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The Spanish Brewers Code of Advertising Practice



Full title: **Self-regulation Code of Advertising from Cerveceros de España (Spanish Brewers Association) (2003). Modified in 2009.**

Código de Autorregulación Publicitaria de Cerveceros de España

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Title of relevant sections:

Chapter 2: General Principles

Chapter 3: Consumption and Abuse: Social Responsibility

Chapter 4: Minors and Beer

Chapter 5: Beer and Driving

Chapter 6: Beer and Work

Chapter 2**General Principles**

Without prejudice to national legislation or measures, producers and distributors should be urged to establish or apply self-regulatory controls and agree on a set of rules, in relation to all types of promotion, marketing and distribution of alcoholic beverages irrespective of the medium used, within the framework of codes of conduct.

The self-regulation of alcoholic beverage advertising which relies on the support of relevant interested parties such as producers, advertisers and media and which is already applied in some Member States, often in close cooperation with governments and non-governmental organisations, can play an important role in the protection of children and young people against the harm caused by alcohol.

This Code is a good example of the cooperation encouraged by the Council of the European Union and, consequently, includes the different principles defined in the Recommendation of 6 June 2001 (2001/458/CE) by which it includes the following undertakings, inter alia:

A. Avoid the production of alcoholic products especially aimed at children and young people

B. Prevent the design or promotion from being aimed at minors, paying attention to the following elements:

- Use of designs or codes of communication likely to be aimed at children or minors
 - Use of minors or people appearing to be minors drinking or encouraging the consumption of beer in campaigns
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- Allusions or images related to the consumption of drugs and tobacco
 - Links with violence or antisocial behaviour
 - Insinuations of social or sexual success associated with the consumption of alcohol
 - Encouragement of minors to consume alcohol
 - Sponsorship or advertising at events or on supports or media specifically aimed at minors
 - The distribution of alcoholic beverages to minors free of charge as well as the sale or distribution of promotional products specifically designed for children and minors free of charge

C. Guarantee that complaints against products, which are not marketed in accordance with the aforesaid principles, can be managed effectively and that, if applicable, said products can be withdrawn from sale and an end put to inappropriate promotion or marketing practices.

The expression "COMMERCIAL COMMUNICATION" used in this text shall mean that realised with the aim of promoting the purchase of a product, directly or indirectly, via the procurement of advertising space in the written press, [via the] radio, television, cinema, outdoor advertising or the Internet in exchange for a financial consideration and direct consumer promotion activities by means of mail, mobile telephone or the Internet.

Commercial communications are vital in a free market economy and play an essential part as intrinsic elements of competition in consumer choice. These communications may give rise to increases in market shares and are very useful in introducing new products or variants of pre-existing products. They can be a rapid and effective way of informing potential purchasers on the manufacture, innovations, stock, quality and characteristics of the products. If they adopt the form of advertising, they are of vital importance for the media.

This document refers to commercial communications relating to beer and has a bearing on the necessary differentiation between responsible consumption and abuse in the consumption of this drink, with particular interest in those areas in which alcohol abuse and irresponsible consumption of alcohol has particular repercussions: in relation to driving and minors.

Finally, it is worth pointing out that this Self-Regulatory Code on Advertising does not apply to alcohol-free beer, except with regard to the truthfulness and clarity of the information included in these commercial communications and apart from the exceptions considered in the chapter "Minors and beer."

Chapter 3

Consumption and Abuse: Social Responsibility

- Most Spanish consumers who drink beer do so responsibly and in moderation.
- The moderate and responsible consumption of beer must not be confused with abuse at any time.
- All considerations regarding responsible consumption relate to the adult public. In the case of minors, no consumption of beer can be considered responsible
- Our entire focus must be directed towards eradicating abuse in consumption, as far as possible. Raising awareness among and educating this sector of the population must be carried out via generic education campaigns, considering in depth the causes affecting individuals and leading to abuse in consumption.
- It is necessary to provide information on the harmful effects of abuse within the

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family, school and health environments

