

Alcohol advertising – the right measure?

Stakeholder Consultation Event Report
Advertising Standards Authority

Monday 17 November 2008, Our Dynamic Earth, Edinburgh



Contents

1. Introduction	2
2. Background	3
3. Opening address	4
3.1 Rt Hon Lord Smith of Finsbury, ASA Chairman	
3.2 Christopher Graham, ASA Director General	
4. Making friends and influencing culture	
Jack Law, Alcohol Focus Scotland	8
5. The industry approach to responsible marketing	
Philip Almond, Diageo Great Britain	12
6. Discussion	14
7. Summary	20
Appendix 1 – Adjudications on alcohol advertisements	21
Appendix 2 – The advertising Codes – alcohol rules	26
Appendix 3 – Organisations represented at the seminar	35

1. Introduction

Alcohol advertising has not historically attracted large numbers of complaints from the public. However, in recent years, increasing concern about the effects of alcohol on health and society has put the advertising of alcoholic products on the Government agenda.

In 2005, the already strict alcohol advertising rules were tightened further to address those concerns. In particular, the new rules aimed to prevent ads from being associated with or reflecting youth culture, encouraging irresponsible or dangerous behaviour or linking alcohol with seduction, sexual activity or sexual success.

Despite the strengthened rules, alcohol-related problems in society such as binge drinking and anti-social behaviour mean that all contributing factors, including advertising, remain under intense scrutiny.

This stakeholder consultation event was aimed at gauging opinions of a diverse mix of interested parties in the alcohol debate. It forms part of the ASA's on-going focus on ensuring that its application of the rules for alcohol advertising remain both relevant to public policy and proportionate without overly restricting the responsible marketing of a product that remains legally on sale to the public.

The stakeholder consultation was led by the ASA's Chairman, Rt Hon Lord Smith of Finsbury, and the Director General, Christopher Graham. Guest speakers were Jack Law, Chief Executive of Alcohol Focus Scotland, and Philip Almond, Marketing Director of Diageo GB.

2. Background

Alcohol misuse and the effects of alcohol on health and anti-social behaviour are of national concern. Governments in Westminster and Edinburgh face calls for tougher controls on its price, promotion and availability. This is particularly evident in the Scottish government's attempts to combat a problem that is estimated to cost in excess of £2billion a year in healthcare, policing, social services and the wider economy. Media reports claim that people in Scotland drank almost two litres more pure alcohol last year than those living in other parts of Britain. Alcoholic liver disease and the number of alcohol related deaths have doubled in a decade¹.

In a bid to tackle this problematic relationship with alcohol, in June 2008, the Scottish Executive (SE) published '*Changing Scotland's Relationship with Alcohol: A discussion paper on our strategic approach*'. Amongst other measures, the paper contained proposals for a ban on alcohol advertising before the 9pm watershed and in cinemas for films with a certificate below age 18. The discussion document also included a proposal to raise the age limit for purchasing alcohol from off-licenses and supermarkets from 18 to 21. On 2 October MSPs overwhelmingly voted against a motion on the proposals.

In June 2007, the Department of Health commissioned a review of the relationship between price, promotion and harm, including the links between advertising and harm and the effectiveness of the alcohol industry's voluntary code of practice. The initial findings stated:

"There is conclusive evidence of a small but consistent association between advertising and consumption at a population level."

"There is also evidence of small but consistent effects of advertising on the consumption of alcohol by young people at an individual level."

No supporting evidence has been published alongside these statements.

The ASA and the Committee of Advertising Practice (CAP and BCAP) have committed to take account of the full Price, Promotion, Harm review findings, particularly in respect of a review of the advertising Codes. There will be a public consultation exercise early in 2009.

3. Opening address

3.1 Rt Hon Lord Smith of Finsbury, ASA Chairman

Lord Smith opened the event by acknowledging that alcohol misuse was a matter of great concern to both the Scottish Parliament and many people in Scotland.

He explained that the seminar was designed to discuss the rules on alcohol and what the ASA should do to make sure alcohol advertising was socially responsible.

Alcohol continued to be headline news, he said, and reports of the effect on health and its role in anti-social behaviour had increased during the last few years. He noted that alcohol misuse currently costs Scotland £2.25 billion a year across the NHS, police, social services and the wider economy. He also noted that Scottish ministers claimed heavy drinking results in 40,000 hospital admissions a year in Scotland and 70% of assaults are alcohol-related.

