

**BREWUP**



***The Brewers of Europe advertising  
guidelines***

***Position***

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In producing these Guidelines, The Brewers of Europe has consulted many documents and would like to mention in particular ‘Advertising Self-Regulation in Europe’, produced by the European Advertising Standards Alliance ([EASA](#)), and the ‘Self-Regulation and Alcohol, A Toolkit for Emerging Markets and the Developing World’, produced by the International Center for Alcohol Policies ([ICAP](#)).

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## **PREFACE**

'The Brewers of Europe' is the voice of the brewing industry in Europe. Current members are the national brewers' associations of the 15 EU Member States, together with those of Norway and Switzerland.

The Brewers of Europe have established fruitful co-operative links with a number of sister organisations in the European countries which have applied for EU membership.

The brewing industry can and must demonstrate its ability to conduct its business responsibly, by self-regulation of its commercial communications and the active promotion of the highest ethical standards. Advertising is perhaps the most visible part of commercial communications, but they also include other forms of marketing, e.g. promotions and sponsorship.

This duty of responsibility is shared by all the agencies and ancillary services involved in producing commercial communications of all kinds. The consumer, too, has a responsibility and must be encouraged to treat our products with respect and consume them in moderation.

Effective self-regulation can ensure that commercial communications are not targeted at young people below the legal drinking age and that they do not encourage excessive or irresponsible drinking. However, it is unrealistic to expect self-regulation on its own to solve social problems related to public health, such as underage drinking or alcohol misuse.

These guidelines, endorsed by the European brewing industry, are intended to serve as common standards throughout Europe. They are not meant to replace existing national self-regulatory systems or to be limited to brewers, but rather to be incorporated into national systems where these already exist, or to fill in gaps where necessary. Where no national self-regulatory system exists, and where a wider self-regulatory system for the whole alcoholic drinks industry, such as The Amsterdam Group (TAG) Common Standards, is not practicable, these guidelines provide an element of consistency to enable the brewing industry to regulate itself.



Piero Perron

President of The Brewers of Europe

## **GENERAL INTRODUCTION**

Beer is regularly enjoyed by people the world over and has been an integral part of society for centuries in many cultures in Europe. It is a natural, wholesome and thirst quenching beverage and, when consumed responsibly is perfectly compatible with a normal healthy lifestyle.

Beer is of major societal, cultural and economic importance in the European Union. Production and consumption patterns and habits differ widely from one country or region to another, particularly with regard to the different types of beers, all of which have their own individual characteristics.

Commercial communications play a fundamental role in the success of a free market economy. Marketing promotes competition, encourages innovation and allows consumers to choose between competing brands and to be made aware of new products.

However, in recent years European institutions – in particular the European Commission<sup>1</sup> and the World Health Organisation have expressed concerns that commercial communications, and specifically advertising for alcoholic drinks, may encourage young people below the legal drinking age to drink, sometimes to excess. The alcoholic drinks industry has been challenged to demonstrate that self-regulation can and does work effectively to protect young people, particularly in the light of the Council Recommendation on the Drinking of Alcohol by Children and Adolescents<sup>2</sup>.

The Brewers of Europe recognize the need for responsibility in all commercial communications, including advertising, sponsorship and promotions, and have produced these Guidelines to give practical advice to brewing companies and brewing trade associations, to help them address this challenge and ensure that none of their commercial communications causes offence or gives rise to misuse.

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<sup>1</sup> “I call on the industry at all levels, be they producers, advertisers or retailers, (...) to show their commitment to the responsible promotion of alcohol. The ball is now in your court.” Commissioner David Byrne (public health and consumer protection), Stockholm, 2001, Brussels, 2002.

<sup>2</sup> [http://europa.eu.int/eur-lex/pri/en/oj/dat/2001/l\\_161/l\\_16120010616en00380041.pdf](http://europa.eu.int/eur-lex/pri/en/oj/dat/2001/l_161/l_16120010616en00380041.pdf)

## CHAPTER 1 – WHY SELF-REGULATION?

To maintain consumer confidence, it is in the interests of the brewing industry to ensure that its commercial communications are properly regulated, so that they are seen to be legal, decent, honest and truthful. Self-regulation demonstrates the industry's commitment to conduct itself responsibly, by actively promoting the highest ethical standards in commercial communications and by safeguarding consumers' interests. Such an important responsibility is shared with the whole "communications" chain, including the advertising industry, the hospitality sector, and retailers.

