

Compliance Report

Alcohol Advertising Survey 2009



Contents

1. 1. Summary

2. 2. Introduction

- 2.1 Background
- 2.2 CAP and BCAP Code Rules
- 2.3 Survey Objections

3. 3. Methodology

- 3.1 Sample Method
- 3.2 How Code Breaches were Determined

4. 4. Findings

- 4.1 Compliance Rate
- 4.2 Compliance Rate by Media Type
- 4.3 Compliance Rate by Product Category
- 4.4 Breach Identified by the Compliance team
- 4.5 ASA Complaints and Investigations

5. 5. Conclusion

6. 6. Advice and Training – Cap Services

7. 7. Appendices

- Appendix 1 - CAP Code - Alcohol Section
- Appendix 2 - BCAP TV Code - Alcohol Section
- Appendix 3 - BCAP Radio Code - Alcohol Section
- Appendix 4 - Media Examined in the Survey
- Appendix 5 - ASA Adjudication

1. Summary

The Advertising Standards Authority (ASA) is the UK's independent regulator of advertising across all media, including TV, internet, sales promotions and direct marketing. Our role is to ensure ads are legal, decent, honest and truthful. We do this by applying and actively monitoring compliance with the Advertising Codes - the British Code of Advertising, Sales Promotion and Direct Marketing (the CAP Code), the BCAP TV Advertising Standards Code and the BCAP Radio Advertising Standards Code (the BCAP Codes).

The CAP Code and the BCAP Codes (together, 'the Codes') contain specific rules for alcohol which sit alongside the general principles that ads must not mislead, harm or offend. The rules for alcohol advertisements were tightened in 2005 and are actively promoted and enforced by the ASA.

The ASA has undertaken this survey to determine the compliance rate of alcohol ads¹ with the Advertising Codes. The ASA's Compliance team monitored and assessed the content of alcohol ads that appeared across all media falling within the remit of the Codes during the period before Christmas 2009, from 1 to 24 December. The pre-Christmas sample period mirrored that of the December 2008 and December 2007 surveys on alcohol ads, which were published in July 2009 and July 2008, respectively.

Of the 307 ads assessed in this survey, only one breached the CAP Code; none breached the BCAP Codes. This equates to an overall compliance rate of 99.7% and demonstrates a year-on-year improvement over the 2007 and 2008 surveys for which compliance rates of 97.4% (2007) and 98.9% (2008) were recorded.

Of the 307 ads assessed, 241 appeared in non-broadcast media (press, online and posters) and 66 appeared in broadcast media (TV and radio).

The number of online ads in the survey declined considerably from 81 in 2008 to 31 in 2009; the number of outdoor ads increased from 12 in 2008 to 33 in 2009. Overall, the sample size was considerably smaller than in previous years (456 in 2008; 463 in 2007), which might be attributable to the economic climate and downward trend in advertising spend.

The survey targeted what the Compliance team considered to be obvious breaches of the Advertising Codes. When the breach was identified, the Compliance team informed the advertiser of its requirement to comply in full with the relevant Code and advised the advertiser to consult the CAP Copy Advice team for guidance on future campaigns.

The Compliance team will continue to monitor alcohol ads and work with marketers, publishers, Clearcast (the TV ad clearance body) and the Radio Advertising Clearance Centre (RACC) to ensure ads comply with UK Advertising Codes.

¹ 'Ads' is used informally to cover types of marketing communications covered by the BCAP Codes and CAP Code.

2. Introduction

2.1 Background

The Advertising Standards Authority (ASA) is the independent body that administers the CAP and the BCAP Codes (together, 'the Codes'), which set standards for the content, scheduling and placement of non-broadcast and broadcast ads. The ASA is responsible for ensuring that the self-regulatory system works in the public interest. It achieves that by investigating complaints, proactively identifying and resolving breaches of the Codes, using research to ensure its decisions take account of generally accepted standards and by promoting and enforcing high standards in ads generally.

The Committee of Advertising Practice (CAP) is the body that created and revises the CAP Code. Its members include trade and professional bodies representing advertisers, agencies, media owners and the sales promotion and direct marketing industries. CAP provides a pre-publication copy advice service and co-ordinates the activities of its members to achieve the highest degree of compliance with the CAP Code. CAP's Broadcast Committee (BCAP) is contracted by the communications industry regulator, Ofcom, to write and promote compliance with the Codes that govern TV and radio ads. BCAP comprises major broadcasters licensed by Ofcom and trade bodies representing advertisers, agencies and satellite and cable broadcasters.

