

CopyClear Footnotes

November 2021

The ASAI code is printed in black. All CopyClear Footnotes and observations are printed in blue.

Introduction

These footnotes refer to the 7th Code of Standards for Advertising and Marketing Communications in Ireland which was implemented on March 1st 2016.

Developed with the co-operation and approval of the owners of the code, the Advertising Standards Authority of Ireland (the ASAI), these Footnotes have been written to help CopyClear Compliance Managers, along with Advertisers and Agencies who use the service, understand the intent behind the code and how the code is read and interpreted by the Compliance Managers at CopyClear.

The Footnotes are not binding on the ASAI nor its Complaints Committee.

They are designed to complement existing statutory obligations and other voluntary codes of practice, for example, the BCI Code, the 'Drink Aware' codes and the Alcohol Marketing, Communications and Sponsorship Codes of Practice, (AMCMB).

The development of creative marketing communications consistently pose new scenarios and challenges to accepted norms. That is part of their function and so:

Footnotes are regularly updated to reflect the latest thinking of the Compliance Managers at CopyClear, particularly when reviewing new challenges in the context of changing consumer attitudes and channels. Any amendments to the Footnotes will be agreed with the ASAI and will be advised to users.

The Footnotes do not reference all aspects of the ASAI code, only the areas where users have required or requested clarification. It should be noted that all brand marketing communications should be compliant with the totality of the code, and not just the aspects of the Code represented in this document.

Since the 7th ASAI code became effective on March 1st 2016, the ASAI have issued additional Guidance Notes. These are attached to this document in the form of Appendices.

How the Compliance Managers view Marketing Communications:

While it is always useful for the Managers to understand the intent behind marketing communications being submitted to CopyClear, particularly with a new campaign launch, this is not how CopyClear Managers evaluate marketing communications. The Compliance Managers must ultimately consider the likely consumer take-out as the determining factor, bearing in mind that the likely take-out may not always be the intended take-out.

ASAI Code: Section 2: Scope and Application:

2.4 (c)

The Code is applied in accordance with the following criteria:

(c) Compliance with the Code is assessed in the light of a marketing communication's probable effect when taken as a whole and in context.

Particular attention is paid to:

- the characteristics of the likely audience
- the media by means of which the marketing communication is communicated
- the location and context of the marketing communication
- the nature of the advertised product and the nature, content and form of any associated material made available or action recommended to consumers.

Section 3: GENERAL RULES

3.9

The Code is applied in the spirit as well as in the letter.

CopyClear will assess all marketing communications against the letter and the spirit of the code.

The letter of the code are the clauses of the code which set out what is not acceptable in marketing communications. The spirit of the code is the intention behind the letter of the code.

If a piece of marketing communications is submitted to CopyClear which is not technically in breach of a particular clause of the code, but is, in the opinion of the Compliance Managers, in breach of what was intended by a clause of the code (or clauses of the code or the code as a whole), then it can be rejected on that basis.

When assessing a submission, this will involve thinking outside a narrow interpretation of the rules, and applying its principles broadly and cautiously to the creative concept and content of the advertising.

As with all submissions to CopyClear, a detailed explanation for why a piece of marketing communications is not compliant with the ASAI code will be supplied in all cases.

This clarification around the spirit of the code versus the letter of the code was agreed with ABFI (now Drinks Ireland) on September 28th 2016

3.14

Advertisers have primary responsibility for ensuring that their marketing communications are in conformity with the law. A marketing communication should not contain anything that breaks the law or incites anyone to break it, not omit anything that the law requires. The determination as to whether or not a marketing communication is legal is a matter for the courts or other appropriate regulatory authorities.

3.24(a)

A marketing communication should not encourage or condone dangerous behaviour or unsafe practice.

3.26

Advertisers are reminded that persons who do not wish to be associated with a marketing communication may take legal action against them.

Section 4: MISLEADING ADVERTISING

4.9

A marketing communication should not contain claims – whether direct or indirect, expressed or implied – which a consumer would be likely to regard as being objectively true unless the objective truth of the claims can be substantiated.

