

# Alcohol alternatives

Committee of Advertising Practice and Broadcast Committee of Advertising Practice consultation on new rules for alcohol alternatives

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## 1. Executive summary

**The Committee of Advertising Practice (CAP), author of the UK Code of Non-broadcast Advertising and Direct & Promotional Marketing (CAP Code) and the Broadcast Committee of Advertising Practice (BCAP), author of the UK Code of Broadcast Advertising (BCAP Code) are consulting on new rules and guidance to regulate the advertising of alcohol alternative products.**

With the increase in popularity of alcohol free alternatives to alcoholic drinks, CAP and BCAP consider that the marketing industry and the public would benefit from new rules and guidance to bring clarity to how these products should be marketed. Although the products are considered to be non-alcoholic, ads for them often use imagery redolent of alcohol and often mention drinking occasions. As such, CAP and BCAP have considered how these products should be marketed responsibly and how they intersect with alcoholic products covered by the Codes.

This consultation presents new proposed rules to the CAP and BCAP Codes, one amended and one deleted BCAP Code scheduling rule, and new formal guidance on the marketing of alcohol alternatives. These cover definitions, misleading advertising, responsibility, and targeting and scheduling restrictions. The rules and guidance should be read together.

**The consultation will close at 5pm on 5 May 2022. For more information on how to respond, please see section 7.**

## 2. Introduction to UK advertising regulation

### 2.1 The Committee of Advertising Practice (CAP)

CAP is the self-regulatory body that creates, revises and enforces the UK Code of Non-broadcast Advertising and Direct & Promotional Marketing (the CAP Code). The CAP Code covers non-broadcast marketing communications, which include those placed in traditional and new media, promotional marketing, direct marketing communications and marketing communications on marketers' own websites. The marketer has primary responsibility for complying with the CAP Code and their ads must comply with it. Ads that are judged not to comply with the Code must be withdrawn or amended. Parties that do not comply with the CAP Code could be subject to adverse publicity, resulting from rulings by the Advertising Standards Authority (ASA), or further sanctions including the denial of media space.

CAP's members include organisations that represent advertising, promotional and direct marketing and media businesses. Through their membership of CAP member organisations, or through contractual agreements with media publishers and carriers, those organisations agree to comply with the Code so that marketing communications are legal, decent, honest and truthful, and consumer confidence is maintained.

By practising self-regulation, the marketing community ensures the integrity of advertising, promotions and direct marketing. The value of self-regulation as an alternative to statutory control is recognised in EC Directives, including Directive 2005/29/EC (on unfair business to consumer commercial practices). Self-regulation is accepted by the Department for Business, Energy and Industrial Strategy and the courts as a first line of control in protecting consumers and the industry.

Further information about CAP is available at [www.cap.org.uk](http://www.cap.org.uk).

### 2.2 The Broadcast Committee of Advertising Practice (BCAP)

BCAP is the regulatory body responsible for maintaining the UK Code of Broadcast Advertising (the BCAP Code) under agreement with the Office of Communications (Ofcom). Ofcom has a statutory duty, under the Communications Act 2003, to maintain standards in TV and radio advertisements. In 2004, Ofcom entrusted BCAP and the broadcast arm of the ASA with the regulation of broadcast advertisements in recognition of CAP and the ASA's successful regulation of non-broadcast marketing for over 40 years, and in line with better regulation principles.

The BCAP Code regulates all advertisements on television channels and radio stations licensed by Ofcom and all advertisements on Sianel Pedwar Cymru (S4C) and S4C digital, including teleshopping channels and any additional television service (including television text services and interactive television services). The BCAP Code is enforced against Ofcom-licensed broadcasters, Sianel Pedwar Cymru (S4C) and S4C digital. Broadcasters are required by the terms of their Ofcom licence, and, for S4C, by statute, to adhere to the standards set out in the BCAP Code.

BCAP members include broadcasters and trade associations representing advertisers, broadcasters and agencies. BCAP must seek advice on proposed Code changes from an expert consumer panel, the Advertising Advisory Committee (AAC). Under Section 324 of the Communications Act 2003, BCAP must consult on proposed Code changes. BCAP strives to ensure that its rule-making is transparent, accountable, proportionate, consistent

and targeted where action is needed, in accordance with the Communications Act 2003. Ofcom must approve Code changes before BCAP implements them.

