

# RESPONSIBLE ADVERTISING AND MARKETING CODE

*Principles and best practices*

Updated September 24, 2018



# PREAMBLE

The *Responsible Advertising and Marketing Code (the Code)* applies to all Beer Canada member activities undertaken to advertise and market their products. As responsible brewers, our members want to ensure that any commercial communication is directed only to those of legal purchase age and carried out in a socially responsible manner.

Beer Canada is the national trade association that advocates on behalf of Canada's brewers for a healthy regulatory environment, and that beer continue to remain a celebrated part of Canada's culture, as it has for well over 350 years. Beer Canada represents over 50 Canadian brewing companies that account for 90% of beer made in Canada and a category that supports 149,000 Canadian jobs, \$13.6 billion in real gross domestic product and \$5.7 billion in tax revenues for federal, provincial and municipal levels of government.

Marketing and advertising are legitimate efforts by brewers to inform consumers of the styles and attributes of numerous products that are available. These efforts support competition, persuade adult consumers of legal purchase age to try brands, and maintain customer loyalty. When consumed responsibly beer can be part of a balanced and healthy lifestyle for most people.

As a statement of principles and best practices, the Code is intended to complement, support and enhance federal and provincial/territorial alcohol advertising and marketing rules as well as those codes administered by Ad Standards (Advertising Standards Canada). The Code is voluntary, but also is a condition of Beer Canada membership and a visible demonstration of the beer industry's shared commitment that advertising and marketing be directed only to those of legal purchase age and in a socially responsible manner.

Beer Canada and its members will continue to work with industry partners to ensure that socially responsible activities like this Code help support Canada's culture of moderation and reduce harmful alcohol consumption.

# SCOPE OF THE CODE

The Code applies to all forms of brand marketing and commercial communication for all member products that contain alcohol, or are de-alcoholized or non-alcoholic beer product. This includes, but is not limited to:

- Every type of print and electronic media, including the internet, and any on-line or digital media (including websites and social media) used to market products;
- Brand advertising, product labels and packaging;
- Marketing programs such as music events, sporting events, culinary events, etc. and promotional activities;
- Sponsorships including through sports, groups, events, product placement, celebrities or influencers;
- Point of sale materials, direct mail, outdoor, displays, sponsorships, promotions; and,
- Product placements (i.e. movies, television programs, music, videos, video games).

## THE CODE DOES NOT APPLY TO:

- Communication supporting responsible drinking efforts designed to prevent irresponsible and harmful alcohol consumption;
- Corporate communication and press releases, and statements made to media and government; and,
- Educational and social awareness campaigns, and promotion of cultural and tourism activities such as brewery visitor attractions that focus on factual information and the history and technical process of brewing.

## APPLICATION OF THE CODE

The Code shall apply to all members of Beer Canada, who are encouraged to ensure that all commercial communication complies with the Code.



# CODE REQUIREMENTS

## 1. BASIC PRINCIPLES

1.1. The Code does not replace federal or provincial/territorial laws, regulations, policies and existing codes governing beverage alcohol commercial communication, but rather is a statement of basic principles Beer Canada members voluntarily commit to upholding.

## 2. PREVENTING UNDERAGE APPEAL

### GENERAL

2.1. For this Code, the term 'legal purchase age' refers to the age by which individuals may purchase alcohol beverages or may lawfully drink, whichever is greater:

- Alberta, Manitoba and Quebec establish a legal purchase age of 18. For all other provinces, and for the territories, a legal purchase age of 19-years applies.

2.2. Advertising and marketing materials are intended solely for adults of legal purchase age who choose to drink, and should not be used in any manner directed or primarily intended to appeal to consumers below the legal purchase age.

### APPEAL

2.3. Advertising and marketing materials will not contain the name of or depict Santa Claus, or employ any symbol, image, object, cartoon character, celebrity, music, language or other content whose primary appeal is to persons under the legal purchase age.