Effective self-regulation has notable advantages over detailed legislation, not only for the industry, but also for the consumer and governments, and can provide an essential complement to national legislation governing commercial communications<sup>3</sup>. In some countries advertising is extensively regulated by law, reducing the scope for self-regulatory codes. In other countries regulation is largely *self*-regulation, operated in most cases by the advertising industry and in others by the alcoholic drinks/brewing industry.

Self-regulation is a concept, not a single model. There is no one, perfect self-regulatory system, because different countries have different cultural, commercial and legal traditions. In the area of taste, for instance, sensibilities vary widely between European countries, so a commercial communication may be acceptable in one Member State but controversial in another. However, modern communications, travel and tourism make it increasingly unwise to assume that commercial communications are necessarily restricted to a domestic audience.

It is important to be realistic about what self-regulation for commercial communications can achieve and what it cannot. Effective self-regulation includes rules to ensure that commercial communications do not encourage alcohol misuse. It does not follow that commercial communications, however responsible, can engender personal responsibility in the minority of people who misuse our products.

Effective application of self-regulation can ensure that commercial communications are not targeted at young people below the legal drinking age and that they do not encourage excessive or irresponsible drinking. Self-regulation on its own cannot reasonably be expected to solve problems related to public health, such as underage drinking or alcohol misuse; these have their origins in more complex social issues.

An important purpose of any self-regulatory system is to maintain consumer confidence in commercial communications by offering a rapid and effective response to consumer concerns. It facilitates consumer protection by providing a means for individual consumers to express their views directly to the advertiser and to have those views properly considered.

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<sup>3</sup> [Canadean Report on Responsible Marketing](#)

**Self-Regulation:**

|                         | Advantages  | Criticisms   |
|-------------------------|---|--|
| <b>For government</b>   | <p>More effective than legislation in dealing with detail</p> <p>More flexible (each case assessed on its merits)</p> <p>Quicker to react than a legislative process</p> <p>Less expensive because it is funded by the industry</p> | <p>Must have confidence in the industry, which operates the system</p> <p>May not prevent a minority of practitioners from testing the boundaries of the codes</p> |
| <b>For the public</b>   | <p>More flexible than law</p> <p>More effective than law</p> <p>Free of cost</p>  | <p>Must have confidence in the industry, which operates the system</p> <p>System must be seen to be independent and impartial</p>                                  |
| <b>For the industry</b> | <p>Quicker/more flexible</p> <p>Less expensive (than lawsuits)</p> <p>Demonstrates corporate social responsibility</p>  | <p>Requires industry's commitment</p> <p>Risks damage to industry's reputation from misguided minority</p>   |

There are three key elements in the establishment of responsible commercial communications about beer. These elements are:

- the establishment of a code for beer;
- the implementation of means of ensuring compliance with the code;
- a communications strategy.

National self-regulatory codes are an important source of information, as they reflect the diversity of cultural backgrounds. Details of national codes, as well as information on company codes can be obtained from the Secretariat of 'The Brewers of Europe'

## **WHAT THESE GUIDELINES SET OUT TO ACHIEVE**

Excessive or irresponsible consumption of alcoholic drinks may have damaging personal, social or health consequences. The purpose of these Guidelines is to ensure that commercial communications for beer do not lead to excessive consumption or misuse of any kind.

As responsible brewers we want to ensure that our beer marketing is directed only at those above the legal drinking age and is carried out with care and discretion, so as not to encourage excessive or irresponsible consumption.

These Guidelines are intended for use throughout the Member States of Europe and accession countries. They are not meant to replace existing national codes, but rather to provide a common basis to be incorporated into national codes, to fill in gaps where necessary. Where no codes exist, the Guidelines will provide the basis for codes for beer. Increased consistency will help to ensure that self-regulation is effective.

## **COMMERCIAL COMMUNICATIONS**

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Commercial Communications are defined herein as:

All brand advertising or marketing communications to consumers:

- regardless of the medium used e.g.:
  - print
  - broadcast media
  - cinema
  - outdoor events
  - labelling (including product names)
  - packaging
  - Internet
- and including:
  - consumer promotion
  - merchandising
  - point of sale material
  - sponsorship
  - interactive advertising
  - communications to on & off trade

Commercial Communications do not include:

- Non-advertising materials and activities
- statements to the media, government agencies or the public about issues of societal concern such as the risks or benefits related to the consumption of beer
- educational messages about responsible drinking or the role of alcohol consumption in society.



# **CHAPTER 2 – GUIDELINES FOR COMMERCIAL COMMUNICATIONS FOR BEER**

## **BASIC PRINCIPLES**

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Commercial communications should:

- be legal, decent, honest and truthful and conform to generally accepted principles of fair competition and good business practice.
- be prepared with a due sense of social responsibility and be based on principles of fairness and good faith; under no circumstances should they be unethical, offend against generally prevailing standards of taste and decency or otherwise impugn human dignity and integrity.

