



EUROPEAN
FORUM FOR
RESPONSIBLE
DRINKING

Common Standards for Commercial Communications



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The Common Standards for Commercial Communications reflect many of the issues addressed by the European Council of Ministers in the 2001 “Recommendation on the Drinking of Alcohol by Young People, in particular Children and Adolescents”. They are based in the Guidelines for Commercial Communications on Alcoholic Beverages developed in 1994 by The Amsterdam Group (TAG).¹

These guidelines have been endorsed by the member companies of the European Forum for Responsible Drinking (EFRD) which endeavor to achieve a high level of compliance in all the European markets where they operate. They are currently supported by the European trade associations: CEPS (Confédération Européenne des Producteurs de Spiritueux) and AICV (Association des Industries des Cidres et Vins de fruits de l’U.E.). Eurocommerce, the European retail, wholesale and international trade association, is communicating the Common Standards at national level to their members as best practice.

The Common Standards do not replace relevant national laws or codes, but they represent a common basis for application.

PREAMBLE

In all Member States of the European Union, following widely varying patterns, alcoholic beverages such as wines, beers, ciders, spirits, and all other forms of beverage alcohol etc., (hereafter referred to as “Beverages”), are produced and consumed. Production, consumption patterns and habits differ widely from one country or region to another, and particularly with regard to the different categories of Beverages, all of which have their own individual characteristics. These products, when responsibly consumed, are compatible with a balanced and healthy lifestyle and are enjoyed in a responsible way by the vast majority of consumers. Those products are of major societal, cultural and economic importance in the European Union.

PURPOSE OF THESE STANDARDS

It is recognized that excessive or irresponsible consumption of Beverages may have personal, social or health consequences. The purpose of these Common Standards is to ensure that commercial communications do not encourage or condone excessive consumption or misuse of any kind.

¹ The Amsterdam Group has been renamed into EFRD – the European Forum for Responsible Drinking in November 2005.



COMMERCIAL COMMUNICATIONS

Commercial Communications are defined herein as: “All brand advertising or marketing communications to consumers regardless of the medium used (e.g. print, broadcast media, labeling, packaging, internet, new technologies and sponsorship) and including consumer and trade promotion, merchandising and point of sale material.”

Commercial Communications do not include:

- non-advertising materials or 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 Beverages and educational messages about responsible drinking or the role of alcohol in society.

BASIC PRINCIPLES

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Commercial Communications should:

- be legal, decent, honest and truthful and conform to 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;
- not in any circumstances be unethical or otherwise impugn human dignity and integrity.

1. Misuse

- 1.1 Commercial Communications should not encourage or condone excessive or irresponsible consumption, nor present abstinence or moderation in any negative way.
- 1.2 Commercial Communications should not show people who appear to be drunk or in any way imply that drunkenness is acceptable.
- 1.3 Commercial Communications should not suggest any association with violent, aggressive, illegal, dangerous or antisocial behavior.
- 1.4 Commercial Communications should avoid any association with, acceptance of, or allusion to drug culture or illicit drugs.

2. Minors²

- 2.1 Commercial Communications should not be aimed at minors nor show minors consuming Beverages.
- 2.2 Commercial Communications should only promote Beverages in print and broadcast media for which at least 70% of the audience are reasonably expected to be adults 18 years or older. They should not promote Beverages in print and broadcast media, or events for which more than 30% of the audience is known or reasonably expected to be minors.
- 2.3 Commercial Communications should not use models and actors who are not at least 25 years of age.
- 2.4 Commercial Communications should not use objects, images, styles, symbols, colors, music and characters (either real or fictitious, including cartoon figures or celebrities such as sporting heroes) of primary appeal to children or adolescents.
- 2.5 Commercial Communications should not use brand identification such as names, logos, games, game equipment or other items of primary appeal to minors.

3. Drinking and Driving

Commercial Communications should not suggest that the consumption of Beverages is acceptable before or whilst driving motor vehicles of any kind, including speed boats, jet-skis, snow-mobiles and airplanes.

4. Hazardous Activities, Workplace & Recreation

Commercial Communications should not suggest that the consumption of Beverages is acceptable before or whilst operating potentially dangerous machinery, or with undertaking any potentially hazardous recreational or work-related activity.

5. Health Aspects

- 5.1 Commercial Communications should not claim that Beverages may have therapeutic properties and that their consumption may help preventing, treating or curing any human disease.
- 5.2 Where permitted by law, Commercial Communications using truthful and accurate factual statements about carbohydrate, calories or other nutrient content may be appropriate in some circumstances.

² Minors can be defined for these Standards as: "Young people below 18; or higher when national legal purchase age requires".



