

Compliance Report

Alcohol Advertising Survey 2007

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1 Summary

The ASA has undertaken this survey to determine the compliance rate of alcohol ads with the British Code of Advertising, Sales Promotion and Direct Marketing (the CAP Code) and with the BCAP TV and Radio Advertising Standards Codes (the BCAP Codes).

The Compliance team assessed alcohol ads that appeared in certain non-broadcast or broadcast media during the period before Christmas in December 2007. The pre-Christmas sample period mirrored that of the December 2006 alcohol survey, which was published in September 2007. This survey included online and radio ads whereas the 2006 one did not. Of the 463 ads assessed, 377 appeared in non-broadcast media (national press, magazines, online and posters) and 86 appeared in broadcast media (TV and radio). We have not included duplicates of ads that we found more than once in the results of the survey.

Of the 463 ads, 12 breached the CAP or BCAP Codes, a compliance rate of 97%. We considered that eight of the 377 non-broadcast ads (2%) breached the CAP Code, two of the 74 television ads (3%) breached the BCAP TV Code and two of the 12 radio ads (17% but one campaign in a small sample) breached the BCAP Radio Code.

The survey targeted what the Compliance team considered to be obvious breaches of the CAP and BCAP Codes. When a breach was identified, the Compliance team contacted the advertiser, told it to ensure its advertising complied fully with the relevant Code and, for non-broadcast ads, advised it to consult the CAP Copy Advice team in future.

The Compliance team will continue to monitor alcohol ads and work with marketers, publishers, ClearCast (the TV ad pre-clearance company) and the Radio Advertising Clearance Centre (RACC) to ensure ads comply with the CAP and BCAP Codes and that an acceptably high compliance rate is maintained.

2 Introduction

2.1 Background

The Advertising Standards Authority (ASA) is the independent body that endorses and administers the CAP and BCAP Codes, which apply to the content of non-broadcast and broadcast marketing communications. The ASA is responsible for ensuring that the self-regulatory system works in the public interest. It achieves that by investigating complaints, identifying and resolving problems through research and by promoting and enforcing high standards in marketing communications by ensuring that advertisers observe the CAP and BCAP Codes.

The Committee of Advertising Practice (CAP) is the body that created and revises the CAP Code. It represents advertisers, promoters and direct marketers, their agencies, the media and trade and professional organisations in the advertising, 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 enforce the Codes that govern TV and radio ads. BCAP comprises representatives of broadcasters licensed by Ofcom, advertisers, agencies, direct marketers and interactive marketers.

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

For background, 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 the drinking behaviour among teenagers and young adults, including excessive drinking, binge drinking and anti-social behaviour associated with drinking. As a result, both BCAP and CAP drew up tougher rules on the advertising of alcohol to ensure that ads published after 1 October 2005 did not

appeal particularly (CAP Code and BCAP Radio Code) or strongly (BCAP TV Code) to people under 18 years of age. As before, ads are not allowed to suggest drinking alcohol can result in sexual success or popularity, suggest 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 new strengthened rules also prevent alcohol ads from being associated with or reflecting youth culture by using music, language or animation or showing people behaving in an adolescent or juvenile way.

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 and Radio Codes both set out the rules that govern ads on television and radio channels licensed by Ofcom.

The non-broadcast CAP Code and broadcast BCAP Codes for TV and radio each contain restrictions on the advertising of alcohol. Appendices 1, 2 and 3 state the relevant alcohol Code clauses for broadcast and non-broadcast media.

2.3 Survey Objectives

The purpose of the survey was to:

- Assess compliance rates for ads for alcoholic drinks in the national press, consumer magazines, online, posters, TV and radio;
- Identify breaches of the CAP and 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 the alcohol ads for assessment. The sampling period ran from 1 December 2007 to 24 December 2007 and the media that were examined included national press, magazines, posters, online, TV and radio.