### **1. MISUSE**

- 1.1. Commercial communications about beer should not encourage excessive or irresponsible consumption, nor present abstinence or moderation in a negative way.
- 1.2. Commercial communications about beer should not suggest an association with violent, aggressive, dangerous or anti-social behaviour.
- 1.3. Commercial communications about beer should not show people who appear to be intoxicated or in any way imply that intoxication is acceptable.

### **2. MINORS**

- 2.1 Commercial communications about beer should not be aimed at minors or show minors consuming beer.
- 2.2 Commercial communications should not promote beer in media, programmes or at events where the majority of the audience are known to be minors.

### **3. DRIVING**

Commercial communications about beer should not directly or indirectly associate consumption with the act of driving vehicles of any kind.

### **4. ASSOCIATION WITH HAZARDOUS ACTIVITIES**

Commercial communications about beer should not associate consumption with the operation of potentially dangerous machinery or with the performance of potentially hazardous activities, portray the act of consumption prior to or during activities, or in locations, which are potentially hazardous<sup>4</sup>.

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<sup>4</sup> It should be borne in mind those activities which might not otherwise be considered hazardous (e.g. swimming or using simple hand tools) may be inadvisable after consuming beer

## **5. MEDICAL ASPECTS**

- 5.1 Commercial communications about beer must not attribute the property of preventing, treating or curing a human disease or refer to such properties. This principle is also laid down in article 2, paragraph 1.b. of the Directive 2000/13/EC of 20 March 2000 on the approximation of the laws in the Member States relating to the labelling, presentation and advertising of foodstuffs<sup>5</sup>.
- 5.2 Commercial communications on health aspects are allowed to the extent specifically permitted by the law of the country where the communication is made. This includes reference to government issued sensible drinking guidelines or limits.

## **6. ALCOHOL CONTENT**

- 6.1 Commercial communications should not create any confusion as to the nature and strength of beer.
- 6.2 Commercial communications should not present high alcoholic strength in itself as a positive quality of the brand or as a reason for choosing it. On the other hand, messages may not imply that consuming beer of low alcohol content will avoid misuse<sup>6</sup>.

## **7. PERFORMANCE**

- 7.1 Commercial communications should not create the impression that consumption of beer enhances mental ability or physical performance, e.g. when in engaging in sports.
- 7.2 Commercial communications should not create the impression that consumption of beer enhances social or sexual success

## **8. PROMOTIONS & SAMPLING**

- 8.1 No promotion should encourage irresponsible or anti-social behaviour or alcohol misuse, in particular excessive consumption.
- 8.2 Sampling is allowed at licensed or private premises, trade fairs or occasions in accordance with local regulations. No sampling of beer should be offered to minors.

Note to the essential elements for a code for beer:

- **Minors** are defined as: “Young people below the legal age under national law”
- **Sampling** includes tasting

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<sup>5</sup> [http://europa.eu.int/eur-lex/en/consleg/pdf/2000/en\\_2000L0013\\_do\\_001.pdf](http://europa.eu.int/eur-lex/en/consleg/pdf/2000/en_2000L0013_do_001.pdf)

<sup>6</sup> This prohibition does not apply to commercial communications for non-alcoholic beers.

## **CHAPTER 3 – COMPLIANCE PRINCIPLES**

### **INTRODUCTION**

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To be credible and retain public confidence, a self-regulatory system must incorporate a proper and impartial process for handling complaints about commercial communications from consumers, competitors and other interested parties.

This Chapter includes information about compliance principles which provide a formal mechanism to ensure efficient handling of complaints alleging that products are not being promoted, marketed or retailed in accordance with the Guidelines in Chapter 3 and any national codes based upon them.

As with the Guidelines themselves, the intention is not to replace existing compliance systems, but rather to provide some general criteria that should be met by national self-regulatory structures where they exist, or else provide the basis for new compliance systems.

The structure of self-regulatory organisations (SROs<sup>7</sup>) such as those in membership of the European Advertising Standards Alliance (EASA<sup>8</sup>) will provide a useful reference<sup>9</sup>.

### **GENERAL PRINCIPLES FOR COMPLIANCE SYSTEMS**

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The principle of subsidiarity means that complaints are best dealt with on a national basis by the competent national body, as this is the most effective for the consumer.

