



**BEER INSTITUTE**

## **ADVERTISING AND MARKETING CODE**

**JANUARY 2006 EDITION**

### **Introduction**

Beer is a legal beverage meant to be consumed responsibly. Its origins are ancient, and it has held a respected position in nearly every culture and society since the dawn of recorded history.

In the United States, beer is a mature product category with broad cultural acceptance and a history of memorable and distinctive advertising, that because of its humor and creativity, has long been a favorite among American adult consumers. Advertising and marketing materials are legitimate efforts by brewers to inform consumers of the particular styles and attributes of numerous beers and other malt beverages that are available. Brewer advertising and marketing also foster competition, persuade adult consumers of legal drinking age to try particular brands, and maintain customer loyalty.

Brewers should employ the perspective of the reasonable adult consumer of legal drinking age in advertising and marketing their products, and should be guided by the following basic principles, which have long been reflected in the policies of the brewing industry and continue to underlie this Code:

- Beer advertising should not suggest directly or indirectly that any of the laws applicable to the sale and consumption of beer should not be complied with.
- Brewers should adhere to contemporary standards of good taste applicable to all commercial advertising and consistent with the medium or context in which the advertising appears.
- Advertising themes, creative aspects, and placements should reflect the fact that brewers are responsible corporate citizens.
- Brewers strongly oppose abuse or inappropriate consumption of their products.

The term “beer” as used in this Code, covers all types of malt beverages including, but not limited to, beers, ales, porters, stouts, flavored malt beverages, and various specialty products. The production, distribution, and sale of beer in the United States are subject to extensive laws and regulations, enforced by federal, state, and local governments. Federal and state laws establish a three-tiered distribution system for beer. The first tier is composed of brewers and beer importers, which are referenced throughout this Code as “brewers.” The second tier is made up of wholesale distributors, and the third tier includes a wide range of licensed retail outlets, at which beer is sold to consumers. Companies in each tier of this distribution system are required by law to maintain their commercial independence. The Beer Institute encourages all with whom brewers do business to adhere to the law, as well as this voluntary Advertising and Marketing Code.

## **Guidelines**

1. These guidelines apply to all brewer advertising and marketing materials, including Internet and cyberspace media. In applying these guidelines, creative elements are to be considered in the overall context of the advertisement or marketing materials. Humor, parody, satire, and all other advertising themes and devices should be readily identifiable as such by reasonable adults of legal drinking age.

These guidelines do not apply to educational materials or televised, printed, or audio messages of a non-brand specific nature; nor to materials or messages designed specifically to address issues of alcohol awareness, abuse, drunk driving, underage drinking, or over-consumption.

2. Beer advertising and marketing materials should portray beer in a responsible manner:
  - a. Beer advertising and marketing materials should not portray, encourage, or condone drunk driving.
  - b. Although beer advertising and marketing materials may show beer being consumed (where permitted by media standards), advertising and marketing materials should not depict situations where beer is being consumed rapidly, excessively, involuntarily, as part of a drinking game, or as a result of a dare.
  - c. Beer advertising and marketing materials should not portray persons lacking control over their behavior, movement, or speech as a result of consuming beer or in any way suggest that such conduct is acceptable.
  - d. Beer advertising and marketing materials should not portray or imply illegal activity of any kind by an individual prior to, during, or after the individual consumes, purchases, or is served beer, unless the portrayal or implication of illegal activity is a basic element or feature of a parody or spoof and is readily identifiable as such.