6. Pregnancy

Commercial Communication should not show pregnant women drinking or aim at women who are pregnant.

7. Alcohol Content

- 7.1 Commercial Communications should not create any confusion as to the nature and strength of Beverages.
- 7.2 Commercial Communications may present information for consumers on alcoholic strength but should not emphasize high alcoholic strength as a dominant theme in any brand communications materials. On the other hand, messages may not imply that consuming Beverages of low alcohol content will avoid abuse.

8. Performance

Commercial Communications should not create the impression that consumption of beverages enhances mental ability or physical performance or has an energizing effect, e.g. when engaging in activities requiring concentration in order to be safely executed.

9. Social Success

Commercial Communications should not suggest that the consumption of Beverages is a requirement for social acceptance or success.

10. Sexual Success

- 10.1 Under no circumstances should Commercial Communications be unethical, offend against generally prevailing standards of taste and decency or otherwise impugn human dignity and integrity.
- 10.2 Commercial Communications should not suggest that the consumption of Beverages enhances sexual capabilities, attractiveness or leads to sexual relations.

COMPLIANCE WITH LAWS, REGULATIONS AND OTHER INDUSTRY CODES

All Commercial Communications must be in keeping with both the letter and the spirit of all national applicable laws, regulations and self-regulatory codes of practice.

COMPLIANCE & SANCTIONS

The general aim of these Common Standards is not to replace existing national systems, but rather to provide general criteria that should be met by national self-regulatory mechanisms, sector and company codes. Complaints based on / concerning an infraction of the Common Standards are dealt with by the member organizations of the European Advertising Standards Alliance (EASA), also called Self Regulations Organizations or other appropriate organizations at national level. These national organizations are best placed to deal with complaints, as only they will be able to assess and understand fully the national context and local sensitivities.

ANNEXES AND REFERENCES

The Common Standards are further clarified and explained in the attached Annexes that include specific guidance:

- for Point of Sales promotions (Annex 1) and
- for Internet, digital and mobile marketing media (Annex 2)
- for Sponsorship (Annex 3)
- for Naming, packaging and labelling of products (Annex 4)

EFRD has developed materials to assist all parties interested or involved in the implementation of the Common Standards: www.marketresponsibly.eu



ANNEX 1 – GUIDELINES FOR RESPONSIBLE PROMOTIONS

Introduction

These Guidelines for Responsible Promotions are an integral part of the Common Standards for Commercial Communications. They apply in addition to the Common Standards and should therefore be read in conjunction.

EFRD, recognizes that promotions are an appropriate and valuable marketing tool to:

- enhance customer awareness of a product/brand;
- showcase a new product/brand.

As with all commercial communications, promotions should

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- be developed, implemented and managed responsibly;
- never be aimed at underage drinkers;
- never encourage violent, aggressive, dangerous, anti social or illegal behavior, drink driving or alcohol misuse;
- never be demeaning to any group in society or otherwise offend accepted standards of taste and decency;
- be in full compliance with the prevailing laws, regulations and self-regulatory codes.

Given the complexity and structure of the beverage alcohol industry and the restaurant, retail, bar and hospitality business throughout Europe, the manufacturer whose product(s) is/are part of a promotional activity may not always be involved in or even aware of that particular activity. This of course affects the degree of control – if any – the manufacturer can exert over the content and tone of such activities. The operator and/or owner of the venue where the promotional activity takes place are important parties for the implementation of promotional activities.

This said, the members of EFRD recognize that it is in their interest and in the interest of the European society as a whole that beverage alcohol products (hereafter referred to as Beverages) are promoted responsibly. EFRD therefore commits itself to working with the

relevant organizations helping to ensure that these Guidelines are fully understood and communicated widely in sectors such as:

- retail
- hotels / restaurants / cafes / bars / nightclubs / discotheques
- tourism boards
- educational bodies and institutes from the HORECA industry
- promotion agencies and promotion suppliers
- events producers and organizers

Types of promotions

Promotional activities of Beverages can take place broadly in the following types of settings:

- in store (small shops, supermarkets, hypermarkets)
- on-premise (licensed establishments)
- third party events
- in-house (e.g. production facility tours)
- own events in non-traditional locations (e.g. brand-owner sports event; brand's music or dance festivals, train stations, on the beach, old industrial sites, spontaneous gatherings/events organized via sms)
- private homes of consumers

As circumstances and settings greatly vary, there is not one rule for everyone. These Guidelines, based on the provisions of the Common Standards, aim to provide practical tips on a number of aspects concerning promotional activities:

- setting
- content
- tone
- approach
- audience (age) profile.

These Guidelines cover both the actual activity and the supporting materials.

