

Appendix D

**BEVERAGE ALCOHOL INDUSTRY
SELF-REGULATORY CODES**





BEER INSTITUTE

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BEER INSTITUTE

Advertising & Marketing Code

This code contains the voluntary advertising and marketing guidelines subscribed to by the members of the Beer Institute.

Introduction

Beer is a legal beverage meant to be consumed responsibly. Its origins are ancient, and it has held a respected position in nearly every culture and society since the dawn of recorded history. Advertising is a legitimate effort by brewers to make consumers aware of the particular types, brands, and prices of malt beverages that are available.

Three basic principles which have long been reflected in the policies of the brewing industry continue to underlie these Guidelines. First, 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. Second, brewers should adhere to standards of candor and good taste applicable to all commercial advertising. Third, brewers are responsible corporate citizens, sensitive to the problems of the society in which they exist, and their advertising should reflect that fact. Brewers strongly oppose abuse or inappropriate consumption of their products.

Guidelines

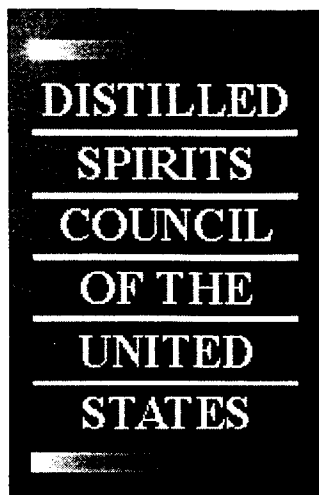
1. These guidelines apply to all brewer advertising and marketing materials, including Internet and other cyberspace media. These guidelines do not apply to educational materials or televised, printed or audio messages of a non-brand specific nature; nor to materials or messages designed specifically to address issues of alcohol abuse or underage drinking.
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. Beer advertising and marketing materials should not depict situations where beer is being consumed excessively, in an irresponsible way, or in any way illegally.
 - c. Beer advertising and marketing materials should not portray persons in a state of intoxication or in any way suggest that intoxication is acceptable conduct.
 - d. Beer advertising and marketing materials should not portray or imply illegal activity of any kind.
 - e. Retail outlets or other places portrayed in advertising should be depicted as well kept and respectable establishments.

3. Brewers are committed to the policy and practice of responsible advertising and marketing directed to persons of legal purchase age. To facilitate this commitment, purchases by brewers, directly or indirectly, of Nielsen or other recognized TV viewer composition data shall reflect those viewers over the legal purchase age. Brewers shall review this Nielsen or other recognized TV viewer composition data on a regular basis (at least semi-annually) in order to insure that advertisements are placed in compliance with this code.
4. Beer advertising and marketing materials are intended for adults of legal purchase age who choose to drink.
 - a. Beer advertising and marketing materials should not employ any symbol, language, music, gesture, or cartoon character that is intended to appeal primarily to persons below the legal purchase age. Advertising or marketing material has a "primary appeal" to persons under the legal purchase age if it has special attractiveness to such persons above and beyond the general attractiveness it has for persons above the legal purchase age, including young adults above the legal purchase age.
 - b. Beer advertising and marketing materials should not employ any entertainment figure or a group that is intended to appeal primarily to persons below the legal purchase age.
 - c. Beer advertising and marketing materials should not depict Santa Claus.
 - d. Beer advertising and marketing materials should not be placed in magazines, newspapers, television programs, radio programs, or other media where most of the audience is reasonably expected to be below the legal purchase age.
 - e. To help insure that the people shown in beer advertising are and appear to be above the legal purchase age, models and actors employed should be a minimum of 25 years old, substantiated by proper identification, and should reasonably appear to be over 21 years of age.
 - f. Beer should not be advertised or marketed at any event where most of the audience is reasonably expected to be below the legal purchase age. This guideline does not prevent brewers from erecting advertising marketing 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 under age 21.
 - g. 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 purchase age.
 - h. 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 Internet Web sites without parental supervision. To facilitate this exercise of parental responsibility, Beer Institute will provide to manufacturers of parental control software the names and Web site addresses of all member-company Web sites. Additionally, brewers will post reminders at appropriate locations in their Web site indicating that brewer products are intended only for those of legal purchase age. These locations include entrance into the Web site, purchase points within the Web site, and access into adult-oriented locations within the Web site, such as virtual bars.
5. Beer consumption is intended as a complement to leisure or social activity. Beer advertising and marketing activities should not associate or portray beer drinking before or during activities in situations which require a high degree of alertness or coordination.
6. Beer advertising and marketing materials should not make 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 may be portrayed to be part of personal and social experiences and activities. Nevertheless, beer advertising and marketing materials should contain no claims or representations that individuals cannot obtain social, professional, educational, athletic or financial success or status without beer consumption; nor should they claim or represent that individuals cannot solve social, personal or physical problems without beer consumption.
7. Beer advertising and marketing materials reflect generally accepted contemporary standards of good taste.
- a. Beer advertising and marketing materials should not contain any lewd or indecent language or images.
 - b. Beer advertising and marketing materials should not portray sexual passion, promiscuity or any other amorous activity as a result of consuming beer.
 - c. Beer advertising and marketing materials should not employ religion or religious themes.
8. Beer advertising and marketing materials should not disparage competing beers. In the event comparisons are drawn between competing beers, the claims made should be truthful and of value to consumers.
9. Beer advertising and marketing materials should never suggest that competing beers contain objectionable additives or ingredients.
10. Beer advertising and marketing materials should not refer to any intoxicating effect that the product may produce.
11. Beer advertising and marketing materials should not depict the act of drinking.
12. 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 campaigns.
13. Beer advertising and marketing activities on college and university campuses, or in college media, should not portray consumption of beer as being important to education, nor shall 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.

