

MEAS

Code of Practice

ON THE NAMING, PACKAGING
AND PROMOTION OF ALCOHOLIC DRINKS

MEAS
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ENCOURAGING
RESPONSIBLE MARKETING



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MEAS (the working title of Mature Enjoyment of Alcohol in Society Limited) is an independent company, limited by guarantee, currently supported by:

Beamish & Crawford plc
 Diageo Ireland
 Edward Dillion & Co. Ltd.
 Irish Distillers Group
 Licensed Vintners Association
 C & C Group plc
 Drinks Industry Group of Ireland
 Heineken Ireland
 Interbrew Ireland
 Vintners' Federation of Ireland

Foreword

This Code of Practice is published by MEAS, the social aspects organisation established in 2002 by the principal companies and trade organisations in the drinks industry in Ireland. The aim of the Code is to ensure that alcohol is sold and promoted in a socially responsible manner and only to those 18 years and over.

The MEAS Code replaces the *Drinks Industry Group Code of Practice on the Naming, Packaging and Merchandising of Single - Serve Alcoholic Beverages in the Republic of Ireland* published in 1996. It updates, expands, and improves on the 1996 code in a number of key areas. While the 1996 code applied to single serve alcoholic beverages with an alcoholic strength in excess of 1.2 per cent alcohol by volume, the MEAS Code applies to all pre-packaged and draught alcoholic drinks with an alcoholic strength above 0.5 percent alcohol by volume. It also includes all drinks served from permanent dispenser units which are marketed for sale and consumption in the Republic of Ireland, on a direct, or on an electronic basis.

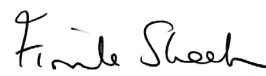
In response to marketing and product innovation the scope of the Code has been expanded to apply to products developed or marketed primarily as alcoholic 'drinks', even if they are classified as food stuffs rather than drinks for the purpose of licensing or customs and excise legislation, or even if they appear to be solid, in jellied form, in vaporised form, or heavily textured (or can be made to be, for example, by freezing or shaking), rather than liquid.

The revised Code will be administered by MEAS which is a not for profit organisation, operationally independent from individual industry companies. A number of new provisions have been incorporated into the MEAS Code to enhance transparency, to underline independence in decision making, as well as to give greater 'teeth' to MEAS to enforce the decisions of the Independent Complaints Panel.

The Independent Arbitration Panel provided for in the 1996 code has been replaced by a larger Independent Complaints Panel whose membership includes nominees from key stakeholders. All complaints will be decided on by the Independent Complaints Panel. The Panel's decisions will be published and there is provision for notification of non-compliance with Panel decisions to the Garda Commissioner, relevant trade organisations and appropriate third parties.

In order to avoid problems companies are encouraged to avail of the MEAS pre launch Advisory Service prior to undertaking any activity that may risk infringing the Code.

I am very pleased to note that the number of companies and organisations who have agreed to subscribe voluntarily to the Code has been extended significantly. This reflects the industry's determination to make self-regulation work. The MEAS Code is an important block within the recently strengthened architecture supporting drinks industry self-regulation in the Republic of Ireland. I am confident that this Code and complimentary initiatives, in particular Central Copy Clearance Ireland, will guide the industry to achieve and maintain high standards in the sale and promotion of alcoholic drinks in a socially responsible manner.



Fionnuala Sheehan
Chief Executive
MEAS

Code of Practice on the naming, packaging and promotion of alcoholic drinks

I Introduction

1.1 The alcoholic drinks industry is committed to promoting the responsible enjoyment of its products. To this end, this Code seeks to ensure that alcohol is sold and promoted in a socially responsible manner and only to those 18 years and over.

1.2 The first edition of the Code was published in 1996 by the Drinks Industry Group of Ireland. This second edition of the Code has been published by MEAS, established by the principal industry companies and trade organisations in 2002 to promote and support social responsibility within the industry and sensible consumption amongst consumers. The second edition of the Code defines best practice in the naming, packaging and promotion of alcoholic drinks and provides a procedural framework for influencing, regulating and controlling industry practice. The Code is supported by the whole industry, including producers, distributors, marketers and Trade Associations, many of which operate their own individual codes.

1.3 All existing Irish legislation, advertising, promotional and broadcasting codes (see Annex 5) take precedence over the provisions contained in this Code.

1.4.1 Central Copy Clearance Ireland ("CCCI") provides an independent pre-publication vetting service for all mainstream alcohol-related advertising, judged against the Advertising Standards Authority of Ireland Codes. CCCI's remit also includes the advertising of sponsorships and national promotion materials, placed in Republic of Ireland media. While point of sale promotion materials are not currently within CCCI's remit, internet advertising and promotions produced or placed on Irish-based websites are also covered by CCCI.