- e. Beer advertising and marketing materials should not portray beer drinking before or during activities, which for safety reasons, require a high degree of alertness or coordination.
  - f. Retail outlets where beer is served or sold portrayed in advertising should not be depicted as unkempt or unmanaged.
3. Brewers are committed to a policy and practice of responsible advertising and marketing. As a part of this philosophy, beer advertising and marketing materials are intended for adult consumers of legal drinking age. Advertising or marketing materials should avoid elements that appeal primarily to persons under the legal drinking age. Advertising and marketing materials appeal primarily to persons under the legal drinking age if they have special attractiveness to such persons beyond their general attractiveness for persons above the legal drinking age.
- a. In considering whether beer advertising and marketing materials appeal primarily to persons under the legal drinking age, brewers should take into account the following elements among others:
    - Symbols
    - Language
    - Music
    - Gestures
    - Entertainers or celebrities
    - Cartoon characters
    - Groups or organizations
  - b. Beer advertising and marketing materials should not depict Santa Claus.
  - c. Beer advertising and marketing materials shall only be placed in magazines, on television, or on radio where at least 70% of the audience is expected to be adults of legal drinking age. A placement will be considered reasonable if the audience composition data reviewed prior to placement met the percentages set forth above. What constitutes a reasonable basis for placement depends on the medium and available data for that medium. Buying guidelines for the implementation of this section will be distributed in conformance with the dissemination provisions of this code. The brewer placing advertising or marketing materials in magazines, on television, or on radio shall conduct periodic after-the-fact audits, at least semi-annually where possible, of substantially all of its placements. If a brewer learns that a placement did not meet the Code standard, it will take steps to prevent a reoccurrence. These steps may include, but are not limited to: investigating exceptions; canceling placements on programs with unacceptable audience composition; reallocating purchases to a different and acceptable time slot; contacting the media outlet/station with regard to placement errors or possible reporting errors; reemphasizing audience composition requirements with media buyers and media outlets; and continued monitoring of a program or time slot to determine whether buys should be canceled or reallocated.

- d. Models and actors employed to appear in beer advertising and marketing materials should be a minimum of 25 years old, substantiated by proper identification, and should reasonably appear to be over 21 years of age.
  - e. Beer should not be advertised or marketed at any event where most of the audience is reasonably expected to be below the legal drinking age. This guideline does not prevent brewers from erecting advertising and marketing materials at or near facilities that are used primarily for adult-oriented events, but which occasionally may be used for an event where most attendees are under age 21.
  - f. No beer identification, including logos, trademarks, or names should be used or licensed for use on clothing, toys, games or game equipment, or other materials intended for use primarily by persons below the legal drinking age.
  - g. Brewers recognize that parents play a significant role in educating their children about the legal and responsible use of alcohol and may wish to prevent their children from accessing Internet web sites without parental supervision. To facilitate this exercise of parental responsibility, Beer Institute will provide to manufacturers of parent control software the names and web site addresses of all member-company web sites. Additionally, brewers will require disclosure of a viewer's date of birth at the entry to their websites and will post reminders at appropriate locations in their web site indicating that brewer products are intended only for those of legal purchase age. These locations include entrance into the web site, purchase points within the web site, and access into adult-oriented locations within the web site, such as virtual bars.
4. Beer advertising and marketing materials should not make the following exaggerated product representations:
- a. Beer advertising and marketing materials should not convey the impression that a beer has special or unique qualities if in fact it does not.
  - b. Beer advertising and marketing materials should make no scientifically unsubstantiated health claims.
  - c. Beer advertising and marketing materials may portray beer as a part of personal and social interactions and experiences, and a brand may be portrayed in appropriate surroundings, as a superior choice to compliment a particular occasion or activity. Beer advertising and marketing materials should not, however, claim or represent that individuals cannot obtain social, professional, educational, athletic, or financial success or status without beer consumption.
  - d. Beer advertising or marketing materials should not claim or represent that individuals cannot solve social, personal, or physical problems without beer consumption

5. Beer advertising and marketing materials:
  - a. Should not contain language or images that are lewd or indecent in the context presented and the medium in which the material appears.
  - b. May contain romantic or flirtatious interactions but should not portray sexually explicit activity as a result of consuming beer.
6. Beer advertising and marketing materials should not contain graphic nudity.
7. Beer advertising and marketing materials should not employ religion or religious themes.
8. Beer advertising and marketing materials should not disparage competing beers.
  - a. Comparisons or claims distinguishing competing beers should be factual.
  - b. Beer advertising and marketing materials should never suggest that competing beers contain objectionable additives or ingredients.
9. Beer advertising and marketing materials should not disparage anti-littering and recycling efforts. Beer advertising and marketing materials should not show littering or otherwise improper disposal of beer containers, unless the scenes are used clearly to promote anti-littering and/or recycling.

