



Advertising and Marketing Code

Effective June 2015



Introduction



Beer is a legal beverage meant to be consumed responsibly by adults of legal drinking age. Its origins are ancient, and it has held a respected position in nearly every culture and society since the dawn of recorded history.

In the United States, beer is a mature product category with broad cultural acceptance and a history of memorable and distinctive advertising that, because of its humor and creativity, has long been a favorite among American adult consumers. Advertising and marketing materials are legitimate efforts by Brewers to inform consumers of the particular styles and attributes of numerous beers and other malt beverages that are available. Brewer advertising and marketing materials also foster competition, persuade adult consumers of beer to try particular brands, and maintain customer loyalty.

Brewers should employ the perspective of the reasonable adult consumer of legal drinking age in advertising and marketing their products, and should be guided by the following basic principles, which have long been reflected in the policies of the brewing industry and continue to underlie this Code:

- Beer advertising should not suggest directly or indirectly that any of the laws applicable to the sale and consumption of beer should not be complied with.
- Brewers should adhere to contemporary standards of good taste applicable to all commercial advertising and consistent with the medium or context in which the advertising appears.
- Advertising themes, creative aspects, and placements should reflect the fact that Brewers are responsible corporate citizens.
- Brewers strongly oppose abuse or inappropriate consumption of their products.

The term “beer” as used in this Code covers all types of malt beverages, including but not limited to, beers and flavored malt beverages, as well as various specialty products containing alcohol such as hard cider. The production, distribution, and sale of beer in the United States are subject to extensive laws and regulations, enforced by federal, state, and local governments. Federal and state laws establish a three-tiered distribution system for beer. The first tier is composed of beer manufacturers and importers, which are referenced throughout this Code as “Brewers.” The second tier is made up of wholesale distributors, and the third tier includes a wide range of licensed retail outlets, at which beer is sold to consumers. Companies in each tier of this distribution system are required by law to maintain their commercial independence. The Beer Institute encourages all with whom Brewers do business to adhere to the law, as well as this voluntary Advertising and Marketing Code.

Guidelines

1. These guidelines apply to all beer-branded advertising and marketing materials created by or under the control of the Brewer. In applying these guidelines, creative elements are to be considered in the overall context of the advertisement or marketing materials. Humor, parody, satire, and all other advertising themes and devices should be readily identifiable as such by reasonable adults of legal drinking age.

These guidelines do not apply to educational materials, messages of a non-brand specific nature, or materials or messages designed specifically to address issues of alcohol awareness, abuse, drunk driving, underage drinking, or over-consumption.

2. Beer advertising and marketing materials should portray beer in a responsible manner:
 - a. Beer advertising and marketing materials should not portray, encourage, or condone drunk driving.
 - b. Although beer advertising and marketing materials may show beer being consumed (where permitted by media standards), advertising and marketing materials should not depict situations where beer is being consumed rapidly, excessively, involuntarily, as part of a drinking game, or as a result of a dare.
 - c. Beer advertising and marketing materials should not portray persons lacking control over their behavior, movement, or speech as a result of consuming beer or in any way suggest that such conduct is acceptable.
 - d. Beer advertising and marketing materials should not portray or imply illegal activity of any kind by an individual prior to, during, or after the individual consumes, purchases, or is served beer, unless the portrayal or implication of illegal activity is a basic element or feature of a parody or spoof and is readily identifiable as such.
 - e. Beer advertising and marketing materials should not portray beer drinking before or during activities, which for safety reasons, require a high degree of alertness or coordination.
 - f. Retail outlets where beer is served or sold portrayed in advertising should not be depicted as unkempt or unmanaged.
3. Brewers are committed to a policy and practice of responsible advertising and marketing. As a part of this philosophy, beer advertising and marketing materials are intended for adult consumers of legal drinking age. Advertising or marketing materials should avoid elements that appeal primarily to persons below the legal drinking age. Advertising and marketing materials appeal primarily to persons below the legal drinking age if they have special attractiveness to such persons beyond their general attractiveness for persons of legal drinking age.
 - a. In considering whether beer advertising and marketing materials appeal primarily to persons below the legal drinking age, Brewers should take into account the following elements among others:
 - Symbols
 - Language
 - Music
 - Gestures
 - Entertainers or celebrities
 - Cartoon characters
 - Groups or organizations
 - b. Beer advertising and marketing materials should not depict Santa Claus.
 - c. Beer advertising and marketing materials will meet the following criteria:



- i. Placements made by or under the control of the Brewer in magazines, in newspapers, on television, on radio, and in digital media in which there is no dialogue between a Brewer and user, may only be made where at least 71.6% of the audience is expected to be adults of legal drinking age. A placement will be considered compliant if the audience composition data reviewed prior to placement meets the percentage set forth above.
- ii. Placements made by or under the control of the Brewer in digital media in which there is a dialogue between a user and a Brewer may only be made where a user confirms that he or she is of legal drinking age. Confirmation may vary depending upon available technology but includes either: 1) disclosure of a user's full birth date or other method of active confirmation prior to viewing an advertisement by or communicating with a Brewer; or, 2) restriction of the site to users of legal drinking age through registration. The offer of downloadable content by a Brewer that can be permanently accessed by a user without viewing a Brewer's owned or controlled compliant digital media site or a third-party compliant digital media site, will similarly meet the standard set forth in this Section 3(c)(ii).
- iii. The Brewer placing advertising or marketing materials in digital media, in magazines, in newspapers, on television and on radio will conduct periodic after-the-fact audits, at least semi-annually where possible, of substantially all of its placements. If a Brewer learns that a placement did not meet the Code standard, it will take steps to prevent a recurrence. These steps may include, but are not limited to: investigating exceptions; canceling placements with unacceptable audience composition; reallocating purchases to a different and acceptable time slot; contacting the media outlet/station with regard to placement errors or possible reporting errors; reemphasizing audience composition requirements with media buyers and media outlets; and, continued monitoring of a program or time slot to determine whether buys should be canceled or reallocated.
- iv. Digital media includes all beer-branded digital advertising and marketing placements made by or under the control of the Brewer in all forms, including but not limited to Brewer owned or controlled or third-party internet and/or mobile sites, commercial marketing e-mails, downloadable content (including downloadable desktop features), SMS and MMS messaging, and social media sites.
- v. Buying Guidelines for the implementation of this section will be distributed in conformance with the dissemination provisions of this code.
- d. Models and actors employed to appear in beer advertising and marketing materials should be a minimum of 25 years old, substantiated by proper identification, and should reasonably appear to be of legal drinking age. For the avoidance of doubt, generally recognizable athletes, entertainers and other celebrities who are of legal drinking age are not models or actors under this provision, provided that such individuals reasonably appear to be of legal drinking age and do not appeal primarily to persons below the legal drinking age.
- e. Beer should not be advertised or marketed at any event where most of the audience is reasonably expected to be below the legal drinking age. This guideline does not prevent Brewers from erecting advertising and marketing materials at or near facilities that are used primarily for adult-oriented events, but which occasionally may be used for an event where most attendees are below the legal drinking age.
- f. No beer identification, including logos, trademarks, or names should be used or licensed for use on clothing, toys, games or game equipment, or other materials intended for use primarily by persons below the legal drinking age.



