



Portman  
Group

# Alcohol Marketing Regulation Report 2015

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



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# About the 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 1 January 2015 to 31 December 2015.

There were six complaints. Four were investigated by the Independent Complaints Panel and two were resolved via Fast Track.

The report includes rulings made by the Independent Complaints Panel and the launch of the CPD certified Alcohol Marketing Accreditation and Online Training platform.

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# Foreword

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

This year, the Panel has ruled on four complaints and, while the numbers may have been low, each and every decision is vitally important for producers and complainants alike. The Panel is the independent arbiter of the Portman Group Codes and is acutely aware that an upheld decision can result in a costly rebrand or even reformulation of a product so decisions are never taken lightly. Each case is considered thoroughly by the eight members of the Panel and I hope our decisions continue to be trusted by those inside and outside the industry.

In 2015, we received a complaint about one of the new generation of craft beers, Beavertown's Gamma Ray. As this report explains, the complainant argued that the beer's colourful vintage sci-fi cartoon design and packaging in a 330ml can had particular appeal to children and could be mistaken for a soft drink. The Panel also considered whether the imagery associated alcohol with violence. After a lengthy and considered debate, the Panel did not uphold the complaint. However, regardless of the outcome, this case raises a challenge for both craft brewers and the Portman Group; to help small producers avoid their drinks being considered potentially in breach of the Code. For emerging producers, who may not be versed in the Code, they will need to strike a balance between the desire for their products to stand out on shelves and complying with the strict rules of the Code. The challenge for the Portman Group is to provide the information and guidance to small and independent brewers and so help them avoid being subject to complaints.

It is interesting to note that half of the complaints considered by the Panel in 2015 were made by organisations with a direct interest in reducing alcohol harms. This trend should act as a warning to producers that the alcohol industry remains under intense scrutiny from individuals and organisations that actively search for products and packaging that fails to adhere to the rules.



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**I believe it's vital to have conversations about both the Code and the Panel to ensure that we remain accessible and accountable.**

**Jenny Watson**

Investigating complaints formally is not the only way to resolve cases. I was encouraged by the increasing use of the Fast Track process, now in its second year. In two cases this year, complaints were resolved quickly and efficiently, which was in the interest of both the complainants, producers and the public. Details can be found on the Portman Group website.

In January 2015, the Portman Group hosted its annual Code Signatories Forum. It's an event which provided a welcome opportunity for me to meet all the stakeholders who have agreed to be bound by the provisions of the Code. Following presentations and roundtable discussions by the Portman Group, I enjoyed the chance to answer questions from delegates about the Panel. I believe it's vital to have these conversations about both the Code and the Panel to ensure that we remain accessible and accountable.

Finally, I would like to express my profound thanks to Panel members Fiona Lewis and Stephen Robinson who stepped down after six years. Both served the Panel with a robust intelligence and a good deal of common sense as well as offering invaluable insight about young people from their careers in secondary school education. I am looking forward to welcoming our new members Rachel Childs, Daniel Jourdan and Philip Wright in 2016.

# Report

## Report by Chief Executive of the Portman Group, Henry Ashworth



The protection of children from alcohol harm has always been at the heart of our Code of Practice. As we approach the 20th anniversary of the Code's inception, it feels like the right time to look at how it has helped reduce the appeal of alcohol to children, contributing to the positive social trends over the last 20 years with fewer young people trying alcohol now than at any time since records began.

Back in the mid-90s, the industry faced a significant challenge. More than half of secondary school pupils (64%)<sup>1</sup> admitted to having drunk alcohol, and a new range of brightly packaged drinks, dubbed 'alcopops' by the media, saw the industry accused of targeting under-18s and fuelling a binge-drinking culture in the UK.

The industry rose to government's challenge to self-regulate, with the Portman Group introducing the first Code of Practice in 1996 to stop 'brand names, packaging or merchandising... targeted at under-18s'. It demonstrated the industry's commitment to ensuring alcohol was not marketed to children. In the years following, the rules have been refined so that today, in the 5th edition of the Code, rule 3.2(h) states that 'a drink, its packaging or promotional material or activity should not... have a particular appeal to under-18s'.

Since 1996, the Portman Group has received 129 complaints under rule 3.2(h) of the Code about drinks appealing to children. The Independent Complaints Panel has upheld 63 of those complaints. These drinks have been repackaged or removed from shelves of supermarkets and wholesalers who, as Code Signatories, agree not to re-stock a product in its current form after a period of 3 months following the publication of a Retailer Alert Bulletin. Furthermore, the decisions have provided clear guidance to all producers about what is and is not acceptable.

It is very encouraging to see that, in the last decade, children's drinking has been in steep decline. Official government figures show that, since 2003, the rates of 11 to 15-year-olds drinking alcohol has fallen by over 50%<sup>2</sup> and is currently at the lowest rate on record. There has also been a significant decline in under-18 hospital admissions due to alcohol, falling by 41%<sup>3</sup> in the last 6 years.

So what has caused this decline? When asked by YouGov in a survey for the think tank Demos in June 2015, two thirds (66%)<sup>4</sup> of young people aged 16 to 24 said alcohol was either not very important or not at all important to their social lives. When asked what had contributed to the decline, they most frequently cited: awareness of the health consequences of drinking (66%)<sup>5</sup>, alcohol being harder to get hold of for under-18s (47%)<sup>6</sup> and negative media portrayals of anti-social behaviour linked to drinking (46%)<sup>7</sup>.

Business has worked as committed partners to both local and central government to drive down underage drinking. Most noticeable are the Challenge 25 and Challenge 21 schemes rolled out widely by retailers and bars across the country that make it much harder for young people to buy alcohol. More recently, schemes such as Community Alcohol Partnerships bring together retailers and licensees, trading standards, police, health services, education providers and other local stakeholders, to tackle underage drinking through education and diversionary activities. Additionally, the drinks industry provides £5m funding annually for the Drinkaware charity, giving information and education materials to children, their parents and teachers. Recently drinks companies have provided start-up funding for LEAF (LifeSkills Education and Alcohol Foundation) that delivers Department for



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**It is very encouraging to see that, in the last decade, children's drinking has been in steep decline.**

**Henry Ashworth**

Education approved life skills education in schools. Initiatives such as PASS cards have also helped identify the age of card holders. The combined result is that only 5% of 11-15 year olds who drink attempted to obtain alcohol from pubs or shops<sup>9</sup>.

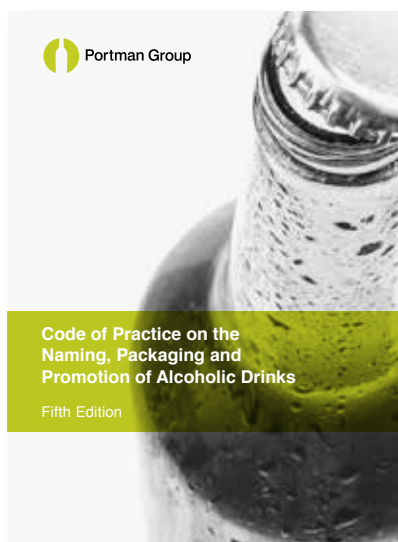
The challenge for the Portman Group is to ensure that these encouraging national trends continue to move downwards, and those communities that are out of kilter with this improving picture are supported. Our Advisory Service will continue to offer guidance to producers about packaging that may have particular appeal to children. As we show in this report, we have launched CPD accredited online training to marketers in addition to our face-to-face training which will further help producers avoid issues under 3.2(h).

- <sup>1</sup> Smoking, Drinking and Drug Use Among Young People in England - 2013 (Health and Social Care Information Centre)
- <sup>2</sup> Smoking, Drinking and Drug Use Among Young People in England - 2013 (Health and Social Care Information Centre)
- <sup>3</sup> LAPE, Public Health England)
- <sup>4</sup> Character and moderation: encouraging the next generation of responsible drinkers (<http://www.demos.co.uk/project/character-and-moderation-alcohol/>)
- <sup>5</sup> Character and moderation: encouraging the next generation of responsible drinkers (<http://www.demos.co.uk/project/character-and-moderation-alcohol/>)
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- <sup>7</sup> Character and moderation: encouraging the next generation of responsible drinkers (<http://www.demos.co.uk/project/character-and-moderation-alcohol/>)
- <sup>8</sup> Smoking, Drinking and Drug Use Among Young People in England - 2013 (Health and Social Care Information Centre)

# The Portman Group Codes

The Portman Group operates the **Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks** and the **Code of Practice on Alcohol Sponsorship** to ensure that alcohol is marketed responsibly and only at adults.

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



The Code applies to all alcohol marketing (including naming, packaging, sponsorship, point-of-sale and brand merchandising) which is primarily UK targeted and not already subject to regulation by the ASA or Ofcom.

