

G-Regs™

Italy - Alcohol Guidelines from IAP 'Notebooks'



Full title	IT QUADERNO 3 FINAL. ALCOHOL. Alcohol Guidelines from IAP 'Notebooks'
Introduction	<p>I Quaderni dello IAP - 3</p> <p>The advertising of alcoholic and non-alcoholic drinks. The disputed claims and the principal guidelines taken from the self-regulatory code for the protection of consumers.</p> <p>The publication's texts are taken from the most recent self-regulatory code issued by the Istituto dell'Autodisciplina Pubblicitaria (IAP). The publication is intended to be explanatory and informative, and in no way to cover all aspects of the IAP.</p> <p>The full provisions can be found on the "La Giurisprudenza completa dell'Autodisciplina Pubblicitaria" (The complete Code of Marketing Communication Self-Regulation) CD-ROM published by Anthelios Edizioni, which can be ordered via the order form on the www.iap.it website. The full or partial reproduction of this text is forbidden (Permission has been granted for this reproduction)</p>
Introductory Note	<p>A few words of introduction are necessary regarding the advertising of alcoholic drinks, which has been subject to self-regulation since 1974, when a specific standard, Article 221, was introduced, with the same number as today.</p> <p>It was a provision that was ahead of its time because it disciplined an area that was unregulated in both the European Community and in Italy. In fact, it was not until 1989 that a directive was introduced (Television Without Frontiers) that made specific reference to alcoholic drinks. It was brought into Italian law the following year (referred to as the 'Mammì law').</p> <p>In 2001, with the introduction of law No. 125, the legislator "officially" introduced self-regulation, forcing industry - both the manufacturing and the radio and television sectors - to adopt a self-regulatory code whose role was to bring discipline to the methods and content of advertisements for alcoholic drinks. The choice, if you can call it that, came under the existing Article 22 of the CA (self-regulatory code), which was adapted and improved².</p> <p>The most recent change to the law was in March 2012 when, at the instigation of the EU, examination was made of the topic of the appeal of adverts targeting an audience still under the "legal" age range for purchasing alcohol. This led to the introduction of a ban on using advertising elements that were directly related to the world of minors (see page 5).</p> <p>The fact that the IAP has regulated this sector for so long with due care and the right degree of firmness means that the advertising of alcoholic drinks, which are examined by self-regulating supervisory bodies, represented less than 1% of the total cases dealt with from 1966 to 2011. This statistic clearly shows that advertisers are taking this matter very seriously. However, the self-regulatory system should receive deserved recognition for having resolutely blocked some slogans in the past that were definitely dubious and which, if they had escaped suppression, would perhaps have prolonged a certain style of advertising³ that would not be tolerated today.</p>

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The topic of commercial communications for alcoholic drinks is one that is often debated and is included among the most important issues at European level. The Italian self-regulatory experience demonstrates that, by being able to rely on specific, wide-ranging and constantly updated regulations, close monitoring, and rapid procedures, effective safeguards can be put in place to ensure a satisfactory level of quality in communications advertising alcoholic products in terms of social responsibility. Moreover, the effectiveness and the rapidity of the self-regulatory checks cut out the need to resort to pointlessly punitive legislative instruments. For example, the absolute prohibition of advertising for a category of goods whose sale is reasonably deemed to be legal by the State, given that its moderate, responsible consumption does not generally give rise to any contraindications.

Footnotes

¹ From the 3rd edition of the CA of 1 March 1975, Article 22: "Advertisements relating to alcoholic drinks must not encourage the excessive, uncontrolled or harmful use of such drinks. In particular, these advertisements must avoid addressing or referring to minors, even indirectly. Such advertisements must not associate the use of alcoholic drinks with driving vehicles or wrongly lead the public to believe that the use of such drinks contributes to mental clarity and physical fitness or that the failure to use the product leads to physical, psychological or social inferiority. Claims that alcoholic drinks have beneficial or healthy properties and effects must be provable."