3.2 Media Examined in the Survey

Billetts Media Monitoring captured ads for assessment from these newspapers:

- Daily Record Scottish Edition
- Daily Star
- Mirror
- The Sun
- Daily Star Sunday
- Sunday Express
- The Independent on Sunday
- Mail on Sunday
- The Observer
- The Sunday Telegraph
- The Sunday Times
- Metro
- The London Paper
- London Lite
- The Independent
- Daily Mail
- Belfast Telegraph
- Daily Telegraph
- Evening Standard
- Daily Express
- Financial Times
- The Guardian
- Manchester Evening News
- News Of The World
- People
- Racing Post
- The Scotsman
- Sunday Mirror

- Sunday Tribune
- Sunday Business Post
- The Times

And from these magazines:

- Arena
- BBC Music Magazine
- Bella
- Best
- Bizarre
- Boots Health & Beauty
- Chat
- Company
- Cosmopolitan
- Country Life
- Elle
- Esquire
- Eve
- FHM
- Front
- Glamour
- GQ
- Heat
- In Style
- Loaded
- Marie Claire
- Maxim
- Men's Health
- Mojo
- New Woman
- Nuts
- Pick Me Up
- Prima
- Q
- Red
- Sainsbury's Magazine
- She
- Somerfield Magazine
- Stuff
- Take a Break
- Tatler
- Tesco Magazine
- That's Life

- The Face
- Time Out
- Top Sante
- Vanity Fair
- Vogue
- Waitrose Food Illustrated
- Woman
- Woman's Own
- Your M&S Magazine
- Yours
- Zest
- Zoo

And from these websites:

- www.upmystreet.co.uk
- www.viewlondon.co.uk
- Uk.my.yahoo.com
- Uk.sports.yahoo.com
- www.handbag.co.uk
- www.ivillage.co.uk
- www.empireonline.co.uk
- www.touchbirmingham.co.uk
- www.touchlondon.co.uk
- www.gq-magazine.co.uk
- www.vogue.co.uk
- www.mirror.co.uk
- www.icnetwork.co.uk
- www.dailyrecord.co.uk
- www.people.co.uk
- www.sundaymirror.co.uk
- www.skymovies.com
- www.heart1062.co.uk
- www.lottery.co.uk
- www.comparestoreprices.co.uk
- www.shopperuk.com
- www.50connect.co.uk
- www.cricinfo.com
- www.racingpost.co.uk
- www.pricerunner.com
- www.blueyonder.co.uk
- www.dooyoo.co.uk
- www.motorstoday.co.uk
- www.oddschecker.com

- www.propertytoday.co.uk
- www.supanet.com
- www.tiscali.co.uk/mobile
- www.virginmedia.com
- www.manutd.com
- www.guardian.co.uk
- www.skysports.com
- www.closerdiets.com
- www.orange.co.uk
- www.tiscali.co.uk
- www.blueyonder.co.uk
- www.motors.ebay.co.uk
- www.blueyonder.co.uk
- www.investorchronicle.co.uk
- www.arsenal.com
- www.myoffers.co.uk
- www.channel4.co.uk
- www.findarticles.com
- www.gmtv.com
- www.thetimes.co.uk
- www.itv.com
- www.imdb.co.uk
- www.uknetguide.co.uk
- www.sundaymail.co.uk
- www.thesun.co.uk
- www.allinlondon.co.uk
- www.city-visitor.com
- www.about.co.uk
- www.scotsman.com
- www.onthebox.com
- www.style.com
- www.independent.co.uk
- www.belfasttelegraph.co.uk
- www.aol.com
- www.bigbrother.com
- www.getlippy.com
- www.glamourmagazine.co.uk
- www.myvillage.com

And from these TV stations:

