



## Guidance Note

### **Rule 3.2(g): Rapid or “Down-In-One” Drinking**

**March 2019**

## Rule 3.2(g): Rapid or “Down-In-One” Drinking

*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(g) requires that a drink’s naming, packaging and promotion does not urge consumers to consume a drink rapidly or “down-in-one”. This is because this is a functional style of drinking whereby alcohol is consumed primarily for its effect rather than its taste. It is a style of drinking that can easily lead to intoxication and is not readily associated with sensible and responsible consumption.

It should be remembered that the Code regulates the industry’s marketing behaviour to ensure it is responsible. It cannot, and does not seek to, regulate consumer’s drinking behaviour. This rule therefore seeks to ensure that drinks producers do not advocate an unwise style of drinking. If consumers nonetheless choose to drink particular products in an irresponsible way, that is their personal responsibility. It does not necessarily mean that the products themselves are in breach of the Code.

### Application of Rule

The rule applies to all alcoholic drinks. It might be expected, however, to impact more on the marketing of certain types of product than others. In particular, it might impact on the marketing of single-measure spirit drinks because it is these that may occasionally have been marketed in such a way as to urge rapid or “down-in-one” consumption by the consumer.

The wording of the rule means that breaches are perhaps most likely to occur through the language that is employed on packaging and in promotional material, rather than through visuals or packaging design. This is because it is easier to urge consumers to adopt a particular drinking style through words rather than through an image or style of packaging.

### **Words/Names**

The name or descriptor of a drink may cause a problem under the Code. For example, we consider that the terms “shooter” or “slammer” so strongly imply a particular style of consumption that their use on a drink’s packaging is likely to cause the ICP to find the product in breach of the Code. We would therefore advise companies not to describe their products in this way or to use variants that could be interpreted similarly (e.g. “shooter”, “shuter”). See the upheld complaint against [Slingshots](#).

The term “shot” might also be argued sometimes to imply rapid or “down-in-one” consumption. We believe that “shot” is more ambiguous than “shooter” or “slammer” in that it might also be taken to imply a small measure of drink rather than a particular style of consumption. Although there is an undoubted risk in the use of the term, we consider that the description “shot” should not, in itself, cause a product to breach the Code.

### **Phrases**

Explicit advice to adopt this style of drinking would be expected to be found in breach of the Code. For example, instructions on the side of a container stating “Open lid, tip back head and consume” or a strapline on a point-of-sale poster saying “Knock it back” alongside a pack shot, are likely to be a problem under the Code.

### **Images**

The Panel may also find a product or promotion in breach of this Code rule because of an image - an image on a point-of-sale poster of, for example, someone drinking with their head tilted far back could well provide the Panel with sufficient reason to find the poster in breach of the Code.

### **Product Design**

If a product cannot be resealed and cannot easily be set down, then such packaging design has an increased risk of breaching the Code for effectively urging ‘down-in-one’ consumption. In 2008, the Panel ruled against a sachet called [ShotPak](#). To open the drink, consumers had to rip off the top of the sachet. The Panel noted that this meant the sachet could not be re-sealed once opened and considered that the soft packaging did not lend itself easily to being set down. It considered that it would be difficult for the consumer to do anything other than down the contents in one go.

The most common type of packaging caught by this rule have been test tubes. In 2009, the Panel ruled against a number of drinks in test tube containers. Even though the drinks only contained a moderate amount of alcohol (0.3 units) and could in theory be resealed and stood upside down

on their lids, the Panel considered the packaging format, by its very nature, was encouraging rapid consumption. (See decisions against: [Rampant TT's](#), [Mmwah!](#)). The Panel's position on test tubes, however, was overturned the following year after they requested the Portman Group to commission independent research commissioned into how test tubes were consumed. The research showed that it was highly likely that a test-tube drink would be consumed 'down-in-one' by the drinker. Also, only a minority of drinkers cited the test-tube design as the cause of this drinking behaviour; drinkers were more likely to claim that they drank the product 'down-in-one' because of the small volume of liquid in the test-tube. In light of the evidence that had been made available and considering the relatively small quantity of alcohol contained in each test-tube, the Panel considered that test tubes were unlikely to cause harmful drinking behaviour and did not breach the spirit of Code in terms of urging 'down-in-one' consumption. As a result, the complaints about [Shootaz](#), [Quivers](#) and [Shot in a Tube](#) were not upheld.

There could be other instances in which a product, by virtue of its design, is found in breach of the Code. For example, if there were a single-serve container that contained a device which caused a novelty reaction shortly after opening (e.g. foaming) and therefore required the consumer to drink the product quickly before this occurred.

In 2012, a complaint was received about [Suck & Blow](#). The product was designed so that one person blew half the contents of the tube into the receiver's mouth while the receiver sucked, and then the receiver blew the remaining contents back to the other person. The company explained that product could be consumed by one person and it was an individual's choice as to whether to involve a partner. The Panel considered that the product's design, where one person blew the contents into another person's mouth, lent itself to being 'downed-in-one' and so found the product packaging in breach of Code paragraph 3.2(g).

The rule is unlikely to impact on containers like shot glasses, as the consumer can choose to hold the shot glass and set it down between sips.

### **Point-Of-Sale Activities**

Provided that a drink conforms to the above guidelines, there is no reason why it should not be promoted at point-of-sale. Drinks producers should be careful, however, that activities at point-of-sale do not urge consumers to drink rapidly or “down-in-one”. For example, promotional staff offering samples should not “countdown” in expectation of the consumer ‘downing’ the drink. Furthermore, activities where the consumer does not have control of the alcohol being consumed (for example, shot luges or squirt guns) risk being found in breach of the Code.

### **Overall Context**

Drinks producers are reminded that, as ever, products or promotions will be judged under the Code on their overall appearance and in their overall context. Therefore, a product descriptor and a product design may not individually be a problem under the Code but in combination they convey such a strong impression that a drink is to be consumed rapidly that the Panel regards it as in breach of the Code.

## 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.