



**INDUSTRY ASSOCIATION FOR RESPONSIBLE ALCOHOL USE**

**ARA  
CODE OF COMMERCIAL COMMUNICATION**

**Including:**

**the Commercial Communication Basic Rules**

**additional rules relating specifically to Packaging, Promotions, Media,  
Sponsorships, Brand homes and Digital**

**the Compliance, Monitoring and Complaints Handling Procedures**

## **ARA CODE OF COMMERCIAL COMMUNICATION**

### **INTRODUCTION**

**This Code represents a firm commitment by the members of the Industry Association for Responsible Alcohol Use (ARA) to high standards in all of their commercial communication activities. The Code incorporates mechanisms to deal effectively with transgressions.**

**Members' commitment to the Code ensures that their commercial communication activities are, at all times, responsible, legal, decent, honest and truthful.**

**The ARA's approach is informed by the body of scientific evidence which indicates that responsible, moderate consumption by those not at risk can be compatible with a balanced and healthy lifestyle. At the same time, excessive or irresponsible consumption of alcohol may result in negative personal, social or health consequences, and the ARA believes it has a role to play in seeking to find and implement solutions to the problems of alcohol misuse and abuse.**

**While the ARA believes that advertising does not impact on overall consumption or misuse, and is supported by international research in this regard, the association deems it necessary to follow a strict self-regulatory code:**

- **Because its members wish to make absolutely clear that they do not encourage irresponsible drinking.**
- **Adherence to the Code and compliance system is also a way to reassure society of the ARA members' objective – to responsibly market their products only to adult consumers not at risk, who have chosen to consume alcohol beverages. Effective self-regulation is essential to the ARA's partnership with government and to maintaining the South African public's trust.**

### **OBJECT OF THE CODE**

**The object of the Code is to provide guidance for the commercial communication of alcohol beverages. As such, the Code is in addition to all regulatory requirements that already exist in South Africa.**

**Commercial communication includes advertising in all media (including all digital channels), packaging, promotions, merchandising and sponsorship.**

**Compliance must be to both the letter and the spirit of the Code.**

## **BASIC RULES**

### **1. Commercial communication must:**

- **be legal, decent, honest and truthful and conform to accepted principles of fair competition and good business practice**
- **be prepared with a due sense of social responsibility**
- **demonstrate sensitivity in regard to issues of culture, gender, race and religion**
- **not be unethical or otherwise impugn human dignity or integrity**
- **not employ themes, images, symbols or figures which are likely to be considered offensive, derogatory or demeaning**
- **comply with all regulatory requirements**

**2. Commercial communication may not feature or encourage irresponsible, risky or excessive drinking.**

**3. Commercial communication may not present abstinence or moderate consumption in a negative light.**

**4. Commercial communication may not be directed at persons under the age of 18 years, and no one depicted in the act of drinking in commercial communication may be younger than 25. Persons under the age of 18 may be depicted 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.**

**5. Commercial communication may not employ images or icons that have unique appeal to children.**

**6. Commercial communication may not imply that alcohol beverage consumption is essential to business and/or social success or acceptance or that refusal to consume is a sign of weakness.**

**7. 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.**

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

**9. Commercial communication may not claim that alcohol beverages have curative qualities, or offer it as a performance enhancer, stimulant, sedative or tranquilliser.**

**10. Commercial communication may not depict or include pregnant women.**

**11. Commercial communication may not suggest the consumption of alcohol beverages under circumstances that are generally regarded as irresponsible, inadvisable, improper or illegal, e.g. preceding or during any operation requiring sobriety, skill or precision.**

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

#### **ADDITIONAL RULES RELATING TO PROMOTIONS**

**1. Events and competitions directed primarily at persons under the age of 18 may not be linked to any alcohol beverage brand or product through sponsorship. It should be stated specifically that persons under the age of 18 are ineligible to participate in events and competitions aimed at promoting a brand or product.**

**2. Product launches and promotions may not include activities which encourage excessive or irresponsible consumption such as “boat races” or “down-downs”.**

