



Portman  
Group

# Alcohol Marketing Regulation Report 2013/2014

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



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# Portman Group

The Portman Group is the responsibility body for drinks producers in the UK. Established in 1989 by the UK's leading drinks producers, our role is to:

**Lead on best practice on alcohol social responsibility**

**Regulate the promotion and packaging of alcoholic drinks sold or marketed in the UK through our Codes of Practice**

**Challenge and encourage the industry to market its products responsibly**

We are a not-for-profit organisation funded by eleven member companies who represent every sector of drinks production and collectively account for more than half the UK alcohol market. Our current members are:

**AB InBev UK; Bacardi Brown-Forman Brands UK; Carlsberg UK; Diageo GB; Heineken UK; Mast-Jägermeister; Molson Coors Brewing Company UK; Pernod Ricard UK; SAB Miller; SHS Drinks; Treasury Wine Estates.**

## About this Report:

This report covers the regulatory activity undertaken by the Portman Group in the period 31 May 2013 to 31 December 2014: the first 18 months of the 5th edition of the Portman Group Code on the Naming, Packaging and Promotion of Alcoholic Drinks.

The report includes rulings made by the Independent Complaints Panel (Panel), the implementation of the Fast Track complaints process as well as the launch of the first edition of the Sponsorship Code.

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**The Portman Group is a not-for-profit organisation funded by eleven member companies which collectively account for more than half the UK alcohol market**



# Foreword

## Foreword by the Chair of the Independent Complaints Panel, Jenny Watson

2014 marked the 25th anniversary of the Portman Group and I'm hugely encouraged to note that it continues to uphold the world class standards which have kept the industry at the forefront of social responsibility practices. In my view, the key to its success has been responding to society's changing view of alcohol.

In May 2013, the Portman Group responded to concerns about problematic drinking by launching a new, tighter 5th edition of the Code. It gave greater protection to under-18s and enabled producers to promote lower alcohol drinks, following consultation with Portman Group partners in voluntary organisations, trade associations and Government. And the new Sponsorship Code, the first of its kind in Britain, came into effect on 31 January 2014, and was met with the emphatic backing of sports bodies, music venues and leading cultural organisations.

I welcomed the Portman Group's introduction of the Fast Track system. Designed to speed up the complaints system, it has allowed decisions to be made quickly and efficiently in those areas where a clear precedent has already been set by previous Panel rulings and where both complainant and producer are in agreement.

A real positive is the number of advice requests received by the Portman Group's Advisory Service which seems to be increasing year-on-year. It's extremely pleasing to see that producers and agencies value the guidance of the service before launching a new product or marketing campaign.

My experience of self-regulation elsewhere has shown that it can have a really important role to play in tackling poor practice quickly, and over the past year I have been keen to see how that could be made to continue to work for the alcohol industry.

Our challenge as the Panel is to maintain trust in the decisions we make. It's crucial that both producers and complainants have faith in the experience we bring to the table, and the way in which we make our decisions. In my short time so far, what has impressed me is the seriousness with which the eight members of the Panel take the role. Decisions are taken following robust and thoughtful discussion, making use of the

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**Decisions are taken following robust and thoughtful discussion with a wide range of experience and views around the table**

**Jenny Watson**

wide range of experience and views around the table including legal, marketing and previous drinks industry input as well as colleagues with important experience of working with young people. We are truly independent and whilst that independence may not always make our decisions comfortable for the alcohol industry, it does demonstrate that those decisions have integrity. I hope that our decisions demonstrate that it is worth bringing a complaint to us if you come across a product that is of concern.

Going forward, I firmly believe that the Panel's role should continue to be solely in deciding whether a product complies with the Code. It is not for us to involve ourselves in wider political debates around alcohol, though we will, of course, be mindful of changing social context. That might be frustrating to some people but it's not what the Code itself is for.

# Code in Review

## Code Governance



Jenny Watson

**Jenny Watson** is Chair of the Independent Complaints Panel, which rules on complaints and cases under the Portman Group's Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks and Code of Practice on Alcohol Sponsorship.

Jenny also chairs the Electoral Commission, currently sits as a Board member of WRAP and is Vice Chair of the Money Advice Trust. A former Chair of the Equal Opportunities Commission, her early work was in the not-for-profit sector, working at Liberty, Charter88 and Victim Support.



Sir Martin Narey

**Sir Martin Narey** is Chairman of the Portman Group Council, the Portman Group's governing body who are responsible for ensuring the Codes of Practice are fit for purpose and supported by both government and industry. The Council consists of the most senior UK representative from each member company. Sir Martin is a former chief executive of Barnardo's. He was previously Director General of the Prison Service in England and Wales and the first Chief Executive of the National Offender Management Service.

Sir Martin and Jenny were both appointed following an open, nation-wide recruitment campaign, consistent with the Public Appointments Process.



Henry Ashworth

**Henry Ashworth** is Chief Executive of the Portman Group, and provides Secretariat services to the Independent Complaints Panel. The Secretariat carries out the day to day administration of the complaints system.

“ I enjoy working with the Panel to ensure that complaints under the Portman Group's Code of Practice receive the rigorous independent scrutiny which is an important part of any self-regulatory process. ”

Jenny Watson



# Portman Group Code of Practice 5th Edition

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## The latest edition of the Code changed:

### Sexual Activity/Success

Should not suggest any association with sexual activity or success

### Therapeutic qualities

Should not suggest that the product has therapeutic qualities, or can enhance mental or physical capabilities

### Under 25s

Should not incorporate images of people who are, or look as if they are, under 25 years of age, where there is any suggestion that they are drinking alcohol or they are featured in a significant role

### Alcohol Strength

A product's lower strength may be emphasised proportionately

The 5th edition of the Code came into effect on 31 May 2013 following a wide-ranging review and an extensive consultation period.

The latest edition of the Code brings tougher rules to protect children and tightened any direct or indirect associations with sexual activity. Rule 3.2j was expanded to include therapeutic qualities, meaning producers cannot claim that alcohol is an aid to relaxation.

Additionally, young people who look or are under the age of 25 could no longer be featured in a significant role or be seen drinking or holding alcohol.

The Code was changed to give producers greater freedom to promote lower alcohol drinks to help support the industry in its voluntary commitment to introduce a wider choice of lower alcohol products to help improve public health.

The Portman Group also took on more self-regulatory responsibilities. All alcohol marketing not otherwise regulated by the ASA or Ofcom was brought under the remit of the Code, including public relations, co-promotional materials and online content such as blogs. This remit extension meets with our aim to ensure consistent and seamless self-regulation.



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**We consider that alcohol sponsorship of sports, music and cultural events in the UK makes a significant contribution to the country's vibrant and diverse economy, as well as having an important social impact.**



# First Edition of the Alcohol Sponsorship Code

In January 2014, the Portman Group launched the first ever UK-wide Sponsorship Code which commits producers to promote responsible drinking and/or support diversionary activities as part of their sponsorship agreement. This can be in the form of activities such as bar staff training and investment in grassroots sport.

The Code, which was developed over two years, received widespread support from drinks producers, retailers, rights holders and representatives of sports, music and venues.

To help the industry develop responsibility initiatives unique to their own sponsorships we have included example sponsorships on our website ([www.portmangroup.org.uk](http://www.portmangroup.org.uk)). These are:

As the producer of Stella Artois, AB InBev pledged to use an online tool to ensure that bar staff were trained in responsible service at The Open Championship.

Through Diageo's Guinness 'DRINKiQ' programme, rugby fans were educated about the short and long term effects of excessive drinking.

Pernod Ricard's Jacob's Creek sponsorship of Wimbledon saw responsible drinking messages feature on promotional materials.

SHS Drinks used advertising space at the Rockness Festival in Scotland to encourage responsible drinking.

We consider that alcohol sponsorship of sports, music and cultural events in the UK makes a significant contribution to the country's vibrant and diverse economy, as well as having an important social impact through the promotion of responsible drinking messages. Funding also delivers essential support allowing investment in grassroots programmes nationwide.

Signatories of the Code include: AEG, Association of Independent Festivals, British Horseracing, Business in Sport and Leisure, DF Concerts, England and Wales Cricket Board, European Sponsorship Association, Football Association, Rugby Football Union, Rugby Football League, Lawn Tennis Association, Premier League, Scottish Golf Union, Scottish Rugby, and the Sport and Recreation Alliance.

The Sponsorship Code carries clear sanctions - producers risk significant reputational damage if they breach the new Code, both through negative publicity and the financial cost of having to renegotiate a sponsorship agreement or withdrawing it completely.

The Sponsorship Code, best practice examples and a guidance note can be downloaded from our website [www.portmangroup.org.uk](http://www.portmangroup.org.uk). If you have example sponsorships that you would like to make into case studies they can be submitted on our website.

# How the Code Works

The Portman Group is one of three regulatory bodies that control the standards of alcohol marketing in the UK<sup>2</sup>. These three bodies effectively cover all alcohol marketing. The Code's remit is defined by reference to what is within the ASA's and Ofcom's remit. This ensures that there are no gaps in the regulation of drinks producers' marketing activity. Areas covered by the Code include:

## **Naming and packaging of a product**

## **Advertorials**

## **Branded merchandise**

## **Co-promotional activity**

**(between a producer and a retailer/wholesaler)**

## **Press releases**

## **Public relations**

## **Sampling**

## **Sponsorship**

## **Website<sup>3</sup>**

The Code imposes a minimum marketing standard with which all companies across the industry are expected to comply to ensure that the public is adequately protected. There are many drinks producers that choose to go further than the Code's requirements to demonstrate their commitment to social responsibility.

<sup>2</sup> the other bodies are the Advertising Standards Authority (ASA) and The Office of Communications (Ofcom)

<sup>3</sup> Areas not covered through the CAP non-broadcast advertising Code.

# How we can help

## Advisory Service

To assist companies in complying with the Code, we offer a free Advisory Service. Companies can ask the Advisory Service for confidential guidance in advance of launching a product or undertaking any marketing activity covered by the Code. The Advisory Service will recommend whether, in its opinion, the proposed product or activity raises any potential issues under the Code so that amendments can be made by the producer, if necessary. The Advisory Service's opinion is not binding on the Panel, or the advised company. The increasing demand for advice demonstrates how important this service is to the industry. Advice requests have been increasing year on year with 2014 being the busiest year on record with a total of 635 advice requests.

Many producers have their own internal compliance systems to ensure their labels comply with our Code as well as their own marketing codes.

## Training

In addition to the Advisory Service we offer free face-to-face training covering both our Codes of Practice. Training sessions are interactive and offer delegates a unique insight into the Codes as well as explaining the complaints process and the role of the Panel.

The sessions are open to anyone, such as producers, retailers and local authorities wishing to learn more about the Code and its application. The sessions can be tailored to fit the individual needs of an organization.

Seek advice under the Code or arrange training by calling on **020 7290 1460** or by email on **[advice@portmangroup.org.uk](mailto:advice@portmangroup.org.uk)**



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# Advisory Service Evaluation

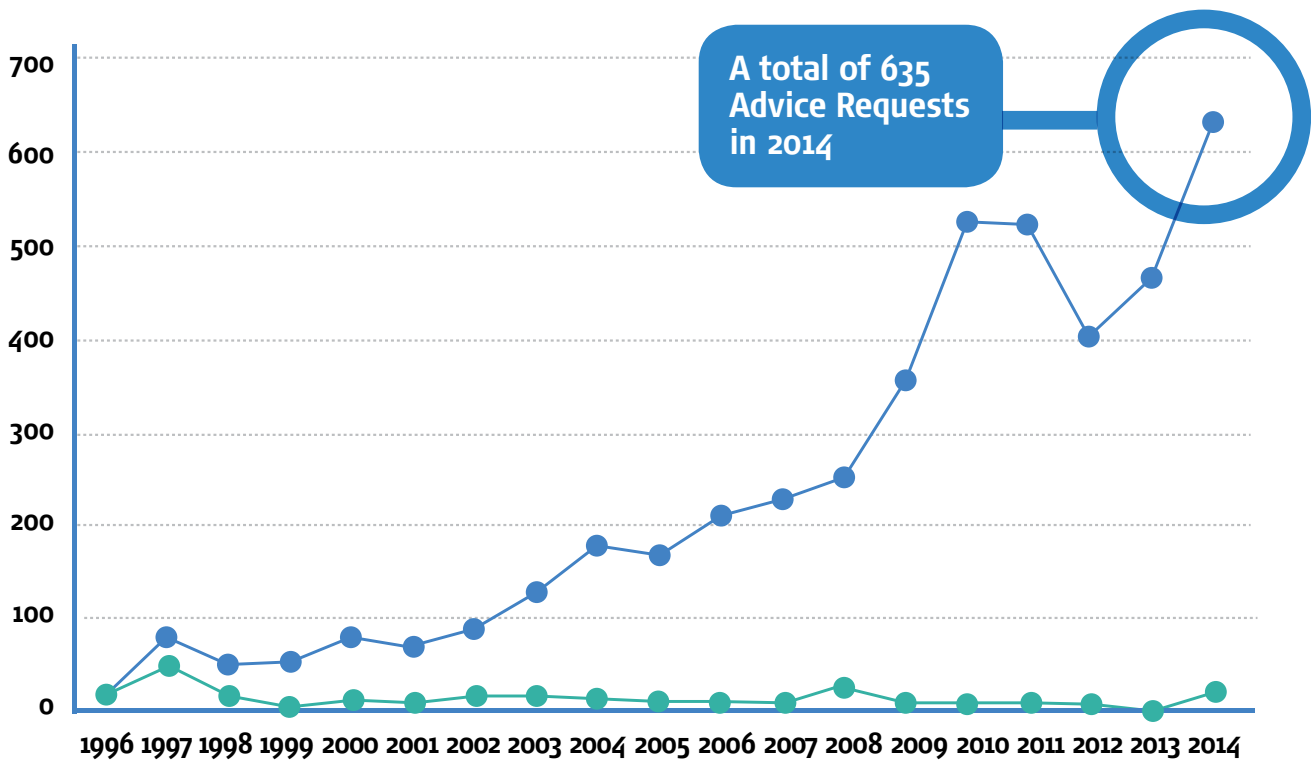
## KEY DATES:

### June – December 2013

The launch of the 5th edition of the Code coincided with a busy second half of the year in 2013 for the Advisory Service. 336 advice requests were received from June – December contributing to a final figure of 467 for the year.