- The experience of other cultures prohibiting the consumption of alcohol completely or limiting its availability or commercial communication to a maximum demonstrate how this is entirely ineffective in tackling the problems derived from abuse. Only information campaigns on the negative consequences of abuse have been successful and can increase individuals' awareness of their own responsibility

Finally, since the abuse and irresponsible consumption of alcoholic beverages cause problems in our society, the Spanish beer industry undertakes to ensure that:

1. All commercial communications will be made with a sense of social responsibility in terms of content, form and distribution.
 2. Television spots, newspaper and magazine advertisements and outdoor hoardings (excluding supports located at the tops of buildings, monoposts or similar) must include a message stating that moderation is a basic premise for responsible consumption, unless sponsorship advertising is disseminated on said media/supports. This message must be set out in the form "(the corresponding trademark) recommends responsible consumption" and shall be included in a legible format for the target audience and must always appear horizontally. In the specific case of television, the caption must appear in lettering with a font size of 26. Its exposure time shall be 3 seconds in spots of up to 10 seconds, 5 seconds in spots of between 11 and 30 seconds and 7 seconds in longer spots, excluding unconventional advertising (for example: sponsorship sequence) not lasting more than 10 seconds.
 3. Commercial communications relating to beer shall not appear on the front and back covers of daily newspapers.
 4. In order to ensure compliance with the Law and ethical principles of this Code, companies subject thereto shall submit their advertisements or draft advertisements for alcoholic beer on television (for example: script and storyboard) for pre-assessment before broadcasting (Copy Advice).
 5. Commercial communications shall not describe situations that give the impression of abusive/ excessive consumption and consumption associated with the consumption of psychotropic substances and/or tobacco.
 6. Commercial communications for beer shall not emphasize [the fact] that its alcoholic strength is higher than that of another beer or alcoholic drink as a positive quality thereof.
 7. Commercial communications shall not show people in a state of intoxication or highlighting "drunkenness" as positive exemplary behaviour.
 8. Commercial communications shall not indicate that beer consumption contributes to the reduction or disappearance of feelings of anxiety, internal conflict or feelings of social maladjustment as a result of its consumption. It may never be suggested that drinking beer on one's own contributes to the solution of these problems.
 9. Commercial communications may reflect the pleasure of communication, conviviality and socialising accompanying the responsible consumption of beer but must never imply that drinking is necessary for a successful social or working life or that non-drinkers are less accepted or less successful than those who drink. Neither shall they encourage aggressive or violent behaviour - equally, the consumption of beer may not
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be associated with the use or handling of weapons and explosives.

10. Commercial communications shall not claim or suggest that beer can contribute to sexual attraction or success or that it can help to overcome shyness.

11. Commercial communications shall never be aimed at people undergoing medical treatment in general and pregnant women in particular, nor can they give the impression that the consumption of beer has any therapeutic effect on them. Neither can they reflect that the consumption of beer improves performance in sport.

12. Commercial communications shall not make sexist references which misrepresent the role of women in society.

13. Commercial communications shall not contain any type of discriminatory reference on the basis of race, sexual orientation, religion or political inclination etc.

Chapter 4

Minors and Beer

Various publications and studies report on the lamentable abuse of alcohol by certain groups of minors every day, mainly via social media. In addition to respecting the legal ban on distribution to minors (meaning young people under the age of 18) the position of Brewers of Spain includes the following undertakings:

1. To support any education initiative by competent organisations on this matter as well as their development of teaching/education activities with minors.

2. To support all those statutory provisions preventing the purchase and consumption of beer by minors decisively.

3. Commercial communications shall not be aimed at minors under 18 years of age under any circumstance. The labelling of beer containers for the end consumer, as well as the packaging used for the retail of various units of these containers – cardboard pack or plastic shrink-wrapping – applicable as from the entry into force of this Code, shall incorporate a graphic aimed at informing the public that this product must be consumed by adults over 18 years old (Annexe I).

This undertaking affects labelling and packaging for the retail of beer brands owned by the companies adopting this Self-regulatory Code and which are produced and marketed in Spain.

4. Commercial communications for beer, including alcohol-free beer, may only use actors who are at least 21 years old

5. Commercial communications shall not suggest that the consumption of beer is a sign of maturity and that not drinking is a sign (reflection) of immaturity. Neither must they show people who give the impression that they used to drink beer when they were minors.