² From the 31st edition of the CA of 19 November 2001, Article 22: "Advertisements for alcoholic drinks must not contravene the requirement to promote models of consumption that revolve around moderation, decency and responsibility. The aim is to safeguard the right of people, especially children and adolescents, to a family, social and working life safe from the consequences of alcohol abuse. In particular, advertisements must avoid: - encouraging excessive, uncontrolled, and therefore dangerous imbibing of alcoholic drinks; - representing situations depicting unhealthy attachment to the product and, in general, of alcohol dependency or leading the public to believe that resorting to alcohol can resolve personal problems; - addressing or referring to minors, even indirectly, and at any rate depicting minors with the intention of consuming alcohol; - associating driving with the use of alcoholic drinks; - leading the public to believe that the consumption of alcoholic drinks contributes to mental clarity and to physical fitness and sexual performance and that the failure to consume them leads to physical, psychological or social inferiority; - representing sobriety and the abstention from consuming alcohol as negatives; - leading the public to overlook the different patterns of consumption that should be considered in relation to the characteristics of individual products and the personal situation of the consumer; - using the high alcohol content of a drink as a main theme in the advert."

³ A few significant examples of banned slogans taken from previous rulings by the IAP jury: - 1976 - "He never cheated on digestion" (*Mai ha tradito una digestion*); "Keeps your mind alert. The amaro for well-being" (*mantiene la mente sveglia. L'amaro che dà benessere*) - 1978 - "It's good and it does you good" (China) (*è buona e fa bene*) - 1979 - "43% light heartedness" (whisky) (*43 gradi di spensieratezza*); "From healthy rhubarb" (amaro) (*dal rabarbaro la salute*) - 1980 - "A strong 40%" (amaro) (*40 gradi forte*) - 1981 - "Lucidity and lightness" (wine) (*Lucidità e leggerezza*) - 1984 - "The best way to relax" (whisky) (*Il miglior modo per rilassarvi*); "It's good for the liver" (amaro) (*Fa bene al fegato*).

Chapter 2

ALCOHOLIC DRINKS

2.1

Beer

URL of source: <http://www.iap.it/le-attivita/pubblicazioni/quaderni/>

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- 01. Clear your throat with a glass of beer... 02. Take advantage of the opponent's chant to go and get a refill of xxx..." (*"01. Schiarire bene l'ugola con un bicchiere di birra... 02. Approfittare dell'inno della squadra avversaria per andaré a prendere altra XXX..."*)

The football crowd is explicitly encouraged to accompany each team's football chant with the careless and excessive consumption of beer; alcohol consumption is described as an innate, complementary element for switching on and off the emotions of the crowd, thus rendering it a "necessary" component for singing their own team's chant. The advert creates an improper, intentional and persistent connection between repeatedly drinking beer and attending a football match and for this reason is irresponsible and censurable, in contravention of Article 22 of the CA (self-regulatory code).

Ruling no. 168/2005

- "First at full speed ... then all the beer you want" (*prima a tutta birra... poi tutta la birra che vuoi*)

Although having a drink is put forward as a good idea once the car race is over, this suggestion clearly implies an easy transition to the consumption of the alcoholic drink being advertised. Making suggestive associations of the pleasure and excitement of speed with the drinking of unlimited alcohol represents an advertising message having a dangerous emotional impact on the public, resulting in an extremely negative message to the public in general, especially to adolescents. It contravenes Article 22 CA.

Injunction no. 220/2005.

- "Beer within the limits of the highway code" (*la birra in regola con il codice della strada*)

Advert - [here](#)

The association between beer and the highway code may be punishable under Article 22 CA in that it confers on the product a value that relies solely on the good behaviour of the consumer. The legal limit on the consumption of the drink in question, above which there are specific penalties, is listed in a perfunctory footnote in illegible small print.

Ruling no. 48/2006

- "See you at the Monza racetrack on 7, 8 and 9 May" (*Ti aspetto all'autodromo di Monza 7-8-9 Maggio*)

The advert shows two motorcyclists overshadowed by the image of a blonde, half-naked woman with glowing skin, turned towards the reader in a provocative pose while holding up a bottle of the advertised drink while two pints of the beer act as columns on either side.

The advert constitutes a degrading representation of the woman, whose image is used for the sole purpose of attracting the reader's attention, and takes advantage of a wink and sexual offer which is unjustified, given the nature of the product being advertised.

