

## **01 Preventing Underage Appeal**

### **PRINCIPLE**

Commercial communication may not be directed at persons under the legal drinking age.

1. Any persons depicted in the act of drinking in commercial communication may not be, or appear to be, younger than 25 years of age.
2. In the case of brand promotions, all members of promotional teams must be and reasonably appear to be at least 21 years of age.
3. In user-generated content, all persons featured and clearly visible must be over the legal drinking age, unless they appear incidentally in the background and are not clearly featured or visible.
4. Commercial communication may not employ creative elements which are intended to have a primary appeal to persons who are under the legal drinking age, such as cartoons, icons, characters and music which have popular and perceptible underage appeal.
5. In a controlled environment, where an age affirmation mechanism is used to ensure the user/viewer is over the legal drinking age, all people featured and celebrity spokespersons in commercial communication, whether paid or unpaid, may be younger than 25 years but they must be and reasonably appear to be at least 21 years old.
6. Commercial communication will only be placed in print, radio, television or on any form of digital media where at least 70% of the audience is reasonably expected to be of legal drinking age or older.

**GUIDANCE NOTE:** Persons under the legal drinking age may be depicted incidentally where it would be usual for them to appear, e.g. in family scenes or in background crowds, but it may not in any way be suggested that they have or are about to consume alcohol beverages.

## **02 Portrayal of responsible consumption**

### **PRINCIPLE**

Commercial communication may not portray the encouragement of irresponsible alcohol consumption or feature risky and/or excessive consumption.

1. Commercial communication may not present abstinence or moderate consumption of alcohol in a negative light.
2. Commercial communication may not suggest that consumption of alcohol beverages is tolerable under circumstances in which it is generally regarded as irresponsible, inadvisable, improper, or illegal to do so, such as preceding or during any activity or physical pursuit requiring sobriety, skill or precision.

3. Commercial communication may not portray persons as inebriated, that is to say, portraying persons having diminished control of behaviour or lack of control over movement, speech, and vision as a result of excessive alcohol consumption.
4. Commercial communication may not depict or include pregnant woman.

### **03 Social and sexual success**

#### **PRINCIPLE**

Commercial communication may not imply that the consumption of alcoholic beverages is essential to business, social, academic or athletic success or acceptance, or that refusal to consume an alcohol beverage is a sign of weakness.

1. Commercial communication may not be suggestive of sexual indulgence or permissiveness, portray nudity or present an improper portrayal of near nudity, present any situation derogatory to the virtue of either sex, or claim or suggest that alcohol beverages can contribute directly to sexual success or seduction.
2. Commercial communication shall not contain or depict:
  - i. Graphic or gratuitous nudity;
  - ii. Implied or overt sexual poses, stances or sexual activity;
  - iii. Implied or overt promiscuity;
  - iv. Sexually lewd or indecent images or language
3. Success in athletic events or other activities will not be portrayed as depending on the consumption of alcohol. It is, however, acceptable to show a participant enjoying an alcoholic brand in a relaxing, celebratory or team setting after the activity has taken place, provided that such a participant is, and reasonably appears to be over the legal drinking age.
4. Anyone featured in commercial communication may not be shown consuming an alcohol beverage before or during any athletic activity or other endeavour requiring exceptional physical ability, power or strength.
5. General sports sponsorships that feature brand logos are acceptable so long as there is no suggestion that alcohol consumption contributes to athletic success.

**GUIDANCE NOTE:** Persons may be dressed in revealing apparel if it is appropriate to the context of the social situation being depicted, that is, persons may wear swimming attire in a scene with a swimming pool or at the beach. Clothing must be decent and appropriate and not sexually suggestive in nature.

### **04 Alcohol content and performance**

## **PRINCIPLE**

Commercial communication may not persuade people in an improper manner to prefer a drink because it is higher in alcohol content or because of its intoxicating effect. Factual information on alcohol strength may be included for the guidance of consumers.

1. The alcohol strength of a product may not be used as the principal subject of a label. Legislation requires that the alcohol strength be provided for the guidance of the consumer.
2. Commercial communication may not suggest that alcohol is required for physical proficiency or capability, or that increased ability or strength results from consuming alcohol beverages.
3. Commercial communication may not claim that alcoholic beverages have curative qualities, or offer alcohol as a performance enhancer, stimulant, sedative or tranquiliser.

## **05 Health aspects and energising attributes**

### **PRINCIPLE**

Commercial communication may not suggest health benefits or consumption or depict or include pregnant women or promote consumption of alcohol during pregnancy.