Further information about BCAP and the AAC is available at [www.cap.org.uk](http://www.cap.org.uk).

### 2.3 The Advertising Standards Authority (ASA)

The ASA is the independent body responsible for administering the CAP and BCAP Codes and ensuring that the self-regulatory system works in the public interest. The Codes require that all advertising is legal, decent, honest and truthful.

The ASA assesses complaints from the public and industry. Decisions on investigated complaints are taken by the independent ASA Council. The ASA Council's rulings are published on the ASA's website and made available to the media. If the ASA Council upholds a complaint about an ad, it must be withdrawn or amended.

An Independent Review Procedure exists for interested parties who are dissatisfied with the outcome of a case. CAP conducts compliance, monitoring and research to help enforce the ASA Council's decisions. Information about the ASA is available at [www.asa.org.uk](http://www.asa.org.uk).

### 2.4 Funding

The entire system is funded by a levy on the cost of advertising space, administered by the Advertising Standards Board of Finance (Asbof) and the Broadcast Advertising Standards Board of Finance (Basbof). Both finance boards operate independently of the ASA to ensure there is no question of funding affecting the ASA's decision-making.

Information about Asbof and Basbof is available at [www.asbof.co.uk](http://www.asbof.co.uk) and [www.basbof.co.uk](http://www.basbof.co.uk).

### 3. Regulatory framework of the BCAP Code

#### 3.1 Communications Act 2003

The [Communications Act 2003](#) (the Act) sets out provisions for the regulation of broadcasting and television and radio services, including provisions aimed at securing standards for broadcast advertisements. The most relevant standards objective to this consultation is:

[319\(2\)\(h\)](#) that the inclusion of advertising which may be misleading, harmful or offensive in television and radio services is prevented.

The Act requires Ofcom to set and, from time to time, review and revise, a Code containing standards for the content of broadcast advertisements carried by TV and radio services licensed under the Broadcasting Acts [1990](#) and [1996](#). Ofcom has contracted out the setting of advertising standards to BCAP under the [Contracting Out \(Functions Relating to Broadcast Advertising\) and Specification of Relevant Functions Order 2004](#). That function is exercised in consultation with and agreement of Ofcom.

## 4. Proposals

CAP and BCAP propose a new sub-section of rules in the Alcohol sections of the Codes, and an amendment to the BCAP scheduling rules, to deal specifically with alcohol alternatives. These rules would be accompanied by formal guidance, which also forms part of this consultation and is attached separately. The rules should be read alongside the guidance.

For clarity and ease of reading, the CAP Code rules are presented first, followed by the BCAP Code rules. The rules are, in function and principle, materially the same. However, numbering, terminology, and the sections in which the rules are located have some differences between the Codes.

### Proposed rules - CAP

#### Alcohol alternatives

Alcohol alternatives are non-alcoholic drinks (those at or under 0.5% ABV) that are intended to replace alcoholic drinks in contexts where they would normally be consumed, for example non-alcoholic beer. A specific drink or range of drinks is an alcohol alternative if the audience is likely to consider it as such.

#### 18.18

If a marketing communication for an alcohol alternative also refers to, or otherwise has the effect of promoting, an alcoholic drink, the rules relating to alcoholic drinks apply in full.

For the avoidance of doubt, where a marketing communication is for an alcohol alternative that shares the same brand as an alcoholic drink, then this rule will not apply provided that the marketing communication is solely for the alcohol alternative and not the brand itself.

#### 18.19

Marketing communications for alcohol alternatives with ABVs above 0% must include a prominent statement of their ABV. For the avoidance of doubt, marketing communications for alcohol alternatives are not prohibited from making a feature of their ABV or from making preference claims on this basis.

#### 18.20

Marketing communications that feature alcohol alternatives being consumed in circumstances that would be inappropriate or unsafe for alcoholic drinks must make clear that the product is non-alcoholic.

