



ADVERTISING STANDARDS AUTHORITY

GUIDANCE NOTES

FOR THE CODE FOR ADVERTISING AND PROMOTION OF ALCOHOL

January 2013

These Guidance Notes are to be read in conjunction with the Code for Advertising and Promotion of Alcohol. They are intended to provide interpretation assistance to the industry and consumers on the Principles and Guidelines of the Code.

Social responsibility [Principle 1 of the Code]

Principle 1 requires a high standard of social responsibility in alcohol advertising and promotions.

Guideline 1(a) in the Code states:

1(a) Alcohol advertising and promotions shall not link alcohol with daring, aggressive, unruly, irresponsible or antisocial behaviour nor suggest any association with, acceptance of, or allusion to, tobacco, illicit drugs, or volatile substances such as glue and petrol, explosives and weaponry.

- i. The intent of this guideline is to prevent the linking of alcohol with highly risky behaviour.
- ii. This guideline does not prevent the depiction of physical activities including sports in advertising and promotions but care must be taken to ensure alcohol products are not consumed before or during the activity. This also applies to Guideline 1(e).
- iii. “Unruly, irresponsible or antisocial behaviour” would include behaviour likely to harm individuals or property.

Guideline 1(b) in the Code states:

1(b) While alcohol advertising and promotions may depict the consumption of alcohol as incidental to a friendly and happy social environment, it shall not promote drinking alcohol as a better or more attractive lifestyle choice nor imply that the success of a social occasion depends on the presence or consumption of alcohol.

- iv. This does not prevent the use of imagery of social settings such as a dinner party / BBQ or other occasion where the responsible serving of alcohol would not be unexpected.

Guideline 1(d) in the Code states:

1(d) Alcohol advertising and promotions shall not depict alcohol as a necessity, nor required for relaxation nor suggest it offers any therapeutic benefit.

- v. Advertisements should not convey the message that a state of relaxation cannot be achieved without the consumption of alcohol but it is acceptable to suggest that a consumer can relax while consuming alcohol moderately, for example, an invitation to relax or unwind with brand X.

Social Media / Brand Websites [Principle 3]

- i. The Code requires all alcohol brand websites to have age verification entry pages. This should be in a format that requires the user to enter a birth date, not just a yes / no option in response to an age question. Advertisers should ensure they are up-to-date with any technological advances that may help minimise the risk of access by minors to brand sites.
- ii. The use of an appropriate default website if someone enters a birth date which indicates they are a minor is recommended such as a relevant page on the Alcohol Advisory Council website.
- iii. Many alcohol brands make use of social media to connect with their target audience, an advertising medium that is relatively new and continually evolving. It is noted that most social media networks have their own policies on age-related tags and advertiser should ensure that their pages comply with these policies. For example see: <http://www.facebook.com/terms.php>, http://www.facebook.com/ad_guidelines.php and http://www.facebook.com/promotions_guidelines.php
- iv. Where an advertiser has direct involvement with a website or social media pages content and 'ownership' of it, it is expected the user generated content (UGC) will be regularly monitored to ensure the content complies with the code requirements (see also ASA Guidance Note on Social Media, www.asa.co.nz).
- v. If a complaint is accepted about UGC on an alcohol brand-owned Facebook page (or similar), steps that an advertiser has taken to target that content to an adult audience will be helpful in the response to the complaint.
- vi. Risk areas for UGC include: images of clearly intoxicated people, people who may be minors drinking to excess, overtly sexual imagery linked with alcohol, people posing with alcohol while involved in risk-taking behaviour – driving, water sports, rock climbing, operating dangerous machinery etc. Written comments may also be a problem particularly wording that encourages or reports excessive consumption of alcohol.
- vii. It is acknowledged that advertisers can only be responsible for the material that is on the sites / pages that they own or manage. Where possible, links to pages with content likely to breach the codes should be removed but the content of an individual's social

media page /profile, with no connection to the advertiser, is outside the jurisdiction of the ASA.