1. Commercial communication may not suggest that consumption of alcohol could have potential net health benefits. Commercial communication may include factual information such as calorie and/or carbohydrate content as long as such information is not linked to any claims of health benefits.

**GUIDANCE NOTE:** Nutritional information that may and should be provided under food and labelling regulations is allowed. Evidence-based research that links alcohol consumption to nutritional benefits, and that is permissible under current regulation and legislation, is allowed.

## **06 Violence and anti-social behaviour**

### **PRINCIPLE**

Commercial communication may not suggest any association with aggressive, violent or anti- social imagery or behaviour, illicit drugs or drug culture.

## **07 Responsibility messaging**

### **PRINCIPLE**

All commercial communication must include clearly visible and noticeable responsibility messaging.

1. A responsibility message or icon should be included in all commercial communication, including internet digital platforms and shareable, downloadable assets including videos, photos, applications or user-generated content re-used by the alcohol brand.
2. Vehicles / delivery truck tarpaulins are to include only noticeable responsibility messaging and indicate where responsible consumption websites may be accessed i.e. [www.aware.org.za](http://www.aware.org.za). No product brand commercial communications should be included on such vehicles. A phased approach is to be adopted with full compliance by no later than 36 months of the adoption of this Code.

**GUIDANCE NOTE:** Permanent point-of-sale (e.g. glassware, neon signs, chairs) and consumer novelty items (e.g. pens, t-shirts, caps) do not require a responsibility message.

The following provisions apply to light commercial vehicles. These are defined as delivery vehicles under 3500 kgs i.e. Code B vehicles.

On light commercial vehicles, a corporate logo can be utilised with the following conditions:

- The business name/registered trading name is the brand name;
- A responsible drinking message to be included e.g. Don't Drink and Drive, Not for Persons Under 18, Pregnant Women should not Drink Alcohol and/or Be Responsible. Don't Drink and Drive.
- To support the corporate image, alternative colours can be used for the Under 18 icon.

## **08 Digital media and direct communication**

### **PRINCIPLE**

All digital content, including content in internet digital platforms, must be compliant with this Code. Frequent moderation of content must be carried out to ensure high levels of responsibility.

1. In order to be used by an alcohol brand, internet digital platforms must have an age verification mechanism. User-generated content is the responsibility of the alcohol brand on whose platforms the content appears. The content must be managed by the brand and overtly non-compliant content must be removed.
2. Direct communication may not be levelled at persons under the legal drinking age.
3. Direct communication must be aligned to current regulations which make provision for consumers' privacy, data protection and opportunity to opt out.
4. Brands to use responsible messaging i.e. No U18 on all primary messaging excluding retweets/reposts. The only website to be referenced is [www.aware.org.za](http://www.aware.org.za)

## **09 Packaging, brand names and sponsorship**

## **PRINCIPLE**

Packaging should make clear the fact that the product contains alcohol and should not be directed at persons under the legal drinking age. Labels must not degrade alcoholic beverages or use disparaging colloquial names which could convey sexual innuendo, or using terms typically associated with intoxication or irresponsible alcohol consumption.

1. In order to promote the responsible use of alcoholic beverages, packaging of the highest practical quality, the design of which leaves absolutely no doubt as to the fact that the product contains alcohol, must be used.
2. Packaging which improves the convenience of storage, transport and serving is acceptable, provided that it does not encourage the impression that alcohol is a bulk commodity.
3. Labels which tend to degrade alcohol beverages by using colloquial names such as “dop”, “booze”, or “grog” may not be used.
4. The packaging of alcohol beverages may not be directed at persons under the legal drinking age and may not have unique or explicit appeal to children.
5. Labels may not convey sexual innuendos.
6. Brand names, product names and internet domain names should convey the impression of quality products by not using disparaging colloquial names, conveying sexual innuendo, or using terms typically associated with intoxication or irresponsible alcohol consumption.
7. With respect to packaging, the inclusion of the responsibility message must occur on all primary packaging in the ordinary course of business, but no later than 12 months after the adoption of this Code.
8. Industry members should not engage in sponsorship agreements unless at least 70% of the audience for the event (meaning those attending the event and the audience for the broadcast media coverage of the event) are reasonably expected to be over the legal drinking age.
9. This Code applies to the overall sponsorship agreement, including any sponsored event material carrying the company or brand logos for the duration of the sponsorship agreement. Sponsorship materials and items will not be of primary appeal to persons under the legal drinking age (e.g. children’s toys, children’s sports clothing).
10. No sportsmen, sportswomen or ex-sportsmen or ex- sportswomen may be portrayed drinking alcohol beverages in advertisements. Sponsorship by alcohol product brands or non- alcohol beverages carrying the same name of a sport or sporting teams with players under the legal drinking age is not allowed. Sponsorship of sports development programmes for 18 to 21year old’s using corporate branding is permitted subject to the provisions of this code.