Code Compliance and Dissemination

Each member of the Beer Institute is committed to the philosophy of the Code and is committed to compliance with the Code. When the Beer Institute receives complaints with regard to any member's advertising or marketing, it has long been its practice and it will continue to be its practice to promptly refer such complaints in writing to the member company for its review and action. To facilitate this end, the Beer Institute maintains an 800 number (1-800-379-2739). A copy of this code shall continue to be given to every brewery employee, wholesale distributor and outside agency whose responsibilities include advertising and marketing beer, as well as to any outside party who might request it.



Code of Good Practice

for
Distilled Spirits Advertising and Marketing

Preamble

The Distilled Spirits Council of the United States, Inc. (DISCUS) is the national trade association representing producers and marketers of distilled spirits sold in the United States. The members of DISCUS adopt this Code of Good Practice as guidelines concerning the placement and content of advertising and marketing materials. These guidelines have two overriding principles: (1) to ensure responsible, tasteful, and dignified advertising and marketing of distilled spirits to adult consumers who choose to drink and (2) to avoid targeting advertising and marketing of distilled spirits to individuals below the legal purchase age.

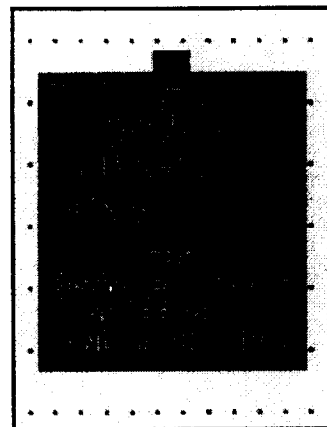
The consumption of beverage alcohol products has played an accepted and important role in the cultural and social traditions of both ancient and modern society. DISCUS members take special pride in their products and their commitment to promoting responsible consumption by those adults who choose to drink. Nevertheless, it is the obligation of each consumer who chooses to drink to enjoy beverage alcohol products in a responsible manner.

The distilled spirits industry acknowledges the problems inherent in abusive consumption of beverage alcohol, and DISCUS members remain committed to combatting alcohol abuse. To that end, the industry has joined with government and civic groups in efforts to encourage responsible use of beverage alcohol products. DISCUS also actively supports informational, educational, research, and treatment initiatives in an effort to better understand, prevent, and combat abuse of its products.

Scope

The producers and marketers of distilled spirits encourage responsible decision-making regarding drinking of beverage alcohol by adults, and discourage abusive consumption of their products. The distilled spirits industry urges that adults who choose to drink, do so responsibly. Towards this end, DISCUS members pledge voluntarily to conduct their advertising and marketing practices in the United States in accordance with the provisions of this Code. The provisions of the Code apply to every type of print and electronic media, including the Internet and any other on-line communications, used to advertise or market distilled spirits.