- ABC1
- Animal Planet
- Animal Planet +1

- At The Races
- B4
- Bravo
- Bravo +1
- Bravo 2
- C4 (all networks)
- Carlton Network
- Carlton Network Too
- Channel 4
- Challenge TV
- Chart Show TV
- Channel 4 Midlands
- Classic FM TV
- Crime and Investigation Network
- Discovery
- Discovery +1
- Discovery Civilisations
- Discovery Health
- Discovery Real Time
- Discovery Real Time +1
- Discovery Real Time Extra
- Discovery Science
- Discovery Travel & Living
- Discovery Wings
- E!
- E4
- E4 +1
- Eurosport
- Extreme Sports Channel
- Film 4
- Film 4 +1
- Five (all networks)
- Flaunt
- Fox News
- FTN
- FX
- GMTV
- Granada ITV
- Hallmark
- ITV (all networks)
- Kerrang
- Kiss TV
- Living TV
- Magic TV

- More 24
- More 4
- Motors TV
- Movies 24
- MTV
- National Geographic
- Paramount
- Performance Channel
- Premiership Plus
- Q
- Reality TV
- S4C
- Sci-Fi + 1
- Sci-Fi Channel
- Scottish ITV
- Scuzz
- Setanta Sports
- Sky News
- Sky Movies +1
- Sky Movies Comedy
- Sky Movies Drama
- Sky Movies Family
- Sky Movies Indie
- Sky Movies Premiere
- Sky Movies Premiere + 1
- Sky Sports 1,2,3
- Smash Hits
- The Amp
- The Biography Channel
- The Box
- The History Channel
- The Hits
- The Travel Channel
- The Vault
- TMF
- Turner Classic Movies
- UK Living
- UKTV (all channels)
- VH1
- Zone Reality
- Zone Reality Extra

And from these radio stations:

- BRMB
- Capital 95.8 FM
- Century 105.4 FM
- Classic FM
- Clyde 1 102.5
- Clyde 2 1152 AM
- Cool FM
- Essex FM
- Galaxy Birmingham
- Galaxy Manchester
- Galaxy Yorkshire
- Gold London
- Heart 100.7 FM
- Heart 106.2 FM
- Invicta FM
- Key 103 FM
- Kiss 100 FM
- LBC 97.3 FM
- LBC News 1152 AM
- Magic 105.4 FM
- Mercia 97.0 FM
- Metro Radio
- Power FM
- Radio City 96.7
- Radio Wave 96.5
- Real Radio Wales
- Real Radio Scotland
- Red Dragon FM
- Smooth London
- TalkSPORT
- Virgin AM
- Virgin FM
- XFM Scotland
- XFM London

3.3 How Code Breaches were Determined

The Compliance team recognised that subjective interpretation was sometimes required when considering whether alcoholic drinks ads might breach a Code clause. With that in mind, we first identified those ads that might breach a Code clause. We then presented those ads to a Panel consisting of ASA and CAP

Executives and Managers who were experienced in interpreting the relevant Code clauses. Only if all members of the Executive Panel agreed, did we record an ad under review as unacceptable.

If agreement could not be reached by the Executive Panel, ads were recorded as being questionable. We presented all questionable ads to the General Media Panel (GMP), a panel of industry experts that guides the Executive on CAP and BCAP Code interpretation. The GMP was asked to discuss each of the questionable ads and decide whether in its opinion a Code breach had occurred. The GMP decided that, of the seven questionable ads, one was unacceptable.

Following that process, the Compliance team recorded 12 ads containing Code breaches.

4 Findings

4.1 Compliance Rate

The survey sought to establish the proportion of alcohol ads appearing between 1 December 2007 and 24 December 2007 that complied with the BCAP and CAP Codes.

The Compliance team considered 463 ads in total, of which 12 (3%) breached a Code, a compliance rate of 97%.

4.2 Compliance Rate by Media Type

This table identifies the number of breaches found in each medium:

Media	No. of ads	No. of breaches	Compliance rate of media
Press and Outdoor	337	7	98%
Online	40	1	98%
Television	74	2	97%
Radio	12	2	83%

Over half the breaches were in press and outdoor ads but, given that almost 80% of the scrutinised ads fell into that media group, the compliance rate of 98% is encouraging. Although the compliance rate of radio ads seems poor in comparison, the two ads identified were from the same campaign and the sample size was too small to draw meaningful conclusions.