#### 18.21

Marketing communications for alcohol alternatives must not encourage the consumption of alcohol at times or on occasions that are not generally considered to be appropriate, such as during the working day or during sporting activities.

## 18.22

Marketing communications must not encourage excessive or otherwise problematic consumption of alcohol or promote alcohol alternatives in a way that might encourage an increase in drinking. This does not prohibit ads from encouraging heavy or binge drinkers to swap to alcohol alternatives.

## 18.23

Marketing communications for alcohol alternatives must not be likely to appeal particularly to people under 18, especially by reflecting or being associated with youth 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 the young to drink alcohol or alcohol alternatives. People shown drinking or playing a significant role (see rule 18.24) should not be shown behaving in an adolescent or juvenile manner.

## 18.24

Marketing communications for alcohol alternatives must not be directed at people under 18 through the selection of media or the context in which they appear. No medium should be used to advertise alcohol alternatives if more than 25% of its audience is under 18 years of age.

## 18.25

People shown drinking or playing a significant role must neither be nor seem to be under 25. People under 25 may be shown in marketing communications, for example, in the context of family celebrations, but must be obviously not drinking.

## Proposed rules - BCAP

### **Alcohol alternatives**

Alcohol alternatives are non-alcoholic drinks (those at or under 0.5% ABV) that are intended to replace alcoholic drinks in contexts where they would normally be consumed, for example non-alcoholic beer. A specific drink or range of drinks is an alcohol alternative if the audience is likely to consider it as such.

## 19.19

If an advertisement for an alcohol alternative also refers to, or otherwise has the effect of promoting, an alcoholic drink, the rules relating to alcoholic drinks apply in full.



For the avoidance of doubt, where an advertisement is for an alcohol alternative that shares the same brand as an alcoholic drink, then this rule will not apply provided that the advertisement is solely for the alcohol alternative and not the brand itself.

#### 19.20

Advertisements for alcohol alternatives with ABVs above 0% must include a prominent statement of their ABV. For the avoidance of doubt, advertisements for alcohol alternatives are not prohibited from making a feature of their ABV or from making preference claims on this basis.

#### 19.21

Advertisements that feature alcohol alternatives being consumed in circumstances that would be inappropriate or unsafe for alcoholic drinks must make clear that the product is non-alcoholic.

#### 19.22

Advertisements for alcohol alternatives must not encourage the consumption of alcohol at times or on occasions that are not generally considered to be appropriate, such as during the working day or during sporting activities.

#### 19.23

Advertisements must not encourage excessive or otherwise problematic consumption of alcohol or promote alcohol alternatives in a way that might encourage an increase in drinking. This does not prohibit ads from encouraging heavy or binge drinkers to swap to alcohol alternatives.

#### 19.24

**Television only** – Alcohol alternatives advertisements must not:

##### 19.24.1

be likely to appeal strongly to people under 18, especially by reflecting or being associated with youth culture or showing adolescent or juvenile behaviour

##### 19.24.2

include a person or character whose example is likely to be followed by those aged under 18 years or who has a strong appeal to those aged under 18.

#### 19.25

**Radio only** – Alcohol alternatives advertisements must not:

### 19.25.1

be targeted at those under 18 years or use a treatment likely to be of particular appeal to them.

### 19.25.2

include a person or character whose example is likely to be followed by those aged under 18 years or who has a particular appeal to those aged under 18.

### 19.26

Alcohol alternatives advertisements must not feature in a significant role anyone who is, or seems to be, under 25 and must not feature children.

An exception is made for advertisements that feature families socialising responsibly. Here, children may be included but they should have an incidental role only and anyone who seems to be under the age of 25 must be obviously not drinking alcohol or alcohol alternatives.

