

# Alcohol alternatives

Advertising Guidance  
(broadcast and non-broadcast)

Legal, decent, honest and truthful



## Foreword

The Committee of Advertising Practice (CAP) offers guidance on the interpretation of the UK Code of Advertising (the CAP Code) in relation to non-broadcast marketing communications.

The Broadcast Committee of Advertising Practice (BCAP) offers guidance on the interpretation of the UK Code of Broadcast Advertising (the BCAP Code) in relation to broadcast marketing communications.

Advertising Guidance is intended to guide advertisers, agencies and media owners how to interpret the Codes but is not a substitute for those Codes. Advertising Guidance reflects CAP's and/or BCAP's intended effect of the Codes but neither constitutes new rules nor binds the ASA Councils in the event of a complaint about an advertisement that follows it.

For pre-publication advice on specific non-broadcast advertisements, consult the CAP Copy Advice team via our [online request form](#).

For advice on specific radio advertisements, consult [Radiocentre](#), and for TV advertisements, [Clearcast](#).

For the full list of Advertising Guidance, please [visit our website](#).

## Background

This guidance is provided to support advertisers in responsible marketing of alcohol alternatives. Its purpose is to define when ads for alcohol alternatives may be subject to the standard alcohol rules and explain how alcohol alternatives can be marketed without inadvertently encouraging inappropriate consumption of alcohol. This is particularly important for ads that use imagery relating to alcoholic drinks or show circumstances in which alcohol consumption would be inappropriate or unsafe.

## CAP Code Rules

### Alcohol alternatives

Alcohol alternatives are non-alcoholic drinks (for the purposes of the CAP Code, those at or under 0.5% ABV) that are intended to replace alcoholic drinks in contexts where they would normally be consumed, such as non-alcoholic beer. A marketing communication for a non-alcoholic drink will be subject to the below rules if it is likely to be understood by the audience as an ad specifically for an alternative to alcohol, whether in general or as a non-alcoholic version of a particular alcoholic drink. Where an ad for a drink at or below 0.5% has the effect of promoting an alcoholic drink, the Alcohol rules apply in full.

#### 18.18

If a marketing communication for an alcohol alternative refers to or depicts alcohol, those references or depictions must comply with the rules relating to responsible portrayal of alcohol consumption, which are 18.1-18.8 and 18.10-18.13.

Where a marketing communication is for an alcohol alternative that shares the same brand as an alcoholic drink then this rule will not apply to references to or depictions of the brand name, provided that the primary effect of the marketing communication is to promote the alcohol alternative. References to the shared brand name, in any part of the marketing communication, without a reference to the alcohol alternative, are likely to be understood as references to alcohol.

#### 18.19

Marketing communications for alcohol alternatives must include a prominent statement of their ABV. 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 for alcohol alternatives may depict the product in circumstances where consumption of alcoholic drinks would be inappropriate or unsafe – such as prior to driving or during physical activities – if it is clear the product is an

alcohol alternative. Marketing communications must not encourage or condone consumption of alcohol in the same circumstances or imply the product is alcoholic. Resemblance to an alcoholic drink (as in rule 18.18) is acceptable as long as the ad makes explicitly clear the product featured is an alcohol alternative.

#### 18.21

Marketing communications for alcohol alternatives must not contain content likely to disparage sobriety, or condone or encourage heavy, problematic, or otherwise higher-risk alcohol consumption as desirable. They must not present alcohol alternatives as a way to increase alcohol consumption beyond responsible levels.

#### 18.22

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.

#### 18.23

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.

#### 18.24

People shown drinking or playing a significant role in marketing communications for alcohol alternatives 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.

## BCAP Code Rules

### Alcohol alternatives

Alcohol alternatives are non-alcoholic drinks (for the purposes of the BCAP Code, those at or under 0.5% ABV) that are intended to replace alcoholic drinks in contexts where they would normally be consumed, such as non-alcoholic beer. An advertisement for a non-alcoholic drink will be subject to the below rules if it is likely to be understood by the audience as an ad specifically for an alternative to alcohol, whether in general or as a non-alcoholic version of a particular alcoholic drink. Where an ad for a drink at or below 0.5% has the effect of promoting an alcoholic drink, the Alcohol rules apply in full.

#### 19.19

If an advertisement for an alcohol alternative refers to or depicts alcohol, those references or depictions must comply with the rules relating to responsible portrayal of alcohol consumption, which are 19.2-19.9 and 19.11-19.14.