- g. Brewers recognize that parents play a significant role in educating their children about the legal and responsible use of alcohol and may wish to prevent their children from accessing digital media without parental supervision. To facilitate this exercise of parental responsibility, the Beer Institute will provide to manufacturers of parent control software the names and website addresses of all member-company websites. Additionally, Brewers will require disclosure of a viewer's date of birth at the entry to their beer-branded websites and will post reminders at appropriate locations in their websites indicating that Brewer products are intended only for those of legal purchase age. These locations include entrance into the website, purchase points within the website, and access into adult-oriented locations within the website, such as virtual bars. Content that can be shared with others directly from a Brewer's digital media site or a Brewer-controlled third party digital media site will include terms of use instructing users that such content should not be shared with persons below the legal drinking age.
4. Beer advertising and marketing materials should not make the following exaggerated product representations:
- a. Beer advertising and marketing materials should not convey the impression that a beer has special or unique qualities if in fact it does not.
 - b. Beer advertising and marketing materials should make no scientifically unsubstantiated health claims.
 - c. Beer advertising and marketing materials may portray beer as a part of personal and social interactions and experiences, and a brand may be portrayed in appropriate surroundings as a superior choice to complement a particular occasion or activity. Beer advertising and marketing materials should not, however, claim or represent that individuals cannot obtain social, professional, educational, athletic, or financial success or status without beer consumption.
 - d. Beer advertising or marketing materials should not claim or represent that individuals cannot solve social, personal, or physical problems without beer consumption.
5. Beer advertising and marketing materials:
- a. Should not contain language or images that are lewd or indecent in the context presented and the medium in which the material appears.
 - b. May contain romantic or flirtatious interactions but should not portray sexually explicit activity as a result of consuming beer.
6. Beer advertising and marketing materials should not contain graphic nudity.
7. Beer advertising and marketing materials should not employ religion or religious themes.
8. Beer advertising and marketing materials should not disparage competing beers.
- a. Comparisons or claims distinguishing competing beers should be factual.
 - b. Beer advertising and marketing materials should never suggest that competing beers contain objectionable additives or ingredients.
9. Beer advertising and marketing materials should not disparage anti-littering and recycling efforts. Beer advertising and marketing materials should not show littering or otherwise improper disposal of beer containers, unless the scenes are used clearly to promote anti-littering and/or recycling.



10. College marketing

Beer advertising and marketing materials on college and university campuses, or in college-owned media, should not portray consumption of beer as being important to education, nor will advertising directly or indirectly degrade studying. Beer may be advertised and marketed on college campuses or at college-sponsored events only when permitted by appropriate college policy.

a. On-campus promotions/sponsorships

- i. Brewer sponsored events: Brewer sponsorship of on-campus events or promotions at on-campus licensed retail establishments will be limited to events conducted in accord with this Code, state law, and applicable institutional policies. In their content and implementation, company on-campus promotions and sponsorships will not encourage the irresponsible, excessive, underage, or otherwise illegal consumption of beer.
- ii. Branded products: Beer-branded promotional products such as key chains, clothing, posters, or other tangible goods designed to promote specific beer brands, are intended only for adults of legal drinking age. Distribution of these items will therefore take place only at licensed retail establishments or where distribution is limited to those of legal drinking age, and otherwise conforms to applicable laws and institutional policies.
- iii. Tastings: Tasting events at which product samples are provided should occur at licensed retail establishments or where distribution is limited to those of legal drinking age, or otherwise conforms to applicable laws and institutional policies.

b. Brewer sales representatives

Brewer sales representatives who undertake sales calls on or near a college campus will be adults of legal drinking age, and will conduct sales activities in conformity with this Code.

11. User-Generated Content in Digital Media

User-generated content that is posted on beer-branded digital media sites created by or under the control of a Brewer will be monitored for compliance with this Code on a regular basis. If noncompliant user-generated content is discovered on these sites, the Brewer will take appropriate action.

12. Billboards

Billboard advertisements by Brewers will be located at least 500 linear feet from established and conspicuously identified elementary or secondary schools, places of worship, or public playgrounds.

13. Internet Privacy Policy

Brewers will maintain internet privacy policies that are publicly available on their websites. These policies will govern the collection of personal information from legal drinking age consumers on Brewer websites. Before they collect information from any consumer, Brewers will require that individual to verify that he or she is of legal drinking age. Brewers will not collect any information from consumers who identify themselves as below the legal drinking age. Brewers will not sell the personal information they collect from legal drinking age consumers. Brewers will keep consumer information secure and require that any third parties retained by Brewers that have access to Brewer consumer information also keep such consumer information secure. Brewers will also employ a mechanism for consumers to opt-in to receive communications from a Brewer as well as an opt-out feature to stop receiving such communications. Consumer information collected by Brewers is intended to be used for business purposes only.