### January – December 2014

The 2014 calendar year was the busiest year on record for the Advisory Service with a total of 635 advice requests.

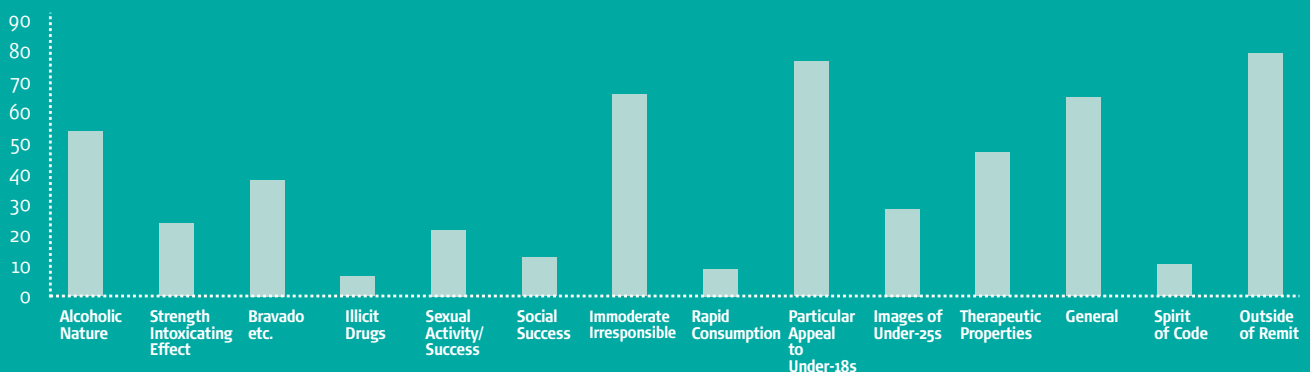


# 635

Advice Requests in 2014

# Cases by Code Rule

The most popular Code rules for advice in 2014 were particular appeal to under-18s (3.2h), immoderate/irresponsible consumption (3.2f) and alcoholic nature (3.1).



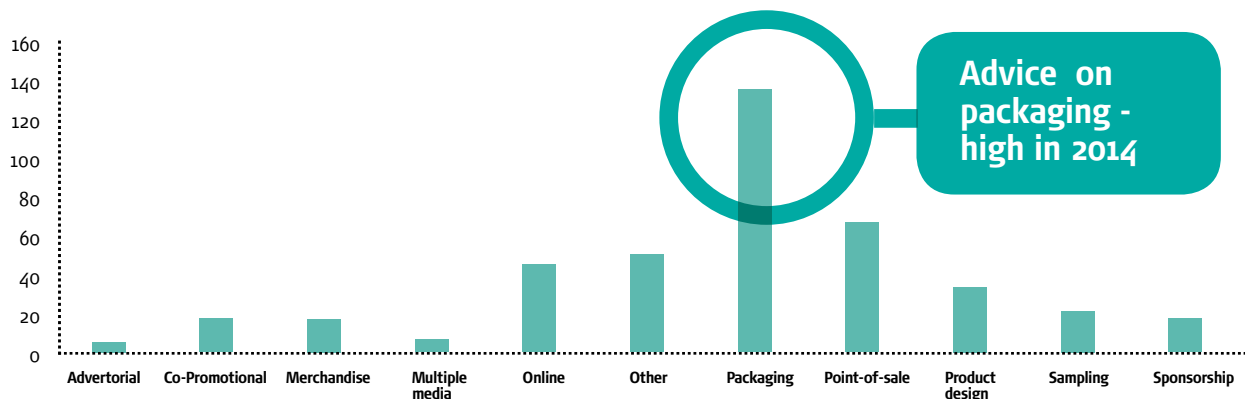
The graph above displays how many Code rules related to each Case in 2014. In addition to the Code rules we measure against three other areas including 'General, Spirit of Code and Outside of Remit'. 'General' includes topics such as industry's voluntary commitment to improve alcohol health labelling, social responsibility issues and age affirmation pages online.

'Outside of Remit' was particularly high in 2014 and this was partially due to the new Food Information Regulations 2014 coming into force at the end of the year. Code training sessions included more marketing agencies in 2014 that were less familiar with the

regulatory framework in the UK and also account for the slight peak in outside of remit requests. If an advice request is outside of remit we will, if appropriate, refer individuals to their relevant body such as the Advertising Standards Authority or their local Trading Standards department.

As has been consistent since the introduction of the Code in 1996, the most popular Code rules for advice in 2014 were particular appeal to under-18s (3.2h), immoderate/irresponsible consumption (3.2f) and alcoholic nature (3.1).

## Cases by Type of Media



The graph above displays cases by type of media. As is consistent with complaint trends, advice mainly focuses on packaging and we expect this trend to continue. This is the first year that this data has been available which means that a comparison to past data is not possible.

Finally, the Advisory Service also issues Guidance Notes on various topics to help companies comply with the Code. In 2014 these documents were accessed 2,371 times from the Portman Group website, of which the vast majority were unique visits.

### Training

The latter half of 2013 saw a complete overhaul of our Code training materials and meant that figures slightly dropped for the period of June – December with 80 delegates attending training while we redeveloped the training materials. Overall, 224 delegates were trained in 2013.

Just as with advice requests, training figures were at an all-time high in 2014 with 587 delegates trained throughout the year.

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**2,371** **TIMES**  
Guidance Notes  
were accessed  
from our website

# Proactive Self-Regulation

## Code Audit

We commission market audits on a regular basis to test market compliance with the Code. With the introduction of the 5th edition of the Code we wanted to identify if there were any products which might breach the revised rules.

We commissioned Campden BRI to conduct this research. We found the majority of alcoholic drinks did not breach the rules of the Code - an overall compliance rate of 99.4%.

The audit covered at least 500 products from supermarkets, convenience stores, off licences and on-line traders. Campden considered that 39 (7.7% of the sample) were in potential breach of the Code, these included: 11 wines, 12 flavoured alcoholic beverages, 11 beers, three spirits and two ciders.

The product category with the highest proportion of potential breaches was flavoured alcoholic beverages,

with more than 50% of all products sampled potentially in breach.

Companies were given three months to either make any changes to their product packaging or challenge the findings. If the issues could not be resolved or if a company wished to challenge Campden's judgement, they were referred to the Panel to investigate a potential breach.

Of the 39 drinks, seven were formally investigated and three were found in breach of the Code (see page 19 for details). Of the remaining products, nine had been withdrawn from sale or already brought in line with the Code, 23 were amended following consultation with our Advisory Service.

Products referred to the Panel for investigation (for full details see page 36).

### Upheld

**Tennent's Super 500ml can by AB InBev**

**Dead Pony Club Pale Ale by Brewdog**

**Pernod by Pernod Ricard**

### Not Upheld

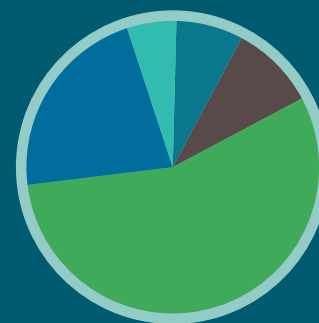
**Guinness Original by Diageo GB**

**Leffe Blonde by AB InBev**

**Mundie's Wine by United Wine Merchants**

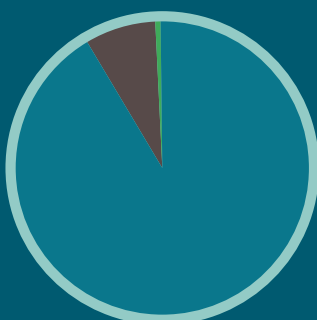
**Badger Fursty Ferret by Hall & Woodhouse**

### Products following investigation by the ICP



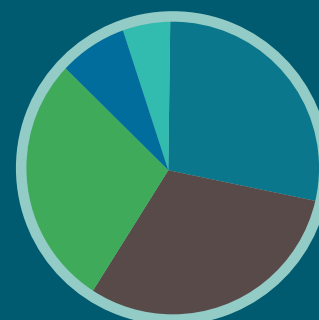
- Investigated and found in breach (3)
- Investigated and found not in breach (4)
- Amended following advice (23)
- No longer on sale or required no further action (9)
- Outside scope of Code (2)

### Product sampled



- Compliant with Code (465)
- Potentially in breach (39)
- Outside scope of Code (2)

### Products in potential breach



- Wines (11)
- FABs (12)
- Beers (11)
- Spirits (3)
- Ciders (2)

# Acting on Complaints

We act on all complaints that are within our remit and have been brought to our attention. We have an open and accessible complaints system allowing anyone to make a complaint against a product/promotion that they consider is in breach of the Code. It is not the Portman Group's role to decide whether a product/promotion is in breach of the Code; we do however provide the Secretariat function for the Panel.

## Fast Track Resolution

We put in place a new Fast Track system to help deal with complaints more quickly when both the complainant and producer involved in a complaint agree.

Previously, all complaints to the Portman Group were considered by a full Panel investigation even when a clear precedent existed and the breach was clear-cut. With the aim of resolving complaints more quickly and focusing on those cases that require full Panel consideration, (often because they would set new precedents), we introduced a Fast Track process. We will seek to resolve cases on a Fast Track basis in the first instance. Fast Track provides an opportunity for a producer to take responsibility for their product/promotion if they agree that it is problematic under the Code. The producer is given the chance to present their case to the Chair of the Panel and, with agreement from both parties, they must agree to take appropriate remedial action to address the issue.

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**Fast Track provides an opportunity for a producer to take responsibility for their product/promotion if they agree that it is problematic under the Code**



# Investigation by the Independent Complaints Panel

If cases are deemed not suitable for Fast Track they are ruled on by the Panel.

Members of the Panel represent a diverse range of backgrounds and experience in order to provide perspectives across society.

The Panel will consider a complaint under all of the Code rules:

- 3.1 – The alcoholic nature of a drink should be communicated on its packaging with absolute clarity
- 3.2 – A drink, its packaging and any promotional material or activity should not in any direct or indirect way:
  - (a) place undue emphasis on the higher alcoholic strength or intoxicating effect;
  - (b) suggest any association with bravado, or with violent, dangerous or anti-social behavior;
  - (c) suggest any association with, acceptance of, or allusion to, illicit drugs;
  - (d) suggest any association with sexual activity or sexual success;
  - (e) suggest that consumption of the drink can lead to social success or popularity;
  - (f) encourage illegal, irresponsible or immoderate consumption;
  - (g) urge the consumer to drink rapidly or to down a product in one;
  - (h) have a particular appeal to under-18s;
  - (i) incorporate images of people who are, or look as if they are, under-25, where there is any suggestion that they are drinking alcohol or they are featured in a significant role;
  - (j) suggest that the product has therapeutic qualities, or can enhance mental or physical capabilities.

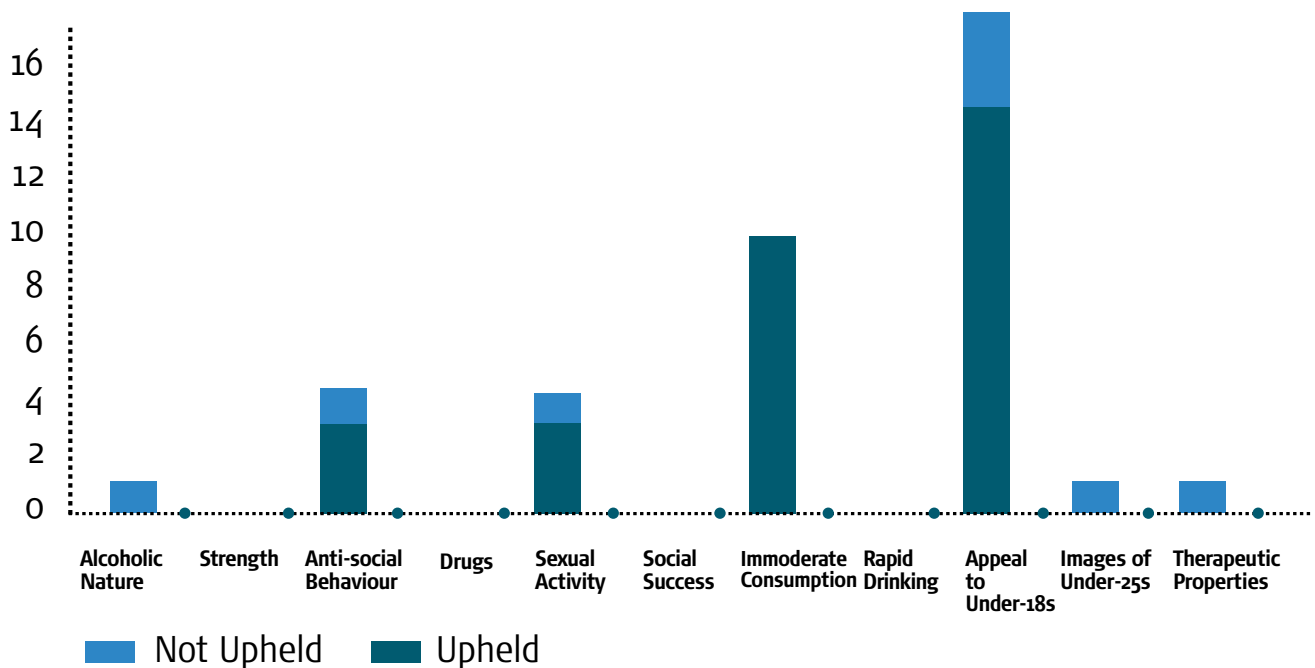
Full details of the complaints process are given on our website [www.portmangroup.org.uk](http://www.portmangroup.org.uk). Copies of the Code of Practice are also available from the same address on request.

# Products investigated by Code Rule (including Code Audit)

During the period of this report the Panel ruled on 11 complaints about 22 products and on a further seven cases brought via the Code Audit. From the table below it may appear that the most common issue was appeal to under 18s. However, 10 breaches of this code rule occurred from just one complaint - Direct Beers - which involved multiple products.

