

Amending limitations on advertising low alcohol products

Committee of Advertising Practice and Broadcast Committee of Advertising Practice statement on amending the rule limiting marketing claims for low alcohol products



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1. Executive summary

Following public consultation, the Committee of Advertising Practice (CAP), author of the UK Code of Non-broadcast Advertising and Direct & Promotional Marketing (the CAP Code), and the Broadcast Committee of Advertising Practice (BCAP), author of the UK Code of Broadcast Advertising (the BCAP Code), are introducing changes to the rule limiting advertising of low alcohol products (those above 0.5% ABV, up to and including 1.2% ABV).

To ensure the responsible marketing of alcoholic products, the Advertising Codes have significant restrictions on comparisons of alcoholic strength. For standard drinks (above 1.2% ABV) the only acceptable type of comparison is a factual comparison with a higher strength drink. However, low alcohol products may have a *preference* claim attached to statements of, and comparisons with, their ABV; they are allowed to make their ABV a specific selling point of the product.

Prior to this statement, preference claims for low alcohol products were prohibited in ads that also promoted standard alcoholic drinks. This had the effect of preventing advertisers from straightforwardly encouraging consumers to switch from a standard alcoholic drink to the low alcohol version to reduce alcohol intake; such messaging would necessarily refer to (thereby promoting) a standard drink while making the low ABV a selling point, in contravention of the rule.

The consultation explored the proposal to remove this latter restriction, on the basis that this would provide advertisers with an expanded ability to promote the benefits of reducing alcohol consumption and encourage consumers to do so. Removal of the restriction was proposed on the basis that it would give advertisers more freedom to promote low strength drinks in a way that encouraged consumers to choose them over standard drinks, since a direct comparison could then be made.

Following analysis of the responses received, all of which agreed with the proposed changes, these changes are now being adopted into the CAP and BCAP Codes. This statement provides a summary of the responses to the consultation and the analysis thereof, which should be read alongside the evaluation table of responses provided separately.

CAP and BCAP are mindful of the need to avoid unintended consequences of amending the wording of rules and to ensure that changes are effective. As such, the amended rules will be subject to review after 12 months.

These changes take effect **immediately**.

2. Background

2.1 Changes in the market

The prohibition on featuring standard strength products in ads making preference claims for low ABV beverages aimed to ensure that all ads that could be seen as promoting higher strength drinks were suitably responsible, including those featuring low alcohol products. Recent dramatic changes in the market mean that zero and low alcohol products are now widely available. Developments in health research have resulted in an increasing focus on minimising alcohol intake to preserve long-term health and a revision of guidelines for low risk drinking.¹

While tentative, some academic research has suggested that the availability of non-alcoholic drinks and, by inference, awareness of them driven through marketing, could be a factor in reducing alcohol consumption.² Therefore, further flexibility for advertisers to include their no/low alcohol options in broader advertising treatments (as opposed to standalone ads) could be beneficial.

Against this backdrop, effective marketing of low alcohol products, particularly as alternatives to standard products, is an important part of the sector.

2.2 Rationale for change

CAP and BCAP continue to consider as essential the principle that an alcoholic drink should not be marketed as being preferable because it has a higher alcohol content than other. This is reflected in the advertising rules, which require alcohol is marketed in a socially responsible way.

However, CAP and BCAP had concerns that the wording of the rule could make it difficult for marketers to promote as preferable a low alcohol product as part of a range of drinks. Preference claims for low alcohol drinks could only be made if the ad as a whole could not be considered to promote a higher (e.g. standard) strength product. Promotion of a stronger alcoholic drink would include any reference to them within the ad. This meant that marketers could **either** show a low-alcohol products alongside other, stronger products, or they could make a virtue of the low-alcohol drink in a standalone ad. In practice, this prohibited marketers from (for example) suggesting that consumers who enjoyed their standard product might also like to switch to their low alcohol version in order to cut down their intake; this type of message combines a reference to standard alcohol with making the ABV a reason to purchase the low alcohol product, in contravention of the rule.

CAP and BCAP did not consider that this was an irresponsible comparison and preference claim, but that the restrictions were potentially having a detrimental effect on the ability of advertisers to highlight the key feature of their products to consumers. It is within the interest of the consumer for low alcohol alternatives to familiar products to be marketed

¹ UK Chief Medical Officers' Low Risk Drinking Guidelines, August 2016

² Blackwell, A.K.M., De-loyde, K., Hollands, G.J. *et al.* The impact on selection of non-alcoholic vs alcoholic drink availability: an online experiment. *BMC Public Health* 20, 526 (2020). <https://doi.org/10.1186/s12889-020-08633-5>

effectively, including by showing them in the same ad as the standard strength product while extolling the virtues of a significantly lower ABV. CAP and BCAP considered that, although the original rule allowed low and standard drinks to be shown together if there was no preference claim in relation to the low ABV, this did not allow attention to be drawn to the positive characteristics of low-alcohol drinks in comparison to standard-strength options, thus diminishing the potential benefits for consumers.