### 32.2

These may not be advertised in or adjacent to programmes commissioned for, principally directed at or likely to appeal particularly to audiences below the age of 18:

#### 32.2.1

Alcoholic drinks containing 0.5% or more by volume or alcohol alternatives at or below 0.5% ABV

#### **Removal of:**

### 32.4

These products may not be advertised in or adjacent to programmes commissioned for, principally directed at or likely to appeal particularly to persons below the age of 16:

#### 32.4.7

drinks containing less than 1.2% alcohol by volume when presented as low-alcohol or no-alcohol versions of an alcoholic drink

## 5. Background

### 5.1

Low- and no-alcohol products are increasing in popularity and are no longer a niche category; this includes alcohol-free products that are specifically designed to provide a direct alternative to standard alcoholic drinks. The market for these products has increased markedly over the last two years<sup>1</sup> and the amount of advertising has, naturally, followed this pattern.

When the alcohol rules in the CAP and BCAP Codes were developed, the zero alcohol market was small and relatively niche, with little marketing. As such, it was unnecessary to consider in great detail the way in which such products should be marketed. However, the increase since then has led to sufficient marketing activity that new rules and guidance would clearly be helpful to advertisers and provide suitable protection to consumers.

Public health guidance is clear that reducing alcohol intake is beneficial, and the alcohol alternative market is one of the elements that makes this easier for consumers. As such, CAP and BCAP consider that it is important for the rules on alcohol alternatives to recognise the benefits of these products and enable marketers to encourage reducing alcohol intake in as many ways as possible, provided those ways are responsible.

Advertising for alcohol alternatives often includes imagery that resembles alcoholic products, references to situations where alcohol is likely to be consumed, explicit references to reasons not to drink, and mention of their lack of alcoholic strength. Therefore, CAP and BCAP considered that they have sufficient overlap with alcohol marketing to require careful analysis of how they can be marketed responsibly.

Because the extremely low alcoholic strength of alcohol alternatives means that they are incapable of intoxicating consumers and their risk profile is therefore significantly reduced, CAP and BCAP determined that it would be overly restrictive to bring all ads for them under the full scope of the Alcohol sections of the Codes. Instead, the proposal is for rules that deal with any references to alcohol, specific alcoholic products/brands, and/or behaviours connected to alcohol consumption or the culture surrounding it. As detailed below, CAP and BCAP also considered how the ABVs of alcohol alternatives should be conveyed to consumers, and the issues surrounding targeting and scheduling ads away from under-18s.

### 5.2

CAP and BCAP understand that there is no statutory definition of alcohol alternatives<sup>2</sup>, but consider that alcohol alternatives are non-alcoholic drinks (those at or under 0.5% ABV) that are intended to replace alcoholic drinks in contexts where they would normally be consumed, for example non-alcoholic beer. In relation to advertising content in particular, specific drink or range of drinks is an alcohol alternative if the audience is likely to consider it as such; it will depend on the context and presentation of the product in the ad. The guidance expands on what factors will contribute to this interpretation.

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<sup>1</sup> <https://www.portmangroup.org.uk/65504-2/>

<sup>2</sup> The Soft Drinks Industry Levy does contain criteria for identifying alcohol replacements, although this is to assist with defining them in relation to nutritional content and tax exemptions, rather than differentiating them from alcoholic products or considering them from a specific public health and responsibility perspective.

The ABV threshold of 0.5% to denote non-alcoholic drinks has been chosen after extensive consideration. CAP and BCAP understand that, since 2018, there has been no statutory threshold for what constitutes a non-alcoholic drink, with the now-revoked legislation<sup>3</sup> being translated into non-binding statutory guidance. As the guidance is non-binding, CAP and BCAP are not entitled to require advertisers to use this definition. In the Advertising Codes, drinks at or below 0.5% ABV are already excluded from the definition of 'alcoholic'; this reflects factors including the way in which the Licensing Act treats drinks of this strength. The alcohol alternatives market, broadly speaking, uses 'alcohol free,' 'zero alcohol,' and 'non-alcoholic' to describe drinks at or below 0.5%, and CAP and BCAP consider that this is a reasonable and proportionate level at which to set the baseline for the ABV of alcohol alternatives, and is consistent with the scope of the existing alcohol rules.

### 5.3

As noted above, CAP and BCAP consider that alcohol alternatives, because of their adult audience and proximity to the tropes and imagery of standard alcohol, should be subject to specific ad regulations to ensure that marketing is responsible. Currently, this is achieved through general social responsibility rules and the potential for alcohol marketing rules to cover non-alcohol ads that indirectly promote alcohol. However, a clearer and more specific approach would ensure a level playing field for industry and more concrete safeguarding of consumer welfare.