**11** Complaints received about **22** products

**7** Cases brought via the Code Audit



# Enforcement

The self-regulatory system is widely-supported and championed by the alcohol industry. But its integrity relies on producers, retailers and distributors working with us to ensure the Codes' sanctions are potent and effective - keeping the self-regulatory system robust. We also work with non-industry partners at a local level to ensure that those organisations at the forefront of public welfare are engaged and informed.

## Retailer Alert Bulletins

Our main sanction is the Retailer Alert Bulletin (RAB) which advises licensed retailers not to replenish stocks of products or point-of-sale material after a specified date (usually three months) and not until the producer has changed the problematic packaging, product or point-of-sale material. The date is set by the Code Secretariat and producers need to comply with this timetable of action. Retailers may sell through any existing stock in the usual way. RABs are published on our website and are sent to key stakeholders including Police, licensing officers, Trading Standards, local licensing authorities and other interested parties nationwide.

### Section 182 Guidance

In October 2014, RABs were reinstated into the Home Office's Revised Guidance issued under section 182 of the Licensing Act 2003 which states:

*"The Government acknowledges that the irresponsible naming, packing or promotion of alcoholic drinks may contribute to alcohol related harms. Where there is direct evidence of specific incidents of irresponsible naming, packing or promotion of alcoholic drinks linked to the undermining of one of the licensing objectives, licensing authorities should, in the exercise of their licensing functions (in particular, in relation to an application for the grant, variation or review of a premises licence), consider whether it is appropriate to impose conditions on licences that require the licence holder to comply with the Portman Group's Retailer Alert Bulletins. This condition should be considered on a case by case basis and in the context of the promotion of the licensing objectives."*

For the period of time this report covers we have issued the following RABs:

Product	RAB issued	Compliance Deadline
Four Loko	February 2014	27 May 2014
Red Army	April 2014	20 June 2014
Cat Piss & others	July 2014	12 September 2014
Dead Pony Club	April 2014	8 July 2014
Pernod	July 2014	12 September 2014
Tennent's Super 500ml can	July 2014	31 December 2014
Carlsberg Special Brew 500ml can	January 2015	31 March 2015
Skol Super 500ml can	January 2015	31 March 2015
Kestrel Super Premium Lager 500ml can	January 2015	31 March 2015

# Independent Complaints Panel Decisions



# Complaint Decisions

## Four Loko

**Decision Published:** 24 February 2014

**Company:** Phusion Projects

**Breach:** Yes



### Complaint Summary:

'My objection centres around the use of the word 'Loko', with its strong association with madness and aggressive behaviour...the rule that most fits my objections to the use of the word 'Loko' in the brand name is 3.2(j).

Furthermore, because the brand name is deliberately suggestive of madness, Four Loko could be considered to intrinsically support irresponsible or immoderate consumption, also making 3.2(f) relevant for consideration.'

**Complainant:** Freespirits Brands (Scotland) Ltd

### Complaint Summary:

'I suggest that the name 'loko' is almost identical to and easily mistaken for 'loco', meaning mad or crazy in Spanish and as such, clearly contravenes the Portman Code rules (sic) 3.2(b) that a drink (should not) suggest any association with violent, aggressive, dangerous or anti-social behaviour.

My submission added: facebook.com/fourloko references directly associating the product with madness: 'Congratulations to the newest LOKO MADNESS CHAMPION'.

**Complainant:** Yellow House Communications Ltd

### Complaint Summary:

'My complaint refers to the use of the word "Loko" in the product name. It is made in relation to the fact that the Portman Group rules for Naming, Packaging and Promotion 3.2(b) state that:

A drink, its packaging and any promotional material or activity should not in any direct or indirect way suggest any association with bravado, or with violent, aggressive, dangerous or anti-social behaviour

I want to underline my concern about the name Four Loko, which seems to make a deliberate direct link between the brand and madness, since 'loco' and 'loko' are easily mistaken for each other and the word 'loco' is widely understood to refer to madness, or irresponsible behaviour. A look online would seem to back this up. I attach two Four Loko images which refer directly to a promotion called 'Loko Madness'.

**Complainant:** Corinthian Brands Ltd

## Decision:

**Under Code paragraph 3.2(b) and (j):  
NOT UPHELD**

**Under Code paragraph 3.2(f):  
UPHELD**

The company explained that 'Four Loko' was developed as the word 'Four' represented the four main ingredients contained in the beverage (i.e. alcohol, caffeine, guarana, and taurine), while 'Loko' characterised the unconventional combination of those ingredients, as well as the fact that the products had unique flavour combinations. On presenting further evidence the company clarified that while the 'Four' had, on occasion, related to the four ingredients, it did in fact relate to the mix of the four flavours, i.e. the flavour of the four separate cans taken together.

The company acknowledged that the complainants had correctly identified 'Loko' as a variant on the word 'loco', meaning 'mad' or 'crazy' in Spanish, however that this did not necessarily suggest bravado or encourage violent, aggressive, dangerous or anti-social behaviour or illegal, irresponsible or immoderate consumption as the complainants had asserted. The company went on to say that the complainants had not acknowledged the humorous misspelling.

The company stated that while it was fair to say that a high percentage of the population in the UK would know that the word 'loco' meant 'crazy' in the Spanish language, it was also fair to state that those members of the public would also understand that in these circumstances it meant 'crazy' in the sense of 'zany' or 'unusual' rather than suggesting 'bravado' or 'violent, aggressive, dangerous or anti-social behaviour'. The company went on to say that consumers would not confuse 'Loko' with 'crazy' but would instead understand it to mean 'zany'.

The company also stated that it could see absolutely no basis for any suggestion that the word 'Loko' suggested that the product had therapeutic qualities or could enhance mental and physical capabilities.



The Panel noted that the brand name 'Four Loko' could be literally heard, when said aloud, as 'for crazy'. In addition to this, the Panel acknowledged that the spelling of 'Loko' was intended as a humorous misspelling but concluded that the word 'Loko' was interchangeable with 'loco'; and as the two words were pronounced the same the Panel felt that the meaning of 'loco' was applicable to 'Loko'.

The Panel considered the Oxford English Dictionary definitions of 'loco' where one such definition was 'mad, insane, crazy, off one's head'. The Panel debated whether being 'off one's head' would unconditionally lead to anti-social behaviour. The Panel discussed this matter at length and expressed concern over the potential link, but concluded that it could not be proven that being 'off one's head' was categorically linked, or would automatically lead, to anti-social behaviour. The Panel also considered whether the product suggested any association with bravado as it could be argued that the strength of the product almost required an element of 'risk taking' to consume it (one can being at the upper limit of the recommended daily unit guidelines for men). However, it was concluded that there was nothing on the packaging or in the supporting material that made a direct association with bravado and, accordingly, the Panel did not uphold the product under Code paragraph 3.2(b).

The Panel then considered whether there was any evidence that the product claimed to have therapeutic qualities or could enhance mental or physical capabilities. The Panel unanimously agreed that there was no evidence to support this and did not uphold against Code paragraph 3.2(j).

Finally, the Panel considered whether the packaging and/or promotional materials encouraged illegal, irresponsible or immoderate consumption. Operating

on the basis that the meaning of 'loco' was relevant to 'Loko', the Panel felt that the Oxford English Dictionary definition of 'crazy, off one's head' was problematic when used in relation to an alcoholic drink as it could suggest irresponsible and immoderate consumption. Therefore, care should be taken when using it on packaging or in promotional material.

The Panel were particularly concerned about the potential response of young people to this product. In that context they also brought their own knowledge to the discussion, including the meaning of 'Four Loko' that was available on Urban Dictionary which stated that the product would make a consumer 'hyper-drunk' and result in 'blackouts and embarrassing situations'. The Panel considered that young people may well use Urban Dictionary, and that this might affect how they responded to the product. This context was of concern to the Panel but it was not a deciding factor. The Oxford English Dictionary definition remained the basis of the 'loco' definition considered throughout the decision and the grounds on which the decision was reached.

Supplementary promotional materials were also considered by the Panel. These included American trade posters and excerpts from the American 'March Madness' campaign. While these materials were clearly not intended for UK public distribution the Panel noted that some of the 'March Madness' materials simply referred to the product as 'Loko' which reinforced the perception that 'Loko' as a single word could be used on its own, and that it was intended as a reference to the effect and consumption of the drink, rather than the purported four ingredients, or four flavours, of the product. The Panel felt the way the product was currently packaged, together with its brand feel (particularly as marketed in the USA) was problematic. Accordingly, it found the current product packaging in breach of Code paragraph 3.2(f).

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## **The Oxford English Dictionary definition remained the basis of the 'loco' definition considered throughout the decision and the grounds on which the decision was reached**

# Product

## Red Army Vodka

**Decision Published:** 9 April 2014

**Company:** Bartex Bartol Sp.J

**Breach:** Yes



### Complaint Summary:

I wish to make a formal complaint on behalf of the Panel (of the Responsible Retailing Code of Northern Ireland) regarding the packaging of the Red Army Vodka....namely; that the packaging and name breaches the Portman Code under section:

3.2 A drink, its packaging and any promotional material or activity should not in any direct or indirect way:

(b) suggest any association with bravado, or with violent, aggressive, dangerous or anti-social behaviour.

The ICP felt that the packaging and name are both entirely inappropriate for an alcoholic drink as the public would immediately associate the product with the AK-47, which as a weapon, symbolises terror and violence, and hence has a direct association with violence, aggression and danger.

**Complainant:** Panel of the Responsible Retailing Code of Northern Ireland

### Decision:

#### **Under Code paragraph 3.2 (b): UPHELD**

In its response, the producer said that the product was simply just a glass bottle in the shape of a gun, sold as a gift pack, and that it had nothing to do with weapons or violence. In its subsequent response the producer reiterated that it had no aim to 'create or promote violence' and that the company sold alcohol, not weapons.

The Portman Group Panel considered the product name, the packaging and the overall presentation of the product. The Panel concluded the packaging and the name, Red Army in the context of the product packaging were unacceptable for an alcoholic drink because they suggested an association with violent and dangerous behaviour. Despite the producer's subsequent response the Panel found that the name, in the context of the packaging, and the packaging of the product were in breach of paragraph 3.2(b) of the Code.



# Product

## Breezer (Watermelon and Orange)

**Decision Published:** 15 July 2014

**Producer:** Bacardi-Martini Limited

**Breach:** No



### Complaint summary:

The product is Bacardi Breezer and is presented in a number of brightly coloured fruit flavours. I believe that this attracts and encourages underage drinking and the packaging makes no effort to dissuade younger/under-age drinkers ... These drinks look and taste like juice drinks, so are very dangerous to young people...

Breezers shows (sic) two variants of the drink, Orange and Watermelon. The packaging design is brightly coloured, emphasises the fruit flavours and minimises any reference to alcohol, making it unclear to younger people what the alcohol content actually is (i.e. similar to many beers/ales).

Soft Drinks is (sic) provided as a comparison, showing that the bright colours of Breezers compare directly to soft drinks and therefore appeal in the same way.

Beer is provided as further comparison to indicate that the packaging actually is not the first thing that immediately attracts, the dark bottled contents overwhelm the labelling when compared to Breezers and soft drinks. It is obviously (sic) that Breezers are designed to appeal to younger, possibly underage drinkers, especially aligned to the fact that they have been flavoured so as not to taste alcoholic. Unlike a great many beers of equivalent strength.

**Complainant:** Member of the public

### Decision:

**Under Code paragraph 3.1:  
NOT UPHELD**

**Under Code paragraph 3.2(h):  
NOT UPHELD**

The company asserted that it was strongly committed to the responsible marketing of all of its products and complied with its own internal global marketing Code. Furthermore, as members of the Portman Group, it undertook regular marketing training with the Portman Group. It explained that Breezer was often referred to as a 'ready-to-drink' and was launched in the UK in the mid-90s. In that time, the company had not received a complaint about the product. The latest packaging of Breezer was launched in 2013 following consultation throughout the development phase with the Portman Group's Advisory Service.

The company went on to say that the presentation of the products was clearly adult in appeal: the alcoholic nature and strength of the products was prominent on both primary and secondary packaging, and the words 'fruit wine-based' and 'alc4%' were written in bold text on the front label of the bottles and on the secondary packaging. This information, together with the UK Chief Medical Officers' alcohol consumption guidance, was repeated on the products' back label. In the company's view, therefore, this made the alcoholic nature of the products clear.

The company then responded to the complainant's assertion that the products had a particular appeal to under-18s. It said that watermelon and orange (flavours) appealed to adults of legal drinking age and above, and did not, as the complainant claimed, appeal particularly to, or have a predominant association with, under-18s. Furthermore, the company felt the colour of the products and packaging reflected the products' flavours, and were not artificially bright.

The Panel considered whether the products had a particular appeal to under-18s. In doing so the Panel considered whether the product packaging, both primary and secondary, was clear in conveying its alcoholic nature, in addition to looking at the products as a whole, taking into account the product colour, label font, language and absence/presence of other imagery on the label.

The Panel noted that the front label of the product featured the text 'fruit wine-based' together with the product strength statement 'alc 4% vol'; this information was repeated on the reverse label along with alcohol health information and the descriptor 'an alcoholic refreshing sparkling, fruit wine-based drink'. The Panel also noted several other visual cues: the size and shape of the bottle, the crown cap and the absence of any 'negative cues' (fruit images). In light of these factors, the Panel concluded that the product did not breach Code paragraph 3.1.

The Panel then went on to consider whether the products had a particular appeal to under-18s. The Panel noted that the products were brightly coloured. The Panel felt however that colour alone would not be enough to lead a product to appeal particularly to under-18s. Furthermore, the Panel recognised that the colours were chosen to represent the fruit flavour and were not artificially bright. In light of this, the Panel concluded that the product did not have a particular appeal to under-18s and was not in breach of Code paragraph 3.2(h).

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**In light of this, the Panel concluded that the product did not have a particular appeal to under-18s and was not in breach of Code paragraph 3.2(h)**

# Product

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## WKD Halloween Cocktail Cauldron

**Decision Published:** 15 July 2014

**Company:** SHS Drinks

**Breach:** Yes



### Complaint Summary:

'The concerns for this product are that it breaches the codes at 3.2(f) and 3.2(h).