The Compliance team works to ensure that ads comply with the Codes and with ASA adjudications. The team follows up ASA adjudications, monitors both broadcast and non-broadcast ads and takes immediate action to ensure ads that breach the Codes are removed or amended. One of the team's objectives is to help create a level-playing field for marketers in each sector and it achieves that by communicating decisions with sector-wide ramifications. The Compliance team conducts surveys to assess compliance rates for ads in particular industries, sectors or media. The surveys help to identify marketing trends and to anticipate subjects of concern that might need to be addressed by the ASA, in its interpretation of the Codes, or CAP or BCAP, in their setting of standards in the CAP Code or the BCAP Codes.

The Government published its Alcohol Harm Reduction Strategy in March 2004. As one element of the package of proposals, the Strategy recommended that Ofcom should oversee a review of the rules for alcohol advertising on TV. The decision to review the rules came from a widespread concern about drinking behaviour among teenagers and young adults, including excessive drinking, binge drinking and anti-social behaviour associated with drinking. This resulted in tougher rules for broadcast and non-broadcast alcohol ads. Those published after 1 October 2005 could not appeal particularly (the CAP Code and the BCAP Radio Code) or strongly (the BCAP TV Code) to people under 18 years of age. As before, ads could not suggest that drinking alcohol can result in sexual success or popularity, suggest that alcohol is the reason for the success of a relationship or social event or encourage people to act in a daring or unsafe way. But the strengthened rules also prevented alcohol ads from being associated with or reflecting youth culture (for example, through the selection of music, language or animation) or showing people behaving in an adolescent or juvenile way.

Regulation EC No 1924/2006 on Nutrition and Health Claims made on Foods (the NHCR) came into force on 1 July 2007. The NHCR is the first piece of specific legislation to deal with nutrition and health claims made on foods and seeks to protect consumers from misleading or false nutrition and health claims. Under the NHCR, the only permitted nutrition claims in alcoholic drink ads are “low alcohol”, “reduced alcohol” or “reduced energy”, or claims likely to have the same meaning for the audience.

2.2 CAP and BCAP Code Rules

The purpose of the Codes is to maintain, in the best and most flexible way possible, the integrity of marketing communications in the interests of both the consumer and the industry. All ads should be legal, decent, honest and truthful. They should be prepared with a sense of responsibility to consumers and society and be in line with the accepted principles of fair competition.

The BCAP Television Advertising Standards Code and the BCAP Rules on the Scheduling of TV Advertisements contain the rules that govern ads on television channels licensed by Ofcom. The BCAP Radio Advertising Standards Code contains the rules that govern ads on radio stations licensed by Ofcom and the CAP Code contains the rules that govern ads in non-broadcast media.

The CAP Code and the BCAP Codes each contain restrictions on the advertising of alcohol. Appendices 1, 2 and 3 set out the alcohol clauses for each Code.

2.3 Survey Objectives

The purpose of the survey is to:

- Assess compliance rates for alcoholic drinks ads in the national press, magazines, online, posters, TV and radio.
- Identify breaches of the CAP and the BCAP Codes.
- Contact advertisers responsible for ads that seemed to break a Code and obtain an assurance that ads would comply fully with the relevant Code in future.
- Act as a deterrent to bad practice and an encouragement to good practice.

3. Methodology

3.1 Sample Method

The Compliance team used Billetts Media Monitoring, an online provider of ad monitoring in the UK, to identify alcohol ads for assessment. The sampling period ran from 1 December 2009 to 24 December 2009. The media examined were national press, magazines, posters, online, TV and radio. The Compliance team examined the content of alcoholic drinks ads but not their broadcast scheduling.

3.2 How Code Breaches were Determined

The Compliance team used Billetts Media Monitoring, an online provider of ad monitoring in the UK, to identify alcohol ads for assessment. The sampling period ran from 1 December 2009 to 24 December 2009. The media examined were national press, magazines, posters, online, TV and radio. The Compliance team examined the content of alcoholic drinks ads but not their broadcast scheduling.

4. Findings

4.1 Compliance Rate

The survey sought to establish the proportion of alcohol ads appearing between 1 December 2009 and 24 December 2009 that complied with the CAP and BCAP Codes.

The Compliance team considered 307 ads in total, of which one (0.3%) breached the CAP Code, a compliance rate of 99.7%.