First introduced in 1996, the Code is regularly reviewed. Following an open public consultation, the fifth and current edition came into force on 31 May 2013. It brought in tougher rules to protect children and tightened any direct or indirect associations with sexual activity.

The Code is supported by more than 140 drinks producers, trade bodies and retailers and is also commended to licensing officers in the supporting guidance to the Licensing Act 2003.

Anyone can make a complaint against any product or promotion that they consider is in breach of the Code. Complaints are considered by an Independent Complaints Panel and its decisions are published. Effective sanctions are in place to ensure that the Panel's decisions are enforced.

### Amendment to Rule 3.1

Rule 3.1 of the Code requires that the alcoholic nature of a product be communicated on a drink's packaging with absolute clarity. This year we qualified the rule with a footnote to explain that producers will be expected at least to demonstrate compliance with EU Regulation 1169/2011 on the provision of food information to consumers. The rule now reads:



# Code of Practice on Alcohol Sponsorship

The Sponsorship Code commits producers to promote responsible drinking and/or support diversionary activities as part of their sponsorship agreements. It was launched in January 2014 and formalises much of the activity which was already central to the alcohol industry's sponsorship agreements.

The Sponsorship Code was developed with support from drinks producers, retailers, major sports, music and venue rights holders, who have also formally endorsed it. In addition, the Sponsorship Code has been endorsed by Portman Group Code of Practice signatories.



Responsibility initiatives around sponsorship agreements have included responsible drinking messages during sporting or cultural events, the provision of free water and equipment for grassroots sport.

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 having to withdraw it completely.

## 3.1 The alcoholic nature of a drink should be communicated on its packaging with absolute clarity<sup>9</sup>.

<sup>9</sup> Producers would be expected at least to demonstrate compliance with EU Regulation 1169/2011 on the provision of food information to consumers. Rule 3.1 should be read in conjunction with Code paragraph 1.8.



# How the Codes Work

The Portman Group is one of three regulatory bodies that control the standards of alcohol marketing in the UK<sup>10</sup>. These three bodies effectively cover all alcohol marketing. The Portman Group's Codes' remit complements that of the Advertising Standards Authority and Ofcom. This ensures that there are no gaps in the regulation of drinks producers' marketing activity. Areas covered by the Portman Group Codes 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**

## **Websites<sup>11</sup>**

The Codes impose 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 Codes' requirements to demonstrate their commitment to social responsibility.

<sup>10</sup> The other bodies are the Advertising Standards Authority (ASA) and Ofcom.

<sup>11</sup> Areas not covered through the CAP non-broadcast advertising Code.



# Acting on Complaints

We act on all complaints that are brought to our attention and are within remit. We have an open and accessible complaints system allowing anyone to make a complaint. Portman Group staff provide administrative and secretariat support to the Independent Complaints Panel but decisions are exclusively for the Panel.

## Fast Track Resolution

The Fast Track system allows the Panel to deal with complaints promptly. Complaints are only considered via Fast Track when both the complainant and producer accept that the product or promotion is problematic under the Codes and the case is deemed suitable for fast tracking by the Complaints Panel Chair.

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. If appropriate, we seek to resolve cases on a Fast Track basis in the first instance.

Under the Fast Track system the producer is given the chance to present their case to the Chair of the Independent Complaints Panel. If the Chair decides the matter is suitable for Fast Track<sup>12</sup> the company will provide an assurance that the product or promotion will be suitably amended or withdrawn. The company will be encouraged to seek assistance from the Advisory Service. The complainant will be notified of the changes.

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### **The Fast Track system allows the Panel to deal with complaints promptly**

The Portman Group aims to agree an outcome for all Fast Track cases within 35 days of the Panel Chair agreeing to the process. The timescale of any remedial action is at the discretion of the Portman Group and may vary but will not normally exceed three months.

Decisions are published on the Portman Group website.

In 2015, two complaints were resolved via Fast Track.

<sup>12</sup> The Chair may decide that a matter is suitable for FT where the Chair considers an apparent or possible breach:

- Is clear cut and a company offers to take appropriate remedial action to address the issue;
- Is not a case which is likely to set future precedent for the activity of other producers;
- Has been resolved by a company taking immediate and relevant action before or immediately after being contacted by the Portman Group;
- Can be resolved and there is no prior history of non-compliance with the Code on the part of the company concerned. The number, nature and severity of any previous Code breaches, in the relation to the size of the company, will be taken into consideration.

# Investigation by the Independent Complaints Panel

If cases are deemed not suitable for Fast Track, they are considered by the full Panel.

Members of the Panel have varied backgrounds and experience in order to provide contrasting perspectives.

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<sup>13</sup>
- 3.2 A drink, its packaging and any promotional material or activity should not in any direct or indirect way:
  - a) give the higher alcoholic strength, or intoxicating effect, undue emphasis. A product's lower alcoholic strength may be emphasised proportionately when it is below the average strength for similar beverages. Factual information about alcoholic strength may be given<sup>14</sup>;
  - b) suggest any association with bravado, or with violent, aggressive, dangerous or anti-social behaviour (though sponsorship of activities which may be dangerous after alcohol consumption, such as motor or yacht racing, are not in themselves in breach of this clause)<sup>15</sup>;
  - 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, such as drink-driving, binge-drinking or drunkenness;
  - g) urge the consumer to drink rapidly or to 'down' a product in one;
  - h) have a particular appeal to under-18s (in the case of sponsorship, those under 18 years of age should not comprise more than 25% of the participants, audience or spectators)<sup>16</sup>;
  - i) 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. Images may be shown where people appear only in an incidental context; or
  - 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.

<sup>13</sup> Producers would be expected to at least to demonstrate compliance with EU Regulations 1169/2011 on the provision of food information to consumers. Rule 3.1 should be read in conjunction with Code paragraph 1.8.

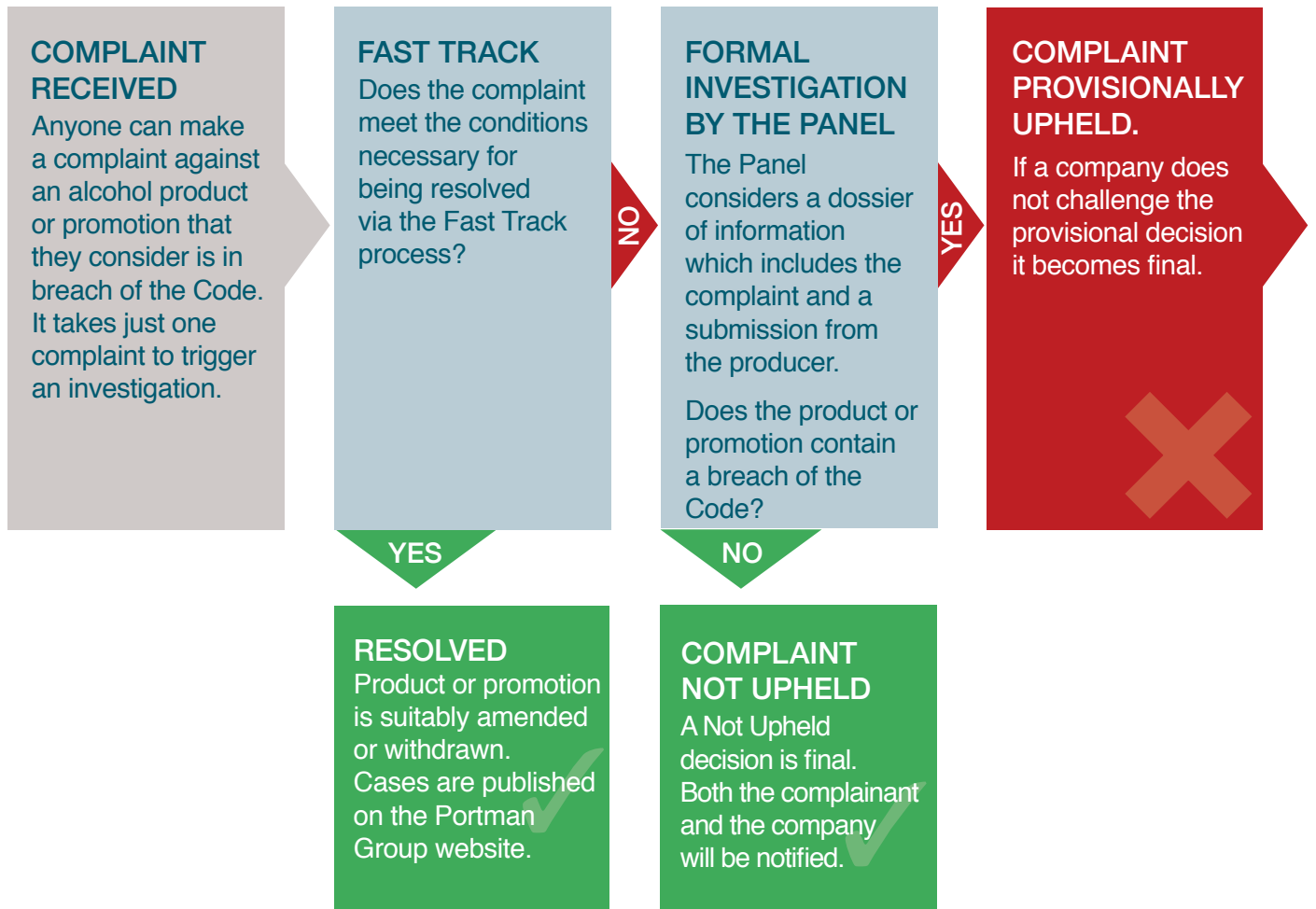
<sup>14</sup> The Food Information Regulations 2014 have replaced the Food Labelling Regulations 1996 (FLR). However, Regulation 42(1) and Schedule 8 Part of FLR will continue to apply. It lays down the description 'low alcohol' or any other word or description which

