



spiritsEUROPE Guidelines for the Development of Responsible Marketing Communications



spiritsEUROPE is the representative body for the spirits industry at the European level, comprising 32 national associations as well as 11 leading multinational companies.

spiritsEUROPE believes that responsible marketing, advertising and commercial communication for our products is essential to ensure consumer choice, market access for all (in particular craft distillers and SMEs) and healthy competition. Any and all marketing, advertising and/or commercial communication should convey our central message that alcohol is a product that is to be enjoyed in moderation by those of a legal purchase age, respect the decision of those who choose not to drink, and discourage the inappropriate and excessive consumption of alcohol beverages.

This latest version of these guidelines reflects new marketing practices and are designed to assist spiritsEUROPE members in conducting the advertising and marketing of their products in accordance with the principles included in the Guidelines.

The spiritsEUROPE Guidelines for Responsible Marketing Communications do not replace existing national regulatory standards, but provide reference criteria for the development and future amendment of national and sectoral self-regulatory codes applicable to marketing communications for spirits drinks.

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Definitions

For the purposes of spiritsEUROPE Guidelines for Responsible Marketing Communications, marketing communications are defined as in the ICC Framework for Responsible Alcohol Marketing Communications (2019)¹. The term “marketing communications” includes advertising as well as other techniques, such as promotions, sponsorships, and direct marketing, and should be interpreted broadly to mean any form of communication produced directly by or on behalf of marketers intended primarily to promote products.

The provisions of the spiritsEUROPE Guidelines for Responsible Marketing Communications apply to every media, and have been updated to reflect the latest technological advances, and the developments in digital advertising.

These provisions also apply to every type of promotional or marketing activity or event, including all product placements and sponsorships².

The definition of marketing communications does not extend indiscriminately to every type of commercial or corporate communication. For instance, it does not include editorial content such as non-paid for press articles, information in annual reports and the like, or corporate public affairs messages in press releases or statements to the media, government agencies or the public about matters of societal concern, such as the risks or benefits related to the consumption of alcohol, or educational messages about responsible drinking or the role of alcohol in society.

¹ <https://iccwbo.org/content/uploads/sites/3/2019/08/icc-framework-for-responsible-alcohol-marketing-communications-2019.pdf>

² Any commercial agreement by which a sponsor, for the mutual benefit of the sponsor and sponsored party, contractually provides financing or other support in order to establish an association between the sponsor's image, brands or products and a sponsorship property in return for rights to promote this association and/or for the granting of certain agreed direct or indirect benefits.



1. THE BASIC PRINCIPLES

- 1.1 Marketing communications should be legal, decent, honest and truthful.
- 1.2 They should respect accepted principles of fair competition and good business practice.
- 1.3 They should be prepared with a due sense of social responsibility and be based on the principle of fairness and good faith.
- 1.4 They should not under any circumstances be unethical, offend against generally prevailing standards of taste and decency, or otherwise impugn human dignity and integrity.
- 1.5 Marketing communications and product promotions must be transparent as brand marketing by being identifiable as such. This is a legal requirement as per the EU Unfair Consumer Practices Directive.
- 1.6 Marketing communications must respect user privacy and must not target those who are under the legal purchasing age (LPA)³.
- 1.7 All marketing communications must comply with both the letter and the spirit of all applicable laws, regulations and self-regulatory codes of practice.



2. RESPONSIBLE PLACEMENT

- 2.1 In line with international best practice, marketing communications for alcohol beverages on traditional media should only be placed in media where at least 70% of the audience is reasonably expected to be above the LPA. In digital media, advertisers must use all available technology and user data to ensure ads are targeted only to those users over the LPA.
- 2.2 To implement these placement commitments, only reliable, up-to-date audience composition data, should be used (certified by an independent third party when possible).
- 2.3 Content in non-proprietary channels can be sponsored only where at least 70% of the audience is reasonably expected to be above the LPA.

³In countries where there is no LPA, or the LPA is set at younger than 18, companies commit to never target their marketing communications to those under 18.

