



**Portman  
Group**

**The Code of Practice  
on the Naming, Packaging  
and Promotion of Alcoholic Drinks**

**4th Edition**



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# FOREWORD

The Portman Group's Code of Practice was first introduced in April 1996. This is the fourth edition. It applies to the naming, packaging and promotion of alcoholic drinks and provides a procedural framework for influencing, regulating and controlling industry practice.

The alcoholic drinks industry is committed to promoting its products in a socially responsible manner and only to those over 18. The Code is therefore supported throughout the industry, including producers, importers, wholesalers, retailers and trade associations.

Anyone can make a complaint against any product or promotion that they consider is in breach of the Code. Complaints are considered by an Independent Complaints Panel and its decisions are published. Sanctions are available to ensure that the Panel's decisions are enforced.

Companies are encouraged to use the free Advisory Service before launching products or undertaking promotional activities, to help ensure that they comply with the Code.

# 1. INTRODUCTION

- 1.1** This Code seeks to ensure that alcohol is promoted in a socially responsible manner and only to those over 18.
- 1.2** The Code applies to the naming, packaging and promotional material and activity of all pre-packaged alcoholic drinks which are marketed for sale and consumption in the UK.
- 1.3** The Code complements and is consistent with the Broadcast Committee of Advertising Practice (BCAP) TV Advertising Standards Code, the BCAP Radio Advertising Standards Code and the British Code of Advertising, Sales Promotion and Direct Marketing (the CAP Code), all of which are administered by the Advertising Standards Authority (ASA)<sup>1</sup>. The Code does not apply to any broadcast or non-broadcast advertising within the scope of the BCAP or CAP Codes. The Code Secretariat may refer a complaint received under this Code to the ASA if it considers that the complaint is more appropriately dealt with under the BCAP or CAP Codes.
- 1.4** The Code does not apply to wholesaler- or retailer-led promotional materials and activities, other than where a wholesaler or retailer is defined as a producer under paragraph 2.10. On-trade promotions, however, should comply with the Standards on Point of Sale Promotions issued by the British Beer and Pub Association, which are also supported by the Association of Licensed Multiple Retailers.
- 1.5** The Code does not apply to any materials or activities whose purpose is solely and clearly to educate under-18s about the use and misuse of alcohol.
- 1.6** The Code is to be applied in the spirit as well as in the letter. In judging compliance with the Code, the matter should be looked at broadly and with regard to all the circumstances including (but not limited to) the drink and any other relevant matters, including the overall impression conveyed.

<sup>1</sup> Ofcom contracted-out day-to-day responsibility for broadcast (TV and radio) advertising to the ASA and BCAP in November 2004. Ofcom acts as a backstop regulator to the ASA for TV and radio advertising.

**1.7** It is the responsibility of all companies connected with the alcoholic drinks industry in the UK (whether as producers, importers, wholesalers or retailers) to comply with this Code. This includes the provision of adequate and appropriate briefings to external agencies from whom companies may commission design or promotional work.

**1.8** Companies may indicate their support for the Code and their willingness to abide by the decisions of the Independent Complaints Panel by becoming Code Signatories. Not doing so, however, does not mean that their products are outside the provisions of the Code.

**1.9** Drinks industry trade associations may also express their support for the Code by becoming Code Signatories.

**1.10** The text of this Code supersedes all previous editions. Complaints received on or after 1 January 2008 will be considered under this Code.