Furthermore, the advert does not respect the requirement for advertisements for alcoholic drinks about promoting exemplary consumption in terms of moderation, decency and responsibility. In fact, the advert focuses on the erotic and sexual characteristics of the model who is inviting the consumption of beer, thereby suggestively implying a link between drinking alcohol and sexual success. In breach of Articles 10 and 22 of the CA.

Injunction no. 74/2010.

- Nutritional values of a 0.2 L glass of beer...MINERALS- Calcium: 2mg, Sodium: 20mg, Potassium: 70mg, Phosphorus: 56 mg - VITAMINS - B2: 60 mcg, B6: 20 mcg, Niacin: 1800 mcg; Foliates: 8 mcg"

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The advert shows a wine glass containing an alcoholic drink and reports its nutritional values, listing the various elements present in the drink which include minerals and vitamins.

Using scientific terminology, this advert highlights the importance and the positive effect on the human body of the various minerals and vitamins. There is no justification for this advertisement highlighting the “nutritional” values of an alcoholic drink, in particular with reference to elements such as vitamins and minerals, which are present in quantities so small that they have no significant effect whatsoever. The way the advert is laid out emphasises the presence of these elements in the product; they are even listed in bold type. However, the message is therefore partial and misleads the consumers, who are led to believe that the alcoholic drink advertised has nutritional value and is even good for healthy, putting it in breach of Article 22 CA.

Injunction no. 145/2010.

- **“This will be your car for today. Have fun”** (*Per oggi questa sarà la tua auto. Buon divertimento*)

Advert - [here](#)

The advert shows a young taxi driver in a sort of fly-on-the-wall set-up: their usual car has been swapped for a futuristic, pimped-out sports car used as a taxi for the occasion. The quick shots, with a high-paced soundtrack, show the taxi driver darting happily through the city traffic and, at the end, celebrating together with some other people with various bottles of the drink being advertised.

The advert inappropriately associates the consumption of an alcoholic drink with a style of racing driving that allows the taxi driver to reach high speeds during his shift. At no time does it clarify that the actual alcohol consumption takes place afterwards, given that the entire concept implies that the beer being advertised confers the possibility of experiencing a special day and the thrill of driving at high speed. This association of the pleasure and excitement of speed with alcohol consumption results in an advert exerting a strong emotional impact on those who see it, and is extremely negative for the public in general and for adolescents in particular. It contravenes Article 22 CA.

[Injunction no. 100/2011](#)

2.2

Wine

- **“A fresh, young wine that’s easy to drink and goes with any dish”** (*vino giovani, fresco, facile da consumare che si abbina bene con tanti piatti*)
- **“Easy wine”** (*Vino easy*)

The setting for these adverts is a television studio for a fictional chat show presented by a well-known host who chairs a discussion between a few guests. The guests answer questions about the wine being advertised, presenting solely positive picture.

The celebrity in question has for some time been a brand ambassador for the wine in the advert and this is enough to spark recognition among the public. In the television adverts, however, they play a different role that does not involve making claims, expressing opinions and citing data in favour of the product; rather, they are limited to chairing a debate, asking questions and demanding answers, without going into the merits of the drink. At the same time, the debate’s participants speak in favour of the product’s quality, making their bias explicit and obvious to the public. Therefore, the brand ambassador and the format used in this specific case do not guarantee the neutrality of the statements made, and this restricts the critical filter that the public generally applies to advertisements. Not in breach of the CA.

Ruling no. 192/2005

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- "The right measure with zero risk" (*la giusta dose a rischio zero*)
- "Drinking at meals falls well below the legal limit" (*bevendoli a pasto si sta ampiamente sotto i limiti di legge consentiti*)

The advert contravenes the requirement to promote models of consumption that revolve around moderation, decency and responsibility, placing it in breach of the explicit ban on associating driving vehicles with the use of alcoholic drinks as specified in Article 22 of the CA. The advertisements are likely to influence consumers with wrong information, since the "right" amount of an alcoholic drink will depend on the different situations of the consumers and cannot be standardised. Furthermore, the advert wrongly implies that the consumption of this wine in the quantities indicated represents an absolute guarantee for everybody of consumption that is well below the punishable limit for driving.

Injunction no. 34/2010.