There is a complaints mechanism in all the Member States of the European Union and in several accession countries, which deals with breaches of the International Chamber of Commerce International Code of Advertising Practice<sup>10</sup>.

The competent national body will usually be a self-regulatory organisation (SRO). SROs are funded by the advertising industry but their decision-making function should be (and normally is) independent of the advertising, or any other, industry.

If there is a clear need for a Code to be developed, but no obvious body to provide the secretariat, a self-regulatory body (SRB<sup>11</sup>), i.e. a body emanating from trade associations or social aspects organisations (SAOs<sup>12</sup>) may appoint a Complaints Officer and establish a Complaints Committee to adjudicate and report on complaints.

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<sup>7</sup> Body set up and funded by the advertising industry to apply a code or rules regulating advertising content

<sup>8</sup> The aim of the EASA is to promote and support advertising self-regulation in Europe. Its members are the national Self-Regulatory Organisations (see below) in the EU and those from other European countries. Their contact details are available at <http://www.easa-alliance.org/>

<sup>9</sup> Advertising Self-Regulation in Europe – an analysis of advertising self-regulatory systems and their codes of practice in 22 European countries. <mailto:library@easa-alliance.org>

<sup>10</sup> [http://www.iccwbo.org/home/statements\\_rules/rules/1997/advercod.asp](http://www.iccwbo.org/home/statements_rules/rules/1997/advercod.asp)

<sup>11</sup> Body set up and funded by Brewers, or Brewers and other sectors, to impartially apply a code or rules regulating the content of commercial communications

<sup>12</sup> Industry-funded organisations which promote the responsible consumption of alcoholic beverages through education and communication programmes, as well as funding of specific measures, such as those against drinking and driving. A list of contact details of SAOs throughout Europe is available at <http://www.amsterdamgroup.org/>

The SRO/SRB, although it is funded by the industry, must be (and be seen to be) scrupulously impartial: its task is to protect consumers by maintaining high standards. This is usually done by setting up an impartial complaints committee to consider complaints alleging breaches of the Codes. The rulings of this committee can be enforced using a range of sanctions, including adverse publicity through the publication of the committee's decisions; media refusal of advertisements against which the complaints committee has upheld a complaint; imposing pre-clearance of further advertisements by the offending advertiser.

## **ESSENTIAL ELEMENTS FOR NATIONAL COMPLAINTS COMMITTEES**

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A Complaints Committee dealing with national complaints should have the following characteristics<sup>13</sup>.

1. The composition of a complaints committee (CC) may reflect national customs but should be balanced.
2. The procedures of the CC should be prompt and the reporting should be transparent.
3. A SRO/SRB must have the power to enforce decisions of the CC. Therefore it should have a range of effective sanctions at its disposal.

## **COMPLAINTS HANDLING SYSTEM**

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The recommended procedures for a complaints handling system are set out below. A schematic model is shown on page 14

1. A complaints handling system should have a contact address and be widely publicised.
2. Complaints should be made in writing. A complaint can be made by consumers (either individuals or consumer bodies), organisations or competitors. The complaint should contain details of the commercial communication, where and when it appeared and the grounds for the complaint.
3. On receipt of the complaint, an acknowledgement should be sent to the complainant and the advertiser should be informed. A time schedule for dealing with the complaint should be indicated.
4. The secretariat may advise the complaints committee on relevant jurisprudence, case history etc.
5. The decision of the complaints committee should be sent in writing to the complainant and the advertiser.
6. The SRO/SRB should regularly publish the decisions of the complaints committee
7. The national SRO/SRB should keep records of the number and nature of complaints and the decisions of the complaints committee in order to report regularly on the functioning of the Code.
8. If a complaint is upheld and the advertiser refuses to comply with the CC's ruling, sanctions should be imposed as appropriate according to local customs.
9. An appeal procedure should be set up.

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<sup>13</sup> See also: EASA Common Principles and Operating Standards of Best Practice: [http://www.easa-alliance.org/about\\_easa/en/common\\_principles.html](http://www.easa-alliance.org/about_easa/en/common_principles.html)

## **CROSS BORDER COMPLAINTS**

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It is necessary to ensure that complaints about commercial communications seen in one country but originating in another country can be effectively dealt with. The EASA has operated a system for dealing with complaints about cross border advertising in Europe since 1992<sup>14</sup>.

This normally requires the commercial communication to comply with the rules of the country of origin. If cross border complaints are received by an SRO/SRB, they should be sent to the EASA who will forward them to the relevant SRO/SRB in the country of origin.

