

**Portman  
Group**



**Alcohol**

Responsibility + Marketing Regulation

# Guidance Note - Alcohol Alternatives



**January 2024**

# Summary

## Alcohol Alternatives

This best practice guidance is intended to provide a set of responsible marketing principles for producers of alcohol alternative products (i.e., products with an ABV of 0.5% ABV and below which are marketed as alternatives to alcoholic beverages). This document only provides best practice guidance and does not represent an extension of the Portman Group's regulatory remit; the Independent Complaints Panel will not consider complaints against alcohol alternative products at present as the Portman Group's Codes do not capture products at 0.5% ABV and below<sup>1</sup>. Instead, the Portman Group will now offer free advice from the Advisory Service alongside this guidance document to support the responsible innovation and promotion of the category.

<p><b>1. To minimise consumer confusion, an alcohol alternative drink should make it clear that it is below the threshold to be considered an alcoholic drink. This could be achieved by communicating the product's ABV or using a descriptor where appropriate i.e., alcohol-free.</b></p>	<p>Producers are encouraged to include the product's ABV on packaging and where possible, on accompanying marketing materials.</p>
<p><b>2. A drink, its packaging and any promotional material or activity should not, directly or indirectly, normalise or encourage irresponsible, immoderate or illegal alcohol consumption.</b></p>	<p><u>Pregnancy</u> Therefore, on a precautionary best practice basis, we would advise that products in the alcohol alternatives category do not produce marketing which depicts, or references in copy, an alcohol alternative being consumed during pregnancy or encourages this behaviour</p> <p><u>Depiction of drink-driving</u> Promotional materials that seek to market on the basis of encouraging a switch to enable an individual to drive afterwards should make it absolutely clear that the intention is to encourage consumption of the alcohol alternative.</p> <p><u>Irresponsible alcohol consumption</u> Guidance will not prevent marketing during sporting activities or situations that would be typically dangerous for alcohol consumption, if it is absolutely clear that the product is an alcohol alternative and there is no reference to an alcoholic drink or alcohol consumption.</p>

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<p><b>3. A drink, its packaging and any promotional material or activity should not, directly or indirectly suggest an association between alcohol and social or sexual success.</b></p>	<p>Marketing promotions should not insinuate that sobriety or choosing not to drink in a situation is dull or questionable.</p>
<p><b>4. A drink, its packaging and any promotional material or activity should not, directly or indirectly, have a particular appeal to under-18s</b></p>	<p>As the category is intended for adult consumers, the packaging and marketing of an alcohol alternative must not have a particular appeal to under-18s. Merchandise should not have a particular appeal to under-18s. No merchandise should be intended for use primarily by under-18s, this includes children's clothing and accessories.</p>
<p><b>5. A drink, its packaging and any promotional material or activity should not 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 an alcohol alternative drink, or they are featured in a significant role. Images may be shown where people appear only in an incidental context.</b></p>	<p>Full guidance on this principle can be found <a href="#">here</a> and should be applied in its entirety.</p>
<p><b>6. A drink's name, its packaging and any promotional material or activity should not cause serious or widespread offence</b></p>	<p>Full guidance on this principle can be found <a href="#">here</a> and should be applied in its entirety.</p>

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## Introduction

Alcohol alternative products are intended for adult consumers and should be marketed in a socially responsible manner due to their close association with alcoholic drinks. Alcohol alternatives can have significant crossover with alcohol, an age-restricted product, and the similarities can extend to packaging, language, imagery and alcohol-related descriptors. Such products therefore need to be careful not to appeal particularly to under-18s, promote alcoholic drinks in an irresponsible manner and should minimise potential confusion between the two categories by making it absolutely clear that they are an alternative to alcoholic drinks. These products are not designed for people with an alcohol dependency and these people should seek professional medical advice.

