



ASAI GUIDANCE NOTE



Alcohol Marketing Communications

This Guidance is given by the Executive of the Advertising Standards Authority for Ireland. It does not bind the Advertising Standards Authority nor the ASAI Complaints Committee.

This Guidance Note is to be read in conjunction with the Code of Standards for Advertising and Marketing Communications and is intended to provide interpretative assistance to the industry and consumers on Section 9 of the Code – Alcoholic Drinks. It will also provide assistance to the Complaints Committee when they are assessing compliance with the provisions of the Code. Marketing Communications for alcoholic drinks must, of course, also comply with the other Code Sections.

It would be impossible to have guidance notes in the area of alcohol commercial communications that were completely prescriptive or would cater for every creative execution but the notes below are intended to assist those commissioning and those making commercial communications.

It is worth restating the principles that

- **“Marketing communications should be prepared with a sense of responsibility to consumers and society.”**
- **“The Code is applied in the spirit as well as in the letter.”**

These have particular relevance to the area of commercial communications for alcohol and as communication methods and acceptable societal norms develop over time, the Authority will place significant emphasis on these guiding principles.

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Note: Section 2 of the Code sets out the Scope and Application of the Code. Section 2.2 in particular sets out the remit of the Code, that is, what media and marketing communications types are within remit. Remit in the digital space is continually evolving and the Code is platform and technology neutral.

In determining whether material on advertisers’ owned media is within remit, there are a number of key indicators, including but not limited to:

- a. Is the content controlled by the advertiser (or their agent acting on their behalf)?
- b. Is the format controlled by the advertiser (or their agent acting on their behalf)?
- c. Is the publication of the material – place / time / frequency, etc. – controlled by the advertiser (or their agent acting on their behalf)?
- d. Is there product and/or branding in the material?

Recruitment and Brand Engagement Campaigns

Recruitment and brand engagement campaigns, even where they do not specifically address the product will initially be examined to see if the provisions of Section 9 should be applied.

- 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.

Guidance

For the purposes of Section 9, recruitment advertising is advertising for identified employment opportunities in the advertisers' company or associated company. Such marketing communications may, because of the nature of their content, be considered under the provisions of Section 9 of the Code. Marketing communications for employment opportunities in other companies or organisations of any nature by alcohol brands will be considered to be product marketing communications and therefore subject to Section 9 of the Code. In general, marketing communications for genuine employment opportunities that do not contain product or product claims or a reference to same may not need to be considered under the provisions of Section 9. Advertisers are advised to avoid content that might otherwise be in breach of the provisions of Section 9.

People appearing in marketing communications

- 9.7** Marketing communications should not be directed at children or in any way encourage them to start drinking. Accordingly:

- (a)** Anyone depicted in an alcohol marketing communication should be aged over 25 and should appear to be over 25.
- (i)** The preceding rule shall not apply if the marketing communication shows an image of people attending an over 18s ticketed event which appears either on the advertiser's owned media (such as, for example, an advertiser's own website) or on an advertiser's social media page provided such media are age gated through a secure and appropriate Age Verification System and provided the person depicted:
- appears to be clearly over 18 years of age
 - is not playing a significant role
 - cannot be seen consuming alcohol
 - does not appear to be under the influence of, or have consumed, alcohol prior to the events depicted in the marketing communication.

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The aim of **9.7(a)** is to ensure that people appearing in marketing communications for alcohol are not of an age that would appeal to people under 18 years of age. It has been a requirement of previous editions of the Code, and was developed before digital media and age gating existed.

Marketing communications on advertisers' owned media (such as their websites and social media pages) are within remit of the Code. The ASAI considers that where advertisers have provided space for consumers to upload their own photographs to the advertisers' owned media, and where the advertisers themselves upload photographs to their owned media, such photographs will be considered to be marketing communications for the purposes of the ASAI Code (Limited exclusions apply such as photographs which are not related to the brand and which do not reference in any manner the brand and / or product – See ASAI Guidance Note on Digital Marketing Communications).

