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Final Report on:

Audit of compliance of alcoholic drinks' labels available from the off-trade with the Portman Group's Code of Practice: 5th edition

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1 Introduction

The Portman Group (PG) was established in 1989 and consists of nine members whose products account for approximately 60% of off-trade alcohol sold in the UK. It is the social responsibility organisation for drinks producers.

The PG operates the Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks (hereinafter referred to as the “Code”) to ensure that alcohol is marketed responsibly. The Code applies to all pre-packaged alcohol sold or marketed in the UK. The purpose of the Code is to ensure that alcohol is marketed in a socially responsible way and only to adults. Although the Code is owned by the Portman Group more than 140 companies are signatories, including alcohol producers and retailers as well as trade associations representing the majority of the alcoholic drinks industry. The Code therefore receives broad industry support.

The Code was first introduced in 1996 and is periodically reviewed, then amended and updated accordingly, to ensure that it remains current. In the recently launched 5th edition of the Portman Group Code a number of rules were revised and tightened. This revised Code was published in November 2012 but came into force on 31st May 2013, so allowing time for producers to familiarise themselves with the amendments, to make any changes necessary in relation to their products and to arrange training for their staff on the new rules.

The Code applies to all pre-packaged alcoholic drinks¹ and covers the drinks naming, packaging, point-of-sale advertising, sponsorship, branded merchandise, advertorials, public relations and co-promotional activity materials and sampling. The Portman Group also offers a free confidential advisory service to help companies comply with the Code.

If any pre-packaged alcoholic drink is considered to contravene the Code then complaints can be made to an Independent Complaints Panel (Panel) comprising of eight independent members with a variety of professional backgrounds (none work in the alcohol drinks sector). Decisions made by the Panel are published on the Portman Group website and in press releases. If a product is found in breach of the Code, a Retailer Alert Bulletin is issued, asking retailers not to stock the product unless and until it complies with the Code.

Since the Code was introduced there have been 207 complaints and 134 products or promotions have been amended or removed from the market.

The Portman Group believes that the Code is operating well but has commissioned Campden BRI to conduct an independent audit of a representative range of products² to determine compliance in the market place. Specifically:

- To determine the percentage of products sold in the off-trade in the UK that are compliant with the Code; and
- To identify any products that may be in breach of the 5th edition of the Code.

¹ A drink is any alcoholic drink above 0.5% ABV in strength, packaged for sale in the on or off-trade to the final consumer.

² This audit considered only products sold in the off trade

2 Aims and Objectives

This audit focussed exclusively on the following aspects of the Code:

- The drink's naming and packaging³ only
- Alcoholic drinks sold to consumers at retail outlets for consumption off the premises.

The objective was to conduct a systematic review of a sample of the packaging of alcoholic drinks available on the UK market in order to:

- Determine whether their naming and packaging was compliant with the Code;
- Identify any products that may be in breach of the 5th edition of the Code;
- Identify any product sectors in which breaches were more pronounced.

3 Summary of Report Findings

- Following a review of 506 products, 39 products were identified as being in potential breach of the Code. Two products also raised additional concerns, outside the scope of the Code.

92.3% of all products sampled were considered to be in compliance with the Code.

- The rule against which the most products were considered to be in potential breach was Rule 3.1: the alcoholic nature of a drink should be communicated on its packaging with absolute clarity. (28 products).
- Of the 39 products found to be in potential breach of the Code 11 were wines, 12 were flavoured alcoholic beverages, 11 were beers, three were spirits and two were ciders.
- The product category which had the highest proportion of potential breaches was flavoured alcoholic beverages. More than 50% of all flavoured alcoholic beverages sampled were found to be in potential breach.
- Minor brands were the source of most potential breaches (20/39).
- Own label had better compliance than minor brands (2.1% and 11.4%, $p=0.009$). However, there was no statistically significant evidence of differences in compliance between own label and major brands (2.1% and 7.2%, $p=0.113$) or between major and minor brands (7.2% and 11.4%, $p=0.164$).

³ A drink's packaging includes its brand name, product descriptor, labelling, container, external wrapping and other products enclosed within the external wrapping.

