



BAI Guidance: Commercial Communications for Non-Alcoholic Variant Products¹

Section 11 of the *BAI General Commercial Communications Code* details the rules applying to the promotion of alcohol products on Irish radio and television services. The BAI considers alcohol products to be those whose alcohol-by-volume is greater than 0.5%. The rules under Section 11 are intended to protect the interest of children i.e. citizens under 18 years of age and to promote the responsible consumption of alcohol.

In recent years, non-alcoholic variants have become an emerging product category. The BAI considers non-alcohol products to be those whose alcohol-by-volume is 0.5% or less. While not all of these products reference a known alcohol brand, many are linked to a known alcohol brand. These products are mostly promoted as 'beers' but other variants are available.

It is the BAI's view that there is the potential, in general but also in the case of non-alcohol variant products linked to a known alcohol brand, for confusion to arise for broadcasters about how to handle the promotion of such products in a manner that complies with Section 11 of the Code. Where there is a lack of clarity, this may also result in confusion for audiences about the product being advertised. More generally, in order to ensure that the integrity of the rules under Section 11 are maintained, there should be no potential (either by design or by chance) for a commercial communication for a non-alcoholic variant product to undermine the letter and public health intent of the rules in relation to alcoholic products. In that context, the BAI is providing the following guidance to broadcasters in respect of the promotion of non-alcoholic variant products on radio and television.

In this regard, broadcasters are advised to take the following measures in respect of the content and placement of non-alcoholic product variants:-

- 1) The commercial communication should make clear that the product is a non-alcoholic product. There should be no scope for confusion over the product's content and audiences should be able to easily identify that the product being promoted is a non-alcoholic product and not an alcoholic product.

For example, if the product name clearly indicates the non-alcoholic nature of the product, then this could be displayed prominently throughout the commercial communication. This might be highlighted at the outset of the commercial communication via the ad copy or on-screen information (including visual information such as the alcohol-by-volume). It will be a matter for broadcasters to decide the specific approach taken to each commercial communication having regard to the particulars of the promotion. However, broadcasters should note ASAI guidance issued in respect of these product variants will be relevant and may be a determining consideration for clients seeking to advertise on broadcast services.

¹ For the avoidance of doubt, this guidance does not apply to soft drinks, water etc.



- 2) As commercial communications for non-alcoholic brands may promote the names, trademarks and logos of known alcohol brands, the BAI considers that similar regulations are warranted in order to minimise exposure to children to these brands and to meet the objectives of the Code.

In that context, the content of the commercial communication should not:-

- Depict or feature children consuming these products or encourage children to consume them;
- Appeal to children by virtue of the placement or content of the commercial communication and they should not be carried during or around children's programming as defined by the BAI. They should also only be broadcast in, or around, programmes with an adult audience profile of 75% or greater;
- Contain any copy also used in alcohol variants of the products. Copy for non-alcohol product variants should not later be repurposed for the promotion of other brand variants within the company portfolio in the Irish market;
- Include health and/or nutrition claims but information relating to public safety may be included, for example in the case of adverts dissuading drink driving.

Where the BAI is of the opinion that a commercial communication has not made a sufficient distinction between an alcohol and non-alcoholic product variant it may review the communication against the provisions of Section 11, either in the context of its monitoring processes or in the context of a complaint. This will be done on a case-by-case basis having regard to the content of the commercial communication and having regard also to its placement and the guidance set out above. Separately, broadcasters are reminded that other relevant rules set out in the BAI's Code may apply depending on the content of the advert.

As noted, guidance has also been provided by the ASAI in respect of the marketing promotion of these products across a range of media. Broadcasters are advised to familiarise themselves with this guidance.