



THE WINE AND SPIRIT TRADE ASSOCIATION

The Portman Group Code of Practice Consultation WSTA Response

The WSTA welcomes this opportunity to comment on The Portman Group's Code of Practice. We fully support the Code in its present form, but recognise that it is important for the Code to be kept under review in order to ensure that it continues to be fully relevant.

The WSTA also supports The Portman Group's recent campaign to raise awareness of the Code to those working in the industry and the general public.

This response sets out the WSTA position in relation to the specific issues for review as set out in the consultation paper.

Rapid drinking

1a) Should the Code contain a new provision that disallows the explicit encouragement of rapid drinking or the 'downing' of a drink (thus effectively preventing the marketing of a drink as a shooter or a slammer)?

We recognise that The Portman Group is keen to ensure the Code is acknowledged to be rigorous not only by industry but also by the Government and other external stakeholders including the media.

However, when this issue was considered in the last Code review in December 2001 it was agreed that an existing Code provision (3.2f in the current Code which specifically disallows any drink that, by its nature, packaging or promotion encourages "irresponsible or immoderate" drinking) should be sufficient to allow the Independent Complaints Panel to act against such products if they saw fit. Since 2001 the Panel has made no such ruling, but we do not believe that this fact in itself warrants a change in the Code.

We are also concerned about the very specific nature of any such rule. If a new rule were to be introduced banning marketing products as 'shooters' or 'slammers', it would be perfectly possible for marketers, if they wished, to work around the rule and come up with a new term which had similar implications. If, on the other hand, any new rule was more general then surely it would simply duplicate the existing provision 3.2(f) against encouraging irresponsible or immoderate consumption.

1b) Should the provision be extended to also disallow implicit encouragement of rapid drinking, thereby potentially impacting on a wider number of existing drinks, particularly those in small, single-serve containers (e.g. shot glasses, test tubes)?

The WSTA believes that the introduction of rules on 'rapid drinking' would unnecessarily penalise a specific (and fairly small) category of drinks without having the desired effect on consumer behaviour.

This category covers a range of drinks. Many contain only a small amount of alcohol (much less than a typical 'shot' or single spirits measure at a bar) and some are so small in volume that rather than being 'downed-in-one' they are only enough for one mouthful.

Such a rule would also be very hard to define: any drink of any size can be 'downed' or drunk rapidly, including 'shots' of spirits, glasses of wine or cans of beer. From a cultural perspective many drinks, such as schnapps or vodka, are traditionally consumed 'in one' and there seems to be little logic in banning a small number of pre-packaged, low-volume, single-serve drinks whilst so many other options remain for 'rapid drinking'.

We also believe that such a rule could serve to remove 5cl bottles of spirits (or 'miniatures') from the market. In no way do we believe that such products encourage irresponsible consumption, but we believe it would be difficult to draw up such a rule that would not impact on these products.

Potentially it may be more effective to consider what can be done to address patterns of drinking such as 'rapid drinking', but this would seem to fall outside the remit of The Portman Group and the Code.

1c) Should the above provisions apply only to drinks that contain above a certain amount of alcohol (e.g. 0.5 units)?

No. The WSTA does not believe that new provisions should be introduced specifically on 'rapid drinking' but if, following the consultation, such a rule were to be introduced we believe that it should be applied to all drinks covered by the Code (which is all pre-packaged alcoholic drinks with a strength of more than 0.5% abv.)

Website age verification pages

2a) Should the Code require that dedicated UK websites for alcohol drinks brand should be accessed only through an AVP?

The WSTA firmly believes that all alcohol related websites should be responsible in tone and content and as such should definitely not appeal to under-18s. The Portman Group's Code clearly sets out what is and is not acceptable in terms of website content and applies equally to brand pages, company information pages and retail websites. Rulings by the Independent Complaints Panel have successfully brought several websites in line with the Code. We believe that the Code's impact on website content is extremely valuable, and believe that this is far more important than introducing and enforcing arbitrary rules on access pages.