- 2.4 Websites or social media pages/channels controlled by the brand advertiser should have an age-affirmation/ age-gating⁴ mechanism in place before allowing users to access any content. If a user enters a date of birth that indicates they are under the legal purchase age, access to a member-controlled website should be denied and visitors should be given an appropriate message and/or directed to an information website on responsible drinking, such as those referred under the EU Portal www.responsibledrinking.eu.
- 2.5 Users should be instructed not to forward any digital marketing communications to individuals under the LPA.
- 2.6 Users should be made aware that any user-generated content⁵ on a site or social media page controlled by the brand advertiser should not condone irresponsible or dangerous drinking practices.
- 2.7 Websites and social media pages should include an official statement or badge/icon to inform users that these are advertiser-owned pages (and therefore commercial content).

Product placement

- 2.8 All the provisions of the spiritsEUROPE Guidelines for Responsible Marketing Communications apply to product placement.
- 2.9 Paid for alcohol placement in movies, television programmes, music videos, and video games and related signage in their productions should be approved or rejected upon the audience information provided by the project's producers.

Events and promotional activities

- 2.10 Marketing communications for alcohol beverages as defined above can take place at events, promotional or sponsorship activities that are used primarily for adults, i.e., where at least 70% of the spectators/participants are reasonably expected to be 18 years-old and above. For product promotional events organized by or on behalf of alcohol beverages producers, where sampling is permitted, spiritsEUROPE members should ensure that appropriate measures are employed to safeguard against under-age drinking and drink-driving (no sampling in car parks or other spaces where drivers are reasonably expected to be), no sampling which promotes drinking games that promoter irresponsible consumption, and no sampling which could appeal to those under the LPA.



⁴ **Age affirmation / Age gating** is a process or a mechanism by which users provide their full date of birth (month, day and year) and, when appropriate, country of residence to affirm they are of legal purchase age. Age affirmation mechanisms may vary depending upon available technology and examples could include, among other things, an age affirmation page, an email or instant messaging age affirmation, or the use of a site's "registered user" database of users above 18 years old.

⁵ **User Generated Content (UGC)** is material (including text, pictures, audios, and videos) that has not been created by the brand advertiser, but by a user. Whenever there is the possibility for users to comment or post content, UGC posted on alcohol beverage company-controlled digital platforms should be moderated on a regular and frequent basis.

3. RESPONSIBLE CONTENT

Responsible Consumption

- 3.1 Marketing communications for alcohol beverages should never encourage or condone excessive or irresponsible consumption, and should include a message promoting the responsible consumption of alcohol, respecting the national guidelines where applicable⁶.
- 3.2 Beverages and those enjoying them may be portrayed as part of responsible personal and social experiences and activities.
- 3.3 Marketing communications for alcohol beverages should respect the choice not to drink alcohol and never portray abstinence or moderation in a negative way.
- 3.4 Marketing communications for alcohol beverages should avoid any association with violent, aggressive, illegal, dangerous or antisocial behaviour or language.
- 3.5 Marketing communications for alcohol beverages should avoid any association with, or allusion to, drugs or the drug culture.
- 3.6 A Responsible Drinking Message (e.g., in the form of a consumer information website address) should be included in alcohol advertising, including advertorials in print media, marketing materials, digital media such as brand websites, promotional and sponsored events as well as labels in a legible way where practicable.
- 3.7 spiritsEUROPE member-controlled websites should provide a link to an information website on responsible drinking, such as those referred under the EU Portal www.responsibledrinking.eu or on the site itself.
- 3.8 Wherever feasible, promotional and branded sponsorship activities should include initiatives to promote responsible drinking.
- 3.9 On-premise promotions should encourage responsible consumption among those adults who choose to drink, and discourage drinking games, “rapid” or “down-in-one” promotions that may lead to excessive consumption and/or harmful drinking behaviour.
- 3.10 The naming, packaging, and labelling of alcohol products should not create confusion with non-alcoholic products.