2.4. No brand identification, including logos, trademarks or names, should be used or licensed for use on clothing, toys or games, or game equipment, or other items intended for use primarily by persons below the legal purchase age.

2.5. Beer Canada members should limit the manufacture of brand logoed apparel, and the licensing of Member Company trademarks used in connection with the sale of logoed apparel, to only adult sizes.

2.6. Models and actors employed to appear in broadcast beer advertising must clearly be of legal purchase age and it is recommended that they be, and appear to be, 25 years of age or older.

2.7. All members of brand promotions teams must be, and must reasonably appear to be, at least of legal purchase age.

2.8. All persons featured in user-generated content must be, and must reasonably appear to be, at least of legal purchase age.

2.9. Advertising and marketing should be placed in print, radio, television or any form of digital media only where at least 70% of the audience is reasonably expected to be of legal purchase age or older (determined by using reliable audience composition data).



2.10. Products should not be advertised on the comic pages of newspapers, magazines or other publications.

2.11. Appropriate measures and best efforts shall be taken so that beverage alcohol advertising and marketing are not specifically aimed at events unless at least 70% of the audience is reasonably expected to be of legal purchase age. This requirement does not prevent Member Companies from having communication materials at locations that are used primarily for adult-oriented events, but which occasionally may be used for an event where many attendees are under the legal purchase age.

2.12. For paid outdoor media campaigns, Beer Canada members will take all reasonable steps to ensure that commercial communication is not placed near elementary, or secondary schools, places of worship or public playgrounds, as well as conform to government laws, regulations and policies establishing proximity.

### **3. SOCIAL RESPONSIBILITY**

3.1 Advertising and marketing will portray or encourage only moderate and responsible consumption by people of legal purchase age, consistent with Canada's Low-Risk Alcohol Drinking Guidelines.

3.2 Advertising and marketing will not portray persons lacking or having diminished control over their behaviour, movement, vision or speech or in any way suggest that intoxication is acceptable.

3.3. Refusal, abstinence or moderate alcohol consumption will not be presented in a negative light; an individual's choice whether to drink will always be respected.

3.4. Advertising and marketing will not depict or include pregnant women or imply that the consumption of alcohol during pregnancy is acceptable.

3.5. The brand names and corresponding packaging, labels, internet and social media domain names for member products will not convey sexual innuendo or use terms typically associated with intoxication or irresponsible alcohol consumption.

### **4. HAZARDOUS ACTIVITIES, PERFORMANCE AND SUCCESS**

4.1. Advertising and marketing will not depict or suggest alcohol consumption before or during activities, or in locations, that are potentially hazardous or require a high degree of alertness, judgment, precision or co-ordination for safety reasons (e.g., driving, operating machinery, athletic activities).

4.2. Driving while intoxicated is against the law. Advertising and marketing will not portray, encourage or condone driving any motor vehicle or means of transport while intoxicated.

4.3. Advertising and marketing will not portray physical prowess, power or strength because of consuming alcohol beverages.



4.4. Beer Canada members will not make claims or representations that individuals can obtain social, professional, education, financial, academic or athletic success or status because of alcohol consumption. It is, however, acceptable to show a participant enjoying a product in a relaxing, celebratory or team setting after the activity has taken place.

4.5. Advertising and marketing will not portray alcohol consumption as a rite of passage to adulthood.

4.6. Claims and/or suggestions will not be made that alcohol can enhance sexual capabilities, attractiveness or contribute to sexual success or seduction, or portray nudity. People featured in commercial communication should not be posed in a position or stance that is overtly sexual in nature.

4.7. Advertising and marketing will not degrade the image, form or status of women, men, transgender, or any ethnic, minority, sexual-orientated, persons with disability, religious or other group.

4.8. Advertising and marketing will not employ religion and religious themes.

4.9. Advertising and marketing will not depict violent or antisocial behavior, unless it is clearly recognizable throughout as humor, parody, satire or spoof.

