

## ***Alcohol advertising Code***

In order to respect and comply fully with the legal provisions applicable, notably law n°91-32 of January 10th 1991, and in order to cover all the different aspects of their activities, the associations and professional organizations (listed in the Appendix of this Code) commit to complying or asking all their members to comply with the rules hereafter:

They reaffirm that a moderated and adapted consumption of alcohol has its place in the French society and that the role of marketing communication is to help the consumer to choose freely between the different brands and products proposed.

They would like to remind that they share the governmental concerns about excessive alcohol consumption and its misuse. They intend not to encourage such behaviors and, on the contrary, encourage responsible consumption which is less risky.

### **1. General Principles**

Marketing communication is defined as any type of expression with an advertising goal, targeting consumers, no matter the media.

1/1. Marketing communication must not encourage excessive consumption or criticize abstinence and sobriety.

1/2. Marketing communication must not be confusing about the nature of the drink and its alcohol degree. It must not imply that consuming low degree alcohol beverages prevents excess. It must not, on the contrary, highlight or argue on the high alcohol degree of a beverage.

1/3. Marketing communication shall not suggest that alcohol, alone or combined with soft drinks, has therapeutic qualities or that it is a stimulant, a sedative or a mean of resolving conflicts. It must not demonstrate that alcohol improves physical, psychological or intellectual performances.

1/4. Marketing communication must not present alcohol consumption as a help to overcome individual or collective problems, nor illustrate or mention success gained thanks to alcohol consumption.

1/5. Marketing communication must not demonstrate that alcohol consumption contributes to sentimental success, sport success, sexual success, or constitutes a sign of maturity, of manhood or is necessary for social success.

1/6. Marketing communication must not associate alcohol consumption to luck situations, exploits, boldness or sport exercises.

1/7. Marketing communication must not associate alcohol consumption to car driving or to the use of potentially dangerous machines.

### **2. Minors**

Marketing communication must not target minors. In particular, they must not:

- 2/1. Show minors or make minors be heard.
- 2/2. Represent or evoke scenes or characters, true or fantasy, that are obviously appealing to minors.
- 2/3. Communicate in press, radio or online websites which it is reasonable to assume that the audience is not made up of at least 70% of adults of 18 years and older.

### **3. Advertising**

#### **3/1. Indications and references allowed**

With regards to the content of alcohol advertising, an authorized list of information or references that can be included has been established by regulation (in particular, article L 3323-4 of the French Public Health Code modified by the Law of 23 February 2005):

*3/1 - 1 "Advertising for alcohol is limited to the indication..."*

The word "indication" allows expressions by text, sound or image.

The representation of persons must correspond with a real professional existing function, past or present, intervening in the elaboration, the distribution or the presentation of the product to consumers. (Sommelier, Chef...)

*3/1-2 "...of the alcohol degree"*

No argumentation can be based on the alcohol degree.

*3/1-3 "...of the origin"*

The origin can be the history, the geographic origin, or the raw ingredients used to make the product. The link with the product must be justified.

*3/1- 4 "...of the naming"*

The naming includes also the brand.

*3/1-5 "...of the composition of the product"*

All ingredients and component can be highlighted as long as it is significant, no matter if it figures or not on the label. The link with the product must be precise and uncontestable.

*3/1-6 "...of the name and address of the maker, the agent or the distributors"*

These indications include all the participants in the commercial distribution. The link with the product must be precise and uncontestable.

*3/1-7 "...of the elaboration method"*

The description must be linked to the different actions that are necessary to create the product, to put it in bottle, to create the packaging and to present it to the final consumer.

*3/ 1- 8 "...of the selling modalities"*

The selling modalities cover all selling techniques (packaging, bundles...etc) and the different legal forms of promotion.

### 3/1 -9 "...of the consumption methods"

Advertising can highlight the best savoring conditions, the culinary associations. It is forbidden to represent consumers.

*3/1-10 "Advertising can contain references to the production territory, the decorations gained by the product, the protected designation of origin (article L 115-1 of the French Consumption Code), the geographical indications as defined in the international conventions and treaties regularly signed".*

The word "references" allows all expressions via texts, sound and images.

The notions of "territory", of "protected designation of origin" and of "geographical indications", cover the place of production but also: the ground, the nature of the soil, the water, the sun exposition, the local weather etc. that contribute to the features and qualities of the product. Are also covered the cultural aspects and all typical features related to the soil, the habits, the taste of the inhabitants, of a region or a country of production. The link with the product must be uncontestable.