4.3 Compliance Rate of Product Categories

Product Category	No. of ads per product category	No. of breaches	Compliance rate of product category
Alcopops	9	0	100%
Beer & Lager	43	3	93%
Bitters & Ales	5	0	100%
Brandy	1	0	100%
Champagne	22	0	100%
Cider	23	0	100%
Gin	12	0	100%

Liqueur	24	0	100%
Port	4	0	100%
Rum	16	4	75%
Sherry	2	0	100%
Spirits	27	2	93%
Stouts	18	0	100%
Vermouths	0	0	100%
Vodka	37	3	92%
Whisky & Bourbon	73	0	100%
Wine	147	0	100%
Total	463	12	97%

The Compliance team identified that the ads breaching the CAP or BCAP Codes fell into five product categories of alcoholic drinks, as described by Billetts Media Monitoring: beer and lager, rum, spirits and vodka.

Most breaches were for rum ads; the four breaches gave that category a compliance rate of 75%. This was by far the lowest product category compliance rate; but that figure should be treated with caution, because all four of these ads were from the same campaign.

As the table shows, the number of breaches in each category was not proportional to the number of ads placed. Of the 147 wine ads and the 73 whisky and bourbon ads, none were considered to breach a Code.

The Compliance team did not identify a pattern of similar breaches occurring in the product categories.

4.3 Breaches Identified by the Compliance team

4.3.1 Press Breaches

- Three ads for rum listed ordinary office activities; each ad included an out of the ordinary activity in the list. The ads breached clause 56.4 of the CAP Code because they linked alcohol with overcoming boredom at work. We considered the ads had also breached clause 56.14 by irresponsibly encouraging workers to drink during the day time.
- Two ads for a lager featured a scantily clad woman posing provocatively and looking alluringly into the camera. The ad breached clause 56.9 by linking alcohol with seduction.

- An ad for vodka featured the upper body of a naked woman who was covering her breasts with her arms. The ad breached clause 56.9 by linking alcohol with seduction.
- An ad for a high-strength spirit featured a man dealing a pack of cards. The strap-line presented itself as a challenge to take on a high-strength drink thereby breaching clause 56.12 by portraying alcohol consumption as a challenge and linking alcohol with daring behaviour.

4.3.2 Online Breach

- A banner ad for rum that featured an old woman sitting in an armchair wearing headphones. The claims indicated that the woman was feeling tired because she had been up all night DJing at a nightclub. The ad breached clause 56.4 for implying that the woman had drunk excessively to have behaved in that way.

4.3.3 TV Breaches

- An ad for lager showed a man talking to a woman in a bar. The man successfully managed to talk himself out of a tricky situation when the woman's boyfriend arrived. The man was later seen talking with other women elsewhere in the bar. The ad breached clause 11.8.1(a) by suggesting alcohol had contributed to the man's popularity and confidence.
- An ad for a spirit showed glamorous and stylish men and women arriving at what seemed to be sunrise; next, they were sailing on a yacht in the daytime; finally they were shown partying at a house in the evening. The ad breached clause 11.8.1(g)(1) because it implied immoderate drinking.

4.3.4 Radio Breaches

- Two ads for a vodka-based drink that were narrated by a woman talking in a childlike manner and describing make-believe scenarios. The woman described a girl who seemed to be a social outcast who had imaginary friends and did not care what people thought of her behaviour. The ads breached clause 11.2(a) by using a treatment and a style of language that would have particular appeal to under-18s. The ads also breached clause 11.3(c) for suggesting that regular solitary drinking was acceptable and that alcohol could resolve personal problems.

