

Audit of Compliance with 6th Edition of Portman Group Code

Alcohol labelling

The Portman Group

London

08/07/2020

Ref: 12003r1v3.0



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Audit of Compliance with 6th Edition of Portman Group Code – Alcohol Labelling

1 Introduction

The Portman Group (PG) is the responsibility body for drinks producers in the UK. The Group's eleven-member companies account for more than half of the UK alcohol market, they are: Asahi UK, Aston Manor Cider, Bacardi, Brown-Forman Brands, Budweiser Brewing Group, Carlsberg UK, Diageo, Heineken, Mast-Jägermeister UK Ltd, Pernod Ricard and SHS Drinks.

The Group's role is:

- to encourage and challenge the industry to promote its products responsibly, which they do mainly through operating their Code of Practice on the Responsible Naming, Packaging and Promotion of Alcoholic Drinks and Code of Practice on Alcohol Sponsorship;
- to show leadership on best practice in the area of alcohol social responsibility through the actions of their member companies;
- to speak on behalf of their members on these issues to inform public opinion and policy; and
- communicate the benefits a responsible alcohol sector brings to the UK.

The Group's Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks (the Code) was introduced in 1996. It applies to all alcoholic products marketed for sale in the UK. It covers naming, packaging and promotion activity including product sampling, branded merchandise, point-of-sale advertising and some online content (in so doing, it complements, rather than duplicates, the advertising codes enforced by the Advertising Standards Authority). It seeks to ensure that alcohol is promoted in a socially responsible way and only to those 18 and over.

The Code is written by the Portman Group in consultation with the industry and other stakeholders. In March 2019, following a public consultation, the sixth edition of the Code was published.

The Code is complemented by the Code of Practice on Alcohol Sponsorship which commits producers to promote responsible drinking and/or support diversionary activities as part of their sponsorship agreement.

PG has an open and accessible complaints system allowing anyone to make a complaint against a product, promotion or sponsorship agreement that they consider is in breach of the Code. Complaints are ruled on by an Independent Complaints Panel (the Panel). The Panel is currently chaired by Jenny Watson CBE.

If a complaint is upheld and a product or promotion is found in breach of the Code, the producer is asked to take appropriate remedial action. In the event of a breach concerning the naming and/or packaging of a product, PG may issue a Retailer Alert Bulletin (RAB) asking licensed retailers not to re-stock the offending product until the company has taken appropriate remedial action. The RAB is published in the trade press and also distributed relevant parties.



The Code receives widespread support across the industry. There are more than 140 companies that are signatories to the Code. These signatories, which include alcohol producers and most major retailers, as well as trade associations, represent the overwhelming majority of the drinks industry.

To assist companies in complying with the Code, PG offers a free Advisory Service. Companies can approach the Advisory Service for confidential guidance in advance of launching a product or undertaking an activity covered by the Code.

The new sixth edition of the Code includes some significant changes. For the first time, the Code includes a rule on serious or widespread offence. A number of Code rules in the fifth edition have been amended to widen their reach. The scope of the Code has also been clarified to specifically reference the protection of the vulnerable as a fundamental principle of the Code, alongside social responsibility and protection of under-18s.

PG have commissioned Zenith Global to collect a random sample of alcoholic products on sale in the UK and assess them against the new Code. Products found to be potentially in breach of the Code will either be amended in conjunction with the Advisory Service or investigated by the Independent Complaints Panel.



2 Aims of the Audit

The aim of the audit is to test the alcohol industry's compliance with the new 6th edition of the Code and will be focussed only on the new Naming and Packaging Code.

Specifically, the audit will:

- provide important statistical information about the levels of industry compliance with the Code;
- illustrate that the PG is proactive (through this audit) in seeking to identify products that may be in breach of the Code;
- reveal if there are particular product sectors in which problems are more pronounced;
- strengthen government's and other stakeholders' confidence in industry self-regulation.

For the purposes of the Code and this audit, alcoholic products are classed as any product with an ABV of above 0.5%. Any product with an ABV below this threshold will not be included in the audit.

Following the launch of the new code in March 2019, a six-month period of grace was provided to allow producers to familiarise themselves with the amendments to the Code and make changes to products or promotions where necessary. At the beginning of this six-month period, Zenith Global collected a random sample of products and identified any products that may be in breach of the new Code.



3 Summary of Audit Results

The results indicate an overall compliance rate to the Code of 94%.

From the audit 23 products (4.6%) were assessed as being non-compliant of the 500 products sampled. In addition to this, 6 products (1.2%) were illegal and a further 1 product had an historic complaint against it. Of the products sampled, 470 were in compliance with the new 6th edition of the Code.

The highest rate of potential breach seen in the audit was against rule 3.2(h) Particular appeal to under-18s. Six products were potentially non-compliant under this rule, this being 1.2% of the sample.

Of the 23 products found to be in potential breach of the Code, 10 were Beer – Lager, 6 were Table wine – light wine, 3 were Beer – Ale, 2 were Cider and 1 each for Beer – Stout and Liqueurs & specialities.

The product category which had the highest proportion of potential breaches was Beer – Lager. 4.3% of all Beer – Lager sampled were found to be in potential breach.

Minor brands were the source of most potential rule breaches with 24 of the 29 potential non-compliances.

