

## **Annex C**

### **Guidance Notes for the TV Alcohol Advertising Rules**

The rules, and any guidance reproduced from the published rule set, are in bold. The guidance on which BCAP consulted is in normal text. Deletions proposed by BCAP as a result of the consultation and AAC advice are struck through; additions are in bold italics. BCAP's response to consultation comments appear in shaded boxes after each section of guidance.

#### **Rule 11.8 Alcoholic Drinks**

**The spirit as well as the letter of the rules in this section apply whether or nor 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.**

Guidance Note:

~~Research has indicated that alcohol advertising has some influence on young people's attitudes to drinking, although it is probably not a major factor. These rules, controlling TV advertising content, have been strengthened, particularly with the intention of protecting the young in the four areas where they may be considered vulnerable to alcohol misuse: sexual behaviour, immoderate drinking, youth appeal and anti-social behaviour.~~

In these Guidance Notes, examples are sometimes offered but they should be regarded merely as illustrating the intended spirit of the rule.

N.B. unless otherwise stated, the term "alcohol" in these Guidance Notes means "alcohol or a particular type or brand of alcoholic drink".

Consultees argued that there is no firm evidence about the influence of alcohol advertising on young people's behaviour and objected either that the references implied a greater role than has been proved or, from a different perspective, that they understated its possible influence. BCAP considers that the reference to research is not essential to the notes and can be removed.

BCAP noted the AAC had again requested that the guidance include an explanation of the social context of the Rules. BCAP however still felt that self-regulatory guidance from the industry is not the place for this.

## Rule 11.8.1 – Rules which apply to all advertising.

Guidance Note:

Rule 11.8.1 is not intended to inhibit all— **advertising on** alcohol-related public-health or safety advertisements by non-commercial organisations. **themes that is responsible and not likely to promote a brand or type of alcohol.**

BCAP agrees that application of the spirit of the Rule should not prevent responsible advertising of this kind, whether by government, NGOs or the alcohol industry.

### Rule 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.**

Guidance Note:

The purpose of this rule is to prevent any suggestion that an individual becomes more attractive or a better person or that self assurance can be improved through choosing to drink alcohol.

Any suggestion that an individual's behaviour or performance can be changed by drinking is prohibited. No advertisement should suggest that an individual is to be more admired for choosing to drink alcohol or that a person who chooses not to drink might be less popular.

**(2) Advertisements must not suggest that the success of a social occasion depends on the presence or consumption of alcohol.**

Guidance Note:

This rule is not intended to prevent the depiction of alcohol as a **responsible** social lubricant but is designed to prevent the suggestion that the successful outcome of a social occasion depends on **or results from** the presence or consumption of alcohol.

The introduction of alcohol should not be seen to transform a social occasion and the choice of a type or brand of alcohol instead of another should not seem to contribute to the success of a social occasion.

Lively, but responsible, social interaction **or party scenes** with alcohol present **are** allowed but that liveliness must not depend on **or result from** the presence of alcohol. No behaviour may be ~~juvenile~~ **immature, adolescent or childish**.

Please also refer to rules 11.8.1(c) and 11.8.2(e).

BCAP agrees that the words “social lubricant” may be ambiguous. The phrase “not intended to prevent the responsible consumption of alcohol as a part of socialising” was considered, and received support from the AAC, but BCAP believes the guidelines must reflect reality and therefore should acknowledge the role of alcohol as an active ingredient of socialising. The addition of the word “responsible” is proposed. See also 11.8.1(c).

BCAP agrees that the note should be clarified to state that a social occasion or liveliness should not depend on or result from the presence of alcohol. Although “party scenes” should be covered by the phrase “social interaction”, both have been included to eliminate doubt.

BCAP agrees that definitions should be consistent and that the phrase “immature, adolescent or childish”, which is used in the notes to 11.8.1(b), is more useful than “juvenile”. See also two matching changes in 11.8.2(a)(1).

### **Rule 11.8.1(b)**

**Advertisements must not link alcohol with daring, toughness, aggression or anti-social behaviour.**

Guidance Note:

This rule applies whether or not alcohol consumption is seen or implied. 11.8.2(b) also applies to advertising for alcoholic drinks.

The “daring” element of the rule is designed to prevent associating alcohol with feats that would be considered **dangerous, foolish or reckless** or ~~out of the ordinary and~~ likely to encourage irresponsible or anti-social behaviour.

“Toughness”: Advertisements should not suggest that drinkers of alcohol are tough, macho or resilient or associate such qualities with a brand’s image.