**3. Consumers who attend promotions must be encouraged to assume personal responsibility for their decision to drink or not to drink.**

**4. Extended promotions and tastings may not be confined to the consumption of alcohol beverages alone. Appropriate snacks or meals should be available.**

**5. On-campus promotions by ARA members will be arranged in a manner which meets with the approval of the university authorities and when in doubt proof of age will be requested to ensure that alcohol beverages are not served to those under the legal drinking age.**

**6. Members may not run promotions which encourage increased consumption over a limited period of time, such as “two for the price of one” promotions. Price, however, may be used in on-premise promotional activity provided that it is directly linked to the trial of a specific brand or product.**

## **ADDITIONAL RULES RELATING TO PACKAGING**

- 1. In order to promote the responsible use of alcohol beverages, packaging of the highest practical quality, 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 and grog may not be used.**
- 4. 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.**
- 5. The packaging of alcohol beverages may not be directed at persons under the age of 18 and may not have unique appeal to children.**
- 6. Labels may not convey sexual innuendo.**

## **ADDITIONAL MEDIA RULES**

**Regardless of any regulations which may already be applied by media owners, ARA members subscribe to the following:**

- 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 aimed specifically at children.**
- 3. TELEVISION: In addition to 1 and 2 above, the following rules apply to advertisements in the television medium.**
  - I. Programmes with a verifiable 30% or more viewership of persons under the age of 18 may not contain alcohol beverage advertisements. (the so-called 70/30 rule)**
  - II. Alcohol beverage advertisements may not be flighted between 14h00 and 17h00 on Monday to Friday.**
  - III. Alcohol beverage advertisements may not be flighted before 12h00 on Saturday and Sunday.**
  - IV. In the case of sporting events where the main sponsor is an alcohol beverage company, the 70/30 rule outlined in I above will still apply for the flighting of alcohol beverage advertisements.**
  - V. All alcohol beverage advertisements on television will contain the statement: "Not for sale to persons under the age of 18". Examples are contained in annexure A and the minimum specifications for this statement are:**
    - a. Arial bold is to be used as the standard font**
    - b. True Type Title casing is to be used**
    - c. The statement must be visible and legible and placed at the bottom of the advertisement**

- d. A white block with black rule at the top of the block is to be used as a holding device for the underage line.
- e. The block should be 10% of the height of the advertisement
- f. The statement is to run as one unbroken line.
- g. The whole duration of any TV ad should have the statement in the above format.
- h. “Enjoy 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.

**4. RADIO:** In addition to 1 and 2 above, the following rules apply to advertisements in the radio medium.

- I. As the current measurement of listenership only profiles an audience of 16 years and above, the ARA will assume that such a profile serves as a proxy for those under 16 years of age.
- II. For alcohol beverage advertisements on radio, the 70/30 rule will apply.
- III. No alcohol beverage advertisements will be broadcast between 06h00 and 09h00 and between 14h00 and 17h00 Mondays to Fridays and between 08h00 and 12h00 on weekends.
- IV. In addition to the rules above, airings 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.
- V. All advertisements on radio will contain the statement: “Not for sale to persons under the age of 18”. The minimum specifications for this statement are:
  - a. The last 5 seconds of any Radio ad should feature the underage statement read in a voiceover in the same language as the main message.
  - b. The voice should be clear, audible and unrushed and may be different voice to that used in the main message
  - c. “Enjoy 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.