## 2. DEFINITIONS

- 2.1** For the purposes of this Code, the following definitions apply.
- 2.2** An *advertorial* is any published material, including websites, promoting a drink as a result of payment by the drink's producer, even though that producer has no control over the content of the material. (NB If the material's content is within the control of the producer, it is regarded as advertising and within the remit of the CAP Code, administered by the Advertising Standards Authority.)
- 2.3** *Branded merchandise* refers to products available in the UK bearing alcoholic drinks branding which have been produced by, on behalf of, or with the permission of, an alcoholic drinks producer.
- 2.4** A *company* includes a sole trader and partnership.
- 2.5** A *drink* is a pre-packaged alcoholic drink above 0.5% ABV in strength. This includes a product developed or marketed primarily as an alcoholic 'drink', even if it is classified as a foodstuff rather than drink for the purposes of licensing or customs and excise legislation, or even if it appears to be solid or heavily textured (or can be made to be, for example by freezing or shaking), rather than liquid.
- 2.6** A drink's *packaging* includes its brand name, product descriptor, labelling, container, external wrapping and other products enclosed within the external wrapping.
- 2.7** *Point-of-sale material and activity* includes drink fonts and dispenser units.
- 2.8** A drink is *pre-packaged* if it is in a branded container, including a barrel (i.e. a draught drink) or permanent dispenser unit, ready for serving or sale to the public.
- 2.9** A *press release* is any published statement and attachments, in writing or otherwise, issued by or on behalf of an alcoholic drinks producer to the UK media and which serves to promote an alcoholic drink.

**2.10** A *producer* is a company, including a wholesaler or retailer, which holds the trademark rights for a brand within the UK or has contractual rights to distribute a brand within the UK to wholesalers and retailers, or produces a pre-packaged product which includes an alcoholic drink (i.e. a gift pack containing alcohol) even if they have no rights pertaining to that alcohol brand.

**2.11** *Promotional material and activity* encompasses point-of-sale material and activity, websites, sponsorship, press releases, branded merchandise, advertorials and sampling whenever these are generated by the producer to promote a drink in the UK.

**2.12** *Sampling* is an offer of an alcoholic drink, free of charge, to members of the public in a public place (including licensed premises), unless the premises are being used for a private function.

**2.13** *Sponsorship* means the terms of an agreement or part of an agreement to support a live sporting or cultural product, event or activity, in return for which the sponsored party agrees to be associated with or promote the sponsor's drink(s).

**2.14** A *website* refers to any website, or part of a website, managed by or on behalf of an alcoholic drinks producer for the promotion of their brand(s) primarily to the UK market and over which the producer has editorial control.

### 3. RULES FOR NAMING, PACKAGING AND PROMOTION

- 3.1** The alcoholic nature of a drink should be communicated on its packaging with absolute clarity.
- 3.2** A drink, its packaging and any promotional material or activity should not in any direct or indirect way:
- (a) have the alcoholic strength, relatively high alcohol content, or the intoxicating effect, as a dominant theme;
  - (b) suggest any association with bravado, or with violent, aggressive, dangerous or anti-social behaviour (though sponsorship of activities which may be dangerous after alcohol consumption, such as motor racing or yachting, is not in itself in breach of this clause);
  - (c) suggest any association with, acceptance of, or allusion to, illicit drugs;
  - (d) suggest any association with sexual success;
  - (e) suggest that consumption of the drink can lead to social success or popularity;
  - (f) encourage illegal, irresponsible or immoderate consumption, such as drink-driving, binge-drinking or drunkenness;
  - (g) urge the consumer to drink rapidly or to “down” a product in one;
  - (h) have a particular appeal to under 18s<sup>2</sup> (in the case of sponsorship, those under 18 years of age should not comprise more than 25% of the participants, audience or spectators);
  - (i) incorporate images of people who are, or look as if they are, under twenty-five years of age, unless there is no suggestion that they have just consumed, are consuming or are about to consume alcohol;
  - (j) suggest that the product can enhance mental or physical capabilities.

<sup>2</sup> An exception is made for replica sports kit in children’s sizes produced as part of a sponsorship agreement entered into before 1 January 2008. If this exception applies, a producer should ensure that unbranded alternatives are made available by the sponsored party. Once that sponsorship term ends, any new or renewed sponsorships should be fully compliant with paragraph 3.2(h).