Explored further below, CAP and BCAP do not consider that the full application of the alcohol rules to alcohol alternatives is merited because the lack of alcohol means that many of the specific aspects of safety and responsibility are significantly reduced or removed. Instead, the rules focus on broader principles:

- Indirect promotion of alcohol (including branding shared with alcoholic product)
- Indirect promotion of unwise or irresponsible alcoholic drinking styles
- Instances where alcohol alternatives may and may not be marketed as being responsibly consumed

As many of the rules depend on the context and content of the ad, they are accompanied by formal guidance that explains how the rules should be interpreted and applied, including examples of approaches that would and would not be acceptable. The remainder of this document outlines the rationale behind CAP and BCAP's proposed rules.

### 5.4

#### **Alcohol free and ABVs**

As previously stated, CAP and BCAP also understand that there is currently no statutory threshold for what can be termed 'alcohol free' and consider that, in the absence of a binding statutory definition, a threshold of 0.5% ABV is appropriate for the purposes of advertising regulation. However, CAP and BCAP also understand that some people, whether for health, lifestyle, or religious reasons, may wish to avoid entirely any food or drink that incorporates alcohol as part of its manufacturing process and still retains some of that alcohol at a detectable level. As such, under CAP and BCAP's existing rules on

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[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/763840/low-alcohol-descriptors-guidance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/763840/low-alcohol-descriptors-guidance.pdf)

Misleading Advertising, drinks describing themselves as ‘alcohol free’ (or any other term having the same meaning to consumers) must be advertised with a statement of ABV presented with reasonable prominence unless they are genuinely alcohol free (such as blends of botanical ingredients).

### **Definition of alcohol alternatives**

As many drinks may be considered to be alcohol free and, thus, a potential alternative to alcohol, it is insufficiently specific to define alcohol alternatives simply as ‘drinks at or below 0.5% ABV’. Instead, CAP and BCAP’s proposed definition aims to include only those drinks that are presented as direct alternatives to alcohol, largely to be consumed in the same or very similar contexts as alcohol. This includes criteria such as branding, the way a drink is presented (e.g. in beer glasses or cocktail shakers) and the way it is described (such as the difference between a ‘pineapple and coconut juice drink’ and a ‘virgin pina colada’). Therefore, the overall principle is that a specific drink or range of drinks is an alcohol alternative if a reasonable person is likely to consider it as such, with criteria specified in the guidance.

### **Promotion of alcoholic drinks**

Some ads may, deliberately or otherwise, have the effect of promoting an alcoholic drink. A clear example of this would be a supermarket advertising alcohol and alcohol alternatives together. Such an ad would be covered fully by the existing alcohol rules. However, there are other possible situations in which an ad that does not specifically include alcoholic products that may still have the effect of promoting alcohol. There are also instances where an alcoholic drink may be mentioned, but not in a promotional way. CAP and BCAP’s proposed rules and guidance aim to clarify what constitutes the promotion of alcohol in ads for alcohol alternatives.

#### *Retailer websites*

As availability increases, alcohol retailers are likely to expand the range of alcohol free products that they offer. Depending on the architecture of the retailer’s website, many references to alcoholic products in pages relating to alcohol alternatives are likely to be considered incidental. If a page is specifically about an alcohol alternative, it is clear that the product is non-alcoholic, and there is no explicit direction to an alcoholic product in the information about the alternative, CAP and BCAP consider that aspects such as links to brand pages or automatic lists like ‘you previously viewed’ would not be promotional. This is because they form part of the general background functions of the site or reflect the customer’s prior behaviour, and are not actively or prominently featuring those drinks.