Guidelines for Point-of-Sales promotions


Basic Principles

Commercial Communications should:

- ***be legal, decent, honest and truthful and conform to 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;***
 - ***not in any circumstances be unethical or otherwise impugn human dignity and integrity.***
- a. There should be no form of discrimination of participation on the grounds of race, sexual orientation, religion, political inclination etc.
 - b. Avoid images, messages or activities which are likely to be considered gratuitously offensive or demeaning.
 - c. Ensure that the price for the Beverage(s) is/are known to all consumers.
 - d. Ensure that the alcoholic nature / alcohol content of the promoted Beverage(s) is/are known to consumers when the promotional activity is being started.

1. Misuse


- 1.1 Commercial Communications should not encourage or condone excessive or irresponsible consumption, nor present abstinence or moderation in any negative way.***
 - 1.2 Commercial Communications should not show people who appear to be drunk or in any way imply that drunkenness is acceptable.***
 - 1.3 Commercial Communications should not suggest any association with violent, aggressive, illegal, dangerous or antisocial behavior.***
 - 1.4 Commercial Communications should avoid any association with, acceptance of, or allusion to drug culture or illicit drugs.***
- a. Never encourage irresponsible and excessive consumption of Beverages.
 - b. Do not use any "drinking games" that may encourage excessive or irresponsible consumption, such as activities which involve either "speed incentives" or drinking an excessive amount of Beverages within a short period of time.

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- c. Do not serve consumers who are or appear to be uncontrollably excited, drunk, aggressive or engage in anti-social behaviour. Ensure your staff is fully briefed on how to manage consumers who appear drunk, aggressive or anti-social.
 - d. Do not exercise any pressure on people not willing to participate.
 - e. Do not act negatively towards people who are not interested in the promotion.
 - f. It is good practice to display a clearly visible and appropriate responsible drinking message.
 - g. Ensure none of the aspects of the activity encourages excessive or irresponsible consumption (content, language, behaviour of promotional teams, price/timing etc).
 - h. If a promotion or incentive includes a multi-purchase, consumers are not encouraged to drink over the national recommendation for sensible drinking.
 - i. Promotional activities and messages should never encourage consumers to engage in risky or potentially dangerous activities or behaviour.

2. Minors³

- 2.1 *Commercial Communications should not be specifically aimed at minors nor show minors consuming Beverages.***
 - 2.2 *Commercial Communications should only promote Beverages in print and broadcast media for which at least 70% of the audience are reasonably expected to be adults 18 years or older. It should not promote Beverages in print and broadcast media or events for which more than 30% of the audience is known or reasonable expected to be minors.***
 - 2.3 *Commercial Communications should not use models and actors who are not at least 25 years of age.***
 - 2.4 *Commercial Communications should not use objects, images, styles, symbols, colors, music and characters (either real or fictitious, including cartoon figures or celebrities such as sporting heroes) of primary appeal to children or adolescents.***
 - 2.5 *Commercial Communications should not use brand identification such as names, logos, games, game equipment or other items of primary appeal to minors.***
- a. Never engage in promotional activities inviting people under the legal purchase age to participate.

³ Minors can be defined for these Standards as: "Young people below 18; or higher when national legal purchase age requires".

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- b. Do not allow people below the legal drinking age to participate.
 - c. Do not carry out the promotion at all if it is reasonably expected that more than 30% of the public will consist of people under the legal drinking age. In case of doubt, do not go ahead with the activity (please check percentages as they may vary from country to country).
 - d. Consider using displays to inform consumers that Beverages should only be consumed by people over the legal purchase age (please see also point f under point 1 Misuse).
 - e. In case of doubt about the legality of the age, ask for proof of age, when appropriate (be aware of national laws and regulations regarding identity / proof of age requests).
 - f. Ensure that none of the aspects of the activity primarily appeal to people under the legal drinking age (content, language, cartoons, music, celebrities etc).
 - g. Alcohol brands should not feature on children's/adolescent size clothing.

3. Drinking and Driving

Commercial Communications should not suggest that the consumption of Beverages is acceptable before or whilst driving motor vehicles of any kind, including speed boats, jet-skis, snow-mobiles and airplanes.

- a. Be particularly vigilant about the participation of consumers who may drive following participation, e.g. in a supermarket tasting.
- b. Consider displaying a "don't drink and drive" message.
- c. Be careful with promotions in venues closely linked with driving (e.g. highway stores/restaurants).
- d. While motor vehicles can be used as prizes, great care must be taken at the awards ceremony to ensure the vehicle cannot be driven by anyone who has consumed Beverages (e.g. vehicle keys can be handed over the day after the award ceremony).