# 4. COMPLAINTS

## The Independent Complaints Panel

- 4.1** The Chair of the Independent Complaints Panel is appointed by the Chief Executive of the Portman Group. The Chair appoints other Panel members. The Panel shall not include any person employed by the Portman Group or any of its member companies.
- 4.2** Details of the Panel's membership are available on the Portman Group's website or on request. The Chair plus two members of the Panel constitute a quorum and decisions are made by majority voting. In the case of a tied vote, the Chair shall have a casting vote. Panel members must declare any interest in a case before considering it, whereupon the Chair will decide if it is appropriate for that member to consider that complaint.

## Making complaints

- 4.3** Complaints should be sent in writing to The Secretary to the Independent Complaints Panel, The Portman Group, 7–10

Chandos Street, Cavendish Square, London W1G 9DQ.

If possible, evidence to support the complaint should be enclosed, such as a product sample or details of the outlet or activities involved.

- 4.4** The Portman Group keeps names of members of the public who make complaints confidential, except in exceptional circumstances when permission would first be sought from the complainant. Complaints from competitors, however, are dealt with on a named basis. The Portman Group may itself be a complainant, in which case it would be named.

## What happens when a complaint is made?

- 4.5** The Code Secretariat informs the company which appears to be responsible. This will normally be the producer but, in the case of a drink being sold in combination with other products within an enclosed package, may be the third party responsible for that overall package. The Code

Secretariat will highlight the Code section under which the particular complaint appears to fall. The Code Secretariat may also highlight any other Code section which may be relevant. The company is given 14 working days to respond in writing.

- 4.6** The Code Secretariat prepares a ‘dossier’ of information for and against the complaint. This is sent to both the company and the complainant, who both have up to 7 working days to make any additional comments. If the complainant raises any further points, the dossier is amended to include them. The company is given an opportunity to respond and any response is incorporated into the dossier. The final version is then sent to both the complainant and the company.
- 4.7** The Panel meets to consider the product’s packaging or promotion after having an opportunity to study the dossier. The Panel is not bound to restrict its consideration of the product’s packaging or promotion to the narrow terms of the complaint but may consider

the packaging or promotion under any section of the Code that it considers relevant, regardless of whether this section relates to the specific complaint or has been highlighted in the dossier by the Code Secretariat or otherwise.

- 4.8** In reaching its decisions, the Independent Complaints Panel shall not be bound by the views expressed or advice given by the Portman Group’s Advisory Service.
- 4.9** The Panel may seek expert assistance at any stage. Should this be required, the name of the expert and details of his or her opinion are made available to the company, which will be given 14 days to respond in writing.
- 4.10** If the Panel does not find a product’s packaging or promotion in breach of the Code, the decision is final, and both the complainant and the company will be notified of the Panel decision. In cases where the Panel decides that there has not been a breach of the Code, the Panel may consider other complaints against

the same product which may be made in the future, provided that they are based on different grounds or relate to amended or new packaging or promotional material or activity.

**4.11** If the Panel decides that a product's packaging or promotion is in breach of the Code, the decision is provisional. The company is advised of the provisional decision and, if it wishes to contest the provisional decision, it can do so by submitting further written representations to support its case within 14 working days of notification of the provisional decision. If a company does not challenge a provisional decision, that decision will become final.

**4.12** The Panel will consider any additional representations from the company and will make a final decision. The complainant and the company will be informed of the final decision. When the Panel has reached a final decision it will not consider further representations from the company unless the

company presents fresh information which became available to it after the final decision.

**4.13** All complaint decisions are published on the Portman Group's website, via a press release shortly after decisions have been made final and in an annual report which is submitted to the Government, alcohol interest groups, police, licensing authorities, the media and members of the public who request it.

**4.14** The time limits set out above may be extended or shortened at the discretion of the Code Secretariat. Subject to the above points, the Panel will determine its own procedures, having regard to the principles of natural justice. In particular, the Panel will not be bound by any enactment or rule of law relating to the admissibility of evidence in legal proceedings.