4 Method

4.1 Sampling plan

The Portman Group asked for a sample of no fewer than 500 alcoholic drinks on sale in the UK off trade to be bought and that the individual sample should be:

- Representative of the UK market in terms of product sector and categories;
- Bought from a wide range of outlet types.

4.1.1 Product range

The product categories were broadly equivalent to those adopted in previous, comparable surveys and which remain applicable and were grouped into the following major and sub-categories:

Table 1 Drink categories

Product category	Sub-category 1	Sub-category 2
Beers	Ale Lager Stout	
Cider & Perry		
Wines	Light wines Sparkling & Champagne Fortified Other	Red White Rose Sherry Port Vermouth Other Dessert & Fine
Spirits	Brandy Gin Rum Vodka Whisky Other	Dark and White Malt and Scotch
Flavoured Alcoholic Beverages		

Because up-to-date market share information by volume was not initially available, individual samples were chosen to represent the diversity of products available on the market. The target number of samples per product category was informed by scanning a number of major retailer websites to assess product availability.

For each product category the major brands were identified by reference to published market share information to ensure that at least one sample of each was bought. The number of retailers' own label products per category was determined according to market share information (made available by the Portman Group). The remaining samples which were neither major brands nor retailer own label products were called in the report 'minor brands'. The target and assessed numbers of samples of each product category are given in Annex 1.

Lists of branded (major and minor) and retailer own label products were identified for purchase. Planned purchases also encompassed the full range of drink type / packaging formats⁴ known to exist on the market including, in the case of own label products, the quality ranges (value – best).

The results of previous surveys undertaken by Campden BRI indicate that regional variations in the market place are comparatively small as most major brands and own label products are marketed nationally. Branded (major and minor) products were bought from any UK outlet (including online) whilst own label products were bought from the appropriate UK outlet (including online). To achieve broader UK coverage, however, samples were also bought from Northern Ireland, Wales and Scotland and from a regionally important multiple retailer in North West England.

Samples were bought from different types of retail outlets:

- National / regional supermarkets
- National / regional off licences
- Independent off licences
- Licensed convenience store (including forecourts)

Internet shopping was used wherever possible.

Off trade sales are reported⁵ to be represented approximately (by volume) as taking place 75% from Grocery multiples (the main national and regional supermarket groups) and 25% from Impulse stores (convenience stores, specialist off-licences and independent retailers). Buying was undertaken accordingly and stores / online sites were visited according to the overall market share of the individual retailers.

4.2 Shopping

Shopping took place between 4th and 22nd February (It was noted that a minor but not major product line had inadvertently been purchased for one brandholder. The originally intended product was therefore bought during May). In total, 506 unique samples were bought and included in the final analysis.

The overall distribution of product categories bought (by number) is given in Table 2 below.

⁴ Throughout the report the term 'Primary packaging' refers to the individual container either supplied as such or contained within external wrapping such as a cardboard sleeve, plastic shrinkwrap or outer box. The term 'Secondary packaging' refers to this external wrapping. The prevalence of the different packaging types varies by product category so that wines and spirits are typically (but not exclusively) supplied as individual bottles whilst beers, ciders and alcoholic beverages are available in a variety of combinations of package types (bottles, cans) and sizes (of the individual containers and of the multipacks).

⁵ British Beer and Pub Association – Statistical Handbook 2012

Table 2 Distribution of product categories bought (by number)

Product category	Number (n) of samples bought (506)	Percentage of total samples bought ((n/506)%)
Beer	98	19.4
Cider & Perry	30	5.9
Spirits	95	18.8
Flavoured alcoholic beverages	23	4.5
Wines	260	51.4

4.3 Assessment

4.3.1 Assessment criteria

Alcoholic drinks were assessed to determine whether their naming and packaging met the requirements of the 5th edition of the Code. The Code is applied in the spirit as well as in the letter so labels were judged in the same way.

A drink's packaging includes its brand name, product descriptor, labelling, container (primary packaging) and any external wrapping (secondary packaging). Gift packs were excluded.