#### *Broad references to alcohol*

CAP and BCAP consider that ads referring to ‘drinking’ in a general sense (without featuring specific brands) in order to encourage consumers to switch to an alcohol alternative should not be treated as promoting alcoholic drinks. This is especially the case for ads that do not use imagery associated with drinking alcohol. CAP and BCAP’s view is that such ads are not intended to promote alcoholic drinks, but are instead intended to establish alcohol alternatives as a good option for those who do not want to drink but who still want to participate in social events that often involve alcohol, including those consumers who have not considered them before. As such, it is appropriate and beneficial to enable advertisers (including those from public health groups and the like) to market these benefits with a wide degree of flexibility and without some of the restraints on imagery imposed by the alcohol

rules. Nonetheless, these ads would still be subject to other responsibility requirements as set out in other proposed rules.

### *Alcohol alternatives by alcohol brands*

With the expanded alcohol alternative market has come an increase in alcohol brands creating alcohol free versions of their usual products. CAP and BCAP understand that, for some drinkers, the availability of a non-alcoholic version of their usual drink is a powerful factor in switching to an alcohol alternative and, therefore, reducing alcohol intake. As such, the proposed rules and guidance seek to enable effective and flexible promotion of an alcohol brand's non-alcoholic products, while ensuring that the alcohol rules still apply when the focus is on the brand rather than the alcohol free product.

CAP and BCAP propose that, where the focus of the ad is clearly on the alcohol free product rather than the brand, this would not be seen to promote the brand as a whole (and, by extension, an alcohol product). However, where the brand name was the main focus of the ad, and the alcohol alternative a secondary consideration, this would be seen to promote alcohol. CAP and BCAP consider that this strikes a careful balance between ensuring that content promoting alcohol is subject to the right rules, while giving alcohol brands the opportunity to promote their alternative products to consumers.

Building from this principle, one of the ways in which CAP and BCAP propose enabling the transition between alcohol and alternatives is to allow advertisers to compare an alternative with their standard alcoholic drinks in a factual manner without being interpreted as promotional. For instance, claims such as "The same hoppy taste as our usual IPA" or "if you like our gin, you'll love this alcohol-free alternative" would not be considered to promote the original product and would therefore not be subject to the full Alcohol rules. However, claims that are overtly promotional, such as focusing on the reasons to purchase the alcoholic version, would invoke the alcohol rules. This would include claims (promotional aspects **bolded**) such as "an alcohol free version of our **best-selling** prosecco" or "the same **fantastic** taste, just without the alcohol."

### **Unsafe circumstances**

As reflected in the alcohol rules, there are circumstances in which CAP and BCAP consider it is irresponsible and inappropriate to depict alcohol consumption in advertising. Because the very low ABV of 0.5% is widely considered to be functionally incapable of intoxicating consumers, many of these circumstances, such as driving, would not be considered irresponsible after consumption of alcohol alternatives. As such, within reason, CAP and BCAP consider that there are some instances in which depictions that would not be responsible for *alcoholic* products are not irresponsible for alcohol alternatives. However, because many alcohol alternatives look similar to standard alcohol, a key principle is that ads seeking to depict them in such circumstances should make absolutely clear that the product is non-alcoholic. To avoid irresponsible ambiguity, this clarity should come at the same time as or before the imagery in question. As outlined above, CAP and BCAP understand that some people may prefer to avoid even 0.5% ABV products, especially during pregnancy; the rules relating to clear ABV statements would still apply, to ensure that consumers are aware of the presence of a small amount of alcohol.

### **Additional drinking occasions**

CAP and BCAP understand that one of the concerns with the prevalence of alcohol alternatives is the potential for them to increase alcohol consumption by normalising

drinking alcohol-like products at times where drinking alcohol would not be considered socially acceptable (although not necessarily dangerous). To mitigate this, CAP and BCAP propose a rule prohibiting ads for alcohol alternatives from encouraging alcohol consumption at times that are not generally considered to be appropriate. This might include situations like working at a desk in an office, as a regular breakfast drink, or while working out. Although CAP and BCAP do not consider that every reference to an alcohol alternative in these circumstances would inherently promote alcohol consumption, with the presentation and context of an ad playing a significant role, most uses of alcohol imagery (such as dressed/garnished drinks resembling cocktails) would be highly likely to be inappropriate.