# 5. ENFORCEMENT

- 5.1** A company whose packaging or promotion is found in breach of the Code will be asked to take appropriate action to comply with the Code in line with the Panel's decision.
- 5.2** In the case of a Code breach concerning a drink's packaging or point of sale material, a timetable for implementing the necessary changes will be notified in writing to the company concerned. The timetable will not normally exceed three months after the notification to the company of the final decision and may be shorter, if appropriate.
- 5.3** The Code Secretariat may notify retailers of the decision taken by the Independent Complaints Panel and request them not to replenish stocks of either any product whose packaging has been found in breach of the Code, or any point of sale material found in breach of the Code, after the date specified by the Code Secretariat. For the avoidance of doubt, any such request will not require retailers to dispose of existing product stocks other than by normal retail sale and shall not require retailers to terminate any existing contractual commitment for the purchase or sale of such a product.
- 5.4** Producers and retailers are encouraged to include a clause in their supply contracts to provide for the amendment of a product's packaging within a three month period following an upheld complaint.
- 5.5** The Code Secretariat may also notify relevant breaches of the Code to the Local Authorities Co-ordinators of Regulatory Services (LACORS); this may in some cases lead to prosecutions under appropriate legislation, such as the Food Safety Act 1990, the Food Labelling Regulations 1996, etc.
- 5.6** Other appropriate third parties may also be notified of a Code breach, for example internet service providers, trade associations and monitoring organisations.

- 5.7** If a retailer continues to stock a product or display point of sale material which has been found in breach of the Code by the Independent Complaints Panel, the Code Secretariat may notify the relevant licensing authority and request it to take this into account, subject to legal requirements, when considering whether to grant, transfer, renew or revoke licences. The Portman Group may also notify the Government, trading standards officers and the media about a retailer's failure to support the decision of the Independent Complaints Panel.
- 5.8** In the event that a Portman Group member company chooses not to make the required changes to their product, representatives shall be asked to explain their position to the Portman Group Council and the company may be expelled from membership. Should any Code Signatory other than a member company not adhere to a Panel decision, it may be removed from the list of Signatories by the Portman Group Council.
- 5.9** The Code Secretariat may remit to the Independent Complaints Panel any product which has been the subject of an adverse decision and which has been amended by the company concerned, but which, in the opinion of the Code Secretariat, fails to take account of the Panel's objections.
- 5.10** In the case of a product remitted to the Panel following re-design, which in the opinion of the Code Secretariat has not adequately taken into account the Panel's findings, the company will be notified and invited to make any further written representations within 14 days. A decision will normally be taken by the Panel within three weeks of the complaint being remitted.
- 5.11** If the Panel decides that the amended design does not meet the Code's requirements, the Secretariat may immediately issue a repeat notification to retailers, urging withdrawal of the product as soon as possible and an end to further orders with immediate effect.

# 6. ADVISORY SERVICE

- 6.1** As part of its responsibility in operating the Code of Practice, the Portman Group offers a free, fast and confidential Advisory Service.
- 6.2** The Advisory Service offers drink producers and importers an opportunity to seek advice, in advance, about the packaging, including naming and labelling, of any alcoholic drink that they are planning to launch or re-launch or any promotional material or activity that they are intending to undertake that is covered by the Code. This enables any concerns about possible breaches of the Code to be discussed and dealt with at an early stage.
- 6.3** Requests for advice should be addressed to the Code Compliance Advisor at the Portman Group and should be accompanied by visuals of the product and/or full details of the promotional activity. Advice is normally given within two working days of the request being received.
- 6.4** Although The Portman Group's Advisory Service is intended to help the industry avoid problems, there are a number of important points that must be emphasised.
- 6.5** First, the Advisory Service does not constitute any kind of approval or endorsement by the Portman Group.
- 6.6** Secondly, whilst it is meant to reduce the risk of complaints subsequently being received, the Advisory Service offers no guarantee that complaints will not be received. The Advisory Service is independent of the Independent Complaints Panel that considers complaints under the Code and advice offered by the Advisory Service does not bind the Complaints Panel to a decision either to uphold or to dismiss a subsequent complaint.
- 6.7** Thirdly, advice is non-binding and in no way affects a company's own obligation to ensure that its products and promotional materials and activities comply with the Code. Any reliance

placed on the advice is at the company's own risk. The advice is given without liability on the part of the Portman Group for any loss suffered as a result, howsoever arising. The advice is given for the sole use of the company to whom it is addressed and no responsibility is accepted to any third party for its contents.