“Aggression”: ~~Threatening or potentially violent~~ **Attitudes, behaviour or atmospheres that are threatening or potentially violent** are prohibited as is the use of weapons or objects as weapons.

“Anti-social behaviour”: What constitutes anti-social behaviour, **especially among the young**, can be the subject of wide interpretation but will be associated with behaviour that offends against generally accepted social norms and common sense. Examples include non-playful rudeness, excessive boisterousness and ~~a~~ **behaviour** not normally associated with sobriety. **Care** should be taken to avoid immature, adolescent, ~~or~~ childish, **boorish or loutish** behaviour **and** this applies to both men and women. The rule, however, is not intended to prevent ~~harmless~~ **all** irreverence or humour.

Please also refer to rules 11.8.1(a) and 11.8.2(a).

BCAP agrees that "out of the ordinary" does not add clarity and that the note on aggression should be reworded.

Under "anti-social behaviour", BCAP thinks it will be helpful to focus attention particularly on young people's behaviour (though not to the exclusion of other groups). (See also 11.8.2(b))

The addition of "laddish" and "laddette" to the list of danger areas was considered, and received support from the AAC, but BCAP thinks those words lack precision. "Boorish or loutish" are proposed instead.

BCAP agrees "harmless irreverence" is unclear and should be amended.

### **Rule 11.8.1(c)**

**Advertisements must not link alcohol with sexual activity or success or imply that alcohol can enhance attractiveness.**

Guidance Note:

Rule 11.8.2(e) applies, in addition to this rule, to advertising for alcoholic drinks.

The purpose of this rule is, for example, to allow a couple to sit together sharing affectionate **kisses or** glances but not to allow sexual contact, ~~or~~ an erotic atmosphere **or implications of a sexual motive**. The rule is not designed to prevent the use of glamorous images.

Advertisements may not suggest that alcohol has a positive role to play in sexual relationships. Alcohol should not be used as an aid to seduction or seem to enhance a person's attractiveness.

It is permissible to use warm, sensuous images or dialogue **to illustrate or describe an alcohol product** but **they** must not seem to be linked to **sex or** a sexual motive.

The **responsible** use of alcohol as a social lubricant is allowed provided rules 11.8.1(a)(1) and 11.8.1(a)(2) are observed.

Linking alcohol with mild flirtation or romance is similarly allowed, **for example by using** ~~provided that it is limited to~~ gentle dialogue, facial expressions or body language that do not imply sexual activity has taken, or is about to take, place. (See also rule 11.8.2(e)).

The use of sexual innuendo will be acceptable only if the innuendo is not linked to alcohol in any way. The use of sexual innuendo must comply with general Code rules about offence.

BCAP agrees that the notes did not distinguish helpfully between acceptable romance and unacceptable sexual links. They have been redrafted. The reference

to "warm sensuous images or dialogue" has been clarified to make clear that it refers to the presentation of product qualities etc.

BCAP agrees that limiting mild flirtation and romance only to "gentle dialogue, facial expressions or body language" could have been stricter than the rule implied. They are now offered merely as examples of acceptable treatments.

### **Rule 11.8.1 (d)**

**Advertisements must not suggest that regular solitary drinking is acceptable or that drinking can overcome problems.**

Guidance Note:

This rule does not prevent showing a person having a drink alone but advertisements must not suggest that regular solitary drinking is acceptable behaviour or that alcohol is an essential or indispensable part of daily routine.

Advertisements may not suggest or imply that alcohol can be used as a means of escape from personal or emotional problems, boredom or depression.

Please also refer to rule 11.8.1(a)(1).

### **Rule 11.8.1(e)**

*[N.B. As proposed in Section 3 of this consultation paper, this rule may be amended. Section 3 contains a draft of the Guidance for the proposed amended rule.]*

**Advertisements must not suggest that alcohol has therapeutic qualities nor offer it as a stimulant, sedative, mood-changer or to boost confidence. There must be no suggestion that physical or other performance may be improved by alcohol or that it might be indispensable.**

Guidance Note:

Please refer also to rules 11.8.1(a)(1) and 11.8.1(d).

Advertisements must not suggest that alcohol can improve physical or mental performance or that it is necessary to maintain a normal lifestyle.

Advertisements must not suggest that alcohol is a source of nourishment or goodness.

Although they may contain purely factual statements of the nutritional content of an alcohol product, advertisements must not imply that alcohol is suitable as part of an exercise, fitness, health or weight control regime.