**GUIDANCE NOTE:** For the purpose of this Code, product brand sponsorship (including sport, music and events) means any commercial agreement by which a sponsor contractually provides financing or other support in order to establish an association between the sponsor’s brand and a sponsorship property for the granting of certain agreed direct or indirect benefits.

Producers must support all reasonable efforts to educate consumers and inform consumers about the products they consume, in general, but in particular to comply with the health warning regulations\*\* on alcoholic beverages.

\*\*Producers should note that industry and government are currently consulting on amendments to Government Notice 1458 of 22 December 2017.

## **10 Alcohol-Free and Non-Alcohol Products**

1. Alcohol-free and non-alcohol products are only allowed to be promoted to adults who could legally drink beverage alcohol, and aware.org members will not promote such products for consumption by underage people.
2. Adherence to ALL requirements of this Code in all forms of commercial communication, including the watersheds periods, is applicable, with the following exceptions:
  - Promoting drinking alcohol-free and non-alcohol products as a way to avoid drinking during an occasion, such as at an event when the consumer is a designated driver or at a business lunch; and
  - Promoting drinking alcohol-free and non-alcohol products to avoid overconsumption during a drinking occasion by reducing the number of alcohol beverages consumed.
  - Promoting drinking alcohol free and non-alcohol products as a “substitution strategy” to avoid overconsumption during a drinking occasion by reducing the number of alcohol beverages consumed.
3. Product placement requests for alcohol-free and non-alcohol products will only be granted if the product is clearly recognizable as an alcohol-free or non-alcohol product and any person associated with the product is of the legal drinking age.

## **01 Television**

1. Advertisements may not be transmitted in the commercial breaks immediately before, during or immediately after children’s programmes on television or radio.
2. Advertisements will not be placed in any medium that is aimed specifically at children.
3. Advertisements are to be either preceded or followed by a responsible messaging rider.
4. In addition to 1.1, 1.2, 1.3 above, the following rules apply to advertisements in the television medium:
  - a. Programmes with a verifiable 30% or more viewership of persons under the legal drinking age may not contain alcohol beverage advertisements (this is the so-called 70/30 rule).

- b. Alcohol beverage advertisements may only be broadcast between 19h00 and 06h00 from Monday to Friday.
- c. Alcohol beverage advertisements may only be broadcast between 12h00 and 06h00 on Saturday and Sunday.
- d. In the case of sporting events where the main sponsor is an alcohol beverage company, the 70/30 rule outlined in 1.4.a above and the watershed restriction provided for in 1.4.b and 1.4.c above, will still apply for the broadcast of alcohol beverage advertisements.
- e. All alcohol beverage advertisements on television will contain, as a minimum, the following statement: “Not For Persons Under The Age Of 18”.
- f. The last few seconds of any television advertisement should feature the underage statement, read in a voiceover in the same language as the main message. This does not apply to 5” and 10” stings.
- g. The voice should be clear, audible and unrushed, and may be a different voice to that used in the main message.
- h. The minimum specifications for the statement referred in 1.4.e above– are as follows:
  - I. Arial bold is to be used as the standard font.
  - II. True Type Title casting is to be used.
  - III. The statement must be visible and legible and placed at the bottom of the advertisement.
  - IV. A white block with black rule at the top of the block is to be used as a holding device for the underage line.
  - V. The block should be 15% of the height of the advertisement.
  - VI. The statement is to run as one unbroken line.
  - VII. The whole duration of any TV advertisement should have the statement in the above format.
  - VIII. “Enjoy Responsibly / Drink Responsibly” or a similar message may be included as part of the underage statement, depending on the execution and providing it does not detract from the underage statement.

## **02 Radio**

In addition to 1.1, 1.2, 1.3 and 1.4 above, the following rules apply to advertisements in the radio medium:

- 1. As the current measurement of listenership only profiles an audience of 16 years and above, aware.org will assume that such a profile serves as a proxy for those under 16 years of age.
- 2. For alcoholic beverage advertisements on radio, the 70/30 rule will apply.
- 3. Alcoholic beverage advertisements will only be broadcast between 19h00 and 06h00 from Monday to Friday.
- 4. Alcoholic beverage advertisements will only be broadcast between 12h00 and 6h00 on Saturday and Sunday.