Where an advertisement is for an alcohol alternative that shares the same brand as an alcoholic drink then this rule will not apply to references to or depictions of the brand name, provided that the primary effect of the advertisement is to promote the alcohol alternative. References to the shared brand name, in any part of the advertisement, without a reference to the alcohol alternative, are likely to be understood as references to alcohol.

#### 19.20

Advertisements for alcohol alternatives must include a prominent statement of their ABV. 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 for alcohol alternatives may depict the product in circumstances where consumption of alcoholic drinks would be inappropriate or unsafe – such as prior to driving or daring physical activities – if it is clear the product is an alcohol alternative. Advertisements must not encourage or condone consumption of alcohol in the same circumstances or imply the product is alcoholic. Resemblance to an alcoholic drink (as in rule 19.19) is acceptable as long as the ad makes explicitly clear the product featured is an alcohol alternative.

#### 19.22

Advertisements for alcohol alternatives must not contain content likely to disparage sobriety, or condone or encourage heavy, problematic, or otherwise higher-risk alcohol consumption as desirable. They must not present alcohol alternatives as a way to increase alcohol consumption beyond responsible levels.

## 19.23

Television only – Alcohol alternatives advertisements must not:

### 19.23.1

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

### 19.23.2

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.

## 19.24

Radio only – Alcohol alternatives advertisements must not:

### 19.24.1

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

### 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 particular appeal to those aged under 18.

## 19.25

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.

## Guidance

### ABV limits

The alcohol rules in the Advertising Codes treat alcoholic drinks as those above 0.5% ABV. CAP and BCAP understand that the legislation relating to descriptors for drinks with low alcoholic strength has been revoked and replaced with guidance on suggested conditions for their voluntary use. The alcohol alternatives market, broadly speaking, uses 'alcohol free,' 'zero alcohol,' and 'non-alcoholic' to describe drinks at or below 0.5%, and this guidance reflects that approach.

### Definition

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. As a relatively new and continually evolving product category, CAP and BCAP have taken a principles-based approach to defining alcohol alternatives. Therefore, the Codes state an ad will be subject to the alcohol alternatives rules "...if it is likely to be understood by the audience as an ad specifically for an alternative to alcohol...".

Factors likely to be interpreted as advertising for an alcohol alternative include, but are not limited to:

- Use of 'non-alcoholic' or terms likely to be understood in the same way, including statements of an ABV at or below 0.5%, will almost always indicate an alcohol alternative (with a notable exception below) because it makes a deliberate and inherent comparison with alcohol
- References to consuming the product instead of alcohol, whether in general or in relation to a specific type of alcoholic drink
- Presentation of the product in a style associated with alcohol, such as traditionally shaped bottles and glasses, dressed/garnished drinks, or containers/packaging redolent of alcoholic products
- Shared branding with an existing alcoholic drink
- Consumption of the product in a setting where alcohol sale or consumption is predominant, such as a pub, bar, club, or adult party
- Consumption of the product alongside others who are likely to be interpreted as consuming alcohol, whether through the appearance of their drinks, through their behaviour, or through other creative aspects of the ad

- Imagery showing the product alongside drinks (or associated items) likely to be interpreted as alcoholic even where their depictions are generic, such as wine bottles, corkscrews, or cocktail shakers

Where significant factors indicate that the product is being marketed as an alcohol alternative, use of descriptions such as 'soft drink' are unlikely to be sufficient to counter this interpretation.

### *Fermented Drinks/Kombucha*

Fermented drinks such as kombucha and kefir are often marketed as soft drinks but may contain trace amounts of alcohol. To aid consumer understanding, advertisers of such products may choose to include explanations such as "alcohol free" or "0.5% ABV". If this takes the form of clarifying product information rather than a prominent feature within a marketing communication, it will not alone make an ad subject to the alcohol alternative rules.

Some producers specifically present these fermented drinks as alternatives to alcohol products through their positioning and appearance – for example in bottles synonymous with sparkling wine. If a drink is presented as an alternative to specific alcoholic drinks or alcohol in general, or the non-alcoholic nature is emphasised as a reason to choose it over other drinks, then the ad is likely to be subject to the alcohol alternative rules.

An ABV reference will be considered clarificatory, rather than promotional, if it:

- Is unaccompanied by a claim implying the absence of alcohol is a reason to purchase the product; and
- Is significantly less prominent than other elements of the ad, such as appearing in a footnote or an information/FAQ section, rather than in the body of an ad or amongst claims with clear marketing intent.

