



Portman Group

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

Sixth Edition



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

Sixth Edition

The Portman Group's Code of Practice was first introduced in April 1996. This is the sixth edition. It applies to the naming, packaging and promotion of alcoholic drinks and provides a procedural framework for influencing, regulating and controlling industry practice.

The alcoholic drinks industry is committed to promoting its products in a socially responsible way and only to those 18 and over. The Code is supported by the industry, including producers, importers, wholesalers, retailers and trade associations.

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.

Companies are encouraged to use the free Advisory Service before undertaking promotional activities or launching products, to check that they comply with the Code.

1. Introduction

- 1.1 This Code seeks to ensure that alcohol is promoted in a socially responsible way, only to those aged 18 and over, and in a way that does not appeal particularly to those who are vulnerable.
- 1.2 The Code complements and is consistent with the Broadcast Committee of Advertising Practice UK Code of Broadcast Advertising (BCAP Code) and the UK Code of Non-broadcast Advertising and Direct & Promotional Marketing (CAP Code), both of which are administered by the Advertising Standards Authority (ASA)¹. The Code Secretariat may refer a complaint received under this Code to the ASA if it considers that the complaint is more appropriately dealt with under the BCAP or CAP Codes.
- 1.3 The Code applies to the naming, packaging, marketing and promotional activity undertaken by a drink's producer for an alcoholic drink which is marketed for sale and consumption in the UK, where such activity is primarily UK-targeted, and is not already subject to regulation through the ASA or Ofcom.
- 1.4 The Code does not apply to wholesaler or retailer-led promotional materials and activities, unless:
- i. a wholesaler or retailer is defined as a producer under paragraph 2.9, and is promoting its own products; or
 - ii. they are part of any co-promotional activity that has the approval or support of the producer.

¹ Ofcom contracted out day-to-day responsibility for broadcast (TV and radio) advertising to the ASA and BCAP in November 2004, Ofcom acts as a backstop regulator to the ASA for TV and radio advertising. Ofcom retains responsibility for regulating TV programme sponsorship.

- 1.5 The Code does not apply to any materials or activities whose sole purpose is to educate people about the use and misuse of alcohol. Educational materials targeted at under-18s should not be branded with either a company's corporate or product branding; whereas educational materials aimed at individuals 18 and over may feature either.
- 1.6 The Code is to be applied in the spirit as well as in the letter. In judging compliance with the Code, the matter will be looked at broadly and with regard to all the circumstances including, but not limited to, the drink, the overall impression conveyed and any other relevant matters.
- 1.7 It is the responsibility of all companies connected with the alcoholic drinks industry in the UK (whether as producers, importers, wholesalers or retailers) to comply with this Code. This includes the provision of adequate and appropriate briefings to external agencies from whom companies may commission design or promotional work.
- 1.8 The Code operates alongside the law. It is the responsibility of the producer to ensure a drink's packaging complies with food regulations and all other relevant regulations and legislation.
- 1.9 The Code applies to all companies involved in the production of alcohol. All companies in the alcoholic drinks industry, including retailers, should indicate their support for the Code and their willingness to abide by the decisions of the Independent Complaints Panel by becoming Code Signatories. Not doing so, however, does not mean that their products are outside the provisions of the Code.
- 1.10 Drink's industry trade associations and their members should express their support for the Code by becoming Code Signatories.
- 1.11 The text of this Code supersedes all previous editions. Complaints received on or after 23 September 2019 will be considered under this Code.

2. Definitions

For the purposes of this Code, the following definitions apply:

- 2.1 An *advertorial* is any published material, including websites², promoting a drink as a result of payment by the producer of the drink, even though that producer has no control over the content of the material³.
- 2.2 *Branded merchandise* refers to any products available in the UK bearing alcoholic drinks branding which have been produced by, on behalf of, or with the permission of an alcoholic drink's producer.
- 2.3 A *company* includes a sole trader and partnership.
- 2.4 *Co-promotional* activity refers to marketing activity between a producer and retailer or wholesaler, which has taken place with the approval or support of a producer, even if that activity is predominantly retailer or wholesaler-led.
- 2.5 A *drink* is any pre-packaged alcoholic drink above 0.5% abv. This includes a product developed or marketed primarily as an alcoholic 'drink', even if it is classified as a foodstuff rather than a drink for the purposes of licensing or customs and excise legislation, or even if it appears to be solid or heavily textured, a vapour or an aerosol (or can be made to be, for example by freezing or shaking), rather than liquid. In the on-trade⁴, the definition of drink extends to any alcoholic drink served as part of producer-led promotional activity, or producer-approved or supported co-promotional activity. This also includes a barrel (i.e. a draught drink) or permanent dispenser unit (drink fountain).