implies that the drink being described is 'low' in alcohol shall not be applied to any alcoholic drink unless the drink is no more than 1.2% abv.

<sup>15</sup> For further information on the sponsorship of activities, see the Portman Group Code of Practice on Alcohol Sponsorship and supporting guidance.

<sup>16</sup> See footnote 15 above.

# Investigation Process





### OPPORTUNITY TO APPEAL

The Panel will consider any additional representations from the company and will make a final decision.

Is the Panel persuaded by new evidence?

YES

### COMPLAINT NOT UPHeld

A Not Upheld decision is final. Both the complainant and the company will be notified.

NO

### FINAL DECISION PUBLISHED

All final complaint decisions are published by the Portman Group on its website and communicated via press release.

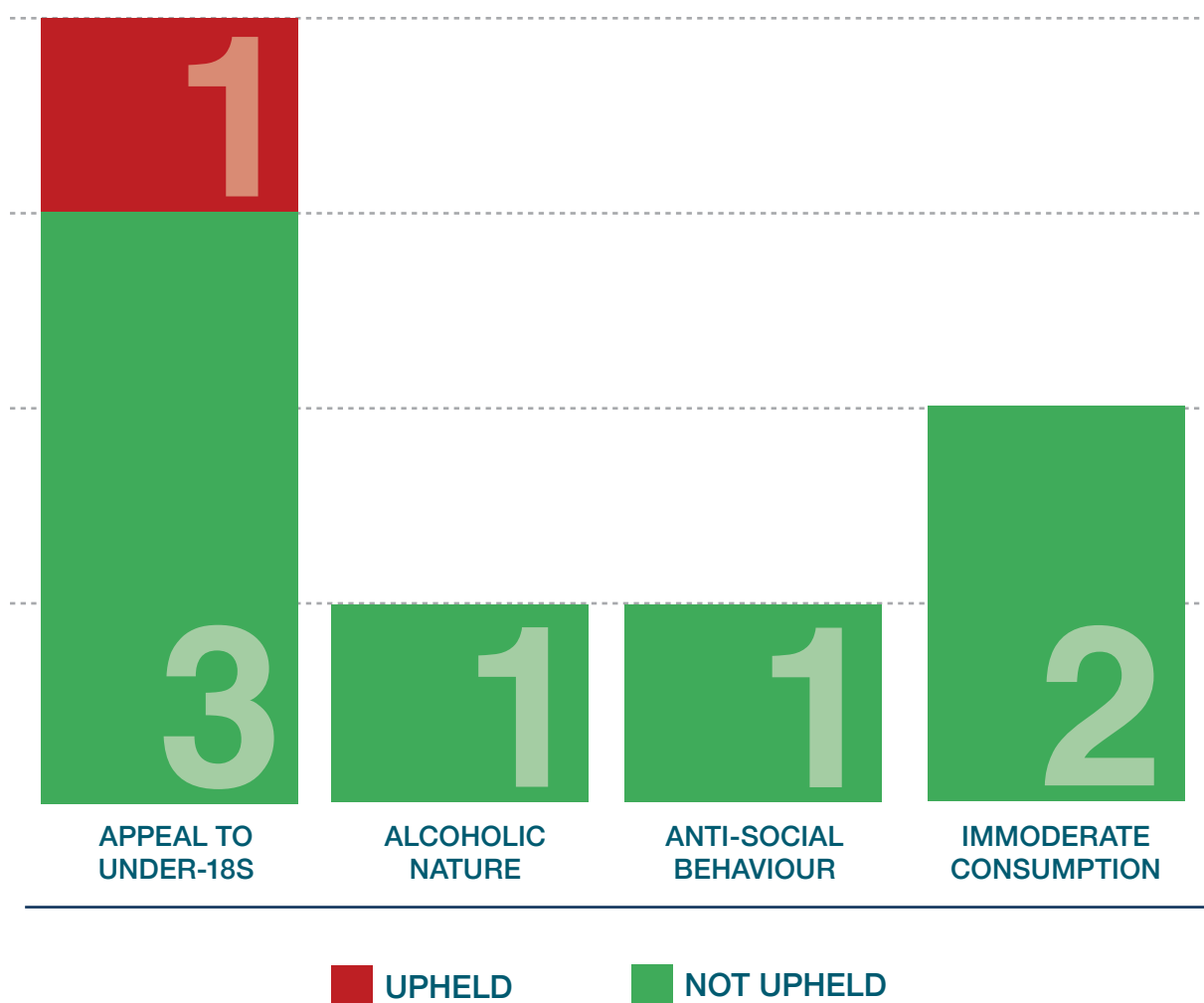
### SANCTIONS

The Code Secretariat may issue a Retailer Alert Bulletin which advises licensed retailers not to replenish stocks of products or point of sale material after a specified date (usually 3 months) and not until the producer has changed the problematic packaging, product or point of sale material.

# Products investigated by Code rule

During the period covered by this report, the Independent Complaints Panel investigated four complaints about four products. As in the previous year, the most common rule cited by the complainants was appeal to under 18s, although it is worth noting that of the four complaints under this rule, just one complaint was upheld.

Code Rules cited by Complainants



... the most common rule cited by the complainants was appeal to under 18s.

# Enforcement

The self-regulatory system is widely-supported and championed by the alcohol industry and by retailers. Its integrity relies on producers, retailers and distributors working with us to ensure the Codes' sanctions are potent and effective, and so keep 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

A Retailer Alert Bulletin (RAB) is issued if a product's packaging or point-of-sale material is found in breach of the Code. It asks licensees not to re-order the offending product/materials after a specified period, normally of three months. RABs are published on our website and are sent to stakeholders that can help us enforce decisions made by the Panel. Stakeholders include all Code Signatories, Police Licensing Officers, Trading Standards Officers, local licensing authorities and other interested parties nationwide.

RABs are referenced in the Secretary of State's Statutory Guidance issued under Section 182 of the Licensing Act 2003 which states:

*"The Government acknowledges that the irresponsible naming, packaging 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 premise 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."*

During the period of time covered by this report, the following RAB has been issued:

Product	RAB issued	Compliance Deadline
MMWAH	January 2016	31 March 2016



**RETAILER ALERT BULLETIN**

## MMWAH 5 X 20ML BOTTLES MIXED FLAVOUR ALCOHOLIC DRINKS

**PRODUCER:** Harwood Drinks Ltd

**SUMMARY OF DECISION**

The Independent Complaints Panel ruled that the product, in its current packaging, did have a particular appeal to under-18s. When considering the overall impression conveyed by the pack of five 20ml miniature bottles enclosed within the secondary wrapping, the Panel concluded that the style of font, bright colours and language as well as the bottles' miniature size caused the product to have a particular appeal to under-18s. The product was found in breach of Code rule 3.2(h).



**LICENSEE ACTION AND TIMETABLE FOR IMPLEMENTATION**

Licensees are asked not to place orders for stocks of Mmwah 5 x 20ml bottles of mixed flavour alcoholic drinks, in the packaging shown, after 31 March 2016. Licensees who place orders before this date should consider limiting the order to the quantity that would normally be sold by this date.

**JANUARY 2016**

The product opposite has been found in breach of the Portman Group's Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks.

Licensees who currently stock the product shown opposite should take careful note of the Licensee Action and Timetable for Implementation sections.

The following should be borne in mind:

- manufacturers are not legally bound to buy back stock from retailers even if the current stock infringes the Code;
- licensees should continue to honour any existing purchase orders and not sell existing stock other than by normal retail trade;
- when reviewing a liquor licence, a licensing authority may enquire about licensees' compliance action with regards to products that breach the Code, so it would be advisable to keep any relevant records, for example the date of new orders placed.