He said although advertising played a part in influencing people's attitude to drink, all known contributing factors, such as availability, price and legal restrictions on age, must be examined to find workable solutions.

He said that the UK advertising Codes, written by the Committees of Advertising Practice, were some of the strictest in the world and that alcohol was more tightly controlled now than ever before. He noted that the special rules on alcohol advertising were further tightened in 2005 in response to Government concern over under-age and binge drinking. Ads must not link alcohol with sexual or social success, appeal to under 18s by association with youth culture, or encourage irresponsible or dangerous behaviour.

Lord Smith said that alcohol advertising did not generate large numbers of complaints. In the first ten months of this year, the ASA received 21,226 complaints across all sectors. Less than 2% of these complaints (369) related to alcohol ads. He noted that between 2006 and 2008, only 25 complaints about alcohol ads came from Scotland.

Lord Smith asked delegates to consider how influential alcohol advertising was on alcohol consumption and whether they thought the rules were

effective. He also asked for feedback on how the ASA was performing in its core function of keeping advertising standards high.

He asked:

- Are the alcohol rules strict enough?
- Do they prevent alcohol appealing to young people?
- Which parts of the rules need tightening?
- Is the ASA enforcing the Codes robustly enough?
- Are advertising freedoms being restricted?

3.2 Christopher Graham, ASA Director General

The Director General said it was important to frame the discussion of responsible advertising of alcohol as part of a national debate about changing the public's relationship with alcohol.

He noted that some people considered alcohol advertising to be part of the problem, but, he said, he hoped the ASA could be part of the solution. He stressed that its role would be limited because while the ASA regulated advertising it did not have authority over in-store displays, pub promotions and low price offers in supermarkets.

He said that if the ASA deemed an ad in breach of the CAP Code, it could ask the media to deny the advertiser space to advertise. He questioned who was going to stop products from being promoted and discounted in supermarkets.

The ASA's remit also did not extend to corporate websites where, he said, a significant amount of problematic promotions currently took place.

He explained the difference between ASA and CAP in their roles and functions and the difference between the broadcast and non-broadcast Codes. He introduced the ASA Council, explaining that it was composed of lay people as well as those with experience of advertising and the media.

In the first ten months of this year, the ASA received 21,226 complaints across all sectors, with fewer than 2% of those complaints (369) about 170 different alcohol ads. The ASA investigated 142 complaints about 24 of these ads. It upheld 20 complaints about 13 ads found to breach the advertising Codes.

Mr Graham reiterated that rules for alcohol in the CAP Code and the BCAP TV Code were strengthened in 2005 in response to the Government's Alcohol Harm Reduction Strategy. The five key areas that were tightened:

- Youth appeal
- Sexual links
- Social success
- Anti-social, daring, aggressive or irresponsible behaviour
- Handling of alcohol

TV ads were also subject to new tighter scheduling restrictions. They could not appear in or around children's television programmes or programmes that were likely to have particular appeal to children. In non-broadcast media, alcohol ads were not allowed in publications aimed at under 18s or those in which 25% of the readership is under 18.

Mr Graham showed a number of advertisements in his presentations to illustrate the specific rules – these are listed in Appendix 1. These showed the ASA in action as an effective regulator.

Since the new rules were introduced, joint ASA/Ofcom research into alcohol ads which were aimed at the younger end of the legitimate market had shown that more 11 to 13 year olds said they have never drunk alcohol – up 15% in two years. There had also been a significant decline in the proportion of young people saying they felt alcohol ads were aimed at them. However, the research also showed there had been an increase in young people thinking some 'edgier' ads made the drink look appealing and would encourage people to drink (25% in 2005 rising to 34% in 2007).

Mr Graham reported that compliance with the new rules was high. The ASA's compliance surveys of alcohol ads in 2006 and 2007 revealed that 94% and 97% respectively of all ads surveyed were in line with the Codes. The compliance reports can be viewed on the ASA website.

He emphasised that the ASA and CAP continue to offer training and advice on the Codes to the industry to help companies stay on the right side of the rules. He urged advertisers and agencies to use the free compliance advice service, Copy Advice, to avoid potential pitfalls and ultimately unwanted scrutiny by the ASA.