DISCUS members recognize that it is not possible to cover every eventuality and, therefore, agree to observe the spirit as well as the letter of this Code. Questions about the interpretation of the Code, member companies' compliance with the Code, and the application of its provisions are directed to the Code Review Board of



DISCUS.

Responsible Placement

1. Distilled spirits should not be advertised or marketed in any manner directed or primarily intended to appeal to persons below the legal purchase age.
2. Distilled spirits advertising and marketing should not be placed in any communication intended to appeal primarily to individuals below the legal purchase age.
3. Distilled spirits should not be advertised on college and university campuses or in college and university newspapers.
4. Marketing activities for distilled spirits should not be conducted on college and university campuses except in licensed retail establishments located on such campuses.
5. Distilled spirits advertising and marketing should not be specifically aimed at events where most of the audience is reasonably expected to be below the legal purchase age. Fixed distilled spirits advertising and marketing materials at facilities used primarily for adult-oriented events fall outside this guideline.
6. Distilled spirits advertising should not be placed on any outdoor stationary location within five hundred (500) feet of an established place of worship or an elementary school or secondary school except on a licensed premise.

Responsible Content

Underage Persons

1. Distilled spirits advertising and marketing materials are intended for adults of legal purchase age who choose to drink.
2. The content of distilled spirits advertising and marketing materials should not be intended to appeal primarily to individuals below the legal purchase age.
3. Distilled spirits advertising and marketing materials should not depict a child or portray objects, images, or cartoon figures that are popular predominantly with children.
4. Distilled spirits advertising and marketing materials should not contain the name of or depict Santa Claus or any religious figure.
5. Distilled spirits should not be advertised or marketed on the comic pages of newspapers, magazines, or other publications.
6. Distilled spirits should not be advertised or promoted by any person who is below the legal purchase age or who is made to appear, through clothing or otherwise, to be below the legal purchase age.
7. Distilled spirits web sites should contain a reminder of the legal purchase age on such web pages as the home page, access sites for the purchase of distilled spirits or brand-logoed consumer merchandise, and access sites depicting consumption of beverage alcohol, for example, a "virtual bar."
8. Distillers recognize the crucial role parents play in educating their children about the legal and responsible consumption of beverage alcohol. To enable parents who choose to prevent their children from accessing Internet web sites without their supervision, DISCUS will provide those parents and the manufacturers of parental control software upon request the web site address of each member company so that the parent or manufacturer can use this information.

Social Responsibility

9. Distilled spirits advertising and marketing materials should portray distilled spirits and drinkers in a responsible manner. These materials should not show a distilled spirits product being consumed abusively or irresponsibly.
10. On-premise promotions sponsored by distillers should encourage responsible consumption by those adults who choose to drink and discourage activities that reward excessive/abusive consumption.
11. Distilled spirits advertising and marketing materials should not promote the intoxicating effects of beverage alcohol consumption.
12. Distilled spirits advertising and marketing materials should not contain any curative or therapeutic claim except as permitted by law.
13. Distilled spirits advertising and marketing materials should contain no claims or representations that individuals can obtain social, professional, educational, or athletic success or status as a result of beverage alcohol consumption.
14. Distilled spirits should not be advertised or marketed in any manner associated with abusive or violent relationships or situations.
15. Distilled spirits advertising and marketing materials should not imply illegal activity of any kind.
16. No distilled spirits advertising or marketing materials should portray distilled spirits being consumed by a person who is engaged in, or is immediately about to engage in, any activity that requires a high degree of alertness or physical coordination.
17. No distilled spirits advertising or marketing activity should be associated with anti-social or dangerous behavior.
18. Distilled spirits may be portrayed to be part of responsible personal and social experiences and activities, such as the depiction of persons in a social or romantic setting, persons who appear to be attractive or affluent, and persons who appear to be relaxing or in an enjoyable setting.

Drunk Driving

19. Driving while intoxicated is against the law. Distilled spirits advertising and marketing materials should not portray, encourage, or condone drunk driving.

Alcohol Content

20. Distilled spirits advertising and marketing materials should not refer to alcohol content except in a straightforward and factual manner.