The rules for the naming, packaging and marketing of alcoholic drinks, according to the 5th edition of the Code, are as follows (with areas of substantial change compared with the 4th edition highlighted):

Rule⁶

- 3.1 The alcoholic nature of a drink should be communicated on its packaging with absolute clarity
- 3.2 A drink, its packaging and any promotional material or activity should not in any direct or indirect way:
- a give 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 or anti-social behaviour (though sponsorship of activities which may be dangerous after alcohol consumption, such as motor racing or yachting, are not in themselves in breach of this clause);
 - 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
 - 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);
 - i incorporate images of people who are, or look as if they are, under twenty-five 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;**
 - j suggest that the product has **therapeutic qualities, or** can enhance mental or physical capabilities

Further Portman Group guidance on the interpretation of the amended sections referenced during this project is given below:

⁶ Wording of the 4th edition for reference:

3.2a have the alcoholic strength, relatively high alcohol content, or the intoxicating effect, as a dominant theme

3.2d suggest any association with sexual success

3.2i incorporate images of people who are, or look as if they are, under twenty-five years of age unless there is no suggestion that they have consumed, are consuming or are about to consume alcohol

3.2j suggest that the product can enhance mental or physical capabilities.

4.3.2 Assessment process

The samples were assessed against a detailed and extensive set of criteria informed by the Code and guidance produced and published by the Portman Group. These were incorporated into the assessment form, generating 33 separate fields relating to the product identity and characterisation and 69 separate fields relating to the label of single items and the primary packaging of multipacks, which were repeated for the secondary packaging in the case of multipacks. Each sample was identified by the last five digits of the barcode followed by a two letter suffix indicating the product category.

Multiple choice questions were used whenever possible to ensure that the assessors adopted a consistent approach. In order to enhance consistency, assessors were provided with comprehensive guidance notes.

The assessment form was in two parts. The first part related to the primary packaging (all single samples and the inner units of those products which were supplied as multipacks). The second part of the form related to the secondary (external) packaging.

Assessments were conducted by 11 Food Law Advisers and by other individuals skilled in the systematic recording of information.

Before undertaking assessments the assessors attended a training session on the Code delivered by Portman Group staff. During the assessment process the assessors also had access to a copy of the Code and the various guidance notes produced by the Portman Group.

One assessor, designated the Consultant assessor, was available for discussion whilst the assessments were underway.

Assessments were completed by 28 February 2013.

Assessment form data was automatically consolidated into a single Excel spreadsheet using a method developed in-house by Campden BRI.

39 products that were potentially in breach of the Code were identified, a further two were also possibly illegal.

4.3.3 Photography

As the samples were assessed they were also photographed. The photographers were briefed as to the requirements and, in particular, to capture all the relevant information.

Images were checked for clarity and coverage, and additional photographs were taken where required. In most cases several views were necessary to provide a suitable record. Images were saved as jpeg files using the sample ID plus a sequential suffix (a, b, c etc.) according to the number of shots taken.

4.3.4 Data analysis

The consolidated spreadsheet of assessment form responses was used for data analysis.

Data in Excel was validated prior to analysis, to ensure that the assessment of each sample was complete, consistent and logical as well as to check the consistency of spelling and the interpretation of some fields. Reference to the product images and / or original assessment form was undertaken where appropriate.

4.3.5 Control of errors

As indicated above, the design of the assessment form, the development of guidance for its completion and the designation of a Consultant Assessor to resolve uncertainties and divergences were all intended to reduce the likelihood that errors would arise in the final report.

4.3.6 Statistical analysis

This study aimed to draw conclusions about the complete market (the 'population') on the basis of a relatively small number of labels (the 'sample'). In such circumstances there is always a possibility that the sample will not be adequately representative of the population, leading to incorrect conclusions. Statistical analysis allows assessment of the likelihood of such errors.

Significance tests for differences (e.g. between compliance rates), loosely speaking, indicate the probability that observed differences in the sample are not reflections of 'real' differences in the population. Small probabilities give confidence that observed differences are real; large probabilities do not give confidence in the absence of differences, they merely indicate failure to confirm the presence of a difference. Significance tests do not indicate the likely magnitude of differences.