² Except parts of the website that are subject to regulation by the ASA.

³ If the material's content is within the control of the producer, it is regarded as advertising and within the remit of the CAP Code, administered by the Advertising Standards Authority.

⁴ Alcoholic drinks served in the on-trade that are neither pre-packaged nor covered under the definition of co-promotional activity are outside the remit of the Code.

- 2.6 *Experiential* activity is a marketing technique that creates producer-led participatory experiences between consumers and drinks brands.
- 2.7 For the purposes of the Code, *off-trade* refers to any retail environment where alcohol is purchased for consumption off/away from the premises, for example, supermarket, off-licence, including purchases made online.
- 2.8 For the purposes of the Code, *on-trade* refers to licensed premises/ locations where alcohol is purchased/obtained for immediate consumption on the premises, for example, a pub or bar, restaurant, etc.
- 2.9 *Packaging* includes the brand name, product descriptor and other text on the packaging, labelling, container, external wrapping and other products enclosed within the external wrapping.
- 2.10 *Point-of-sale* marketing is a technique that encourages consumers to purchase products when they are in a retail outlet or purchasing online⁵. Traditional POS marketing tools include shelf signage, banners and display material situated close to the checkout or in the retail outlet; including drink fountains and dispenser units.
- 2.11 A *press release* is any published statement and attachments, in writing or otherwise, issued by, or on behalf of, an alcoholic drinks producer to the UK media and which serves to promote an alcoholic drink.
- 2.12 A *Producer* is a company, including a wholesaler or retailer, which holds the trademark rights for a brand or has contractual rights to distribute a brand within the UK, or produces a pre-packaged product which includes an alcoholic drink (i.e. a gift pack containing alcohol) even if they have no rights pertaining to that alcohol brand.

⁵ Only material not subject to the CAP non-broadcast Code; cf footnote 9.

- 2.13 *Promotional material and marketing activity* encompasses point-of-sale material and activity, co-promotional material and activity, websites, sponsorship⁶, press releases, branded merchandise, advertorials, public relations activity, experiential activity and sampling, whenever these are generated by the producer to promote a drink to the UK market.
- 2.14 *Public Relations* (PR) is a strategic communication process that builds mutually beneficial relationships between organisations and its publics and will include any activity in support of PR that is under a producer's control (either directly or via a third party) or endorsed by a producer.
- 2.15 *Sampling* is an offer of an alcoholic drink, free of charge, to the public in a public place (including licensed premises), unless the premises are being used for a private function.
- 2.16 *Sponsorship*⁷ means the terms of any commercial agreement or part of an agreement by which a sponsor, for the mutual benefit of the sponsor and the sponsored party, contractually provides financing or other support in order to establish an association between the sponsor's image, brands or products and a sponsorship property in return for rights to promote this association and/or for the granting of certain agreed direct or indirect benefits⁸.

⁶ This Code applies to any promotional material and activity that supports (or is linked to), a specific sponsorship; however, the terms of the actual sponsorship agreement are subject to the Portman Group Code of Practice on Alcohol Sponsorship.

⁷ This definition of sponsorship is consistent with the one used by the International Chamber of Commerce in its Advertising and Marketing Communication Practice Consolidated Code.

⁸ For the purposes of this Code, sponsorship is the agreement to support any specific sporting or cultural event or activity, where such activity is not already subject to regulation through the PG Code on Naming and Packaging, or regulation through ASA or Ofcom. This can include, but is not limited to, sponsorship of, for example, a team, individual, group, awards ceremony, event, activity, organisation or venue in return for which the sponsored party agrees to be associated with or promote the sponsor's brand(s). Cf: Code paragraph 1.4 in the PG Code of Practice on Alcohol Sponsorship.