If you have any questions or wish to receive a copy of the Code or additional copies of this Bulletin, please contact: Portman Group, 4th Floor, 20 Conduit Street, London W1S 2XW. Tel: 020 7290 1460; or email [info@portmangroup.org.uk](mailto:info@portmangroup.org.uk)

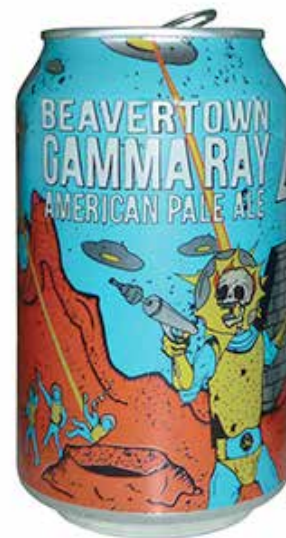
The Portman Group Code is supported by over 140 Code Signatories representing the overwhelming majority of the drinks industry. The Secretary of State's Statutory Guidance under the Licensing Act 2003 states that licensing authorities should, in the exercise of their licensing functions (in particular, 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.

[www.portmangroup.org.uk](http://www.portmangroup.org.uk)

# Independent Complaints Panel Decisions



# Product



## Gamma Ray

**Decision Published:** 6 May 2015

**Company:** Beavertown Brewery

**Breach:** No

## Complaint Summary:

'This product is aiming at a young audience with images of cartoon characters and comic book styling. My 8 year old saw it and asked for some thinking it was a fruit drink. It is not acceptable to package in a can the same size as a fanta then make it look so appealing to young people. This is irresponsible at best and encouraging under age drinking'

**Complainant:** Member of the public

## Decision:

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

The alcoholic nature of a drink should be communicated on its packaging with absolute clarity<sup>17</sup>.

### **NOT UPHELD**

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

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 (though sponsorship of activities which may be dangerous after alcohol consumption, such as motor or yacht racing, are not in themselves in breach of this clause)<sup>18</sup>.

### **NOT UPHELD**

### **Under Code Paragraph 3.2(h):**

A drink, its packaging and any promotional material or activity should not in any direct or indirect way have a particular appeal to under-18s (in the case of sponsorship, those under 18 years of age should not comprise more than 25% of the participants, audience or spectators)<sup>19</sup>.

### **NOT UPHELD**

The company began by saying it took its responsibilities as a brewer very seriously and did not promote its products to underage drinkers. It went on to comment on the fact that only one complaint had been received from a member of the public while it had distributed hundreds of thousands of cans. The company said this was the first instance of which it was aware of an adult making its beer available to a child. The company had examined the soft drink can mentioned by the complainant and, in its opinion, could find no similarities with the Gamma Ray design.

The company emphasised that it did not market its products; instead its success was down to word-of-mouth. The product is relatively expensive compared to others on the market and available only via specialist channels (not mainstream retailers) where the product's target demographic were likely to frequent. The company explained that its demographic is 25-50 year olds, mostly employed in white-collar managerial or professional

<sup>17</sup> Producers would be expected to demonstrate compliance with EU Regulation 1169/2011 on the provision of food information to consumers Rule 3.1 should be read in conjunction with Code paragraph 1.8.

<sup>18</sup> For further information on the sponsorship of activities, see the Portman Group Code of Practice on Alcohol Sponsorship and supporting guidance.

<sup>19</sup> See footnote 18 above.



occupations with above average household incomes. In the company's opinion this significantly limited the exposure to children in a retail setting and made under age possession or accidental purchase by children effectively impossible.

In their defence of the type of container used (a 330ml can), the company went on to explain that it had chosen a can (and not a bottle) because cans maintained the quality of the beer better than crown-cap bottles, and a smaller can size was chosen because these are commonplace in the USA (where the craft beer movement is better established). The company went on to add that they use small containers in order to encourage appreciation for the product, and not mass consumption.

On the broader issue of the colourful design and artwork of the can, the company said the following:

The Gamma Ray design could not reasonably be mistaken for anything other than an alcoholic drink: it was clearly marked 'ale', specifying it was from a brewery and conformed to legal and Drinkaware requirements and guidance. Furthermore, its unique image was not used to market non-alcoholic products.

The designer was hired based on his portfolio of previous work which contained no artwork specifically targeting young people. The company pointed out that their Creative Director is particularly well-known for macabre displays of mental states and gruesome narrative. The imagery was designed by an adult to appeal to adults.

The company went on to say artwork was a fundamental part of its business, almost as integral as the quality of the product itself; this had been true from the inception of their products. Craft beer was an evolution of what was characterised by many adult beer-drinkers as the stale "real ale" industry, and its branding and artwork was intended to represent that.

The design was based upon, and explicitly referenced, adult themes. The design had been

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## ... the Panel advises caution to producers using illustrations that may inadvertently appeal to the teenage demographic...

altered a number of times to ensure it was perceived as gruesome adult content (based on adult graphic novels and 50s sci-fi). By doing this the company stressed that it deliberately avoided images that could be construed as a reference to contemporary entertainment for young people and felt strongly that the imagery used would not resonate with current youth culture. The Panel began by recognising the company was trying to be innovative in the progressive craft beer market; the Panel agreed that producers should be lauded for innovation and creativity, especially with innovations in packaging size and design, but not at the expense of the Code.

The Panel considered whether the packaging communicated the alcoholic nature with absolute clarity as required under Code paragraph 3.1. The Panel noted the word 'ale' featured alongside the brand name, and there was a section on the side of the can which repeated this, alongside the alcohol by volume. In addition to this, the packaging also contained positive alcohol cues with references to 'brewery', unit content and 'Drinkaware'. The Panel found that the product complied with European food labelling regulations and therefore did not breach Code paragraph 3.1.

When considering whether the drink's packaging had a particular appeal to under-18s, the Panel was of the view that consumers took their cultural cues from the shape and size of a can and also from the information on the outside of the can. Bearing this in mind, the Panel went on to look at the size, colour and imagery on the packaging.

The Panel had recently had the benefit of expert



opinion on colour based appeal to under-18s. The Panel heard that when creating visuals which appeal to children, marketing organisations do not primarily focus on bright colours, but instead place importance on the levels of luminance and contrast levels between the colours. Bolder colours with greater contrast tend to gain the attention of children. The Panel concluded that the contrast between the colours were not strong and therefore on the basis of colour the packaging would not have a particular appeal to under-18s.

While the Panel welcomed the use of smaller containers by industry to help encourage responsible consumption, it noted that the can size was not typical of cans containing alcohol available in the UK (mostly 440ml or more), but was the same size as a typical soft-drinks can. The Panel determined that it had to consider the overall impression conveyed by the product as a whole -rather than just the can size which alone was not a problem under the Code. The Panel emphasised that industry must be particularly mindful when using smaller can sizes to ensure the product does not resemble a soft drink.

The Panel debated at length the concept of nostalgia based products and whether these would have an inadvertent appeal to those under-18. In particular, the Panel considered whether these products could inadvertently appeal to aspirational teenagers in the 16-17 year old bracket who wanted to emulate adult behaviour. After much discussion the Panel agreed that while there was a risk of inadvertent appeal, the images in question were clearly of an adult nature.

The Panel also discussed the company's assertion that its imagery was deliberately gruesome so as to appeal to adults and not children. This point was discussed in the context of the ever-popular Xbox and PlayStation games with player ratings of 12 years of age, and particularly games certified for over 16s, which often featured violent/gruesome/ghoulish imagery. The Panel assessed the product against Portman Group guidance which sets out that a product should not "appeal to/resonate with under-18s in a way that it does not with over-18s". While this could also create inadvertent appeal to teenagers, the Panel reiterated that the

illustrations were of an adult nature and therefore did not have a particular appeal to under-18s.

The Panel acknowledged that this was a very difficult decision as the product was close to the line of breaching the Code. However, after carefully considering the adult nature of the illustrations they concluded that, on balance, the product did not have a particular appeal to under-18s and accordingly did not uphold the product under rule 3.2(h).

Going forward, the Panel made it clear that they will take cases very seriously if a producer uses images which could be seen to particularly appeal to teenagers. The Panel advises caution to producers using illustrations that may inadvertently appeal to the teenage demographic who could find the materials particularly appealing due to their wish to emulate an older peer group.

The Panel also deliberated whether the product packaging might breach Code rule 3.2(b): direct association with violent aggressive behaviour, but concluded that it did not breach this rule.