1.4.2 A free, confidential, Advisory Service is offered by MEAS (details in Annex 3) to enable any concerns about possible breaches of this Code to be discussed and dealt with at an early stage, or to direct enquiries to other more appropriate service providers, such as CCCI.

2. General principles

2.1 This Code applies to all pre-packaged and draught alcoholic drinks with an alcoholic strength above 0.5 per cent alcohol by volume, including drinks served from permanent dispenser units, which are marketed for sale and consumption in the Republic of Ireland, on a direct or on an electronic basis.

2.2 This Code applies to products developed or marketed primarily as alcoholic 'drinks', even if they are classified as foodstuffs rather than drinks for the purposes of licensing or customs and excise legislation, or even if they appear to be solid, in jellied form, in vaporised form, or heavily textured (or can be made to be, for example by freezing or shaking), rather than liquid.

2.3 This Code applies to a drink's naming and packaging, including the brandname, product descriptor, labelling and any container and external wrapping (all of which are together referred to in this Code as packaging). This Code also applies to point of sale activities and materials (including fonts and dispenser units) generated by the producer or Republic of Ireland distributor.

2.4 An Irish distributor is a company that either produces a brand, holds the trademark rights for a brand within the Republic of Ireland or has contractual rights to distribute or sell a brand within the Republic of Ireland to wholesalers and retailers.

2.5 This Code applies to the following Republic of Ireland promotional materials and activities generated by the producer or Republic of Ireland distributor: sponsorship materials, branded merchandise, and promotions via any media. Definitions of these terms for the purposes of this Code are set out in Annex 1.

2.6 This Code is to be applied in the spirit as well as in the letter.

2.7 When deciding whether a drink's packaging or promotion infringes the Code, an Independent Complaints Panel will adjudicate on the matter. The Independent Complaints Panel shall look at the matter broadly and have regard to all the circumstances including (but not limited to) the drink and any other relevant matters, including the overall impression conveyed.



2.8 It is the responsibility of all companies connected with the alcoholic drinks industry in the Republic of Ireland (whether as producers, distributors, marketers or retailers) to comply with this Code. This includes the provision of adequate and appropriate briefings to external agencies from whom companies may commission design or promotional work.

2.9 The text of this Code supersedes the previous edition of the Code. Complaints received on or after 1 May 2004 will be considered under this Code.

3. Naming, packaging and promotion of alcoholic drinks

3.1 The alcoholic nature of a drink must be communicated on its packaging with absolute clarity and must comply fully with existing legislation at all times.

3.2 A drink, its packaging and any promotional material or activity (as defined in section 2 and Annex 1) must not in any direct or indirect way:

- (a) have the alcoholic strength, relatively high alcohol content, or the intoxicating effect, as a dominant theme, nor will it be promoted as being more or less intoxicating;
- (b) suggest any association with bravado, or with violent, aggressive, dangerous or anti-social behaviour;
- (c) suggest any association with, acceptance of, or allusion to, illicit drugs;
- (d) suggest any association with sexual success or prowess;
- (e) suggest that consumption of the drink can lead to social, sporting or business success or popularity;

(f) encourage illegal, irresponsible or immoderate consumption, such as binge-drinking,* drunkenness or drink-driving;

(g) have a particular appeal to under 18s by including, inter alia, the use of styles, such as characters (real or fictitious, including sporting heroes), motifs, or colours associated with youth culture;

(h) incorporate images of people who are, or look as if they are, under twenty-five years of age;

(i) suggest that the product can enhance mental or physical capabilities;

3.3 Products covered by this Code must not use words such as “lemonade” or “soft drink” or “fruit drink” in the brand or associated product labelling in any way which can cause confusion with existing popular drinks which are non alcoholic.

3.4 Multiple servings of products must not be served in a single glass container.

* This refers to an occasion on which large amounts of alcohol are consumed in a relatively short space of time.

4. Merchandising

4.1 All alcoholic drinks must be clearly distinguished when on display. In the on-trade flavoured alcoholic drinks, for example, must not be placed alongside soft drinks.

4.2 In the off-licence, the retailer must ensure that alcoholic products are clearly merchandised as such in the appropriate section.

4.3 Where coolers/fridges are used in stores, every reasonable effort must be made not to place alcoholic drinks and soft drinks in close proximity as this could cause confusion.

4.4 Point-of-sale materials and promotions for alcoholic drinks must not be projected to an under 18s audience or be available at events or activities where more than 25 per cent of the expected audience is under 18.

