

Guidance Note Quick Read - Illegal, irresponsible or immoderate consumption

Producers are encouraged to read the full guidance document for full advice, but a quick read of the key points can be found below.

The Rule

- Code paragraph 3.2(f) requires that a drink's naming, packaging or promotional material or activity does not in any direct or indirect way encourage illegal, irresponsible or immoderate consumption, such as drink-driving, binge-drinking or drunkenness. There are three elements in which this rule can be applied which will also differ depending on the medium, i.e. packaging or promotional activity.

Immoderate Consumption

Packaging

- The Advisory Service recommends that containers which are typically single-serve, and whose contents are typically consumed by one person in one sitting, should not contain more than four units. Research suggests that consumers tend to understand single serve non resealable containers to be cans or bottles of beer/cider 500ml in size or below. Having more than four-units in a single-serve container will not automatically result in a product being found in breach of the Code. The Panel will consider various mitigating factors under this rule, for instance if the product contains a share message or per serve recommendation. To review the list please read our full guidance document.
- Whilst the Panel is likely to consider mitigating factors for single-serve containers that contain more than four-units, it is the view of the Advisory Service that single-serve non-resealable containers which contain upwards of six units will be difficult to rationalise, even with mitigating factors.

Panel precedents - [Double 99](#), [Karpackie](#), [Oranjeboom](#).

Words, phrases and imagery

- Words or phrases which might be seen as describing the effect of excessive consumption (for example, 'Wasted', 'Smashed') will be problematic under the Code (on packaging and/or in promotions) and should be avoided. Words which refer to a lengthy period of consumption, for example 'having a session' should also be avoided. However, it is the view of the Advisory Service that 'session' when used as 'session IPA' for example, may be acceptable where it is clearly communicating a lower strength IPA. If 'session IPA' were used alongside other elements though, which inferred intoxication, it may be found to be a contributing factor in a breach of the Code. Similarly, including images on packaging which depict intoxication, even indirectly, are unlikely to be acceptable.

Panel precedents - [Easy IPA](#), [Piggin' Drunk Ale](#).

On-trade Promotions

- The Advisory Service recommends that a consumer should not be encouraged to drink more than 4 units in one sitting in on-trade drinks promotions.

- If a promotion requires the purchase or consumption of more than four units, promotional material should make clear that the alcohol is intended for shared consumption. The 'share' message can be communicated through words or imagery, i.e., by depicting several glasses or people in the communication.
- Drinking games, particularly those that involve speed drinking, are likely to lead to drunkenness. This is because participants in such games abdicate their personal responsibility to decide when and how much alcohol to consume and instead allow the rules of the game to determine drinking behaviour. Any reference or allusion to drinking games, or the 'ritual' involved, will be in breach of rule 3.2(f) of the Code.
- Round-buying or a 'round' usually requires each person in a group to take their turn to buy a drink for each individual in the group. If there is any suggestion that there is a repeat pattern of drinking, the reference to 'round-buying' or 'rounds' will be unacceptable under the Code for implying immoderate consumption.

Irresponsible consumption

- Alcohol marketing can be found to be in breach of Code rule 3.2(f) if it encourages irresponsible consumption and does not need to simultaneously encourage immoderate consumption to be problematic.
- Similarly, serving 'shared' drinks in large containers, such as a fishbowl, without providing a way for the consumer to decant the drink (and therefore gauge how much alcohol they are consuming) is also likely to be considered as encouraging irresponsible consumption.
- Encouraging consumers to drink at a time which would be socially irresponsible, before an exam for 'luck' for example, or before going to work, are likely to be seen as encouraging irresponsible consumption.
- It is not just direct encouragement to drink alcohol irresponsibly that can breach this Code rule, as indirect claims will also be captured. For example, if a drink purports to have a therapeutic benefit, then a consumer may be encouraged to drink based on the implied effect gained from the drink, rather than basing consumption on alcohol content. This would indirectly encourage irresponsible consumption and is therefore unacceptable.
- The Advisory Service would recommend against any link between alcohol consumption and driving, regardless of the amount being consumed. This would include instances where alcohol consumption is insinuated, even if it is not actually depicted, before driving. To be clear, this does not prohibit marketing creating an association between alcohol and motor vehicles, however care must be taken there is no encouragement to consume alcohol and drive.

Panel precedents – [Jameson Barrelback promotion](#), [Prescription Gin](#), [Tiny Fast](#), [Engine Organic Gin](#), [Jatt Life](#)

Illegal Consumption

- There are only a few scenarios when consuming alcohol is actually illegal. For example, driving whilst over the alcohol limit¹; or for an unaccompanied under-18 to drink alcohol in a licensed premise. There may also be scenarios where there are local policies prohibiting consumption or carrying open alcohol containers in local areas or transport networks. Any encouragement of such behaviour should be avoided.

1. In England and Wales, the alcohol limit for drivers is 80 mg of alcohol/100 ml of blood and in Scotland 50mg of alcohol/100 ml of blood.