## **5. ILLEGAL ACTIVITIES, ILLEGAL DRUGS, OTHER SUBSTANCES**

### **GENERAL**

5.1. Advertising and marketing materials will avoid any association with, acceptance of, or allusion to drug culture or illegal drugs, or imply illegal activity of any kind, or portray persons with any product in situations in which consumption of alcohol is prohibited.

### **OTHER SUBSTANCES**

5.2. Advertising and marketing materials shall not promote the co-consumption of member products and illegal substances.

## **6. HEALTH**

6.1 Advertising and marketing materials will not make representations about drinking beer for health therapeutic or health claims, except as permitted by law.



## **7. ALCOHOL CONTENT FOR PRODUCTS CONTAINING MORE THAN 7.5% ABV LIMIT**

### **GENERAL**

7.1 Advertising and marketing materials should not create any confusion as to the nature and strength of beer.

7.2 Beer Canada members will not promote a product's higher alcohol content as a reason to consume the product, but may choose to highlight a product's lower alcohol content in marketing as a tool consumers can use to help reduce their alcohol intake and avoid irresponsible drinking.

### **RESPONSIBLE MARKETING CODE FOR HIGHER ALCOHOL BEERS**

7.3. Beer Canada and its members support the industry voluntary "Responsible Marketing Code for Higher Alcohol Beers" for products containing more than 7.5% alcohol by volume

7.4. Members will ensure that no television advertising for higher alcohol beer will be shown before 10 P.M.

7.5. Programs will be carefully selected for radio and television advertising. Advertising for higher alcohol beer will be limited to programs that appeal predominantly to individuals over the age of 24.

7.6. Advertising for any higher alcohol beer will not employ spokespersons, imagery, language, music or gestures that target young adults.

7.7. Advertising will not suggest that consumption of the product contributes to, or enhances, an individual's performance, physical strength, social acceptance or success.

7.8. Advertisements will clearly communicate the alcohol content to raise consumer awareness and understanding of the product's alcohol strength.

7.9. Advertising and point of sale materials will not focus on price comparative value of higher alcohol beer.

7.10. Members will not promote higher alcohol beer on campuses, including pubs, student residences and fraternities.

7.11. There shall be no association of higher alcohol beers with music events and motorsports.

7.12. Members will reinforce with distribution networks in all jurisdictions the need for continuing vigilance to ensure sales are made only to those of legal purchase age. This is especially true in the case of higher alcohol beers.



## 8. DE-ALCOHOLIZED AND NON-ALCOHOLIC BEER PRODUCTS

8.1 For purposes of this Code, de-alcoholized and non-alcoholic beer products are defined as all beer products of 0.5% alcohol by volume (ABV) or less.

8.2 Members will only promote de-alcoholized and non-alcoholic beer products to adults of legal purchase age, and will not promote such products for consumption by underage people.

8.3. Members will adhere to all requirements of this Code in all forms of advertising and marketing about de-alcoholized and non-alcoholic beer products. The following activities and promotions however are deemed acceptable within this Code:

8.3.1. As permitted and according to law, reasonably substantiated health or functional benefit claims for de-alcoholized and non-alcoholic beer products may be made, so long as the product is clearly recognizable as de-alcoholized and non-alcoholic;

8.3.2. Members may promote drinking de-alcoholized and non-alcoholic beer products as a way to avoid drinking during an occasion such as at an event when the consumer is a designated driver or at a business lunch, or for sports and other recreational activities; and,

8.3.3. Members may promote drinking de-alcoholized and non-alcoholic beer products as a “substitution strategy” to avoid overconsumption during a drinking occasion by reducing the number of alcohol beverages consumed.

8.4. Product placement requests for de-alcoholized and non-alcoholic beer products should only be granted if the product is clearly recognizable as a de-alcoholized or a non-alcoholic beer product and any character associated with the product is over the legal purchase age.