4.2 Compliance Rate by Media Type

Media	No. of ads	No. of breaches	Compliance rate of media (%)
Press²	177	1	99.4%
Outdoor	33	0	100%
Online	31	0	100%
TV	50	0	100%
Radio	16	0	100%

While it should be recognised that the sample sizes for broadcast media, online and outdoor were small, it is nevertheless encouraging that the compliance rate in each of those categories stands at 100%.

The compliance rate of press ads was 99.4%, and given that over 57% of the scrutinised ads fell into that media group, this result is pleasing.

²“Press” refers to both national press and magazines.

4.3 Compliance Rate by Product Category

Product Category	No. of ads per product category	No. of breaches per product category	Compliance rate of product category (%)
Alcopops	11	0	100%
Beer and Lager	52	1	98.1%
Bitters and Ales	12	0	100%
Brandy	1	0	100%
Champagne	23	0	100%
Cider	8	0	100%
Gin	2	0	100%
Liqueur	11	0	100%
Port	1	0	100%
Rum	16	0	100%
Sherry	0	0	100%
Spirits	2	0	100%
Stouts	11	0	100%
Vermouths	1	0	100%
Vodka	24	0	100%
Whisky and Bourbon	62	0	100%
Wine	70	0	100%
Total	307	1	99.7%

The breach was recorded against a lager brand giving the “Beer and Lager” product category a compliance rate of 98.1%.

4.4 Breach Identified by the Compliance team

An ad for lager featured a mock-up of the ideal group draws (from an England perspective) for the World Cup. The first group showed England in a particularly weak group; the second showed a group of stronger teams such as Brazil and Germany. The ad also featured a price promotion, offering consumers four 568 ml cans of lager for £4. It appeared on the same day as the World Cup draw took place in Cape Town.

The Compliance team considered that, because the group draws took place over 90 minutes and the ad featured four 568 ml cans, the ad was likely to be seen to encourage excessive drinking and implied that alcohol was indispensable, in breach of CAP Code clause 56.4.

4.5 ASA Complaints and Investigations

The ASA did not uphold any complaints about alcohol ads which appeared in the survey sample. It received two complaints about a TV ad for a brand of vodka but, after consideration by the ASA Council, it was found not to breach the BCAP Code. The adjudication can be read in full at Appendix 5.

The ASA received 14 complaints about alcoholic drink ads from members of the public during the survey period (1 - 24 December 2009). Several complaints concerned availability of alcoholic drinks advertised as part of a price promotion; several concerned what complainants considered to be wrongful scheduling of an alcoholic drinks ad that could have been seen by children and the remainder referred to the advertising of alcoholic drinks more generally.

The ASA investigated only one of those complaints, which concerned the scheduling of an alcoholic drinks ad during a film; the complainant believed the ad was unsuitable for broadcast during a family film. After consideration of the audience index for the film, the ASA considered that the film was not of particular appeal to those under 18 years of age. It concluded that the appropriate scheduling restriction had been applied and the ad was suitable for broadcast during the film.

5. Conclusions

Of the alcohol ads picked up in the survey sample between 1 December and 24 December 2009, 0.3% breached the CAP Code, a compliance rate of 99.7%. That is an encouraging result and suggests the industry is acting responsibly within the self-regulatory system. The result is an improvement on the compliance rate of 98.9% from the 2008 survey and 97.4% from the 2007 survey.

On examining the differences between media, non-broadcast ads (press, outdoor, online) recorded a compliance rate of 99.6% while broadcast recorded an impressive 100%. Comparing figures with their equivalents from the 2008 survey, the compliance rate of non-broadcast ads improved by 0.6% from 99%. The compliance rate of TV ads rose from 96% to 100%; the 100% compliance rate for radio has stayed the same.

We noted a decline in the number of ads caught by the sample compared to previous years (456 in 2008; 463 in 2007), which might be attributable to the economic climate and downward trend in advertising spend. In particular, we noted that, following a doubling in the number of online ads between 2007 and 2008, the number decreased from 81 in 2008 to 31 in 2009. We noted however that the number of outdoor ads increased from 12 in 2008 to 33 in 2009.

As in the 2007 and 2008 surveys, we identified no breaches in the alcopops category, a type of drink traditionally linked with teenagers. Also, we noted no ads for cider were identified as having breached a Code, whereas three were identified as in breach of the Advertising Codes in the 2008 survey.

The Compliance team contacted the advertiser that had breached the CAP Code and sought and received an assurance that it would not publish similarly problematic ads again.