Confidence intervals on estimates (e.g. of proportions compliant), loosely speaking, indicate the range of population values that might reasonably be associated with observed sample values. If the confidence interval on a difference is restricted to 'small' values, this can give confidence in the absence of 'large' differences.

Significance test and confidence interval calculations assume (inter alia) that the sample was chosen randomly from the population. In this study the sampling was not completely random; substantial effort was made to ensure that the survey samples reflected all major variations in the market, so that coverage of the population was better than would be suggested by the relatively small sample size. Accordingly, the sample can be expected to be substantially more representative of the population than would have been achieved by random sampling, so that the probability of 'false positive' tests (Type 1 errors) is smaller and the confidence associated with confidence intervals is larger than suggested by the random sampling based calculations.

This report includes estimates of many different proportions, and differences between many pairs could have been tested for significance. This introduces the problem of 'multiple comparisons' where the overall probability of false positive tests is higher than apparent, because of the large number of such tests. It also introduces the possibility of choosing to test those differences that appear to be unusually large, undermining the basis of the probability calculations. These factors would tend to increase the probability of false positive tests.

Overall, the significance tests and confidence intervals presented in this report should be treated with caution; the assumptions underlying the calculations are generally inappropriate to these circumstances, but they can be used as approximate indications of the reliance that can be based on conclusions. However, it is our considered opinion that the survey results are closer representations of the market than would be indicated by such tests and confidence intervals.

4.3.6.1 Confidence intervals and significance tests

In the results and discussions set out in this report, where importance is often placed on proportions (such as 53.4% of labels included a particular item) confidence intervals have been estimated on the proportion. For example "53.7% (270 out of 504 95% CI 49.1%:58.0%)" indicates that the proportion observed in the survey was 53.4%, but the corresponding proportion in the underlying population could, quite credibly, be anywhere between 49.1% and 58.0%. Such confidence intervals were computed by

the method of Clopper and Pearson⁷ which is based on a relationship between the F distribution and the binomial distribution.

When comparing two proportions, Minitab (V16.2.4) has been used for statistical significance by 'Fishers Exact Probability Test' and to calculate confidence intervals using a Normal approximation.

⁷ C. J. Clopper and Egon S. Pearson. The use of confidence or fiducial limits illustrated in the case of the binomial. *Biometrika* 26 (4):404-413, 1934.

5 Results

7.7% (39 out of 504 95% CI 5.7%:10.4%) of the products assessed were considered to be in potential breach of the Code. A further two of the products purchased were potentially illegal and were not included in assessment against the Code.

5.1 Product category

Table 3 below indicates the overall distribution by product category of those samples found to be in possible breach of the Code. Wines, Beer and FABs were approximately equally represented as the main product categories concerned as indicated in Table 3.

Table 3 Potential breach by product category

Product type	Samples in possible breach	
	Count	%
Beer	11 / 39	28.2
Cider & Perry	2 / 39	5.1
FABs	12 / 39	30.8
Spirits	3 / 39	7.7
Wines	11 / 39	28.2
All products	39 / 39	100

The product category with the highest proportion of samples in potential breach of the Code was the FABs (12 out of 23 52.2% 95% CI 30.6%:73.2%), followed by Beers, Cider & Perry and Wines and Spirits as indicated in Table 4.

Table 4 Potential breach within each product category

Product type	Samples in Survey	
	Count	%
Beer	11 / 98	11.2
Cider & Perry	2 / 30	6.7
FABs	12 / 23	52.2
Spirits	3 / 95	3.2
Wines	11 / 258	4.3
All products	39 / 504	7.7

Table 5 presents the potential breach per rule both overall and within each product category.