5. The Independent Complaints Panel

5.1 In the event of complaint by any consumer, consumer group, manufacturer, distributor or other interested party, an Independent Complaints Panel will arbitrate on the matter.

5.2 The Independent Complaints Panel will comprise of the following:

- Nominee of the Consumer Association of Ireland
- Nominee of the National Parents Council - Primary
- Nominee of the Drinks Industry Group of Ireland (which nominee will not be employed by the industry)
- A recognised expert on issues concerning alcohol and society
- A chairperson (not currently or formerly employed by the drinks industry) nominated by the Chief Executive of MEAS

5.3 The Chair plus two members of the Panel constitute a quorum and decisions are made by majority voting. In the case of a tied vote, the Chair shall have a casting vote. Panel members must declare any interest in a case before

considering it, whereupon the Chair will decide if it is appropriate for that member to consider that complaint.

5.4 Complaints should be made in writing to the Code Secretariat for consideration by the Independent Complaints Panel.

5.5 The procedure followed for examining a complaint is set out in Annex 2.

5.6 In reaching its decisions, the Independent Complaints Panel will not be bound by views expressed or advice given by MEAS's Advisory Service described in Annex 3.



6. Follow up to Panel decisions and related matters

6.1 Decisions of the Independent Complaints Panel and, where appropriate, timetables for implementation will be published by the Code Secretariat, instructing companies in breach of the Code to take whatever steps are necessary to ensure that the Code is complied with.

6.2 In the case of a Code breach concerning a product, product packaging or point of sale materials, the Code Secretariat will notify retailers of a decision taken by the Independent Complaints Panel and request them not to replenish stocks of any such product or to display any such point of sale material, until the decision has been complied with. For the avoidance of doubt, any such request will not require retailers to dispose of existing product stocks other than by normal retail sale and will not require retailers to terminate any existing contractual commitment for the purchase or sale of such a product.

6.3 Producers and Retailers are advised to include a clause in their supply contracts to provide for the amendment of a products packaging within a three month period following an upheld complaint.

6.4 If a retailer continues to stock products or display point of sale material, which have been found in breach of the Code by the Independent Complaints Panel, the Code Secretariat will notify the Garda Commissioner and request that it be taken into consideration, subject to legal requirements, in relation to licence transfer, renewal or revocation.

6.5 If a distributor continues to supply products or a retailer continues to stock products or display point of sale material which have been found by the Independent Complaints Panel to be in breach of the Code, the Code Secretariat will notify the Chairperson of the relevant trade organisation and request expulsion of the distributor or the retailer (as the case may be) from the trade organisation, subject to legal requirements.

6.6 Other appropriate third parties will also be notified of a Code breach, for example Internet Service Providers, their trade associations and monitoring organisations.

6.7 Before launching any new product, new presentation or get up of a product onto the market, companies are encouraged to seek in good time the views of the Advisory Service provided by MEAS and described in Annex 3. Advice may also be sought about proposals for any other form of promotional material or activity covered by this Code. Any views expressed or advice given by the Advisory Service will not be binding on the Independent Complaints Panel.

6.8 The Code Secretariat may remit to the Independent Complaints Panel any product which has been the subject of an adverse decision and which has been amended by the company concerned, but which, in the opinion of the Code Secretariat, following consultation with the Chairperson of the Independent Complaints Panel, fails to take account of the Panel's objections. In these circumstances, remitted complaints will normally be considered by the Panel within three weeks.

6.9 If the Panel decides that the amended design does not meet the Code's requirements, the Secretariat will immediately issue a repeat notification to retailers urging withdrawal of existing product stocks as soon as possible and an end to further orders with immediate effect.



Annex 1: DEFINITIONS

Sponsorship Materials

i 'Sponsorship Materials' refers to any material bearing the sponsor's logo or trademark. It does not apply to any use to which that material might subsequently be put, or to the behaviour or activities of sponsored parties, if that is not required or specifically permitted by the sponsorship agreement.

ii Companies must not require sponsored parties to feature alcohol branding on children's size replica sports kit. No other merchandise bearing the brand name or logo of an alcoholic drink will be aimed at children or have a particular appeal to them.

Branded merchandise

This refers to:

i Products available in the Republic of Ireland bearing alcoholic drinks branding which have been produced by, on behalf of, or with the permission of, an

alcoholic drinks producer or Republic of Ireland distributor.

ii Branded merchandise must not be aimed at children or have a particular appeal to them.