⁶Marketing communication materials should not trivialize drunkenness, nor should they portray persons in a state of intoxication or in any way suggest that intoxication is socially acceptable conduct, and they should not promote the intoxicating effects of alcohol consumption.



Underage Person

- 3.11 The content of marketing communications for alcohol beverages should not primarily appeal⁷ to individuals below the LPA.
- 3.12 Marketing communications for alcohol beverages should not depict a child or portray objects, drawings, settings, sports, behaviour, gestures, storylines, dress sense, music, characters (either real or fictitious) or celebrities that primarily appeal to persons below 18 years-old.⁸
- 3.13 Alcohol beverages should not be advertised or marketed in a manner associated with the attainment of adulthood or the “rite of passage” to adulthood.
- 3.14 Marketing communications for alcohol beverages should not use models, actors or celebrities with whom the producer is contractually engaged who are not at least 25 years of age.
- 3.15 Marketing communications conducted via paid social media influencers should comply with the IARD Global Standard on Influencer Marketing Guiding Principles attached in Annex 1⁹.
- 3.16 No alcohol brand identification, including logos, trademarks or names, should be used or licensed for use on clothing, toys, games, or game equipment, or other items intended for use primarily by persons below 18 years-old.

Models
25+

4. SAFETY AND HEALTH

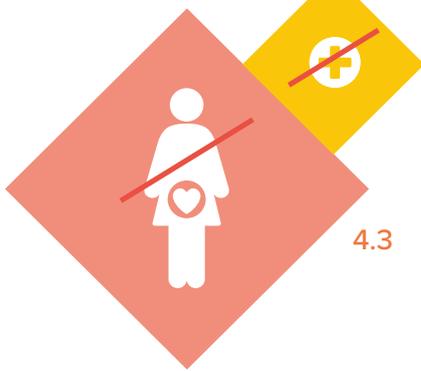
- 4.1 Marketing communications for alcohol beverages should not portray an association of drinking alcohol with driving vehicles of any kind, or with operating potentially dangerous machinery.
- 4.2 Marketing communications for alcohol beverages should not be associated with dangerous activities, i.e., should not portray alcohol being consumed by a person who is engaged in, or is immediately about to engage in, any action (sports, workplace, etc) that requires alertness or physical coordination.



⁷ Marketing communications for alcoholic drinks are considered to “primarily appeal” to persons below 18 years-old if they contain elements which are more appealing to minors than to adults.

⁸ To assist with this, the Responsible Marketing Pact Website (<https://the-rmp.eu/content/>) have developed a comprehensive exclusion list of over 40 practices and techniques that are likely to be disproportionately appealing to minors. This exclusion list is regularly updated.

⁹ Where a paid social media influencer is able to effectively age-gate their social media posts or channels to restrict the visibility of those posts or channels to those over the LPA, and the other provisions of the IARD Guiding Principles are met, then the influencer may be under the age of 25, but must be above the legal purchase age. This operates as a media-specific exception to the rule set out in 3.14, which is available only where effective age controls are in place. Please see the full principles at Annex 1 for more detail.



4.3 There should be no suggestion that alcohol has therapeutic properties or that the consumption thereof can help to prevent, treat or cure any human disease. Where permitted by law, factual statements about carbohydrate, calorie or other nutrient content may be appropriate in some circumstances.

4.4 Marketing communications for alcohol beverages should not feature pregnant women or be targeted at women who are pregnant.

The effect of alcohol

4.5 Marketing communications should not create confusion as to the nature and strength of alcohol.

4.6 Information on alcoholic strength may be presented factually, but high alcohol strength must never be the dominant theme or principal basis of appeal of any marketing communications.

4.7 Conversely, marketing communications should not imply that consuming alcohol with relatively low alcohol content will avoid abuse.

4.8 Marketing communications for alcohol beverages should avoid creating the impression that consumption of alcohol can enhance physical performance or mental ability.

4.9 Marketing communications for alcohol beverages should not suggest that the consumption of alcohol helps to overcome shyness, anxiety, inhibitions or social related issues (problems, conflicts...).