3.2(f). This product has a 1.4l capacity and is presented in a colourful and fun way that would encourage irresponsible or immoderate consumption. The nature of the product makes it unlikely a consumer would be able to know how much alcohol there was in a drink drawn from the cauldron.

3.2(h). Halloween is widely recognised as a children focused evening, in particular with dressing up and trick or treating. The presentation of this product alongside the promotional posters, table talkers and mobiles would resonate with U18s and make the product attractive towards them.'

**Complainant:** Northampton Borough Licensing Team

### Decision:

**Under Code paragraph 3.2(f):  
UPHELD**

**Under Code paragraph 3.2(h):  
NOT UPHELD**

The company explained that Halloween was a key social occasion amongst 18-25 year old adults. Consumers now had a different perception of cocktails in such an environment compared to the European 'holiday' experience or higher strength cocktail bar offering. As offerings were becoming more diverse, consumers were expecting more unique offerings from brands and retailers.

The company stated that in an attempt to meet this demand they wanted to promote the theatre and occasion of sharing a unique cocktail vessel with friends. The company explained that they were particularly conscious of not encouraging excessive drinking and that this was reflected in the 'made for sharing' message on all point of sale materials.

The company went on to say that the 1.4l capacity of the vessel was to allow for ice/mixers and, furthermore, the unit amount in the cocktail was often lower than traditional perceptions due to measured serves (as opposed to the free-pour style). In this particular case, each serving vessel contained between 3 and 4 units (the Chief Medical Officers' recommended individual daily limit) and 1.5-2 units when shared by two people. Finally, the controlled alcohol serve managed by bar staff who received regular training, the use of WKD

bottles with a clear measurement of spirits plus mixers/ice ensured that the price per unit kept the product premium, as opposed to a vessel that encouraged immoderate consumption.

The company acknowledged that Halloween sat alongside Christmas and Easter as an opportunity for sales and appealed to adults aged 18-25 years of age. The company presented research from a pub retailer that demonstrated that Halloween was the UK's third highest spending annual occasion after Christmas and Easter, which reflected that it was a key adult occasion in the on-trade and not one that had a particular appeal to under-18s.

The company presented new point of sale materials in response to the complaint in order to strengthen the sharing message going forward. In its subsequent response the company reiterated its commitment to amend its guidance to bar staff so that it was clear that the cauldron should be served with glasses so that the contents of the cauldron should be poured and shared.

Firstly, the Panel considered whether as a Halloween-themed promotion, the promotion would resonate with, and therefore appeal particularly to, under-18s. The Panel noted that over the years Halloween had become popular amongst adults and was no longer for the exclusive enjoyment of children. Furthermore, the Panel noted that the promotion was restricted to the on-trade environment where the vast majority of people would be over the age of 18. In light of this, the Panel concluded that the promotion did not have a particular appeal to under-18s and did not uphold the complaint under Code paragraph 3.2(h).

The Panel then went on to consider whether the promotion encouraged immoderate and/or irresponsible consumption. The Panel noted that the company had clearly thought about how the contents of the vessel were to be mixed and the maximum number of units to be served in a vessel, and this was evident from the instructions and training provided to bar staff. The company had also presented a 'made for sharing' message on the point of sale material, albeit

small in relation to the other information on the material. However, the Panel noted that it was not clear from the point-of-sale material, or from the response the company had submitted, how the vessel was ultimately presented to consumers, i.e. whether it was served with glasses so that the contents could be decanted into the glasses, or with straws so that the consumer consumed straight from the vessel.

The Panel felt that if the vessel was served with glasses then a consumer could, to an extent, have an indication of how much they were consuming. If the vessel was served with straws, and the consumer had to drink straight from the vessel, a consumer would not necessarily know how much they had consumed. Where it was difficult to establish how much one consumer had consumed, the Panel felt more importance needed to be on the share message. In this respect, the Panel welcomed the changes the company had made to future marketing material because it conveyed the 'share' message in both text and visual representation through the depiction of the glasses, and the vessel had been amended to include a pouring 'lip', further emphasising that the vessel was designed so that the contents should be poured into glasses. Based on the fact it was not clear how the vessel was served to the consumers, and that consumers might therefore be drinking directly from the vessel and not be able to gauge how much they consumed, the Panel decided that the nature of the vessel and minimal share message led the product to encourage irresponsible consumption. Although the Panel noted the further assurance the company made in its subsequent response to amend its guidance to bar staff, its decision was based on the material that was subject to the complaint and accordingly, the Panel found the product in breach of Code paragraph 3.2(f).

# Product

## Centenary Beer

**Decision Published:** 15 July 2014

**Company:** Irwell Works Brewery on behalf of Bacup & Rawtenstall Grammar School

**Breach:** Yes



## Complaint Summary:

To commemorate 100 years of teaching and school history/heritage, Bacup and Rawtenstall Grammar School commissioned bottles of an alcoholic drink with its school name, logo and branding upon the label and this alcoholic drink has been promoted, advertised and sold within its school environment - a school environment comprising mostly of school children.....

...The entire point and purpose of a school associating its brand with a product is to create and promote interest, attraction and appeal therefore I believe the decision taken by Bacup and Rawtenstall Grammar School is clearly in breach of Rule 3.2 (h) A drink, its packaging or promotion should not have a particular appeal to under-18s.....

...Equally, school and alcohol is incongruous; therefore I believe to blatantly and explicitly associate their school brand with an alcoholic drink within the school environment is not age appropriate and significantly breaches the promise the school has given to look after the welfare and wellbeing of each child and safeguard them from harmful influences.

**Complainant:** Member of the public

## Decision:

**Under Code paragraph 3.2(h):  
UPHELD**

The school explained that the Centenary Beer was commissioned to commemorate 100 Years of the school, to be sold at two centenary events: a Fireworks Spectacular evening to mark exactly one hundred years of history and a Centenary Reunion for alumni of the school. Both events were outside of school hours with Temporary Event Notices approved by Rossendale Borough Council and strict monitoring of alcohol in designated areas.

The school explained that in its view the beer did not have a particular appeal to under-18s as it was aimed at real ale connoisseurs and was not an alcopop. Further to this, the packaging was not attractive to students and there were no appealing images on the label that would entice students to drink the product.

The school clarified that the product was only ever marketed to adults: for the two events at which the beer was sold, only the Fireworks Spectacular event was advertised using posters in School. A copy of this poster was provided as part of the school's response, and it made no reference to alcohol, instead citing "fairground rides, entertainment, delicious food and spectacular entertainment." Finally, only one email was sent to parents using the school email system to ensure

that only parents received the communication. The email to parents which advertised the fireworks event mentioned that there would be “fairground attractions and stalls ranging from Krispy Kreme doughnuts to burgers, candy floss and, for the connoisseurs, our very own BRGS Centenary Beer.” The school concluded that they had only ever marketed the beer to over-18s and were continually driven by their ‘duty of care’ to safeguard children.

Irwell Works Brewery supported the school’s decision to produce and sell the beer. It said the label was designed using images supplied by the school and approved before labelling commenced. It went on to say that it had understood that the beer was only to be distributed as a souvenir and that the product would only appear at an event where parents, teachers and invited guests (all adults) would have access to it after 6pm when the school was officially closed. Irwell Works Brewery had ensured that the beer was delivered in an unmarked van and used tarpaulin to cover the bottles while the area was screened off using free standing units.

The Panel began by acknowledging the procedures the school and brewery had put in place to ensure that the alcohol was not seen by pupils when it was delivered for the events. They also acknowledged that the school had not intended for the alcohol to have a particular appeal to under-18s and had deliberately used the school emblem, and not images, for this reason.

The Panel considered that a school emblem was used by a school to instil a sense of loyalty and identity amongst pupils. This would still apply even when the emblem appeared on other products. The Panel went on to say the fact the product label featured the words ‘grammar school’ immediately associated that product with a child, and any school, or school-related material, was likely to have a particular resonance with under-18s.

Furthermore, while acknowledging that the school had taken steps to conceal the product from the pupils during school hours, it could not control children seeing the product if it was taken home by a parent. The Panel took into consideration the points made by the school in its subsequent response. Despite these, and in light of all the information presented, the Panel concluded that because a school was likely to have a particular resonance with under-18s it would have a particular appeal to them, and consequently upheld the complaint under Code paragraph 3.2(h).

# Product

## Cat Piss, Dog Piss, Bullshit, Dandelion & Birdshit, Big Cock, Grumpy Git, Arse Liquor, Lazy Sod, Puke, Shitfaced, Yellow Snow and Knobhead

**Decision Published:** 15 July 2014

**Company:** Direct Beers

**Breach:** Yes

### Complaint

#### Summary:

I would like to make a complaint about products produced by Direct Beers which were available at the Christmas Market in Newcastle upon Tyne and via the internet at this website:

[directbeers.com/Bottled-Beers.php](http://directbeers.com/Bottled-Beers.php)

I have outlined which products I believe to be in breach of the code and why:

**Complainant:** Public Health Team at Newcastle City Council

Product	Rules for naming, packaging and promotion	Reason
Cat Piss	(h) Likely to appeal to under-18s	Use of cartoon character and childish font and humour likely to appeal to children.
Dog Piss	(h) Likely to appeal to under-18s	Use of cartoon character and childish font and humour likely to appeal to children
Bullshit	(h) Likely to appeal to under-18s	Use of cartoon character and childish font and humour likely to appeal to children
Dandelion & Birdshit	(h) Likely to appeal to under-18s	Use of cartoon character and childish font and humour likely to appeal to children
Big Cock	(h) Likely to appeal to under-18s (d) Suggest an association with sexual activity	Use of cartoon character and childish font and humour likely to appeal to children. This is a euphemism for the male sexual organ and therefore can be associated with sexual activity.
Grumpy Git	(h) Likely to appeal to under-18s	Use of cartoon character and childish font and humour likely to appeal to children.
Arse Liquor	(h) Likely to appeal to under-18s	Use of cartoon character and childish font and humour likely to appeal to children.
Lazy Sod	(h) Likely to appeal to under-18s	Use of cartoon character and childish font and humour likely to appeal to children.
Puke	(f) Encourages immoderate consumption (h) Likely to appeal to under 18s,	The images and wording suggest that the person has vomited due to excessive alcohol consumption. Use of cartoon character and childish font and humour likely to appeal to children.
Shitfaced	(f) Encourages immoderate consumption. (h) Likely to appeal to under-18s	The term shitfaced is a term used to describe extreme intoxication. Use of cartoon character and childish font is likely to appeal to children.
Yellow Snow	(h) Likely to appeal to under-18s	Use of cartoon character and childish font and humour likely to appeal to children.
Knobhead	(h) Likely to appeal to under-18s (d) suggest an association with sexual activity	Use of cartoon character and childish font likely to appeal to children. This image is associated with sexual activity as the mistletoe is placed near the male genital area.

## Decision:

**Cat Piss - 3.2(h):  
UPHELD**

**Dog Piss - 3.2(h):  
UPHELD**

**Bullshit - 3.2(h):  
UPHELD**

**Dandelion & Birdshit  
- 3.2(h):  
UPHELD**

**Big Cock - 3.2(d)  
and 3.2(h):  
UPHELD**

**Grumpy Git - 3.2(h):  
NOT UPHELD**

**Arse Liquor - 3.2(h):  
UPHELD**

**Lazy Sod - 3.2(h):  
NOT UPHELD**

**Puke - 3.2(f) and  
3.2(h):  
UPHELD**

**Shitfaced - 3.2(b),  
3.2(f) and 3.2(h):  
UPHELD**

**Yellow Snow - 3.2(b)  
and 3.2(h):  
UPHELD**

**Knobhead - 3.2(d),  
3.2(f) and 3.2(h):  
UPHELD**

The company addressed each Code rule and some products individually when responding to the complaint.

The company asserted that none of the products appealed to under-18s and that as an organisation that had complete control of the retailing of the products they were in a position to confirm this. The company explained that the products were usually sold at retail events, such as Newcastle Christmas Market, while less than 1% of their output was sold via the website, which was not promoted and had prohibitive pricing in place (£3.50 for one beer). In addition to this, the company said it adopted the 'Challenge 25 Policy' at all of the events at which they retailed and as part of this policy they kept day books in which they logged the time and date of every challenge, including the name of the customer. After checking the day books from 2013 the company confirmed that there were only 3 attempts by under-18s to purchase products from them. The company also stated that under-18s in general would not find the products palatable or desirable in terms of the images or humour on the labels.

The company specifically addressed 'Big Cock' and explained that it was a harmless double entendre which British adult humour was accustomed to. The company said that they were convinced that the product had never caused any harm and was instead a common gift from females to their husband/ boyfriend.

The company stated that Puke had been discontinued.

The company explained that Shitfaced was not purchased in a manner that was consistent with



immoderate consumption and that most of their customers were, once again, females who were purchasing the product as part of a gift pack. The company said that this was reaffirmed by their sales which peak at Christmas and the days leading up to Father's Day. In contrast, the company stated that they did not sell any products between the 'party season' of Christmas and New Year.

The company stated that Knobhead was a relatively new product and acknowledged that they were a little nervous as to how people would react to the product. The company went on to say that the product proved to be very popular amongst their typical female customer-base who generally purchased bottles for their male relatives. The company claimed that not a single person had noticed the mistletoe being held about Father Christmas' genital area as depicted in the image and that no one had made any association between the product and sexual activity of any kind. The company explained that while the label did seek to make fun





was also in breach of Code paragraph 3.2(d). The Panel went on to consider whether the product was in breach of any other aspect of the Code; the Panel concluded that it was not.

**Grumpy Git:** The product did not utilise the type of scatological humour used on nearly all the other labels. Although the image was a cartoon-style drawing of an old-man (the ‘Grumpy Git’) the Panel concluded that this alone did not lead the product to have a particular appeal to under-18s. Therefore, the Panel did not uphold the complaint against this product under Code paragraph 3.2(h). The Panel went on to consider whether the product was in breach of any other aspect of the Code; the Panel concluded that it was not.