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**After carefully considering the adult nature of the illustrations [the Panel] concluded that, on balance, the product did not have particular appeal to under-18s.**

# Product

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## Diageo Bauble Cocktail Co-Promotion with Greene King

**Decision Published:** 6 May 2015

**Company:** Diageo

**Breach:** No

### Complaint Summary:

'The use of the baubles leads the promotion to have a particular appeal to under-18s.'

**Complainant:** Portman Group acting in lieu of non-governmental organisation (NGO) <sup>20</sup>

### Decision:

#### **Under Code Paragraph 3.2(h):**

A drink, its packaging and any promotional material or activity should not in any direct or indirect way have a particular appeal to under-18s (in the case of sponsorship, those under 18 years of age should not comprise more than 25% of the participants, audience or spectators)<sup>21</sup>.

#### **NOT UPHELD**

The company began by asserting that it takes its regulatory obligations extremely seriously and considered the Bauble Cocktail to be compliant with the Portman Group Code.

The company explained that the Bauble Cocktail is a branded (Smirnoff, Gordon's and Captain Morgan) plastic drinking vessel in the shape of a Christmas tree bauble with a plastic straw. Images



of the Bauble Cocktail were also used in point-of-sale advertising to promote the use of the vessels in licensed on-trade outlets. This particular point-of-sale piece was used as part of a co-promotional activity with Greene King.

The company explained that when assessing whether a product or promotion has a 'particular' appeal to under-18s, the Portman Group's guidance to paragraph 3.2(h) of the Code sets out that the assessment involves considering whether "the packaging/promotion appeals to/resonates with under-18s in a way that it does not with over-18s".

The company went on to say that, in their strong view, the Christmas baubles have general appeal. The company explained that many homes, offices, and public places display Christmas trees and that baubles are a central feature on such trees. The company went on to say that baubles are used as decorations in many locations where under-18s are not present. For example, in licensed outlets, offices and homes without under-18s.

The company also explained that the bauble vessel had been designed in such a way to ensure it was mature and adult in its appearance and included "Captain Morgan", "Gordon's" and "Smirnoff" in trademarked fonts to ensure a primary adult appeal.

<sup>20</sup> See Code rule 4.7: In the absence of a formal complaint, but where a matter is brought to its attention, the Portman Group will act in lieu of a third party complainant and will seek to resolve the matter on a Fast Track basis in the first instance.

<sup>21</sup> See footnote 18.

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## **The Panel agreed that Christmas is celebrated by all ages and did not feel it resonated with under-18s in a way that it did not with over-18s.**

Finally, the company explained that bespoke drinking vessels are often used in the trade as marketing materials to boost sales of a particular brand or product, and that bauble-shaped drinking vessels have been used previously in the on-trade as part of the broader Christmas offering.

The Panel considered whether the Bauble Cocktail Co-Promotion had a particular appeal to under-18s. In doing so the Panel noted that the bauble was only available in on-trade outlets, in other words it was on display in locations where the vast majority of people would be over the age of 18.

The Panel then went on to consider whether or not Christmas as a holiday season had a particular appeal to under-18s. The Panel agreed that Christmas is celebrated by all ages and did not feel it resonated with under-18s in a way that it did not with over-18s. Finally, the Panel noted that the bauble vessels were simple in design and did not use imagery which would particularly appeal to under-18s. For instance, the packaging did not include illustrations such as Father Christmas or elves.

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

## Dragon Soop 500ml can

**Decision Published:** 8 October 2015

**Producer:** Corinthian Brands (CBL) Ltd

**Breach:** No



### Complaint summary:

A 500ml can of Dragon Soop contains the daily alcohol limit for a man and exceeds the limit for a female. This in my opinion would encourage irresponsible drinking as in my opinion people don't often only drink one can. This encourages binge drinking and drunkenness.

This drink, in my opinion, is highly attractive to the younger audience as it is in a brightly coloured can, has a cartoon dragon displayed and comes in flavours which younger people would like'.

**Complainant:** Middlesbrough Council  
(Public Health Team)

### Decision:

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

A drink, its packaging and any promotional material or activity should not in any direct or indirect way encourage illegal, irresponsible or immoderate consumption, such as drink-driving, binge-drinking or drunkenness.

#### **NOT UPHELD**

#### **Under Code Paragraph 3.2(h):**

A drink, its packaging and any promotional material or activity should not in any direct or indirect way have a particular appeal to under-18s (in the case of sponsorship, those under 18 years of age should not comprise more than 25% of the participants, audience or spectators).<sup>22</sup>

#### **NOT UPHELD**

The company began by outlining its stance on responsible drinking, explaining that it takes its responsibilities as a drinks producer and its regulatory obligations very seriously, and that they were a Portman Group Code Signatory. They explained that in designing the product they had paid careful regard to the Portman Group's Code of Practice on the Naming, Packaging and Promotion of Alcohol Drinks (Code), the UK Chief Medical Officer's (CMO) daily unit guidelines and the Public Health Responsibility Deal pledges particularly pledge A8(b)<sup>23</sup>. The company stated that the pledge sets the standard for responsible packaging in single serve cans, specifying that supporters will not produce or sell any carbonated products with more than 4 units of alcohol in a single-serve can. Dragon Soop in a 500ml can contains 4 units of alcohol. The company said that producers need to be able to rely on standards set out in the pledge.

<sup>22</sup> See footnote 18.

<sup>23</sup> To support our pledge to remove a billion units of alcohol sold annually from the market, we will carry out a review of the alcohol content and container sizes of all alcohol producers in our portfolio. By December 2014 we will not produce or sell any carbonated product with more than (4) units of alcohol in a single-serve can.

The company drew comparison with a previous case, Carlsberg Special Brew 9% 500ml can, highlighting that whilst the Panel had upheld a complaint against the 500ml product, which contained 4.5 units of alcohol per can, the 440ml can, which contains 4 units, is still for sale in supermarkets.

The company stated that the product responds to an established on-trade demand for self-mixed caffeinated alcoholic drinks, with a responsibly marketed brand in a can which is clearly marked and with an alcohol content which meets the industry and governments own standards.

The company explained that the product had been designed to appeal to the 18–35 age group, and had been mindful of the Code during the design process. The company also explained that the designer had specifically steered clear of cartoon style imagery for the dragon and that the dragons used for inspiration were clearly of an adult nature, such as those used for Tattoos (which are illegal on under-18s).

The company noted that the colours used on the product were not exceptionally bright and were chosen to reflect the flavours, which are widely used in the UK alcoholic drinks market. They drew comparisons with two other products, Crunk Juice and Bacardi Breezer Watermelon and Orange, which use similar colours. The Panel had in the past found both products not to be in breach of Code rule 3.2 (h).

The Panel considered whether the packaging encouraged illegal, irresponsible or immoderate consumption. When interpreting and applying the term ‘immoderate’, the Panel reflected on their previous decisions (4 unit threshold) and the wider societal context:

The Panel noted the Public Health Responsibility Deal pledges, in particular pledge A8(b) which states that signatories ‘will not produce or sell any carbonated product with more than (4) units of alcohol in a single-serve can’, a pledge that the Panel noted had been welcomed by the Public Health Minister and has

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**It was noted that whilst 4 units of alcohol is on the threshold of the CMO daily unit guidelines for men (4 units) and above for women (2-3 units) ... on balance the product did not encourage immoderate consumption.**

been voluntarily endorsed across the drinks industry. The Panel also acknowledged that a number of Local Authorities had introduced schemes to remove strong beer and cider as these were considered to be products of choice for problem drinkers. It was noted that whilst 4 units of alcohol is on the threshold of the CMO daily unit guidelines for men (4 units) and above for women (2-3 units), taking into consideration all factors within the context of the case, they concluded that on balance the product did not encourage immoderate consumption. Accordingly, the Panel did not uphold the product under Code paragraph 3.2(f).

Finally, the Panel considered the use of colours and imagery on the packaging, and agreed that whilst some of the colours were bright the imagery was not overly childlike or likely to particularly appeal to under-18s. Similarly, they did not think that the dragon image used would particularly appeal to under-18s. Accordingly, the Panel did not uphold the product under Code Paragraph 3.2(h).



# Product

## MMWAH 5 x 20ml bottles mixed flavour alcoholic drinks

**Decision Published:** 10 December 2015

**Company:** Harwood Drinks Ltd

**Breach:** Yes



## Complaint Summary:

'They are very appealing to a younger age group. Style of writing, flavours, cute size, easily squirreled away' and because it 'encourages 'snacking' on alcohol, and ultimately alcoholism'.

**Complainant:** Portman Group  
(acting in lieu of a member of the public)

## Decision:

### Under Code paragraph 3.2(f):

A drink, its packaging and any promotional material or activity should not in any direct or indirect way encourage illegal, irresponsible or immoderate consumption, such as drink-driving, binge-drinking or drunkenness.