- 2.17 For the purposes of the Code, the UK covers the Isle of Man and the Channel Islands. Only pre-packaged products, marketing activity and promotional material primarily targeted at the UK market are subject to the Code.
- 2.18 *Website*⁹ refers to any website, or part of a website, managed by or on behalf of an alcoholic drinks producer for the promotion of its brand(s) primarily to the UK market and over which the producer has editorial control.

⁹ The CAP non-broadcast Code covers advertisements and other marketing communications by or from companies, organisations or sole traders on their own websites, or in other non-paid-for space online under their control, that are directly connected with the supply or transfer of goods, services, opportunities and gifts, or which consist of direct solicitations of donations as part of their own fund-raising activities.

3. Rules for naming, packaging and promotion

- 3.1 The alcoholic nature of a drink should be communicated on its packaging with absolute clarity¹⁰
- 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;
 - (b) suggest any association with bravado, or with violent, aggressive, dangerous, anti-social or illegal 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)¹¹;
 - (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;

¹⁰ 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

¹¹ For further information on the sponsorship of activities, see the Portman Group Code of Practice on Alcohol Sponsorship and supporting guidance.

- (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)¹²;
- (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, can enhance mental or physical capabilities, or change mood or behaviour.

3.3 A drink's name, its packaging and any promotional material or activity should not cause serious or widespread offence.

¹² See footnote 10 above.

4. **Advisory Service**

- 4.1 As well as operating the Code of Practice, the Portman Group offers a free, fast and confidential Advisory Service to assist the industry in marketing their products responsibly.
- 4.2 The Advisory Service offers drink producers and their agencies an opportunity to seek advice on the packaging, marketing and promotion of a drink covered by the Code prior to launch or re-launch. This service is designed to help producers avoid breaching the Code in the first instance.
- 4.3 Requests for advice can be sent to advice@portmangroup.org.uk and should be accompanied by visuals of the product and/or full details of the promotional activity. Advice is normally given within two working days of the request being received.
- 4.4 Although the Portman Group's Advisory Service is intended to help the industry avoid problems, the following points should be noted:
 - 4.4.1 The Advisory Service does not constitute any kind of approval or endorsement by the Portman Group.
 - 4.4.2 Whilst using the Advisory Service can help to reduce the risk of complaints, there is no guarantee that complaints will not arise. The Advisory Service is independent of the Independent Complaints Panel that considers complaints under the Code and advice offered by the Advisory Service does not bind the Independent Complaints Panel to a decision either to uphold or to dismiss a subsequent complaint.
 - 4.4.3 Advice is non-binding and in no way affects a company's own obligation to ensure that its products and promotional materials and activities comply with the Code. Any reliance placed on the advice is at the company's own risk. The advice is given without liability on the part of the Portman Group for any loss

suffered as a result, howsoever arising. The advice is given for the sole use of the company to whom it is addressed, and no responsibility is accepted to any third party for its contents.

- 4.4.4 Advice is offered on a confidential basis. The Portman Group therefore will not disclose to any third-party advice that has been given and a company must not use or mention the Portman Group's advice as part of any advertising or promotional message or present it as an endorsement of the product.

5. Complaints

The Independent Complaints Panel

- 5.1 The Chair of the Independent Complaints Panel (Panel) is appointed through an open and transparent process consistent with the standards used in making public appointments. The Chair appoints other Panel members following a national recruitment process. The Panel shall not include any person currently employed by the Portman Group or any of its member companies.
- 5.2 Details of the Panel's membership are available on the Portman Group's website and on request. The Chair plus two members of the Panel constitute a quorum and decisions are made by majority voting. In the case of a tied vote, the Chair shall have the casting vote. 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.
- 5.3 The Panel is supported by a Code Secretariat which is provided by the Portman Group.

Making complaints

- 5.4 Complaints can be submitted via the complaints form on the Portman Group's website¹³ or emailed to complaints@portmangroup.org.uk. Complaints may be sent in writing to the Secretary to the Independent Complaints Panel, Portman Group, Fourth Floor, 20 Conduit Street, London W1S 2XW. The complaint must be direct and in writing. The complainant must provide valid contact details. This should be a name and email, postal address or valid telephone number; this is purely for verification purposes. The complainant must identify the specific

¹³ www.portmangroup.org.uk

¹⁴ If insufficient verification information has not been provided, or the source does not respond to requests for the required details within the required time, the case will not proceed.

product/promotion and why it considers it to be in breach of the Code. If possible, visual evidence to support the complaint should be attached such as a photograph of the product, a physical sample or details of the outlet or other activities involved.