This is a specific and limited carve-out to avoid discouraging advertisers from providing potentially material information. Advertisers are reminded that compliance with the Codes is assessed in the spirit as well as the letter of the rules.

### *Legally Protected Product Names*

CAP and BCAP understand the names of many alcoholic spirits (and other drinks with specific styles, production processes, or geographical indicators) are significantly restricted in use by legislation.

These restrictions would prohibit the use of terms such as 'non-alcoholic gin', for example. Therefore, alcohol alternative advertisers wishing to make any reference to products subject to legislative restrictions are encouraged to seek their own legal advice.



## **Cross-promotion and Shared Branding**

Marketing communications might, whether by accident or design, have the effect of promoting alcoholic drinks. A clear example would be promotion of alcohol alternatives alongside alcoholic drinks, as part of a wider brand range or by a retailer. More implicitly, the use of alcohol-related imagery (similar packaging, glassware, or serving styles) without clarity about the alcohol-free nature of the product is likely to be considered to have the effect of promoting alcoholic drinks, even though the product itself is an alcohol alternative. Ads for alcohol alternatives which have the effect of promoting alcoholic drinks or a wider alcoholic brand must comply with the rules relating to alcoholic drinks.

### *Broad alcohol references*

Ads referring broadly to alcoholic drinks (without featuring specific brands) for the sole purpose of suggesting that consumers switch to an alternative to decrease their alcohol intake are unlikely to be subject to the full alcohol rules, particularly if that reference is not accompanied by imagery related to drinking alcohol. The references to alcohol in such ads should not disparage sobriety or condone irresponsible drinking.

### *Retailer websites*

Individual product pages promoting an alcohol alternative on websites that also sell alcoholic drinks will not automatically be considered cross-promotional, as long as it is clear the product is an alcohol alternative, and the page does not feature alcoholic drinks or specifically direct consumers to them. An automatically-populated list of products previously viewed by a customer that includes alcoholic products would not be viewed as cross-promotional, and neither would similar dynamic lists of popular products or other products in a brand range.

### *Brand websites*

Individual product (or alcohol alternative range) pages on websites for a particular brand that have alcoholic and non-alcoholic products (for example a beer brand with some alcohol free products) are also not automatically considered to be cross-promotional.

Links and references to alcoholic products that are part of the site architecture, such as header images and links to other products, would not generally be considered cross-promotional. However, a specific direction to an alcoholic product (for example “if you like our zero alcohol drink, try the original”) would constitute promotion of the alcoholic product.

### *Shared branding*

Some alcohol alternatives are marketed under the umbrella of an existing alcohol brand, usually as a non-alcoholic version of a popular alcoholic drink. Ads for such products will not inherently be treated as cross-promotional, but marketers must take care.

To avoid cross-promoting alcoholic drinks in ads for a shared-brand alcohol alternative, advertisers should ensure the focus is always on the alcohol alternative, rather than the brand itself.

For instance, prominently displaying the brand name by itself in any part of the ad rather than in the context of the specific alcohol alternative product name, is likely to be seen as promoting the brand as a whole, thereby having the effect of advertising alcoholic drinks. Slogans synonymous with an established alcohol brand are likely to have the effect of promoting the overall brand, unless they are adapted to relate specifically to the alcohol alternative.

Approaches which promote the parent brand, including showing the alcohol alternative alongside alcoholic drinks from the range, are permitted but such ads will be subject to the rules relating to alcoholic drinks.

### *Comparisons with alcoholic drinks*

Comparisons with an existing brand or established alcoholic drink – for example a spirit, a sparkling wine, an IPA – can play an important role in encouraging consumers to try an alcohol alternative and potentially reduce their overall alcohol consumption.

However, any comparative claims which have the effect of promoting a parent alcohol brand or established alcoholic drink will be subject to the rules relating to alcoholic drinks.

If an ad describes the original alcoholic product, for example when discussing the production, development, or history of the alcohol alternative, marketers should take care to avoid promoting the alcoholic drink.

### *ABV statements*

Some consumers do not wish to consume drinks with even trace amounts of alcohol, including because there is a risk of physical or emotional harm. As descriptors such as 'alcohol free' are used for alcohol alternatives up to and including 0.5% ABV, the ABV should be stated with reasonable prominence in the ad; footnotes, onscreen text, or the equivalent for audio ads are all unlikely to be sufficiently prominent.