Alcohol alternatives offer consumers a wider range of choice and can be used to moderate overall alcohol consumption as well as being a useful tool to reduce harms such as drink driving. The Portman Group's fifth annual low and no survey, in partnership with YouGov, demonstrated that consumers of alcohol alternative products are using them as part of a responsible and moderate approach to drinking<sup>2</sup>. Guidance therefore recognises the potential public health benefit of the category if these products are used as substitutes to standard strength alcohol products and seeks to provide a clear set of parameters for growth and innovation while providing consumer protection where necessary.

The Portman Group has noted no irresponsible marketing examples in the category within its regulatory remit to suggest that stronger regulatory intervention is required at present. However, the Advisory Service has seen an increase in advice requests from some producers, particularly those with alcohol alternative products that share overarching branding with an alcoholic drink, seeking advice on how to market such products responsibly.



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The Portman Group is conscious that any regulatory action should be proportionate to the real or likely harms and should not unnecessarily restrict a category designed to provide wider consumer choice and help consumers trying to reduce their overall alcohol consumption. Best practice guidance has therefore been introduced to provide a set of pragmatic marketing principles to enable producers to market responsibly. Guidance has been designed to strike a balance between the low risk nature of the category, and the acknowledgement that the category markets on a strong similarity to age-restricted alcoholic products to emphasise an 'alternative'

If the Portman Group is made aware of irresponsible marketing evidence, particularly marketing that that could have a particular appeal to under-18s, it will review whether guidance should be replaced with a Code.



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## Background

- The growth of the alcohol alternatives category reflects the strong commitment from the alcohol industry, and some companies outside it, to broaden the range of options for consumers who want greater freedom of choice and to also broaden the options for those looking to moderate their overall alcohol consumption.
- In the Portman Group's fifth annual survey exploring UK consumer attitudes to low and no alcohol, YouGov polling revealed that the use of low and no products is driven by current alcohol drinkers, with close to three-quarters (71%) at least trying these products, compared to 31% of non-drinkers<sup>3</sup>.
- Nearly a quarter (21%) of those who have tried low and no alcohol say that their subsequent weekly alcohol consumption has decreased since they first tried it. The most cited single reasons for the appeal of low and no alcohol to consumers is that it enables them to drive home and not drink excessively at social events<sup>4</sup>.
- The 2022 polling results confirm the trend shown in the Portman Group's polling results from the last five years which demonstrate that consumers of alcohol alternatives are buying these products as part of a responsible approach to drinking.
- In 2022, Drinkaware published a research report titled 'Alcohol-free and low alcohol drinks'. The research found that half (50%) of high-risk drinkers (AUDIT-C) in 2021 who consumed alcohol-free/low alcohol drinks in the previous 12 months did so to cut down on their alcohol consumption (23% for low-risk drinkers)<sup>5</sup>.
- The qualitative research found that it was a conscious choice not to drink/to drink less when choosing an alcohol-free/low alcohol drink and that it 'generally doesn't encourage people to go on to drink more alcohol'<sup>6</sup>.

## Terminology and Parameters of Guidance

- The Portman Group's regulatory remit is defined in the [Naming, Packaging and Promotion of Alcoholic Drinks Code](#) as:

*'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'.*

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- The definition of an alcoholic drink is also detailed in the Code and captures any pre-packaged alcoholic drink above 0.5% ABV<sup>7</sup>.
- This definition is consistent with Section 191(1)(a) of the Licensing Act 2003 which defines alcohol as a product which exceeds 0.5% ABV. It is also consistent with the UK Broadcast and Non-broadcast Advertising Codes (BCAP and CAP Codes) which define an alcoholic drink as above 0.5% ABV.
- In 2018, the relevant parts of the Food Labelling Regulations 1996 which detailed conditions for how low alcohol drinks could be described, were revoked by the Food Information Regulations 2014. Non statutory guidance was introduced to replace the legislation, but the definitions were maintained<sup>8</sup>.
- The Portman Group recognises that the current descriptors in non-statutory guidance need updating to reflect the latest technological developments in the production methods of these products and consumer needs. We also note that there is a gap in best practice marketing for products at 0.5% ABV and below.
- Therefore, Portman Group guidance for alcohol alternatives will apply to products with an ABV of 0.5% and below<sup>9</sup>.
- As there are currently multiple interchangeable terms<sup>10</sup> for products at 0.5% ABV and below it is not appropriate to use one of them to describe this category at present.
- If the descriptors in non-statutory guidance are revised, Portman Group guidance may be updated to revise the term 'alcohol alternative', if appropriate.
- In the interim, as the category is designed to offer wider consumer choice, the term 'alcohol alternative' has been chosen to reflect the strong association with alcoholic drinks.

