



ASAI GUIDANCE NOTE ON ALCOHOL MARKETING COMMUNICATIONS

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. 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 principle that “*Marketing communications should be prepared with a sense of responsibility to consumers and society*”. This has 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 this guiding principle.

Contents:	Page Number
Recruitment and Brand Engagement Campaigns	02
People appearing in marketing communications	02
Heroes/Heroines of the Young	03
Age Verification	04

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 states:

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(a) states

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.

Guidance:

The aim of this Code provision 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 was originally developed before digital media and age gating existed. 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, the photographs of people attending such events will not be in contravention of this provision of the Code.

Heroes/Heroines of the Young

9.7 (c) states

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 alcohol. 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.
- (c) 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 or to connect with.
- (d) In sporting circles, a number of teams in particular have been identified as heroes/heroines of the young. They include, by way of example, 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. Other representative sports teams, including international teams, and individual sportspeople may also be and/or contain heroes of the young.
- (e) Not all sports teams or sports people would be considered heroes of the young. Sports that are less appealing to young people would 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.
- (f) Events and tournaments are also not generally considered as heroes of the young, although teams/participants in them may be.
- (g) 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 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.
- (h) Presenters or others currently or recently associated with children's programming will be considered to be heroes/heroines of the young.
- (i) Heroes/heroines of the young can include fictitious or animated personalities/characters.
- (j) 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.

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).
- (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) states

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.