5. In addition to the rules above, advertisements for broadcast on radio must take into account the programme's appeal to youth, based on verifiable profile data, the programme presenter's profile and the profile of the audience call-ins.
6. All advertisements on radio will contain, as a minimum, the following statement: "Not For Persons Under The Age Of 18".
7. The minimum specifications for this statement are [listed as separate graphic]:
  - i. The last few seconds of any radio advertisement should feature the underage statement, read in a voiceover in the same language as the main message.
  - ii. The voice should be clear, audible and unrushed, and may be a different voice to that used in the main message.
  - iii. "Enjoy Responsibly / Drink Responsibly" or a similar message may be included as part of the underage statement, depending on the execution and providing that it does not detract from the underage statement.

### **03 Cinema**

In addition to 1.1, 1.2, 1.3 and 1.4 above, the following rules apply to advertisements in the cinema medium:

1. The 70/30 rule will apply and aware.org members will ensure that compliance with this rule is achieved through contractual agreements between members and cinema owners.
2. Companies responsible for the selling of cinema advertisement will be required to submit film titles to aware.org along with a qualitative assessment of the audience profile in terms of the 70/30 rule.
3. All alcoholic beverage advertisements in the cinema will contain the statement: "Not For Persons Under The Age Of 18".
4. The minimum specifications for this statement are the same as those applicable to television advertising.
  - I. Arial bold is to be used as the standard font.
  - II. True Type Title casing is to be used.
  - III. The statement must be visible and legible and placed at the bottom of the advertisement.
  - IV. A white block with black rule at the top of the block is to be used as a holding device for the underage line.
  - V. The block should be 15% of the height of the advertisement.
  - VI. The statement is to run as one unbroken line.
  - VII. The whole duration of any TV advertisement should have the statement in the above format.
  - VIII. "Enjoy Responsibly / Drink Responsibly" or a similar message may be included as part of the underage statement, depending on the execution and providing it does not detract from the underage statement.



## **04 Print**

In addition to 1.1, 1.2, 1.3 and 1.4 above, the following rules apply to advertisements in the print medium:

1. The 70/30 rule will apply.
2. The proxy for the age profile will be the same as that used for the radio medium.
3. All advertisements in print will contain, as a minimum, the following statement: "Not For Persons Under The Age Of 18".
4. The minimum specifications for the statement referred in 4.3 above – are as follows:
  - i. Arial bold is to be used as the standard font.
  - ii. True Type Title casting is to be used.
  - iii. A white block with black rule at the top of the block is to be used as a holding device for the underage line.
  - iv. The block should be 15% of the height of the advertisement.
  - v. The block must be at the bottom of the advertisement and must run the entire width of the advertisement.
  - vi. Where the advertisement covers more than one page – for example a four-page foldout, the statement must be displayed on each page.
  - vii. "Enjoy Responsibly / Drink Responsibly" or a similar message may be included as part of the underage statement, depending on the execution and providing it does not detract from the underage statement.

## **05 Outdoor**

As viewership age profiles are not available for this medium, the following rules will apply to achieve the objectives of the aware.org commercial communication rules:

1. No billboards advertising an alcoholic beverage brand or product will be placed within 500 metres of schools, community centres or places of worship. Specifically, non-product, responsibility advertising is not included in this provision.
2. In the case of building wraps and billboards larger than Super 96 size, no alcohol beverage advertisement will be placed within 500 metres of schools, community centres or places of worship.
3. All alcohol beverage statements on outdoor media will contain one of the following statements, on an equivalent basis: "Not For Persons Under The Age Of 18" or "Be Responsible. Don't Drink And Drive".
4. The minimum specifications for the statements referred in 5.3 above - are as follows:
  - i. Arial bold is to be used as the standard font.

- ii. True Type Title casting is to be used.
- iii. A white block with black rule at the top of the block is to be used as a holding device for the underage line.
- iv. The block should be 15% of the height of the advertisement.
- v. The block must be at the bottom of the advertisement and must run the entire width of the advertisement. However, for large formats such as landscape wraps, the underage statement must appear at 20 metre intervals on every wrap face.
- vi. "Enjoy Responsibly / Drink Responsibly" or a similar message may be included as part of the underage statement, depending on the execution and providing it does not detract from the underage statement.

## **06 Advertorials**

All advertorials must carry the underage statement as specified above for print media.