Section 9: ALCOHOLIC DRINKS

The rules in this Section are designed to ensure that the content of alcohol advertising and promotion is consistent with the need for demonstrating responsibility and moderation in consumption, and that it does not encourage consumption by children.

The rules in this Section apply to marketing communications for alcoholic drinks and to marketing communications that feature, or refer to, alcoholic drinks.

Alcoholic drinks are defined as those that exceed 1.2% alcohol by volume. They include products that are classified as foodstuffs rather than drinks for the purposes of licensing or customs and excise legislation, or even if they appear to be gaseous, solid or heavily textured (or can be made to be, for example by freezing or shaking), rather than liquid.

Where stated, exceptions are made for low-alcohol drinks (those that contain 2.8% alcohol by volume or less). But, if a marketing communication for a low alcohol drink could be considered to promote a stronger alcoholic drink, or if the drink's low-alcohol content is not stated clearly in the marketing communications, all the rules in this Section apply.

If a soft drink is promoted as a mixer, the rules in this Section apply in full.

These rules are not intended to inhibit responsible marketing communications that are intended to counter problem drinking or inform consumers about alcohol-related health or safety themes. Marketing communications of that type should not, however, be likely to promote an alcohol product or brand.

This aspect of the code does not preclude brands from engaging in communications specifically created to promote responsible consumption.

- 9.1 Marketing communications for alcoholic drinks (i.e. those that exceed 1.2% alcohol by volume) should be socially responsible and should not exploit the young or the immature. They should neither encourage excessive drinking nor present abstinence or moderation in a negative way.
- 9.2 Marketing communications which depict or refer to alcohol, or to a specific alcohol brand or company, may be considered under the rules of this Section, whether or not alcohol is the main product being marketed.
- 9.3 Advertisers should be aware that there are other requirements that alcohol marketing communications should comply with and their attention is drawn to the list under Other Requirements at 9.12.
- 9.4 Marketing communications for alcohol should include a responsibility message to drink alcohol responsibly.

This requires that all marketing communications include Responsibility Messaging (RM). In relation to Social Posts, the image should include RM.

*This also applies to all posts generated by Influencers on behalf of the brand
The RM must be clear and legible*

ASAI Code: Social Dimension

9.5 Marketing communications may refer to the social dimension or refreshing attributes of a drink, but:

1. (a) Should not state, depict or imply that the presence or consumption of alcohol can improve physical performance or personal qualities or capabilities.

Marketing communications for alcohol brands cannot state, depict or imply any shift in behaviour, ability, demeanour or performance.

This 'improvement' does not need to be in actual behaviour, but could be demonstrated through music tempo, changes in atmosphere, environment, wardrobe, etc.

However, if there is any suggestion that the presence or consumption of alcohol is likely to, or actually does, positively impact an event or how a person is perceived, then CopyClear is likely to determine that the communication does not comply with the ASAI code.

While the Managers will take into consideration at what stage the brand is introduced into the communication, the key consideration is, as always, *'what is the likely consumer take out?'*

The Compliance Managers are likely to consider the following when determining the issue of improved personal capabilities / qualities / performance:

Is there a change in behaviour? Does the character become more capable? etc.

Is there a change in ambience?

'Presence' is always deemed to exist in any communication for an alcohol brand, regardless of whether or not the product is actually visible in the communication or consumption has actually taken place.

2. (b) Should not state, depict or imply that the presence or consumption of alcohol can contribute to social, sporting or business success or distinction or that those who do not drink are less likely to be acceptable or successful than those who do.

Marketing communications can only depict or suggest consumption of alcohol in a responsible manner.

However, if there is any suggestion that the presence or consumption of alcohol is likely to, or does positively, impact a social event or how a person is perceived, then CopyClear is likely to determine that the communication does not comply with the ASAI code.