## **COMPLAINTS ABOUT COMMERCIAL COMMUNICATIONS ORIGINATING OUTSIDE EUROPE**

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Where a commercial communication originates in a country outside Europe, compliance mechanisms may be unable to ensure compliance with the codes. This is unsatisfactory for the consumer making the complaint and also reflects badly on the European brewing industry, due to the adverse publicity it may promote.

To reduce the threat of this problem, pressure needs to be applied through industry organisations, companies, competitors and other organisations (as appropriate) to convince everyone of the need for responsible commercial communications.

Pressure must be applied to convince the party in breach that it jeopardises a higher goal, i.e. freedom for responsible commercial communications.

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<sup>14</sup> [http://www.easa-alliance.org/complaints/en/howto\\_right.html](http://www.easa-alliance.org/complaints/en/howto_right.html)

## A COMPLAINTS MECHANISM MODEL



## **CHAPTER 4 – IMPLEMENTATION STRATEGY**

This Chapter contains general recommendations which national compliance mechanisms should aim to achieve.

A successful self-regulatory scheme should comply with the general principles laid down in Chapter 3, and it is advisable to apply one of the possible implementation routes described below.

The diagram on page 18 sets out the key steps to be followed in an implementation strategy.

### **GENERAL RECOMMENDATIONS**

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#### **BREWERS RESPONSIBILITY**

Ultimate responsibility for compliance with the code, both in the spirit and to the letter, rests with the brand owner, who will lose out financially and be subject to adverse publicity if a complaint is upheld against a commercial communication for one of his products. Agencies may also suffer from bad publicity depending on the actual sanction applied. The ultimate loser may well be the whole industry, as repeated contraventions of self-regulatory codes may eventually lead to advertising bans or restrictions. Practitioners who push the boundaries of the codes to the limit are irresponsible and should be discouraged by all available means.

#### **ACHIEVABLE GOALS**

It is important to ensure that the objectives set for self-regulatory systems are realistic and achievable – the essential purpose is to ensure that commercial communications are responsible.

#### **SPECIFICITY**

Specific rules are preferable, where possible, to general principles applicable to all products. This enables specific issues to be addressed, in particular, ensuring that beer is only marketed to adults and that advertisements only promote responsible consumption.

#### **ANTICIPATION**

It is never a good idea to delay setting up a self-regulatory system because ‘there is no real concern about advertising’ in any particular country. It is much more effective to put such systems in place before problems arise, not afterwards.

#### **PREVENTION**

Prevention is better than cure – a good self-regulatory system will aim to pre-empt and resolve possible problems before they arise, for example through copy advice or pre-clearance and internal company compliance activities.

## **ROBUSTNESS**

Sanctions have to be meaningful but must take into account local specificities. Sanctions may include adverse publicity through the publication of the complaints committee findings; media refusal of advertisements against which the complaints committee has upheld a complaint; imposing pre-clearance of further advertisements by the offending advertiser.

## **TRANSPARENCY**

The procedures of the CC and the reporting should be transparent, so that the complaints procedure is obvious too to the complainant.

## **COMPOSITION**

To establish impartiality, credibility and overall effectiveness, the composition of the complaints committee should be broad and balanced.

## **POSSIBLE IMPLEMENTATION ROUTES**

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The self-regulatory system should ideally be capable of dealing with all forms of brand advertising or marketing communications, regardless of the medium used (e.g. both print and broadcast media, labelling, packaging, Internet promotional activities and consumer promotions in the on and off-trade.)

Where it is not possible for the self-regulatory body to handle all forms of such communications, the boundaries of its responsibilities should be clearly defined and communicated to consumers.

In parallel with the cultural and legal differences in different countries, the way that regulation and commercial communications are dealt with varies. The examples below all produce effective self-regulation, but demonstrate the range of possibilities open to countries that are setting up a system. The important thing is to ensure that codes exist, that a compliance mechanism is in place and that consumers are aware of it.

### **OPTION A – THE BREWER’S ROUTE**

In Spain the Self-Regulatory Code on the Commercial Communications for Beer, signed by Cerveceros de España together with UCE (Spanish Consumers Union), has been in place since 1995.

In 2003 the Code was subject to a review involving the majority of public authorities concerned. As a result, a second edition was signed together with CECU (Consumers and Users Confederation) and Autocontrol (EASA national sister organisation). Enforcement related provisions were designed in accordance with the EU Council Recommendation on the Drinking by Children and Adolescents in 2001 (Footnote Nr 2 refers).



## **OPTION B – THE “DRINKS” ROUTE**

In Germany the Advertising Council has since 1976 developed a special Code of Conduct for advertising alcoholic beverages, which was signed by the associations of all producers and importers of alcoholic beverages and has proved very effective.