Unlike the majority of alcohol marketing, ads for alcohol alternatives may make a feature of their ABV (or total lack thereof) and state or imply that the product is preferable because of it.

Advertisers of alcohol alternatives may at times choose to feature a range of products within a single ad. In contexts where time and space are limited and it therefore may not be possible to quote clear ABVs for three or more products, advertisers should include clear and prominent information on the highest and lowest product ABVs in the range shown. Such an approach will ensure consumers have clear information on the range of ABVs and understand the lowest ABV quoted does not apply to all the products featured. In environments where time and space are not limited, advertisers should quote the ABVs of specific alcohol alternatives alongside the products featured.

## **Unsafe Circumstances and Consumption Habits**

### *Unsafe circumstances*

Unlike alcohol products, there are no public policy concerns over the consumption of alcohol alternatives in circumstances like driving. Alcohol alternatives are useful products for consumers who are unwilling or unable to drink alcohol in some or all circumstances, such as people with underlying health conditions or a designated driver. Ads for alcohol alternatives are not prohibited from depicting these scenarios, provided it is clear in the ad that the product is an alcohol alternative.

The following factors are likely to make ads compliant with this rule:

- A clear and prominent statement of the product's name and 'alcohol free' (or similar, with relevant accompanying ABV information); or
- Statements such as "if you don't want to drink alcohol..." or "for those not drinking..."

Advertisers should take care when attempting to use ambiguity, as it should be clear to consumers that the apparently unsafe or inappropriate consumption is acceptable because the product does not contain alcohol.

### *Pregnancy*

The rules allow ads for alcohol alternatives to depict scenarios in which alcohol consumption would be unsafe, for example, because of potential impairment from intoxication. However, this allowance does not include situations where consumption of alcohol can present other risks, primarily in health contexts, and where official guidance therefore advises abstinence.

This is of particular relevance to pregnancy, where there is a shortage of evidence relating to the risks of consuming alcohol alternatives. CAP and BCAP understand that some consumers choose to drink 0.5% ABV and below products during pregnancy, however, the Chief Medical Officer's Low Risk Drinking Guidelines state "*If you are pregnant or think you could become pregnant, the safest approach is not to drink alcohol at all, to keep risks to your baby to a minimum.*"<sup>1</sup>

It would be inappropriate for CAP and BCAP to decide whether consumption of alcohol alternatives, even at low levels, is compatible with the CMO's advice to avoid alcohol, so the Codes cannot permit messaging that contradicts the Guidelines. Therefore, to comply with rule 18.20/19.21, ads for alcohol alternatives must not state or imply such products should be consumed during pregnancy or when trying to conceive.

However, as alcohol alternatives at 0.0% ABV contain no alcohol whatsoever, CAP and BCAP consider it proportionate to allow these products to include depictions of pregnancy in their marketing. All such depictions and references to pregnancy must ensure the nature of the product is clear and must not condone or encourage consumption of alcohol in similar circumstances.

CAP and BCAP will continue to monitor the issue and review this position in response to new public health guidelines or evidence which emerges regarding the health impacts of alcohol alternatives.

#### *Excessive consumption of alcohol*

Because of their proximity to alcoholic drinks, ads for alcohol alternatives must be careful not to encourage excessive or otherwise problematic consumption of alcohol. CAP and BCAP consider this is most likely to happen when ads refer to heavy/binge drinking, or aftereffects such as severe hangovers, in particular implying these are normal, expected, or matter-of-fact drinking styles.

Alcohol consumption in some situations, primarily linked to problem drinking and alcohol dependence behaviours, would generally be considered inappropriate or otherwise unacceptable, beyond reasons relating to safety or intoxication. These may include:

- in the morning (in many circumstances)
- while commuting
- while working (excepting celebrations or a social drink with lunch)

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<sup>1</sup> <https://www.gov.uk/government/publications/alcohol-consumption-advice-on-low-risk-drinking>

- of several drinks while alone
- regularly throughout the day and/or week (leading to high consumption overall)
- during events overwhelmingly not associated with alcohol, such as many religious or civil ceremonies, watching school performances, or attending an appointment for example at a bank
- while unwell

Ads for alcohol alternatives are not prohibited from referring to, or showing consumption of the product in such situations, but advertisers must take care not to condone or encourage consumption of alcohol in this manner, such as by implying that wanting to consume alcohol in these situations is commonplace. Marketers should note, a lack of clarity over whether a drink featured in these situations is alcoholic is likely to contribute to an interpretation of condoning consumption of alcohol in similar circumstances.

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