In the worst case 1 product potentially breached 3 rules, 4 products potentially breached 2 rules, with the remainder breaching 1 rule.



4 Methodology

This section outlines the process Zenith Global undertook to collect a statistically representative sample size of alcohol sold in the UK and to audit the sample in accordance with the Portman Group's Code of Practice.

4.1 Sampling Plan

The audit required a sample collection of 500 alcoholic products on sale in the UK. It was requested that the sample be statistically representative of the UK market in terms of product sector and category. The sample also needed to be randomly chosen.

For the sample to be statistically representative, Zenith Global used off-trade market data for a full year ending in March 2019. The data file provided the volume (in thousands of HL) of alcohol purchased in the UK from March 2018 to 2019 by product sector, category, UK region and distribution channel. The sectors and categories included were:

Table 1.1 Sectors and categories sampled

Sector	Category
Long alcoholic drinks	Beer – Ale Beer – Lager Beer – Stout Cider Ready-to-drink (RTD)
Spirits	Gin Imported whiskey Liqueurs and specialities Rum Scotch whiskey Tequila and mezcal
Wines	Champagne Sparkling wine Fortified wine Near wine – fruit wine Near wine – ginger wine Near wine – perry Near wine – sundry liquor Table wine – flavoured wine Table wine – light wine

The UK regions included were:

1. England and Wales Central
2. England and Wales East of England
3. England and Wales Lancashire and English border
4. England and Wales London
5. England and Wales North East
6. England and Wales South and South East
7. England and Wales South West
8. England and Wales Wales and West
9. England and Wales Yorkshire
10. Scotland.



The distribution channels represented in the data were:

1. Grocery multiples
2. Online
3. Convenience and forecourt
4. Symbol and independents

Zenith Global used the data to determine the volume share (%) of each sector and category within each UK region and distribution channel. Excluded from the data for our analysis was low or no alcohol volumes (category and sectors with ABV of 0.5% and below). The total volume of alcohol purchased in the UK with year ending in March 2019 was 34,663,000 HL. To determine the volume share, Zenith Global took the sector/category volume within each region and channel and divided this specific volume by the total volume.

Below is an example of the calculated volume share:

	GB Grocery Multiples England & Wales Central	GB Grocery Multiples England & Wales East of England	GB Grocery Multiples England & Wales Lancs and English Border	GB Grocery Multiples England & Wales London	GB Grocery Multiples England & Wales North East	GB Grocery Multiples England & Wales South & South East	GB Grocery Multiples England & Wales South West	GB Grocery Multiples England & Wales Wales & West	GB Grocery Multiples England & Wales Yorkshire	GB Grocery Multiples Scotland
LONG ALCOHOLIC DRINKS										
LONG ALCOHOLIC DRINKS BEER										
<i>LONG ALCOHOLIC DRINKS BEER ALE</i>	0.862%	0.463%	0.624%	0.816%	0.296%	0.590%	0.227%	0.487%	0.625%	0.441%
<i>LONG ALCOHOLIC DRINKS BEER LAGER</i>	4.214%	2.071%	4.153%	5.071%	1.938%	2.886%	0.877%	2.544%	3.811%	2.731%
<i>LONG ALCOHOLIC DRINKS BEER STOUT</i>	0.141%	0.068%	0.129%	0.154%	0.044%	0.090%	0.034%	0.081%	0.096%	0.084%
<i>LONG ALCOHOLIC DRINKS CIDER</i>	1.256%	0.568%	1.023%	1.033%	0.484%	0.845%	0.405%	1.107%	0.949%	0.709%
<i>LONG ALCOHOLIC DRINKS RTD</i>	0.142%	0.078%	0.137%	0.237%	0.056%	0.118%	0.035%	0.091%	0.107%	0.129%

Once the volume share was obtained, the percentages were converted to integers. Due to the number of sector/category, geography and distribution channel splits, some of the volume shares and resulting integers were extremely small at decimals. In order for the dataset to be workable and a random sample to be chosen, the integers were scaled up and multiplied by 1,000,000,000. The resulting table maintained the volume share of each category/sector within a specific geography and distribution channel while allowing a number range to be assigned based on each category's volume share.

This analysis allowed Zenith Global to assign a weighted random number to each category based on its volume share. For example, Beer – Ale within Grocery Multiples in England and Wales Central had a resulting integer of 8,615,128. As such, the weighted random number range assigned to Beer-Ale in Grocery Multiples England and Wales Central would be 1 to 8,615,128. Zenith Global assigned random numbers based on volume share to all categories in all geographies and distribution channels. Once the weighted random number ranges were assigned, we ran a random number calculation in Excel to provide a random sample of 500 alcoholic products. The resulting random numbers were matched to the weighted random number range table to provide the specific category and location (region and channel) of where the sample should be obtained from.

4.1.1 Product range

Sample pages of the 500 randomly generated sample for the audit are shown in Table 1.7 in the appendix.