The team will continue to monitor alcohol ads across all media to ensure a continuing high level of compliance with the Advertising Codes.

6. Advice and Training - Cap Services

CAP and BCAP support the commitment of advertisers to communicate responsibly by providing a comprehensive range of advice and training resources. Collectively known as [CAP Services](#), those include bespoke advice, online tools, advice newsletters and training seminars – all designed to raise awareness of the rules and to prevent breaches.

Of particular note is the pre-publication Copy Advice service which offers convenient and comprehensive online resources as well as a bespoke service. The dedicated [website](#) brings together more than 400 AdviceOnline entries and HelpNotes. Practitioners are urged to register to access the full database as well as case studies and other practical information.

The team of six experts also provide fast, free and confidential bespoke advice by e-mail or telephone on specific queries for practitioners who want to check whether or not their campaigns comply with the CAP Code before publishing. The dedicated and experienced team can draw on ASA research, previous adjudications and the likely reaction of the ASA Council, making Copy Advice the most authoritative provider of compliance advice on the CAP Code. For bespoke advice, consult the Copy Advice team on 020 7492 2100 or by e-mailing copyadvice@cap.org.uk.

To keep up-to-date with the latest advice, training seminars, ground-breaking ASA adjudications, regulatory developments and changes to the Advertising Codes, we encourage all industry practitioners to sign up to receive the e-newsletters - Update and Insight - provided by CAP and Copy Advice respectively. To sign up, go to www.cap.org.uk or www.copyadvice.org.uk.

For full details of CAP Services, visit www.cap.org.uk/capservices.

7. Appendices

Appendix 1 - CAP Code - Alcohol Section

- 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.

Low alcohol drinks

56.15 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.

Appendix 2 - BCAP TV Code - Alcohol Section

11.8 Alcoholic Drinks

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)

Appendix 3 - BCAP Radio Code - Alcohol Section

3.11 Alcoholic drinks

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.

3.11.1 Scheduling of advertisements for alcohol

3 - 11.1 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).

3.11.2 Protection of younger listeners

3 - 11.2 (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;

3 - 11.2 (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;

3 - 11.2 (c) Advertisements for alcoholic drinks must only use voice-overs of those who are, and sound as if they are, at least 25 years of age;

3 - 11.2 (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;

3 - 11.2 (e) Children's voices must not be heard in advertisements for alcoholic drinks.

3.11.3 Unacceptable treatments

3 - 11.3 (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;

3 - 11.3 (b) Advertisements must neither claim nor suggest that any drink can contribute towards sexual success or that drinking can enhance sexual attractiveness;

3 - 11.3 (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;

3 - 11.3 (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;

3 - 11.3 (e) Alcoholic drinks must not be advertised in a context of aggressive, dangerous, anti-social or irresponsible behaviour;

3 - 11.3 (f) Advertisements must not foster, depict or imply immoderate or irresponsible drinking or drinking at speed. References to buying rounds of drinks are unacceptable;

3 - 11.3 (g) Advertisements must not offer alcohol as therapeutic, or as a stimulant, sedative, tranquillizer 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;

3 - 11.3 (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.

3.11.3.1 Health, diet and nutritional claims

3 - 11.3.1 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.

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

3.11.4 Safety

3 - 11.4 (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);

3 - 11.4 (b) Nothing may link alcohol with a work or other unsuitable environment.

3. 11.5 Sales promotions

3 - 11.5 Advertisements for alcoholic drinks must not publicise sales promotions (including competitions) that appear to encourage excessive consumption.

3.11.6 Cut-price offers

3 - 11.6 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.

3.11.7 Low alcohol drinks

3 - 11.7 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.

Appendix 4 - Media Examined in the Survey

Billets Media Monitoring captured ads for assessment from:

Newspapers

Financial Times	Daily Mail	Scotsman
Daily Record Scottish Edition	Daily Star	Metro-London
Daily Mirror	Express	The Sun
The Daily Telegraph	Guardian	The Independent
The Times	Mail on Sunday	City A.M.
East Anglian Daily Times	Sunday Express	The Observer
Sunday World Northern Ireland Edition	ShortList	Liverpool Echo
News Letter	The Independent on Sunday	Yorkshire evening post
The Sunday Telegraph	The Sunday Times	Herald
Evening Standard	Manchester Evening News	Evening Chronicle