In order not to mislead the consumer, the decorations gained, official or acknowledged by the profession, must be real.

*3/1-11 "Advertising can contain objective references to the color, to the olfactory or gustatory features of the product"*

The word "references" allows expression via texts, sound and images.

Any organoleptic feature can be highlighted. The link with the product must be precise and uncontestable.

## **3/2. Representation of the packaging**

The packaging can be presented in the advertisement only if it complies with the previous provisions. (Chapters 1 to 3)

## **3/3. Health message**

For advertising in written forms, in order to be clear, legible and visible, the health message must be:

3/3-1 Only in horizontal position;

3/3-2 In bold characters, in a color that stands out from the background. No letter should be in a size inferior to 1/100e of the summing of the height and the width of the advertisement. However, the size and the font can be adapted for legibility reasons caused by the dimensions of the format;

3/3-3 With a lag from the edge of the advertisement of 2 times the height of the letters. The lag can be lessened for legibility reasons caused by the dimensions of the format;

3/3-4 The correct formulation is "*l'abus d'alcool est dangereux pour la santé, à consommer avec modération*". The phrase can be cut down to the first part only for reasons related to the dimension of the format.

3/3-5 For radio advertising, the health message is "*Pour votre santé, attention à l'abus d'alcool*".

### **3/4. Media**

Advertisers comply strictly with the legal provisions applicable concerning the media authorized.

3/4-1 However, they voluntarily refrain from using their right to outdoor advertising in French sports fields during sporting events.

3/4-2 Further than the strict implementation of the 2009 July 21th law, online marketing communications comply with all the rules set in this Code (chapters 1 to 3)

Access to brand websites is conditioned to the obligation of stating ones age or date of birth. The access must be denied if the age is below 18.

3/4-3 Delivery cars must indicate the name of the producer with a legible and visible super indicating "company" or any other word, abbreviation or logo showing the legal status of the company. The name of the producer can be replaced by or joined to the name of the brand. In that case, the health message must be present (see paragraph 3.3)

### **4. Professional animation activities**

Professional animation activities comply with the general rules applicable to marketing communications (chapter 1) as well as those concerning minors (chapter 2)

4/1 Initiators of promotional animations must comply strictly with the provisions of the French Public Health Code concerning alcohol sale and distribution (even for free). They make sure sufficient information, controls and prevention campaigns are provided in order to prevent alcohol consumption by minors and pregnant women, or excessive consumption by any consumer.

Tasting sessions are proposed in adapted quantities and limited numbers.

4/2 They don't organize professional animation activities in sale points which don't have the sale license (consumption on place or take away)

4/3 They commit to making prevention and information campaigns concerning the risks of alcohol while driving, notably addressing young drivers.

### **5. Patronage**

In accordance with the 1991 January 10<sup>th</sup> law (modified in 2003), when patronage is done by the producer or the distributor and that the name used by the producer is also a brand or the label of a product, the word "company" or "foundation" must appear next to the name of the producer or distributor in a legible and visible way, or any other word, abbreviation or logo defining the company.

**6. Commercial naming of alcohol products**

The name used for the marketing of the product can't:

- Mislead on the alcoholic nature of the product
- Encourage excessive consumption
- Imply violence, aggressively or dangerous situations
- Suggest sexual success
- Capitalize on the high alcohol degree of the product

**7. Packaging**

Further to the compliance with the legal provisions concerning packaging and information in sale points, the signatories of this Code commit to respecting the following rules:

7/1 The alcoholic nature and the alcohol degree must be clearly indicated on the packaging;

7/2 The high degree of alcohol can't be the dominant theme of a packaging or of the information delivered in sale points;

7/3 In case of a blend between alcohol and non alcohol beverage, the latter can't be the dominant theme of the packaging or of the information delivered in sale points;

7/4 Conception and design of the packaging can't be based on or resemble the characters or products linked to adolescent culture, nor suggest sexual success;

7/5 Packaging can't imitate the forms or objects associated to dangerous behaviors for health or society (bombs, needles...);

**8. Distribution**

Even though companies can't legally control the distribution and the arrangement in the shelves of their products, the signatories of this Code will warn the distributors and resellers of these rules:

8/1 Alcohol must be proposed on a different shelf than non alcoholic beverages

8/2 All legal provisions must be respected and notably the ban on sale to minors, as well as the ban on automatic distributors.