## 9. COLLEGE AND UNIVERSITIES

### COLLEGE AND UNIVERSITY MARKETING CODE

#### GENERAL

9.1. Promotional activities will not be conducted on college and university campuses except in licensed establishments located on such campuses.

9.2. Promotion and marketing should not be permitted in campus residences, as a high number of students in residences are not of legal purchase age.

9.3. All marketing programs specifically targeted for students and/or held on campus should conform to the code of student conduct of the educational institution, as well as to applicable federal, provincial/territorial and municipal laws, regulations and policies.

9.4. Promotion, including but not limited to posters, social networking sites and websites, should not encourage any form of alcohol abuse nor should it place emphasis on quantity and frequency of consumption.





## **AWARDS, GIFTING, PRODUCT SAMPLING**

9.5. Beer (kegs and cases) or beer vouchers should not be provided to individual students as free awards or prizes for winning contests or competitions.

9.6. Packaged beer (kegs and unopened packages of beer, including bottles and cans) should not be provided as gifts to individual students or on-campus student-run organizations such as student associations or fraternities. This does not preclude member product sampling under appropriate conditions as established under Provision 9.7.

9.7. Where member product sampling is permitted by educational institution, sampling will be limited as to time and quantity, and conducted in an appropriate and controlled manner, following applicable laws and guidelines. Principles of good hosting should be observed including availability of alternative de-alcoholized or non-alcoholic beer products, soft drinks, food and planned programs. The consumption of beer should not be the sole purpose of any promotional activity.

9.8. Sampling and other promotional activities should not include “drinking contests”.

9.9. Campus representatives must receive responsible alcohol beverage service training (ex. Smart Serve).

## **PROMOTIONAL ACTIVITIES**

9.10. Promotional activities should not be associated with otherwise existing campus events or programs without the prior knowledge and consent of the appropriate educational institution officials. “Appropriate

educational institution officials” refers to University or faculty officials, except for activities taking place in licensed establishment on campus. In this case, the responsibility of contacting University management falls to the licensed establishment.

9.11. Display or availability of promotional materials should be determined in consultation with appropriate educational institution officials.

9.12. Informational marketing programs should have educational value and subscribe to the philosophy of responsible and legal consumption of the products represented. “Informational Marketing Program” refers only to activities that were promoted using information about the benefits of the product (such as nutritional benefits).

9.13. On-campus marketers should support alcohol awareness programs that encourage informed and responsible decisions about the consumption or non-consumption of beer.

## **10. RESPONSIBLE CONSUMPTION STATEMENTS**

10.1. Statements encouraging responsible alcohol consumption will be included in member advertising, marketing materials, websites and other digital media, and promotional events where practicable.



## 11. PRODUCT PLACEMENT, BRAND SPONSORSHIP AND PROMOTIONS

### GENERAL

11.1. Member product placements, sponsorship agreements, brand promotions, displays or events will not be directed to those under the legal purchase age.

11.2. Any associated materials, merchandise, displays or sponsorship items will not be of primarily appeal to persons under the legal purchase age, e.g., children's toys and clothing, children's games and game equipment.

### PRODUCT PLACEMENT

11.3. For product placements where Beer Canada members have creative control, members will not grant permission for products or properties to be used in a way that, in the member's judgement would misrepresent the company's position on responsible drinking, specifically products or properties used in scenes where:

- a character is under the legal purchase age or drinking alcohol illegally;
- a character associates member products with public drunkenness, impaired driving, alcoholism or other abuses or illegal consumption of alcohol; or,
- a character's drinking is not, in the member's judgement, appropriate, legal or responsible.

### CELEBRITIES AND SPOKESPERSONS

11.4. Sponsored persons or brand spokespersons, such as celebrities, athletes and singers, must be, and reasonably appear to be older than legal purchase age.

11.5. A minimum of 70% of the sponsored person's or brand spokesperson's fan base shall be reasonably expected to be at least of legal purchase age.