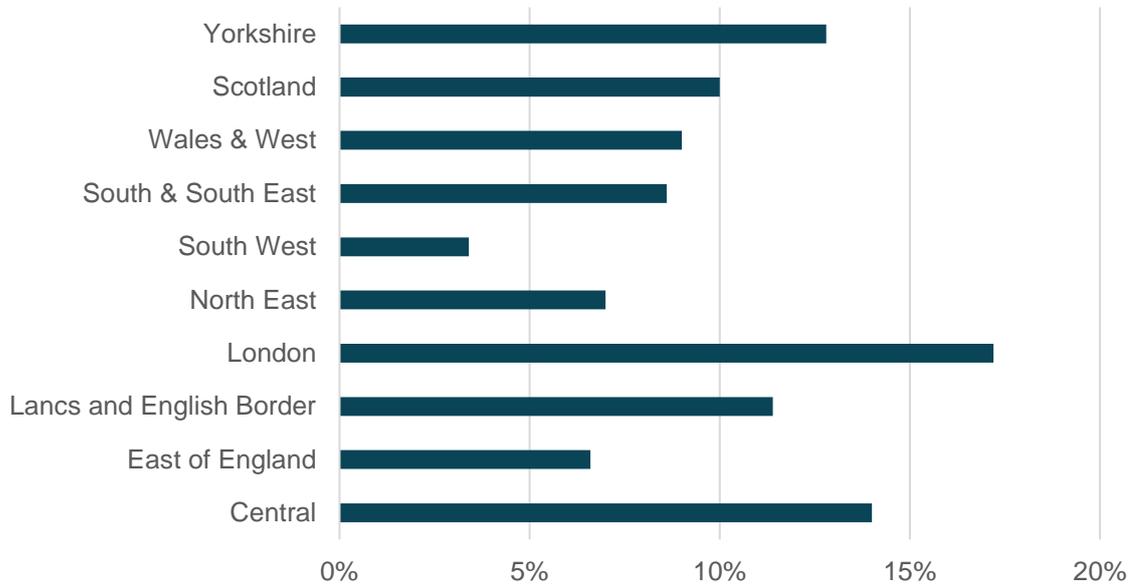
4.2 Shopping Plan

The purchase period ran from the beginning of April until the middle of May 2019. Referring to the random sampling methodology we had ten regions, four main channels and four main alcoholic categories counting seventeen sub categories.



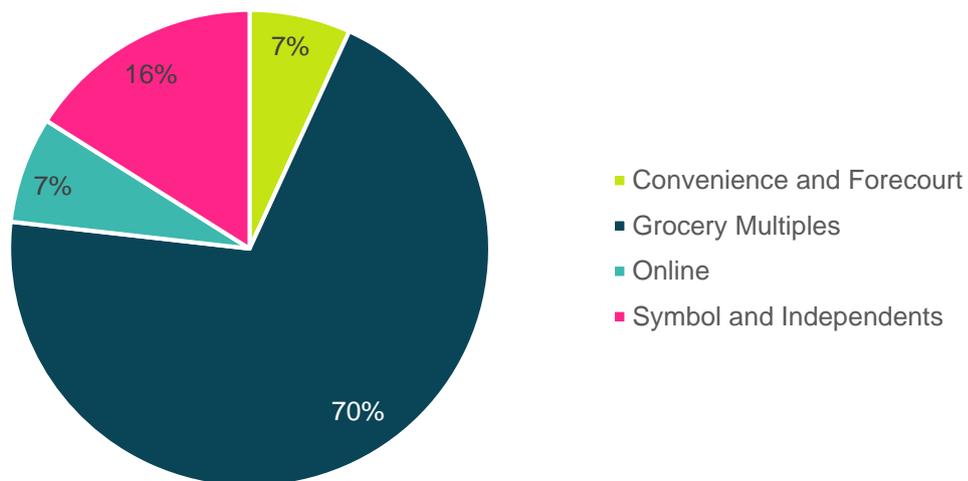
The regions were categorised according to the BARB Standard regions. Based on the randomly generated sample, a majority of the samples were purchased from London (17%) while the fewest samples came from the South West region (3%). In determining the specific geographic location for the sample purchases, Zenith created an ordered list of the largest cities by region and visited at least one of them per region.

Figure 1.1 Shopping plan regional split %



In terms of channels, Grocery Multiples accounted for 70% of all purchases, and Symbol and Independent stores had 16% share. This was followed by the Online channel at 7.2% share and then the Convenience and Forecourt channel at 6.8%.

Figure 1.2 Shopping plan channel split %



The following highlights the selection of stores the sample was purchased from by distribution channel: Within each channel the selection of stores included were spread across the broad spectrum of retailer market positioning and socio-economic segmentation, which characterises the UK grocery and convenience store offer.

Grocery Multiples: We have covered the largest grocery stores including Tesco, Sainsbury's, ASDA, Morrisons, The Cooperative, Waitrose, Iceland, M&S and EH Booth which only has presence in the North West.

Discounters: Aldi, Lidl

Symbol and Independent stores: We have visited many local shops, and also some chains such as Spar, Best-one, Londis, Costcutter, Booker Premier, Budgens.

Online: We have chosen two from the most popular retailers (according to the Portman Group). Beer Hawk and 31 Dover.

Convenience and Forecourt: Bargain Booze, McColls Retail Group, WHS, Majestic Wine, T&S/One Stop as well as the multiple forecourts at BP and Shell, for instance.

The purchasing process involved assigning each purchaser with a specific product list requirement from the random sample of 500 products. The purchaser was asked to purchase the type of product at the distribution channel and region as stipulated on the list. The purchaser had the freedom to choose the product in order to ensure the selection was random. Purchase product price was limited to £50 retail price per item. The purchase list included our random sample numbers directly matched to a given product in the exact region, channel, category and sub-category. Stickers were provided so that each sample product was labelled with its random number and identifiable during the audit.