- 5.5 Before processing a complaint, the Code Secretariat will seek confirmation that no legal action between the complainant and the company is underway or is currently intended to be initiated by either party about the subject matter of complaint. The Portman Group will not normally get involved in matters that are the subject of legal action.

Complainant's Identity

- 5.6 Where a complaint is referred to the Panel for investigation and a decision is published:

- names of members of the public who make complaints will be kept confidential from the producer, other than in exceptional circumstances when permission would first be sought from the complainant;
- complainants who are competitors, organisations or individuals with a direct, or commercial interest in either the alcohol industry or the product/company concerned will be named¹⁵;
- the Portman Group will be named where it acts in lieu of a complainant^{16 17}.

- 5.7 Where a complaint is resolved via the Informal Resolution Process only the category of the complainant will be named¹⁸.

¹⁵ Such as non-governmental organisation (NGO) or public health body.

¹⁶ The Portman Group will not act in lieu of competitor complaints or those with a commercial interest.

¹⁷ Where a third party was the original source of the intelligence, the category of complainant will be recorded in the Panel's decision although no further details will be made public.

¹⁸ The categories of complainant will be: i) member of the public ii) competitor (if the company is also a member of the Portman Group, this will be specified) iii) an organisation or individual with a direct, or commercial interest in either the alcohol industry or the product/company concerned, such as a non-governmental organisation (NGO) or public health body, iv) the Portman Group or v) other.

Preliminary investigation

- 5.8 Upon receipt of a complaint, the Secretary to the Independent Complaints Panel (the Code Secretariat) will acknowledge receipt of the complaint.
- 5.9 The Code Secretariat will investigate all matters that are brought to its attention¹⁹. The only exceptions to this being advice given by the Portman Group Advisory Service, which is provided on a confidential basis, and complaints from competitors or those with a commercial interest, who are unable or unwilling to be named. The Portman Group can, if appropriate, refer an issue to the Panel, in which case the Portman Group will act in lieu of a complainant²⁰.
- 5.10 The Code Secretariat will forward the complaint to the Chair of the Independent Complaints Panel (the “Chair”) to consider whether the complaint is appropriate for the Informal Resolution Process or should be considered by the full Panel. Based on the complainant’s basis of complaint the Code Secretariat will highlight the relevant Code section(s) that the matter should be considered under, as well as any other relevant factor(s)²¹.

¹⁹ See Paragraph 5.4 and footnote 14 for the type of contact and details required to bring matters to the attention of the Portman Group.

²⁰ For the purposes of sections 4 and 5 of the Code, the ‘Portman Group’ refers to the Portman Group Executive only and not to its member companies.

²¹ This can include whether the product continues to be available for purchase, or the promotion is currently running, in the UK.

Informal Resolution Process

- 5.11 The Chair has the discretion to allow the complaint to be considered through an Informal Resolution Process. The Chair may decide that a matter is suitable for the Informal Resolution Process 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 significant non-compliance with the Code on the part of the company concerned²².
- 5.12 If the Informal Resolution Process is deemed appropriate by the Chair, the Chair will pass responsibility for resolving the matter to the Code Secretariat. The Code Secretariat will contact the producer or company involved²³ to inform them that a complaint has been received. The company has five working days to respond indicating whether they would be agreeable to the Informal Resolution Process, or whether it wants the case considered by the full Panel.
- 5.13 If the company is agreeable to the Informal Resolution Process, it must provide a written assurance that the product or promotion will be suitably amended or withdrawn. The company must then work with the Portman Group's Advisory Service to agree amendments to bring the product/promotion in line with the Code. The complainant will be notified of the outcome.

²² The number, nature and severity of any previous Code breaches, in relation to the size of the company, will be taken into consideration.

²³ This will normally be the producer or, in the case of products produced outside the UK, the importing distributor as well. In the case of a drink being sold in combination with other products within an enclosed package, this may be the third party responsible for the packaging.