Good Taste

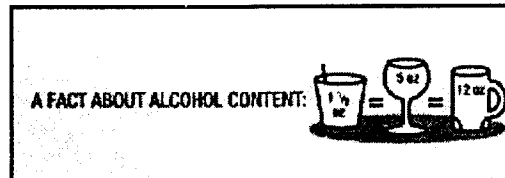
21. No distilled spirits advertising or marketing materials should contain advertising copy or an illustration unless it is dignified, modest, and in good taste.
22. No distilled spirits advertising or marketing materials should claim or depict sexual prowess as a result of beverage alcohol consumption.
23. Distilled spirits advertising and marketing materials should not degrade the image, form, or status of women, men, or of any ethnic, minority, sexually-oriented, religious, or other group.
24. Distilled spirits advertising and marketing materials should not employ religion or religious themes, nor should distilled spirits be advertised in publications devoted primarily to religious topics.

Code Review Board

There shall be established and maintained a Code Review Board, which shall meet when necessary to consider complaints lodged by DISCUS members or other interested parties.

The Code Review Board shall be comprised of no less than five (5) members in good standing of the Board of Directors of DISCUS. Each member shall be elected by a majority vote of the Board of Directors.

Findings of the majority of the members of the Code Review Board shall be communicated promptly to the responsible advertiser and in appropriate circumstances to all members of the Board of Directors of DISCUS.

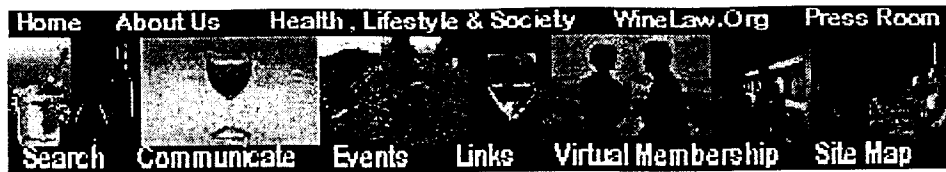


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Code of Advertising Standards

Preamble

Informal principles of good advertising practice for the winegrowing industry were first adopted in 1949. In recent years, California wine advertisers have desired more specific and significantly stronger standards to reflect the industry's concern with maximum social responsibility.

This code is designed to encourage continued high standards so that California wine advertising may increasingly be viewed as a positive contribution to society.

April 1978

May 1987

Last Amended 1993

GUIDELINES. These guidelines shall apply only to voluntary subscribers of this Code of Advertising Standards.

1. Wine and wine cooler advertising should encourage the proper use of wine. Therefore subscribers to this code shall not depict or describe in their advertising:

- a. The consumption of wine or wine coolers for the effects their alcohol content may produce.
- b. Direct or indirect reference to alcohol content or extra strength, except as otherwise required by law or regulation.
- c. Excessive drinking or persons who appear to have lost control or to be inappropriately uninhibited.
- d. Any suggestion that excessive drinking or loss of control is amusing or a

proper subject for amusement.

e. Any persons engaged in activities not normally associated with the moderate use of wine or wine coolers and a responsible life style. Association of wine use in conjunction with feats of daring or activities requiring unusual skill is specifically prohibited.

f. Wine or wine coolers in quantities inappropriate to the situation or inappropriate for moderate and responsible use.

g. The image of wine and wine coolers in advertising and promotion shall be adult-oriented and socially responsible. Comparative or competitor-derogatory advertising is inappropriate.

2. Advertising of wine has traditionally depicted wholesome persons enjoying their lives and illustrating the role of wine in a mature life style. Any attempt to suggest that wine directly contributes to success or achievement is unacceptable. Therefore, the following restrictions shall apply to subscribers of this code:

a. Wine and wine coolers shall not be presented as being essential to personal performance, social attainment, achievement, success or wealth.

b. The use of wine and wine coolers shall not be directly associated with social, physical or personal problem solving.

c. Wine and wine coolers shall not be presented as vital to social acceptability and popularity.

d. It shall not be suggested that wine or wine coolers are crucial for successful entertaining.