**5. CINEMA:** In addition to 1 and 2 above, the following rules apply to advertisements in the cinema medium.

- I. The 70/30 rule will apply and the ARA members will ensure that compliance with this rule is achieved through contractual arrangements between members and cinema owners.
- II. Cinema advertisement selling companies will be required to submit film titles to the ARA with a qualitative assessment of the audience profile in terms of the 70/30 rule.
- III. All alcohol beverage advertisements in the cinema will contain the statement: “Not for sale to persons under the age of 18”. The minimum specifications for this statement are:
  - a. Same as for Television

**6. PRINT:** In addition to 1 and 2 above, the following rules apply to advertisements in the print medium.

- I.** The 70/30 rule will apply.
- II.** The proxy for the age profile will be the same as used for the radio medium.
- III.** All advertisements in print will contain the statement: “Not for sale to persons under the age of 18”. Examples are contained in annexure A and the minimum specifications for this statement are:
  - a.** Arial bold is to be used as the standard font
  - b.** True Type Title casing is to be used
  - c.** A white block with black rule at the top of the block is to be used as a holding device for the underage statement
  - d.** The block must be 10% of the height of the advertisement
  - e.** The block must be at the bottom of the advertisement and must run the entire width of the advertisement
  - f.** Where the advertisement covers more than a page, for example a four page foldout, the statement must be displayed on each page
  - g.** “Enjoy 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.

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

- I.** No billboards advertising an alcohol beverage brand or product will be placed within 200 meters of schools, community centres and churches.
- II.** In the case of building wraps and billboards larger than Super 96 size, no alcohol beverage advertisement will be placed within 500 meters of schools, community centres and churches.
- III.** All alcohol beverage advertisements in outdoor media will contain one of the statements (on an equivalent basis): “Not for sale to persons under the age of 18” or “Be Responsible. Don’t Drink and Drive”. Examples are contained in annexure B and the minimum specifications for these statements are:
  - a.** Arial bold is to be used as the standard font
  - b.** True Type Title casing is to be used
  - c.** A white block with black rule at the top of the block is to be used as a holding device for the underage statement
  - d.** The block should be 10% of the height of the advertisement
  - e.** 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
  - f.** “Enjoy 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.

## **8. ADVERTORIALS:**

- I. All advertorials to carry the underage statement as specified for print.

## **9. DIGITAL**

See attached annexure C

## **ADDITIONAL RULES FOR SPORT SPONSORSHIPS**

1. Irrespective of the time of the event, the normal television and radio time rules apply for brand advertisements.
2. No sponsorship by alcohol beverage brands of sport or sporting teams with players under the legal drinking age. Sponsorship of sports development programmes using the corporate brand is permitted.
3. No brand logos permitted on sports clothing intended to be worn by children
4. No sportsmen or sportswomen are permitted to be portrayed drinking alcohol beverages in advertisements
5. Sports sponsorships to be used to promote responsibility using responsible messages at sporting venues and in the media. One responsibility advertisement for every four brand advertisements

## **ADDITIONAL RULES FOR 'BRAND HOMES'**

This section of the Code applies to production facilities that have a liquor licence to sell alcoholic beverages directly to the public or to provide products free for promotional reasons.

1. **Public road signage**  
All billboards and other signage (excluding brown governmental tourism signs and flags) to include the following message: "Be responsible. Don't drink and drive".
2. **Directional on-site signage**
  - Brand Home entrance and exit signage to include the "Be responsible. Don't drink and drive" message.
3. **Printed material**
  - Notices on tasting room tables, coffee tables, bars, etc. to include the "Be responsible. Don't drink and drive" message.
  - All other printed material, i.e. posters, brochures, flyers, pamphlets, to include the "Not for sale to persons under the age of 18" message.
4. **Advertising, including websites**

- All websites and advertising on websites to include the “Not for sale to persons under the age of 18” message.
- Include the “Be responsible. Don’t drink and drive” message as part of the signature on e-mail correspondence
- The inclusion, or not, of the under age 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
- Similarly to the previous point, this will be applicable to retail merchandise, i.e. souvenirs, available for sale to visitors.