- 5.14 Wherever possible, the Code Secretariat aims to agree an outcome for all Informal Resolution cases within 35 working days of the Panel Chair agreeing to the process.
- 5.15 Any timescale agreed for remedial action is at the discretion of the Portman Group and will vary depending on the nature of the action to be taken but will not normally exceed three months.
- 5.16 Where a complaint is resolved through the Informal Resolution Process, the case will be published as such on the Portman Group's website, which will give the name of the company, the category of complainant the date and the type of activity (e.g. packaging, point-of-sale). No press release is issued to the media.
- 5.17 The Panel is the final arbiter of the Code; if a subsequent complaint is received about a product, promotion or piece of marketing activity that has previously been amended through the Informal Resolution Process, the matter will automatically be referred to the Panel for decision²⁴.
- 5.18 Where a complaint is resolved under the Informal Resolution Process only the category of the complainant will be named²⁵.

²⁴ This is consistent with the position set out in Code paragraph 5.24.

²⁵ The categories of complainant will be: i) member of the public ii) competitor (if the company is also a member of the Portman Group, this will be specified) iii) an organisation or individual with a direct or commercial interest in either the alcohol industry or the product/company concerned, such as a non-governmental organisation (NGO) or public health body, iv) the Portman Group or v) other

Investigation by the Independent Complaints Panel

5.19 Cases will be referred for investigation by the Panel where the Informal Resolution Process is not appropriate. That includes but is not limited to where:

- the Chair considers that there is merit in the case being heard by the Independent Complaints Panel, this can include where the case has the potential to set a precedent for future decision making.
- a company is offered the opportunity to resolve a complaint on an Informal basis, but is not willing or able to do so;
- a case is not clear cut²⁶;
- a company agrees to resolve a complaint on an Informal basis but fails to carry out the required remedial action;
- the company concerned has a history of non-compliance with the Code.

5.20 The company is given up to 10 working days to respond fully to the complaint. The Code Secretariat then prepares a 'dossier' of information about the complaint, and any response from the company is incorporated into the dossier. The dossier is sent to both the company and the complainant, who both have up to 5 working days to make any additional comments. If the complainant raises any further points, the dossier is amended to include them. The company is given a further 5 working days to respond and any response is incorporated into the dossier. The final version is then sent to both the complainant and the company before going to the Panel for consideration.

5.21 The Panel meets to consider the product's packaging or promotion after having an opportunity to study the dossier. The Panel is not bound to restrict its consideration of the product's packaging or promotion to the narrow terms of the complaint but may consider

²⁶ This decision is made by the Chair.

the packaging or promotion under any section of the Code that it considers relevant, regardless of whether this section relates to the specific complaint or has been highlighted in the dossier by the Code Secretariat or otherwise.

- 5.22 The Panel will be informed if a company sought advice relevant to the product/promotion it is considering. The Panel need not be informed if the company did not follow the advice given, unless the company's response refers to the advice in a potentially misleading way, in which case copies of the relevant document(s) will be included with the Panel's meeting papers. However, in reaching its decisions, the Panel shall not be bound by the views expressed or advice given by the Portman Group's Advisory Service.
- 5.23 The Panel may seek expert assistance at any stage. Should this be required, the name of the expert and details of his or her opinion are made available to the company, which will be given 10 working days to respond in writing.

Independent Complaints Panel's Decision

- 5.24 If at its first full consideration of the complaint the Panel does not find a product's packaging or promotion in breach of the Code, the decision is final, and both the complainant and the company will be notified of the Panel's decision. In these cases, the Panel may consider other complaints against the same product which may be made in the future, provided they are based on different grounds, changed circumstances or relate to amended or new packaging or promotional material or activity.
- 5.25 If at its first full consideration of the complaint the Panel decides that a product's packaging or promotion is in breach of the Code, the decision is provisional. The company is advised of the provisional decision and, if it wishes to contest the provisional decision, it can do so by submitting further written representations to support its case within 10 working days of notification of the provisional decision. If a company does not challenge a provisional decision, that decision will automatically become final.