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## Definition of an Alcohol Alternative

- There is no statutory definition for an alcohol alternative for marketing purposes<sup>11</sup>. In order to define an 'alcohol alternative', further determining factors need to be applied so that soft drinks are not inadvertently captured by an ABV definition alone.
- Definition of an 'alcohol alternative':

A drink<sup>12</sup> with an ABV of 0.5% and below will be considered an 'alcohol alternative' if it is marketed as such. Factors that will determine whether a product is being marketed as an alcohol alternative could include:

- The alcoholic strength by volume on packaging or used in marketing;
- A descriptor from the Department of Health and Social Care's 'Low-alcohol descriptors: guidance'<sup>13</sup>;
- Language that is consistent with alcoholic drinks including cocktail names or descriptors/references that are similar to the name of an alcoholic drink<sup>14</sup>;
- Packaging that is similar to an alcoholic drink;
- References to an absence of alcohol i.e. 'no alcohol or zero alcohol'
- Shared branding with an alcoholic drink.

The above is not an exhaustive list.

- For consistency with the Portman Group's regulatory remit for alcoholic drinks, it is outside the scope of this guidance to consider misleading advertising i.e. whether a product can be labelled with a certain descriptor on packaging and/or in accompanying marketing. Where appropriate, we would encourage producers to seek advice from Trading Standards or [CAP's Advice Team](#).
- It is a company's responsibility to ensure that any drinks packaging or promotional activity it undertakes complies with applicable laws and regulations.
- The Portman Group can only issue guidance and producers may choose to take a different approach within the law.



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## Shared Branding and Cross-Promotional Marketing

- Portman Group research<sup>15</sup> shows that the availability of an alcohol-free version of a consumer's usual drink is a powerful factor in switching to an alcohol alternative. Some alcohol alternatives are part of a broader alcoholic drinks range and therefore share the same branding as alcoholic drinks.
- In the Portman Group's fifth annual survey exploring UK consumer attitudes to low and no alcohol, YouGov polling revealed the majority (85%) of low and no drinkers entered the category through a brand-share product, compared to 15% who entered the category through a product independent of any alcohol branding<sup>16</sup>.
- The 2022 Drinkaware report 'Alcohol-free and low alcohol drinks' found that the resemblance between alcohol-free/low alcohol drinks to alcoholic drinks was a 'key reason to choose these products over other non-alcohol options' as they looked, tasted and felt like alcohol and were a useful moderation tool for drinkers<sup>17</sup>.
- Alcohol alternative products that share branding with an alcoholic drink, will not be treated as inherently cross-promotional for the purposes of this best practice guidance, but marketing must make it absolutely clear that the product is an alcohol alternative.
- Producers are therefore encouraged to include clear references to the product's ABV and ideally use a recognisable descriptor such as 'alcohol-free', if applicable, to communicate the product's alcohol alternative nature in promotional materials<sup>18</sup>. Producers could also consider including alcohol alternative branded glassware, clear positioning of the product label if it includes the ABV/relevant descriptor and language which makes the alcohol alternative nature clear.
- The overall impression conveyed by a promotion will always be taken into consideration when determining whether the Portman Group's Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks should apply, or whether best practice guidance should be followed. Producers are encouraged to take care in promotions that include an alcoholic drink, for instance as a point of comparison.