The suitability of including an Age Verification Page (AVP) varies from company to company and depends on the usage of the website. A retail website that sells products other than alcohol would, for example, check the age of the would-be-purchaser at point of purchase rather than point of entry as they will not necessarily want to deter under-18s from accessing the rest of their site. Some brands are advertised on corporate websites to which under-18s should be allowed access. Requiring alcohol brand websites only to use AVPs creates different standards for access, when the standards for content apply to all alcohol-related websites.

The WSTA believes that the use of AVPs on alcohol-related websites (including brand pages) should remain a matter of best practice for companies and should not be included in the Code. This is covered in Section 4.4 of the Social Responsibility Standards for the Production and Sale of Alcoholic Drinks in the UK of which the WSTA and The Portman Group are signatories. In line with the Standards document, the WSTA encourages all its members to consider age verification on websites, particularly in

relation to promotional material, online sales and brand pages. Many companies already have such measures in place.

The introduction to the Code Review states that "...the Code seeks to impose a minimum marketing standard with which all companies across the industry are expected to comply to ensure that the public is adequately protected. It does not seek to lay down a gold standard in marketing practice to which companies might seek to aspire." We believe that whereas website content must be regulated by minimum standards, AVPs should remain part of best practice.

2b) If the Code does require access only through an AVP, should the Code stipulate the method of age verification and what should that be?

Should the Code require an AVP on brand website there is no need for the Code to stipulate age verification methodology for an AVP, best practice guidance can be provided, but companies should be allowed a degree of flexibility.

2c) If the Code does require access only through an AVP, should it require repeat visitors to go through a verification process (either through the AVP or through a password)?

Should the Code require an AVP on brand websites repeat visitors to a site should be required to go through an age verification page.

Sexual success

3) Do you agree that the current rule concerning sexual success is appropriate?

The WSTA believes that the current rule concerning sexual success is entirely appropriate, and does not believe that it is too restrictive. In addition, the OFCOM Code has recently been altered to come into line with The Portman Group Code; it would seem a backwards step to make the rule laxer.

Preventing the naming, packaging and promotion of alcoholic drinks from being linked with sexual success is an essential part of the Code and any moves to make these provisions less stringent could weaken the entire Code.

Replica kit in children's sizes

4) Do you agree that TPG should remove the special exemption from Code rule 3.2(g) that exists for children's size replica kits?

The issue of alcohol sponsorship of sports has been high on the political agenda in recent months. Discussions are currently underway between companies and various parts of government looking at possible voluntary agreements.

The WSTA believes that the current exemption should be removed, but that this change should be phased in so as not to damage existing relationships and existing contracts should not be affected. The WSTA is also keen to ensure that the positive role that can be played by alcohol companies in sponsorship roles continues to be recognised. 'Children's size' should be defined in line with current VAT legislation.

Surrogate marketing

5) *Do you agree that Code rules 2.8 and 2.9 provide sufficient protection against the potential danger of surrogate marketing and, if not, what more can be done under the Code?*

The WSTA believes that the current Code provides sufficient protection against inappropriate surrogate marketing. It is our understanding that the only complaint submitted on these grounds was upheld and the product was removed from shelves.

Detailed rules for particular media / activities

6a) *Are there certain areas of activity covered by the Code which would benefit from more detailed rules to clarify what is acceptable and, if so, what are these areas?*

The WSTA believes that where possible, the principles set out in the existing Code should allow the Independent Complaints Panel to make a decision. It is only in areas where it is felt that the Code is specifically weak that new conditions should be included. We do not currently believe that any such issues exist where new provisions would be appropriate.

6b) *Are there certain areas of activity covered by the Code which do not need more detailed rules but which would benefit from being the subject of an Advisory Service Help Note and, if so, what are these areas?*

The WSTA believes that Advisory Service Help Notes can be an extremely useful tool for businesses, however we are not aware of any areas where an additional Help Note is currently needed.