While the Managers will take into consideration at what stage the brand is introduced into the communication, a key consideration is, as always, 'what is the likely take out?'

The Compliance Managers are likely to consider the following when determining the issue of social success:

- *Is there a change in behaviour? Does the character become more likeable?*

Cooler? More attractive? etc.

- *Is there a change in ambience?*
- *Does the scenario become more congenial / cooler / more sophisticated etc.?*

'Presence' is always deemed to exist in any communication for an alcohol brand, regardless of whether or not the product is actually visible in the communication or consumption has actually taken place.

(c) Should not state, depict or suggest, by word or allusion that the presence or consumption of alcohol can contribute towards sexual success or make the drinker more attractive. Advertisers should take account of public sensitivities regarding coarseness and sexual innuendo in marketing communications for alcohol.

This is not about prohibiting beauty, glamour or aspiration being featured. Neither is it about prohibiting 'sexiness' or flirtation in a general sense.

9. *5(c) is about managing behaviours between individuals or groups where they are influenced in parallel to the presence or consumption of alcohol. These behaviours are likely to include:*

- *Flirtatious behaviour, innuendo, use of (body) language that is likely to be deemed suggestive*
- *A change in behaviour, atmosphere, music, etc.*
- *Environment / wardrobe / ambience & other surrounding aspects will be*

considered in evaluating whether sexual success is an issue

It should be noted that sexual success is more likely to be deemed present when 'opportunity' beyond the particular communication is clearly established

'Presence' is always deemed to exist in any communication for an alcohol brand, regardless of whether or not the product is actually visible in the communication or consumption has actually taken place.

4. (d) Should not portray drinking alcohol as a challenge and should not state, depict or suggest that those who drink are brave, daring or tough.

Acts of bravery or daring are not, per se, excluded from marketing communications for alcohol brands when, for example, these acts are everyday

to a particular profession such as construction workers, (working at height, working with machinery, etc.) once the behaviour is being carried out in a safe manner and with all appropriate safety equipment in light of best practice; etc..

Awareness and compliance of issues around health and safety must always be a key consideration.

Care is needed when showing activities that are high risk, even with safety precautions, in line with the spirit of the Code.

9.5 (d) also applies to people engaged in a 'brave' activity. This must be professionally managed, with all appropriate safety precautions obviously in place etc., (such as zip-lining). The end of the activity must be shown before inference of consumption of alcohol.

Behaviours that are dangerous, challenging, or are likely to be perceived as macho, irresponsible, reckless, etc. will be evaluated within this context of the code.

Key to 9.5(d) is to assess if the behaviours are likely to be perceived as being responsible, appropriate and safe; ie, free from undue risk.

If Health & Safety need to be on set, then you need to take care!

5. (e) Should not link in any way the presence or consumption of alcohol to aggressive, unruly, irresponsible or anti-social behaviour.

Behaviour – whether shown or implied - that is threatening or has the potential to be viewed as violent, or an atmosphere that is conducive to such behaviour, is not acceptable.

Equally, boorish, loutish, unruly or other irresponsible and immature behaviours and attitudes are similarly precluded.

'Presence' is always deemed to exist in any communication for an alcohol brand, regardless of whether or not the product is actually visible in the communication or consumption has actually taken place.

9.6 Marketing communications should not suggest that a product can mask the effects of alcohol in tests on drivers; marketing communications for breath testing devices should include a prominent warning on the dangers of drinking and driving.

Children

9.7 (a)

Marketing communications should not be directed at children or in any way encourage them to start drinking.

The ASAI code defines children as anyone under the age of 18 years.

Anyone depicted in an alcohol marketing communication should be aged over 25 and should appear to be over 25.

Although children are defined as under 18, any person depicted in an alcohol marketing communication must be over 25 and look over 25. Advertisers and agencies must be able to demonstrate that anybody featured or seen in an alcohol marketing communication is over 25 (Photo id such as Passport/national identity card/driving licence etc.), and be able to provide this substantiation on request. CopyClear does not require copies of I.D.