**Arse Liquor:** The Panel concluded that the cartoon-style image of the man with a bottom as a face, in combination with the product name, led this product

re-introduced in the future. The Panel concluded that the cartoon-style image of the man in combination with the product name, led this product to breach Code paragraph 3.2(h), as explained above. Furthermore, the Panel concluded that the headline ‘brewed for the morning after’ combined with the image and other text on the bottle, which stated ‘Ooooh, my head. You don’t want to know; seriously, you don’t want to know. Don’t even ask...Can someone please turn down the noise? Ooooh, never again...never again, draw the curtains please...blrgh, blrgh, blrraaaaghghghg. That’s better’, created a direct association with immoderate consumption as it represented the way a person would feel after drinking too much the night before. Therefore, the Panel concluded that the product was in breach of Code paragraph 3.2(f). The Panel went on to consider whether the product was in breach of any other aspect of the Code; the Panel concluded that it was not.



to breach Code paragraph 3.2(h), as explained above. The Panel went on to consider whether the product was in breach of any other aspect of the Code; the Panel concluded that it was not.

**Lazy Sod:** The product did not utilise the type of scatological humour used on nearly all the other labels. Although the image was of a monkey keeping cool on sun-lounger, the Panel concluded that this alone did not lead the product to have a particular appeal to under-18s. Therefore, the Panel did not uphold the complaint against this product under Code paragraph 3.2(h). The Panel went on to consider whether the product was in breach of any other aspect of the Code; the Panel concluded that it was not.

**Puke:** Although the company confirmed that the product had been discontinued the Panel decided to still consider the product in the event that it may be

**Shitfaced:** The Panel concluded that the cartoon-style image of Father Christmas, in combination with the product name, led this product to breach Code paragraph 3.2(h), as explained above. Furthermore, the Panel concluded that ‘shitfaced’ was a well-known euphemism for being very drunk, and that in combination with the drunk/jaded-looking Father Christmas, created a direct association with immoderate consumption. Therefore, the Panel concluded that the product was in breach of Code paragraph 3.2(f).

The corner of the label featured a small illustration of what appeared to be a Father Christmas character sitting in an armchair shooting at a television. The Panel concluded that this image suggested an association with aggressive and dangerous behaviour and the label was therefore also in breach of Code paragraph 3.2(b).

The Panel went on to consider whether the product was in breach of any other aspect of the Code; the Panel concluded that it was not.

**Yellow Snow:** The Panel concluded that the cartoon-style image of the snowman in combination with the product name, led this product to breach Code paragraph 3.2(h), as explained above. Given the name of the product, the Panel went on to consider whether urinating in public was anti-social. The Panel concluded that the illustration featured a dog urinating in public, and not a person, and this was normal behaviour for a dog. As a result, the Panel did not find that the label suggested any association with anti-social behaviour under Code paragraph 3.2(b).

The corner of the label featured a small illustration of what appeared to be Father Christmas sitting in an armchair shooting at a television. The Panel concluded that this image suggested an association with aggressive and dangerous behaviour and the label was therefore also in breach of Code paragraph 3.2(b). The Panel went on to consider whether the product was in breach of any other aspect of the Code; the Panel concluded that it was not.

**Knobhead:** The Panel concluded that the cartoon-style image of Father Christmas in combination with the product name, led this product to breach Code paragraph 3.2(h), as explained above. The Panel also went on to consider whether the product name in combination with the image of Father Christmas in his underwear holding a bunch of mistletoe above his genitalia, thereby inviting someone to perform fellatio on him, was in breach of the sexual activity/success Code paragraph. The Panel concluded that, while the name alone did not breach this Code paragraph, the name in combination with the image, which focused attention on Father Christmas' genitalia, was a direct association with sexual activity. The Panel concluded that the product did breach Code paragraph 3.2(d).

The corner of the label featured a small illustration a Father Christmas character being sick over a toilet bowl. Text above the image read 'Oh Santa, it's

Christmas party time again, and you just have to be a knob head don't you? Well just for once, why don't you keep your clothes on, keep your hands off the boss's wife, stay away from the work experience girl, go easy on the spirits, stay off the dance floor, and just sit quietly with this bottle of Knob Head pale ale?'. The Panel discussed the implication of the text in combination with the image; it felt that while the text sought to discourage Father Christmas from acting inappropriately at the office party, the image suggested he had done otherwise, and was being sick through consuming too much alcohol, and this was a strong visual cue. In the Panel's view this created an association with immoderate consumption and consequently found the product in breach of Code paragraph 3.2(f). The Panel went on to consider whether the product was in breach of any other aspect of the Code; the Panel concluded that it was not.

The Panel took into consideration the points made in the company's subsequent response in defense of the individual products. The Panel felt that the company had not presented any compelling reasons why the Panel should change its view in respect of any of the products. Accordingly, the Panel reaffirmed its previous decisions as above.

# Product

## Diageo Pre-Filled 20cl Counter-Top Unit

**Decision Published:** 21 August 2014

**Company:** Diageo

**Breach:** Yes

### Complaint summary:

The concerns for this product are that it breaches the codes at 3.2(f) and 3.2(h).

3.2(f): This product is designed to drive 'impulse' sales in convenience stores. This design is therefore specifically to entice people to purchasing and consuming alcohol that they had not set out with an intention to purchase and is likely to cause those people seduced into buying it to drink irresponsibly or immoderately.

3.2(h): This product is designed to be placed on counter tops and is suggested as a more profitable alternative to other impulse purchases such as confectionary that are frequently placed in these areas. The colourful, fun display placed in this area will ensure it is seen by, and be attractive to under 18's.

**Complainant:** Northampton Borough Licensing Team



### Decision:

**Under Code paragraph 3.2(f):  
UPHELD**

**Under Code paragraph 3.2(h):  
NOT UPHELD**

The company said it understood the underlying theme of the complaint to be taking issue with the location of the unit within the store, and its understanding was that location of alcohol within a retail premises was not covered by the Portman Group Code. It went on to explain that there were no restrictions on the positioning of alcohol in the off-trade in England and Wales and that although the unit was marketed for placement on a retailer's counter-top, the positioning of the product within a store was ultimately at the discretion of the retailer.

The company explained that 'impulse' purchases were a widely used method of driving sales in the retail sector. The impulse purchase concept was not in and of itself problematic or prohibited and they felt that there should be a key distinction between point of purchase and method of consumption. The company believed the complainant to be making a tenuous link between a consumer's decision-making process at the counter to that consumer then engaging in irresponsible or immoderate consumption.

The company went on to say that the unit clearly stated that each 20cl bottle contained eight drinks in each bottle and, if anything, this encouraged responsible consumption by informing the consumer of the number of standard 25ml measures in each bottle. The 'mix it up tonight' message was a reference to using the alcohol

to make mixed drinks, images of which also featured on the unit. The company then referred to new marketing material which focused on the image of one bottle with eight glasses of mixed drinks on a re-designed counter-top unit, which they believed communicated the share message with even greater clarity than the original unit.

The company then went on to address the second issue raised by the complainant: that the colour and design of the unit, and its placement on the counter (according to the complainant an area usually frequented by other impulse purchases like confectionery) led the product to have a particular appeal to under-18s. In its response the company referred the Portman Group Advisory Service's guidance to paragraph 3.2(h), which sets out how to assess whether a product/promotion might have a particular appeal to under-18s. The company asserted that the product did not satisfy any of the criteria which would suggest it might have a particular appeal: childish font, cartoon-style or other imagery popular with young children.

The Panel first considered whether any aspect of the unit design, and not its location within the store, led it to have a particular appeal to under-18s. The Panel noted that the unit was colourful; however, it went on to note that the colour alone was not enough to lead it to have a particular appeal to under-18s and based on the facts that there was nothing else in the product design which led it to have a particular appeal to under-18s, concluded that the unit did not breach Code paragraph 3.2(h).

The Panel then went on to consider whether the unit or its design encouraged immoderate and/or irresponsible consumption. The Panel noted that the unit stated 'one bottle eight drinks' and that each of the bottles was price-marked. Despite this, the Panel was concerned that the dominant message on the unit was 'mix it up tonight' and that this message was ambiguous. In the Panel's view this was not obviously about suggesting the consumer should make mixed drinks with one of the bottles, but equally, if not more, about suggesting that the consumer should have several of the bottles in

one sitting, as implied by the word 'tonight'. The Panel noted that the same message did not appear on the re-designed unit. The Panel accepted the company's account that it had re-designed the unit prior to the complaint for unrelated reasons, and that this did not amount to a concession that the original unit was in breach of the Code. The Panel welcomed the new marketing material and stressed that the decision was based on the material that was subject to the complaint. It concluded that because the phrase 'mix it up tonight' could be seen as an encouragement of immoderate consumption the original unit did breach Code paragraph 3.2(f).

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**The Panel concluded that because the phrase 'mix it up tonight' could be seen as an encouragement of immoderate consumption the original unit did breach Code paragraph 3.2(f)**

# Product

## Carlsberg Special Brew 500ml can

**Decision Published:** 16 January 2015

**Company:** Carlsberg UK

**Breach:** Yes



### Complaint summary:

'I wish to lodge a complaint to the independent complaints panel regarding the packaging and promotion of cans of 9% super-strength lager containing four and a half units of alcohol...'

This complaint focuses on the particular contradictions arising from the marketing of these products. These drinks are produced in 500ml cans that cannot be resealed and contain four and a half units of alcohol. Typically they are consumed by single individuals...the consumption of a single can takes the individual above the government's own daily alcohol unit guideline limits of 2-3 units for a woman and 3-4 units for a man.

The Portman Group's Code of Practice states that 'a drink, its packaging and any promotional material or activity should not in any direct or indirect way encourage illegal, irresponsible or immoderate consumption....3.2(f). The production of Carlsberg Special Brew in unresealable cans containing four and half units of alcohol in excess of government's daily alcohol units guidelines therefore breaches rule 3.2(f).

**Complainant:** Thamesreach

### Decision:

#### **Under Code paragraph 3.2(f): UPHELD**

The producer started by saying that the basis of the complaint was focussed on the fact that one 500ml can of Carlsberg Special Brew, containing 4.5 units of alcohol, which could not be resealed, would exceed Government's suggested safe drinking limits if consumed by one person. The producer believed that the complainant's argument was also based on the assumption that pack size, type and whether a product could be re-sealed or not also controlled consumers' consumption patterns. The producer presented independent research which it believed showed that assumption to be incorrect.

The producer pointed out that Government advice on sensible drinking was expressed as guidelines and not strict limits, and that these guidelines referred to a man not regularly exceeding four units on a daily basis; the use of the word regularly was key as it indicated that on occasion it was acceptable to consume more. The producer went on to say that another reason why the guidelines should not be used to determine packaging size was because the guidelines suggested different tolerance levels for men and women, but that products could not be produced for men only, to the exclusion of women. The producer believed that it was never the intention of the Code for well-established packaging sizes to be regulated by Code paragraph 3.2(f) and that instead the purpose of the rule was to discourage

marketing activity and messages that promoted drink-driving, binge-drinking and drunkenness.

The producer mentioned that the same product had been subject to the same complaint in 2008 and at that time the Panel did not uphold the complaint. Therefore, in the producer's view, given that nothing had changed in the intervening years, the Panel should come to the same conclusion.

The Panel noted that the product had been subject to the same complaint in 2008 and on that occasion the Panel had not upheld the complaint. The Panel, however, decided that in view of the length of time that had since elapsed it should not necessarily be bound by that precedent. The Panel considered that it should be responsive to changes in the prevailing climate in society including the growing focus by local authorities on products that were believed to be disproportionately consumed by problem drinkers.

The Panel studied the research data the producer had provided; they felt it was not clear what it was trying to illustrate and sought clarification from the producer. The Panel also asked the producer if it could present data on the proportion of people that regularly consumed super-strength products, and what proportion of those consumed irresponsibly. The producer said only 0.1% of off-trade purchasers had consumed super-strength beer in the last seven days, compared to a total figure of over 64% for total alcohol. The majority of super-strength consumers drank more than one can; from the producer's perspective this showed that can size did not affect consumption.

The Panel felt it was important to explain that the number of units in the container was being used as an indicator and was not the only factor on which it would base its decision: the units in the container were assessed in combination with other cues such as the packaging type (size and resealability) and the overall impression conveyed by the product, and in particular

the strong cultural assumption that products packaged in a can were designed for consumption by one person in one sitting.

To better understand this cultural assumption, the Panel asked the Secretariat to commission independent research to understand whether packaging influenced consumer behaviour, i.e. how consumers interacted with cans. In a survey by YouGov of over 2000 adults 80% of those surveyed believed that a 500ml 9% abv can was designed for the contents to be consumed by one person in one sitting. The data was similar for a 440ml 4% ABV can\*. The data also showed that only 2% of people thought these cans were easy to reseal once opened. The Panel shared this view. They felt, that consumers would not share the contents of a can, or reseal it saving it for another drinking occasion, but that instead the contents would be consumed by one person on one drinking occasion.

The Panel also addressed the producer's argument that a ruling against four units would rule out all other containers: the Panel discussed this and concluded it was not relevant to the complaint (and container) before them; that they should consider the issue only in relation to cans.

In response to the information that the majority of super-strength consumers consumed more than one can and therefore it was not the can size that affected consumption; the Panel disagreed with this rationale. Although it was right to say that the can size did not encourage a consumer to consume more than one can, it did influence the consumption pattern in respect of a single container. Consumer research had convincingly shown that the contents of a can were likely to be consumed by one person on one drinking occasion, regardless of the size of can or the strength of the product.

The Panel noted that one 500ml can of Carlsberg Special Brew contained 4.5 units; 0.5 units above the

\*Consumer polling figures are from YouGov Plc. Total sample size was 2,031 adults. Fieldwork was undertaken between 13th-14th October 2014. The survey was carried out online. The figures have been weighted and are representative of all GB adults (aged 18+).

guidelines Government recommended men should not regularly exceed on a daily basis, and 1.5 units above the guidelines for women. One Panel member said they had downloaded the NHS 'Change4life' app and had worked through the 'Drinks Checker', which defined an average strength lager as 5% and a very strong lager as 8% abv. When the Panel member input one 9% beer in a 500ml can as a female consumer she received an amber warning saying she was at 'increasing risk' and she 'needs to cut down for the good of (her) health'. This warning was received even on a one-off consumption of such a can, which would lend support to the fact that this was considered to be immoderate consumption.