In order to avoid duplicated product in our sample size, a list was created after each purchasing trip. The alphabetical ordered list included the product name, size, category and pack format (whether it was a single pack or a multipack). The list was provided to each purchaser prior to the shopping trip so that the list could be cross-checked with the purchase to ensure duplication was avoided. This also allowed for the widest product range in the sample.

4.3 Assessment

4.3.1 Assessment criteria

The alcoholic drinks sampled for this audit were assessed under the Sixth edition of the PG Code.

The audit evaluated each product in the sample against the requirements of the new Code and identified any perceived breaches. The Code evaluation was completed in the context not only of the Code's rules (which are to be interpreted in both the spirit and the letter) and supporting guidance documents but also of previous decisions of the Panel.

While the Code covers the naming, packaging and promotion of an alcoholic product, this audit concentrated only on the naming and product packaging. A product's packaging includes its brand name, product descriptor, labelling, container (primary packaging) and any external wrapping (secondary packaging).

The sixth edition includes the following changes from the previous edition:

- amendments to existing rules 3.2(b) and 3.2(j);
- a new rule on serious or widespread offence; and
- an amendment to an overarching principle of the Code (1.1) to specifically reference the protection of the vulnerable alongside social responsibility and protection of under-18s.



Following a public consultation, the two amended rules read as:

Amendments to Rule 3.2(b) are highlighted below:

*A drink, its packaging and any promotional material or activity should not in any direct or indirect way suggest any association with bravado, or with violent, aggressive, dangerous anti-social and **illegal behaviour** (though sponsorship of activities which may be dangerous after alcohol consumption, such as motor or yacht racing, are not in themselves in breach of this clause)*

Amendments to Rule 3.2(j) are highlighted below:

*A drink, its packaging and any promotional material or activity should not in any direct or indirect way suggest that the product has therapeutic qualities, can enhance mental or physical capabilities, or **change mood or behaviour**.*

After public consultation, PG have introduced a new code (3.3). The rule is designed to strike a balance between legitimate marketing freedoms and the prevention of marketing that causes serious or widespread offence. The new rule states that marketing should not cause serious or widespread offence.

The new Code Rule 3.3 reads as:

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

Amendments to the overarching principle:

PG have added the statement regarding vulnerability to Section 1 of the Code to strengthen the industry's commitment to social responsibility as follows:

*1.1 This Code seeks to ensure that alcohol is promoted in a socially responsible way, only to those aged 18 and over, **and does not appeal particularly to those who are vulnerable**.*

The full list of Code rules are as follows:

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 the 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, anti-social or illegal behaviour (though sponsorship of activities which may be dangerous after alcohol consumption, such as motor or yacht racing, 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 25 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; or

(j) suggest that the product has therapeutic qualities, can enhance mental or physical capabilities, or change mood or behaviour.

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

4.3.2 Assessment process

The samples were audited against the criteria set out by the Code, considering previous complaint history, any past decisions which may have created a precedent on a similar product and/or non-compliant decision, and any potentially relevant historical context of the product labelling.

All samples were audited by a single auditor, then quality assurance checked by a second auditor. All potentially non-compliant products were also subject to a group assessment stage before being formally assessed as potentially in breach.

In the course of the audit all products were also assessed for any potential illegalities in the product labelling.

Before undertaking the audit, 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.

All samples were recorded in an audit results Excel spreadsheet detailing across columns - the sample ID number, the complaint history, the Producer, the Product details, the Drink category, the Code rules in breach, the Non-Compliant Findings notes, and the auditor's initials.

Overall there were 29 incidences of potential Code breach across 23 products. Six products were found to be potentially illegal.

4.3.3 Photography

All samples were photographed on all sides of the product to capture all aspects on the primary packaging/ labelling. Where products had secondary packaging, this was also photographed in the same way. All products were photographed on a white background.

Each set of product photos were stored together in one folder identified by the individual sample ID number to correspond with the audit results Excel spreadsheet described above.

4.3.4 Data analysis

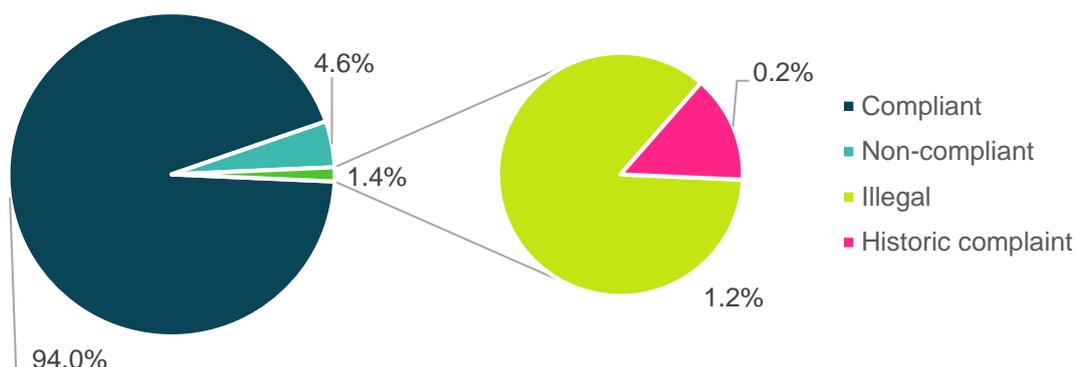
Filters were added to the audit results spreadsheet to allow the sorting of results against any of the column headings described in section 4.3.2 above.