- 5.26 Following its provisional decision the Panel will consider any additional representations from the company and will then make a final decision. The complainant and the company will be informed of the final decision. When the Panel has reached a final decision, it will not consider further representations from the company unless the company presents fresh information which became available to it after the final decision and before any enforcement action.
- 5.27 All Independent Complaints Panel decisions are published on the Portman Group's website, via a press release shortly after decisions have been made final and in an annual report which is available to the Government, alcohol interest groups, police, licensing authorities, the media and members of the public who request it.
- 5.28 The time limits set out above may be extended or shortened at the discretion of the Code Secretariat. Subject to the above points, the Panel will determine its own procedures, having regard to the principles of natural justice. In particular, the Panel will not be bound by any enactment or rule of law relating to the admissibility of evidence in legal proceedings.
- 5.29 Where a complaint is referred to the Panel for investigation and a decision is published the publication of the complainant's identity will be consistent with paragraph 5.6.

6. Enforcement

Following Investigation by the Independent Complaints Panel

- 6.1 A company whose packaging or promotion is found in breach of the Code will be asked to take appropriate action to comply with the Code in line with the Panel's decision.
- 6.2 In the case of a Code breach concerning a drink's packaging or point-of-sale material, a timetable for implementing the necessary changes will be notified in writing to the company concerned. The timetable for action will not normally exceed three months after the notification to the company of the final decision and may at times be longer or shorter, if appropriate.
- 6.3 The Portman Group may notify retailers via a Retailer Alert Bulletin (RAB) of the decision taken by the Panel and request them not to replenish stocks of any product whose packaging has been found in breach of the Code and/or any point-of-sale material found in breach of the Code, after the date specified by the Portman Group. For the avoidance of doubt, any such request will not require retailers to dispose of existing product stocks other than by normal retail sale and shall not require retailers to terminate any existing contractual commitment for the purchase or sale of such a product.
- 6.4 Producers and retailers are encouraged to include a clause in their supply contracts to provide for the amendment of a product's packaging within a three-month period following an upheld complaint.
- 6.5 The Portman Group may also notify relevant breaches of the Code to Local Government Regulation; this may in some cases lead to prosecutions under appropriate legislation, such as the Food Safety Act 1990, Regulation EU 1169/2011 on food information for consumers, and the Food Information Regulations 2014.

- 6.6 Other appropriate third parties may also be notified of a Code breach, for example internet service providers, trade associations and monitoring organisations.
- 6.7 If a retailer continues to stock a product or display point-of-sale material which has been found in breach of the Code by the Panel, the Portman Group may notify the relevant licensing authority. The Portman Group may also notify an interested party or responsible authority such as the Police or Trading Standards, who may make representations about the impact of such a breach upon one or more of the licensing objectives set out in the Licensing Act 2003²⁷ and Licensing (Scotland) Act 2005. These bodies also have the power to apply for a review of an existing licence, which can result in the licence being modified, suspended or revoked. The Portman Group may also notify Government and the media about a retailer's failure to support the decision of the Panel.
- 6.8 In the event that a Portman Group member company chooses not to make the required changes to their product, representatives shall be asked to explain their position to the Portman Group Council and the company may be expelled from membership. Should any Code Signatory other than a member company not adhere to a Panel decision, it may be removed from the list of Signatories by the Portman Group Council.
- 6.9 The Portman Group may resubmit to the Panel any product which has been subject to an adverse decision, and has been amended by the company concerned, but which, in the opinion of the Portman Group, fails to take account of the Panel's objections. In such cases, the company will be notified and invited to make any further written representations within 10 days. A decision will normally be taken by the Panel within three weeks of the complaint being remitted.

²⁷ Guidance issued under Section 182 of the Licensing Act 2003 states that licensing authorities should, in the exercise of their licensing functions consider whether it is appropriate to impose conditions on licences that require the licence holder to comply with our 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.

- 6.10 If the Panel decides that the amended design does not meet the Code's requirements, the Portman Group may immediately issue a repeat notification to retailers, urging withdrawal of the product as soon as possible and an end to further orders with immediate effect.

Following Informal Resolution Process

- 6.11 Where a company takes appropriate action to resolve a matter through the Informal Resolution Process and within the agreed timescales, no further enforcement action will be taken.
- 6.12 However, should a company fail to act as agreed, and is unable to provide adequate justification for its failure to do so, the complaint will be reopened and will be referred to the Panel for decision. The Panel's decision will record the details of the company's non-compliance.

Annex 1: Best Practice Guidelines

These guidelines offer advice on a set of socially responsible actions that go over and above the minimum standards required under the Code. The annex is based on best practice initiatives which the Portman Group's member companies have pioneered and implemented.