Heroes of the Young [Principle 3]

- i. This Guideline is included within the Principle which requires alcohol advertising and promotion to be targeted at adult audiences. The selection of media, placement, style of presentation, content and context where ads appear are all key factors in determining Code compliance. For example a different standard is applicable in an on-premise or specialist alcohol outlet than a general supermarket (other than a restricted area in a supermarket), where greater care would be required. Similarly advertising in media, where the audience is less predictable, and likely to include minors requires care. Age-restricted websites are another example where there is an adult audience.
- ii. Some heroes of the young are clearly targeted to a young audience and should not be used for alcohol advertising and promotion. Others will have appeal to a wider age group and are suitable for use if specific attention is given to the appropriate environment in terms of context and placement in which the message is presented. An adult audience of at least 75% would be expected in such cases. The Advertising Standards Complaints Board is the final arbiter as to whether an advertisement has appropriately targeted an adult audience.
- iii. In order to minimise the appeal of alcohol products to minors, heroes that minors may wish to emulate or that have strong appeal should not be included in alcohol advertising that includes images of products and/or sales messaging, intended to promote the sale and consumption of alcohol in non-restricted areas where minors are likely to see such advertising.
- iv. To be considered to have strong appeal under the Code, the hero must have more than recognition, it would be an individual or group that minors would aspire to be or to connect with.
- v. A number of teams in particular have been identified as heroes of the young. They include the All Blacks, the Kiwi League team, the Warriors League team, the Black Caps cricket team and the Silver Ferns netball team. This identification applies to the teams and high profile individuals that are current team members. Other representative sports teams may also be heroes of the young, for example Super 15 Rugby franchises have been identified as such.
- vi. Not all sports teams or sports people would be considered heroes of the young. Most retired sports people would not meet the threshold with regard to a level of appeal and hero status (excluding recent retirements). Sports that are less appealing to young people would also fit into this category. It is important to take into account the age range of minors which provide the key measurement – up to 18 years.
- vii. Events and tournaments are also not heroes of the young, although teams / participants in them may be.
- viii. Celebrities, TV and film stars and musicians with particular appeal to a younger demographic could be heroes of the young. In making this assessment, considerations

should be given to the ratings of the shows/films they have appeared in, and the target audience for the shows/films and for a singer or band's music.

- ix. Note, 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 an issue re heroes of the young is increased.
- x. Sponsorship advertising is defined separately under the Code. Please also review the Sponsorship Guidance Note below.

Sponsorship [Principle 4]

- i. Alcohol companies can sponsor teams / events / individuals and activities.
- ii. It is helpful if a clear sponsorship association is made in sponsorship advertising (e.g. proud sponsor of x).
- iii. The primary focus of a sponsorship advertisement should be on the activity (e.g. Homegrown Music Festival), the team (e.g. All Blacks) or the sponsored individual.
- iv. Principle 4, Guideline 4(e) requires that the advertisement “only briefly and in a subordinate way mention the sponsor's name / and or brand name and /or logo”. In practical terms, this has been interpreted as being approximately 15% of the advertising space / time available.
- v. It will not always be possible to apply a proportion of space rule as described above and 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 New Zealand Golf Open).
- vi. Teams and individuals who may otherwise be considered heroes of the young and prevented from being included in alcohol advertisements, may be included in sponsorship advertisements as long as the requirements set out in the Guidelines (4a to 4e) are met.
- vii. The definition of sponsorship advertisement confirms that any advertisement that refers to sponsorship but does not comply with the guidelines in Principle 4 - for example, inclusion of a product shot – automatically becomes an alcohol advertisement and must comply with all the requirements of that part of the Code.
- viii. References to heroes of the young in alcohol advertising (defined separately to sponsorship advertising) are specifically dealt with in a separate Guidance Note for Principle 3 above.