5 Audit Results

From the audit 23 products (4.6%) were assessed as being non-compliant of the 500 products sampled. In addition to this, 6 products (1.2%) were illegal and a further 1 product had a historic complaint against it. Of the products sampled, 470 products were in compliance with the new code.

Figure 1.3 Alcohol product audit split



5.1 Product Category

Table 1.1 below shows the distribution across alcohol product category of those samples that were found to be in breach of the Code. The larger proportion of non-compliant products were found in the Beer-Lager category at 43% of the total non-compliant sample. Second to this with 26% of the non-compliant product are the Table wine- light wine category.

Table 1.2 Non-compliant products by category

Product Type	Non-compliant samples	
	Number	%
Beer - Ale	3	13%
Beer - Lager	10	43%
Beer - Stout	1	4%
Cider	2	9%
Liqueurs & specialities	1	4%
Table wine light wine	6	26%
Total	23	100%



Within the sample, the following categories contained no non-compliant products:

Brandy
Champagne
Fortified wines
Gin
Imported whiskey
Near wine fruit wines
Near wine Perry
RTD (Ready to Drink)
Scotch whisky
Sparkling wine
Table wine flavoured wine
Vodka incl. flavoured

Table 1.3 below shows the number of products in breach within each category. The largest category audited was Beer-Lager, which registered 10 products (4.3%) as non-compliant, the second largest category was Table wine - light wine, which registered 6 (6.2%) as non-compliant.

Table 1.3 *Non-compliant products within each category*

Product Type	Non-compliant samples	Total category	%
Beer - Ale	3	29	10%
Beer - Lager	10	232	4.3%
Beer - Stout	1	11	9.1%
Cider	2	71	2.8%
Liqueurs & specialities	1	8	12.5%
Table wine light wine	6	97	6.2%
All Products	23	500	4.6%

Table 1.4 below shows the non-compliant products by rule breach overall and in each product category. Of the rules in breach, 3.2(h) Appeal to under-18s registered the highest non-compliance with 6 products, this was followed by 3.2(a) Undue emphasis of higher alcoholic strength and 3.2(b) Association with bravado, with both rules having 5 products in potential breach.

The Code rules which did not register any potential breach against them were 3.2(c) – Association with illicit drugs, 3.2(e) – Lead to Social Success and 3.2(g) – Urge to drink rapidly.

When looking at incidence of rule breach, it is the Beer - Lager category which contained the most potential incidences with 11 possible breaches. This was followed by the Table wine - light wine category with 9 potential breaches.

Overall there were 29 incidences of potential rule breach across 23 products.



Table 1.4 *Non-compliant products by rule breach overall and by product category*

Portman Group Code		Overall		Beer - Ale		Beer - Lager		Beer - Stout		Cider		Liqueurs & specialities		Table wine light wine	
No.	Rule	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
3.1	Absolute clarity of alcoholic nature	2	0.4%	1	3.4%			1	9.1%						
3.2 (a)	Undue emphasis of higher alcoholic strength	5	1.0%			4	13.8%							1	1.0%
3.2 (b)	Association with bravado	5	1.0%	2	6.9%	2	0.9%							1	1.0%
3.2 (c)	Association with illicit drugs														
3.2 (d)	Association with sexual activity	2	0.4%											2	2.1%
3.2 (e)	Lead to social success														
3.2 (f)	Encourage illegal, immoderate consumption	3	0.6%			1	0.4%			1	1.4%			1	1.0%
3.2 (g)	Urge to drink rapidly														
3.2 (h)	Appeal to under-18s	6	1.2%	1	3.4%			1	9.1%			1	12.5%	3	3.1%
3.2 (i)	Incorporate images of under 25's	1	0.2%											1	1.0%
3.2 (j)	Suggest therapeutic qualities	4	0.8%			3	1.3%			1	1.4%				
3.3	Cause serious or widespread offence	1	0.2%			1	0.4%								
	Total Sample	500		29		232		11		71		8		97	



Table 1.5 below shows that some products that are potentially non-compliant have been assessed to have breached more than one rule. Only one product was assessed as being in potential breach of 3 rules, this was in the Table wine - light wine category, whilst 4 products were assessed as being in breach of 2 rules.

Table 1.5 Products potentially breaching more than one rule

No. of Rules breached	Total No. of products	Beer - Ale	Beer - Lager	Beer - Stout	Cider	Liqueurs & specialities	Table wine light wine
1	18	2	9		2	1	4
2	4	1	1	1			1
3	1						1

Within the products that were potentially in breach of the Code, 3 were in a multipack format, 1 being a Cider and 2 a Beer - Lager. However, it is only one of the Beer - Lagers that had secondary packaging. In this case, both the product labelling and secondary packaging were assessed to be potentially in breach of the Code.

5.2 Rule

Table 1.4 above (page 13) shows the number of potential rule breaches for the overall sample plus for each product category.

The greatest number of potential breaches occurred against rule 3.2(h) - *A drink, its packaging and any promotional material or activity should not in any direct or indirect way 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).*

In total 6 products (1.2% of the overall sample) were in breach of this rule, the greatest number of those occurring in the Table wine light wine category.