Annex 2: GUIDE TO COMPLAINTS

Making complaints

i Complaints should be sent in writing to the Chief Executive, MEAS, Merrion House, 1/3 Fitzwilliam Street Lower, Dublin 2. If possible, evidence to support the complaint should be enclosed, such as a product sample or details of the outlet or activities involved. MEAS keeps names of members of the public who make complaints confidential, except in exceptional circumstances, when permission would first be sought from the complainant. Complaints from competitors, however, are dealt with on a named basis. For the avoidance of doubt, MEAS may itself be a complainant, in which case it would be named.

What happens when a complaint is made?

ii The Code Secretariat informs the company which appears to be responsible. The Code Secretariat will highlight the Code section under which the particular complaint appears to fall. The Code Secretariat may also highlight any other Code section which may be relevant (see

clause iv, below). The company is requested to respond in writing within 14 working days.

iii The Code Secretariat prepares a 'dossier' of information for and against the complaint. This is sent to both the company and the complainant, who both have up to 7 working days to make any additional comments. If the complainant raises any further points, the dossier is amended to include them. The company is given an opportunity to respond and any response is incorporated into the dossier. The final version is then sent to both the complainant and the company.

iv The Panel meets to consider the product, product's packaging, promotion or merchandising after having an opportunity to study the dossier. The Panel is not bound to restrict its consideration of the product's packaging, promotion or merchandising to the narrow terms of the complaint but may consider the packaging, promotion or merchandising under any section of the Code that it considers



relevant, regardless of whether this section relates to the specific complaint or has been highlighted in the dossier by the Code Secretariat or otherwise.

v The Panel may seek expert assistance at any stage. Should this be required, the name of the expert and details of his or her opinion are made available to the company, which will be given 14 days to respond in writing.

vi If the Panel does not find a product's packaging, promotion or merchandising in breach of the Code, the decision is final, and both the complainant and the company will be notified of the Panel decision. For the avoidance of doubt, in cases where the Panel decides that there has not been a breach of the Code, the Panel may consider other complaints against the same product which may be made in the future, provided that they are based on different grounds or relate to amended or new packaging or promotional material or activity.

vii If the Panel finds that a product's packaging, promotion or merchandising is in breach of the Code, the decision is provisional. The company is advised of the provisional decision and, if it wishes to

contest the provisional decision, it can do so by submitting further written representations to support its case within 14 working days of notification of the provisional decision. If a company does not challenge a provisional decision, that decision will become final.

viii The Panel will consider any additional representations from the company and will make a final decision. The complainant and the company will be informed of the final decision. When the Panel has reached a final decision it will not consider further representations from the company unless the company presents fresh information which became available to it after the final decision.

ix Subject to the above points, the Panel will determine its own procedures, having regard to the principles of natural justice. In particular, the Panel will not be bound by any enactment or rule of law relating to the admissibility of evidence in legal proceedings.

x All decisions are published via a press notice issued by MEAS shortly after decisions have been made final and in an annual report submitted to relevant Government Ministers, alcohol interest

groups, the Gardaí, licensing authorities, the media and members of the public who request it. The Code Secretariat may advise the aforementioned of any company(ies) who choose not to comply with the Panel's decisions; the Code Secretariat may also notify the media.

xi In the case of packaging, promotions or merchandising arrangements found in breach of the Code, the company will be asked to make appropriate changes and to comply with the Code in line with the Panel's decision.

xii The time limits set out above may be extended or shortened at the discretion of the Code Secretariat, in consultation with the Chair of the Independent Complaints Panel.

Additional action in relation to packaging and point of sale materials

xiii In the case of Code breaches concerning packaging or point of sale materials, a timetable for implementing the necessary changes will be notified in writing to the company concerned.

xiv Retailers will be instructed to dispose of stocks of either any product whose packaging has been found in breach of the Code, or any point of sale material found in breach of the Code, after the date specified by the Code Secretariat.

xv In the case of a product remitted to the Panel following re-design, which in the opinion of the Code Secretariat has not adequately taken into account the Panel's findings (see section 6.8 of the Code), the company will be notified and invited to make any further written representations within 14 days. A decision will normally be taken by the Panel within three weeks of the complaint being remitted.

xvi In the event that a MEAS member company chooses not to make the required changes to their product, representatives would be asked to explain their position to MEAS and the company may be expelled from membership. Should any Code signatory other than a MEAS member company not adhere to a Panel decision, it may be removed from the list of Code signatories.



