



## Guidance Note

### **Rule 3.2(c): Associations or allusions to illicit drugs**

**March 2019**

## **Rule 3.2(c): Associations with, acceptance of, or allusion to illicit drugs**

*This guidance is intended to help drinks producers comply with the Portman Group's (PG) Code of Practice on the Responsible Naming, Packaging and Promotion of Alcoholic Drinks. This guidance represents the opinion of the Advisory Service. Please note that the Independent Complaints Panel (Panel) is the final arbiter on how the Code should be interpreted and applied. Following the advice in this document is no guarantee that a product's packaging or promotion will not be found in breach of the Code if a complaint is received. The guidance will be updated regularly to reflect the views of the Panel.*

*The fundamental principle is that the Code is applied in the spirit as well as in the letter and to both direct and indirect claims. 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 and any other relevant matters, including the overall impression conveyed. It is therefore difficult to say whether a particular product name, image or statement on a drink's packaging or in a promotion is acceptable under the Code without seeing/considering it in context. Companies are therefore encouraged to make use of the free Advisory Service before undertaking promotional activities or launching products to help ensure that they comply with the Code.*

*The Code sets the minimum standards; producers may have their own internal marketing guidelines which go above and beyond what is required of them under the Code.*

### **Introduction**

Code paragraph 3.2(c) requires that a drink's naming, packaging, promotional material or activity should not, in any direct or indirect way, suggest any association with, acceptance of, or allusion to, illicit drugs. The naming, packaging or promotion of alcoholic drinks should not be associated with any form of illegal or illicit drug, or drugs paraphernalia.

Producers have most commonly fallen foul of Code rule 3.2(c) by naming their drink after a drug (e.g. Cannabis Vodka), using images associated with drugs (e.g. marijuana leaves) or playing on the illicit ingredients within their product (e.g. hemp seeds); see explanations below.

### **Application of the Rule**

#### **Names**

- Product names should not include the names of drugs. Words or phrases from contemporary drug culture should be avoided. In 2009, a complaint against a product called [Speedball](#) – which is slang for a mix of heroin and crack cocaine - was upheld because the Panel concluded that the name in conjunction with the packaging claim 'class A ale' sought to present the product as akin to an illicit and dangerous drug.

- While a word or phrase known only in relation to drugs or drug culture is unlikely to be acceptable (i.e. Mary Jane, spliff, bong), a word or phrase more commonly known by another meaning might be acceptable in some circumstances (i.e. blow, snow, dice). However, as with all product names, the context provided by other text and images on the label is important because it will determine how the name is understood. In 2002, the Panel ruled against [Crack Ice](#). They decided that the word 'crack' was made problematic by the presence of the words 'buzz' and 'illicit' on the front and rear of the product label, suggesting an association with the illegal drug crack cocaine.

## Hemp

- Many of the complaints received under rule 3.2(c) have been about cannabis-flavoured drinks. The rule does not necessarily prevent hemp-based drinks from stating that they are made from hemp, provided this is done in a straightforward, factual way.
- The Panel will determine whether references to hemp go beyond mere factual references by considering the packaging as a whole. If the packaging of a hemp-based drink alludes in any way to the illegal use of hemp, for example by using the term 'cannabis' or even simply by featuring an image of a cannabis leaf, the Panel will find that packaging in breach of the Code.

## Illustrations

- Illustrations of drugs, such as marijuana leaves, or drug paraphernalia are likely to be found in breach of the Code. Packaging designs which include patterns, images, or text which reference drug induced hallucinations or a mind-altering states are also likely to be problematic.

## Experiential

- With drugs playing a part in Sixties counterculture, producers creating experiential events or experiences which draw on this culture should be careful to avoid references to illegal drugs such as marijuana and LSD. As both drugs are known to change a consumer's perception of reality, producers should avoid any suggestion that consumers will have their sense of perception altered. See Guidance Note on T Rule 3.2(j): Therapeutic qualities, enhancing mental and/or physical capabilities and change in mood or behaviour.

## Previous cases

- The Panel considered that the brand name of [Cannabis Vodka](#) was the name of an illicit drug and, as such, it had made a direct allusion to an illicit drug. They also considered that the prominent use of a cannabis style leaf on the front label constituted an indirect allusion to cannabis. The complaint was upheld.

- In 2002, the Panel upheld a complaint against [Logan Original Hemp Vodka](#). The Panel considered that the reference to 'hemp' would be seen by consumers as an allusion to cannabis. There were also hemp seeds contained in the drink which the Panel took to be a further reference to cannabis, as was the green leafy imagery on the label when used in this context.
- Also in 2002, the Panel ruled against [Crack Ice](#). They decided that the word 'crack', taken together with the word's 'buzz' and 'illicit', which appeared on the front and rear of the product, suggested an association, whether or not such an association was intended, with the illegal drug crack cocaine.
- A beer called '[Speedball](#)' was deemed "grossly irresponsible" by the Panel in 2009. The beer was named after the practice of mixing heroin and crack cocaine which has both a stimulant and sedative effect. The Panel considered that Brewdog sought to present the product as akin to an illicit and dangerous drug. It believed this encouraged people to drink the product primarily for its psychoactive properties. It was concerned that the blurring of alcohol and illicit drugs in this way not only fostered inappropriate attitudes to drinking but furthermore trivialised drug misuse.
- A complainant in 2009 believed the expression "intergalactic fantastic" on the label of [Tokyo\\* Beer](#) was claiming the drink had hallucinogenic qualities, but the Panel disagreed. They said it was unlikely to be seen as alluding to illegal drugs or their effects and found the product's packaging to be not in breach of Code paragraph 3.2(c).

### **The Portman Group's Advisory Service**

The above guidance should help you to avoid problems under the Code. If you are in any doubt, however, as to whether your proposed activity conforms to the Code you can seek free, fast and confidential advice from The Portman Group's Advisory Service. To obtain advice, please telephone The Portman Group on 020 7290 1460 and ask for the Advisory Service. Alternatively, email your request to [advice@portmangroup.org.uk](mailto:advice@portmangroup.org.uk), with full details of the proposed activity.