**Rule 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).**

Guidance Note:

Although factual, incidental references to an alcohol product's strength are acceptable, advertisements must not place undue emphasis on the alcohol content or strength of a product.

Incidental, factual strength comparisons between an advertiser's own products (e.g. re-formulations and brand extensions) may be presented as information but advertisements must not suggest that those products are to be preferred, or can be consumed in greater quantities, because of their altered alcohol content. Competitor strength comparisons are disallowed.

Although advertisements may suggest that a drink could be preferred because of its taste, that preference must not be linked to alcoholic strength.

**Rule 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.**

Guidance Note:

This rule is intended to prevent viewers thinking that immoderate consumption of alcohol is acceptable. It would therefore rule out, for example, scenarios such as drinking sessions, drinking games, downing drinks in one swallow or excessively quickly and pub or club "crawls".

Advertisements must not show or suggest an excessive amount of alcohol dispensed per person. Depictions of well-stocked bars or guests arriving carrying alcohol are acceptable provided that nothing implies that immoderate consumption has taken or will take place.

In considering what would constitute an excessive amount of alcohol, please bear in mind ~~and~~ **apply** the Department of Health's Recommended Daily Amounts of alcohol.

(See also rule 11.8.2 (c)).

BCAP agrees that the paragraph on the Department of Health's Recommended Daily Amounts should be strengthened. See also 11.8.2(c).
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**(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.)**

Guidance Note:

Advertisements may show a person buying a drink for friends but must not suggest that a pattern of round buying is to be, or has been, established. The use of the word “round” or similar is unacceptable.

Advertisements must not suggest peer pressure on individuals to drink alcohol.

(Note: rules 11.8.1(g)(1) and 11.8.1(g)(2) do not apply to advertising for low alcohol drinks).

**(3) Alcoholic drinks must be handled and served responsibly.**

Guidance Note:

There must be no suggestion of reckless abandon in the way that alcohol is handled and dispensed.

This rule is not intended to prevent the depiction of, for example, the traditional popping of champagne corks accompanied by some overflow of wine. But scenes of, for example, party-goers being soaked in champagne are not acceptable. Similarly, demonstrations of the panache of a cocktail barman in a controlled situation are likely to be acceptable but showing others amateurishly trying similar feats in an uncontrolled way is unlikely to be acceptable. Alcohol should not be thrown or poured over people and no-one may be shown pouring a drink into the mouth of another person.

### **Rule 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.**

Guidance Note:

Advertisements should neither show nor suggest people drinking alcohol, or having consumed alcohol, in an environment that is hazardous **for drinking**. ~~They Nor~~ ~~should they should~~ **not** show or suggest drinking before using potentially dangerous machinery.

If driving, or other means of transportation, is featured, there should be no suggestion that the person in charge of, or steering, the vehicle has been drinking or will drink and any ambiguity about that should be resolved.

BCAP agrees that “an environment that is hazardous” should be changed to make clear the type of hazard envisaged.

## **Rule 11.8.2 – Additional rules for alcohol advertisements.**

### **Guidance Note:**

***This rule applies also to all advertisements that promote alcoholic drinks, including supermarkets or other retail advertisements.***

BCAP agrees that clarification of the scope of this rule would be useful.

### **Rule 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.**

### **Guidance Note:**

The purpose of this rule is to prevent advertisements that might encourage those under 18 to drink, or think they should drink, alcohol. Thus themes that are likely to appeal strongly to those under 18 are unacceptable.

It is not possible to produce an exhaustive list of possible infringements to this rule, but, as a guide, particular caution should be exercised ~~in the following areas~~ **as follows:**

- a) Personalities. Avoid those who are likely to have a strong appeal to the young; for example, pop stars, sportsmen and sportswomen who command particular admiration of the young, television personalities, youth-orientated performers and any person who is likely to have strong influence on the behaviour of the young.
- b) Avoid themes that are associated with youth culture; for example, disregard for authority or social norms, teenage rebelliousness, mocking or outwitting authority be it parental or otherwise, ~~juvenile~~ **immature, adolescent or childish** behaviour ~~or, immature~~ practical jokes and any behaviour that seeks to set those under 18 apart from those of an older age group.
- c) Teenage fashion or clothing mostly associated with those under 18.
- d) Avoid music or dance that is likely to appeal strongly to under 18s. But an advertisement that, for example, features an old recording ~~which~~ **that**, perhaps as a result of its use in the advertisement, becomes popular with the young once again, will not necessarily be challenged. Announcements of alcohol-sponsored events may be made but the emphasis must be on the event, not the alcohol.



e) Language commonly used by the young but rarely by an older generation; for example, slang or novel words.

f) Cartoons, rhymes or animation. Avoid those likely to have strong appeal to children and teenagers. ***Mature themes are likely to be acceptable.***

g) Caution is needed in the use of all sports. In addition, certain sports have a strong appeal to the young, for example, skateboarding or “extreme sports”. ~~They~~ they should be avoided.

h) Avoid puppets or cute lovable animals that are likely to inspire strong affection in the young.