In Denmark the Committee of the Danish Common Standards for Commercial Communications was established in 2000.

The Committee is chaired by an independent lawyer and gives the Danish Consumer Council a decisive role.

## **OPTION C – THE “HORIZONTAL” ROUTE**

This method of implementing self-regulation consists of either plugging into an existing advertising self-regulatory system (i.e. one of the SROs in membership of the European Advertising Standards Alliance), or, if none exists, helping to set up a new one..

## **OPTION D – A COMBINATION OF A AND C, OR B AND C**

This is the system currently applied in the UK, where advertising in different media is regulated by several Self-Regulatory Organisations, and where other forms of commercial communications are covered by a drinks industry funded Social Aspect Organisation (SAO), The Portman Group.

## **‘INTERNAL’ COMPANY POLICIES**

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As brewing companies grow and start to operate in a number of countries they will find that the regulations governing commercial communications vary from place to place and what might be allowed in one country contravenes local regulations in another. With this in mind, and responding to a growing sense of social responsibility, some larger brewing companies are setting out corporate alcohol policies that apply to all parts of the organisation and include an internal code on marketing and other forms of commercial communications. These can be particularly important in countries where there are no codes of practice and or few regulatory controls.

The Amsterdam Group<sup>15</sup> is about to produce a manual and a training module to help alcoholic drinks producers and their agencies ensure that commercial communications comply with its Common Standards<sup>16</sup>.

The International Center for Alcohol Policies (ICAP<sup>17</sup>) has published a Toolkit for Emerging Markets and the Developing World<sup>18</sup>

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<sup>15</sup> The Amsterdam Group is an alliance of Europe’s leading producers of beers, wines and spirits, to address social problems related to the excessive or inappropriate consumption of alcoholic drinks

<sup>16</sup> <mailto:info@amsterdamgroup.org>

<sup>17</sup> Supported by eleven major international companies, ICAP is dedicated to helping reduce the abuse of alcohol worldwide and to promoting the understanding of the role of alcohol in society

<sup>18</sup> <http://www.ICAP.ORG/pdf/toolkit.pdf>

## **POSSIBLE ADDITIONAL CHECKS AND BALANCES**

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In addition to the guidelines for responsible commercial communications described above, consideration should be given to putting in place some of the “checks and balances” included in this section.

### **PRE-LAUNCH - COPY ADVICE**

Pre-launch - copy advice is a service offered by some self-regulatory organisations. It provides companies and agencies with confidential advice in the planning stage of new products and commercial communications campaigns, enabling any concerns about possible breaches in the codes to be discussed and dealt with at an early stage. The service is offered on a voluntary, non-binding, basis and is independent of the complaints committee which, in the event of a subsequent complaint, is not bound by advice given previously by the secretariat. Copy advice offers two advantages: firstly it serves to emphasise the importance of the codes to the personnel responsible for the communication and secondly it acts as a first line of defence to identify and prevent inappropriate marketing plans. It cannot guarantee that complaints will not be subsequently received once the campaign has been launched, but it greatly reduces the risk of a complaint and can save companies from having to make expensive changes to campaign plans further into their development.