- 6.8** Finally, advice is offered on a confidential basis. The Portman Group therefore will not disclose to any third party any advice that has been given and a company must not use or mention the Portman Group's advice as part of any advertising or promotional message or present it as an endorsement of the product.

# ANNEX 1:

## Best Practice Guidelines

This annex on *Best Practice Guidelines* offers advice on a set of socially responsible actions that go over and above the minimum standards required under the Code. The annex is based on best practice initiatives which the Portman Group's member companies have pioneered and implemented under their Commitment to Action Agreement.

The annex does not form part of the Code's requirements and failure to comply with the advice in this annex is therefore not a breach of the Code. Companies are nonetheless encouraged wherever possible to adopt this best practice and thus demonstrate their commitment to meeting their broader social responsibilities through their brand marketing to encourage consumers to drink responsibly.

### Unit Labelling

Unit labelling refers to the practice of labelling alcoholic drink containers with the number of alcohol units that they contain. This information helps consumers assess their alcohol consumption.

All key brands produced for sale and consumption in the UK should be unit labelled.

Detailed guidelines on unit labelling and artwork for the unit icons are available from the Portman Group's website ([www.portmangroup.org.uk](http://www.portmangroup.org.uk)) or by emailing [info@portmangroup.org.uk](mailto:info@portmangroup.org.uk).

## **Promotion of drinkaware.co.uk**

Drinkaware.co.uk, a website created by the Portman Group but which is now owned and managed by the Drinkaware Trust, carries full and accurate information on responsible drinking in a format that is both consumer-friendly and easily accessible. Companies should, wherever possible, feature the website address on brand labels, advertising and websites so that consumers are readily directed to an authoritative source of advice and information on responsible drinking.

Companies wishing to make reference to drinkaware.co.uk should first obtain a licence free of charge from the Drinkaware Trust (tel: 020 7307 7450).

## **Website Age-Verification Pages (AVPs)**

An age verification page (AVP) is a website landing page which requires visitors to confirm they are of a certain age before they can enter the website.

It is impractical to require all visitors to undergo an external check before being allowed entry to a site and it is recognised that self-verification is open to abuse by the visitor.

Nonetheless, in the interests of deterring underage visitors and demonstrating commitment to best practice, companies should require visitors to a dedicated brand website to navigate an AVP before being allowed entry to the site.

The method of AVP should require the visitor actively to input their date of birth (e.g. from a drop-down menu) rather than allow access through clicking a default option. This is because the former method is the most stringent and the most effective deterrent to under-18s.

If access is blocked because the visitor enters an age/date below 18, they should be given an appropriate message or directed to an appropriate alternative site (e.g. an alcohol education site for young people such as [www.talkaboutalcohol.com](http://www.talkaboutalcohol.com)). Companies should not use patronising language or refer to the visitor to a clearly inappropriate website (e.g. a site for toddlers' products).

Repeat visitors may be invited to set-up a "Remember me" option to facilitate easier access to the site in future but this invitation should be accompanied by a reminder to the visitor to consider the appropriateness of this option if the computer is shared with someone aged under-18.

Corporate websites, used solely for company information rather than to promote a particular brand(s), do not need to feature an age verification page.

Age verification is particularly recommended in relation to on-line sales of alcohol.

## Influencing Retailers

Drinks producers can, through their various marketing channels, help raise the profile of, and promote their own commitment to, the Code and its principles.