- "Don't drive, you'd better drink. Let's protect wine." (*Guida poco che devi bere. Proteggiamo il vino.*)

(Note: This message is the reverse form of what you would expect to hear, i.e. "Non bere molto che devi guidare (don't drink too much because you have to drive)", and it means basically that if you have to choose between driving and drinking the latter is better. i.e. "Don't drive, you'd better drink")

The advert establishes an unfortunate and irresponsible juxtaposition between driving and alcohol consumption. Even though the expression "*Guida poco*" suggests limiting driving, the following phrase, "*devi bere (you must drink)*" makes the association explicit and inappropriate. The advertisement stands in breach of the wording and the meaning of Article 22 of the CA by identifying alcohol abuse as a central element of the advertisement. The entire set-up of this advertisement creates a definite, dangerous emotional impact and is therefore strongly misleading for the public in general and for adolescents in particular.

Injunction no. 42/2010.

- "I drink XXX with my hip-hop teacher... because when we're alone, music is different" (*lo XXX lo bevo con il mio insegnante di hip hop... perché quando siamo da soli la musica è diversa*)
- "I drink XXX with my guitar player... because he knows how to strike the right note!" (*lo XXX lo bevo con il mio chitarrista... perché lui sì che sa toccare le corde giuste!*)

The central element of the advertisement constitutes a use/ an abuse of alcohol: the glasses in the image are definitely full, the characters appear to be sitting in a seat in the shape of a full glass of wine. In the advert with the guitarist, the protagonist's body language appears to be particularly euphoric and his speech highly intoxicated as he extols the product as an essential element in fostering twosome relationships. In addition, the protagonists look very young, meaning that the advert contravenes the provisions of Article 22 CA according to which advertisements, "must avoid [...] addressing or referring to minors, even indirectly, and at any rate depicting minors with the intention of consuming alcohol."

Ruling no. 45/2010.

- "Bonarda? Bonarda."

The advert, which is aimed at promoting a collection of publications on wine, juxtaposes a picture of a bikini-clad woman provocatively at the reader with a picture of a glass of red wine. The text/ inscription above the woman reads "Bonarda?" while above the glass of wine it reads "Bonarda". Note: Three different grapes go by the name "Bonarda" in Italy (Bonarda from north central Italy, local name for the croatina grape in Lombardy and Emilia-Romagna

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regions; Bonarda that's planted in Piedmont, in northwest Italy, that's really the Uva Rara variety; and Bonarda Piemontese - from the Piedmont region)

The play on words in the advert leaves no doubt as to its lewd insinuation, generating a vulgar double meaning. In addition, the relationship between the images and the words is insulting to human dignity since the female body is compared and likened to the product in question, thereby contravening Article 9 and 10 of the CA.

Injunction no. 57/2010.

- **"Try it! Passera delle Vigne XXX!" (*Degustala! Passera delle Vigne XXX!*)**

Advert [here](#)

The right-hand side of the poster shows a bottle of the wine in question and the company's brand name, with the headline "Try it! Passera delle Vigne XXX!" in the centre. On the left is the outline of a female body, with a glass of white wine positioned so as to suggest the image of a female pubis.

The obvious play on words between the product name, the image and the vulgar term used to refer to the female sex organs gives the advert a lewd meaning. This makes it highly insulting to human dignity, in that underlying message is that the female body, like the product being advertised, is also a good to be consumed. The absolute gratuitousness of the advertising message intentionally creates confusion and disorientation in the mind of the public in order to burn the brand's name in their memory; this exploits public awareness and brings the whole field of commercial communications into disrepute. In breach of Article 1, 9 and 10 CA.

Injunction no. 92/2010

2.3

Spirits

- **"Break the ice" (*Rompe il ghiaccio*)**
- **"We back free pheromones" (*Siamo per l'ormone libero*)**

Advert: <https://youtu.be/PNa64O0yyhE>

The advert takes place in a bar: a man goes to the bar and asks for the drink being advertised. When he turns around to face the room, he catches the eye of a woman, sparking an understanding. This leads to a leak from under the man's jumper of a series of gelatinous pink bubbles that come to life, start to follow the woman and interact with other customers in the bar, accompanied by an engaging soundtrack in the background.