4.10 While alcohol may be presented as an enjoyable part of a balanced social life, marketing communications should not suggest that consumption is a requirement for social acceptance or success, nor that non-consumption is synonymous with failure in social, working or business life.

4.11 Marketing communications for alcohol beverages may depict affection, romantic settings, sociability and friendship but should not suggest that the consumption of alcohol can enhance sexual capabilities or increase a person's sexual success.

4.12 Marketing communications for alcohol beverages should not contain or depict graphic or gratuitous nudity, overt sexual activity, promiscuity or sexually lewd or indecent images or language.



5. COMPLIANCE WITH LAWS, REGULATIONS AND OTHER INDUSTRY CODES

- 5.1 To ease compliance, regular training of marketing professionals should take place. Companies should ensure that their marketers are trained internally, as well as any agencies they may work with. Many advertising self-regulatory organisations (SROs¹⁰) provide such training services.
- 5.2 Control mechanisms should help ensure that marketing communications for alcohol beverages reaching the market are compliant with the enclosed provisions. In case of doubts regarding compliance of an alcohol marketing communication project, advertisers should seek copy advice from the local Self-Regulatory Organisation (SRO) <https://www.easa-alliance.org/members/europe>.
- 5.3 SROs handle consumer complaints regarding marketing communications in accordance with their national self-regulatory codes. In case of cross-border complaints, an appropriate mechanism is coordinated by the European Advertising Standards Alliance (EASA) <https://www.easa-alliance.org/>.



¹⁰ In 2021, advertising self-regulatory organisations (SROs) which handle complaints on marketing communications for alcoholic beverages are operational in 21 Member States of the EU. The list and contact details of all the 28 SRO members of the European Advertising Standards Alliance (EASA – <https://www.easa-alliance.org/>) established in Europe, can be found here (<http://www.easa-alliance.org/members/europe>). Additionally, there are specific entities covering alcohol matters in Sweden, (AGM – <https://www.alkoholgranskningsmannen.se/>) and in Denmark (Alkoholreklamenævnet – www.alkoholreklamenavn.dk).



ANNEX 1

INFLUENCER GUIDING PRINCIPLES

Responsibility standards for the use of social influencers in alcohol marketing

International Alliance for Responsible Drinking (IARD)

Background

The explosion of digital channels has transformed the way in which people understand and interact with our brands. This is now the arena where our consumers want to engage with us. Although we have achieved significant progress in strengthening and expanding marketing codes of practice, digital media presents evolving opportunities with better data and technology. IARD members are determined to use these opportunities to set robust standards.

We have already put in place a **five key safeguards for our online marketing channels**, which seek to ensure that our marketing is only directed at those who can lawfully buy our products. In addition, we have established a unique partnership with the leading platforms, as part of ongoing efforts to prevent minors from seeing or interacting with alcohol marketing online. As influencer marketing becomes more widely used, we are determined to ensure that this marketing abides by national codes, is decent, honest and truthful and prevents minors from seeing posts.

Through **the influencer marketing principles** below we support and recognize the responsibility for disclosure and transparency - so that everyone is clear that a post is marketing content. We are working together to implement robust standards of influencer and endorser disclosure, alongside clear posting guidelines on digital platforms¹¹. We do not want minors to see alcohol marketing and the principles set out, strengthen safeguards to prevent minors from seeing influencer marketing.

Definition of influencer marketing

An influencer is an independent third-party endorser who shapes audience attitudes through blogs, posts, tweets, and the use of other social media including gaming streaming platforms. Influencer posts are considered marketing (as opposed to user generated content) when the influencer has received compensation through financial remuneration or there has been some form of editorial control by the advertisers. (Definition inspired by EASA's Best Practice Recommendation on Influencer Marketing n¹²).

The Influencer Guiding Principles

The IGPs are composed of five safeguards that apply to paid, incentivized and unpaid influencer content where there is a contractual or other material relationship in place between the producer and the influencer. The principles cover the selection, engagement and monitoring of influencers.