Magazines

Hello	Country Living	Empire
Grazia	Mojo	Q
Olive	Time Out	Total Film
BBC Good Food Magazine	Decanter	Delicious
High Life	Esquire	Conde Nast Traveller
FHM	Front	GQ
Vogue	Vanity Fair	Men's Health
Stuff for Men	Nuts	Zoo Weekly
Asda Magazine	Tatler	Sainsbury's Magazine
Red	Glamour	Waitrose Food Illustrated
Cosmopolitan	Dazed & Confused	Car
T3	Marie Claire	Today's Golfer
Harper's Bazaar	NME	Top Gear
New Statesman	National Geographic	The Spectator
Men's Fitness	Reader's Digest	Private Eye
Economist	Golf World	Four Four Two
ID	Rugby World	New Scientist
The Week	Newsweek	The Grocer

Over 60 websites

channel4.com	telegraph.co.uk	aol.com
bigbrother.com	countrylife.co.uk	allinlondon.co.uk
reuters.com	tiscali.co.uk	fish4.co.uk
guardian.co.uk	Cricket365.com	onthebox.com
yahoo.com	planet-f1.com	racingpost.co.uk
fhm.co.uk	planet-rugby.com	touchnottingham.com
nme.co.uk	skysports.com	cinemas-online.co.uk
lonelyplanet.com	msn.co.uk	mailonsunday.co.uk
orange.co.uk	ciao.co.uk	dooyoo.co.uk
xfm.co.uk	hellomagazine.com	xe.com

seetickets.com	lastminute.com	aloud.com
timesonline.co.uk	livingtv.co.uk	skyone.co.uk
viewlondon.co.uk	upmystreet.co.uk	belfasttelegraph.co.uk
rottentomatoes.com	virginmedia.com	skymovies.com
lovesfilm.com	uknetguide.co.uk	thesun.co.uk
lycos.co.uk	gq-magazine.co.uk	dailyrecord.co.uk
lycos.co.uk	gq-magazine.co.uk	autotrader.co.uk
letssingit.com	cricinfo.com	onlinetravel.com
myvillage.com	empireonline.co.uk	scotsman.com
dictionary.com	motorstoday.co.uk	dailymail.co.uk

TV stations

4 Music	CBS Reality +1	Discovery Knowledge +1
Five	Challenge TV	Discovery Real Time
ITV	Challenge TV +1	Discovery Real Time +1
S4C	Channel AKA	Discovery Science
Channel 4	Chart Show TV	Discovery Science +1
Alibi	Clubland TV	Discovery Shed
Alibi + 1	Comedy Central	Discovery Travel and Living
Animal Planet	Comedy Central Extra	Discovery Turbo
Animal Planet +1	Comedy Central Extra +1	Discovery +1
At the races	Comedy Central +1	Diva
Bet +1	Crime& Investigation Net +1	Diva +1
Blighty	Crime & Investigation Network	DMAX
Bliss	Current tv	DMAX+ 1
Bravo	Dave	DMAX +2
Bravo+1	Dave ja vu	E!
Bravo 2	Discovery Channel	E4
CBS Action	Discovery Home and health	E4 +1
CBS Drama	Discovery Home and health + 1	Eden
CBS Reality	Discovery Knowledge	Eden +1
ESPN	Fiver	Gold
ESPN Classic	Fiver +1	Gold + 1
Extreme Sports Channel	Flava	Good Food
Film 24	Food Network	Good Food +1
Film 4	Food Network +1	Hallmark
Film 4 +1	Fox News	Hallmark +1
Five USA	FX	History Channel
Five USA + 1	FX +	History Channel HD
History Channel +1	Kiss TV	Motors TV
Home	Living +2	Movies 24
Home + 1	Living TV	Movies 24 + 1
Investigation Discovery	Living TV +1	Living TV 2
ITV2	Livingit	Movies 4 Men
ITV2 +1	Livingit +1	Movies 4 Men 2
ITV3	Magic TV	Movies 4 Men +1
ITV3+1	Men & Motors	MTV
ITV4	Military History	MTV + 1
ITV4 +1	More 4	MTV Base
Kerrang	More 4 +1	MTV Dance
MTV Hits	NME TV	Scuzz