Code Signatories may, if they wish, adopt the following line in trade press communications advertisements to show their commitment to the Code and its handling procedures:

*“X is a Code signatory to the Portman Group’s Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks”.*

Companies should take all necessary steps to ensure that their brands are not used as part of irresponsible promotions. To this end, they should review their terms and conditions of supply and promotion contracts to tie retailers as strongly as possible to responsible standards of brand promotion. An example of standard wording for inclusion in a contract is available from [info@portmangroup.org.uk](mailto:info@portmangroup.org.uk).

On-trade promotions should comply with the British Beer and Pub Association’s *Point of Sale Promotions: Standards for the management of Responsible Drinks Promotions including Happy Hours*.

## Staff Training

New product development and marketing teams, as well as external advertising and PR agencies should be fully aware of the Code and be regularly trained on its application.

Code awareness training can be provided free of charge by the Portman Group (contact [info@portmangroup.org.uk](mailto:info@portmangroup.org.uk)). If training is provided in-house, regular checks should be made with the Portman Group to ensure that it is comprehensive, accurate and up-to-date. The Portman Group can provide PowerPoint presentations to be used in-house.

## **Pre-launch Advice**

Drinks producers should seek free and confidential guidance from the Portman Group's Advisory Service before launching a new product or promotion to help ensure compliance with the Code (see section 6 of the Code for full details). Companies should also consult the topic-specific Help Notes designed to help communicate the application of the Code and previous Panel decisions. At the time of printing, Help Notes are available on the following topics:

- General interpretation of the Code
- Multi-purchase, on-trade promotions
- Sampling
- Gift packs containing alcohol
- Rapid or "down-in-one" drinking

Help Notes can be downloaded from our website [www.portmangroup.org.uk](http://www.portmangroup.org.uk) or by emailing [info@portmangroup.org.uk](mailto:info@portmangroup.org.uk).

## **Drinkaware Trust**

The Drinkaware Trust is an educational charity whose purpose is to positively change the UK drinking culture. It is a unique partnership between industry and the voluntary and public health sectors. The Trust receives its funding from voluntary donations by the drinks industry. The Trust has target funding of £12 million over its first three years of operation (2007-9). Portman Group member companies have pledged to provide the Trust with over £6 million of this. Companies are strongly encouraged to donate an appropriate amount to the Trust to enable it to carry out its valuable work to the maximum effect.

# Useful Contacts

## **The Advertising Standards Authority**

Mid City Place  
71 High Holborn  
London  
WC1V 6QT  
Tel: 020 7492 2222  
[www.asa.org.uk](http://www.asa.org.uk)

The ASA deals with complaints about advertisements in both broadcast and non-broadcast media

## **Committee of Advertising Practice**

Mid City Place  
71 High Holborn  
London  
WC1V 6QT  
Tel: 020 7492 2100  
[www.cap.org.uk](http://www.cap.org.uk)

The CAP offers advice on non-broadcast advertising

## **Broadcast Advertising Clearance Centre**

4 Roger Street  
2nd Floor  
London  
WC1N 2JX  
Tel: 020 7339 4700  
[www.bacc.org.uk](http://www.bacc.org.uk)

The BACC provides a pre-clearance service for television advertising

## **Radio Advertising Clearance Centre**

77 Shaftesbury Avenue  
London  
W1D 5DU  
Tel: 020 7306 2620  
[www.racc.co.uk](http://www.racc.co.uk)

The RACC provides a pre-clearance service for radio advertising

## **British Beer & Pub Association**

Market Towers  
1 Nine Elms Lane  
London  
SW8 5NQ  
Tel: 020 7627 9191  
[www.beerandpub.com](http://www.beerandpub.com)

The BBPA has published Standards for Point of Sale Promotions in the on-trade



**Portman Group**  
7–10 Chandos Street  
Cavendish Square  
London W1G 9DQ

T. 020 7907 3700  
F. 020 7907 3710  
[info@portmangroup.org.uk](mailto:info@portmangroup.org.uk)  
[www.portmangroup.org.uk](http://www.portmangroup.org.uk)