4. Hazardous Activities, Workplace & Recreation

Commercial Communications should not suggest that the consumption of Beverages is acceptable before or whilst operating potentially dangerous machinery, or with undertaking any potentially hazardous recreational or work-related activity.

- a. Ensure that the promotion does not include or encourage a hazardous activity.

5. Health Aspects

5.1 *Commercial Communications should not claim that Beverages may have therapeutic properties and that their consumption may help preventing, treating or curing any human disease.*

5.2 *Where permitted by law, Commercial Communications using truthful and accurate factual statements about carbohydrate, calories or other nutrient content may be appropriate in some circumstances.*

- a. Ensure that no aspects of the activity imply that the Beverage has any properties of preventing, treating or curing a human disease.

6. Pregnancy

Commercial Communication should not show pregnant women drinking or specifically aim at women who are pregnant.

7. Alcohol Content

7.1 *Commercial Communications should not create any confusion as to the nature and strength of Beverages.*

7.2 *Commercial Communications may present information for consumers on alcoholic strength but should not emphasize high alcoholic strength as a dominant theme in any brand communications materials. On the other hand, messages may not imply that consuming Beverages of low alcohol content will avoid abuse.*

- a. Ensure that participants in the promotion know that alcohol is involved.
- b. Do not use drink-delivery methods / gimmicks which might confuse or mislead the consumer as to the amount of alcohol they are consuming (e.g. alcohol sprays, vaporisers).

8. Performance

Commercial Communications should not create the impression that consumption of beverages enhances mental ability or physical performance



or has an energizing effect, e.g. when engaging in activities requiring concentration in order to be safely executed.

- a. Do not encourage or promote drinking prior to engaging in sports.

9. Social Success

Commercial Communications should not suggest that the consumption of Beverages is a requirement for social acceptance or success.

10. Sexual Success

10.1 Under no circumstances should Commercial Communications be unethical, offend against generally prevailing standards of taste and decency or otherwise impugn human dignity and integrity.

10.2 Commercial Communications should not suggest that the consumption of Beverages enhances sexual capabilities, attractiveness or leads to sexual relations.

11. Sampling⁴

No sampling of Beverages should be offered to minors; it is allowed at licensed or private premises, trade fairs or occasions in accordance with local regulations.

It should be noted that the provisions of the Common Standards and the guidance given in this guidelines for promotions also apply to sampling, i.e. informing the consumer about what they are to sample, alcohol strength, not sampling someone who is drunk, where people are potentially participating in risky or dangerous activity or where they potentially engage in anti social behavior etc.

Under sampling the most important element is to ensure that the promotion teams are sticking to the rules; therefore we suggest to develop a training tool (similar to the Training Module for the Common Standards) that could be widely used to run sessions with such teams before they go on tour or to adapt the tool according to the needs by the organization wanting to conduct it.

⁴ Sampling includes tasting

PROHIBITED PHYSICAL POS / PROMOTIONAL ITEMS

- Promotions involving drinking vessels, gimmicks, sprays or other drink dispensing mechanisms which either
 - Encourage excessive drinking
 - And/or mean that consumers cannot readily tell how much alcohol they are consuming (e.g. squirt guns, AWOL machines)
 - And/or mean that consumers do not have control on the amount of alcohol they are consuming, or the speed of delivery (free-pour luges, 'dentist chairs')
- Drinking vessels, gimmicks or drink-dispensing mechanisms with medical or pharmaceutical connotations, e.g. syringes, test tubes.
- Promotions which involve religious or other symbols and references which could cause offence in the context of an alcohol beverage promotion.
- Sweets or children's confectionary: no confectionary/treats that are primarily associated with children; adult confectionary is acceptable, liqueur chocolates, dark chocolate, if in doubt sales data should be looked at to ensure adult audience.
- Prize giveaways and games primarily appealing to underage.
- Drinking games and/or games that can encourage irresponsible consumption.
- Seduction games with a sexual content or connotation.
- Inflatable e.g. doughnuts, lilos, inflatable beds/pillows, chairs, etc likely to be used in the water should not be primarily appealing to underage.
- Clothes in children's sizes or any reference thereto,
- Sex toys
- Branded condoms
- Hangover cures



ANNEX 2 – GUIDELINES FOR COMMERCIAL COMMUNICATION ON THE INTERNET, FOR DIGITAL AND MOBILE MARKETING MEDIA

1. Introduction

These Guidelines for commercial communications on the Internet are an integral part of the Common Standards for Commercial Communications. They apply in addition to the Common Standards and should be read in conjunction with the Common Standards. The members of EFRD recognize that commercial communications on the Internet play an increasingly important role in the marketing mix for branded alcohol beverages as a valuable and appropriate tool to reach out to consumers of legal drinking age.