¹¹ A supporting how-to video for influencers can be viewed on [IARD website](#)

¹² [EASA Best Practice Recommendation on Influencer Marketing](#)

Selection

1. Where available, all paid influencers must use age affirmation mechanisms on digital platforms to prevent minors from seeing this content. Age-affirmation mechanisms on posts has not yet been adopted by all platforms and IARD members will continue to advocate for effective age-gating mechanisms on sites used by influencers. When utilizing those platforms where age-affirmation mechanisms for influencers are not yet effective, paid influencers should be aged at least 25 years and primarily appeal to audiences above the legal purchase age.
2. Influencers used in the digital marketing and advertising of alcohol should be vetted and to the best of the producer's knowledge have no reputational association with harmful drinking and should not feature posts that would not be compliant with the standards around irresponsible drinking behaviours outlined in alcohol marketing codes.

Engagement

3. For paid content, all influencers should have a written agreement in place with the beer, wine and spirits brand or its agency, signed by both parties. This should include.
 - a) Information linking to legal requirements relevant to national/regional context, or both.
 - b) Disclosure guidelines – asking influencers to clearly and conspicuously disclose their link to the brand so that it is clearly presented as marketing content.
 - c) Responsibility guidelines – asking the influencer to comply with the company's responsible marketing code including ensuring that content does not condone or encourage illegal behaviour or excessive consumption.
 - d) Best-practice tools for influencers when engaging on social media platforms, for example, information on branded content pages and details on how to age restrict their posts.
 - e) Feedback mechanisms so that influencers can flag any engagement or issues around responsible drinking with an agency or brand.

For content featuring gifted products, influencers should be provided with clear terms of engagement that include disclosure guidelines and a requirement to follow the company's responsible marketing code.

Monitoring

4. Influencer posts must be monitored by brands or their agencies for compliance and the influencers should fix or remove them within 72 hours if they are not compliant. If the influencer does not address issues within 72 hours of notification, or repeatedly posts non compliant material, then companies should reassess their relationship with them.
5. Brands should regularly audit and monitor campaigns for compliance.



ANNEX 2

PRIVACY POLICIES

Privacy policies govern the collection of personal information from adults above 18 years old and encompass any direct digital marketing or advertising whether conducted through a social networking site, website or other digital channel and must ensure the following:

- i. Prior to the collection of any information, the brand advertiser will require that individual to affirm that they are above 18 years old and user information only can be collected from those individuals who are above 18 years old.
- ii. The brand advertiser shall employ a mechanism for a user to “opt-in” before receiving a direct digital marketing communication and to “opt-out” to discontinue receiving such direct communications.
- iii. Clear information must be provided about collection and use of personal data, and the collection of handling of said data must adhere to the GDPR as introduced in the European Union on May 25th 2018 (<https://gdpr.eu/>).
- iv. Under no circumstances will the information collected be sold or shared with third parties unrelated to the brand advertiser.
- v. Users should be encouraged to read the privacy statement before submitting their information.
- vi. Measures will be taken to keep user information secure and protected from loss or theft.



ANNEX 3

INVITATION TO RESPONSIBILITY IN CONTRACT CLAUSES WHEN ENGAGING WITH THIRD PARTIES

App 2.1: Respect for self-regulatory advertising standards and decisions

spiritsEUROPE members are encouraged to include in their contracts and other agreements pertaining to advertising and other marketing communication, a statement committing the signatories to adhere to the applicable national self-regulatory rules and to respect decisions and rulings made by the appropriate self-regulatory body.

No marketer, communications practitioner or advertising agency, publisher, media owner or contractor should be party to the publication or distribution of an advertisement or other marketing communication which has been found unacceptable by the relevant self-regulatory body.

App 2.2: Responsible distribution and in-store placement

spiritsEUROPE members are encouraged to include in their contracts and other agreements pertaining to the distribution and in-store placement of their product a statement committing the signatories to avoid creating confusion with non-alcohol products.



rue Belliard 12, 1040 Brussels
info@spirits.eu www.spirits.eu
@spiritsEUROPE