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- Promotional pieces that feature both an alcoholic version and an alcohol alternative version will be subject to the Naming, Packaging and Promotion of Alcoholic Drinks Code for the purposes of complaint. The Independent Complaints Panel is the final arbiter of the Code and will determine whether a promotional piece is promoting an alcoholic drink, and whether such promotion is in breach of Section 3 of the Code.
- The presence of an alcoholic drink in an alcohol alternative promotion will be considered carefully. The positioning, language and marketing of the promotion will be key in assessing whether the promotion is captured by the Code or by best practice guidance. If the sole intent of the marketing is to highlight the alternative, and/or encourage a consumer to try the product, it is likely the marketing will fall within best practice guidance. It is important to note that if an alcoholic version appears incidentally in marketing, it should not appear prominently or in a manner that would be considered as promoting the alcoholic version.
- A promotional piece which focuses equally on the alcoholic version and the alternative version, for instance to state 'have you tried our entire range?', would be captured by the remit of the Code as the material would be marketing the alcoholic version in addition to the alternative.
- Prominently displaying the brand name in a promotion, with no mention of the alcohol alternative, would be considered a brand promotion, therefore promoting the alcoholic version, and would fall under the remit of the Code. Promotions should therefore make it clear that if the overarching brand is being used, it is clearly in relation to the alcohol alternative version.

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- Producers are encouraged to carefully consider the intent behind any cross-promotional marketing piece. Any references to the intoxicating effect of alcohol or promotion of an alcoholic drink will be captured under the Code. A cross-promotional piece which included the phrase 'the same great taste with no alcohol', where the focus and prominence was clearly on the alcohol alternative product, is likely to be captured by guidance, as opposed to the Code, if the promotion only depicts the alcohol alternative. If the promotion included an image of the alcoholic version, remit would be determined by the overall impression conveyed by the marketing. As referenced above, products which share branding with an alcoholic version can be a powerful factor in switching to an alcohol alternative version and therefore can be marketed on this basis. However, any reference in marketing that references the positive effects of alcohol will be classed as also promoting the alcoholic version and would become cross-promotional for the purposes of the Code.
- Producers should consider whether the alcoholic version of a drink, or brand, is appearing incidentally in a promotion. A bar scene which has incidental branding on a bar of the overarching brand, in the background, is likely to be fine if the focus of the promotion is on the alcohol alternative.





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- Similarly, if a promotion depicts individuals consuming drinks incidentally in the background of a bar scene, and it is indistinguishable whether the individuals are consuming alcohol or an alcohol alternative, it will be the overall impression conveyed that should be considered. For instance, if the promotion is seeking to normalise alcohol alternative consumption by depicting it in an established drinking setting this is acceptable provided the other conditions of guidance are met. However, if the promotion is seeking to promote both brands equally, to demonstrate that the overarching brand offers a choice, then such a promotion could be captured by the Code's remit as it would be promoting an alcoholic drink.
- The Naming, Packaging and Promotion of Alcoholic Drinks Code only applies to the naming, packaging, marketing and promotional activity of an alcoholic drink. A reference to 'alcohol' in a promotional item that encourages consumers to switch from alcohol to an alcohol alternative, and therefore does not promote a producer-owned 'alcoholic drink', will not be captured by the Code's remit. To be clear, inclusion of traditional glassware, such as a pint or cocktail glass, or depiction of a bar scene, would not fall under the Code's remit as it would not promote a producer-owned alcoholic drink and therefore would not be considered an 'alcoholic drink promotion' for the purpose of the Code.



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## Principles of Responsible Marketing for Alcohol Alternatives

**1. To minimise consumer confusion, an alcohol alternative drink should make it clear that it is below the threshold to be considered an alcoholic drink. This could be achieved by communicating the product's ABV and/or using a descriptor where appropriate i.e., alcohol-free.**