10. College marketing

Beer advertising and marketing materials on college and university campuses, or in college-owned media, should not portray consumption of beer as being important to education, nor shall advertising directly or indirectly degrade studying. Beer may be advertised and marketed on college campuses or at college-sponsored events only when permitted by appropriate college policy.

a. On-campus promotions/sponsorships

- 1) Brewer sponsored events: Brewer sponsorship of on-campus events or promotions at on-campus licensed retail establishments shall be limited to events conducted in accord with this Code, state law, and applicable institutional policies. In their content and implementation, company on-campus promotions and sponsorships shall not encourage the irresponsible, excessive, underage, or otherwise illegal consumption of beer.
- 2) Branded products: Beer-branded promotional products such as key chains, clothing, posters, or other tangible goods designed to promote specific beer brands, are intended only for adults of legal drinking age. Distribution of these items will therefore take place only at licensed retail establishments or where distribution is limited to those over the legal drinking age, and otherwise conforms to applicable laws and institutional policies.

3) Tastings: Tasting events at which product samples are provided should occur at licensed retail establishments or where distribution is limited to those over the legal drinking age, or otherwise conforms to applicable laws and institutional policies.

b. Brewer sales representatives.

Brewer sales representatives who undertake sales calls on or near a college campus must be adults of legal drinking age, and shall conduct sales activities in conformity with this Code.

11. Billboards

Billboard advertisements by brewers shall be located at least 500 linear feet from established and conspicuously identified elementary or secondary schools, places of worship, or public playgrounds.

12. Product placement

Movies and television programs frequently portray consumption of beer and related signage and props in their productions. Brewers encourage producers to seek approval before using their products, signage, or other props in artistic productions. While producers sometimes seek prior approval from brewers, the final artistic and editorial decisions concerning product portrayal are always within the exclusive control of the movie or television producers.

With regard to those producers who seek brewer approval or those brewers who seek placement opportunities, product placement will be guided by the following principles:

- a. Case by Case Approval: Brewers will approve or reject product placement in specific projects or scenes on a case by case basis, based upon the information provided by the movie or television program's producers.
- b. Portrayal of drinking and driving: Brewers discourage the illegal or irresponsible consumption of their products in connection with driving. Consistent with that philosophy, brewers will not approve product placement where the characters engage in illegal or irresponsible consumption of their products in connection with driving.
- c. Underage drinking: Brewers discourage underage drinking and do not intend for their products to be purchased or consumed illegally by people below the legal drinking age. Consistent with that philosophy, brewers will not approve product placement which portrays purchase or consumption of their products by persons who are under the legal drinking age.

- d. Primary appeal to persons below the legal drinking age: Brewers discourage underage drinking and do not intend for their products to be purchased or consumed illegally. Consistent with that philosophy, brewers will not approve product placement where the primary character(s) are under the legal drinking age or the primary theme(s) are, because of their content or presentation, specially attractive to persons below the legal drinking age beyond the general attractiveness such themes have for persons above the legal drinking age.
- e. Portraying alcoholism/alcohol abuse: Brewers do not want their products to be abused. Consistent with that philosophy, brewers will not approve product placement where characters use their products irresponsibly or abusively or where alcoholism is portrayed, unless the depiction supports a responsible-use message.
- f. Measured media: Brewers will not request or approve a product placement in any measured media unless the placement is consistent with the Buying Guidelines that accompany this Code and at least 70% of the audience is reasonably expected to be adults of legal drinking age.

## **Code Compliance and Dissemination**

Each member of the Beer Institute is committed to the philosophy of the Code and is committed to compliance with the Code. When the Beer Institute receives complaints that an advertisement or marketing practice is inconsistent with a provision of the Code, the Institute's longstanding practice is to promptly refer such complaints in writing to the member company or to non-member brewers for review and a response. To facilitate this process, the Beer Institute maintains a toll-free number (1-800-379-2739) and a web site at [www.beerinstitute.org](http://www.beerinstitute.org).

If the proponent of a complaint is dissatisfied with the response received from a Beer Institute member or a non-member brewer, further consideration may be requested by the Beer Institute Code Compliance Review Board. The Board is composed of individuals with a variety of experience who are independent of the brewing industry. The Board will review complaints from the perspective of the reasonable adult consumer of legal drinking age and decide whether or not such complaints identify advertisement(s) or marketing material(s) that are inconsistent with one or more of the guidelines in the Code. Board decisions will be posted on the Beer Institute web site.

Copies of this code shall continue to be given to brewery employees, wholesale distributors, and outside agencies whose responsibilities include advertising and marketing beer, as well as to any outside party who might request it.

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