In crowd / festival / concert scenes, brands or Agencies must be able to verify the age of everyone depicted and / or recognizable.

When stock photography is being used, whether in traditional or digital marketing communications, proof of age is mandatory.

- (i) The preceding rule may not apply if the marketing communication shows an image of people attending an over 18s ticketed event which appears either on the advertiser's owned media (such as, for example, an advertiser's own website) or on an advertiser's social media page, provided such media are accessed through a secure and appropriate Age Verification System and provided the person depicted:
- appears to be clearly over 18 years of age
 - is not playing a significant role
 - cannot be seen consuming alcohol
 - does not appear to be under the influence of, or have consumed, alcohol prior to the events depicted in the marketing communication.

This rule applies to brand-owned social media postings at ticketed over-18s events where all attendees, by definition, must be over 18 years.

*This rule only applies to PR type still **images** captured at the event and can only be posted on the advertiser's owned media pages. Video footage is not permitted.*

These images cannot be incorporated into any other marketing communications.

Where someone is over 18 years but looks, or is, under 25 years, the following guidelines apply:

They cannot be seen holding an alcoholic drink

They cannot be wearing branded clothing / hats or holding / engaging with branded items

They cannot appear to be under the influence of alcohol

These images can only be posted on brand's owned media in the context of the specific event and not used in broader marketing communication outside of this.

Please note – anyone employed by the brand who is featured in a posting must be over - and look over - the age of 25 years.

9.7(b)

Aspects of youth culture and treatments that are likely to appeal to children should not be used. Treatments should not portray adolescent, juvenile, childish or immature behaviour.

This aspect of the code is not intended to preclude activities or behaviours that have an appeal to adults / young adults, but refers to attitudes, activities that are more likely to be associated with a youth (under 18 year) market.

Behaviour that is likely to be deemed childish, adolescent or puerile are not likely to be in compliance with ASAI code.

Treatments that are likely to appeal to children are not likely to be in compliance with ASAI code.

The use of sports or activities primarily associated with a youth audience are not likely to be in compliance with ASAI code.

Animation is not precluded by the code; however, care must be taken that the animation / production techniques used do not have a strong appeal to children.

(c) Marketing communications should not use or refer to identifiable heroes or heroines of the young. See Guidance Note on Alcohol Marketing Communications at www.asai.ie.

[Appendix Two]

The code specifically excludes the use of 'heroes or heroines of the young' in marketing communications for alcohol. Heroes or heroines of the young are likely to come from the sporting arena or the entertainment world.

In addition to the ASAI Guidelines, CopyClear would suggest that when considering using someone who might fall into this category, brands should consider how they can demonstrate convincingly why the personality is not a hero / heroine of the young

The CopyClear Compliance Managers are likely to ask the following questions when considering if someone is likely to be deemed a hero / heroine of the young, particularly in the area of sport:

- *How long did the personality play at a professional / national level?*
- *When did the personality retire from their sport?*
 - *A professional sports person who is retired less than two years is likely to be considered a hero of the young, depending on the length of their professional career and their current profile. Some retired players are likely to be deemed 'heroes of the young' for many years after their retirement.*

How involved is the personality in the sport currently? Are they actively involved in punditry / management?

4. (d) Marketing communications should not feature personalities or characters (real or fictitious) that would have a particular appeal to children.
5. (e) Alcohol marketing communications should not be placed in media primarily intended for children. Advertisers should take account of the audience's age profile so that marketing communications are communicated, so far as is possible, to adults. In this context the ASAI will have regard to the Alcohol Marketing, Communication and Sponsorship Codes of Practice, agreed by the Department of Health, the drinks industry, and the media as detailed under Other Requirements at 9.12.

CopyClear Compliance Managers review content and not placement. When the Managers observe material that might not be compliant with the AMCMB code or any other code, we will advise the brand / Agency of this.

Brands should also be aware of all placement requirements under the Public Health (Alcohol) Act 2018.

