

Code Audit Follow-up Action

Code of Practice on the Naming, Packaging
and Promotion of Alcoholic Drinks

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Introduction

The Portman Group was established in 1989 and consists of eleven members whose products account for approximately 65% of off-trade alcohol sold in the UK. It is the social responsibility organisation for drinks producers.

The Portman Group operates the Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks (hereinafter referred to as the “Code”) to ensure that alcohol is marketed responsibly. The Code applies to all pre-packaged alcohol sold or marketed in the UK. The purpose of the Code is to ensure that alcohol is marketed in a socially responsible way and only to adults. Although the Code is owned by the Portman Group more than 140 companies are signatories, including alcohol producers and retailers as well as trade associations representing the majority of the alcoholic drinks industry. The Code therefore receives broad industry support.

The Code was first introduced in 1996 and is periodically reviewed, then amended and updated accordingly, to ensure that it remains current. In the 5th edition of the Portman Group Code a number of rules have been revised and tightened. This revised Code was published in November 2012 but came into force on 31st May 2013, so allowing time for producers to familiarise themselves with the amendments, to make any changes necessary in relation to their products and to arrange training for their staff on the revised rules.

The Code applies to all pre-packaged alcoholic drinks¹ and covers the drinks naming, packaging, point-of-sale advertising, sponsorship, branded merchandise, advertorials, public relations and co-promotional activity materials and sampling. The Portman Group also offers a free confidential advisory service to help companies comply with the Code.

If any pre-packaged alcoholic drink is considered to contravene the Code then complaints can be made to an Independent Complaints Panel (Panel) comprising eight independent members with a variety of professional backgrounds (none work in the alcohol drinks sector). Decisions made by the Panel are published on the Portman Group website and press releases. If a product is found in breach of the Code, a Retailer Alert Bulletin is issued, asking retailers not to stock the product unless and until it complies with the Code.

Since the Code was introduced there have been 207 complaints and 134 products or promotions have been amended or removed from the market.

¹ A drink is any alcoholic drink above 0.5% ABV in strength, packaged for sale in the on or off-trade to the final consumer.

The audit had two objectives. The first, Stage One, was to conduct a systematic review of a sample of the packaging of alcoholic drinks available on the UK market. The second objective, Stage Two, was for the products found to be in potential breach of the Code to be referred to the Portman Group for follow-up action.

1. Stage One: Systematic review of a sample of the packaging of alcoholic drinks available on the UK market by Campden BRI²

1.1 Aims

The Portman Group considers that the Code is operating well but commissioned Campden BRI to conduct an independent audit of a representative range of products³ to determine compliance in the market place. Specifically:

- To determine the percentage of products sold in the off-trade in the UK that are compliant with the Code; and
- To identify any products that may be in breach of the 5th edition of the Code.

The audit focussed exclusively on the following aspects of the Code:

- The drinks' naming and packaging⁴ only
- Alcoholic drinks sold to consumers at retail outlets for consumption off the premises.

1.2 Methodology

The audit conducted a systematic review of a sample of alcoholic drinks available on the UK market in order to:

- Determine whether their naming and packaging was compliant with the Code;
- Identify any products that may be in breach of the 5th edition of the Code;
- Identify any product sectors in which breaches were more pronounced.

1.3 Results

Following a review of 506 products, 39 products were identified as being in potential breach of the Code. Two products also raised additional concerns, outside the scope of the Code.

- 92.3% of all products sampled were considered to be in compliance with the Code.
- The rule against which the most products were considered to be in potential breach was Rule 3.1: the alcoholic nature of a drink should be communicated on its packaging with absolute clarity. (28 products).

² The report is available on www.portmangroup.org.uk

³ This audit considered only products sold in the off trade

⁴ A drink's packaging includes its brand name, product descriptor, labelling, container, external wrapping and other products enclosed within the external wrapping.

- Of the 39 products considered to be in potential breach of the Code 11 were wines, 12 were flavoured alcoholic beverages, 11 were beers, three were spirits and two were ciders.
- The product category which had the highest proportion of potential breaches was flavoured alcoholic beverages. More than 50% of all flavoured alcoholic beverages sampled were considered to be in potential breach.
- Minor brands were the source of most potential breaches (20/39).
- Own label had better compliance than minor brands (2.1% and 11.4%, $p=0.009$). However, there was no statistically significant evidence of differences in compliance between own label and major brands (2.1% and 7.2%, $p=0.113$) or between major and minor brands (7.2% and 11.4%, $p=0.164$).

1.4 Discussion

Compared to the previous audit conducted by PIPC in 2008, which found a 93.4% compliance rate, this was a short-fall. While the compliance rate had fallen, it should be noted that the current audit assessed products against the revised 5th version of the Code and included revised rules not included in the 2008 survey. Furthermore samples were acquired well before the implementation date of 31 May 2013 of the revised Code and could quite legitimately have represented older stock that may be subject to a planned update.