### NOT UPHELD

### Under Code Paragraph 3.2(h):

A drink, its packaging and any promotional material or activity should not in any direct or indirect way have a particular appeal to under-18s (in the case of sponsorship, those under 18 years of age should not comprise more than 25% of the participants, audience or spectators).<sup>24</sup>

### UPHELD

The Company began by stating that the product has

exactly the same brand, alcoholic content and style of writing as the MmWah test tube product which was subject to a complaint in 2009 and was upheld under Code rules 3.2 (f) (g) and (h). The company noted that the 20ml bottle is sold only in a pack of five (not separately) and that the change in containers from test tubes to miniature bottles was done in part to address the concerns that test tube drinks could not be stood upright and may encourage "down in one drinking". The company noted market research conducted by the Portman Group in 2010 which demonstrated that test tube containers do not necessarily urge rapid or down-in-one drinking. Despite the new position with regard to test tube containers, the company felt the change in containers would be viewed as a positive development.

The company said that all of the flavours in the pack are the same flavours that were examined in the complaint against the test tubes, blue raspberry being one of them. The company added that blue raspberry is a standard flavour used by many companies in this industry and is always blue in appearance.

The company said that all miniatures have the potential to be squirreled away and that due to the low volumes of liquid (20ml) and exceptionally low alcohol content of their products (0.3 units per bottle) it would be extremely expensive and would require many miniature bottles to exceed the recommended daily unit guidelines.

The Panel's discussions and deliberations focused on the pack of five 20ml miniature bottles marketed together and enclosed within an external wrapping – as supplied by the producer for the Panel's consideration.

<sup>24</sup> See footnote 18.



The Panel first addressed whether the product would encourage people to drink immoderately or irresponsibly. The Panel noted that the alcoholic nature of the product was clearly stated on the primary and secondary packaging. The Panel then discussed the alcoholic content of the product and noted that if someone 'snacked' on all five 20ml bottles in the pack, the total units consumed would equate to 1.5. The Panel noted that 1.5 units of alcohol was below the UK Chief Medical Officer's daily unit guidelines for men (4 units) and women (3 units) and therefore did not consider that the product encouraged immoderate consumption. Accordingly, the Panel did not uphold this complaint under Code rule 3.2(f).

The Panel went on to consider whether the product held a particular appeal to under-18s. The Panel discussed the style of font, product name, colour and imagery used on both the primary and secondary packaging. They considered each aspect individually and also the overall impression conveyed by the product.

The Panel discussed the bubble writing style of font used on the packaging (primary and secondary). The Panel agreed that this style was similar to products that were particularly aimed at young girls, for example some 'princess-themed' products. In addition, when noting the black outline of the text, the Panel referred to previous expert opinion that it had received from a youth-marketing agency in early 2015. The agency had previously advised the Panel that text with bold black outlines/borders was commonly used to aim products at under-18s. The Panel also compared the font style with that used on the test tube product (plain black) which was subject to complaint in 2009. The Panel agreed that the new style was more childlike in style.

The Panel then discussed the name 'Mmwah' and agreed that it was reflective of language used by teenage girls and that the name could therefore be particularly appealing to this demographic. Taking these considerations into account, the Panel agreed that, in combination, the style of font and name could increase the product's appeal to a younger demographic. Whilst the Panel expressed concerns around the font and

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## **...The pack of five was reminiscent of non-alcoholic products designed to look 'pretty' like a box of colourful pens or cosmetics such as nail varnish**

language used, it did not consider that these elements alone would have a particular appeal to under-18s.

Lastly, the Panel discussed the appearance and overall impression conveyed by the pack of five. When considering the different brightly coloured miniature bottles displayed alongside each other with the wrap-around packaging, the Panel agreed that the overall appearance was similar to that of products which were aimed at under-18s; particularly young girls. Whilst the Panel acknowledged that it may not be intentional, it noted that the pack of five was reminiscent of non-alcoholic products designed to look 'pretty' like a box of colourful pens or cosmetics such as nail varnish. The Panel concluded that this similarity in its overall appearance could increase its appeal to under-18s.

The Panel acknowledged the small volume of alcohol contained in the product and the '18' icon displayed on both the primary and secondary packaging. However, when considering the overall impression conveyed by the pack of five the Panel concluded that the childlike cues of the product, when taken together, (style of font, bright colours, language and miniature size) would cause the product to have a particular appeal to under-18s. Accordingly the Panel upheld the complaint under code paragraph 3.2(h).

### **Action by the company**

The company has advised that they intend to work with the Portman Group's Advisory Service to make changes to the product in order to bring it in line with the Code. The Panel noted and welcomed the company's willingness to work with the Portman Group and to amend the product accordingly.

# Advisory Service

We offer a free Advisory Service to help companies comply with the Code. Companies can ask the Advisory Service for confidential guidance at any stage in the development of new products, packaging or 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. Advice is not binding on the Independent Complaints Panel, or the advised company. As we approach 20 years of the Code the increasing

demand for advice demonstrates how important this service is to the industry. In 1996 there were just 18 advice requests compared to the 592 that were received in 2015.

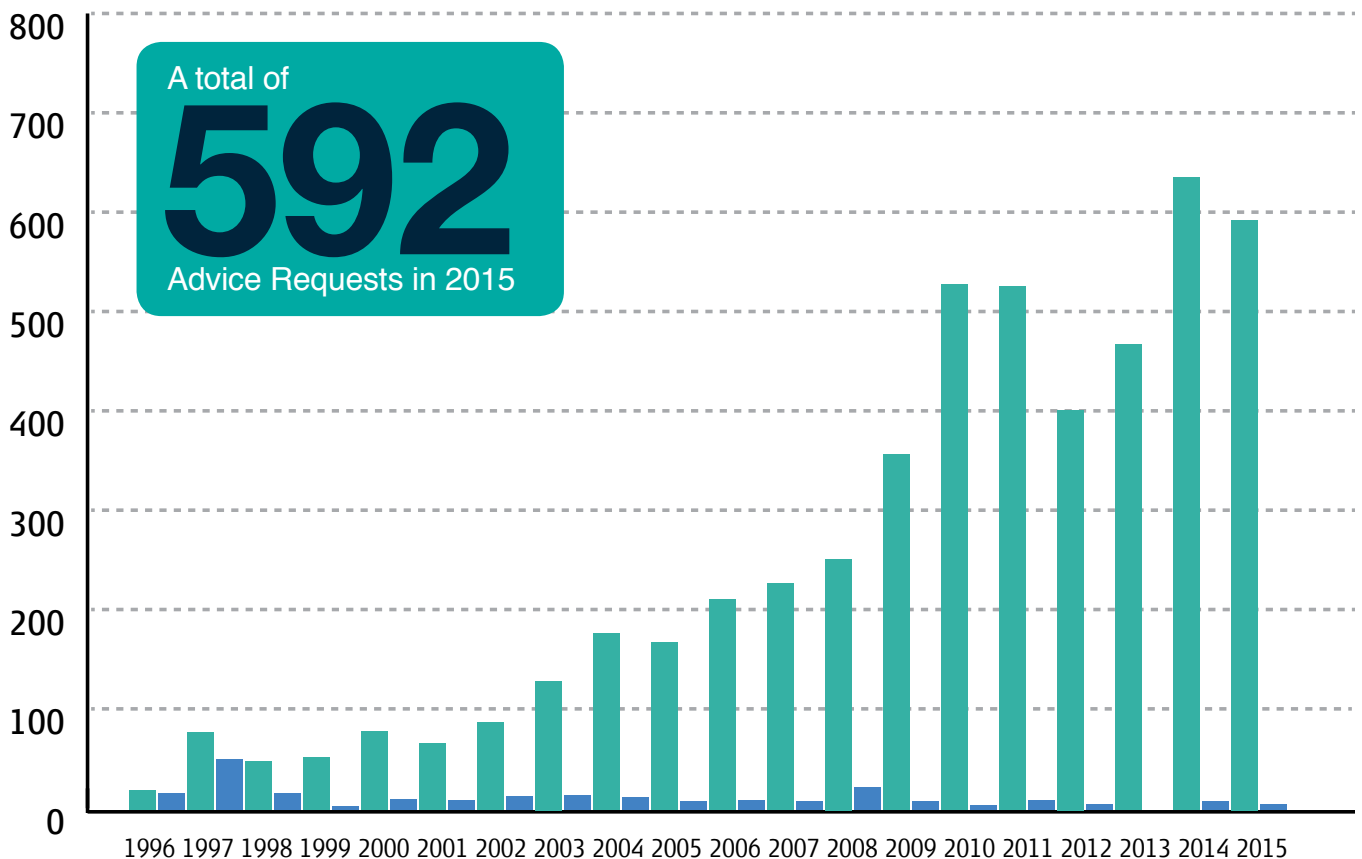
Many producers have their own internal checking systems in place to ensure compliance not only with our Code, but also their own marketing codes which often have a higher compliance level than our Code.