Humorous treatment cannot be used to circumvent the rule and, in any case, ***juvenile immature, adolescent or childish*** humour must be avoided.

***This rule requires particularly sensitive judgements.*** If ~~they~~ a potential breach of the rules ~~it is foreseen,~~ ***have any doubts about an advertising idea***, advertisers or agencies are strongly advised to consult the BACC (or broadcaster compliance team) at the earliest stage of script development.

In (d), BCAP proposes the minor change from "record" to "recording" in the example given.

BCAP proposes a change to (f) to make clearer that, although the use of cartoons etc requires great caution, these techniques are not forbidden; they can be acceptable if strong appeal to under 18s is avoided.

**(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.**

Guidance Note:

It is important that anyone featured in alcohol advertising not only is at least 25 years old but also must seem to be obviously over 25.

No-one, be they 25 or older, may behave in an immature, adolescent or childish manner.

**(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.**

Guidance Note:

This exception allows children to appear, in minor roles, in alcoholic drinks advertisements (as they can in, for example, advertisements for restaurants in which adults may be drinking with a meal). Those situations are likely to be either family meals at home or in a restaurant or responsible parties for over 25s.

Incidental flashbacks to youth may be used provided they adhere to the conditions set out above and, in particular, provided they are an inconsequential element of the advertising.

**Rule 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.**

Guidance Note:

This rule, for alcohol advertisements, supplements 11.8.1(b), which applies to all advertisements. 11.8.1(b) prohibits the linking of alcohol to various forms of behaviour or attitudes but that means an advertisement that is not specifically for an alcoholic drink could include such behaviour or attitudes so long as they are not linked to alcohol or drinking.

11.8.2(b) goes further: it prohibits such behaviour and attitudes being shown or referred to in alcoholic drinks advertising, ***especially in relation to the young***. The prohibition on unruly and irresponsible behaviour includes threatening or violent behaviour, rowdiness, rudeness, irresponsible or adolescent behaviour or generally ill-disciplined actions and attempts at potentially dangerous activity, whether successful or not.

**Rule 11.8.2(c)**

**Advertisements for alcoholic drinks must not appear to encourage irresponsible consumption.**

Guidance Note:

Please also refer to rule 11.8.1(g).

This rule seeks to prevent advertising for alcoholic drinks encouraging irresponsible alcohol consumption or condoning the purchase of more alcohol than an individual should safely consume.

~~If they feature~~ **No advertisement that refers to** multiple-purchase promotions, ~~advertisements must not~~ **may** imply that those purchases are for anything other than shared consumption. ~~and~~ **Advertisements** should not suggest an

unreasonable amount of alcohol for any individual's consumption on any single drinking occasion.

In considering what would constitute an excessive amount of alcohol, please ~~bear in mind~~ **apply** the Department of Health's Recommended Daily Amounts of alcohol.

BCAP proposes an amendment to clarify the position of multiple purchase and promotions.

### **Rule 11.8.2(d)**

**Advertisements for alcoholic drinks must not normally show alcohol being drunk in a working environment.**

Guidance Note:

Please also refer to 11.8.1(h)

The working environment will include offices, factories, building sites or any working situation where alcohol consumption might impair performance. An exception can be made for licensed premises (if the staff are obviously not involved in drinking) and for celebratory drinks if the end of work or business has been clearly established.

### **Rule 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).**

Guidance Note:

This rule complements rule 11.8.1(c) but goes further by prohibiting the advertising of alcohol in any context of sexual activity or seduction. Romance or mild flirtation between couples who are obviously over 25 in both appearance and behaviour may, however, be shown provided it is gentle, understated and does not imply that the attraction has anything to do with drinking or choosing alcohol. Advertisements must not suggest that sexual activity or seduction has taken place or might take place.

### **Rule 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)**

No guidance necessary.