Table 5 Potential breach by Code section – Overall and within each product category

Portman Group Code section		Product Type											
		Overall		Beer		Cider&Perry		FABs		Spirits		Wines	
		Survey		Survey		Survey		Survey		Survey		Survey	
		Count	%	Count	%	Count	%	Count	%	Count	%	Count	%
3.1	Alcoholic nature not absolutely clear	28/504	5.6	9/98	9.2	2/30	6.7	10/23	43.5	2/95	2.1	5/258	1.9
3.2a	Undue emphasis on higher alcoholic content	6/504	1.2	2/98	2.0	0/30	0.0	1/23	4.3	1/95	1.1	2/258	0.8
3.2b	Association with bravado	3/504	0.6	1/98	1.0	0/30	0.0	1/23	4.3	1/95	1.1	0/258	0.0
3.2c	Association with drugs	1/504	0.2	0/98	0.0	0/30	0.0	1/23	4.3	0/95	0.0	0/258	0.0
3.2d	Association with sexual activity	2/504	0.4	0/98	0.0	0/30	0.0	1/23	4.3	0/95	0.0	1/258	0.4
3.2e	Association with social success	1/504	0.2	0/98	0.0	0/30	0.0	0/23	0.0	0/95	0.0	1/258	0.4
3.2f	Encourage illegal, immoderate consumption	6/504	1.2	1/98	1.0	0/30	0.0	3/23	13.0	0/95	0.0	2/258	0.8
3.2g	Urge to drink rapidly	3/504	0.6	1/98	1.0	0/30	0.0	2/23	8.7	0/95	0.0	0/258	0.0
3.2h	Appeal to under 18s	8/504	1.6	1/98	1.0	0/30	0.0	3/23	13.0	1/95	1.1	3/258	1.2
3.2i	Images of under 25s	0/504	0.0	0/98	0.0	0/30	0.0	0/23	0.0	0/95	0.0	0/258	0.0
3.2j	Suggest therapeutic qualities	8/504	1.6	0/98	0.0	0/30	0.0	3/23	13.0	1/95	1.1	4/258	1.6

In addition some products were considered to breach more than one rule of the Code, as indicated in Table 6.

Table 6 Products potentially breaching more than one rule

Number of rules possibly breached	Total number of products (n/39)	Wine	Beer	Cider	Spirit	FAB
1 only	25	7	9	2	2	5
2 only	6	1	1	0	0	4
3 only	8	3	1	0	1	3

Of those considered to be in possible breach of the Code, fourteen were multipack products (which tended to be beers (9/14)), of which nine had both primary and secondary packaging⁸. Of these either the primary or secondary packaging, or both, may have been in potential breach of the same or different rules of the Code as indicated in Table 7.

Table 7 Potential breaches per package component - Multipacks:

Multipack component in possible breach	Number (n/9)
Primary packaging only	0
Secondary packaging only	3
Both primary and secondary packaging	6
Primary and secondary packaging: – Same potential breach	4
Primary and secondary packaging: – Different potential breach	2

⁸ Certain products bought as multipacks were held together by means of a plastic ring and therefore had no secondary packaging.

5.2 Rule

Table 5 above shows the number of potential breaches per rule for the sample overall and for each product category.

Most potential breaches arose against rule 3.1 a failure to communicate the alcoholic nature of a drink on its packaging with absolute clarity. While all of the products sampled did include a statement of alcohol content, on its own, this was not considered sufficient and an additional indication of the alcoholic nature was required. Furthermore in some cases the alcohol content was in a small font and/or placed amongst other text, or was poorly located and not presented clearly enough.

5.3 Brand type

Table 8 below shows the overall number of potential breaches the Code according to brand status:

Table 8 Potential breaches by Brand Type

Brand Type	Survey	Percent
Overall	39 / 504	7.6
Of which Major brands	17 / 235	7.2
Minor brands	20 / 175	11.4
Own label	2 / 94	2.1

Minor brands were the source of most potential breaches.

Own label had better compliance than minor brands (2.1% and 11.4%, $p=0.009$). However, there was no statistically significant evidence of differences in compliance between own label and major brands (2.1% and 7.2%, $p=0.113$) or between major and minor brands (7.2% and 11.4%, $p=0.164$).

5.4 Import status

Table 9 Potential breaches: imported products

	Survey	Percent
Overall	284/ 504	56.3
Of which In possible breach	11/284	3.9
Of those in possible breach	11/39	28.2

Of those products found to be in potential breach of the Code, 11 were imported, of which five were wines and two each were Spirits and FABs and Beer. In a further three cases their import status could not be determined.