- Due to the reduced risk profile, alcohol alternatives have more flexibility in associated marketing. It is therefore important not to create any confusion with an alcoholic drink, particularly where the marketing focuses on situations that are not acceptable in alcohol marketing (i.e. drinking beside a swimming pool).
- Some consumers believe that alcohol-free should be 0.0% and this is why it is useful to communicate to consumers when a trace amount of alcohol is present. There are some consumers, such as those who are recovering from alcohol dependency, are pregnant, or for religious reasons, do not want to consume any alcohol, even at a trace amount.
- For best practice purposes, and to comply with DHSC's 'low-alcohol descriptors' guidance, producers are encouraged to include the product's ABV on packaging (both primary and secondary) where it is clearly legible and indelible.
- Where possible, producers are also encouraged to include the product's ABV in accompanying marketing materials. For instance, this could be featured on a point-of-sale poster if present or communicated verbally by serving staff at a sampling event. Presentation of the ABV should be clearly legible and indelible and not difficult to find e.g., in the small print in Terms and Conditions.
- Producers need to be mindful when creating promotional packs that feature an alcohol-free version of an alcohol variant in the same secondary packaging, i.e. a box of six beers, where two alcoholic beers have been swapped to the alcohol-free variant to encourage consumers to try the alcohol alternative. The promotional pack should make it absolutely clear that the product contains both versions as clearly as possible in large, prominent font to minimise consumer confusion.
- For consistency with the Portman Group's regulatory remit for alcoholic drinks, it is not for the Portman Group to determine whether a product has accurately calculated its ABV. It is a producer's responsibility to ensure that the product accurately reflects the correct ABV.



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- In addition to the product's ABV, a descriptor from DHSC's 'low-alcohol descriptors' guidance could also be used to emphasise the product's 'alcohol-free' nature. Usage of a term alongside the product's ABV can help to inform a consumer about the nature of the product, and its distinct difference to an alcoholic drink.
- For the avoidance of doubt, this principle does not require the inclusion of the drink name that the alcohol alternative is intended to mimic due to restrictions around the usage of some alcoholic descriptors i.e., spirits and wine.



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## **2. A drink, its packaging and any promotional material or activity should not, directly or indirectly, normalise or encourage irresponsible, immoderate or illegal alcohol consumption.**

- Marketing for alcohol alternatives should not normalise or condone irresponsible, immoderate or illegal alcohol consumption. For instance, a promotion should not condone or normalise hangovers or binge-drinking by using phraseology like 'Want the buzz of a night out without the next morning hangover?'.
- The Naming, Packaging and Promotion of Alcoholic Drinks Code prevents alcohol promotions from insinuating that consumers 'need' an alcoholic drink. The spirit of this rule is applied here, and alcohol alternative marketing promotions should avoid referencing a consumer 'needing' an alcoholic drink or binge-drinking in order to positively promote an alcohol alternative. For instance, we would advise against promotions such as 'Need a drink? Now you can drink in plain sight' or 'Designed to help you drink for longer'.
- The principle will not prevent an association with alcohol, particularly where the alcoholic drink is being used as a comparison or the reason to try the alcohol alternative version. However, such marketing should not use an alcohol alternative to encourage increased alcohol consumption.
- Page six of this guidance document highlighted the phrase 'the same fantastic taste with no alcohol'. In the instance that the promotion only features an alcohol alternative, and therefore would be captured by best practice guidance, use of this phrase, or similar, is likely to be acceptable. In the opinion of the Advisory Service, such marketing makes it clear that it is being used to favourably promote the alcohol alternative; such a line would therefore not encourage alcohol consumption. The distinction here is the encouragement of alcohol consumption, as opposed to an association, which is being used to encourage a switch away from alcohol.
- The principle addresses irresponsible drinking behaviours and the normalisation of socially unacceptable behaviour in relation to alcohol consumption. While it is not possible to explore every hypothetical situation, guidance has sought to clarify some areas.

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## Pregnancy

- The UK Chief Medical Officers' Low Risk Drink Guidelines state that if you are pregnant, or think you could become pregnant, the safest approach is not to drink alcohol at all.
- Therefore, on a precautionary best practice basis, we would advise that products in the alcohol alternatives category do not produce marketing which depicts, or references in copy, an alcohol alternative being consumed during pregnancy or encourages this behaviour. We would also advise against conducting marketing, including sampling, at events which are primarily aimed at those who are pregnant.
- Guidance will remain under review if official medical guidance changes or if new research becomes available to warrant a change in approach.
- Those who are or may be pregnant will make their own educated choices about whether they wish to drink products at 0.0%.