6. Commercial communications may not use designs or codes of communication or fictional characters or people specifically linked with an audience of children and minors, including in the case of alcohol-free beer.

7. No type of beer or promotional material thereof especially designed for an audience of children and minors shall be produced or distributed, including in the case of alcohol-free beer.

8. Commercial communications for beer may not be shown:

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- a. On printed media aimed at minors or on printed pages that contain articles, reports or information especially aimed at this audience.
 - b. In cinemas or theatres immediately before, during or after specific performances/shows aimed at minors
 - c. Within 100 metres of the pupils' entrance to Infant, Primary and Secondary schools, once the state governments provide the lists of schools located in their regions for this purpose.
 - d. On Free-to-Air commercial TV, advertising spots for beer must not be broadcast before 8.30 pm local time in mainland Spain (estimated start of late night news), irrespective of each of the internal regulations or resolutions of each specific channel.
 - e. Advertising broadcast immediately before, during or after the transmission of TV, radio or cinema programmes which are aimed specifically at child audiences or minors shall be prohibited
 - f. No event or occasion shall be sponsored, which is specifically aimed at minors, without prejudice to those due to their social character or subject matter come within the scope of the activities of non-profit companies or foundations which are traditionally dedicated to the development and education thereof.

Sections a, b, e and f shall also apply in the case of alcohol-free beer

9. The web pages of the companies to which this Code applies shall show a clearly visible mechanism on their access page that identifies access by minors.

10. Commercial communications may not be realised which are specifically aimed at minors via SMS on mobile telephones, chat rooms and games.

Annexe I:



Chapter 5

Beer and Driving

The brewing industry is aware that one should not drive any type of vehicle under the influence of alcohol since it endangers, in addition to the very person who drives under these conditions, the rest of the people who are likely to be directly or indirectly affected by the anti-social action of the irresponsible consumer. The consequences derived from traffic accidents are not only felt by those who have suffered the accident but also society as a whole.

Since 2000, the Spanish Brewers' Association has carried out the campaign, "La Carretera te pide SIN" (The road asks you SIN (without)), which aims to educate the public in general and drivers in particular, that drinking and driving are incompatible. This initiative has formed part of the European Road Safety Charter (*Convenio Europeo de Carreteras Seguras*) since the setting up of this platform, which represents an important recognition of the European Commission but also presents a great challenge, since it

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involves a concrete commitment to help halve the victims of traffic accidents in the European Union by 2010.

The Spanish brewing industry, represented by the Spanish Brewing Association, is committed to:

1. Support any government action taken to monitor and control compliance with existing regulations on driver education and alcohol, understanding in this field that it is essential to inform drivers of the serious dangers of driving under the influence of alcohol.
2. Not suggest in any commercial communication that there is a "safe level" for the consumption of alcohol or a product that can mask the effects of alcohol on a breathalyser test.
3. Not associate / tie the consumer with/ to the act of driving in a beer commercial communication.
4. Prohibit the booking/ allocation of advertising or sponsorship in magazines, television spots, sections of newspapers or radio, specifically related to the driving of motor vehicles.
5. Not sponsor events specifically related to the driving of motor vehicles
6. Incorporate into the corporate websites associated with the Spanish Brewers Association, the sectoral messages relative to the campaign, "La Carretera te pide SIN" (The road asks you SIN (without)).
7. Commercial communications of alcohol-free beer may be recommended as a consumption alternative in connection with driving.

Chapter 6

Beer and work

Given that consumption abuse has an initial impact on mental and physical capacity, control must be strict when consumption occurs during the performance of work, especially if it involved some physical risk for the worker or their surroundings.

In this regard, the Spanish Brewers Association commits itself to ensuring that:

1. The commercial communication shall not associate/link the consumption of beer with the performance of work or job success. It cannot be suggested that consumption has a positive effect on the performance of the same.
2. The commercial communication of beer shall not be associated/ linked with the use of dangerous machinery.
3. The commercial communication shall not associate/ link consumption to a working environment, unless it is established that the working day has ended.

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