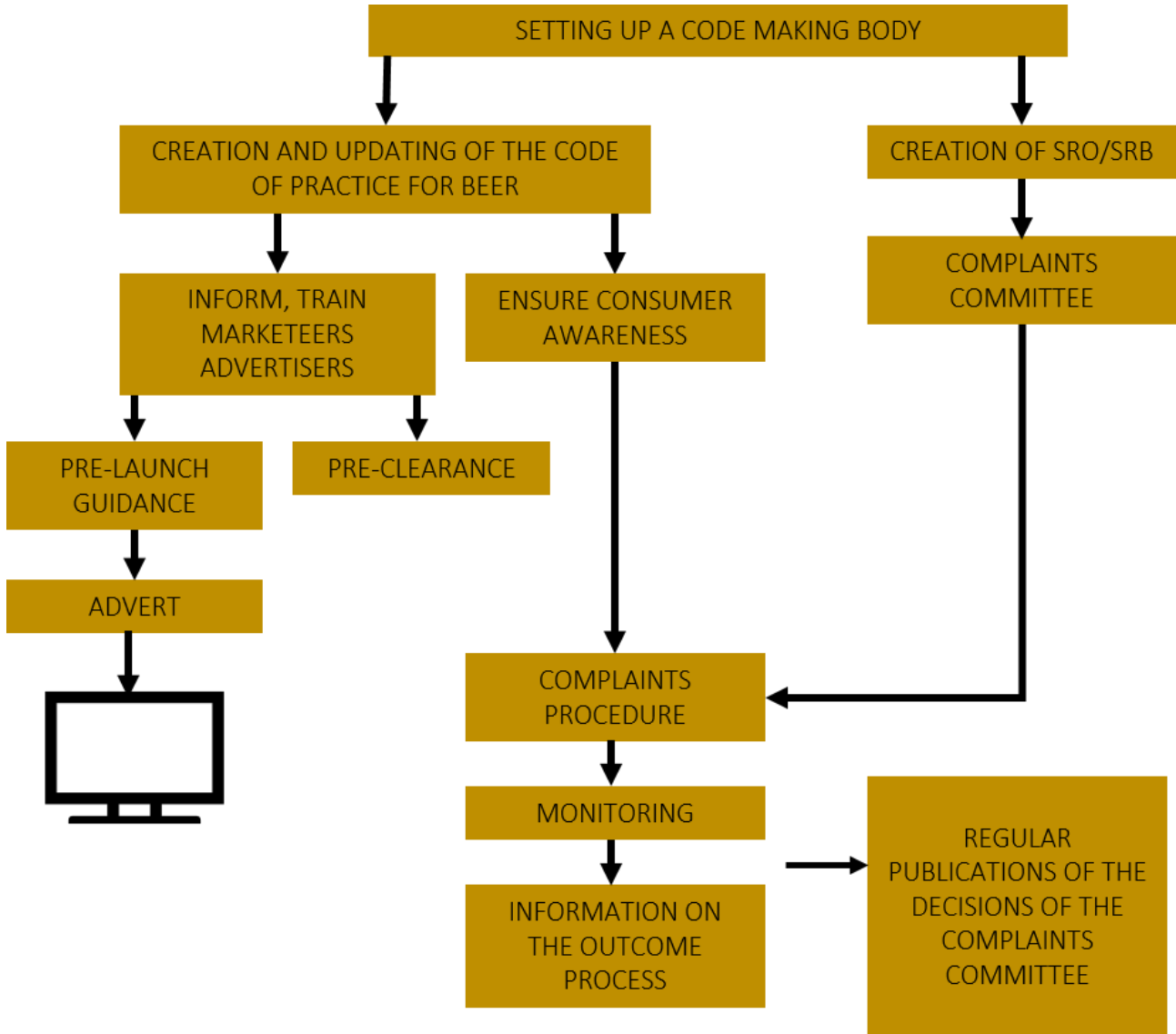
### **PRE-CLEARANCE (PRE-VETTING)**

In some countries certain forms of advertising have to be submitted to the self-regulatory organisation for clearance before they are used publicly. This is called pre-clearance or pre- vetting and it is usually a compulsory pre-condition, which involves examination of products or campaigns before they are launched. This has been established in some countries usually with reference to a specific type of commercial communication, for example broadcast advertising in the UK. Pre-clearance is similar to copy advice but is always binding and may be a legal requirement. If a campaign fails to pass pre-clearance the revised campaign will need to be cleared before it can be used. Pre-clearance may also be imposed on advertisers who have breached the codes in the past as an additional sanction

### **MONITORING**

A useful additional task carried out by some self-regulatory organisations/bodies is complaints monitoring, i.e. recording the number and nature of complaints received. Monitoring complaints about commercial communications for alcoholic drinks / beer is particularly useful, as it can help to identify areas of consumer concern about commercial communications for these products and also demonstrate the effectiveness of the self- regulatory system itself. If the code covers all advertising, comparing the number of complaints upheld for alcoholic drinks with the total number of complaints, will often demonstrate that there are relatively few complaints in this area. For a more specific code covering, for example, just beer, monitoring the numbers of complaints will help the SRB to evaluate the effectiveness of the code

## ESTABLISHING/DEVELOPING SELF-REGULATION



# **CHAPTER 5 - COMMUNICATION STRATEGY**

## **INTRODUCTION**

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There are two main audiences for information about responsible commercial communications and it is essential that both are targeted in any communications strategy. The first can be described broadly as “industry”, the second is the consumer.

## **COMMUNICATION TO INDUSTRY**

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Industry is used here to describe all the people employed to produce and disseminate all forms of commercial communications. It includes people working in:

- Marketing departments of brewing companies,
- Advertising and marketing agencies,
- Publishing and other media who transmit or distribute communications for brewers and
- Retailing and distribution/sale of beer.