4.4 ASA Investigations and Complaints

The ASA published two adjudications about television ads for alcohol drinks in December 2007. One concerned a TV ad for Lambrini by Halewood International Ltd and the other was a TV ad by Welsh Whisky Company Ltd. The adjudications are attached at Appendix 4.

During the sample period, the ASA received 42 complaints about alcohol ads from members of the public. The ASA decided that 41 were not justified and the remaining one was a duplicate complaint about the Lambrini ad.

Most of the complaints did not refer to problems cited by the Compliance team in ads that it recorded as having breached a Code clause, for example appeal to under-18s, linking alcohol to sex or seduction or implying immoderate drinking. 76% of the complainants objected that the ads were offensive; the other complaints were about the scheduling of TV alcohol ads when children might see them or objections that alcohol sales promotions were misleading.

At the time of writing, the ASA was investigating a complaint about one of the 74 surveyed TV ads. The ad was not recorded as a breach for the purposes of the survey.

5 Conclusions

Of the alcohol ads picked up in the sample between 1 December and 24 December 2007, the survey found that 3% breached a Code, a compliance rate of 97%. 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 94% from the previous survey.

On examining the compliance rate of the individual media, non-broadcast ads (press, outdoor, online) fared better with a compliance rate of 98%, compared with TV's compliance rate of 97% and radio's compliance rate of 83%, although the two radio ads that breached the Radio Code are attributed to one advertiser. Comparing those figures with their equivalents from the previous survey, the compliance rate of non-broadcast ads has improved from 94%, as has the compliance rate of TV ads, which has risen marginally from 95%. Online and radio ads did not form part of the previous survey.

Given that the alcohol rules in the CAP and BCAP Codes were strengthened in light of the concern about the drinking behaviour among teenagers and young adults, it was again encouraging that no breaches were identified in the alcopops category, a type of drink traditionally linked with teenagers. The Compliance team was nevertheless concerned that two radio ads were problematic because of their likely appeal to those under the age of 18. That could suggest that the industry needs to be reminded of the need to comply fully with the CAP and BCAP Codes.

The Compliance team contacted the advertisers whose ads breached the CAP or BCAP Code and sought an assurance that they would not publish or broadcast the same ads again.

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

6 Pre-publication advice

Seeking advice from the CAP Copy Advice team is the best way to ensure that non-broadcast marketing communications do not break the CAP Code and advertisers are urged to use that service. The team can draw on ASA research and previous ASA adjudications and is experienced at advising on the likely reaction of both the public and competitors. Consult the team on 020 7492 2100 (telephone), 020 7242 3696 (fax) or e-mail copyadvice@cap.org.uk. The team responds to almost all written enquiries within 24 hours.

Also, advertisers, their agencies and the media can stay on the right side of the line by using AdviceOnline, an up-to-date database of advice that tells advertisers what they can and cannot do and links users to relevant Code clauses, Help Notes and past ASA decisions. CAP encourages users to subscribe to Update@CAP, its e-mail newsletter. Both services are free and available on www.cap.org.uk.

For TV or radio pre-clearance advice, advertisers are urged to consult Clearcast (www.clearcast.co.uk) for TV ads or the RACC (www.racc.co.uk) for radio ads. Such pre-clearance is an explicit requirement of the BCAP Radio Code.

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 other type of health, fitness or weight control claim
 - 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

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.

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, 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;
- 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.

Appendix 4

ASA Adjudications



Halewood International Ltd

Date: 19 December 2007
Media: Television
Number of complaints: 3

Ad

A TV ad, for Lambrini alcoholic drink, showed different groups of young women dancing energetically in different locations, including a living room, an office, a room being decorated, a clothes shop, a gym and a hospital corridor; the women in the corridor were dressed in surgical scrubs. The last shot showed two women throwing themselves onto a sofa and a third woman handing each of them a glass of the product. A female voice-over stated "Just wanna dance? Do the Lambrini"; on-screen text stated "dothelambrini.co.uk".

