



# SPIRITUS LAW

## DISCUS Alcohol Advertising Key Content Guidelines Summary

### Responsible Placement

- Beverage alcohol products should not be advertised or marketed in any manner directed or primarily appealing to persons below the legal purchase age. Advertising or marketing material is considered to "primarily appeal" to persons below the legal purchase age if it has special attractiveness to such persons beyond the general attractiveness it has for persons of legal purchase age.
- Beverage alcohol advertising and marketing should be placed in broadcast, cable, radio, print, and internet/digital communications only where at least 71.6 percent of the audience is reasonably expected to be of legal purchase age (determined by using reliable, up-to-date audience composition data).
- To facilitate these placement commitments, recognized electronic and print composition data should be reviewed on a regular basis (at least annually) in order to ensure that the audience composition data are current and appropriate.
- Detailed demographic data/advertisement placement guidelines have been developed to implement the responsible placement provisions, which are posted on the DISCUS website and updated periodically to reflect the most current and appropriate data. The most recent report is dated May 26, 2011 and provides guidance on permissible radio times but does not provide TV time slots as those should be established by the network based on audience composition data. *(see attached DISCUS Media Buying Guidelines).*

### Responsible Content

- The content of beverage alcohol advertising and marketing materials should not primarily appeal to individuals below the legal purchase age.
- Beverage alcohol advertising and marketing materials should not depict a child or portray objects, images or cartoon figures that primarily appeal to persons below the legal purchase age.
- Beverage alcohol advertising and marketing materials should not contain the name of or depict Santa Claus.
- Beverage alcohol products should not be advertised or marketed in a manner associated with the attainment of adulthood or the "rite of passage" to adulthood.
- Beverage alcohol products should not be advertised or promoted by any person who is below the legal purchase age or who is made to appear to be below the legal purchase age. Minors should not appear in the advertisement. To help ensure that individuals in beverage alcohol advertising are and appear to be above the legal purchase age, models and actors (including voice-over actors) employed should be a minimum of 25 years old, substantiated by proper identification and should reasonably appear to be 21 years of age and older.

## **Social Responsibility**

- Beverage alcohol advertising and marketing materials should portray beverage alcohol products and drinkers in a responsible manner. Beverage alcohol products and drinkers may be portrayed as part of responsible personal and social experiences and activities, such as the depiction of persons in a social or romantic setting, persons who appear to be attractive or affluent, and persons who appear to be relaxing or in an enjoyable setting.
- Beverage alcohol advertising and marketing materials should not depict situations where beverage alcohol is being consumed excessively or in an irresponsible manner. These materials should not portray persons in a state of intoxication or in any way suggest that intoxication is socially acceptable conduct, and they should not promote the intoxicating effects of beverage alcohol consumption.
- Beverage alcohol advertising and marketing materials should not contain any curative or therapeutic claim except as permitted by law.
- Beverage alcohol advertising and marketing materials should contain no claims or representations that individuals can attain social, professional, educational, or athletic success or status as a result of beverage alcohol consumption.
- Beverage alcohol products should not be advertised or marketed in any manner associated with abusive or violent relationships or situations.
- Beverage alcohol advertising and marketing materials should not imply illegal activity of any kind.
- Beverage alcohol advertising and marketing materials should not portray beverage alcohol being consumed by a person who is engaged in, or is immediately about to engage in, any activity that requires a high degree of alertness or physical coordination.
- Beverage alcohol advertising and marketing materials should not be associated with anti-social or dangerous behavior.
- Beverage alcohol advertising and marketing materials should not portray, encourage or condone driving any motor vehicle while intoxicated.
- Beverage alcohol advertising and marketing materials should not degrade the image, form, or status of women, men, or of any ethnic, minority, sexually-oriented, religious, or other group.
- Beverage alcohol advertising and marketing materials should not contain any lewd or indecent images or language.
- Beverage alcohol advertising and marketing materials should not employ religion or religious themes.
- Beverage alcohol advertising and marketing materials may depict affection or other amorous gestures, or other attributes associated with sociability and friendship. While a brand preference may be portrayed as a mark of good taste and discernment, beverage alcohol advertising and marketing materials should not rely upon sexual prowess or sexual success as a selling point for the brand. Accordingly, advertising and marketing materials should not contain or depict:
  - graphic or gratuitous nudity;
  - overt sexual activity;
  - promiscuity; or
  - sexually lewd or indecent images or language.

## **Alcohol Content**

- Beverage alcohol advertising and marketing materials should not refer to the alcohol content of a beverage alcohol product except in a straightforward and factual manner or promote the potency of a beverage alcohol product.

## **Social Responsibility Statements**

- Responsible drinking statements should be included in beverage alcohol advertising, marketing materials and promotional events where practicable.