4. Making friends and influencing culture

Jack Law, Chief Executive, Alcohol Focus Scotland

Mr Law spoke on behalf of Alcohol Focus Scotland, a charity dedicated to raising awareness of, and reducing the significant health and social harm caused by, alcohol. Its long-term aim was to achieve a culture change in Scotland where far fewer lives are affected by alcohol misuse, and moderate, responsible drinking was the norm.

He argued that advertising was far more effective than we imagined and it could influence and shape behaviour whether or not an ad was targeted at us. He told an anecdote about a friend who fulfilled a lifelong dream of buying an Audi. Asked why he had bought the car, the friend said he had wanted an Audi since seeing an ad aged 9.

The point of marketing, he said, was to associate products with a set of values, lifestyles and behaviour. In the case of alcohol, advertising made drinking alcohol appear a normal behaviour.

He said the issue to address was not how alcohol advertising was targeted but how much exposure people had to it. He said that it didn't matter whether the advertising was targeted at any one age group, we were all exposed to the ads regardless of our age - and the ads influence us.

He said other factors such as sports sponsorship, price promotions, availability and price all played a role in shaping our attitudes towards alcohol.

Young people's relationship with alcohol was of particular concern, he said. Reports, he claimed, showed that the greater number of ads for alcohol young people saw, the more likely they were to drink. He made reference to a report published by Bupa in 2006 which found American youths who watched more alcohol ads tended to drink more alcohol. A study carried out in Ireland found that while alcohol ads were not targeted at young people, they were still appealing to under 18s.

Mr Law said young people enjoyed watching the ads because they used desirable images, good music and portrayed appealing lifestyles. He said that young people aspired to imitate parents, enjoyed ads which used humour and that they believed alcohol eased social lubrication with other

young people, increased sexual attraction and promoted mood alteration. He also said teenagers thought alcohol was an energy provider. Young people said, rightly or wrongly, that alcohol ads were aimed at them and encouraged them to drink.

He said the problems were not marginal – it was not a question of tackling just problem drinkers but problem drinking. He said that interested parties must consider how to change the drinking culture because it affected the whole of Scotland. He said that Alcohol Concern Scotland had been looking at ways of reducing consumption, strengthening values and communities and promoting positive attitudes and choices as well as providing support.

One of the key objectives of Scotland's licensing legislation was promoting and improving public health. He said the ASA should take this into account when judging ads.

He said that although the ASA's research showed that there was compliance with the Codes in the UK, the World Health Organisation had deemed self-regulation of advertising to be generally ineffective. He called for a robust external governance of alcohol advertising which could take into account the volume as well as the nature of advertising.

He asked why there was no regulation of sport sponsorship. He highlighted the sponsorship by Carlsberg of Liverpool Football Club's merchandise for children. He argued that it was inappropriate for an alcohol brand's logo to appear on a child's replica kit because children looked up to footballers and he believed the sponsorship was likely to influence them.

He added that outdoor advertising was also likely to encourage young people to drink. He quoted from a Home Office report which said, "there is consistent evidence to suggest that exposure to outdoor advertising or advertising in newspapers and magazines may increase the likelihood of young people starting to drink".

He praised the ASA for the way it enforced the advertising Codes but said that the scope of self-regulation itself was open to question. It was also vital for the ASA's remit to be fit for the digital media challenge, he argued.

Mr Law expressed particular concern about the fact that most of the harmful activity on the internet was currently not regulated by the ASA. Although it might regulate banner ads and paid for space on third party sites, it could not control the content of corporate websites.

He claimed that social networking sites such as Facebook, Bebo and MySpace were becoming increasingly influential on young people's exposure to alcohol. He highlighted applications on the social networking site Facebook by Miller, Microsoft and Absolut which allowed people to toast each other online and write messages such as "One is never enough".

Although users must declare that they were 18 years old or more before joining Facebook, many people who joined were under 18. He said further controls needed to be introduced to stop young people accessing such applications.

Mr Law said further work needed to be done on promoting responsible drinking. Studies showed that between 2001 and 2005 advertisers in the USA spent \$4.9bn on alcohol ads and just 2.1% of that on ads promoting social responsibility. He said young people were 239 times more likely to see an ad promoting drinking than one promoting responsible drinking.

He was concerned social responsibility messages promoted by drinks manufacturers offer a greater commercial benefit to the advertiser than a social benefit to society.

He considered there was too much tokenism in the industry. He criticized the Drinkaware campaign. Drinkaware is an independent charity supported by voluntary donations from the drinks industry which promotes responsible drinking.

