



Advertising of non-alcohol product variants

Non-alcoholic product variants (including those that do not reference a known alcohol brand, but are described as for example ‘beer’) are product categories in emerging markets. The ASAI Executive is providing a preliminary view on how the Code rules will apply to related marketing communications.

Section 9 of the Code of Standards for Advertising and Marketing Communications sets out, in its introduction, the scope of the Section.

Section 9: Alcoholic Drinks

The rules in this Section are designed to ensure that the content of alcohol advertising and promotion is consistent with the need for demonstrating responsibility and moderation in consumption, and that it does not encourage consumption by children.

The rules in this Section apply to marketing communications for alcoholic drinks and to marketing communications that feature, or refer to, alcoholic drinks. Alcoholic drinks are defined as those that exceed 1.2% alcohol by volume. They include products that are classified as foodstuffs rather than drinks for the purposes of licensing or customs and excise legislation, or even if they appear to be gaseous, solid or heavily textured (or can be made to be, for example by freezing or shaking), rather than liquid.

Where stated, exceptions are made for low-alcohol drinks (those that contain 2.8% alcohol by volume or less). But, if a marketing communication for a low-alcohol drink could be considered to promote a stronger alcoholic drink, or if the drink’s low-alcohol content is not stated clearly in the marketing communications, all the rules in this Section apply.

If a soft drink is promoted as a mixer, the rules in this Section apply in full.

These rules are not intended to inhibit responsible marketing communications that are intended to counter problem drinking or inform consumers about alcohol related health or safety themes. Marketing communications of that type should not, however, be likely to promote an alcohol product or brand.

The primary focus of this section of the Code is marketing communications for alcoholic products. Nevertheless the Code does provide that

9.2 Marketing communications which depict or refer to alcohol, or to a specific alcohol brand or company, may be considered under the rules of this Section, whether or not alcohol is the main product being marketed.

NOTE: The Code is applied in the spirit as well as in the letter. (Section 3.9)

The ASAI Executive's current view, for advertising for non-alcohol product variants, is that:

- 1) It should be made very clear at the start and throughout a marketing communication that the product is non-alcoholic.
 - a) Note: There should be no scope for confusion over the product's content from the beginning so that consumers are able to easily identify that the product being advertised is a non-alcoholic product;
 - b) that there may be a number of ways to indicate the nature of the product and the following should be taken into account;
 - i) the context of the name of the product;
 - ii) and/or the content of the ad;
 - iii) and/or the media used.
 - c) Three potential scenarios are given by way of example:
 - i) Media – TV / video on demand: If the product name clearly indicates the nature of the product, then this should be displayed prominently throughout the ad.
 - ii) Media – outdoor / print / non video online content: If content immediately makes it clear that the product is a non-alcohol product, no further clarification required
 - iii) Media – radio: the content should make it clear at the beginning the nature of product
- 2) If there is absolutely no doubt that the product is a non-alcohol product variant, then on the basis that the product is an alternative to alcohol, the depiction of activities which could be considered a risk to personal safety (similar to that if alcohol was being or was to be consumed) is unlikely to be considered in conflict with the Code requirements at Section 9.8.
- 3) Children
 - a) Children's media and advertising that is proximate to schools must be avoided;
 - b) Advertising should not appeal to minors in either placement or content.
- 4) Marketing Communications should be clearly aimed at people aged 18 and over.
 - a) Treatments that would appeal primarily to children should not be used;
 - b) Anyone depicted in a marketing communication shown drinking or playing a significant role should be aged over 25 and should appear to be over 25.
- 5) Executions for non-alcohol Product Variants will not later be repurposed for the advertising of other brand variants within the company portfolio in the Irish market.

This view will be reviewed periodically by the ASAI Executive and amended and/or developed as appropriate.

Due regard should be given to relevant provisions of the BAI Commercial Communications Code and any associated guidance notes.

Effective Date: June 2019

Version 2.2019