## **07 Digital**

1. All brand sites and social media platforms must include a clearly visible responsibility message. The responsibility message must be permanently displayed and not hidden when, for example, the user is browsing the page or site.
2. Any shareable commercial assets (video, photo, text, etc.), must include appropriate responsibility messaging. For example, videos must display this messaging in the same way as TV advertisements.
3. A responsibility message for web digital assets is defined as at least one of the following statements:
  - i. Don't Drink and Drive.
  - ii. Not For Persons Under 18.
  - iii. Pregnant Women Should Not Drink Alcohol.
4. Access must be controlled through either an age gate process or registration process, whichever is applicable. The age gate process requires users to enter exact date of birth details in the form of date, month, year (dd/mm/yyyy), as well as country. A registration process requires users to supply exact date of birth information, and to "log in" for future visits. Access can also be controlled through a logging-in process which relies on a user's social media profile e.g. through an Application Programming Interface (API) such as Facebook Connect.
5. Age verification software should place a cookie on a user's computer to prevent the user from leaving a site and re- entering their date of birth during the same session in order to gain entry to a site. Those failing an age verification process must be redirected to an appropriate local social aspect website intended for underage people.

6. General guidelines for internet digital media platforms must include a minimum execution of the following
  - i. Don't Drink and Drive.
  - ii. Not For Persons Under 18.
  - iii. Pregnant Women Should Not Drink Alcohol.

## **08 Additional rules for sport, arts and culture sponsorships**

1. In addition to any provisions above, this section of the Code specifically applies to advertising during sponsored events:
  - i. All static background images must include one of the three web digital responsible messages.
  - ii. All brand posted images must include the "Not For Persons Under 18" token.
  - iii. Where possible, an auto-response age disclaimer must be sent to all new followers.

## **09 Use of celebrities or personalities in alcohol advertising**

1. The use of celebrities, or of popular sport, music or cinema personalities, is acceptable for as long as they are, and reasonably appear to be over the legal drinking age, shown to be behaving in an acceptable and responsible manner, and in an age-appropriate setting. Wherever possible, such celebrities should articulate sentiments encouraging responsible alcohol use and the importance of balanced, healthy lifestyles. No celebrities may be seen to be consuming alcohol.
2. The use of celebrities under the legal drinking age is not permissible. The use of role models, sport/music/movie celebrities or popular personalities, or their testimonials, in advertisements or promotions for alcoholic beverages alcohol free or non-alcohol with the same name as the alcohol beverages, in a way that explicitly or primarily appeals to minors, is not permitted.

Celebrity Fan Pages must be restricted to persons over the legal drinking age by setting the page admin section. Brands are only allowed Fan pages: not Profile or Group pages.

3. The perception may not be created that alcoholic beverages or the consumption of alcohol resulted in a celebrity's fame or success or played any role in the achievements of a sports or popular entertainment personality.
4. Advertising or marketing material may not associate alcohol with celebrities under the legal drinking age, reflect the culture of that age group, or feature or portray real or fictitious characters who are likely to appeal particularly to people under the legal drinking age in a way that might encourage them to drink.

5. Advertisements that are for the specific purpose of responsible messaging and depict a celebrity in the background of the corporate brand name may be broadcast outside the watershed period, provided that there is no link to or mention of a specific brand or product.

## **10 Additional rules for 'brand homes'**

This section of the Code applies to production facilities that are licensed to sell alcoholic beverages directly to the public or to provide products free for promotional purposes

1. Public road signage

All billboards and other signage (excluding official brown-coloured government tourism signs and flags) must include the following message: "Be Responsible. Don't Drink and Drive".
2. Directional on-site signage

Brand Home entrance and exit signage must include the message: "Be Responsible. Don't Drink and Drive".
3. Printed material
  - a. Notices on tasting room tables, coffee tables, bars, etc. must include the "Be Responsible. Don't Drink and Drive" message.
  - b. All other printed material (i.e. posters, brochures, flyers, pamphlets) must include the "Not For Persons Under The Age of 18" message, plus the other messages in rotation, if and where possible.
  - c. The block containing such a message should be 15% of the height of the printed material.
4. Advertising, including websites
  - a. All advertising on secondary websites must include the "Not For Persons Under The Age Of 18" message.
  - b. The "Be Responsible. Don't Drink and Drive" message must be included as part of the signature on all e-mail correspondence.
  - c. Whether or not to include the underage disclaimer, or responsible consumption of alcohol message on merchandising display stands and other merchandising material supplied by head office brand marketing teams, will be at the discretion of that brand team.
  - d. Similarly, the inclusion of such messages on retail merchandise such as souvenirs available for sale to visitors shall be at the discretion of the brand team.