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The Internet Guidelines apply to brand and product promotion websites and web pages of EFRD member companies; they do not apply to websites or parts of websites with e.g. corporate, financial, investor or other information that does not promote a brand or product.

The Internet Guidelines will also apply to EFRD member companies' other commercial communications on the Internet including:

- E-mail marketing,
- Banner ads,
- Interactive advertising,
- Search engine and blog marketing,
- Social networks/communities,
- Sponsorship, and
- Content placements on third-party websites,

as well as other types of Internet marketing and content placement, paid or unpaid. Please see a list with further examples for commercial communications on the Internet at the end of this document.

Like all internet-based marketing activities, commercial communications on the Internet represent an area that is still in an evolutionary development where new trends may occur

rather rapidly. These Guidelines will therefore be reviewed continuously and, if and when necessary, adapted.

The Guidelines are structured as follows:

1. Glossary of terms, which is part of the Guidelines.
2. The provisions of the Guidelines
3. Explanatory comments

2. Glossary of terms

Banner ad – is a graphic image or other media object used as an advertisement on a third party website; can be used as pop-up or pop-under.

Blogs – are websites where entries are commonly displayed in reverse chronological order. Many blogs provide commentary or news on a particular subject; others function as more personal online diaries. A typical blog combines text, images, and links to other blogs, web pages, and other media related to its topic. The ability for readers to leave comments in an interactive format is an important part of many blogs.

Download Advice Notice – is a notice advising a visitor to an Internet site wishing to download content that the content is intended/made available only for adults over 18, and advising that such content should not, following download, be forwarded or otherwise made available to those under 18.

Download Content – is all content featuring brands, brand messages or brand logos that is offered for download by an EFRD member. “A download” is any file that is offered for downloading or that has been downloaded and “to download” means to receive data from a remote or central system, such as a web server, FTP server, mail server, or other similar systems.

E-mail Marketing – is a form of direct marketing that uses electronic mail as a means of communicating commercial messages to an audience. In its broadest sense, every email sent to a potential or current retail customer could be considered email marketing.



Internet Sites – shall mean EFRD Members’ own brand and product promotion websites and web pages and shall not mean websites or parts of websites with e.g. corporate, financial, investor or other information that does not promote a brand or product.

Search Engine Marketing (SEM) – is a form of Internet marketing that seeks to promote websites by increasing their visibility in search engine result pages; this includes search engine optimization (or SEO), paid placement, and paid inclusion. Other sources define SEM as the practice of buying paid search listings.

Syndicated Data (Sources) – are sources where the advertiser can find information about the audience of a TV or radio station, network, internet site or a publication; usually such data are certified by an independent body or the advertiser has contracted an independent research firm (such as Com Score or Nielsen/NetRatings) for the compilation of the data.

Unique Visitors – is a statistic describing a unit of traffic to a website, counting each visitor only once in the time frame of the report. This statistic is relevant to site publishers and advertisers as a measure of a site’s true audience size. The number of Total Visitors to a site divided by Unique Visitors results in the derived statistic “Average Sessions per Unique Visitor”, which tells a publisher how many times on average each Unique Visitor came to their site on average in the time frame of the report.

Social Networks/Communities – a virtual community, e-community or online community is a group of people that primarily interact via communication media such as letters, telephone, email or Usenet rather than face-to-face, for social, professional, educational or other purposes. If the mechanism is a computer network, it is called an *online community*. Virtual and online communities have also become a supplemental form of communication between people who know each other primarily in real life. Many means are used in social software separately or in combination, including text-based chatrooms and forums that use voice, video text or avatars. Significant socio-technical change may have resulted from the proliferation of such Internet-based social networks.

3. Provisions

Content of Commercial Communications on the Internet, in Digital or Mobile Marketing Media

1. EFRD members will apply the Common Standards to all media platforms, including both digital and legacy media, which are used to transmit (digital) commercial communications.
2. EFRD members will ensure that content and related technologies on brand and product promotion websites and web pages are designed for visitors of legal age only, and safeguarding mechanisms will be put in place with intent to discourage underage access as set forth in item 3 below.
3. Landing pages of brand and product promotion websites and web pages from EFRD members will incorporate an age confirmation check (birth date, country of consumer access), allowing access only to visitors who are able to confirm a legal age of 18 years old or above¹.

EFRD members will add to the age confirmation before getting access to a brand and product promotion website the address of a dedicated website where visitors can receive information about inappropriate alcohol consumption.

4. Underage visitors designating their age as being under 18 attempting to enter an EFRD members brand and product promotion website shall be directed to dedicated websites that encourage responsible drinking behavior.