This annex does not form part of the Code's requirements and failure to comply with the advice in this annex does not constitute a breach. However, companies are strongly encouraged to adopt this best practice wherever possible to demonstrate their commitment to using their brands positively to encourage responsible drinking.

Promotion of drinkaware.co.uk

Drinkaware was originally created by Portman Group members to provide public education on alcohol issues. Drinkaware, and its website drinkaware.co.uk, is now a wholly independent alcohol education charity which aims to reduce alcohol-related harm by helping people make better choices about their drinking. It carries full and accurate information in a format that is both consumer-friendly and easily accessible. Companies should, wherever possible, feature the website address on brand labels, advertising and websites so that consumers are readily directed to an authoritative source of advice and information on responsible drinking.

Drinkaware.co.uk is a registered trademark. Anyone wishing to use this needs to purchase a valid licence agreement from Drinkaware. For further information on use of the Drinkaware logo or to obtain a trademark agreement, email **logos@drinkaware.co.uk**

Influencing retailers

Drinks producers can, through their various marketing channels, help raise the profile of, and promote their own commitment to, the Code and its principles.

Code Signatories may, if they wish, adopt the following line in corporate communications to show their commitment to the Code and its handling procedures:

“X is a Code signatory to the Portman Group’s Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks”.

Companies should take all necessary steps to ensure that their brands are not used as part of irresponsible promotions. To this end, they should review their terms and conditions of supply and promotion contracts to tie retailers as strongly as possible to responsible standards of brand promotion.

Staff training

Product development and marketing teams, as well as external advertising, marketing and PR agencies should be fully aware of the Code and be regularly trained on its application. If training is provided in-house, regular checks can be made with the Portman Group to ensure that it is comprehensive, accurate and up-to-date.

The Portman Group’s Alcohol Marketing Accreditation²⁸ can be delivered free of charge in a seminar format or via our online training platform. Further information can be requested from the Training Team, email **training@portmangroup.org.uk**.

Pre-launch advice

Drinks producers are strongly advised to seek free and confidential guidance from the Portman Group's Advisory Service before launching a new product or promotion to help ensure compliance with the Code (see section 4 of the Code for full details). Companies should also refer to the topic-specific guidance and previous Panel decisions. Separate guidance on each Code rule is available, including on the following topics:

- How the Code Works
- Multi-purchase, on-trade promotions
- Sampling
- Gift packs containing alcohol
- Alcohol sponsorship

Guidance can be downloaded from **www.portmangroup.org.uk** or by emailing **advice@portmangroup.org.uk**.

Useful Contacts

Portman Group Code Advisory Service

advice@portmangroup.org.uk

Tel: 020 7290 1460

Advertising Standards Authority

Mid City Place

71 High Holborn

London

WC1V 6QT

Tel: 020 7492 2222

www.asa.org.uk

The ASA deals with complaints about advertisements in both broadcast and non-broadcast and digital media.

Committee of Advertising Practice

Mid City Place

71 High Holborn

London

WC1V 6QT

Tel: 020 7492 2100

www.cap.org.uk

CAP offers advice on non-broadcast advertising.

Clearcast

4 Roger Street

2nd and 3rd Floor

London

WC1N 2JX

Tel: 020 7339 4700

www.clearcast.co.uk

Clearcast provides a pre-clearance service for television advertising.

Drinkaware

Finsbury Circus (Salisbury House)
3rd Floor (Room 519)
London
EC2M 5QQ
Tel: 020 7766 9900
www.drinkaware.co.uk

Drinkaware is an independent alcohol education charity which aims to reduce alcohol-related harm by helping people make better choices.

Ofcom

Riverside House
2a Southwark Bridge Road
London
SE1 9HA
Tel: 020 7981 3000
www.ofcom.org.uk

Ofcom is the communications regulator regulating TV and radio sectors, fixed line telecoms, mobiles, postal services and the airwaves over which wireless devices operate.

Radiocentre

The Radio Centre
6th Floor
55 New Oxford Street
London
WC1A 1BS
Tel: 020 7010 0608
www.radiocentre.org

The RACC provides a pre-clearance service for radio advertising.

[illegible]



Portman Group

20 Conduit Street,
London,
W1S 2XW

T: 020 7290 1460

E: advice@portmangroup.org.uk

W: www.portmangroup.org.uk