Mr Law said that responsible drinking messages were ineffective. He showed an image of a Tennents lager ad which showed the 9% lager can alongside a social responsibility message. He said the brand was traditionally drunk by people who were unlikely to care about drinking responsibly.

He asked why drinks promotions comprising of dozens of cans included responsible drinking messages when the size of the pack and the price of

the pack encouraged excess drinking. He suggested placing signs with some of the risks of alcohol misuse on the packs.

He argued that greater emphasis should be placed on the risk of alcohol misuse. He suggested that a percentage of advertising spend should be put into tackling the consequences of alcohol abuse.

Concluding, he suggested a 9pm watershed should be imposed on all alcohol advertising on television.

5. The industry approach to responsible marketing Philip Almond, Marketing Director, Diageo Great Britain

Mr Almond spoke on behalf of Diageo, whose brands include Johnnie Walker, Guinness and Smirnoff.

He said the company aimed to be a leader in responsible drinking. With brands built up over hundreds of years, he said the company wanted to maintain its good reputation. It wasn't interested in pursuing cheap profits because, as well as being irresponsible, it was unlikely to have long-term benefits for the company and its brands.

He said that, in other countries with a more sensible approach to alcohol, people drank as much as in the UK but with different drinking patterns. He argued that alcohol could play an important part in a balanced lifestyle. Diageo, he said, wanted a society in which alcohol was neither abused nor demonized.

He said the company's aim was:

- To set world class standards in responsible marketing, promotion and innovation
- To promote a shared understanding of what responsible drinking means
- To work in partnership with others to combat alcohol misuse

He believed that changing our drinking culture for the better would take time but would be beneficial for all.

He said companies had advertised alcohol for hundreds of years and it was the sign of a mature society that they were able to do so. Alcohol advertising rules, he said, were tough but appropriate. He said it felt tougher since the new rules were introduced but that they were working. Additional interventions such as bans wouldn't address harm, he said. He warned that bans or restrictions on ads could have unintended consequences, for example, by limiting the use of responsible drinking adverts.

He said Diageo looked at the potential restrictions and believed that - based on evidence from other countries - a watershed would make little difference. In fact, it may mean that alcohol ads would be bunched up after 9pm creating a concentration.

Moving onto alcohol advertising on social networking sites, he said that of the 21 million people using Facebook in September 2008, 91% were over 18 years old. Indeed, age restrictions on alcohol brand forums on Facebook prohibited under 18s from participating.

Talking about the company's compliance with the advertising Codes, he said advertisers had no interest in breaching the CAP and BCAP Codes because an ASA adjudication carried significant reputational damage.

He said Diageo worked hard to comply with the Codes, organising training for staff and combining it with expert guidance from code 'champions' across the Marketing department, a formal approval system for marketing activity, working closely with CAP and Clearcast and learning from the precedent set by ASA adjudications.

Diageo ran a responsible drinking campaign across a range of media including TV, called Choices. It showed the consequences of drinking too much and had been seen by 10 million people to date. Feedback to the campaign showed that 62% of people who had seen the ads said they would change the way they drink.

Mr Almond called on the industry, government and NGOs to work closer together to change our drinking culture.

He said that Diageo was committed to working with the ASA to make ads responsible. He encouraged the ASA to try and bring the internet fully within the remit of the advertising Codes.

6. Discussion

Link between advertising and consumption

One of the key topics for discussion was whether there was a link between alcohol advertising and consumption.

Mr Almond argued that advertising merely encouraged people to buy a particular brand and did not encourage them to drink to excess. He said he did not think there was a proven link between advertising and consumption and harm.

Mr Law disagreed and argued that advertising meant that more people were likely to buy drink and consume it. He said that it didn't make it harmful but the ubiquity of alcohol advertising reduced our understanding of the risks of purchasing and consuming alcohol. He said that we associated products with celebrating success. A right of passage into adulthood is to drink alcohol. He said young people did not have the same controls as adults and advertising significantly influenced their behaviour.

A delegate agreed and said that advertising was effective and made drinking appealing.

Another delegate said it was misleading to say that there was no link between advertising and consumption. Why else, she asked, would a company spend 15% of its budget on advertising.

Mr Almond replied saying that the advertising spend was to build market share and not to increase consumption.

A delegate said that there was a big divide between academics in the link between advertising and consumption. She said 12 studies had shown that there was no link.