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

## Advisory Service Evaluation

### January – December 2015

The 2015 calendar year was the second busiest year on record for the Advisory Service with a total of 592 advice requests.



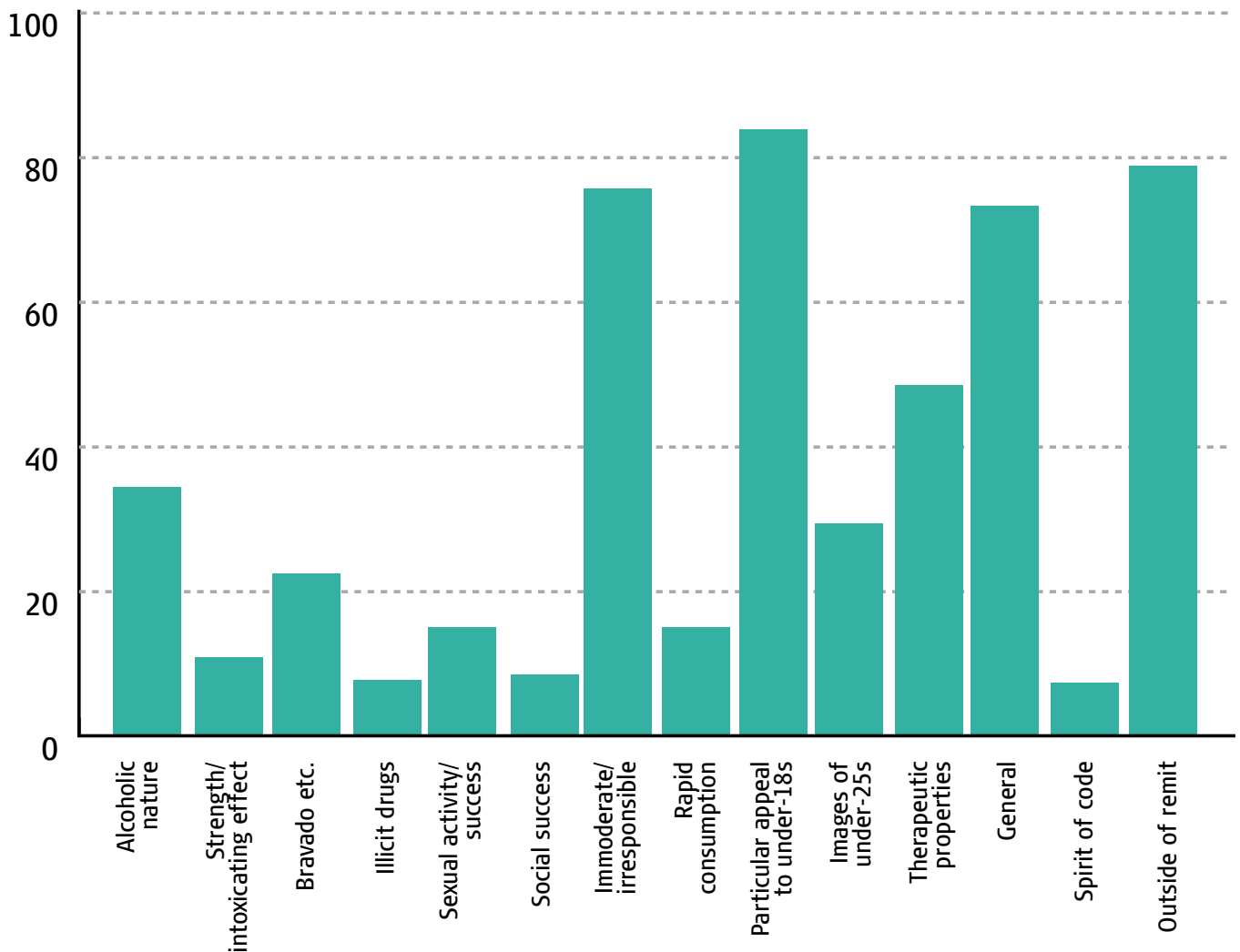
# Advice Cases by Code Rule

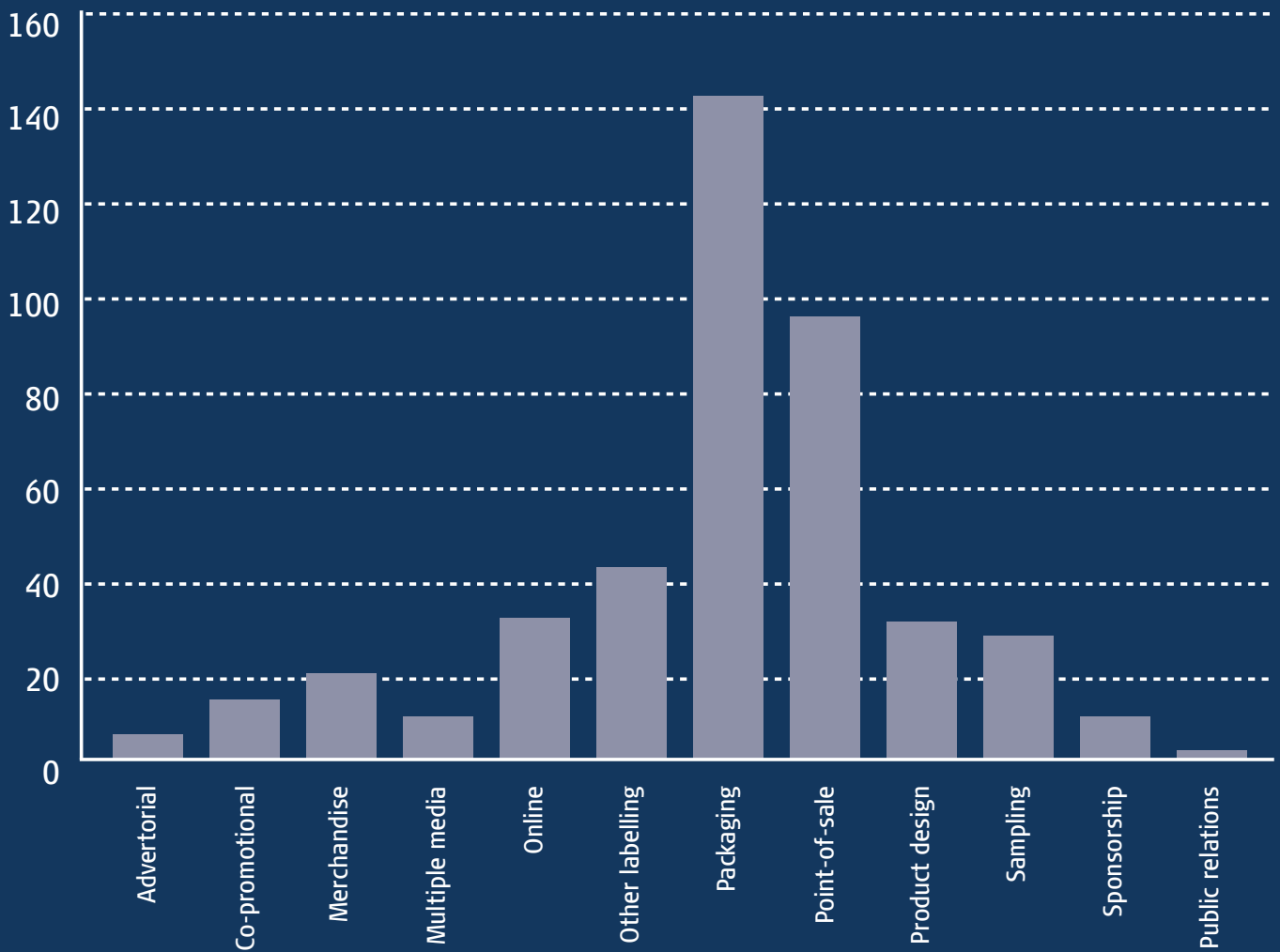
Advice cases can consist of multiple advice requests. The graph displays how many Code rules related to each case in 2015. In addition to the Code rules we measure against three other areas including 'General, Spirit of Code and Outside of Remit'. 'General' includes topics such as industry's voluntary commitment to improve alcohol health labelling, social responsibility issues and age affirmation pages online.

'Outside of Remit' was relatively high in 2015 as was the case in 2014. However, the focus of these requests shifted in 2015 and primarily related to legal labelling requirements under EU Regulations, Scottish alcohol

licensing laws and Drinkaware licensing queries. 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.