6 Discussion

The results indicate an overall compliance rate of 92.3% (465 out of 504 95% CI 89.6%:94.4%). Compared to the previous audit conducted by PIPC in 2008, which found a 93.4% compliance rate, this is a short fall. While the compliance rate has fallen, it should be noted that the current audit assessed products against the revised 5th version of the Code and included revised rules not included in the 2008 survey. Furthermore samples were acquired well before the implementation date of 31 May 2013 of the revised Code and could quite legitimately have represented older stock that may be subject to a planned update.

Each rule of the Code is discussed below, including the level of potential breach against each rule and the reasons identified for the potential breaches.

6.1 Potential breach per Code rule

6.1.1 Rule 3.1 The alcoholic nature of a drink should be communicated with absolute clarity

This rule was the one against which products were most commonly considered to be in potential breach; 28 products were considered to be in potential breach of this rule.

Whilst some samples of all product categories were in potential breach of this rule of the Code, FABs (which represented a small number of samples within the sample group), beers and wines were the categories containing the highest proportions in potential breach of this rule.

All products sampled listed the alcoholic content of the product either as the abv⁹ or as alc % vol.

Products considered to breach this rule of the Code typically did not also include the word 'alcohol' or the type of alcohol (beer, gin etc) either at all or in a way that was immediately obvious as required by the Code. The practices which resulted in products being considered to breach this rule were the presentation of the information, its placement or the particular alcohol descriptor / name used.

6.1.1.1 Presentation

The use of a small font size or the use of a small font size for the alcohol type compared to the brand name of the product, where this was considered to detract from the alcohol type, resulted in the product being considered in potential breach of this rule. Guidance suggests that "it should be easy to identify and locate the information on packaging where there is a busy design".

Additional guidance concerning the size of font required or the comparative sizing compared to the brand name and other information may need to be considered.

6.1.1.2 Placement

Information relating to the alcoholic nature of the product being placed only on the back label, particularly if it was also placed amongst other text in such a way as not to be clear and immediately obvious, again resulted in the product being considered in breach of this rule. In the case of some multipack products the legal name of the product and / or the alcohol content were placed on the bottom surface of the secondary package and therefore may not be readily visible during normal conditions of purchase. This may be the only indication of the alcoholic nature on the package and does not reflect the spirit of the Code.

Additional guidance on the placing of such information may need to be considered.

⁹ abv stands for 'alcohol by volume' which is the recognised measurement of alcoholic strength.

6.1.1.3 Alcohol descriptors

6.1.1.3.1 Reliance on brand names

A number of products were judged to be relying on their brand name and either gave no further explicit indication of the alcoholic nature of the product or, where such information was given, did not give it prominently. Such products were considered to be in potential breach of this rule. Guidance suggests that trademarks or brand names alone cannot be relied upon to communicate the alcoholic nature of the product.

6.1.1.3.2 Naming

Wines granted a protected designation of origin (PDO), protected geographical indication (PGI), Appellation Contrôlée or similar status can be labelled according to their provenance (for example Champagne, Madeira). Other wines must include the category of the grapevine product. Often the most obvious name on the packaging of wines was that of the grape variety (such as Cabernet Sauvignon, Pinot Grigio, Shiraz and Chardonnay). Typically this was coupled with an indication of the alcohol content (abv). During the assessments this was accepted as being indicative of wine. Such products, however, may be considered as relying upon a purchaser's familiarity with names of grape varieties commonly used in wine production.

All alcoholic products are required to be labelled with a name that informs the purchaser of their true nature. Some products did not explicitly state the legal name of the product but did for example discuss the nature of the product within the marketing information or general text. With some beers there was a discussion of brewers and brewing on the label, but no explicit statement or name 'Beer'.

The Code states that a drink's packaging should comply with the applicable laws and regulations. This may fall outside the scope of the Code, which considers the overall impression conveyed.