A delegate said that studies in the 1980s compared relationships with alcohol in the Soviet Union and the USA. Despite the Soviet Union having little or no advertising they had the same rate of alcohol related health problems as the USA.

Mr Law said the study showed a country's culture was as significant a factor as advertising. He said that in some cultures drunken behaviour was acceptable and this had to change.

Price promotions

While some people believed alcohol advertising held a key role in influencing consumer behaviour, many delegates were concerned about the role of price promotions on alcohol in shops.

The Chairman said that the advertising industry could not act alone. He said price and accessibility had to be tackled.

A delegate agreed and said he believed a multi-faceted approach was needed. He said he would be interested to hear the findings of the Sheffield University study. The academic study has examined the link between alcohol price and consumption. The first part of the Sheffield University report, released in July with the *Safe, Sensible, Social* consultation, concluded that “harmful” drinkers were influenced by price. The second part of the Sheffield review was due to look in more detail at the options for “restricting how alcohol is priced and promoted in the UK”. The delegate believed that pricing was an important factor in dealing with alcohol misuse.

Mr Law said that price was an important factor and although companies could not determine price, government could introduce legislation which would allow either they or the companies to influence pricing.

A delegate said he believed that companies had moved away from building brands and aiming for market share to aiming for volume consumption through low price promotions. He asked Mr Almond how he would react to his brands being used in price promotions.

Mr Almond said if a company was building a brand it would not want to discount it in a price promotion. It is the retailer, though, that controlled the price at which they were sold and asking them to act differently could be illegal under competition law.

Social networking

Picking up on the point made by Mr Law about companies promoting brands on social networking sites, a delegate agreed with Mr Law that social networking sites were a powerful way of marketing a brand.

Concerning the messages left on social networking sites encouraging people to drink heavily, Mr Law said that he acknowledged Mr Almond's point that brands had not written the messages. But, he said, brands had created the platform on which those messages were written.

A delegate said friendship networks were a causal factor. She said a pilot study had shown that young people were 57% more likely to be obese if a friend was obese. She speculated whether this result could be applied to binge drinking.

Social responsibility messages

Delegates discussed whether mandatory health messages could be placed on alcohol packaging or advertising and how effective they would be.

A delegate asked what type of message could be used on alcoholic drinks. One option, he suggested, was to use a hard-hitting message similar to that on tobacco packaging. He noted, however, that tobacco was proven to be damaging to health and alcohol drunk in moderation was not. He suggested a message such as "Alcohol misuse can cause cirrhosis."

While this approach might be effective on packaging, Mr Almond said he doubted the approach would be effective on advertising. He argued that consumers would be confused if an ad was selling a product and also warning them of its dangers. He said such an approach would render both messages ineffective.

Concerning Drinkaware, Mr Law said that merely having a message urging people to drink responsibly would not alone change behaviour.

Mr Almond said that Drinkaware was still in its infancy. He said it was an achievement merely to create it. As it grew, he said, it would become more powerful and have a more significant effect.

A delegate said Drinkaware was underfunded and this indicated to him that the industry was less interested in social responsibility than it claimed it was.

A delegate from the Portman Group said that Drinkaware was created by the Portman Group as a genuine attempt to be a force for good. He

believed that a simplistic message stating that alcohol was bad for health was trite and unhelpful. The site had received thousands of hits to date, he said.

He explained that the Portman Group had an independent panel and the code of practice was launched in 1996. As well as mirroring the advertising Codes, it also covered naming, packaging, branding and merchandise.

When advertisers refused to work within Portman Group guidelines, they could ask retailers to deny the company shelf space. The delegate said that between the Portman Group and the ASA, the issues were covered comprehensively. He invited delegates to approach the Portman Group with issues.

A delegate said that academic research showed that mandatory health messages could create a boomerang effect and result in people consuming more of the product.

The Media

Mr Almond argued that the media has an important part to play in discouraging young people from drinking.

A delegate asked whether the ASA could regulate the content of radio programmes – particularly those shows in which DJs boast about their hangovers.

The Director General explained that the ASA was responsible only for regulating paid-for advertising and not editorial content.

Sports sponsorship

A delegate from a sports club said she was concerned about banning alcohol brands from sponsoring clubs. She said the clubs relied on sponsorship to operate.

Mr Law said he did not want to discourage companies from investing in sports and the arts. He said they should give money but not through sponsorship.