## Depiction of drink-driving

- Alcohol alternatives can play an important role in reducing harms caused by drink-driving. It is therefore important that marketing can play a role in encouraging this behaviour change.
- Marketing in this area should focus on the type of responsible behaviour it is seeking to encourage i.e., reminding a designated driver that there is more choice than just a soft drink.
- Promotional materials that seek to market on the basis of encouraging a switch to enable an individual to drive afterwards should make it absolutely clear that the intention is to encourage consumption of the alcohol alternative.

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- Some marketers may seek to use the tactic of 'shock and awe' in this area. For instance, by introducing a level of ambiguity where it is not clear whether an individual is consuming alcohol or not or shows consumption in a car and then proceeds to drive or drinks behind a wheel of a car. The Advisory Service would encourage producers to focus on promoting the intended responsible behaviour and to be aware that while alcohol alternatives are trying to provide more choice to new consumers, it could create an inappropriate sense of consumer shock to convey a product similar to alcohol being used in a traditionally unsafe situation.
- We therefore encourage producers to promote the alcohol alternative in the manner of its intended use, which encapsulates behaviour of drinking in more established settings and scenarios, as opposed to directly behind the wheel of a car.
- The Advisory Service will approach this on a case-by-case basis and will take into account the overall impression conveyed by marketing.

## **Irresponsible consumption - dangerous behaviour, workplace drinking, drinking at socially unacceptable times, sports activities and educational/childcare settings**

- The Naming, Packaging and Promotion of Alcoholic Drinks Code prevents the irresponsible and dangerous depiction of alcohol consumption in certain situations.
- Alcohol alternatives do not carry the same risk and it is therefore acceptable to depict individuals consuming an alcohol alternative in situations where it is unsafe to consume alcohol such as beside an open body of water or at the top of a mountain peak. Such promotions should make it absolutely clear that the product is an alcohol alternative in order to market in this manner and should not use shock and awe tactics.
- The intention behind marketing should always be considered carefully, particularly when portraying consumption of an alcohol alternative in a situation that would traditionally be considered 'irresponsible' or socially unacceptable for an alcoholic drink.
- The Advisory Service acknowledges that alcohol alternatives can make certain health claims. Guidance will not prevent marketing during sporting activities if it is absolutely clear that the product is an alcohol alternative and there is no reference to an alcoholic drink or alcohol consumption. For instance, in this situation, there should be no comparison or encouragement of a switch from alcohol to an alcohol alternative as alcohol consumption should not be encouraged in these situations.



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- Portraying an individual consuming an alcohol alternative in a workplace setting should be considered very carefully. It is likely that some workplaces will have certain restrictions on employee behaviour and consumers should not be encouraged to do anything that could put their employment in jeopardy. Again, the type of behaviour that is being encouraged should be considered and applied, i.e., consuming an alcohol alternative during a lunch break as opposed to drinking alcohol. The shock and awe tactic should be avoided in certain workplace scenarios such as those who work in the emergency services where such portrayal could undermine public trust while some consumers know little about the evolving category.
- The consideration of the type of behaviour being encouraged is also key to the portrayal of drinking at certain times of the day. An alcohol alternative is incapable of intoxicating a consumer, and therefore could be consumed in the morning if an individual chose to do this. However, the Advisory Service would caution producers from portraying consumption in this manner; is the genuine intent behind the marketing to convert consumers to drinking the product at breakfast or to highlight an alternative option during a brunch for instance? Producers are encouraged to focus on the behaviour they are seeking to promote so that it does not harm the perception of the category and instead legitimately markets how and when the product could be consumed and portray wider consumer choice.
- The depiction of an individual consuming an alcohol alternative in an educational or professional childcare setting should be avoided.