This clause shall apply on a geography-sensitive basis, i.e. to all 27 EU Member States. As long as no such dedicated website exists which corresponds in language/market/jurisdiction terms to the audience of the EFRD member's website, then there shall be no obligation to include a reference to a geography-inappropriate site, but it shall be sufficient for such visitors to receive a message notifying them of their underage status and containing a responsible drinking message.

Dedicated websites for this guidance means such sites offered by companies or by independent third parties such as Drinkaware, Talkaboutalcohol, Talkboutbooze, Klartext-reden, fryspunkt, soifdevivre, to mention but some examples.

¹ Underage visitors or Minors can be defined for these Standards as: "Young people below 18; or higher when national legal purchase age requires".

5. EFRD members will include responsible drinking messages in all their digital commercial communications as well as a reference to dedicated responsible drinking websites.


This clause shall apply on a geography-sensitive basis, i.e. to all 27 EU Member States. As long as no such dedicated website exists which corresponds in language/market/jurisdiction terms to the audience of the EFRD member's website, then there shall be no obligation to include a reference to a geography-inappropriate site. The EFRD member shall reference such a site, to apply across the EU and wider European area, as soon as it is developed. In the meantime the EFRD member may choose to reference such dedicated responsible website as it wishes. Responsible Drinking Messages for this guidance mean messages such as "Notre savoir-faire se déguste avec sagesse" ("Taste our know-how wisely"), "À consommer avec modération" ("Consume in moderation"), "Enjoy responsibly", "Minőséget, mértékkel" ("Quality not quantity"), "Enjoy [brand name] sensibly", "Geniet, maar drink met mate" ("Enjoy, but in moderation"), "Be responsible. Drink moderately", "Disfruta de un consumo responsable" ("Enjoy a responsible drinking"), "Please drink responsibly" to mention but some examples.


6. EFRD members will undertake to ensure that their brand and product promotion websites and web pages, their content and related technologies are designed for adults.
7. EFRD members shall ensure that all brand and product promotion content placed by them on the Internet shall, by the nature of the content or by its presentation, be easily identifiable to the reasonably attentive viewer as a communication of a commercial nature².

Responsible Placement of Commercial Communications on the Internet, in Digital or Mobile Marketing Media

8. The minimum 70% over-18 audience threshold (or higher if mandated by local laws or regulation) applies to all digital brand and product promotion placed on the Internet.
9. EFRD members shall apply this threshold as follows:

² Directives 2000/31/EC on e-commerce and 2005/29/EC on Unfair Commercial Practices (see explanatory comments below).

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- 9.1 Syndicated data sources will be used consistently, and shall be a first preference, to evaluate the audience profile to manage any placement on the Internet.
- 9.2 If an Internet website is not measured by a syndicated data source, EFRD members should as a second choice request an independent demographic survey from the website publisher prior to purchasing or placing a digital commercial communication.
- 9.3 In the event that the syndicated audience composition data, or an independent third-party survey does not demonstrate a 70% above 18 years of age demographic, or if neither are available, but the electronic publisher of the site under review operates a “registered user” database incorporating an age confirmation element, EFRD members can use the Internet site’s registered user database to ensure that only users who have registered as being above 18 years of age will be targeted.
- 9.4 In the event that none of the compliance mechanics set out at 9.1 to 9.3 are available on a website, EFRD members may place content if
- (a) the publisher of the website in question agrees to implement in relation to the placement of a digital commercial communication an age-confirmation mechanism or similar access barrier through which visitors must pass to view the relevant content and
 - (b) the EFRD member is satisfied that the website satisfies the test set out in clause 11.
- 9.5 For placements on third party “one-time” only, event-specific and/or other similar websites, a member of EFRD may place branded content, provided that it might reasonably conclude following review and evaluation of
- comparable websites,
 - the proposed content of the website in question,
 - data provided by the publisher regarding the target audience, and
 - any other relevant factor,
- that it would be reasonable to project that the demographic audience for the site will exceed the threshold specified at Clause 8.

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10. EFRD members shall only offer Download Content on marketer owned websites, which are subject to age-affirmation restricted access. All Download Content shall be subject to a Download Advice Notice. All Download Content in video format shall have inserted or embedded at the start a pre-roll frame advising the viewer that the download content is intended for adults aged 18 and over.
 11. The content of third party sites used by EFRD members to place their commercial communications messages shall be consistent with the spirit of the EFRD Common Standards.

Compliance and Post Audit

12. A placement will be considered compliant with this guidance if it satisfies any of the criteria set out in Clause 9.1 through 9.5. EFRD members agree to adjust future placements (by cancellations, schedule adjustment or other) in cases when a post-audit review shows non-compliance with this guidance.
13. EFRD members will strive for including a privacy policy on all their brand and product promotion websites dealing with the information related to customer's and merchant's private profiles. These policies should address the use of personal information - particularly personal information collected via the website - details of what personal information is collected, how the personal information may be used, the persons to whom the personal information may be disclosed, the security measures taken to protect the personal information, and whether the website uses cookies and/or web bugs.