The Director General said it was not just sports and the arts that were reliant on money from alcohol advertising. He said advertising pays for a lot of media, hence allowing the country to enjoy a vibrant creative industry. If publications or television companies could not carry alcohol advertising, they would be under even greater pressure to fund the editorial content part of their business.

ASA

Some delegates questioned the ASA's independence and its ability to regulate alcohol advertising.

A delegate said the ASA was too closely related to the industry and not independent. Another delegate called for a new independent body to regulate alcohol advertising and not the ASA. She believed much tighter regulation was needed.

The Chairman said that the ASA Council was fiercely independent. He noted that he had no connection with the advertising industry and two thirds of the council members were in the same position. He said the ASA was currently reviewing the entirety of the advertising Codes and would shortly begin a public consultation in an open, transparent and rigorous manner.

An ASA Council member reiterated that the council was independent. He added that he was surprised by how few complaints the regulator received about alcohol. He asked the room whether the ASA was well known enough and whether it was easy enough to complain?

A delegate said he believed the public did know how to complain but not enough was known about how a complaint is processed.

The Director General added that, according to a recent independent survey, the ASA was the best known regulator, ahead of Ofcom and the PCC. He wondered whether the public understood that the CAP Code was drawn up by responsible industry representatives.

Scheduling

A delegate praised the ASA for its tougher stance of alcohol advertising. He said, though, that his concern was with the number of alcohol ads broadcast throughout the day at peak times when children could see them. He said that if children were to be discouraged from drinking, they should not be exposed to them at all.

7. Summary

The Chairman said while it was unlikely there would be agreement between all the interested parties, the seminar had allowed for an informed debate. He said the possible link between alcohol advertising and consumption would continue to be explored.

Mr Law acknowledged that there were many studies, trials and papers written about alcohol and the relationship between alcohol, young people and health. As statistics could be used subjectively, he recommended interested parties collate as many different types of evidence as possible.

Mr Almond said that he had yet to find evidence proving that alcohol advertising increased total consumption or increases harm. He said this was a reason not to legislate.

He said if mandatory health messages were to be included on packaging, the messages should be created in partnership to avoid different brands carrying conflicting or confusing messages.

He said that tough regulation was not necessarily the answer. He said that Scandinavia was highly regulated with high alcohol prices but suffered high levels of binge drinking. Spain was lightly regulated with low alcohol prices and did not suffer binge drinking.

The Chairman said the following needed to happen:

1. The ASA needs to continue to be tough and consistent in its interpretation of the Codes when assessing alcohol ads.
2. Delegates should comment on the alcohol rules during the ASA's Code Review process.

The Chairman said addressing alcohol advertising alone was not going to be effective. To change society's attitude to alcohol, changes must also be made to education, pricing and accessibility.

Appendix 1 – Adjudications on Alcohol Advertisements

4.1 Coors Brewers Ltd – 15 October 2008



A TV ad, for Coors Light lager, showed two white men and a woman drinking in the mountains. One of the men said "You know what? That Coors Light tastes really light", the girl said "What?" and the other man replied "Yeah, really light". The ad then showed the two men on the street, one holding a plastic hand-held keyboard singing a song about the drink in a reggae style, imitating a Jamaican accent and dancing in an exaggerated way.

The ASA upheld complaints that the ad breached rules on youth appeal because the humour in the ad was juvenile and used themes that were likely to appeal strongly to adolescents, and that the characters' wacky, silly behaviour would appeal strongly to young peoples' sense of humour.

View the ASA's adjudication here:

http://www.asa.org.uk/asa/adjudications/Public/TF_ADJ_45145.htm

**4.2 The Little Drinks Company Ltd t/a Retail in Motion –
1 October 2008**



The ASA upheld complaints about a magazine ad, for Saile and Sabga champagne for linking alcohol with seduction. The ad featured a black and white image of a man and woman on a speed boat. The woman was sitting with her legs spread wide apart and was dressed in a bikini and stilettos. The man was lying on his back between the woman's legs, while she poured champagne from a bottle onto his chest.

View the ASA's adjudication here:

http://www.asa.org.uk/asa/adjudications/Public/TF_ADJ_45068.htm

4.3 Brown-Forman Beverages Europe Ltd – 29 October 2008



The ASA upheld four complaints about a TV ad, for Southern Comfort featuring a group of friends at a bar, drinking Southern Comfort, having fun and posing for photographs. The ad included on-screen text stating, "For picture perfect nights please drink responsibly".