### **3. A drink, its packaging and any promotional material or activity should not, directly or indirectly suggest an association between alcohol and social or sexual success.**

- Marketing promotions should not insinuate that sobriety or choosing not to drink in a situation is dull or questionable. Equally, marketing should not imply that an individual can feel included when they would previously have felt excluded from a drinking occasion.
- Marketing promotions should not link an alcohol alternative to FOMO (fear of missing out) references or suggest that an individual needs to drink a product that looks like alcohol to feel socially included.



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- Marketing promotions should not suggest that based on a similarity to alcohol, an alcohol alternative is integral to social or sexual success, for instance to have fun, feel relaxed or be socially successful.
- However, this principle would not prevent an alcohol alternative from highlighting social or sexual success without referring to alcohol. A promotion that is only focused on the alcohol alternative and only promotes a positive behaviour, for instance becoming popular as the designated driver in a social scenario, is unlikely to cause harm and is likely to be acceptable.

## **4. A drink, its packaging and any promotional material or activity should not, directly or indirectly, have a particular appeal to under-18s**

- Alcohol alternative products are intended for adult consumers and should be marketed in a socially responsible manner due to their close association with alcoholic drinks. As the category is intended for adult consumers, the packaging and marketing of an alcohol alternative must not have a particular appeal to under-18s.
- Producers should be mindful of Portman Group guidance in this area under the Naming, Packaging and Promotion of Alcoholic Drinks Code which can be found [here](#). The same criteria and guidance should be applied to alcohol alternatives in its entirety.
- For the avoidance of doubt, the definition of 'particular' appeal will apply to an alcohol alternative:

*By 'particular' appeal the test to apply is not one of quantity, i.e. appealing to more under-18s than over-18s, but the way in which it appeals, i.e. the packaging/promotion appeals to/resonates with under-18s in a way that it does not with over-18s.*

- As is consistent with guidance under the Code, the overall impression of a product will always be considered and producers should take particular care when using cartoon style imagery, childish fonts, contrast colouring, personalities that are particularly admired by under-18s, pictures of real or fictional people known to children, terminology popular with children, nostalgia-based marketing, glitter/sparkles, the depiction of anthropomorphic animals as these, individually or in combination, could cause packaging or a promotion to be problematic under this principle.

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- Marketing should only take place in media or with partners where at least 75% of the audience (spectators or participants) is over-18. This is particularly important when considering potential sponsorships or co-promotions.
- Merchandise should not have a particular appeal to under-18s, this is particularly important in gift-with-purchase (GWP) promotions. Examples of products that could fall into this category include children's confectionery, toys including teddy bears.
- In addition to merchandise not having a particular appeal to under-18s, no merchandise should be intended for use primarily by under-18s, this includes children's clothing and accessories.
- If an alcohol alternative shares the same branding as an alcoholic drink, note should be taken of remit guidance in '[How the Code Works](#)' which states:

*The Code does not apply to drinks of 0.5% abv or below. However, it remains necessary to prevent the marketing of these products from appealing to under-18s when the  $\leq 0.5\%$  abv product shares the same brand/branding as, or is a variant of, a drink above 0.5% abv. As such, it is the view of the Advisory Service that the spirit of the Code will apply to uphold the Code's fundamental principles that marketing should be socially responsible and not appeal to under-18s.*

- If the Portman Group is made aware of evidence that the category is creating marketing with a particular appeal to under-18s, it will review whether guidance should be replaced with a Code.

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**5. A drink, its packaging and any promotional material or activity should not 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 an alcohol alternative drink, or they are featured in a significant role. Images may be shown where people appear only in an incidental context.**

- Alcohol alternative products are intended for adult consumers and principle four states that the packaging and marketing of an alcohol alternative should not have a particular appeal to under-18s.
- In the Naming, Packaging and Promotion of Alcoholic Drinks Code the protection of under-18s is also supplemented with a rule that prevents marketing from incorporating 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, or they are featured in as significant role.
- The principle of the under-25s rule is to prevent those who are under-age from relating to, or wanting to emulate, those individuals appearing in alcohol marketing. It is also in place to prevent those who may still appear to be under-age from being associated with alcohol consumption.
- In order to protect under-18s, the under-25s principle should also be applied to alcohol alternative marketing.
- Full guidance on this principle can be found [here](#) and should be applied in its entirety.