The exact contents of a privacy policy will depend upon the applicable law, as there may be significant differences from country to country.

4. Explanatory comments

COMPLIANCE MECHANISMS

- Syndicated data can be obtained through audience composition data based upon the most recent three months site average of available audience data of unique visitors (where seasonal fluctuations are evident prior year data should also be taken into account, if available).
- Given that the methodologies and measurements of the Internet are evolving, this data source guideline will be reviewed as further developments warrant and, if appropriate, will be revised accordingly.
- In relation to clause 9.4, the publisher gateway or barrier shall be at least as technically robust as age affirmation gateway pages commonly found on EFRD members' own branded Internet sites.
- In relation to Download Advice Notices, the format of these is to be at the discretion of the EFRD member, to allow for communication in brand voice, and may appear either on the face of the page from which the download is offered, or as a pop-up or similar click-dependent advice.
- In relation to Clause 7 regarding "easily identifiable to the reasonably attentive viewer as a communication of a commercial nature": EU legislation gives specific rules concerning the disclosure of the commercial nature of parties on the internet. The EU Directive on electronic commerce (2000/31/EC) and the Unfair Commercial Practices Directive (2005/29/EC) provide for the following relevant rules:

Directive 2000/31/EC on electronic commerce:

- ***Art 2, (f) on the definition of commercial communication:*** any form of communication designed to promote, directly or indirectly, the goods, services or image of a company, organisation or person pursuing a commercial, industrial or craft activity or exercising a regulated profession.

- **Section 2, Article 6 on the Information to be provided:** In addition to other information requirements established by Community law, Member States shall ensure that commercial communications which are part of, or constitute, an information society service comply at least with the following conditions:

- (a) The commercial communication shall be clearly identifiable as such;
- (b) The nature or legal person on whose behalf the commercial communication is made shall be clearly identifiable;
- (c) Promotional offers, such as discounts, premiums and gifts, where permitted in the Member State where the service provider is established, shall be clearly identifiable as such, and the conditions which are to be met to qualify for them shall be easily accessible and be presented clearly and unambiguously;
- (d) Promotional competitions or games, where permitted in the member state where the service provider is established, shall be clearly identifiable as such, and the conditions for the participation shall be easily accessible and be presented clearly and unambiguously.

Directive 2005/29/EC on Unfair Commercial Practices - Annex I on Commercial practices which are in all circumstances considered unfair (so-called black list):

- (22). Falsely claiming or creating the impression that the trader is not acting for purposes relating to his trade, business, craft or profession, or falsely representing oneself as a consumer.
- The “downloads” provisions in Clause 10 are only applicable to brand and product promotion websites and web pages and not to corporate sites.

MEDIA AND COMMERCIAL COMMUNICATIONS TECHNIQUES COVERED BY THE GUIDELINES FOR INTERNET MARKETING

Please note this is not an exhaustive list but examples of current media and techniques that might change given the rapid technology developments on the Internet.

- **Audio and Music Sharing sites:** imeem, The Hype Machine, Last.fm, CCMixer
- **Banner ads**
- **Blogs:** Livejournal, TypePad, Wordpress, Vox
- **E-Mail marketing**
- **Events sites:** Upcoming.org, Eventful
- **Instant Messaging**
- **Livecasting:** Ustream, Jutsin.tv, Stickam
- **Microblogs:** Twitter and Pounce
- **Online gaming:** World of Warcraft
- **Opinion sites:** epinions, Yelp
- **Photo sharing:** Flickr, Zoomr, Photobucket, SmugMug
- **Podcasts**
- **RSS feeds**
- **SMS, MMS**
- **Search Engine Marketing (SEM), Search Engine Optimization (SEO)**
- **Social bookmarking:** del.icio.us, StumbleUpon
- **Social News Sites:** Digg, Mixx, Reddit
- **Social Networking:** Avatars United, Bebo, Facebook, LinkedIn, MySpace
- **Social network aggregation:** FriendFeed, Youmeo
- **Wikis:** Wikipedia, PBwiki
- **Video sharing:** Vimeo, YouTube
- **Viral marketing**
- **Virtual Worlds:** Second life
- **Voice Broadcasting**



ANNEX 3 – SPONSORSHIP GUIDELINES

1. Introduction

EFRD members treat sponsorship with the same due diligence and great respect for maintenance of the high standards of responsibility that they apply to all other marketing disciplines.