Camdpen BRI's Stage One report is available on www.portmangroup.org.uk

2. Stage Two: Follow up action by the Portman Group

2.1 Aims

At the conclusion of the audit, the Portman Group took follow up action against the 39 drinks considered to be in potential breach of the Code. Of those, seven were referred for full investigation by the Independent Complaints Panel, of which three were found to breach the Code.

2.2 Methodology

The Portman Group contacted the brandholders of the 39 products found to be in potential breach of the Code and alerted them of the report's findings. The brandholders were given three months to proceed along one of three routes:

- Inform the Portman Group that the product was no longer on sale or that the labels and packaging had been amended.
- Agree to amend the labels and packaging to bring it in line with the Code.
- Have the product investigated either via Fast Track or full investigation by the Independent Complaints Panel.

2.3 Results

Of the 39 products found to be in potential breach of the Code:

- 9 were no longer on sale in their current form or required no further action.
- 23 were amended following advice from our Advice Team.
- 7 products were referred for investigation before the Panel (because the brandholders chose not to amend their labels and packaging or did not meet the deadline for a satisfactory response or chose not to respond to the Portman Group's enquiries).

This resulted in an overall compliance rate: 99.4%.

2.4 Companies amending packaging voluntarily

Advice offered by the Code Advisory Service is based on previous Panel decisions but can go further than the Panel might to put compliance beyond doubt. Of the 39 products that were considered to be potentially non-compliant by Campden BRI, 23 products were amended voluntarily following advice from the Advisory Team. The majority of these changes were made under Code rule 3.1 where precedent did exist and the advice was based on Panel decisions available at the time. When the Panel went on to consider some cases under 3.1 it took a less strict view than it had previously, meaning that some companies had agreed to make changes that went further than the Panel's

new position (see 3.1 cases in Table 3 below). In instances where companies did not agree to amend their packaging the cases were referred to the Panel for a decision.

3. Final outcomes for products identified as potentially non-compliant

The table below details Campden’s observations on the 39 products initially identified as potentially non-compliant and referred to the Portman Group for action, and indicates the final outcomes following Portman Group investigation.

Table 1 Products investigated by the Independent Complaints Panel and upheld

Producer	Product	Drink Type	Code Compliance Rule(s) identified by Campden BRI	Outcome
AB InBev	Tennent's Super Multipack, Can 4x500ml	Beer - Lager	3.2(a)	Referred to ICP – Upheld under 3.2(f)
Brewdog Plc	Brewdog Dead Pony Club Pale Ale Bottle, 330ml	Beer - Ale	3.2(a) 3.2(b) 3.2(f)	Referred to ICP – Upheld under 3.2(b) and 3.2(g)
Pernod Ricard	Pernod Bottle, 70cl	Spirit	3.1	Referred to ICP – Upheld

Table 2 Products investigated by the Independent Complaints Panel and not upheld: no further action required

Producer	Product	Drink Type	Code Compliance Rule(s) identified by Campden BRI	Outcome
AB InBev	Leffe Blonde Bottle, 75cl	Beer - Lager	3.1	Referred to ICP – Not upheld
Diageo GB	Guinness Original Multipack bottles 4x330ml	Beer - Stout	3.1	Referred to ICP – Not upheld
Hall & Woodhouse Ltd	Badger Fursty Ferret Multipack, bottles 6x500ml	Beer - Ale	3.1	Referred to ICP – Not upheld
United Wine Merchants	Mundie's Full Strength Red Wine Bottle, 70cl	Wine	3.2(e)	Referred to ICP – Not upheld

Table 3 Products amended voluntarily following discussion with producer: no further action required

Producer	Product	Drink Type	Code Compliance Rule(s) identified by Campden BRI	Outcome⁵
Accolade Wines	Cherry B 4x113ml	FAB	3.1 3.2(g) 3.2(h)	Amended voluntarily following discussion with producer
Carlsberg	Tuborg Pilsner Lager Multipack, 20x275ml	Beer - Lager	3.1	Amended voluntarily following discussion with producer
Cape Heritage	Danger Point Cabernet Sauvignon - Merlot 2012 Bottle, 750ml	Wine	3.2(a)	Amended voluntarily following discussion with producer
Casa Vinicola	Ogio Primitivo 2011 Bottle, 750ml	Wine	3.1	Amended voluntarily following discussion with producer
Continental Wine &	Silver Bay Point Rose Light	Wine	3.2(j)	Amended voluntarily

⁵ Producers made voluntary pre-emptive amendments to their products' labelling and packaging following discussion with the Advice Team. These amendments were made before the Independent Complaints Panel ruled on those products formally investigated. As such, some amendments may have gone beyond the requirements of the Code. The Portman Group acknowledges this action and welcomes this pro-active commitment to Code compliance. For further details see 6.3.1