3. Any advertisement which has particular appeal to persons below the legal drinking age is unacceptable. Therefore, wine and wine cooler advertising by code subscribers shall not:

a. Show models and personalities in advertisements who are under the legal drinking age. Models should appear to be 25 years of age or older.

b. Use music, language, gestures or cartoon characters specifically associated with or directed toward those below the legal drinking age.

c. Appear in children or juvenile magazines, newspapers, television programs, radio programs or other media specifically oriented to persons below the legal drinking age.

d. Be presented as being related to the attainment of adulthood or associated with "rites of passage" to adulthood.

e. Suggest that wine or a wine cooler product resembles or is similar to another type of beverage or product (milk, soda, candy) having particular appeal to persons below the legal drinking age.

f. Use current or traditional heroes of the young such as those engaged in pastimes and occupations having a particular appeal to persons below the legal drinking age .

g. Use amateur or professional sports celebrities, past or present.

4. Code subscribers shall not show motor vehicles in such a way as to suggest that they are to be operated in conjunction with wine or wine cooler use.

Advertising should in no way suggest that wine or wine coolers be used in connection with driving motorized vehicles such as automobiles, motorcycles, boats, snowmobiles, or airplanes.

5. Wine and wine cooler advertising shall not appear in or directly adjacent to television or radio programs or print media which dramatize or glamorize over-consumption or inappropriate use of alcoholic beverages.

6. Wine and wine cooler advertising by code subscribers shall make no reference to wine's medicinal or caloric values.

7. Wine and wine cooler advertising by code subscribers shall not degrade, demean, or objectify the human form, image or status of women, men, or of any ethnic, minority or other group, or feature provocative or enticing poses.

8. Wine and wine cooler advertising shall not be directed to underage drinkers or pregnant women. Wine and wine cooler advertising will not portray excessive drinking.

9. Wine and wine cooler advertising by code subscribers shall not exploit the human form, feature provocative or enticing poses, nor be demeaning to any individual. Wine and wine cooler advertising by code subscribers shall not reinforce nor trivialize the problem of violence in our society. Therefore, wine and wine cooler advertising shall not associate wine or wine coolers with abusive or violent relationships or situations.

10. A distinguishing and unique feature of wine is that it is traditionally served with meals or immediately before or following a meal.

Therefore, when subscribers to this code use wine advertising which visually depicts a scene or setting where wine is to be served, such advertising shall include foods and show that they are available and are being used or are intended to be used.

This guideline shall not apply to the depiction of a bottle of wine, vineyard, label, professional tasting etc. where emphasis is on the product.

All advertising - including, but not limited to direct mail, point-of-sale, outdoor, displays, radio, television and print media - should adhere to both the letter and the spirit of the above code.

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CODE OF RESPONSIBLE
MARKETING & ADVERTISING
PRACTICES

CODE OF RESPONSIBLE MARKETING AND
ADVERTISING PRACTICES

I. INTRODUCTION

A. The Century Council ("the Council") is an independent corporation created at the initiative of leading producers of licensed beverages. It is a founding principle of the Council that every brewer, vintner, and distiller, and every other entity that distributes or promotes licensed beverage products¹, in pursuing its legitimate interest in marketing² and advertising³ its products to adults of legal drinking age, has an obligation to ensure that it never suggests or condones irresponsible consumption of its products through such practices.

B. This Code provides principles to assist its subscribers in assessing marketing and advertising practices in which they may individually engage after the effective date of the Code.

C. Each subscriber to this Code pledges to make good faith efforts to ensure that all of its marketing and advertising activities are responsible and to adopt a Code Commitment and Subscriber Self-Evaluation Program in accordance with Section IV of this Code.

D. This Code is intended to supplement existing voluntary codes that may apply to various segments of the licensed beverage industry. Insofar as the provisions of this Code are more restrictive than those codes, every subscriber is expected to comply with the provisions of this Code.

The term "product" and its variants refers to those beverages with an alcohol content of not less than one-half of one percent (0.5%) by volume.

The term "marketing" and its variants includes all forms of promotional practices for licensed beverage products other than "advertising" as defined below.

The term "advertising" and its variants means any paid television, audio, print, display, outdoor, direct mail, and point-of-purchase advertising for a licensed beverage product, except where the context indicates otherwise. The provisions of this Code are not intended to restrict public service advertising, editorial advertising or other forms of advocacy in connection with issues of public importance.

E. The Council has developed a Code Service Mark for the exclusive use of subscribers to this Code. The Council confers upon each subscriber the privilege of displaying the Code Service Mark in accordance with guidelines to be issued by the Council.

F. The Council invites and encourages every producer, wholesaler, distributor, and retailer in the licensed beverage industry to subscribe to this Code.