- 9.7 (a) (i)** was introduced in the 7th Edition of the Code which came into effect on 1st March 2016.

For the purposes of this section of the Code, 'image' means a photograph or a still image. Video content or similar is not covered by this provision.

Provided there is no question of someone under 18, or someone who appears under 18, being shown in a PR photograph taken at a 18s+ ticketed event, and provided that the image complies with 9.7 (a) (i) in full, the provisions of 9.7 (a), that “*Anyone depicted in an alcohol marketing communication should be aged over 25 and should appear to be over 25*”, shall not apply to the people depicted in the photograph. These photographs may only be used in the context of the event, on brand owned social media and may not be used or incorporated into other marketing communications (regardless of the media involved).

Heroes/Heroines of the Young

For the purposes of the Code, a child is anyone under 18 years of age.

- 9.7** Marketing communications should not be directed at children or in any way encourage them to start drinking.
- (c) Marketing communications should not use or refer to identifiable heroes or heroines of the young. See Guidance Notes at www.asai.ie.

Guidance

- (a) 9.7 (c) is included within the overarching requirement that marketing communications and promotions for alcohol should not be directed at children.
- (b) In order to minimise the appeal of alcohol products to children, heroes/heroines that children may wish to emulate, or that have strong appeal, should not be included in marketing communications for alcohol¹.
- (c) Where there is, after appropriate discussion, ambiguity about a person who is being proposed by an advertiser as not being a hero of the young, then, by virtue of the pertaining lack of clarity, and, in the avoidance of doubt, the proposed person should not be used.
- (d) To be considered to have strong appeal under the Code, the hero/heroine must have more than recognition alone; it would be an individual or group that children would aspire to be, to connect with or emulate, or an individual or group who is or is likely to be an influencer or potential influencer of children
- (e) In sporting circles, a number of teams² in particular have been identified as heroes/heroines of the young. By way of example, they include the Irish National Rugby and Soccer Teams, the provincial rugby teams, and GAA provincial and county teams. This identification applies to the teams and individuals that are current team members.
- (f) Other representative sports teams, including international teams, and individual sportspeople may also be and/or contain heroes of the young. This is not restricted to Irish teams and sportspeople as those from outside Ireland may also be heroes/heroines to Irish young people.
- (g) Not all sports teams or sports people would be considered heroes of the young. Sports that are less appealing to young people may fit into this category. It is important to take into account the age range of children which provide the key measurement – up to 18 years. Retired sports people might not meet the threshold with regard to a level of appeal and hero status. However, this is considered on a case by case basis and, in considering recent retirees and those still in the public arena (such as in punditry or managerial roles), the ASAI will have regard, amongst other things, to the length of time since retirement and their appeal/stature pre and post-retirement.

¹ This includes marketing communications for sponsorships such as, for example, brand engagement, recruitment, sports tournaments, music festivals and the like, subject to the exception at (q) below.

² As well as including players, ‘Teams’ is to be understood as including managers, coaches and support personnel.

- (h) Irrespective of the above, sporting teams or individuals (be it professional or amateur) who are current or recent champions, or those in contention for a championship or title, are considered to be heroes/heroines of the young.
- (i) Events and tournaments are also not generally considered as heroes of the young, although teams/participants in them may be.
- (j) Celebrities, TV and film stars and musicians with strong appeal to a younger demographic are likely to be heroes of the young. Again, this will be considered on a case by case basis and the ASAI will have regard to, amongst other things, the social media metrics of the individual, the ratings of the shows/films they have appeared in, the target audience for those shows/films, and/or the target audience for a singer or band's music.
- (k) Presenters or others currently or recently associated with children's programming will be considered to be heroes/heroines of the young.
- (l) Heroes/heroines of the young can include fictitious or animated personalities/characters.
- (m) Where the teams/individuals/groups pro-actively connect with under-18's through children's merchandise, special training sessions for children to attend and other initiatives with a youth focus, then the likelihood of their being considered heroes of the young is increased.

