

Guidance on alcohol pricing and promotion for Scotland and Wales

Advertising Guidance
(broadcast and non-broadcast)

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 by telephone on 020 7492 2100 or you can log a written enquiry 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 about legislation which restricts the pricing and promotion of alcohol in Scotland and Wales.

The legislation primarily affects the retail of alcoholic drinks and places responsibility on the retailer for complying with the law. While signposting to the relevant law, this Guidance is published to help advertisers, agencies and media owners ensure that consumers are not misled or disappointed by advertisements for promotions or prices which may be available in other parts of the UK, but not in Scotland and/or Wales.

The law

On 1 October 2011 certain provisions of the Alcohol etc. (Scotland) Act 2010 amending the Licensing (Scotland) Act 2005 came into effect; these placed specific restrictions on the pricing and promotion of alcoholic drinks sold in off-licensed premises in Scotland.

The Alcohol (Minimum Pricing) (Scotland) Act 2012 inserted a mandatory licensing condition relating to minimum unit pricing for alcohol sold on licensed premises via amendment to Schedule 3 of the Licensing (Scotland) Act 2005; the minimum unit price and the date from which this would apply were to be set by order. The Alcohol (Minimum Price per Unit) (Scotland) Order 2018 set the minimum unit price at £0.50 from 1 May 2018.

The Public Health (Minimum Price for Alcohol) (Wales) Act 2018 provided for a system of minimum unit pricing for alcohol supplied in Wales. Under this legislation, the minimum unit price and the date from which this would apply were to be set by regulations. The Public Health (Minimum Price for Alcohol) (Minimum Unit Price) (Wales) Regulations 2019 set the minimum unit price at £0.50 from 2 March 2020.

BCAP Code rules

- 1.3.1** Advertisements must not state or imply that a product can legally be sold if it cannot
- 3.1** Advertisements must not materially mislead or be likely to do so.

CAP Code rules

- 1.10.1** Marketers must not state or imply that a product can legally be sold if it cannot
- 3.1** Marketing communications must not materially mislead or be likely to do so

Guidance

The placement and content of advertisements and other marketing communications for the type of alcoholic drink promotions which are illegal in Scotland or referring to prices which are illegal in Scotland and Wales should be given careful consideration by advertisers, agencies and media owners.

Where possible, it would be helpful for advertisers to arrange their media schedule in a way that prevents advertisements for this type of promotion or price from appearing in Scotland or Wales (the latter in relation to pricing); however, CAP and BCAP understand that this may not always be possible and consider that this action alone may not always prevent consumer disappointment.

With this in mind, CAP and BCAP advise that it might be appropriate to include a disclaimer on advertisements and marketing communications which are likely to be seen in Scotland or Wales and also those seen in other parts of the UK by consumers who may subsequently travel to Scotland or Wales. It may not always be necessary to include disclaimers, for example in non-Scottish or non-Welsh regional media where an advertiser or marketer has a strong expectation that their advertisement will be seen or heard in a regional context.

CAP and BCAP intend this guidance to assist advertisers, agencies and media owners in complying with the Advertising Codes; advertisers whose businesses may fall into the broader scope of this legislation are advised to take legal advice.

Further information

Full details about the Scottish legislation can be found on the Scottish Executive website:

Minimum pricing: <https://www.gov.scot/publications/guidance-implementation-minimum-pricing-alcohol/pages/1/>

Price promotions: <https://www.gov.scot/publications/alcohol-etc-scotland-act-2010-guidance-licensing-boards/>

Full details about the Welsh legislation can be found on the Welsh Executive website:

Minimum pricing: <https://gov.wales/minimum-pricing-alcohol-guidance-retailers>

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