

GUIDANCE NOTE

Advertising of non-alcohol product variants (NAPV)

This Guidance sets out the current view of the Advertising Standards Authority (ASA) in relation to the advertising of non-alcohol product variants (including those that do not reference a known alcohol brand but are described as for example ‘beer’).

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

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 volume¹. 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

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This content reflects section 9 of our current code which will need to be updated in line with the Public Health Act 2018. We will apply the PHA definition to the relevant media which states that “non-alcoholic beverage means any beverage not exceeding 0.5% vol”.

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)*

Clarity

- 1) It should be made very clear from the start and throughout the duration of a marketing communication that the product is non-alcohol.
 - a) Note: There should be no scope for confusion over the product's content from the beginning and throughout its duration so that consumers are able to easily identify that the product being advertised is a non-alcohol product. There are several ways to indicate the nature of the product which are discussed in section 3. The differences between different media are acknowledged and thus, media specific approaches are discussed in section 4.

- 2) Where a marketing communication is for a non-alcohol product variant that shares the same brand as an alcoholic drink, care should be taken to ensure that the primary focus of marketing is the promotion of the non-alcohol product variant. Reference to the shared brand name in marketing communications, without referencing the non-alcohol product variant, is likely to be perceived as promoting alcohol. Marketing communications that promote the parent brand and show a range of drinks, both alcoholic and non-alcohol in nature, are considered alcohol marketing communications and must comply with the entirety of section 9 of the Code.

- 3) There may be a number of ways to indicate the nature of the product, including, but not limited to, the following:
 - (a) The product name containing reference to either 0.0%, 0.0, Alcohol Free, Zero Alcohol or similar;
 - (b) A brand NAPV Logo throughout the duration of the advertisement;²
 - (c) The content of the advertisement making reference to the product as non-alcohol.

Media Specific Approaches:

- 4) In addition, media specific approaches will need to be considered. Three potential scenarios are given by way of example:
 - (a) Media – TV / video on demand: an NAPV logo should be present and prominent from the beginning and throughout the advertisement's duration.
 - (b) Media – outdoor / print / non-video online content: The product name should clearly indicate that the nature of the product is non-alcohol and should be displayed prominently on the advertisement.

² The media specific approaches in Section 4 will need to be considered i.e this would not apply to audio advertisements.

- (c) Media – audio (including radio and podcasts). The first mention of consumption of the product must reference that the product is non-alcohol, and this also must be mentioned again at the end of the advertisement.

ABV:

- 5) Marketing communications for non-alcohol product variants must clearly state their ABV. The ABV should be displayed prominently with adequate visibility. Footnotes, or similar methods in audio ads are unlikely to provide enough prominence.

Depiction of Activities

- 6) 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.

Children

- 7) Children’s media and advertising that is proximate to schools must be avoided.
- 8) Advertising should not appeal to minors in either placement or content.
- 9) Marketing Communications should be clearly aimed at people aged 18 and over.
- 10) Treatments that would appeal primarily to children should not be used.
- 11) 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.

This Guidance Note will be reviewed periodically by the ASA Executive and amended and/or developed as appropriate.

Due regard should be given to relevant provisions of General Commercial Communications Code of Coimisiún Na Meán and any associated guidance notes.

Effective Date: 03 August 2026

Version
3.2026