The ASA considered the ad suggested drinking Southern Comfort would create a perfect night and breached the social success rule. The ad also implied the purchase of repeat rounds, thereby breaching rules about not encouraging irresponsible consumption.

View the ASA's adjudication here:

http://www.asa.org.uk/asa/adjudications/Public/TF_ADJ_45246.htm

4.4 Miller Brands (UK) Ltd – 19 September 2007



A TV ad for Miller Genuine Draft beer showed a man on roller skates performing a series of stunts (descending a staircase backwards, jumping through a tyre, somersaulting over a large group of dogs) before catching the eye of a woman who was drinking a bottle of Miller Genuine Draft beer. He arrived at a concert just in time to catch a glass of beer which was sliding along the bar and met his friends.

The ASA considered stunts constituted daring behaviour, and concluded that the ad associated alcohol with feats that would be considered dangerous, and appeal strongly to under 18s.

View the ASA's adjudication here:

http://www.asa.org.uk/asa/adjudications/Public/TF_ADJ_43212.htm

4.5 Bacardi-Martini Ltd – 19 January 2005



A cinema commercial, for Bacardi white rum, showed a group of people having a party on a deserted station platform. A drinks trolley attendant and a man acted as cocktail waiters, mixing rum and coke while a crowd danced around them. The voiceover and the text on the screen then stated "Bacardi. Welcome to the Latin Quarter".

The ASA deemed the commercial irresponsible, because it depicted alcohol as the main reason for the success of the party. It said the amount of alcohol featured was socially irresponsible and alcohol was not handled responsibly.

View the ASA's adjudication here:

http://www.asa.org.uk/asa/adjudications/non_broadcast/Adjudication+Details.htm?Adjudication_id=39185

Appendix 2 – The advertising Codes - alcohol rules

Relevant code clauses from the Television, Radio and Non-broadcast advertising codes (as at November 2008):

CAP Non-broadcast Alcohol Advertising Rules

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.

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.

BCAP TV Alcohol Advertising Rules

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)

BCAP Radio Alcohol Advertising 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.

Appendix 3 – Organisations represented at the seminar

Advertising Advisory Committee	Institute of Alcohol Studies
Advertising Association	ISBA
Advertising Standards Authority	Leith Agency
Alcohol Concern	MDAAT
Alcohol Focus Scotland	NHS Health Scotland
ASA Council	Office of Fair Trading
ASDA	Perth & Kinross DAAT Partnership
Babco Europe Ltd	PI
British Institute of Innkeeping	Radio Forth
Brown-Forman	RAPP
Caledonian University	SAADAT
City of Edinburgh Council	SABMiller plc
Clay Creative	Scotch Whisky Association
Clearcast Ltd	Scottish & Newcastle UK
Cloudline	Scottish Daily Newspaper Society
Committee of Advertising Practice	Scottish Government
Coors Brewers Ltd	Scottish Government & Alcohol Industry
Department for Children, Schools and Families	Partnership
Department of Health	Scottish Health Action on Alcohol
Diageo Great Britain Ltd	Problems (SHAAP)
Edinburgh Evening News	Scottish Licensed Trade Association
European Advertising Standards Alliance	Scottish Newspaper Publishers Association
Fife Constabulary Headquarters	Tartan Silk
Global Brands	Tesco Stores Ltd
GMTV	The Edrington Group
Hibernian FC	The Portman Group
Hush Communications	The Skinny
	West Dunbartonshire Council

ASA / CAP participants

Rt Hon Lord Smith of Finsbury, ASA Chairman
Christopher Graham, ASA Director General
Esra Erkal-Paler, Director of Communications, Policy and Marketing
Claire Serle, CAP Copy Advice Manager
Maria Donde, CAP Copy Advice Executive
Emily Henwood, Complaints Executive
Zoë Kalu, Events Organiser
Kirsteen Pitkin-Douglas, CAP Code Policy Executive
Debra Quantrill, Marketing Communications Executive
Michael Todd, Policy and Public Affairs Officer

For more information about the Advertising Standards Authority and its work, or to make a complaint about an advertisement, please visit www.asa.org.uk or call 020 7492 2222.

Advertising Standards Authority
Mid City Place 71 High Holborn London WC1V 6QT
Telephone 020 7492 2222 Fax 020 7242 3696
Textphone 020 7242 8159 E-mail enquiries@asa.org.uk
Online www.asa.org.uk