The second largest number of potential breaches was jointly against rules 3.2(a) and 3.2(b), these respectively being - *A drink, its packaging and any promotional material or activity should not in any direct or indirect way give the 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.*

And - *A drink, its packaging and any promotional material or activity should not in any direct or indirect way suggest any association with bravado, or with violent, aggressive, dangerous, anti-social or illegal behaviour.*

Both of these rules registered 5 products (1.0% of the overall sample) potentially in breach. The majority of these breaches occurring in the Beer - Lager category.

5.3 Brand Type

Table 1.6 Potential breaches by brand type

Brand Type	Potential Breach	Total Sample	%
Overall	29	500	5.8
Major Brands	5	181	2.8
Minor brands	24	319	7.5



Of the brands who were in potential breach of the Code, 5 were from major brands, whereas 24 originated from minor brands. Own label brands did not register any breach of the code.



6 Analysis

The results indicate an overall compliance rate to the Code of 94%. When compared to the previous audit conducted by Campden BRI in 2013, which found a compliance rate of 92.3%, this represents an improvement. The Campden BRI audit was conducted against the 5th edition of the Code, whereas the current audit was assessed against the 6th edition, with the amends and additions described in section 4 of this report.

6.1 Potential breach per Code rule

6.1.1 3.1 The alcoholic nature of a drink should be communicated on its packaging with absolute clarity.

Two products were assessed to be in breach of this rule, one from the Beer – Ale and one from the Beer – Stout categories. This was 0.4% of the overall sample.

Both products assessed as being in breach of this rule were packaged in 330ml cans and contained conflicting imagery and/or text, or a lack of clear text and/or positive cues that would clearly indicate the product is alcoholic. This lack of key communication elements could lead to confusion from a consumer's perspective as to whether the product was of an alcoholic nature.

In one case the product could have been confused with a ready to drink cold coffee beverage. This was combined with a busy colourful can design, which led the auditors to assess it as potentially non-compliant.

6.1.2 3.2 (a) Undue emphasis of higher alcoholic strength or intoxicating effect.

Five products were assessed as being in breach of this rule, four were from the Beer - Lager category and one from Table wine – light wine. The non-compliance rate was 1% of the overall sample.

Within the Beer – Lager category the non-compliances centred around the use of words and phrases such as 'very strong', 'super' and 'extra' being given undue emphasis next to the products' brand name and the ABV%. These words and phrases were also emphasised through the use of bold heavy type or red type and served to highlight to consumers the above average alcohol strength of these products. The communication of the strength was assessed as being beyond the level needed to communicate factual information.

In the case of the Table wine – light wine, the imagery used on the label in conjunction with the brand name was assessed as giving undue emphasis to the alcoholic strength.

6.1.3 3.2 (b) Association with bravado, or with violent, aggressive, dangerous, anti-social or illegal behaviour.

Five products were assessed as being in breach of this rule, two were from the Beer - Lager category, two were from the Beer – Ale category and one from Table wine – light wine. The non-compliance rate was 1% of the overall sample.

The products assessed as potentially non-compliant under this rule conflicted with the code through association with bravado in two cases, with illegal behaviour in two cases and with violent and aggressive behaviour in one case.

In two cases the potential breach focussed on the use of inappropriate text/ type to describe a state of bravado or a state of illegal behaviour associated with the product. In one case of bravado the potential breach focussed on a number of elements – these being the product name, a supportive branding slogan and on the imagery used on the product. All of which combined to provide a compelling case for potential rule breach.



In the case of the Table wine – light wine the product was assessed as having a very tenuous link with a historic context and glamorising illegal behaviour.

The case of violent and aggressive behaviour potential breach for one of the Beer – Ale products carried a historical and literary context with it, however most consumers are unlikely to have been aware of this and viewed the label in isolation. The violent behaviour depicted on the label was assessed as being non-compliant.

6.1.4 3.2 (d) Association with sexual activity or sexual success.

Two products were assessed as being in potential breach of this rule, both of them occurred in the Table wine – light wine category and represent just 0.4% of the total sample.

In both cases it is either the product name and/or its associated supporting slogans or brand message that have brought these products into potential breach, rather than any imagery that has been used on the labelling. In one case the product referenced extreme attractiveness and in the other potential sexual relationships.

6.1.5 3.2 (f) Encourage illegal, irresponsible or immoderate consumption.

Three products were in potential breach of this rule, one being in each of the Cider, Table wine – light wine and Beer – Ale categories.

In the case of the Table wine – light wine, a line of text on the label, which supported the branding of the product was assessed as potentially encouraging immoderate consumption. In contrast the Cider and Beer – Lager products both were potentially non-compliant through packaging size (550ml) and alcohol strength (4.1 and 4.5 respectively). The alcoholic strength encourages immoderate consumption in a single serve container of this size.

6.1.6 3.2 (h) Appeal to under-18s

Six products were potentially non-compliant under this rule, this being 1.2% of the sample and the highest rate of potential breach seen in the audit. Within this, 3 products were in the Table wine – light wine category and the remaining 3 spread across Beer- Ale, Beer – Stout and Liqueurs & specialities.