Furthermore, the Panel felt that because of the container type (not easy to reseal once opened), and the assumption that the product quality would degrade quickly once the can was opened, it was reasonable to expect that the contents would be consumed by one person in one session: this expectation was supported by the consumer research. The Panel also noted the can featured the text 'best shared well chilled', but were not convinced that consumers would be persuaded by the message to depart from the traditional pattern of consumption: by one person in one session.

In light of these factors, the Panel concluded that the product packaging encouraged immoderate consumption and thereby found the product in breach of Code paragraph 3.2(f).

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**The Panel noted that one 500ml can contained 4.5 units; 0.5 units above the guidelines Government recommended men should not regularly exceed on a daily basis, and 1.5 units above the guidelines for women.**



# Product

## Skol Super 500ml can

**Decision Published:** 16 January 2015

**Company:** Carlsberg UK

**Breach:** Yes



### Complaint summary:

'I wish to lodge a complaint to the independent complaints panel regarding the packaging and promotion of cans of 9% super-strength lager containing four and a half units of alcohol...'

This complaint focuses on the particular contradictions arising from the marketing of these products. These drinks are produced in 500ml cans that cannot be resealed and contain four and a half units of alcohol. Typically they are consumed by single individuals...the consumption of a single can takes the individual above the government's own daily alcohol unit guideline limits of 2-3 units for a woman and 3-4 units for a man.

The Portman Group's Code of Practice states that 'a drink, its packaging and any promotional material or activity should not in any direct or indirect way encourage illegal, irresponsible or immoderate consumption....3.2(f). The production of Skol Super in unresealable cans containing four and half units of alcohol in excess of government's daily alcohol units guidelines therefore breaches rule 3.2(f).

**Complainant:** Thamesreach

### Decision:

**Under Code paragraph 3.2(f):  
UPHELD**

The producer started by saying that the basis of the complaint was focussed on the fact that one 500ml can of Skol Super, containing 4.5 units of alcohol, which could not be resealed, would exceed Government's suggested safe drinking limits if consumed by one person. The producer believed that the complainant's argument was also based on the assumption that pack size, type and whether a product could be re-sealed or not also controlled consumers' consumption patterns. The producer presented independent research which it believed showed that assumption to be incorrect.

The producer pointed out that Government advice on sensible drinking was expressed as guidelines and not strict limits, and that these guidelines referred to a man not regularly exceeding four units on a daily basis; the use of the word regularly was key as it indicated that on occasion it was acceptable to consume more. The producer went on to say that another reason why the guidelines should not be used to determine packaging size was because the guidelines suggested different tolerance levels for men and women, but that products could not be produced for men only, to the exclusion of women. The producer believed that it was never the intention of the Code for well-established packaging sizes to be regulated by Code paragraph 3.2(f) and that instead the purpose of the rule was to discourage marketing activity and messages that promoted drink-driving, binge-drinking and drunkenness.

The producer mentioned that the same product had been subject to the same complaint in 2008 and at that time the Panel did not uphold the complaint. Therefore, in the producer's view, given that nothing had changed in the intervening years, the Panel should come to the same conclusion.

The Panel noted that the product had been subject to the same complaint in 2008 and on that occasion the Panel had not upheld the complaint. The Panel, however, decided that in view of the length of time that had since elapsed it should not necessarily be bound by that precedent. The Panel considered that it should be responsive to changes in the prevailing climate in society including the growing focus by local authorities on products that were believed to be disproportionately consumed by problem drinkers.

The Panel studied the research data the producer had provided; they felt it was not clear what it was trying to illustrate and sought clarification from the producer. The Panel also asked the producer if it could present data on the proportion of people that regularly consumed super-strength products, and what proportion of those consumed irresponsibly. The producer said only 0.1% of off-trade purchasers had consumed super-strength beer in the last seven days, compared to a total figure of over 64% for total alcohol. The majority of super-strength consumers drank more than one can; from the producer's perspective this showed that can size did not affect consumption.

The Panel felt it was important to explain that the number of units in the container was being used as an indicator and was not the only factor on which it would base its decision: the units in the container were assessed in combination with other cues such as the packaging type (size and resealability) and the overall impression conveyed by the product, and in particular the strong cultural assumption that products packaged in a can were designed for consumption by one person in one sitting.

To better understand this cultural assumption, the Panel asked the Secretariat to commission independent research to understand whether packaging influenced consumer behaviour, i.e. how consumers interacted with cans. In a survey by YouGov of over 2000 adults 80% of those surveyed believed that a 500ml 9% abv can was designed for the contents to be consumed by one person in one sitting. The data was similar for a 440ml 4% ABV can\*. The data also showed that only 2% of people thought these cans were easy to reseal once opened. The Panel shared this view. They felt, that consumers would not share the contents of a can, or reseal it saving it for another drinking occasion, but that instead the contents would be consumed by one person on one drinking occasion.

The Panel also addressed the producer's argument that a ruling against four units would rule out all other containers: the Panel discussed this and concluded it was not relevant to the complaint (and container) before them; that they should consider the issue only in relation to cans.

In response to the information that the majority of super-strength consumers consumed more than one can and therefore it was not the can size that affected consumption; the Panel disagreed with this rationale. Although it was right to say that the can size did not encourage a consumer to consume more than one can, it did influence the consumption pattern in respect of a single container. Consumer research had convincingly shown that the contents of a can were likely to be consumed by one person on one drinking occasion, regardless of the size of can or the strength of the product.

The Panel noted that one 500ml can of Skol Super contained 4.5 units; 0.5 units above the guidelines Government recommended men should not regularly exceed on a daily basis, and 1.5 units above the guidelines for women. One Panel member said they

\*Consumer polling figures are from YouGov Plc. Total sample size was 2,031 adults. Fieldwork was undertaken between 13th-14th October 2014. The survey was carried out online. The figures have been weighted and are representative of all GB adults (aged 18+).

had downloaded the NHS 'Change4life' app and had worked through the 'Drinks Checker', which defined an average strength lager as 5% and a very strong lager as 8% abv. When the Panel member input one 9% beer in a 500ml can as a female consumer she received an amber warning saying she was at 'increasing risk' and she 'needs to cut down for the good of (her) health'. This warning was received even on a one-off can consumption, which would lend support to the fact that this was considered to be immoderate consumption.

Furthermore, the Panel felt that because of the container type (not easy to reseal once opened), and the assumption that the product quality would degrade quickly once the can was opened, it was reasonable to expect that the contents would be consumed by one person in one session: this expectation was supported by the consumer research. The Panel also noted the can featured the text 'best shared well chilled', but were not convinced that consumers would be persuaded by the message to depart from the traditional pattern of consumption: by one person in one session.

In light of these factors, the Panel concluded that the product packaging encouraged immoderate consumption and thereby found the product in breach of Code paragraph 3.2(f).

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**The Panel felt, that consumers would not share the contents of a can, or reseal it saving it for another drinking occasion, but that instead the contents would be consumed by one person on one drinking occasion.**

# Product

## Kestrel Super Premium Lager 500ml can

**Decision Published:** 16 January 2015

**Company:** Brookfield Drinks Limited

**Breach:** Yes



### Complaint summary:

'I wish to lodge a complaint to the independent complaints panel regarding the packaging and promotion of cans of 9% super-strength lager containing four and a half units of alcohol...'

This complaint focuses on the particular contradictions arising from the marketing of these products. These drinks are produced in 500ml cans that cannot be resealed and contain four and a half units of alcohol. Typically they are consumed by single individuals...the consumption of a single can takes the individual above the government's own daily alcohol unit guideline limits of 2-3 units for a woman and 3-4 units for a man.

The Portman Group's Code of Practice states that 'a drink, its packaging and any promotional material or activity should not in any direct or indirect way encourage illegal, irresponsible or immoderate consumption....3.2(f). The production of Kestrel Super in unresealable cans containing four and half units of alcohol in excess of government's daily alcohol units guidelines therefore breaches rule 3.2(f).

**Complainant:** Thamesreach

### Decision:

**Under Code paragraph 3.2(f):  
UPHELD**

The producer explained that Kestrel Super Premium Lager (Kestrel) was one of Scotland's most popular selling beers. It went on to say that Kestrel was the first and only variant at 500ml in its category to refer to 'sharing can' in bold letters on the front and back of the can; this was supported by the product's provenance message which read '...an award winning beer that can be savoured on its own, with fine food, or even better, shared with friends', and repeated again on the company website: 'a beer for sipping, possibly from a wine glass – and certainly one for sharing'.

The producer said it believed Code paragraph 3.2(f) of the Code did not distinguish between those products that were re-sealable and those that were not. It believed Thamesreach had not provided evidence to support its assertion that people consumed the whole can without sharing. The producer said that it had a customer database, and outlined the sources for it. The producer said that its own findings showed that a significant number of the people that consumed the product were middle class, who consumed it at home, sharing with their partners. These customers had told the producer that they consumed it as an alternative to wine because it had a lower alcohol content and they found it was not easy to put a cork back into a wine bottle once it was opened. The producer said that Kestrel had come a long way since 2008: the brand had been repositioned and a number of new variants had been introduced. Also, Kestrel was the only one amongst its competitive

set to feature the words 'sharing can size' on the can and on the website. According to the producer 80% of its database said they shared the contents of the can and this was because of the sharing message. Of those that did not share the can, 50% said they often left part of the contents of the can in the fridge overnight and consumed the rest the next day.

The producer also provided information on a test of four cans by its technical consultant which it believed confirmed that there was no appreciable product deterioration when the container was stored in a fridge and then opened for consumption either the next morning or the next evening, there being less than a 10% fall in CO<sub>2</sub> content over 24 hours.

The producer went on to say that the complainant had misinterpreted the Government 'guidelines' as 'limits', and nonetheless, the guidance was that consumers should not 'regularly' exceed the guidelines. In its view the guidance was to discourage sustained daily consumption and recognised that consumption may fluctuate from day to day with no harmful effect. If the Panel was to decide that a non-resealable container, typically used by one person, encouraged immoderate consumption then that decision should surely apply to wine bottles with corks, 660ml and 500ml beer bottles.

The Panel noted that the product had been subject to a similar complaint in 2008 and on that occasion the Panel had not upheld the complaint under Code paragraph 3.2(f). The Panel, however, decided that in view of the length of time that had since elapsed, it should not necessarily be bound by that precedent. The Panel considered that it should be responsive to changes in the prevailing climate in society including the growing focus by local authorities on products that were believed to be disproportionately consumed by problem drinkers. The producer responded by saying that upholding the complaint would be a direct contradiction of the Panel's ruling on the same product in 2008, and the producer believed that there was no evidence before the Panel that the product was disproportionately consumed by problem drinkers.

The Panel requested evidence from the producer to demonstrate that Kestrel Super Premium Lager had moved towards a premium brand as referenced in the producer's original response, and the producer referred the Panel to information available on its website [www.kestrelbeer.com](http://www.kestrelbeer.com). The producer was able to demonstrate that the front and back of the packaging had changed between 2008 and 2012 when, most notably, the 'sharing can size' message had been introduced to the can. The Panel then focused on the 'Our Beers' page on the website which depicted the entire range of Kestrel beers. The Panel noted that the brand feel of the other beers in the range looked and was remarkably different to Kestrel Super Premium Lager, and as a consequence that product stood out in comparison.

The Panel noted that the can featured the message 'sharing can size' prominently on its neck and a similar message was repeated on the product website. The Panel also acknowledged that this was the first time they had seen such a message feature so prominently on a can. They were surprised by this, thinking it likely that the custom was for the contents of one can to be consumed by one person in one session. The limited further information provided by the producer (in response to the Panel's enquiries) concerning the producer's database statistics did not demonstrate how the database was constructed, and the Panel noted that the number of consumers involved appeared to be relatively small. The Panel concluded that the database could not provide any clarity on the drinking behaviours of wider consumers likely to consume the product. Therefore, the Panel was not convinced that consumers more widely would be persuaded by the message and share the contents of the can, as had been suggested by the producer.

The Panel also noted the 'share' message only featured on the can of Super Premium despite most of the other cans in the range being the same size; the Panel questioned this. They decided that to differentiate Kestrel Super Premium from the others in this way could also be because the producer was conscious

of the product's strength, and therefore units and the message therefore acted as a warning to consumers. This would support the view that the combination of the size of the can and high strength of the product would encourage immoderate consumption.

The Panel wanted to understand whether there were strongly held cultural assumptions which influenced the way consumers would respond to drinks in cans. In a survey by YouGov of over 2000 adults, 80% of those surveyed believed that a 500ml 9% abv can was designed for the contents to be consumed by one person in one sitting. The data was similar for a 440ml 4% ABV can\*. The data also showed only 2% of people thought these cans were easy to reseal once opened. The Panel shared this view. Consumers would not share the contents of a can, or reseal it saving it for another drinking occasion, the contents would instead be consumed by one person in one drinking occasion.

The Panel noted that the producer had raised the issue of the impact of an unfavourable decision on other drinks containers. The Panel concluded this point was not relevant to the current complaint. The Panel also felt it was important to explain that the number of units in the container was being used as an indicator and was not the only factor on which a decision would be based: the units in the container were assessed in combination with other cues such as the packaging type (size and resealability) and the overall impression conveyed by the product, and in particular the strong cultural assumption that products packaged in a can were designed for consumption by one person in one sitting.

The Panel noted that one 500ml can of Kestrel Super Premium Lager contained 4.5 units; 0.5 units above the guidelines Government recommended men should not regularly exceed on a daily basis, and 1.5 units above the guidelines for women. One Panel member said they had downloaded the NHS

'Change4life' app and had worked through the 'Drinks Checker', which defined an average strength lager as 5% and a very strong lager as 8% abv. When the Panel member input one 9% beer in a 500ml can as a female consumer she received an amber warning saying she was at 'increasing risk' and she 'needs to cut down for the good of (her) health'. This warning was received even on a one-off consumption of such a can, which would lend support to the fact that this was considered to be immoderate consumption. Furthermore, because of the container type (size, resealability and cultural assumptions) it was reasonable to expect that the contents would be consumed by one person in one session: this expectation was supported by the consumer research. The Panel also noted the can featured the text 'sharing can size', but was not convinced that consumers would be persuaded by the message to depart from the traditional pattern of consumption: by one person in one session. In light of these factors, the Panel concluded that the product packaging encouraged immoderate consumption and thereby found the product in breach of Code paragraph 3.2(f).