### **Excessive alcohol consumption**

As noted in some of the above points, alcohol alternatives often use imagery and contexts that are redolent of alcohol and the surrounding social culture, as these help to position the products as alternatives to alcohol drinks, particularly in social settings. Some of these ads may feature some of the downsides of drinking to persuade consumers to switch, or may push the need for being sober to be more 'fun'. CAP and BCAP consider that both these approaches may, in some instances, have the effect of encouraging excessive consumption of alcohol, either by depicting heavy drink as normal or hedonistic, or by presenting sobriety as dull, strange, or otherwise undesirable. References to wanting or needing to drink in situations that are usually considered unacceptable (see 'Additional drinking occasions' above) would also be considered irresponsible. Therefore, the proposed rules prohibit content that encourages excessive or problematic alcohol consumption. However, this rule does *not* seek to prohibit ads from showing excessive drinking in the context of persuading heavy drinkers to switch all or some of their drinks to non-alcoholic alternatives, as long as these depictions are not framed as desirable or normal.

### **Children**

Although alcohol alternatives are considered to be alcohol free, CAP and BCAP recognise that their proximity to alcohol and their place within the social context of alcohol makes them a product that is broadly adult in nature. The proposed rules extend the scheduling, targeting, and appeal of content rules already extant in the alcohol section to cover alcohol alternatives. This means that ads for alcohol alternatives may not be likely to appeal particularly to people under 18, may not be directed at people under 18 through the selection of media or scheduled around programmes likely to appeal particularly to them, or feature people who are or seem to be under 25. CAP and BCAP consider that this strikes a balance between maintaining protections for under-18s in relation to alcohol and its associated imagery and culture, and allowing advertisers to market products towards those who are their target market. The proposed changes to BCAP's scheduling rules bring together existing rules relating to standard alcoholic drinks and low and non-alcoholic alternatives, ensuring consistency. The proposed additions to the CAP rules mirror existing rules for alcoholic drinks.

## 6. Consultation questions

**Respondents are invited to provide their comments and answer the following questions in relation to the proposed rules and guidance (which should be considered together):**

1. Is the definition of 'alcohol alternatives' clear, feasible, and appropriate?
2. Do respondents agree with the principles and/or wording of the proposed rules and guidance, whether individually or in general?
3. Do respondents have any comments on the circumstances under which the full, standard alcohol rules would and would not apply?



## 7. How to respond and next steps

CAP and BCAP are committed to considering all responses carefully and with an open mind. CAP and BCAP would particularly welcome responses from stakeholders with an interest or expertise in games, apps, and digital purchasing.

The following summarises the consultation process and subsequent stages of CAP's consideration of the proposed changes to the Code:

- the consultation will run for 12 weeks, closing at 5pm on **5 May 2022**;
- CAP will consider each response carefully and evaluate all significant points explaining the reasons behind the decisions they make; and
- the evaluation will be published on the CAP website when the outcome of the consultation is announced.

### How to respond

CAP and BCAP invite written comments and supporting information on the proposals contained in this document by 5pm on **5 May 2022**.

Responses via email with attachments in Microsoft Word format are preferred to assist in their processing.

Please send responses to: [AdPolicy@cap.org.uk](mailto:AdPolicy@cap.org.uk)

If you are unable to respond by email you may submit your response by post to: Regulatory Policy Team Committee of Advertising Practice, Castle House, 37-45 Paul Street, London EC2A 4LS

### Confidentiality

CAP and BCAP considers that everyone who is interested in the consultation should see the consultation responses. In its evaluation document, CAP will publish all the relevant significant comments made by respondents and identify all non-confidential respondents. The evaluation and copies of original consultation responses will be published with the outcome of the consultation.


All comments will be treated as non-confidential unless you state that all or a specified part of your response is confidential and should not be disclosed. If you reply by email or fax, unless you include a specific statement to the contrary in your response, the presumption of non-confidentiality will override any confidentiality disclaimer generated by your organisation's IT system or included as a general statement on your fax cover sheet. If part of a response is confidential, please put that in a separate annex so that nonconfidential parts may be published with your identity. Confidential responses will be included in any statistical summary of numbers of comments received.

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