



## Discussion Draft

### BAI Guidance: Commercial Communications for Non-Alcoholic Variant Products<sup>1</sup>

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 1.2%. 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 1.2% 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. 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 from the beginning so that audiences are able to easily identify that the product being promoted is a non-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 (in the case of television) or highlighted verbally at the beginning (in the case of radio).

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<sup>1</sup> For the avoidance of doubt, this guidance does not apply to soft drinks.



- 2) 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. In addition, care should be taken regarding their broadcast during time period where a higher child audience may be watching or listening;
  - 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;
  - Be featured in sponsorship of sports programming and sports bulletins, including competitions within sports programmes, except where there is a clear public safety message;
  - Be included in solus/whistle break advertising spots broadcast during sports programmes;
  - Include health and/or nutrition claims but information relating to public safety may be included.

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.

Separate guidance has been provided by the ASAI in respect of marketing promotion of these products across a range of media and broadcasters are advised to familiarise themselves with this additional guidance.