II. **MARKETING AND ADVERTISING STANDARDS**

A. General Standards

1. No product should be shown as being consumed in quantities inappropriate to the situation depicted or in an irresponsible or illegal manner; nor should any advertising or marketing practice encourage irresponsible consumption, or consumption by persons who for medical reasons should not consume the product.

2. No product should be portrayed as being consumed by a person who is engaged in, or is immediately about to engage in, any activity that requires a high degree of alertness or physical coordination, such as operating a motor vehicle, boat, snowmobile, motorcycle, airplane, or other potentially dangerous equipment.⁴

3. Consumers of a product should not be portrayed as engaging in excessive consumption, being intoxicated, or having lost control of their faculties. There should be no suggestion that excessive consumption, intoxication, or loss of control is amusing or a proper subject for amusement or in any way acceptable conduct.

4. Product marketing and advertising should not:

- exploit the human form in a manner that offends national standards of decency in advertising and marketing;

⁴ This is not intended to proscribe portrayals of persons consuming the product in a setting where others may be operating such equipment, or portrayals of such equipment, provided that no one is depicted consuming the product while engaged in operating the equipment or immediately prior to doing so.

- claim or represent that persons cannot achieve social, financial, or professional success or sexual or physical prowess without consuming the product;
- claim or represent that persons cannot solve social, physical, or personal problems without consuming the product;
- portray or condone violence;
- refer to alcohol content, except in a straightforward, factual manner;
- refer in a favorable manner to any intoxicating effect that the product's alcohol content may produce; or
- claim any alleged medicinal value of the product except as otherwise permitted by law.

5. These general standards are not intended to prohibit tasteful marketing or advertising merely because it suggests responsible consumption in an enjoyable setting or by adults who appear to be attractive or successful. For example, such advertising does not violate the principles of this Code merely because it portrays:

- spectators at a sports event or other event;
- participants at the conclusion of a sports event or other event;
- persons in a business, social, or romantic setting;
- persons who appear to be attractive or affluent; or
- persons who appear to be relaxing or having fun.

B Advertising Placements

Each subscriber should require, as a condition of its contract with any advertising agency or media outlet, that product advertising not be placed:

- in or directly adjacent to any television or radio program, or in any print medium, that glamorizes or condones over-consumption or otherwise irresponsible consumption of alcoholic beverages; or
- in any outdoor location within five hundred (500) feet of a place of worship or an elementary or secondary school.

C. Underage Persons

1. Products should not be actively promoted⁵ at any event where most of the audience is likely to be below the legal drinking age.⁶

2. Products should not be marketed at any event on a college campus or any

⁵ "Actively promoted" means sponsorship of the event, the distribution of product or brand promotion materials at the event, the presence of live mascots at the event, or other similar activities underwritten by the subscriber and intended to associate the event with the product.

⁶ In satisfying this provision, the subscriber is expected to make a reasonable advance judgment of the likely composition of the audience based on such factors as the known composition of the audience at like events or, in the case of an entertainment event, the known demographic appeal of the entertainer(s). This provision does not apply to (a) professional sports events, or (b) signage and advertising purchased by subscribers for display at stadiums, venues, arenas, and other such facilities for a period of time, rather than for a single event at which most of the audience is likely to be below the legal drinking age.

college-sponsored event or advertised in campus media except (i) in conformity with policies promulgated by appropriate college officials, or (ii) in the absence of such formal policies, with the prior approval of appropriate college officials, provided that all other provisions of this Code are satisfied.

3. Products should not be marketed or advertised through the use of models or personalities who are below 25 years of age or who are made to appear, through clothing or otherwise, to be below 21 years of age except where otherwise required by law.

4. Products should not be marketed or advertised using any symbol, language, gesture, cartoon, or animated character that is intended to appeal primarily to persons below the legal drinking age.⁷

5. Products should not be marketed or advertised through the use of any entertainment figure intended to appeal primarily to persons below the legal drinking age.⁸

⁷ Throughout this subsection c., the phrase "appeals primarily to persons below the legal drinking age" means something that has a special appeal to such persons above and beyond the attractiveness it might have generally for persons of legal drinking age, including young adults of legal drinking age.