Issue

1. Two viewers challenged whether the ad implied that alcohol had given the women confidence and enhanced their dancing performance.
2. One viewer, who believed the ad implied the women had all drunk Lambrini before dancing, challenged whether the ad showed that people had consumed alcohol in a working environment; in particular an office and a hospital.

BCAP TV Advertising Code: 11.8.1(a); 11.8.1(e); 11.8.2(d)

Response

1. & 2. Halewood said they had worked closely with the Broadcast Advertising Clearance Centre (BACC) to ensure compliance with the letter and spirit of the Code. They pointed out that the subject matter of the ad, Lambrini, was not revealed until the end of the ad which they believed prevented any immediate association between the product and dancing. They also pointed out that the product was not shown on screen during the dancing scenes and said they had made a conscious decision not to show any consumption of the product before or during the dancing scenes. They asserted that there was no suggestion or implication that consumption of the product had enhanced any individuals dancing or given them confidence. They argued that the only implication that might be taken from the ad, particularly because the product was shown being consumed only in a living room after the women had finished dancing, was that, after exerting oneself by dancing, an individual may find Lambrini refreshing.

Halewood argued that the dance routine was very sophisticated and demanded incredible poise and timing and could not be performed properly under the influence of alcohol. They asserted that the women were in complete control and did not look like they were under the influence of alcohol. They asserted that the ad merely showed slices of life during which confident, fun women chose to dance and that the ad suggested that those confident people liked to drink Lambrini but that the converse was not true: the ad did not suggest that it was Lambrini that had made the dancers confident.

Halewood pointed out that the ad did not show alcohol being drunk in a working environment and argued that the dancers were not shown as being under the influence of alcohol. They said they had been careful to ensure that the scenarios shown in the ad were not unsafe and did not encourage irresponsible drinking or feature drinking in an inappropriate environment. They said they had purposefully placed the women in working and other environments that were not associated with drinking (a gym class, decorating and a hospital) to make it clear that alcohol had not been consumed before or during the dancing.

The BACC said they had worked closely with Halewood throughout the clearance process. They believed the music was important and said they had advised them on which dancers they felt might be too young and which dance moves could be problematic. They believed the tone of the ad was one of female camaraderie in the form of well-rehearsed, synchronized movements that could never be associated with being under the influence of alcohol. They believed the ads had the feel of a 1950s musical extravaganza and did not feel firmly based in real life.

The BACC believed it was clear that no one had consumed alcohol and none of the actresses appeared under the influence of alcohol. They believed the women all appeared to be very agile and in control in order to perform such choreographed moves.

Assessment

1. Not upheld

The ASA noted the ad did not show consumption of alcohol before or during the dancing scenes and that the only time the product was shown was in a living room after the women had finished dancing. We also noted Halewoods argument that the dance routine demanded incredible poise and timing and could not be performed properly under the influence of alcohol. We considered that none of the women appeared to be under the influence of alcohol and that the ad did not imply that the women had been drinking alcohol before dancing but merely that they liked to dance and liked to drink Lambrini after they had been dancing. We understood that Halewood had named the specific dance the women were doing as the "Lambrini" and that the website named in the ad gave visitors the opportunity to learn the moves to the "Lambrini" dance. We considered therefore that the claim "Just wanna dance? Do the Lambrini" was merely intended to encourage women to visit the website and learn the "Lambrini" dancing performance; it did not suggest that consumption of Lambrini would enhance peoples dancing. We concluded that the ad did not imply that consumption of alcohol had contributed to the women's confidence or enhanced their dancing performance.

On this point, we investigated the ad under CAP (Broadcast) TV Advertising Standards Code rules 11.8.1(a) and 11.8.1(e) but did not find it in breach.