\*Consumer polling figures are from YouGov Plc. Total sample size was 2,031 adults. Fieldwork was undertaken between 13th-14th October 2014. The survey was carried out online. The figures have been weighted and are representative of all GB adults (aged 18+).

# Product

## Willy's Cider

**Decision Published:** 16 January 2015

**Company:** Chase Distillery Ltd

**Breach:** No



## Complaint summary:

'I submit that Willy's is not in compliance with the Portman Group's Packaging Code section 3.2d as the name is a clear and well known reference to male sexual organs. Precedent has been set by the Portman Group for upholding complaints about Stiffy's and Rampant brand names.

I would further submit that reference to Wonky Barn and the use of the cartoon character on the label design also infringes the Portman Group's Code section 3.2(h&i) in that it could appeal to children either through allusion to Willy Wonka's Chocolate factory.'

**Complainant:** Member of the public

## Decision:

**Under Code paragraph 3.2(d):  
NOT UPHELD**

**Under Code paragraph 3.2(h):  
NOT UPHELD**

**Under Code paragraph 3.2(i):  
NOT UPHELD**

The producer began by explaining the heritage behind the company and the Willy's brand: small family farming business growing and fermenting cider apples and potatoes into cider and spirits sold to independents and high quality on and off-trade retailers.

The producer made the following points in defence of Willy's Cider:

- The producer was upset and offended that there was a clear reference made to the name of the founder, William Chase, as a male sexual organ.
- The producer had been using 'Willy the Farmer', in the 'Wonky Barn' since 1982. The Wonky Barn was a reference to where the cider was first produced and is the founder's home.
- The producer found the reference to 'Willy Wonka's Chocolate Factory' ridiculous and offensive: its products were in no way designed to appeal to children; they are premium in nature both in terms of product quality and pricing.

The Panel noted the producer's response. In particular, it noted that the founder was named William and that the cider had been named after him. It also noted that there was nothing on the packaging that played to any sexual connotation. In light of this, the Panel concluded that the product did not breach Code rule 3.2(d).

The Panel then went on to consider whether the product had a particular appeal to under-18s or incorporated images of people who were or looked under-25, with particular focus on the 'cartoon-like' image and reference to 'Wonky Barn'. The Panel noted that the label did feature a small cartoon-like image of a farmer, but that the image far from dominated the front label; the product name and alcohol type stood out as the main messages so much so that it would be easy to overlook the image of the farmer altogether. The Panel also noted that the words 'Wonky Barn' did not feature prominently on the front label and, nonetheless, this did nothing to create an association with 'Willy Wonka's Chocolate' factory as claimed by the complainant. In light of this, the Panel concluded that the product did not breach Code paragraphs 3.2(h) or 3.2(i).

# Products raised by the Code Audit



## Badger Fursty Ferret Amber Ale

**Decision Published:** 13 March 2014

**Company:** Hall & Woodhouse

**Breach:** No

### Complaint summary:

The ABV is given on the front (neck) and back label. The term 'Beer' however is only stated on the back label in very small text which is placed amongst other information and the marketing description. There is therefore no clearly obvious statement indicating that the product is a beer, hence the alcoholic nature is not made clear. (Findings of Campden BRI)

**Complainant:** Portman Group acting in lieu of a complainant



### Decision

#### **Under Code paragraph 3.1: NOT UPHELD**

The company said there were several indicators on the packaging as to the product's alcoholic nature:

- The neck label featured a clear 'alcohol by volume' strength statement;
- The back label clearly featured the following information in the same panel of vision:

*'Beer' declaration*

*The pregnancy warning and Chief medical officers' daily guidelines for lower-risk consumption*

*The unit alcohol declaration*

*The product's ABV*

*Drinkaware website address*

The company went on to add that the packaging in use at the time of the complaint would not be in circulation after April 2104 and that they had already taken steps to revise the packaging.

The Panel felt it was essential to consider the overall impression conveyed by taking into account the product as a whole, together with the information provided on the front and back labels.

The Panel noted that the front label did not contain the name of the alcohol type, and featured an illustration of ferrets by a barrel. The Panel felt the image in particular could detract from the communication of the alcoholic nature of the product.



The Panel considered however the product packaging contained several positive visual alcohol cues:

- shape and size of the bottle;
- crown-cap;
- inclusion of the statement 'alc 4.4% vol' on the neck label;
- references to 'brew', 'ale', 'inn' 'beer' and the tasting notes in the narrative on the back label;
- health information on the back label.

In addition to these points, the Panel noted that although the illustration on the front label featured ferrets, they were by a beer barrel, which was arguably another alcohol indicator and featured more prominently than the ferrets.

The Panel felt the positive cues (as mentioned above) were sufficient so as not to confuse a consumer as to the nature of the product contents. In light of this, the Panel concluded that the packaging of Fursty Ferret did not breach Code rule 3.1.

Despite the fact the product was deemed to be acceptable, the Panel welcomed the changes the company was nonetheless prepared to make to the packaging.

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**The Panel felt the positive cues were sufficient so as not to confuse a consumer as to the nature of the product contents**

# Product

## Leffe Blonde

**Decision Published:** 13 March 2014

**Company:** AB InBev

**Breach:** No



### Complaint summary:

Leffe Blonde [were] considered to be in potential breach of Code rule 3.1, which states:

3.1 The alcoholic nature of a drink should be communicated on its packaging with absolute clarity.

Most significantly the label lacks sufficient information in the English language and as such does not communicate the alcoholic nature with absolute clarity. "Belgian beer" is written on both corners of the front label but in German and French. The ABV and unit information are given on the back label but in a small font. (Findings of Campden BRI)

**Complainant:** Portman Group acting in lieu of a complainant

### Decision:

**Under Code paragraph 3.1:  
NOT UPHELD**

The company said it was surprised by the complaint given that Leffe had been on the market for over a decade with no suggestion that the product packaging breached Code rule 3.1. Nevertheless, the company commissioned a market research company to conduct a survey to measure consumer understanding of the Leffe packaging. The methodology included an online interview of a sample of 2047 UK adults aged over 18 years of age. The research appeared to show that no respondents thought that Leffe was a soft drink; furthermore, the research appeared to show that 82% of

respondents understood 'biere' or 'bier' to mean 'beer'.

The Panel felt it was essential to consider the overall impression conveyed by taking into account the product as a whole, together with information provided on the front and back labels.

The Panel noted that the front label did not contain the alcohol strength statement, nor did it contain the name of the alcohol type in English.

Despite this, the Panel considered the product packaging contained some positive visual alcohol cues:

- shape and colour of the bottle;
- cork stopper;
- overall design;
- references to 'beer' in the narrative on the back label;
- health information on the back label; and
- the words 'biere' and 'bier' on the front label.

In addition to the positive cues there were no obvious negative cues, i.e. the front label was not overly fussy or busy, nor did it contain imagery that might detract from the alcohol message.

Although the Panel noted that the front label did not contain an alcohol strength statement and the alcohol type on the front label was not in English, the Panel felt the positive cues (as mentioned above) were sufficient so as not to confuse a consumer as to the nature of the product contents. Also, the alcohol type on the front label, albeit in a foreign language, so closely resembled the word 'beer' that consumers would understand it as 'beer'. In light of this, the Panel concluded that the packaging of Leffe did not breach Code rule 3.1.

# Product

## Guinness Original 4x330ml cardboard cluster pack

**Decision Published:** 13 March 2014

**Company:** Diageo GB

**Breach:** No



### Complaint summary:

Alcoholic nature not communicated with absolute clarity: There is no mention of alcohol, beer or stout given on the secondary package other than underneath. The % alcohol is given but this is fairly small and is not particularly obvious. (Findings of Campden BRI)

**Complainant:** Portman Group acting in lieu of a complainant

### Decision:

#### Under Code paragraph 3.1: **NOT UPHELD**

The company asserted that the narrow focus of the complaint, focussing on just two aspects of the secondary packaging and taken out of context of the pack and product as whole, ran contrary to the approach taken in Portman Group guidance which based compliance on a product taken as a whole and the general impression conveyed. The complaint overlooked the other aspects of the product packaging and labelling that, in its opinion, did make the alcoholic nature absolutely clear. The other aspects the company referred to were:

- The abv statement, drink responsibly and a reference to Drinkaware on the side panels of the wraparound sleeve. The company disagreed with the complainant that these indicators were fairly small and not obvious.

- The underside of the wraparound on the back labels contained further alcohol references in the form of 'the abv statement, health information and a reference to 'Guinness Original Stout'. The alcoholic volume of the drink;

In addition to these points, the company stated that the product had obvious visual cues that conveyed the alcoholic nature of the product, such as, the size, shape and colour of the bottles which it felt were recognisable and strongly associated with beer. The dominant image on the cardboard wraparound was also the Guinness logo, which in the context of the specific packaging in this case, could be used as an indicator to consumers that the Guinness 4-Pack consisted of beer.

The Panel felt it was essential to consider the overall impression conveyed by the Guinness Original 4 x 330ml cardboard cluster pack taking into account the product as whole, together with the information provided on the primary and secondary packaging.

The Panel determined that the secondary packaging needed to be just as clear as the primary and while they acknowledged the company's point that the underside of the secondary packaging had alcoholic descriptors, felt that it was not in the required field of vision to contribute to the absolute clarity of the product. The Panel also questioned why the warning that the product contained 'barley' was so prominent on the packaging and yet the alcoholic nature of the product did not receive the same clarity.

Despite this, the Panel considered the product packaging contained several positive visual alcohol cues:

- shape and colour of the bottles;
- overall design;
- reference to alcohol volume 'Alc. 4.2% Vol' being more prominent than the 'barley' message
- references to 'stout' in the narrative on the back label;
- health information on the back label;
- reference to the Drinkaware website and 'Drink Responsibly' message on the wraparound.

In addition to the positive cues there were no obvious negative cues, i.e. the front label and wraparound were not overly fussy or busy, nor did they contain imagery that might detract from the alcohol message. Furthermore, the Panel noted that the open sides of the wraparound sleeve allowed the bottles, and therefore the bottle back labels, to be visible.

The Panel also acknowledged that the product had a very strong brand name, but were clear that Portman Group guidance stated that this was not enough to be classified as an alcohol descriptor.

In light of the many positive visual cues, the Panel concluded that the packaging of Guinness Original 4 x 330ml cardboard cluster pack did not breach Code rule 3.1.

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**The Panel acknowledged that the product had a very strong brand name, but were clear that Portman Group guidance stated that this was not enough to be classified as an alcohol descriptor**

# Product

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## Mundies

**Decision Published:** 13 March 2014

**Company:** United Wines

**Breach:** No



### Complaint summary:

Giving higher alcoholic strength undue emphasis:

The packaging of this particular drink places emphasis on 'FULL STRENGTH WINE' which is in red typeface, with the intention that this message stands out. (Findings of Campden BRI)

**Complainant:** Portman Group acting in lieu of a complainant

### Decision:

**Under Code paragraph 3.2(a):  
NOT UPHELD**

The company said that the high strength statement was intended to act as a warning rather than a promotional message.

The company went on to add that the packaging in use at the time of the complaint would not be in circulation after August 2014 as they recognised the concern expressed and intended to send a new label to the Advisory Service for approval in due course.

The Panel debated whether the phrase 'full strength' placed due or undue emphasis on the strength of the wine. The Panel noted that 'full strength wine' was in red font and stood out on a comparatively plain label with the remaining text displayed in black font. The Panel, however, felt that the phrase 'full strength wine' was used as a descriptor to inform consumers of the higher-than-average strength and that it was not placing undue emphasis on the strength but rather providing a warning.

In light of this, the Panel concluded that the packaging of Mundies did not breach Code rule 3.2(a).

# Product

## Tennent's Super 500ml can

**Decision Published:** 15 July 2014

**Company:** AB InBev

**Breach:** Yes



### Complaint summary:

The lager is described prominently on the front of the can as 'Strong Lager' and the 9.0% alc vol (which is stronger than a typical lager) is displayed prominently in a large type. Both of these emphasise the alcoholic strength rather than providing factual information about the higher alcoholic content. (Findings of Campden BRI)

**Complainant:** Portman Group acting in lieu of a complainant

### Decision:

**Under Code paragraph 3.2(a):**  
**NOT UPHELD**

**Under Code Paragraph 3.2(f):**  
**UPHELD**

The company asserted that the word 'strong' and the font size of the alcohol strength statement were used to provide consumers with clear information that the product was above average strength for its category, and that this was communicated in a factual way. The presentation was to allow consumers to easily differentiate between this product and the standard strength version of the brand. The company went on to say that the information allowed the consumer to make responsible drinking choices, and this was reinforced by the size and placement of 'please drink responsibly' on the front of the can, which the company argued was more prominent than it would be on an average

strength product. The company believed the packaging simply informed consumers of the product's high strength and in no way sought to glamorise the product strength.

The Panel agreed that it was necessary to inform, or warn, consumers if a product was higher than average strength. In judging the product packaging the Panel noted that the responsible drinking message on the front of the can was presented with the same prominence as the product strength. The Panel concluded that the two messages gave the product strength due prominence.

The Panel then considered the interaction of the statements 'Tennent's Super' and 'Strong Lager' and whether these sought to place undue emphasis, or glamorise, the product strength. After much discussion, the Panel concluded that 'Tennent's Super' would be regarded as the brand name and 'strong lager' as the product descriptor. The Panel therefore concluded that the words did not place undue emphasis or seek to glamorise the product strength and that the product was not in breach of Code paragraph 3.2(a).

The Panel went on to consider whether the product packaging was in breach of other Code rules. It noted that the product had been subject to a similar complaint in 2008 and on that occasion the Panel had not upheld the complaint. The Panel, however, decided that, in view of the length of time that had since elapsed, it should not necessarily be bound by that precedent. The Panel considered that it should be responsive to changes in the prevailing climate in society and, in particular, to the growing focus by local authorities on products that were believed to be disproportionately consumed by problem drinkers.

The Panel particularly focussed on whether the packaging could be encouraging immoderate consumption. The Panel noted that one 500ml can contained 4.5 units; this was 0.5 units above the threshold Government recommended men should not regularly exceed on a daily basis, and 1.5 units above the threshold for women. The Panel also felt that because of the container type, and that the product quality would degrade quickly once the can was opened, it was reasonable to expect that the contents would be consumed by one person in one session.