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

- The principle that marketing should not cause serious or widespread offence should be applied irrespectively whether the product is an alcoholic drink or an alcohol alternative.
- The rule is designed to strike a balance between legitimate marketing freedoms and the prevention of marketing that causes serious or widespread offence.
- Particular care must be taken to avoid causing serious offence on the grounds of race, religion, gender, sexual orientation, disability or age.
- Full guidance on this principle can be found [here](#) and should be applied in its entirety.
- As a guide, recent Independent Complaint Panel decisions include [Fok Hing Gin](#), [Original Nuttah](#), [Quickie Wine](#) and [Jatt Life Vodka](#).
- The Advertising Standards Authority also has [precedent](#) in this area set by Brewdog's 'alcohol-free' campaign which ran with the strapline 'Sober as a Motherfu' with the rest of the word cut off by a billboard. The case was upheld for clearly alluding to a swear word and was not appropriate for display in media where it could be seen by children.



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The Portman Group is a responsibility body and regulator of the naming, packaging, promotion and sponsorship of alcohol. The above guidance should help you to avoid problems under the Portman Group's Code of Practice.

## The Portman Group's Advisory Service



If you are in any doubt 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 07926130342 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.

## The Portman Group's Code Training Programme



We also provide free CPD accredited training to ensure that the Code is widely understood and applied; as well as providing details on the wider regulatory landscape. Should you wish the Portman Group's training sessions can be tailored to suit your organisation or individual needs. To book a training session or to find out more, please telephone the Portman Group on 07926130342 and ask for the Training Manager. Alternatively, email your booking request or query to [training@portmangroup.org.uk](mailto:training@portmangroup.org.uk).



# Footnotes

1. Promotional pieces that feature both an alcoholic version and an alcohol alternative version will be subject to the Naming, Packaging and Promotion of Alcoholic Drinks Code for the purposes of complaint. The Independent Complaints Panel is the final arbiter of the Code and will determine whether a promotional piece is promoting an alcoholic drink, and whether such promotion is in breach of Section 3 of the Code.
2. [YouGov surveyed 2,381 adults from across the UK online between 28 and 29 November 2022. The figures have been weighted and are representative of all UK adults \(aged 18+\).](#)
3. Ibid.
4. Ibid.
5. [Alcohol-free and Low alcohol drinks, Drinkaware Research report, June 2022](#)
6. Ibid.
7. [Clause 2.5 of the Naming, Packaging and Promotion of Alcoholic Drinks Code](#)
8. [Low-alcohol descriptors: guidance, December 2018](#)
9. [Low-alcohol descriptors: guidance](#), December 2018
10. Subject to additional factors listed on page 4
11. Alcohol-free, non-alcoholic, low alcohol and de-alcoholised.
12. [Regulation 9 to the Soft Drinks Levy Regulations 2018 defines an alcohol substitute drink](#)
13. The definition of 'drink' will be consistent with clause 2.5 of the Naming, Packaging and Promotion Code to include foodstuffs, vapours, aerosols, barrels and drink founts.

# Footnotes

14. [Low Alcohol Descriptors Guidance, December 2018](#)
15. Where legally permitted
16. [YouGov surveyed 2,381 adults from across the UK online between 28 and 29 November 2022. The figures have been weighted and are representative of all UK adults \(aged 18+\).](#)
17. Ibid.
18. [Alcohol-free and Low alcohol drinks, Drinkaware Research report, June 2022](#)
19. As recommended in the [Low Alcohol Descriptors Guidance, December 2018](#)
20. [UK Chief Medical Officers' Low Risk Drinking Guidelines](#)

# Portman Group



Alcohol

Responsibility + Marketing Regulation

January 2024

For more detailed advice on all aspects of this guidance document please contact the Advisory Service ([advice@portmangroup.org.uk](mailto:advice@portmangroup.org.uk)).