2. Not upheld

We noted Halewoods argument that they had purposefully placed the women in working and other environments that they believed were not associated with drinking. We noted the ad did not show any women consuming alcohol in the working environment, even after dancing, and considered that viewers were unlikely to infer that the women shown in a working environment had consumed alcohol. We considered the ad merely implied that the women liked dancing and, after working, enjoyed Lambrini. We concluded that the ad did not imply that people had consumed alcohol in a working environment.

On this point, we investigated the ad under CAP (Broadcast) TV Advertising Standards Code rule 11.8.2 (d) but did not find it in breach.

Action

No further action necessary.



Welsh Whisky Company Ltd t/a Penderyn Distillery

Date: 12 December 2007

Media: Television

Number of complaints: 21

Ad

A TV ad, for Brecon Five Vodka, showed a quiz show in a format similar to University Challenge with a quiz master and two teams: one was from the "BOFFINS INSTITUTE OF ADVANCED PHILOSOPHY" and the other consisted of four young women from the "VALLEY COLLEGE OF FURTHER EDUCATION". The quiz master asked "Soren Kierkegaard was an early advocate of which philosophical concept?" and a woman, named "JONES" from the "VALLEY COLLEGE" answered "Existentialism, innit!". The voice-over then said "Now that's not what you'd expect from Wales" and a bottle of the Vodka was shown against a background of running water. The voice-over continued "and neither is the award-winning Brecon Five Vodka, five column distilled for smoothness from our very own Penderyn Distillery".

Issue

Twenty-one viewers objected that the ad was offensive because they believed it presented a negative stereotype of Welsh people as being of low intelligence.

BCAP TV Advertising Code: 6.1; 6.6

Response

Newhaven Communications (Newhaven) responded on behalf of the Welsh Whisky Company. They said the campaign was a light-hearted and irreverent approach to "Not what you would expect from Wales", because the Penderyn

Distillery was the only one in Wales and the production of spirits was normally not associated with the Welsh. They explained that the ad was one of a campaign of three that were being aired in Wales only and included a male voice choir singing a Cheeky Girls' hit and the Millennium Stadium being renamed the Will Carling Stadium. They said they had not intended to insult the viewers and believed it was clear that the Welsh girls were the heroes of the situation by beating the philosophy boffins at their own game. They said the surprise was that anyone could beat the philosophy boffins at a philosophy question, not that the girl could answer the question. They believed the ad did not imply that Welsh people were of low intelligence.

The Broadcast Advertising Clearance Centre (BACC) said they had worked very closely with Newhaven to ensure that the approved ad contained acceptable humour that would prevent widespread or serious offence. They explained that the ad had been designed to show that the Welsh team were up against philosophy boffins, identified as such in the ad, and so it was clear that anyone, not just the Welsh team, would be unlikely to answer the question correctly before the boffins did, which was the basis of the surprise. They pointed out that the ad had been designed with the self-deprecating humour of the Welsh in mind, because it was for a primarily Welsh audience and had been made for a Welsh company and product. They said they believed the ad was self-mocking, light-hearted and cheeky and that it did not breach the Code.

Assessment

Not upheld

The ASA acknowledged that some viewers believed the ad was particularly insulting to Welsh women, because the team was entirely female, and some believed it was patronising because the surprise was based upon finding a knowledgeable Welsh person. We nevertheless noted the ad was intended to be light-hearted and played on the idea of how stereotypical "boffins" and young women from "the Valley" presented themselves. We considered that the ad showed the Welsh team getting the better of the philosophy boffins, which was unexpected regardless of the competing team, and therefore the Welsh team could be perceived in a positive light. We acknowledged that some viewers had felt insulted by the ad, but we nevertheless considered that most people would view the ad as a humorous play on the vodka's origin in Wales and not as insulting to Welsh people, or women. We considered that the mild stereotype was not harmful and concluded that the ad was unlikely to cause serious or widespread offence.

We investigated the ad under CAP (Broadcast) TV Advertising Standards Code rules 6.1 and 6.6 (Harm and offence), but did not find it in breach.

Action

No further action necessary.