All products assessed as potentially in breach contained visuals and imagery on their packaging or labelling that could have a particular appeal to under 18's. In particular two of the products could have particular appeal to young girls through use of a cartoon style hand-drawn princess graphic on one product and the use of fairy tale fictional animal graphics on the other.

6.1.7 3.2 (i) Incorporate images of under 25's

One product, a table wine – light wine which incorporated the image of a potentially under 25 female on the label, so was assessed as being potentially non-compliant.

6.1.8 3.2 (j) Suggest therapeutic qualities, can enhance mental or physical capabilities, or change mood or behaviour.

Four products were found to be potentially in breach of this rule, 0.8% of the sample. Within this 3 were a Beer – Lager and 1 a Cider.

Within the context of this rule each was assessed as being potentially non-compliant for varying reasons. In the case of the cider, a supporting line of text implied that consumption of the product could change mood or mental state.

For one of the Beer – Lagers the mythical and distorted imagery used on the can could suggest mind altering qualities of the product. For another it was the product name itself combined with the use of a coloured wild animal that could be interpreted as enabling the consumer to experience a serious



disturbance in mental abilities and a confused state, combined with drunken hallucination. And for the third Beer – Lager it was messages on the labelling and secondary packaging that could lead the consumer to believe that the product could aid in weight loss or provide a slimming effect. It was for these reasons that these products were assessed as being potentially in breach of this rule.

6.1.9 3.3 Cause serious or widespread offence

One product was found to be potentially in breach of this rule, a Beer – Lager, which incorporated the form of a religious figure in its bottle shape and design.

There were no potential breaches recorded against the following Code rules:

- 3.2 (c) Association with, acceptance of, or allusion to, illicit drugs.
- 3.2 (e) Lead to social success or popularity
- 3.2 (g) Urge to drink rapidly or to 'down' a product in one.

6.2 Potential breach by product category

The larger proportion of non-compliant products were found in the Beer-Lager category at 43% of the total non-compliant sample and at 2% of the total sample. One product in this category was found to be in potential breach of two codes (3.2(f) and 3.2(a).

Second to this with 26% of the non-compliant products are the Table wine - light wine category, this represented 1.2% of the total sample, with one product being in potential breach of 3 rules – 3.2(d), 3.2(h) and 3.2(j) and one product being in potential breach of two rules – being 3.2(a) and 3.2(f).

Overall there were 29 incidences of potential code breach across 23 products.

6.3 Further action

On receipt of the audit results, the PG will contact all producers whose products the auditor considers to be in breach of the Code. The producer will be invited to inform the PG whether they wish to proceed along one of three routes:

1. Withdrawn

The producer informs the PG that the product was erroneously on sale in the UK. The producer will need to demonstrate to PG that it has taken steps to ensure the product is no longer for sale in the UK; if it cannot, to the best of its ability, prevent the unauthorised sale of the product the case will proceed to formal investigation by the Panel.

If the producer notifies PG that the labels and packaging have already been amended, it will be asked to submit the new label/product packaging to PG. The case will be closed if the auditor considers sufficient amendments have been made and a date is provided for when the amended label/product packaging will be sold in to retailers.

2. Remedial action

The producer accepts that the product may be in breach of the Code. They will agree to bring the naming and/or packaging in line with the Code, with assistance from the Advisory Service. The case will be closed when the auditor considers sufficient amendments have been made.

3. Formal investigation

If the producer does not accept that the product breaches the Code, or does not agree with the suggested amendments to the naming and/or packaging from the Advisory Service, or does not respond to our enquiries sufficiently, then the product will be referred for formal investigation by the



Panel when the sixth edition of the Code comes into effect; and the auditor will act as the named complainant in the case.



ISO 9001:2008 Quality Management System		
		
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Calculations reviewed by: Anne Wong-Erven – Insight & Advisory Director	Date: 20/09/2019	Signature: 
Report reviewed by: Karen Wells – Associate Director	Date: 06/07/2020	Signature: 



Appendix



Appendix 1

Table 1.7 *Samples pages of the 500 randomly generated sample*

Sample ID	Random number	Region	Channel	Category	Sub-Category
Sample 1	836,307,738	England & Wales Central	Symbol and Independents	Long Alcoholic Drinks	BEER LAGER
Sample 2	742,125,538	England & Wales North East	Online	Long Alcoholic Drinks	CIDER
Sample 3	61,355,022	England & Wales Central	Grocery Multiples	Long Alcoholic Drinks	CIDER
Sample 4	773,745,735	England & Wales Central	Convenience and Forecourt	Long Alcoholic Drinks	BEER LAGER
Sample 5	241,964,008	England & Wales London	Grocery Multiples	Long Alcoholic Drinks	BEER ALE
Sample 6	751,611,881	England & Wales South West	Online	Wines	TABLE WINE LIGHT WINE
Sample 7	275,051,254	England & Wales London	Grocery Multiples	Long Alcoholic Drinks	BEER LAGER
Sample 8	220,522,990	England & Wales Lancs and English Border	Grocery Multiples	Champagne and Sparkling wine	SPRKLNG WN
Sample 9	494,645,208	England & Wales South West	Grocery Multiples	Wines	TABLE WINE LIGHT WINE
Sample 10	978,322,464	England & Wales Yorkshire	Symbol and Independents	Long Alcoholic Drinks	BEER LAGER
Sample 11	248,435,367	England & Wales London	Grocery Multiples	Long Alcoholic Drinks	BEER ALE