Factors to be considered in determining compliance with this paragraph include -- (i) demographic or survey data demonstrating the primary appeal of the matter in question to underage persons, and -- (ii) evidence of the substantial use of the symbol, language, gesture, cartoon, or animated character in media intended for those below the legal drinking age.

⁸ Factors to be considered in determining compliance include data on television viewing, box office, record sales, radio airplay, or other commonly accepted indicators of the demographic appeal of an entertainer; and whether such entertainer is frequently a subject of coverage in teen-oriented media.

6. Products should not be marketed or advertised through any medium⁹ where the intent of the subscriber is to appeal primarily to persons below the legal drinking age.¹⁰

7. No product name, logo, trademark, or service mark should be used on, or licensed for use on, clothing, toys, game equipment, or other materials that are intended primarily for use by persons below the legal drinking age.¹¹

D. Sports

1. Products should not be advertised through the use of endorsements by any currently active professional or amateur sports figure.¹²

2. Use of any sports figure in product marketing or advertising should not be designed or intended to create an impression that consumption of the product helps to develop athletic skill or attainment of physical prowess.

⁹ "Medium" denotes any means of electronic or print communication that may be used for marketing or advertising of a product.

¹⁰ Factors to be considered in determining compliance include demographic data on the circulation or audience of the medium in question.

¹¹ Factors to be considered in determining compliance include: in the case of clothing, the sizes of clothing produced; in the case of toys and game equipment, whether the item appeals primarily to persons below the legal drinking age; and in all cases, the manner and means by which the item in question is distributed or marketed, including the choice of promotional media.

¹² "Sports" is defined to include all forms of athletic activity, competitive or otherwise. In order for this proscription to apply, the person in question should have a reasonable degree of recognition among a substantial portion of the general public and a reasonable degree of association in the public mind with sports activity. This proscription does not apply to public appearances by sports figures at charitable functions where there is no express endorsement of the product.

III. CODE COMMITMENT AND SUBSCRIBER SELF-EVALUATION PROGRAM

A. As a condition to the right to use and display the Code Service mark, each subscriber will undertake a Code Commitment and Subscriber Self-Evaluation Program.

B. A subscriber's company-wide Code Commitment Program will include the following:

1. Providing a copy of the Code to every employee whose responsibilities include marketing and advertising of any product as herein defined, and requiring that each such employee certify annually in writing that (s)he has read and understood the Code;
2. Designating one or more individuals to take primary responsibility for internal review of the company's current or proposed advertising or marketing programs to ensure consistency with the provisions of the Code;
3. Incorporating the marketing and advertising standards in Part II of the Code by reference in any arrangement entered into with those who supply advertising or marketing services for any product, including advertising agencies and media outlets; and
4. In the case of producers and importers, instituting a program to provide copies of the Code to distributors, and encouraging them to communicate the provisions of the Code to retailers and others through whom the product may be marketed, advertised, or sold.

C. Each subscriber will undertake, on at least an annual basis, a Self-Evaluation Program that includes the following:

1. Written certification to the Century Council that the requirements of the Code Commitment Program as outlined above have been satisfactorily undertaken; and
2. A statement of the subscriber's plans to ensure continued awareness of and compliance with the Code.

D. In any case where a subscriber consistently fails to satisfy the requirements of this Section III, the Council may deny the subscriber the right to use the Code Service Mark or disassociate the subscriber from membership in the Council.

IV. EFFECTIVE DATE

The provisions of this Code shall apply to any marketing or advertising activity undertaken by a Code subscriber on or after October 1, 1991; provided that the provisions of section II.c.3 shall not apply to advertising or promotional materials produced before that date.

V. CONCLUSION

The subscribers to this Code commit themselves to encouraging greater responsibility on the part of everyone who uses licensed beverage products in the United States and to encouraging every company in the licensed beverage industry to ensure that its own marketing and advertising practices are at all times responsible. Through such actions, the products of brewers, vintners, and distillers that have had an accepted and enduring role in virtually every nation and culture should continue to be an established and accepted option in the lifestyle of the majority of adult Americans.

Subscribed to by _____,
on behalf of _____,
this _____ day of _____, 19____.

Rev. 3/9/94



*550 South Hope Street, Suite 1950,
Los Angeles, California 90071-2604*

*Telephone 213 624 9898
Facsimile 213 624 9012*