Sponsorship for the purpose of these guidelines means any commercial agreement by which a sponsor, for the mutual benefit of the sponsor and sponsored party, contractually provides financing or other support in order to establish an association between the sponsor's brands or products and a sponsorship property in return for rights to promote this association and/or for the granting of certain agreed direct or indirect benefits.

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2. Specific guidance for alcohol beverage brand sponsorships

- The Common Standards along with these complementary guidelines apply to the overall sponsorship agreement, including any sponsored event material carrying the sponsor's logo or trademark for the duration of the sponsorship agreement.
- EFRD members should not engage in sponsorship agreements unless at least 70% of the audience for the event (meaning those attending the event and the audience for broadcast media coverage of the event) are reasonably expected to be 18 years of age or older. It is the sponsor's responsibility to demonstrate that this requirement has been met.
- Sponsorship by EFRD members to assist programs encouraging social responsibility or discourage underage drinking are not covered by the Common Standards and this guidance and shall not be in breach thereof.
- Sponsorship in any field may be accompanied by an activity or message promoting responsible drinking behavior.
- EFRD members shall require sports sponsored parties not to feature alcohol branding on children's size replica sports items, but instead to offer such items without alcohol beverage branding.

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- No branded merchandise associated with a sponsorship should be aimed at those under legal purchase age or have a particular appeal to them beyond the appeal the merchandise has for the adult public.
 - EFRD members will not sponsor junior sports teams, junior sports leagues or junior cultural events, such as musical/talent contests or awards primarily for people under 18 years old (the term 'junior' meaning those under 18 years of age or under legal purchase age where this may be higher than 18). However, an adult oriented cultural or sports event meeting the 70% over-18 threshold (e.g., city orchestra or opera) may be sponsored even if it should turn out that a small number of the performers are under 18 years old.
 - With respect to sponsored sports or activities that could be considered dangerous, there should be no suggestion that players/performers consume alcohol before or while performing, or that alcohol consumption enhances their performance in any way.
 - EFRD members should ensure that external consultants, such as advertising, marketing, public relations and sponsorship agencies, are aware of the Common Standards and this guidance in particular.

Explanatory Notes

Placement

- The measurement of broadcast and live audience will be based on – to the extent available – of age demographic data from a syndicated source, taking the average measure from the previous quarter.
- Where demographic data is lacking (for example, for a sponsored art gallery event), members will seek alternative sources to determine what the demographics might be, such as;
 - Does the artist/performer have primary appeal to an adult audience?
 - Is 70% of the audience reasonably expected to be of legal purchase age and above?
 - Talk to the event organizer
 - Check the media/internet on previous exhibitions to become familiar with the work/music/performance
 - Look to demographics for comparable events



Responsible Drinking Message/Activity

- The promotion of responsible drinking behavior may include for example that all advertising / promotional materials carry a responsible drinking message;
- Additionally sponsored activities may offer an opportunity to raise awareness of what it means to drink responsibly by including, for example, information on standard drink measures, hints & tips on how to consume responsibly, responsibility advertising related to the sponsorship;
- The specific responsible drinking activity around a sponsorship may depend furthermore on the scale and the importance of the activity. For example for a one-off event in an art gallery it may be sufficient to include responsible drinking messages into the promotion leaflet or the one-off advertisement / poster for the event. A sponsorship of a regional / national event may include responsible drinking messages in all promotion materials prior to and at the event. For a sponsorship activity of national / international scope or relevance and aired nationally and internationally on TV such activities might include responsibility print or TV advertising.

ANNEX 4 – NAMING, PACKAGING AND LABELLING GUIDELINES

- EFRD members will apply the EFRD Common Standards to the naming, packaging and labelling of pre-packaged alcoholic drinks marketed in the European Union on a direct or on an electronic basis with an alcoholic strength above 1.2 % abv¹ including draught drinks and those served from permanent dispensers.
- All provisions of the EFRD Common Standards apply to a drink's naming and packaging, including the brand name, product descriptor, labelling and any container, external wrapping or packaging.
- The alcoholic nature of a drink must be communicated on its packaging with absolute clarity and must comply fully with existing legislation on all items.
- The naming, packaging and labelling of alcoholic beverage products manufactured and distributed by EFRD members must not use words such as "lemonade", "soft drink" or "fruit drink" as part of the brand name or on product labelling/packaging in any way which may cause confusion with existing popular drinks which are non alcoholic.
- EFRD members are committed to promote the responsible consumption of their products. To this End, EFRD members agree to provide – within the normal cycle of brand renovations – responsible drinking messages on labels (which may differ from market to market) to remind consumers to consume alcoholic beverages in a responsible manner.

¹ Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods.



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