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Sample 12	251,692,382	England & Wales London	Grocery Multiples	Long Alcoholic Drinks	BEER LAGER
Sample 13	830,974,851	Scotland	Convenience and Forecourt	Long Alcoholic Drinks	BEER LAGER
Sample 14	42,491,577	England & Wales Central	Grocery Multiples	Long Alcoholic Drinks	BEER LAGER
Sample 15	367,328,547	England & Wales North East	Grocery Multiples	Long Alcoholic Drinks	BEER LAGER
Sample 16	982,739,291	England & Wales Yorkshire	Symbol and Independents	Long Alcoholic Drinks	RTD
Sample 17	673,763,965	Scotland	Grocery Multiples	Long Alcoholic Drinks	BEER LAGER
Sample 18	978,983,022	England & Wales Yorkshire	Symbol and Independents	Long Alcoholic Drinks	CIDER
Sample 19	791,763,956	England & Wales Lancs and English Border	Convenience and Forecourt	Long Alcoholic Drinks	CIDER
Sample 20	952,473,124	England & Wales Wales & West	Symbol and Independents	Long Alcoholic Drinks	BEER LAGER
Sample 21	172,436,903	England & Wales Lancs and English Border	Grocery Multiples	Long Alcoholic Drinks	BEER LAGER
Sample 22	596,530,005	England & Wales Yorkshire	Grocery Multiples	Long Alcoholic Drinks	BEER LAGER
Sample 23	307,411,357	England & Wales London	Grocery Multiples	Long Alcoholic Drinks	CIDER
Sample 24	255,660,673	England & Wales London	Grocery Multiples	Long Alcoholic Drinks	BEER LAGER
Sample 25	271,874,614	England & Wales London	Grocery Multiples	Long Alcoholic Drinks	BEER LAGER

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Sample 26	582,128,215	England & Wales Yorkshire	Grocery Multiples	Long Alcoholic Drinks	BEER LAGER
Sample 27	811,394,091	England & Wales South & South East	Convenience and Forecourt	Long Alcoholic Drinks	CIDER
Sample 28	330,858,694	England & Wales London	Grocery Multiples	Wines	TABLE WINE LIGHT WINE
Sample 29	130,422,300	England & Wales East of England	Grocery Multiples	Long Alcoholic Drinks	CIDER
Sample 30	409,176,845	England & Wales South & South East	Grocery Multiples	Long Alcoholic Drinks	BEER LAGER
Sample 31	853,594,799	England & Wales Central	Symbol and Independents	Long Alcoholic Drinks	CIDER
Sample 32	758,609,004	England & Wales Yorkshire	Online	Long Alcoholic Drinks	BEER LAGER
Sample 33	133,403,788	England & Wales East of England	Grocery Multiples	Spirits	IMPORTED WHISKEY
Sample 34	382,565,275	England & Wales North East	Grocery Multiples	Long Alcoholic Drinks	BEER LAGER
Sample 35	65,312,117	England & Wales Central	Grocery Multiples	Long Alcoholic Drinks	RTD
Sample 36	507,259,454	England & Wales Wales & West	Grocery Multiples	Long Alcoholic Drinks	BEER LAGER
Sample 37	921,743,858	England & Wales North East	Symbol and Independents	Long Alcoholic Drinks	BEER LAGER
Sample 38	691,627,523	Scotland	Grocery Multiples	Champagne and Sparkling wine	SPRKLNG WN
Sample 39	132,652,248	England & Wales East of England	Grocery Multiples	Spirits	GIN

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Sample 40	227,972,993	England & Wales Lancs and English Border	Grocery Multiples	Wines	TABLE WINE LIGHT WINE
Sample 41	245,272,906	England & Wales London	Grocery Multiples	Long Alcoholic Drinks	BEER ALE
Sample 42	830,367,758	Scotland	Convenience and Forecourt	Long Alcoholic Drinks	BEER LAGER
Sample 43	733,451,611	England & Wales London	Online	Long Alcoholic Drinks	BEER LAGER
Sample 44	205,572,703	England & Wales Lancs and English Border	Grocery Multiples	Long Alcoholic Drinks	CIDER
Sample 45	166,638,669	England & Wales Lancs and English Border	Grocery Multiples	Long Alcoholic Drinks	BEER LAGER
Sample 46	928,142,762	England & Wales North East	Symbol and Independents	Spirits	VODKA INC FLAVOURED
Sample 47	320,383,142	England & Wales London	Grocery Multiples	Spirits	TOTAL BRANDY
Sample 48	676,104,435	Scotland	Grocery Multiples	Long Alcoholic Drinks	CIDER
Sample 49	273,928,991	England & Wales London	Grocery Multiples	Long Alcoholic Drinks	BEER LAGER
Sample 50	153,255,772	England & Wales Lancs and English Border	Grocery Multiples	Long Alcoholic Drinks	BEER ALE
Sample 51	722,018,105	England & Wales Lancs and English Border	Online	Long Alcoholic Drinks	BEER ALE
Sample 52	805,540,436	England & Wales North East	Convenience and Forecourt	Long Alcoholic Drinks	BEER LAGER
Sample 53	721,407,772	England & Wales East of England	Online	Wines	TABLE WINE LIGHT WINE

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