#### 5. Activities

- Encourage the taking of meals with the consumption of liquor, other than just tasting. This applies to events, i.e. music concerts, presented by brand homes where alcoholic beverages are sold to visitors attending these events.
- All tastings to include tasting biscuits, if no form of food is involved in the actual tasting, i.e. food and wine pairing tasting.
- No competitions or lucky draws will be offered to visitors, where the entry mechanics involve the encouragement of increased consumption of alcoholic beverages.
- Tour guides to encourage visitors to identify designated drivers, who will instead be served non-alcoholic beverages as part of the tasting.
- Refuse to serve inebriated visitors, and supply staff with proper written guidelines on how to handle sensitive situations involving excessive alcoholic beverage consumption by an individual or group

### **MONITORING, COMPLIANCE AND COMPLAINTS HANDLING PROCEDURES**

Members of the ARA undertake to have in place within their organization a programme to monitor compliance with the Code by their organisation. Such a programme would include procedures to make all employees aware of the Code, its contents and purpose, and the requirements in regard to compliance. Management takes responsibility for all aspects of the programme, required training and implementation within their organization.

Compliance with the Code must be secured as a pre-requisite when awarding business to:

- advertising agencies
- market research companies
- media buyers and other external consultants
- event management companies.

Each member will be required to sign an annual Certificate of Compliance confirming the extent of their compliance or non-compliance with the Code and the remedial action taken in the case of the latter. A copy of the Certificate will be submitted to the National Liquor Authority and a copy to the ARA for purposes of record.

#### Definitions

In this section, unless the context otherwise indicates –

“Advertisement” includes “activity and service”

**“ARA” means “the Industry Association for Responsible Alcohol Use, a voluntary organisation which carries on business in the alcohol industry to combat alcohol abuse and promote responsibility”**

**“ARA Code” means “the Code of Commercial Communication; the Commercial Communication Basic Rules; the additional rules relating specifically to Packaging, Promotions, Media, Sport Sponsorship and Brand Homes; the Compliance and Monitoring Procedures; and the Complaints Handling Procedure, as amended by the ARA from time to time”**

**“ARA panel” means “the panel considering the complaint, and comprises of the arbitrator and the assessor”**

**“ASA” means “the Advertising Standards Authority of South Africa, a section 21 company registered according to the company laws of South Africa, which carries on business as a voluntary regulatory body in the advertising industry”**

**“ASA Code” means “the Code of Advertising Practice, and the Sponsorship Code, as administered by the ASA, individually and collectively”**

**“Assessor” means “an individual who is appointed by the ARA Management Committee for his or her expertise in the subject matter of a specific complaint, or to serve for such period as the ARA Management Committee may decide” and “assessors” has the same meaning.**

**“Arbitrator” means “an individual who is appointed by the ARA Management Committee with suitable dispute resolution expertise to serve for such period as the ARA Management Committee may decide”**

**“Day” means any day but excludes Saturdays, Sundays and national holidays as well as the period from 25 December to 1 January, and in the calculation of a period of days as prescribed by the Code or as determined by the ARA, day will have this prescribed meaning”**

**“Executive Director” means “an individual with suitable expertise in the alcohol industry and who is duly appointed by the Management Committee of the ARA to serve for such period as the Board of the ARA may decide”**

**“Member of the ARA” means the organisations, institutions and entities that are members of the ARA in good standing at any given time.**

**“Respondent” means “the entity, commercial or otherwise, at whose instance the advertisement appears”**

**“Voluntary undertaking” means an undertaking by a respondent to remove an advertisement about which there was a complaint without a ruling from the Arbitrator and with the express acceptance by the respondent that the advertisement will not be used again.**

### **Advice**

- 1. A member of the ARA may request a non-binding opinion from the Executive Director on whether an advertisement conforms to the ARA Code, unless the advertisement is already the subject of a complaint before the ARA or the ASA.**

2. **The Executive Director will, at his or her discretion, provide such opinion verbally or in writing.**
3. **The Executive Director may, at his or her discretion, also provide non-binding advice on suitable changes to the advertisement in the event that the proposed advertisement does not, in the view of the Executive Director, conform to the ARA Code.**