### PROMOTIONS AND BRAND EVENTS

11.6. To the extent it is in a member's control, alcohol must not be supplied to visibly intoxicated persons or those under the legal purchase age.

11.7. All on-off premise promotions will encourage responsible drinking for those adults who choose to drink, and will not support activities that encourage or reward excessive or irresponsible consumption.

11.8. Event attendees should not be discouraged from choosing to drink de-alcoholized or non-alcoholic beer products rather than beverages that contain alcohol. Wherever possible, de-alcoholized or non-alcoholic beer products, water and/or soft drinks must be made available during the promotion.

11.9. Servers and sellers at promotional events will be trained on responsible serving and selling of alcohol as well as local legal requirements, preferably with a certified program if available.



11.10 Promotions and promotional materials will follow cultural standards of good taste and not encourage or reward irresponsible and abusive consumption of alcohol either through volume, time span or in any other way.

## 12. DIGITAL MEDIA

12.1. Digital marketing communications on a site or web page controlled by the brand advertiser that involve direct interaction with a user shall require either an age disclaimer or require age affirmation by the user prior to full user engagement of that communication to determine that the user is of legal purchase age. Age affirmation is regarded as the best practice and preferred option.

12.2. Whenever a user's access is denied through an age-affirmation mechanism, this user should be sent an appropriate message.

12.3. User-generated content on a site or web page controlled by the brand advertiser will be monitored and moderated on a regular basis.

12.4. Digital marketing communications that are intended to be forwarded by users ("forwardable content") should include instructions to individuals downloading the content that they should not forward these materials to individuals below the legal purchase age.

12.5. Digital marketing communications must respect user privacy.

12.6. Digital marketing communications and product promotions must be transparent as brand marketing and will be identified as such.

## 13. COMPLAINTS

13.1. Members of Beer Canada are committed to the principles behind the Code, and to complying with every provision therein. Complaints about individual companies using practices inconsistent with this Code will be received by Beer Canada and will be promptly referred to the concerned member for action and/or response.

## 14. CODE REVIEW

14.1 The Code will be reviewed on an annual basis and where appropriate will be updated.

### QUESTIONS?

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For any questions concerning Beer Canada's Responsible Marketing and Advertising Code of Conduct, please contact us at

[cheers@beercanada.com](mailto:cheers@beercanada.com)



# DEFINITIONS

*“Age Affirmation”* is a mechanism by which a user is required to provide their full Date-of-birth (DOB) and province/territory (other country where appropriate) to affirm he/she is of Legal Purchase Age (LPA). Age-affirmation processes may vary according to the available technology.

*“Digital media”* is a key channel for communications, which includes but is not limited to: websites under Member Company control; user-generated content under member control; viral advertising under member control; social media brand pages or channels, downloadable applications (apps); and, video games.

*“Direct interaction”* is triggered whenever a user is provided with the ability to directly and actively engage with the brand, beyond just viewing or listening to content (e.g., sharing content, posting content, responding to a direct digital marketing communication).

*“Forwardable Content”* - all branded digital content – including static, streaming, and downloadable – which can be forwarded and shared by a user to/with other users.

*“Legal Purchase Age”* is the minimum age required to buy alcohol. It is established as 18 in Alberta, Manitoba and Quebec, and 19 in the remaining provinces and territories. In Canada, legal purchase age is differentiated from legal drinking age as some provinces permit those under the legal purchase age to consume alcohol when in the presence of a parent or person having lawful custody.

*“Primary appeal”* to persons under the legal purchase age if it has special attractiveness to such persons beyond that general attractiveness it has for persons of legal purchase age.

*“Sponsorships”* are commercial, contractual agreements between a brewer (the sponsor) and a sponsored party or sponsorship property establishing an association between the sponsor’s brands or products and the sponsored party or sponsorship property in return for rights to promote this association.

*“User-Generated Content”* - all content – including text, videos, and images – produced by individual users not associated with the advertiser.



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