Foods	and Delicate British Wine Bottle, 75cl			following discussion with producer
Co-op	The Big Chill Colombard Chardonnay Bottle, 75ml	Wine	3.2(j)	Amended voluntarily following discussion with producer
Diageo GB	Jeremiah Weed Root Brew Bottle, 500ml	FAB	3.1 3.2(c)	Amended voluntarily following discussion with producer
Global Brands	VK -Vodka Mix Multipack, 12x275ml	FAB	3.1 3.2(f) 3.2(h)	Amended voluntarily following discussion with producer
Gruppo Campari	Campari Bottle, 70cl	Spirit	3.1	Amended voluntarily following discussion with producer
Halewood International	Caribbean Twist Mixed Mango Sparkling Cocktail Bottle 70cl	FAB	3.1	Amended voluntarily following discussion with producer
Hall & Woodhouse Ltd	Badger Legendary Tanglefoot Multipack, cans 4x440ml	Beer - Ale	3.1	Amended voluntarily following discussion with producer
HP Bulmer	Strongbow Original	Cider	3.1	Amended voluntarily

(Heineken UK Ltd)	Multipack, 4x440ml			following discussion with producer
HP Bulmer (Heineken UK Ltd)	Strongbow Pear Multipack, 4x500ml	Cider	3.1	Amended voluntarily following discussion with producer
Intercontinental Brands	CJ's Classic Mojito Bottle, 70cl	FAB	3.1	Amended voluntarily following discussion with producer
Intercontinental Brands	Red Star Iron Brew Bottle, 275ml	FAB	3.1	Amended voluntarily following discussion with producer
Manchester Products Co Ltd	Cosmopolitan Can, 25cl	FAB	3.1	Amended voluntarily following discussion with producer
Manchester Products Co Ltd	Shuda Cherry Sours Multipack, 4x25ml	FAB	3.2(a) 3.2(g)	Amended voluntarily following discussion with producer
Maxxium	Sourz Spirited Raspberry Bottle, 70cl	FAB	3.2(d)	Amended voluntarily following discussion with producer
Maxxium	After Shock Hot & Cool Bottle, 500ml	Spirit	3.2(a) 3.2(b)	Amended voluntarily following discussion with producer

			3.2(h)	
Off-Piste	The Garden Route Shiraz 2011 Bottle, 75cl	Wine	3.2(j)	Amended voluntarily following discussion with producer
Origin Wine Limited	Stormhoek Rose Moscato Bottle, 75cl	Wine	3.1 3.2(h)	Amended voluntarily following discussion with producer
Some Young Punks	MONSTERS MONSTERS ATTACK Riesling 2012 Bottle, 75cl	Wine	3.2(d) 3.2(f) 3.2(h)	Amended voluntarily following discussion with producer
Toorank Distilleries	Cosmopolitan Classic Bottle, 70cl	FAB	3.1	Amended voluntarily following discussion with producer

Table 4 Products no longer on sale in current form or requiring no further action: no further action required

Producer	Product	Drink Type	Code Compliance Rule(s) identified by Campden BRI	Outcome
AB InBev	Stella Artois Lager (Christmas) Multipack, cans 8x440ml	Beer - Lager	3.1	No further action required
AB InBev	Stella Artois Premium Lager Multipack, bottles 6x248ml	Beer - Lager	3.1	No further action required
Accolade Wines	Banrock Station Infusions Sparkling Wine with summer berries Can, 25cl	Wine	3.1 3.2(f) 3.2(h)	No further action required
ASDA Stores	Mixed Fruit Twist Bottle, 70cl	FAB	3.1 3.2(b) 3.2(f)	No further action required
Halewood International	Reloaded Juiced Can, 500ml	FAB	3.1 3.2(a)	No further action required

			3.2(j)	
Heineken UK Ltd	Fosters Amber Nectar Multipack, cans 4x568ml	Beer - Lager	3.1	No further action required
Heineken UK Ltd	Fosters Lager Multipack cans 12x440ml	Beer - Lager	3.1	No further action required
J Chandler	Buckfast Bottle, 75cl	Wine	3.1	No further action required
Vignobles Du Peloux	Chateauneuf-du-Pape Bottle, 75cl	Wine	3.1	No further action required

Table 5 Products falling outside the scope of the Code: referred to relevant Trading Standards department

Producer	Product	Drink Type	Code Compliance Rule(s) identified by Campden BRI	Outcome
Ravoire et Fils	Muscat de Beaumes de Venise Bottle, 75cl	Wine	n/a	Referred to Trading Standards
Reh Kenderman GmbH Weinkellerei Bingen	B White by Black Tower reduced alcohol wine drink Bottle, 75cl	Wine	n/a	Referred to Trading Standards