#### **Complaints Handling Procedures**

4. **The ARA Code is not intended to be interpreted in a purely legalistic manner. The spirit and intent of the ARA Code will form the basis of all judgments.**
5. **Any interested party may submit a complaint in terms of the ARA Code.**
  - 5.1. **The general public will be advised on how to lodge complaints via the Complaints Line: 0860 ARA ADS (272 237).**
6. **All complaints lodged with the ARA must meet the following criteria:**
  - 6.1. **The complaint must be in writing.**
  - 6.2. **The identity and contact details of the complainant(s) must be disclosed to the ARA.**
  - 6.3. **The complaint must be against a member of the ARA for the normal procedures to be followed. However in the case of a non-member the complaint will be forwarded to such non-member with a non-binding opinion from the Executive Director.**
  - 6.4. **The grounds on which the complaint is based must be clearly stated as well as the relevant sections of the ARA Code to which the grounds of complaint relate.**
  - 6.5. **The complainant(s) must either attach the advertisement to which the complaint relates, or provide sufficient details including the medium to identify the advertisement.**
  - 6.6. **The advertisement complained against must be current and/or have been published within the last 90 days of lodging the complaint.**
7. **Complaints and responses to complaints may be submitted as follows:**
  - 7.1. **By delivery, to the ARA at 154 Dorp Street, Stellenbosch;**
  - 7.2. **By post, to PO Box 236, Stellenbosch, 7599, South Africa;**
  - 7.3. **By telefacsimile, to +27 21 886 4412; or**
  - 7.4. **By electronic mail, to info@ara.co.za.**
8. **Responsibility for establishing receipt by the ARA of a complaint lies with the complainant.**

- 9. On receipt of a complaint, and if, at the discretion of the Executive Director (or an assessor in the event the Executive Director provided the respondent with an opinion on the advertisement complained against), the complaint -**
  - 9.1. Meets the requirements of the ARA Code;**
  - 9.2. Is not vexatious or spurious taking into account factors such as malicious motive and bad faith; and**
  - 9.3. Is prima facie with merit,**

**the complaint will be investigated.**
- 10. If it is determined that the complaint will not be investigated, the complainant(s) and the respondent will be informed in writing, and the reason(s) for the determination will be set out.**
  - 10.1. At the discretion of the Executive Director, or an assessor in the event that the Executive Director provided the respondent with an opinion on the advertisement complained against, the complainant(s) may be afforded an opportunity to amplify or rectify the complaint.**
- 11. If it is determined that the complaint will be investigated, the complaint will be submitted in writing to the respondent.**
  - 11.1. The respondent will be given 14 days to respond.**
  - 11.2. The respondent's failure to respond within the allotted period will not preclude the ARA panel from considering whether the advertisement is in breach of the ARA code.**
- 12. After the respondent's period to respond lapsed, the complaint and the response, if any, will be made available to the ARA panel.**
- 13. In determining whether the advertisement complained against complies with the ARA code, the ARA panel will base its consideration on the written complaint and the written response, if any.**
  - 13.1. If, in response to the complaint, the respondent voluntarily undertakes to withdraw or amend the advertisement complained of, and at the discretion of the ARA panel, such voluntary undertaking resolves the dispute, the arbitrator will record the respondent's voluntary undertaking, in writing, as a ruling of the ARA panel.**
- 14. The arbitrator will hand down the ARA panel ruling, and will give written reasons for such ruling.**
- 15. The Executive Director, assessor and arbitrator may, individually and collectively, perform all such acts and do all such things as are reasonably necessary for or ancillary, incidental, or supplementary to the performance of any of their functions. Should circumstances arise where good and valid reasons justify a departure from usual**

**procedure, these will be taken into account, but always at the discretion of the Executive Director, assessor or arbitrator, acting individually or collectively.**

- 16. The respondent will put into effect the ARA panel ruling.**
- 17. Should the respondent choose to ignore the ARA panel ruling the ARA will make a public statement to indicate that the respondent had its membership of ARA terminated, with reasons for the termination.**
  - 17.1. A copy of this announcement will be submitted to the Director-General of the Department of Trade and Industry.**

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