## **WITHIN COMPANIES**

Marketing managers employed by brewing companies need to be aware of the importance of self-regulation and understand what they would risk by breaking the codes either materially or in spirit. In turn they need to communicate this to the entire marketing and promotional teams as well as to the agencies, publishers and retailers they use.

## **IN-HOUSE TRAINING**

Whether the company operates its own codes for responsible commercial communications or relies on formal self-regulatory systems it is important that the principles are communicated to the people who are likely to be responsible for all forms of commercial communications. This means that individual brewing companies should have in-house training schemes that include details included in these guidelines with perhaps case studies based on real advertising or promotional campaigns.

## **WIDER COMMUNICATION**

Advertising and PR agencies, publishers and retailers also need to be familiar with self-regulatory codes to assist the advertiser to fulfil their responsibilities. Brewing company in-house training can usefully be extended to cover the other “industry” personnel described above.

## **AT POINT OF SALE**

Where possible server-training schemes should be used to help those responsible for selling the products address issues related to excessive consumption and disorderly behaviour and prevention of sales to minors. They may also need guidance on responsible promotions<sup>19</sup>. There is much to be gained from the brewers working together with the retailers to ensure that all staff employed at point of sale understands the principles of the codes which they must work to..

## **COMMUNICATION TO CONSUMERS**

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Consumers need to be informed about the existence of self-regulatory organisations and how complaints can be made if they see an advertisement or other commercial communication which they consider to be misleading or offensive.

Part of the work of a self-regulatory organisation should be the publication of information about the self-regulatory system and details about how complaints can be made. This may take the form of an advertising campaign and the advertising space is often provided free of charge.

Responsibility for communication of this information may lie with the SRO/SRB but brewing companies can help by making reference to the information in their publications, for example their website.

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<sup>19</sup> For instance, the Dutch SAO STIVA has produced guidelines for on-premise promotions for alcoholic beverages. Another useful example of practical guidance on point of sale promotions can be found on the web site of the British Beer & Pub Association: <http://www.beerandpub.com/newpages/retail/gpguides/pos/pos.pdf>

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# GLOSSARY

## **Advertising Industry**

Advertisers, advertising agencies and the media and/or trade associations representing their interests, whether at national, European or global level.

## **Code**

Set of rules governing the content of commercial communications. May also be known as Code of Practice or Code of Conduct.

## **Commercial Communications**

See definition on page 8.

## **Complaints Committee (CC)**

Part of a self-regulatory organisation/body responsible for complaints adjudication.

## **Complaints Officer**

Person appointed by a trade association or social aspects organisation to act as secretariat for a complaints committee.

## **Compliance**

Means of ensuring that commercial communications are in accordance with self-regulatory rules. Compliance systems commonly involve complaints handling mechanisms and may include possible additional 'checks and balances', including pre-launch advice.

## **Copy advice**

Advice on a proposed advertising campaign provided by a self-regulatory organisation/body, usually on a non-binding basis (see also pre-clearance).

## **Country of destination**

Country to whose consumers a commercial communication is addressed.

## **Country of origin**

In the context of cross-border complaints, the country in which the media carrying the advertisement (or, in the case of a direct-mail or Internet advertisement, the advertiser) is based.

## **Cross-border complaint**

Complaint by an individual or organisation based in one country about an advertisement circulating in that country, but carried in media based in another.

## **Media refusal**

Refusal by media to accept an advertisement.

## **Minors**

Young people under the legal drinking age defined under national law.

## **Pre-clearance**

Examination of a commercial communication by a self-regulatory organisation/body as a compulsory pre-condition of publication or transmission. May also be known as pre-vetting.

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**Pre-vetting**

See pre-clearance.

**Sanction**

Means of enforcing compliance with the rulings of a self-regulatory organisation/body.

**Secretariat**

Permanent executive staff a self-regulatory organisation/body.

**Self-Regulation**

Regulation conducted by the industry, profession or sector regulated.

**Social Aspects Organisation (SAO)**

Industry-funded organisation which promotes the responsible consumption of alcoholic beverages through education and communication programmes, as well as funding of specific measures, such as those against drinking and driving.

**Self-Regulatory Body (SRB)**

Body set up and funded by brewers, or brewers and other sectors, to apply impartially a code or rules regulating the content of commercial communications.

**Self-Regulatory Organisation (SRO)**

Body set up and funded by the advertising industry to apply a code or rules regulating the content of commercial communications (primarily advertising).

**Statutory code**

Code having the force of law and/or put in place by legislation or a governmental agency.

**Trade Association**

Body set up by a sector like the brewing sector, to promote and defend the interests of the sector towards European and international institutions.



The Brewers of Europe

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