CAP and BCAP also considered that, because the rest of rule 18.9/19.10 still covered all other aspects of strength and preference messaging, removing the restriction was unlikely to otherwise allow harmful or irresponsible marketing of alcoholic drinks. It is still prohibited for advertisers to imply either that a standard-strength product was low-alcohol or was preferable because of its higher strength. As such, the consequences for responsible advertising of standard strength drinks were considered to be minimal. Nonetheless, CAP and BCAP are mindful of the need to avoid unintended consequences of rule changes, and will therefore review the rule after 12 months.

3. Consultation responses

The consultation received 9 responses, all of which agreed with the proposed changes. CAP and BCAP have published the responses they received, and carried out a detailed evaluation of all significant points made in these responses. The chief points raised are as follows:

Zero alcohol products

Three respondents asked if the rule should be expanded to cover zero alcohol products (of the type intended to be alternatives to alcohol) as well as low alcohol products, and some others raised more general points about the need to consider targeting and content restrictions for zero alcohol products.

With regard to the rule that was consulted on, the scope of the change was specifically focussed on 'low alcohol' drinks that were above 0.5% and up to and including 1.2% ABV. Products below 0.5% ABV are not subject to the alcohol rules unless they refer to or otherwise promote a drink above this strength. As such, zero alcohol products were not affected by the rule change; it is already legitimate for an advertiser to make a comparison between a standard drink and one at or below 0.5% ABV while making a virtue of the latter's lack of alcohol. It should be noted, however, that the inclusion of an alcoholic drink in an ad for an alcohol-free product would lead to the Alcohol section applying to the ad as a whole, with all of the responsibility that entails.

With regard to broader concerns about the content and targeting of zero alcohol products, CAP and BCAP are aware of the development of such concerns around this relatively novel product category. The Committees will shortly be consulting on the degree to which the Alcohol section rules or broader principles might also reasonably be applied to alcohol-free drinks that are presented as alternatives to alcohol.

'Lower' alcohol

Four respondents suggested that the Advertising Codes should allow marketers to use a 'lower alcohol' preference claim, in the context of products that didn't meet the criteria for 'low alcohol' but were below average strength for their category. Their view was that this could also be a tool to persuade consumers to cut down on their alcohol intake.

In relation to 'lower alcohol' claims in general, marketers are currently able to make 'lower alcohol' claims, as allowed for in the Annex of EC Regulation 1924/2006 on Nutrition and Health Claims Made on Foods, or claims that would have the same meaning. Provided that a suitable reference point is used and that the comparison is with an appropriate drink or category, including another product within the advertiser's own range or previous formulation of the product, ads may bear 'lower alcohol' claims as long as they meet the conditions of use as set out in the Annex. The Advertising Codes make a specific allowance for this claim.

Whether to allow preference claims for 'lower' alcohol products is a topic that CAP and BCAP have considered over a number of years. The Committees recognise that the development of lower-strength products is in line with Government policy to address harmful levels of alcohol consumption in the UK. Although CAP and BCAP note that a switch to a lower ABV, even when above 1.2%, would still reduce alcohol consumption, it remains the case that preferential advertising of 'lower' alcoholic drinks could result in the

preferential promotion of intoxicating beverages. Advocating swapping higher-strength alcoholic drinks for lower-strength drinks could also add confusion about what is a 'safe' amount to drink in any circumstances.

4. Outcome

In light of the reasons set out in the consultation proposal, and the evaluation of consultation responses, CAP and BCAP will amend the rules as originally proposed:

Existing rule

CAP 18.9/BCAP 19.10

[Marketing communications/advertisements] may give factual information about the alcoholic strength of a drink. They may also make a factual alcohol strength comparison with another product, but only when the comparison is with a higher-strength product of a similar beverage.

[Marketing communications/advertisements] must not imply that a drink may be preferred because of its alcohol content or intoxicating effect. However, low-alcohol drinks may be presented as preferable because of their low alcoholic strength, provided that:

- *the [marketing communication/advertisement] could not be considered as promoting a stronger alcoholic drink, and*
- *the alcohol content of the drink is stated clearly in the [marketing communication/advertisement].*

In the case of a drink with relatively high alcoholic strength in relation to its category, the factual information should not be given undue emphasis.

Proposed rule

CAP 18.9/BCAP 19.10

[Marketing communications/advertisements] may give factual information about the alcoholic strength of a drink. They may also make a factual alcohol strength comparison with another product, but only when the comparison is with a higher-strength product of a similar beverage.

[Marketing communications/advertisements] must not imply that a drink may be preferred because of its alcohol content or intoxicating effect. However, low-alcohol drinks may be presented as preferable because of their low alcoholic strength, provided that the alcohol content of the drink is stated clearly in the [marketing communication/advertisement].

In the case of a drink with relatively high alcoholic strength in relation to its category, the factual information should not be given undue emphasis.

5. Implementation

These changes come into effect immediately.


CAP and BCAP are mindful of the need to avoid unintended consequences of amending the wording of rules and to ensure that changes are effective. As such, the amended rules will be subject to review after 12 months from **13 January 2022**.

Contact us

Committee of Advertising Practice
Castle House, 37-45 Paul Street
London, EC2A 4LS

Telephone: 020 7492 2200
Textphone: 020 7242 8159
Email: enquiries@cap.org.uk

www.cap.org.uk

 Follow us: [@CAP_UK](https://twitter.com/CAP_UK)