Annex 3: ADVISORY SERVICE

i As part of its responsibility in operating the Code of Practice, MEAS offers a free, fast and confidential Advisory Service.

ii The Advisory Service offers drink producers, distributors, marketers, retailers and importers an opportunity to seek advice, in advance, about the packaging, including naming and labelling, of any alcoholic drink that they are planning to launch or re-launch or any promotional material or activity or merchandising arrangements that they are intending to undertake that is covered by the Code. This enables any concerns about possible breaches of the Code to be discussed and dealt with at an early stage.

iii Requests for advice should be addressed to the Code Secretariat at MEAS and should be accompanied by visuals of the product and/or full details of the promotional or merchandising activity. Advice is normally given within five working days of the request being received.

iv Although MEAS's Advisory Service is intended to help the industry avoid problems, there are a number of important points that must be emphasised.

v The Advisory Service does not constitute any kind of approval or endorsement by MEAS.

vi Whilst it is meant to reduce the risk of complaints subsequently being received, the Advisory Service offers no guarantee that complaints will not be received. The Advisory Service is independent of MEAS's Panel that considers complaints under the Code and advice offered by the Advisory Service does not bind the Independent Complaints Panel to a decision either to uphold or to dismiss a subsequent complaint.

vii Advice is non-binding and in no way affects a company's own obligation to ensure that its products and promotional materials and activities comply with the Code. Any reliance placed on the advice is at the company's own risk. The advice is given without liability on the part of MEAS for any loss suffered as a result, howsoever arising. The advice is given for the sole use of the company to whom it is addressed and no responsibility is accepted to any third party for its contents.

viii Advice is offered on a confidential basis. MEAS therefore will not disclose to any third party any advice that has been given and a company must not use or mention MEAS's advice as part of any advertising or promotional message or present it as an endorsement of the product.



Annex 4: THE COMPANIES AND TRADE ORGANISATIONS WHO HAVE VOLUNTARILY UNDERTAKEN TO ABIDE BY THIS CODE ARE:

- Beamish & Crawford plc*
- Beverage Council of Ireland
- BWG Foods
- C & C Group plc*
- Cider Industry Council
- Diageo Ireland*
- Drinks Industry Group of Ireland*
- Edward Dillon & Co. Ltd.*
- Heineken Ireland*
- Interbrew Ireland*
- Irish Distillers Group*
- Irish Hotels Federation
- Irish Spirits Association
- Licensed Vintners Association*
- National Off- Licence Association
- Restaurant Association of Ireland
- RGDATA
- Superquinn
- The Musgrave Group
- Tesco Ireland Limited
- Wine and Spirit Association
- Vintners' Federation of Ireland*

* Member Companies of MEAS

Annex 5: RELEVANT LEGISLATION AND CODES*

- Intoxicating Liquor Act, 2003, Intoxicating Liquor Act, 1988, Intoxicating Liquor Act 1986, (Age Card) Regulations, 1999
- Irish Whiskey Act, 1980 - S.I. No. 33 of 1980
- European Communities (Definition, Description and Presentation of Spirits Drinks). Regulation. 1995 - S.I. No. 300 of 1995
- European Communities (Definition, Description and Presentation of Aromatised Wines, Aromatised Wine-based Drinks and Aromatised Wine-Product Cocktails) Regulations, 1998 - S.I. No. 254 of 1998
- Broadcasting Act, 1990
- Broadcasting Act 2001
- Broadcasting Authority Acts, 1960 - 1993
- Radio and Television Act, 1998
- Regulation No. 313 of 1999 implementing EU Directive 89/552/EEC as amended by EU Council Directive 97/36/EC (Television without Frontiers)
- ASAI Code of Advertising Standards for Ireland (5th edition)
- ASAI Code of Sales Promotion Practice (3rd edition)
- Code of Standards, Practice and Prohibitions in Advertising, Sponsorship and other Forms of Commercial Promotion in Broadcasting Services (and Codes made thereunder by RTE and IRTC).
- Irish Direct Marketing Association - Code of Practice on Telemarketing and Code of Practice on Direct Marketing
- Irish Mail Order Association - Code of Practice on Catalogue Mail Order Trading
- Relevant Codes of Practice approved from time to time by the Director of Consumer Affairs
- Framework for a College Alcohol Policy



Annex 6 USEFUL CONTACTS

Advertising Standards Authority for Ireland

IPC House
Shelbourne Road
Dublin 4
Tel: 01 660 8766

Institute of Advertising Practitioners in Ireland

8 Upper Fitzwilliam Street
Dublin 2
Tel: 01 676 5991

Association of Advertisers in Ireland

Rock House
Main Street
Blackrock
Co. Dublin
Tel: 01 278 0499

Central Copy Clearance Ireland,

8 Upper Fitzwilliam Street
Dublin 2
Tel: 01 676 4876

**The list above is not exhaustive and is for guidance only.*