6.1.1.3.3 Visual cues

Whilst the Code states that the alcoholic nature of a drink should be communicated **on** its packaging with **absolute** clarity (emphasis added), it accepts that in some instances the container itself can be an indication of alcohol type. Hence a wine in a typical wine shaped bottle can be considered indicative, although not conclusive (see points below), of an alcoholic product, even if there is no other explicit statement to this effect.

6.1.1.3.4 Negative cues

29.3% (12 out of 39 95% CI 17.0%:47.6%) of products in potential breach of the Code were assessed as containing negative cues as to the alcoholic nature of the product. In the majority of cases this related to the presence of images of fruit or references to fruit more dominantly than to the alcoholic nature of the product. Some products were also considered to be open to confusion with a non-alcoholic product. Guidance already refers to the images of fruit that one might normally find on a soft drink as being a 'negative cue'.

6.1.2 Rule 3.2a Giving emphasis to the alcoholic strength or intoxicating effect

This rule originally referred only to higher alcoholic strength.

Six products were considered to be in potential breach of this rule by giving the higher alcoholic strength undue emphasis. Two were beers, two were wines and one was a spirit and one flavoured alcoholic beverage. This was by the use of words such as 'Super Strength', 'Full Strength', 'Danger' displayed prominently or to the wording stressing the intoxicating effect.

This rule has been revised in the 5th edition of the Code so that a product's lower alcoholic strength may be emphasised proportionally when it is below the average strength for similar beverages. Comparative claims can be made between products in the same category or when an existing product has been reformulated to a strength lower than the category average compared to the previous version or compared to another within the same brand family.

Seven products (six of which were wines and one a beer) were considered to place emphasis on the lower alcohol content. Emphasis was given by including the abv in large font or bold type. One product included the word 'Light' in the brand name.

Products are now able to emphasise the lower alcoholic strength and a number of products are doing so. Care still needs to be taken, however, to ensure that inappropriate, incorrect or illegal claims are not made. This is highlighted in guidance to the Code produced by the Portman Group.

6.1.3 Rule 3.2b Suggest association with bravado, violent, aggressive or anti-social behaviour

Three products were considered potentially to suggest an association with bravado – one each of a beer, spirit and flavoured alcoholic beverage. In two cases this related to the product's name, one also to the images used and the other to the use of particular words in the text on the label.

6.1.4 Rule 3.2c Suggest any association with, acceptance of, or allusion to illicit drugs

One flavoured alcoholic beverage was considered potentially to breach this rule by containing a reference to a term relating to drugs in the product name.

6.1.5 Rule 3.2d Suggest any association with sexual activity or sexual success

Two products (a flavoured alcoholic beverage and a wine) were considered potentially to breach this rule by containing either exotic or cartoon images of scantily clad female figures.

6.1.6 Rule 3.2e Suggest that consumption of the drink can lead to social success or popularity

One product, a wine, was considered potentially to breach this rule by wording which incorporated a number of aspirational slogans.

6.1.7 Rule 3.2f Encourage illegal, irresponsible or immoderate consumption

Six products were considered to be in potential breach of this rule. Two were wines, three were flavoured alcoholic beverages and one was a beer. In all cases this was conveyed by the particular words and phrases used which suggested, for example, that the product could be drunk at any time of day, or in excessive quantity, or encouraging the consumer to drink the product quickly.

6.1.8 Rule 3.2g Urge the consumer to drink rapidly or to down a product in one

Three products (a beer and two flavoured alcoholic beverages) were considered to potentially breach this rule. The beer used phrases which stated (amongst others) 'drink fast' and 'fast is better'. The container design of the flavoured alcoholic beverage was that of a 'shot' type package, coupled with the product name which was considered to be a version of the term 'shooter'. The name of the other flavoured alcoholic beverage suggested the word 'bomb' which coupled with the product packaging (a small bottle) could also potentially be a term relating to rapid drinking.

6.1.9 Rule 3.2h Have a particular appeal to the under 18s

Eight products were considered potentially to breach this rule. Three were wines, three were flavoured alcoholic beverages, one was a beer and one was a spirit. Elements with potential appeal to the under 18s were the use of cartoon characters, bright and / or unusual colours of the drink or its packaging, emphasis on the fruit content by the use of images or words, especially where this was coupled with the bright colours leading to possible confusion with soft drinks or sweets, the use of pictures of animals or product names associated with those in children's stories.