Note: Metrics, such as those referred to in (j) above, including social media metrics, may be useful in indicating whether an individual³ is or is not a hero of the young. Where brands use such metrics they must provide evidence that they are relevant to an under 18 audience and provide them for all the social media platforms that the individual engages with. They must also provide them over a period of time, no shorter than six months, in order to show any changes in trends. Where metrics demonstrate that the under 18 audience is within 5% of the threshold and growing, and there is no basis to expect that this trend will change, the proposed individual should not be used in marketing communications.

In determining an appropriate threshold for metrics, the ASAI note that under 18s represent circa 25% of the Irish population. They also note that TV viewership figures for major sporting events that have significant under 18 following are generally between 12% to 17%.

Taking account of the above, an individual whose under 18 social media following is greater than 15% is likely to be considered as a Hero/Heroine of the Young.

Hero of the Young status is open to change over time and where someone is designated as not being a hero of the young, their status should be re-evaluated every six months.

Sponsorship and Events

- (k) Alcohol companies may currently sponsor teams / events / individuals and activities provided that the sponsorship complies with the ASAI Code and Code of Practice for Sponsorships by Alcohol Drinks Companies.
- (l) Where advertisements for sponsorships or events are being publicised it is important that a clear sponsorship association is made in advertising (e.g. proud sponsor of x).
- (m) The primary focus of a sponsorship advertisement should be on the activity (e.g. Homegrown Music Festival).

³ "Individual" also should be read as team/group/band etc.

- (n) The Sponsor's name / brand name / and or logo should be mentioned only briefly and in a subordinate way to the event. Generally, it should comprise no more than 15% of the available advertising space / time.
- (o) As it may not always be possible to apply a proportion of space rule as described above, consideration will be given to the overall look and feel of the material and whether the advertisement is promoting the event or product. This is most likely to apply where a sponsor has naming rights to an event, including the use of the brand in an event or activity name (e.g. Brand X Rugby Competition).
- (p) There can be no product or product taglines in sponsorship / event marketing communications; such elements will result in the advertising being categorised as alcohol marketing communications.
- (q) As is set out in the Code, marketing communications should not use or refer to identifiable heroes or heroines of the young nor should they depict anyone who is, or appears to be, under 25. In the case of marketing communications linked to sponsorships or events with the principal purpose of promoting the event or ticket sales, it is permissible to list the names and show photographs of performing artists or to mention their inclusion in the show or event provided no live performance is included in the promotion for the event(s), even where they are in the age group 18 to 25. (For the avoidance of doubt 'performing artists' does not include sports people).
- (r) Marketing communications by third party tournament or event owners, which are sponsored by alcohol companies, that do not depict an alcohol product or include product tag lines may not be considered to be alcohol marketing communications for the purposes of the Code (see Section 9.2).

Age Verification

- 9.7(f)** Digital media, including apps, which primarily promote an alcohol brand should have an Age Verification Page at entry – see Guidance Note on Alcohol Marketing Communications.

Guidance

Age Verification systems are acceptable under the Code provided:

- (a) Verification shall be by way of input of the visitor's date of birth.
- (b) Pre-population of data is not acceptable. The visitor/user must select or type in the date, month and year themselves.
- (c) It is acceptable to provide a list of dates, months, years but these must be set to a neutral value rather than to a value which would equate to being 18 years at the date of visit.

Health & Safety

- 9.8 (h)** Marketing communications should not depict any direct association with the consumption of alcoholic drinks and activities or locations where drinking alcohol would be unsafe, unwise or unacceptable. Where consumption is shown or implied it should not be represented as having taken place before or during engagement of the activity in question.

Guidance

Whether an activity or location is one where drinking alcohol would be unsafe, unwise or unacceptable depends on the context. Advertisers should take a cautious approach to ensure they do not depict activities or locations that would be unacceptable under the Code.