 Additional rules for alcohol advertisements

11.8.2(a)

(1) Advertisements for alcoholic drinks must not be likely to appeal strongly to people under 18, in particular by reflecting or being associated with youth culture.

(2) Children must not be seen or heard, and no-one who is, or appears to be, under 25 years old may play a significant role in advertisements for alcoholic drinks. No-one may behave in an adolescent or juvenile way.

Notes: (1) See the exception in 11.8.2 (a)(3)

(2) In advertising for low alcohol drinks, anyone associated with drinking must be, and appear to be, at least 18 years old.

(3) There is an exception to 11.8.2 (a)(2) for advertisements in which families are socialising responsibly. In these circumstances, children may be included but they, and anyone who is, or appears to be, under 25 must only have an incidental role. Nevertheless, it must be explicitly clear that anyone who appears to be under the age of 18 is not drinking alcohol.

11.8.2(b)

Advertisements for alcoholic drinks must not show, imply or refer to daring, toughness, aggression or unruly, irresponsible or anti-social behaviour.

11.8.2(c)

Advertisements for alcoholic drinks must not appear to encourage irresponsible consumption.

11.8.2(d)

Advertisements for alcoholic drinks must not normally show alcohol being drunk in a working environment.

11.8.2(e)

Alcoholic drinks must not be advertised in a context of sexual activity or seduction but may include romance and flirtation subject to rule 11.8.2 (a) (Youth appeal)

11.8.2(f)

Advertisements for alcoholic drinks may contain factual statements about product contents, including comparisons, but must not make any other type of health, fitness, or weight control claim.

11.8.3 Low alcohol drinks

Exceptions to 11.8.1 and 11.8.2 apply to advertisements for drinks containing 1.2% alcohol by volume or less so long as the low alcohol content is made clear. (The exceptions are not granted if the advertising might promote a product of higher alcoholic strength or might conflict with the spirit of the rules.) The exceptions are:

(a) 11.8.2 (a)(2): Anyone associated with drinking must be, and appear to be, at

least 18 years old.

(b) The advertisements need not comply with:

- 11.8.1 (f)
- 11.8.1 (g)(1) or (2)

Rules on the Scheduling of Television Ads

Children and young people 4.2.1

(a) The following may not be advertised in or adjacent to children's programmes or programmes commissioned for, principally directed at or likely to appeal particularly to audiences below the age of 18:

(i) alcoholic drinks containing 1.2 per cent alcohol or more by volume; (See also 4.2.5 below) (See note (iii) below on identification of programmes of particular appeal)

Religious programmes 4.2.5

The following may not be advertised in or between religious programmes:

(i) Alcoholic drinks containing 1.2 per cent alcohol or more by volume.

Audience Indexing

How does Ofcom define "of particular appeal to under-16s"?

The term "of particular appeal" is an approach that has been used for many years to ensure broadcasting regulation is appropriately targeted. This is the same approach used in restricting the scheduling of alcohol advertising.

Whether a programme is "of particular appeal" to the under 16s is assessed using a statistical approach called *indexing* and the end result is what is often referred to as a programme's Conversion Index.

If the proportion of children aged 4-15 watching a programme is more than 20% higher than the proportion of the UK television population watching the programme (or in other words, a programme achieves a Conversion Index of

120 or higher), the programme is defined as one which attracts a significantly higher than average proportion of viewers in that age group.

Calculation

A Conversion Index is based on audience viewing figures measured by BARB (Broadcasters' Audience Research Board Ltd).

Each programme achieves a TVR (Television Rating). The TVR measures the popularity of a programme by comparing its audience to the TV population as a whole^[1].

One TVR is numerically equivalent to one per cent of a target audience. So for example, if Programme X achieves a rating of 10TVRs based on children aged 4-15, this would mean the average child audience of the programme is equal to 10% of all children aged 4-15 in television households.

A Conversion Index is calculated by comparing a programme's TVR based on one audience (in this case children aged 4-15 years) with that of the base audience (all viewers^[2]). This comparison demonstrates the extent to which children aged 4-15 are attracted to a particular programme.

Example 1

Programme A achieves a Child (aged 4-15) rating of 5TVRs and an All Viewer rating of 3TVR. The following calculation would provide us with the Conversion Index:

Conversion Index of Programme A=

^[1] BARB figures are based on TV homes. If the programme in question is broadcast on the terrestrial channels, the TVR would be based on the Network, or the number of viewers living in TV households in the UK. If the programme is broadcast on a non-terrestrial channel, the TVR would be calculated based on the Multichannel Network, or the number of viewers living in multichannel television households in the UK.

^[2] The BARB definition of all viewers is Individuals aged 4 or over. As per footnote 1, if the programme is broadcast on the terrestrial channel, the index would be based on the TVR figures for Children and All Viewers living in TV households in the UK. If the programme is broadcast on a non-terrestrial channel, the index would be based on the TVR figures for Children and All Viewers living in multichannel TV households in the UK

$$\frac{\text{Child TVR}}{\text{All Viewer TVR}} \times 100 = \text{Conversion Index}$$

Example: $\frac{5 \text{ TVRs}}{3 \text{ TVRs}} \times 100 = 167$

The proportion of Children aged 4-15 watching Programme A is 67% higher than the proportion of the UK television population watching the programme (a Conversion Index of 167). This programme is therefore defined as one which is of particular appeal to Child viewers.

Example 2

Programme B achieves a Child (aged 4-15) rating of 10TVRs and an All Viewer rating of 14TVRs. The following calculation would provide us with the Conversion Index:

Conversion Index of Programme B=

$$\frac{\text{Child TVR}}{\text{All Viewer TVR}} \times 100 = \text{Conversion Index}$$

Example: $\frac{10 \text{ TVRs}}{14 \text{ TVRs}} \times 100 = 71$

The proportion of Children aged 4-15 watching Programme A is 29% lower than the proportion of the UK television population watching the programme (a Conversion Index of 71). This programme does not attract a significantly higher than average proportion of Child viewers, and therefore is not said to be of particular appeal to this audience.