6.1.10 Rule 3.2i Incorporate the images of people who are or who look under twenty-five years of age, where there is any suggestion that they are drinking alcohol or they are featured in a significant role.

No such products were found.

6.1.11 Rule 3.2j Suggest that the product has therapeutic qualities or can enhance mental or physical capabilities

Eight products were found to be in potential breach of this rule. Four were wines, three were flavoured alcoholic beverages and one was a spirit.

This rule has been strengthened in the 5th edition to include the reference to therapeutic properties. Typically it was the wording or naming used that was considered to be a potential breach. In the case of wines it was sometimes difficult to distinguish whether the text was referring to the taste / quality properties of the wine or to therapeutic quality. For example wines may be referred to as being 'refreshing' which needed to be considered in context. The wording and names which were considered to be in potential breach included reference to chilling out, unwinding, spirited, freeing the mind, tonic, reenergising.

6.2 Potential breach by product category

Flavoured alcoholic beverages was the product category which had the highest proportion of products considered to be in potential breach of the Code. At least one product from this category potentially breached all but two (3.2e and 3.2i) of the rules. In common with the other the product categories, flavoured alcoholic beverages were most frequently found to be in potential breach of rule 3.1, i.e. the alcoholic nature of the product was not communicated with absolute clarity.

6.3 Further action

Following the submission of this report the Portman Group intends to contact the brandholders of those products found to be in potential breach of the Code and alert them of the report's findings. The brandholders then have the opportunity to amend the packaging accordingly.

Where the brandholder does not amend their packaging these products will be presented before the Independent Complaints Panel for their formal adjudication of compliance with the Code.

Annex 1 Target and actual sample distribution

Sample Number Distribution 2013						
Target Total Number of samples:				500		
Product category	Product sub-category	Target Number of samples per product category	Target Number of samples per brand type			
			Major brand	Minor brand	Own label	
Beer		97		69	17	11
	Lager	47		34	8	5
	Ale	45		32	8	5
	Stout	5		4	1	1
Cider&Perry		30		15	13	2
Wines		257		90	90	56
Light wine		198		75	77	46
	Red	91		35	35	21
	White	85		32	33	20
	Rose	22		8	9	5
Other		15		5	6	4
Sparkling		23		9	9	5
Fortified wine		21		10	4	5
	Sherry	6		3	1	2
	Port	6		3	1	2
	Vermouth	4		2	1	1
	Other	4		2	1	1
Spirits		94		47	23	24
	Brandy	14		6	4	4
	Gin	8		3	3	2
	Liqueurs	13		6	4	3
	Other	4		2	1	1
	Rum	12		6	3	3
	Vodka	14		6	4	4
	Whisky	29		13	9	7
FABs		22		9	12	1
Total		500				

Annex 1a

Sample Number Distribution 2013						
Assessed Number of samples:			506			
Product category	Product sub-category	Assessed Number of samples per product category	Assessed Number of samples per brand type			
			Major brand	Minor brand	Own label	
Beer		98		69	17	12
	Lager	47		34	7	6
	Ale	45		32	8	5
	Stout	6		3	2	1
Cider & Perry		30		15	12	3
Wines		260		100	105	55
Light wine		214		75	91	48
	Red	94		34	38	22
	White	96		34	41	21
	Rose	22		6	11	5
Other		2		1	1	0
Sparkling		24		13	8	3
Fortified wine		22		12	6	4
	Sherry	6		3	1	2
	Port	6		4	1	1
	Vermouth	3		1	1	1
	Other	7		4	3	0
Spirits		95		39	33	23
	Brandy	14		6	4	4
	Gin	8		3	3	2
	Liqueurs	14		5	6	3
	Other	4		0	4	0
	Rum	12		6	3	3
	Vodka	14		6	4	4
	Whisky	29		13	9	7
FABs		23		9	12	1
Total		506				