MTV R	Q	Sky 1
MTV Two	Quest	Sky 2
National Geographic +1	Quest + 1	Sky 3
National Geographic TV	Really	Sky Arts 1
National Geographic HD	Sci-Fi Channel	Sky Box Office (Events)
National Geographic Wild	Sci-Fi Channel +1	Sky Movies Action/Thriller
Sky Movies Classics	Sky Movies Comedy	Sky Movies Drama
Sky Movies Family	Sky Movies Indie	Sky Movies Modern Greats
Sky Movies Premiere	Sky Movies Premiere +1	Sky Movies Sci-Fi /Horror
Sky Movies Screen 1	Sky Movies Screen 2	Sky News
Sky Real Lives	Sky Real Lives 2	Sky Real Lives +1
Sky Sports 1	Sky Sports 2	Sky Sports 3
Sky Sports Active 1	Sky Sports Active 2	Sky Sports Active 3
Sky Sports Active 4	Sky Sports Active 7	Sky Sports Extra
Sky Sports News	Smash Hits	The Biography Channel
The Box	The Hits	The Style Network
The Vault	VH1	VH1 classic
Virgin 1	Virgin 1 +1	Viva
Watch	Watch +1	Yesterday
Yesterday + 1	Zone Horror	Zone Horror +1

Radio stations

Absolute AM	Absolute FM	TalkSPORT
BRMB	Kiss 100 FM	Capital Radio
Metro City	Radio City	Clyde 1 102.5
Clyde 2 1152 AM	Cool FM	Key 103 FM
Galaxy Birmingham	Galaxy Manchester	Galaxy Scotland
Galaxy South Coast	Galaxy Yorkshire	Heart 96.3
Heart 106.2 FM	Red Dragon	104.9 XFM
Forth One		

Appendix 5 - ASA Adjudication

Diageo Great Britain Ltd

Date: 9 December 2009

Media: TV

Number of complaints: 1

Ad

A TV ad for Smirnoff Vodka featured a group of musicians entering an underground tunnel and setting up instruments for a gig. A man opened a cello case to reveal bottles of Smirnoff and was shown at a makeshift bar pouring vodka into someone's glass. A voice-over stated "We all wanted to try something completely different. It was extraordinary. I'll never forget being there". On-screen text stated "Be there" as the lights in the tunnel came on and the musicians began to play.

Issue

One viewer challenged whether the ad was irresponsible, because it suggested that vodka could enhance mood, improve performance as a musician and that the success of the social occasion was dependent on the consumption of vodka.

Response

Diageo Great Britain Ltd (Diageo) said the purpose of the ad was to highlight that Smirnoff could be an accompaniment to a great event, but that the success of that event was not dependent on alcohol. The ad showed a group of individuals attending an organised, pre-arranged concert in the alternative venue of a disused former subway station. The energy, mood and focus of the ad were all linked to the unique nature of the event location and the corresponding musical experience it produced, which were independent of the presence of Smirnoff Vodka. Diageo argued that there was no suggestion that attendance at the event required individuals to drink Smirnoff, or that the event was only being enjoyed by those that may have consumed the product.

Diageo pointed out that there was only one shot of Smirnoff during the ad, which was two-seconds long and did not appear until mid-way through the ad. Furthermore, the ad showed only one person being served a drink, and no alcohol was consumed by any of the people in the ad, including the musicians. They argued that the vodka itself, and any implied consumption, were an incidental rather than an integral part of the event depicted. Diageo said the mood was consistent throughout the ad and that the people were shown to be upbeat right from the outset, and there was no change in the musicians, or other people's behaviour after the product had been introduced.

Clearcast said the ad focused on the unusual circumstances and unique location of the event. They argued that there was no suggestion that the musicians' performance had been enhanced by alcohol or that the crowd had been drinking; they were excited by the atmosphere of the event. Clearcast said the ad did not focus on anyone drinking or suggest that alcohol was responsible for the mood of the event.

Assessment

Not upheld

The ASA noted that the musicians were excited and upbeat from the start, and that their behaviour remained unchanged throughout the ad and after the product had been introduced. We also noted that the ad showed only one drink being poured and no alcohol being consumed. We considered that alcohol was not shown to be essential to the success of the event, and we therefore also considered that the voice-over statement "We all wanted to try something completely different. It was extraordinary. I'll never forget being there" would be understood by viewers to refer to the unique circumstances of the event. We did not consider that the ad implied that the product could enhance mood or improve the performance of the musicians. We therefore concluded that the ad was not irresponsible.

We investigated the ad under CAP (Broadcast) TV Advertising Standards Code rules 11.8.1 (a) and 11.8.1 (e) (Alcoholic drinks) but did not find it in breach.

Action

No further action necessary.