In light of this, the Panel concluded that the product packaging did encourage immoderate consumption and thereby found the product in breach of Code rule 3.2(f).

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**The Panel noted that one 500ml can contained 4.5 units; this was 0.5 units above the threshold Government recommended men should not regularly exceed on a daily basis, and 1.5 units above the threshold for women**



# Product

## Dead Pony Club

**Decision Published:** 24 April 2014

**Company:** Brewdog

**Breach:** Yes



## Complaint summary:

The following text is in potential breach of the spirit of the Code for associations with bravado and immoderate consumption and for placing undue emphasis on strength/intoxicating effect:

'Fuel up and hold tight, this thorough bred kicks like a mule'

'Rip it up down empty streets'

'Drink fast, live fast'

'Some people say slow is good. We believe faster is better' and

'This pale ale is chopped, turned and ready to roll'

(Findings of Campden BRI)

**Complainant:** Portman Group acting in lieu of a complainant

## Decision:

**Under Code paragraph 3.2(a):**  
**NOT UPHELD**

**Under Code Paragraph 3.2(b):**  
**UPHELD**

**Under Code Paragraph 3.2(f):**  
**NOT UPHELD**

**Under Code paragraph 3.2(g):**  
**UPHELD**

The company did not respond to the complaint.

The Panel reviewed the overall impression conveyed by the product as a whole, taking into account the text on the back label and the strength of the beer (Alc 3.8% Vol).

The Panel noted that the back label included the statement 'this thorough bred kicks like a mule' but felt that given the relatively low strength of the beer there was no undue emphasis placed on the strength and/or intoxicating effect of the alcohol.

The Panel also considered the line 'rip it up down empty streets' and noted that while the beer was of a lower-than-average strength and one bottle was well within the recommended daily unit guidelines for a man and woman, the phrase still encouraged anti-social behaviour. Accordingly, the Panel found the product to be in breach of Code paragraph 3.2(b).

The Panel then deliberated whether any aspect of the product encouraged immoderate consumption and concluded in this instance that it did not breach Code paragraph 3.2(f). However, the Panel expressed concern regarding the phrases 'drink fast, live fast' and 'we believe faster is better' and felt that both phrases urged the consumer to drink rapidly and subsequently found the product to be in breach of Code paragraph 3.2(g).



# Product

## Pernod

**Decision Published:** 15 July 2014

**Company:** Pernod Ricard UK

**Breach:** Yes



### Complaint summary:

The front of the bottle identifies the product as Pernod. It also includes an alcohol content declaration but this does not stand out against the background (blue font typed over a silver background) and so lacks clarity. The side label includes a description: 'spiritueux Anise' (sic) but this is not given in English. On the back label, 'spirit' is mentioned within the description. The product seems to be relying on its brand name to be recognised as an alcoholic drink.' (Findings of Campden BRI)

**Complainant:** Portman Group acting in lieu of a complainant

### Decision:

#### **Under Code paragraph 3.1: UPHELD**

Pernod Ricard UK (PR-UK) said that Pernod was an anise-based spirit that had been sold in the UK since the 1950s. The product is produced and bottled in France by the sister-company Pernod Ricard S.A (PR-SA), who is also the brand owner, and so not under the direct control of PR-UK.

PR-UK acknowledge the findings of Campden BRI (the company commissioned by the Portman Group to carry out the 2012 audit) and accepted the concerns

raised on the clarity of the alcohol content statement on the front label, and that the statement of the product descriptor, i.e. 'spiritueux anise', could perhaps appear in a more prominent position. It had commenced discussions with PR-SA to modify the front label and had committed to developing a front label to increase the clarity of the alcohol content declaration, and to make the product descriptor statement more prominent.

PR-UK went on to say that although they would consider making changes to their labels and integrating these into future bottling schedules, it would be difficult for PR-UK to implement the changes in the very near future because they would need to be agreed by PR-SA, as the brand owner, and there was currently a large stock of already bottled product and dry goods (labels).

In its subsequent response, the company reiterated its commitment to making changes to the product labelling.

The Panel noted that paragraph 3.1 of the Code requires that 'the alcoholic nature of a drink should be communicated with absolute clarity'. The Panel considered that the purpose of this requirement was to ensure that consumers know that the alcoholic products they are buying and consuming contain alcohol. It was the Panel's view that consumers not familiar with the Pernod brand could therefore consume or serve the product without being aware of its alcoholic content.

The Panel noted that although the front label included the text '40%', this was in blue font typed over a silvery background and did not stand out. On the back label there were two mentions of the word 'spirit', and also the word 'distillation', which together with alcohol-related health information appeared to provide an indication that the product was alcohol. However, the words 'spirit' and 'distillation' were couched within a lyrical description rather than being read in isolation as the product descriptor, and the font size and colouring meant they were not easily legible. The term 'spiritueux anise' also featured on the back label and was seen as an attempt to describe the product contents, but this was not in English so as to be easily understood by a UK consumer.

Looking at the product and labelling as a whole, the Panel considered that the alcoholic nature of the product was not being communicated with absolute clarity. It appeared that Pernod was relying principally on its brand name to communicate the alcoholic nature of the product. The Panel did not consider such reliance to be appropriate, given that there will inevitably be consumers who are not familiar with the Pernod brand and may therefore fail to associate the brand name with an alcoholic product.

The Panel welcomed the company's commitment to amend the label, and noted the further assurance of changes the company made in its subsequent response. However, in light of the considerations above, the Panel found the packaging of Pernod to be in breach of Code paragraph 3.1.





# The Independent Complaints Panel



**Ron Finlay** is a PR and public affairs consultant with a special interest in public health. He advised the Department of Health on its Know Your Limits alcohol campaign and has also worked in the fields of tobacco control and drug misuse. With over 25 years' experience in marketing and communications, he is now running his own business. He has an MA in Economics and is a Fellow of the RSA.



**Jane Keightley** has 16 years' marketing experience in the drinks industry, having held senior UK and global roles at International Distillers & Vintners UK and Diageo. Now freelance, she specialises in advising charities, corporate foundations and businesses on branding and communications strategies, including: the Diageo Foundation, The Prince's Charities, Against Breast Cancer, Thrive, Street Kids International, Alnwick Castle & Garden, CARE International UK, the British Hen Welfare Trust, Pub is The Hub and Child Bereavement UK. She has an MA from Oxford University.



Chair

**Jenny Watson** has been Chair of the Electoral Commission since January 2009, having been reappointed by Parliament in 2012. She is currently a Board member of WRAP and Vice Chair of the Money Advice Trust.

She is a former Chair of the Equal Opportunities Commission. Although her early working life was in the not for profit sector, working at Liberty, Charter88 and Victim Support, she has twice run her own business.

Jenny is a graduate of Sheffield City Polytechnic and has a Master's degree from the University of Westminster. She has been awarded honorary doctorates from Sheffield Hallam University and the University of East London.



**Fiona Lewis** graduated from Warwick University with a Sociology and Social Policy degree in 2006. She has been a sociology teacher at Woodhouse College, North Finchley, since qualifying from the Institute of Education in 2007. She is also a College Council Co-ordinator and jointly runs the Duke of Edinburgh Silver Award.



**Prof. Roy Light** is a barrister based at St John's Chambers, Bristol, and professor emeritus, Bristol Law School. He has researched, taught and written on alcohol-related matters for some 30 years. At the Bar he specialises in licensing and related criminal matters.

**The Panel's procedures are set out in Section 4 of the Code. Each complaint is considered carefully on its own merits.**



**Doreen McIntyre** has over 20 years' experience in health promotion at UK and international level, combining consumer communication campaigns with health professional training and advocacy for effective policy. She has a Masters in Public Health from Glasgow University, a Masters in Hispanic Languages from St Andrews University and is also a qualified teacher. She has been Chief Executive of No Smoking Day, Head of Consumer Programmes at the Waste & Resources Action Programme (WRAP) (a UK non-profit organisation) and was Director of the International Non-Governmental Coalition Against Tobacco (a Swiss-based non-profit association).



**Elisabeth Ribbans** has been a journalist for more than 20 years, working on local, national and specialist international titles. She is a former managing editor of the Guardian (2008-2013) and was previously a writer and associate editor for the international corporate social responsibility magazine, Tomorrow. Elisabeth also has experience in communications and PR at local government, non-profit and parliamentary level.



**Stephen Robinson** is currently a Business Manager for a large secondary school responsible for a wide range of services providing advice and guidance to students. He has over 20 years' experience within the public, private and Secondary / Higher Education sectors, covering a wide range of disciplines primarily focusing on finance, operations and customer services.



**Isabelle Szmigin** is Professor of Marketing at Birmingham Business School, the University of Birmingham. Her research interests lie primarily in the areas of consumer research, services, and ethical and social marketing. She has held ESRC and British Academy research grants. She is a member of the Coming of Age Partnership and a Fellow of the World Ageing and Demographic Forum.

# Code Signatories

10 International Ltd

## **A**

AB InBev  
Accolade Wines  
Adnams plc  
Alcohols Ltd  
Ampleforth Abbey Trading Ltd  
Arkell's Brewery Ltd  
Asda Stores Ltd  
Association of Convenience Stores  
Association of Licensed  
Multiple Retailers  
Aston Manor Brewery Company Ltd  
Averys of Bristol Ltd

## **B**

Babco Europe Ltd  
Bacardi Brown-Forman Brands  
Beam Suntory  
Black Sheep Brewery plc, The  
Blavod Black Vodka Ltd  
Bodegas y Viñedos Codorníu Raventós  
Booker Group plc  
British Beer and Pub Association (BBPA)  
Brothers Drinks Co Ltd  
Burn Stewart Distillers

## **C**

C&C Group  
Cains Beer Company PLC  
Caledonian Brewing Company Ltd, The  
Carlsberg  
Carnivale Brands

Castle Brands Spirits Group GB Ltd

Cellar Trends

Cocktail Mania Ltd

Concha y Toro UK Ltd

Continental Wine & Food Ltd

Co-operative Group Ltd

Corinthian Brands (CBL) Ltd

Costcutter Supermarkets Group Ltd

## **D**

Daniel Batham & Son Ltd  
Daniel Thwaites Brewery  
Diageo GB  
Direct Wines International  
Drinkwise

## **E**

Ehrmanns Ltd  
Elgood & Sons Ltd  
Enterprise Inns plc  
Everards Brewery Ltd

## **F**

Federation of Wholesale Distributors  
Felinfoel Brewery Co Ltd, The  
First Choice Wholesale Foods  
First Drinks Brands  
First Quench Retailing  
Frederic Robinson Ltd  
Fuller, Smith and Turner

**G**

G&J Greenall  
George Bateman & Son Ltd  
Global Brands Ltd  
Gray & Sons (Chelmsford) Ltd  
Greene King Brewing and Retailing Ltd  
GT News Ltd

**H**

H&A Prestige Packing Company Ltd  
Halewood International Ltd  
Hall & Woodhouse Ltd  
Harvey & Sons (Lewes) Ltd  
Hayman Ltd  
Heavitree Brewery plc, The  
Heineken UK Ltd  
Hi-Spirits Ltd  
Hook Norton Brewery Co Ltd  
Hyde's Brewery Ltd

**I**

Ian Macleod Distillers Ltd  
Ignite Spirits  
Intercontinental Brands (ICB) Ltd  
Inver House Distillers Ltd

**J**

J D Wetherspoon plc  
J Sainsbury plc  
J Wray & Nephew (UK) Ltd  
J. Chandler & Co (Buckfast) Ltd  
JC & RH Palmer Ltd  
John E Fells & Sons Ltd

Joseph Holt Ltd  
JW Lees & Co (Brewers) Ltd

**K**

Kingsland Wine and Spirits

**L**

Lanchester Wine Cellars Ltd  
Landmark Cash & Carry Ltd  
Lawlabs Ltd  
Liberty Wines  
London & Scottish International Ltd  
London Glider

**M**

Maclay Group plc  
Maison Marques et Domaines  
Majestic Wine Warehouses Ltd  
Marblehead Brand Development Ltd  
Marks and Spencer plc  
Marston's Beer and Pub Company  
Martin Miller's Gin  
Martin McColl Ltd  
Mast-Jägermeister  
Matthew Clark Wholesale Ltd  
Maxxium UK Ltd  
McMullen & Sons Ltd  
Meantime Brewing Company Ltd  
Merrydown plc  
Mitchells & Butlers plc  
Mitchells of Lancaster (Brewers) Ltd  
Molson Coors Brewing  
Company (UK) Ltd

Morrison Bowmore Distillers  
MX Vodka

**N**

National Association of  
Cider Makers, The  
Nisa-Today's (Holdings) Ltd  
Northern Ireland Drinks Industry Group

**P**

Palmer & Harvey McLane Ltd  
Pernod Ricard  
Proximo Spirits  
Punch Taverns

**R**

Rank Group  
Real Wild 1  
Reformed Spirits Company  
Rubicon Research

**S**

SA Brain & Co Ltd  
SAB Miller  
Scotch Whisky Association  
Sharp's Brewery  
Shepherd Neame Brewery Ltd  
Shooters UK Ltd  
SHS Drinks  
Somerfield Stores Ltd  
Sovio Wines Limited  
SPAR UK  
Speyside Distillers Co Ltd

St Austell Brewery Co Ltd  
Starjump Foods

**T**

Tesco  
Test Tube Products Ltd  
The Black Tomato Agency  
The Edrington Group  
The F&B Partnership Ltd  
Timothy Taylor & Co Ltd  
Treasury Wine Estates

**V**

Vickery Wines Ltd

**W**

Wadworth & Co Ltd  
Waitrose Ltd  
Wells & Young's Ltd  
Welsh Whisky Company Ltd, The  
WH Brakspear & Sons plc  
Whiskynet Ltd  
Whitbread Group plc  
Whittalls Wines Ltd  
Whyte & Mackay Ltd  
William Grant & Sons Distillers Ltd  
Wm Morrison Supermarkets plc  
Wine and Spirit Trade Association (WSTA)  
Wye Valley Brewery

**Y**

Young & Co's Brewery plc











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