14. Product placement

Movies and television programs frequently portray consumption of beer and related signage and props in their productions. Brewers encourage producers to seek approval before using their products, signage, or other props in artistic productions. While producers



sometimes seek prior approval from Brewers, the final artistic and editorial decisions concerning product portrayal are always within the exclusive control of the movie or television producers.

With regard to those producers who seek Brewer approval or those Brewers who seek placement opportunities, product placement will be guided by the following principles:

- a. Case-by-Case Approval: Brewers will approve or reject product placement in specific projects or scenes on a case-by-case basis, based upon the information provided by the movie or television program's producers.
- b. Portrayal of drinking and driving: Brewers discourage the illegal or irresponsible consumption of their products in connection with driving. Consistent with that philosophy, Brewers will not approve product placement where the characters engage in illegal or irresponsible consumption of their products in connection with driving.
- c. Underage drinking: Brewers discourage underage drinking and do not intend for their products to be purchased or consumed illegally by people below the legal drinking age. Consistent with that philosophy, Brewers will not approve product placement which portrays purchase or consumption of their products by persons who are below the legal drinking age.
- d. Primary appeal to persons below the legal drinking age: Brewers discourage underage drinking and do not intend for their products to be purchased or consumed illegally by people below the legal drinking age. Consistent with that philosophy, Brewers will not approve product placement where the primary character(s) are below the legal drinking age or the primary theme(s) are, because of their content or presentation, specifically attractive to persons below the legal drinking age beyond the general attractiveness such themes have for persons of legal drinking age.
- e. Portraying alcoholism/alcohol abuse: Brewers do not want their products to be abused. Consistent with that philosophy, Brewers will not approve product placement where characters use their products irresponsibly or abusively or where alcoholism is portrayed, unless the depiction supports a responsible-use message.
- f. Measured media: Brewers will not request or approve a product placement in any measured media unless the placement is consistent with the Buying Guidelines that accompany this Code and at least 71.6% of the audience is reasonably expected to be adults of legal drinking age.



Code Compliance Review Process

Each member of the Beer Institute is committed to the philosophy of the Code and to compliance with the Code. To demonstrate this commitment, Beer Institute members openly accept Code complaints from any person or entity, including a complaint from another Brewer.

To facilitate the review of a complaint that a Brewer's advertising or marketing materials is inconsistent with the Code, the complaint should be submitted in writing, using the form available at www.beerinstitute.org. Copies of the form may also be obtained by calling the Beer Institute at 1-800-379-2739. The complainant will complete the form, including name and contact information, attach any supporting data, material or documentation regarding the complaint, including any prior communication with the advertising Brewer, and submit the same to the Beer Institute. A Beer Institute member complainant will first forward its complaint to the advertising member Brewer for resolution before filing any formal complaint with the Beer Institute.

Upon receipt of a completed complaint, the Beer Institute will promptly notify the Brewer and ask the Brewer to respond directly to the complainant within a reasonable time. Beer Institute-member Brewers will endeavor to respond to a complainant within two weeks of receiving notice of a complaint from the Beer Institute.

Code Compliance Review Board

If a complainant is dissatisfied with the response received from a Brewer, the complainant may contact the Beer Institute, explain why the complainant is dissatisfied with the response, and request review of the matter by the Beer Institute Code Compliance Review Board (CCRB). In such event, the Beer Institute will ask the Brewer to provide for the CCRB's review, a copy of the advertising or marketing materials at issue as well as any data, material or documentation to support their response to the complaint.

The CCRB is composed of individuals with a variety of experience who are independent of the brewing industry. The CCRB reviews complaints from the perspective of the reasonable adult consumer of legal drinking age and decides whether such complaints identify advertising or marketing materials that are inconsistent with one or more guidelines in the Code. Once the CCRB issues its decision, the complainant and the Brewer will be notified, and the complaint, any Brewer response and the Board decision will be posted on the Beer Institute website. If a violation has occurred, the Brewer is expected to promptly revise its advertising or marketing materials to conform to the CCRB's decision or withdraw the advertising or marketing materials.

Code Dissemination

Copies of this Code will continue to be made available to Brewer employees, wholesale distributors and outside agencies whose responsibilities include advertising and marketing beer, as well as to any outside party who might request it.



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