The claim does not appear to be sexual and does not invite people to drink in order to have better or more exciting sexual encounters, but it is clear from its literal meaning that ordering the drink from the bar can really facilitate an understanding. Not in breach of the CA.

Ruling no. 109/2005

- **"XXX presents: sex education with Ivano and his fiancée" (*XXX presenta: lezioni di sesso con Ivano e la sua fidanzata*)**

The radio adverts illustrate 5 scenes - "Discovering infidelity," "Playing doctor," "Experiencing lust," "Sex on the washing machine," and "The exotic experience: the kama sutra" - in which the man, Ivano, sees his fiancée cheating on him shamelessly right under his nose, but naively and dryly absolves her (e.g. "Ivano? Your girlfriend is making love to someone else!" "No, no. It's always the same guy.").

The vulgar expressions are, all in all, redeemed by the witty atmosphere, which turns the adverts into a flight of fancy or a whim. In addition, because there is no explicit link between

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the encouragement to drink excessively and sexual performance, they do not contravene Article 22 CA.

In terms of Article 11 however, the connection between the vulgar language and double meaning and the sexual nature of the adverts, which is broadly accepted by and normal for an adult audience, can be detrimental to an accurate understanding of sex on the part of children and adolescents. The latter's immaturity, lack of critical judgement and natural curiosity about sex may mean that they risk seeing a distorted, misleading and psychologically harmful representation that would be seen by adults, who would be able to interpret them as a rather light-hearted joke. The fact that the adverts are played on the radio leaves a lot of room for the imagination of adolescent to run wild and could lead to misunderstandings. With this in mind, it is not enough merely to prohibit such messages from pre-watershed broadcasts. It would be wise to extend this time limit so that any minors who have independent, unmonitored access to a radio do not encounter these adverts. For that reason, these adverts do contravene Article 11 CA.

Ruling no. 118/2005

- **"Amaro, the genuine article, but not too strong" (*Amaro vero, ma leggero*)**
- **"Against the stress of modern life" (*contro il logorio della vita moderna*)**

Advert: [here](#)

The claim cannot lead the public to believe that this beverage has a low alcohol content, because it highlights an actual figure. The product has an alcohol content of 16.5%, which places it decidedly on the lower limit for amaro drinks, particularly given that for some of the more well-known brands the percentages can reach 30% to 40%. Furthermore, the advert makes the claim that the product is light for the type of drink it is - an amaro - and not in absolute terms.

The claim of "Against the stress of modern life" is clearly a quotation from the company's long-standing slogan and presumably can be recognised as such by a large proportion of the public. It should therefore not be counted as an explicit invitation to consume alcohol as a cure for the stresses and strains of everyday life. Not in breach of the CA.

Ruling no. 137/2007.

- **"When you open XXX, you smell lemons." (*Quando apri XXX i limoni li senti*)**
- **"If there's lemon, it's XXX" (*se c'è limoni è XXX*)**

The first slogan does not seem to merit censure, but the second slogan has an authoritative, absolute and emphatic ring to it that matter-of-factly equates the product with a quality that is not exclusive to that product alone, but which no doubt is common to the products of competitors as well. The way the slogan is phrased, using a hypothetical period, is hiding an inevitable logical implication in which the first part of the claim rules the second one as its exclusive, unavoidable consequence. This is not justifiable as a simple play on words relating to the brand. Therefore, the link that the advert creates causes disrepute and denigration by evoking inevitable value-based implications in relation to competing products, thereby breaching the provisions of Article 14 and 15 CA.

Ruling no. 93/2009.

- **"XXX celebrate the 4th edition of YYY Magazine"**

In the foreground the advert shows a nude female backside with a playing card inserted between the buttocks. The advert makes the exhibitionist nature of the image very clear, which contravenes Article 10 CA in that it is offensive and degrading to human dignity. The advert commodifies the female body, emphasising a particular part of the anatomy for the sole purpose of attracting attention.

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The picture is taken from the November 2011 cover of YYY magazine which advertiser XXX wanted to celebrate. While it is commendable that freedom of expression should be allowed for the content of the magazine, any commercial communication thereof must comply with the rules that enforce precise limits and controls.

Injunction no. 4/2012.