For the first time since 2012 the top three Code rules for advice changed to incorporate therapeutic properties (3.2j) in the third spot, replacing alcoholic nature (3.1). The two most popular Code rules were particular appeal to under-18s (3.2h) and immoderate/irresponsible consumption (3.2f) which remain unchanged from 2014.





## Advice Cases by Media Type

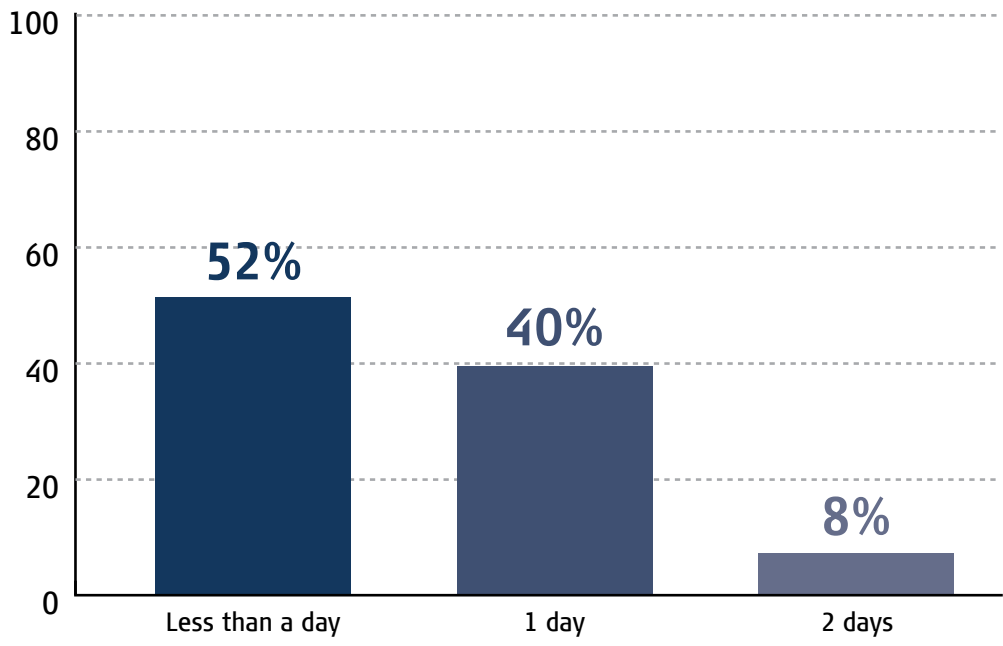
The graph displays cases by type of media. As is consistent with 2014, packaging and point-of-sale account for the majority of advice requests.

Finally, the Advisory Service also issues Guidance Notes on various topics to help companies comply with the Code. In 2015 these documents were accessed 2,229 times from the Portman Group website, of which the vast majority were unique visits.

**The most popular media types for advice in 2015 were packaging and point-of-sale.**

# Advice Response Time

The Advisory Service endeavours to respond to all advice requests within two working days. In 2015 we answered 92% of requests in a day or less.



# Origin of Advice Requests

The majority of advice requests originated from non-member organisations with 38% of requests generated from Portman Group member companies and Code Signatories.





# Training

In addition to the Advisory Service we offer free training for organisations who want to improve their understanding of the Codes of Practice and how the rules are interpreted.

As part of the development of our training, this year, we launched the industry's first Continuing Professional Development (CPD) certified Alcohol Marketing Accreditation (AMA). All delegates who complete training through either a face-to-face session or by completing the new online module will be awarded the independently accredited 'Portman Group Alcohol Marketing Accreditation' and will receive a formal certificate.



The on-going development of a new online training module meant that the total number of delegates trained in 2015 was 497, slightly fewer than the 2014 total of 587. 272 delegates were trained on all aspects of the Code and 225 delegates were trained with specific emphasis on the enforcement aspects of the Code.

### **Online Training**

The online training module offers experienced practitioners a stimulating refresher of the Code rules and to ensure greater accessibility of training materials.

It is made up of three sections: Packaging; Point-of-Sale and Promotional Activity. Users can refresh their understanding of the Code in the Knowledge Centre before completing the multiple choice questions for each section.

### **Why you should take training:**

- Free
- Professional development
- Engaging
- Informing your staff
- Reduce risk of a Code breach

### **What our clients said:**

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**A highly engaging session with lots of useful insight and information. We enjoyed the fact that it was highly interactive.**

Hayley James, Sense London

### **Alcohol Marketing Accreditation**

From 2016, the Portman Group's training programme will consist of three different routes: Online Training; In House Training and Group Sessions. Training is open to anyone, such as producers, retailers and local authorities wishing to learn more about the Code and its application.

All Portman Group training materials have been certified by Continuing Professional Development (CPD). Independent certification ensures that all of our training is structured, educational and relevant for the improvement of professional and industry standards.

All delegates who complete training through any of our three routes will now be awarded the independently accredited 'Portman Group Alcohol Marketing Accreditation' and will receive a formal certificate.

**For more information or to arrange training please call 020 7290 1460 or email [training@portmangroup.org.uk](mailto:training@portmangroup.org.uk)**

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**It was very interesting and brought information to our attention that we may have overlooked.**

Vicki Heppell, Storm DFX

# Code Governance

**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 chairs the Electoral Commission, and is Vice Chair of the Money Advice Trust. A former Chair of the Equal Opportunities Commission, although her early work was in the not-for-profit sector, working at Liberty, Charter88 and Victim Support, she has twice run her own business.

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**Sir Martin Narey** is Chairman of the Portman Group Council, the Portman Group's governing body which is 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 sits on the Council of the ASA and is a non-executive member of the Ministry of Justice Board. He chairs the Brain Tumour Charity and the National Adoption Leadership Board. He 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.

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**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.



Prior to joining the alcohol social responsibility body, Henry was a key member of the Cabinet Office Behavioural Insights Team where he was leading health policy, looking specifically at applying insights from behavioural science to support better personal decision-making in key areas of public health.

He joined the Civil Service in 2008 as Assistant Director in the Better Regulation Executive, leading on alcohol and obesity policy.





**Fiona Lewis** 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. Fiona stepped down from the Panel on 30 November 2015. **Attended 4 out of 6 meetings.**



**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. **Attended 5 out of 7 meetings.**

# The Independent Complaints Panel



**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. **Attended 6 out of 7 meetings.**



**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. **Attended 7 out of 7 meetings.**



**Ron Finlay** is a PR and public affairs consultant with a special interest in public health. He has 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 30 years' experience in marketing and communications, he is now chief executive of Senet Group, promoting responsible gambling standards. He has an MA in Economics, is a Fellow of the RSA and a Member of the Chartered Institute of Public Relations and Chartered Institute of Marketing. **Attended 3 out of 7 meetings.**





### 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.

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. **Attended 6 out of 7 meetings.**

The Chair of the Independent Complaints Panel is appointed through an open and transparent process, consistent with the Public Appointments Process. The Chair appoints the other Panel members. Panel members must not be employed by the Portman Group or any of its member companies. Panel members must declare any interest in a case before considering it, whereupon the Chair will decide if it is appropriate for that member to consider the complaint.



### Jane Keightley

is a Branding & Communications specialist with over 25 years' experience in Marketing. She worked in the drinks industry for 16 years, having held senior UK and global roles at International Distillers & Vintners UK and Diageo working across wines, beer and spirits. 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, Alport UK and Child Bereavement UK. She has a WSET Diploma in Wine, and an MA from Oxford University. **Attended 6 out of 7 meetings.**



**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). Doreen is now a consultant in international development. **Attended 6 out of 7 meetings.**



**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. Stephen stepped down from the Panel on 30 November 2015. **Attended 5 out of 6 meetings.**

# 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

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 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  
Mason, 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-Jagermeister  
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

## Code Signatories | Continued

### **P**

Palmer & Harvey McLane Ltd  
Pernod Ricard  
Pol Roger  
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  
Somersfield Stores Ltd  
Sovio Wines Limited  
SPAR UK  
Speyside Distillers Co Ltd  
St Austell Brewery Co Ltd  
Starjump Food

### **T**

Tesco  
Test Tube Products Ltd  
The Black Tomato Agency  
The Edrington Group Ltd  
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  
WSTA  
Wye Valley Brewery

### **Y**

Young & Co's Brewery plc



DESIGNED BY PHOEBUS ASSOCIATES 020 7936 3835

MNO 1240

BELGISCH BIER



ORIGINAL RE





**Portman Group**

20 Conduit Street,  
London,  
W1S 2XW

T: 020 7290 1460

E: [advice@portmangroup.org.uk](mailto:advice@portmangroup.org.uk)

W: [www.portmangroup.org.uk](http://www.portmangroup.org.uk)