<https://documentcloud.adobe.com/link/review?uri=urn:aaid:scds:US:5a23cff3-0faf-4e3d-b7d4-8cea4349e844>

(f) Digital media, including apps, that primarily promote an alcohol brand should be age gated through a secure and appropriate Age Verification System. See Guidance Note on Alcohol Marketing Communications at www.asai.ie

The recommended age verification system is for the user to input date month / year

Health and Safety

9.8 In the interests of health and safety:

1. (a) Marketing communications should only depict or imply the responsible and moderate consumption of alcoholic drinks.

For example, scenarios depicting two drinks being consumed simultaneously would not be considered as responsible consumption

Free pour (the unmeasured pouring of spirit into a glass) is not compliant with the code as it suggests lack of moderation.

Best practice calls for a jigger or measure to be shown.

Many variants on classic spirit brands have been launched in recent years and we understand of course the important role of beauty shots as 'credentials' showing the variation on the familiar brand label.

However, glasses of poured spirits, whether or not made into a cocktail by the addition of mixers or other ingredients, may benefit from the presence of a jigger to show that one was used. This would also apply to cocktail shakers or other containers from which alcohol might be poured or consumed.

Where no glasses, cocktail shakers or other vessels are shown, or it's a sealed bottle or an open bottle where no pouring has taken place, no jigger may be necessary.

We accept that in some cases if a dispensing bottle is shown in a pub setting, the measure may be fixed to the bottle or contained in the optic, so no separate jigger would be used.

2. (b) Marketing communications should not show, imply or encourage immoderate or irresponsible drinking or regular solitary drinking. This applies to the amount of alcohol, the numbers drinking or the way drinking is portrayed. The buying of a large round of drinks should not be depicted or implied.

The use of the word 'round' in the Irish vernacular tends to be associated with a lack of moderate consumption and should be avoided

The use of the word 'party' may be challenging, particularly when used as a verb.

'This applies to the amount of alcohol, the numbers drinking..'

Is there any suggestion of excess in the number of drinks depicted in relation to the number of people shown /suggested?

As a reference, the Managers suggest that the following guidelines be adhered to in regard to the amount of alcohol shown. In a 'natural' bar scene where there is a relatively large number of people the amount of product shown should be as would be expected in a scenario where there is moderate drinking. As a guide, no more than 60% of people should be seen with alcoholic beverages and nonalcoholic drinks should be present.

In a scene where people could be consuming alcohol in a non-bar environment, such as at a concert in a home environment etc., there should be no more than 40% of participants / those featured holding / having product.

In both these scenarios, drinks should be relatively full.

In small groups of people, the following are the suggested numbers of people that can be seen 'consuming' alcohol in relation to the numbers with non-alcoholic drinks such as water or no drink. Please note, consumption relates to access to alcohol such as a drink in the person's hand, on the table in front of them, etc. and is not confined to an actual drinking shot

Three people in shot: 2 drinking alcohol, 1 not drinking alcohol or having eg, water

Four people in shot: 3 drinking alcohol, 1 not drinking alcohol or having eg, water

Five people in shot: 3 drinking alcohol, 2 not drinking alcohol or having eg, water

Six people in shot: 4 drinking alcohol, 2 not drinking alcohol or having eg, water

NAPV brands should not be used to represent non-alcoholic drinks. Is the manner of consumption appropriate?

It is worth considering featuring non-alcoholic drinks in marketing communications as a means to support responsible drinking, particularly in the context of social settings.

(c) Marketing communications for alcohol should not portray drinking games or sessions, or show or imply pub or club crawls.

4. (d) Abstinence or moderation should not be presented in a negative light.
5. (e) Marketing communications should not attempt to influence nondrinkers of any age to drink or to purchase alcoholic drinks.
6. (f) Marketing communications may not suggest, or commend, or make fun of over-indulgence in respect of alcohol or its after-effects.
7. (g) Marketing communications should not claim that alcohol has therapeutic qualities or that it is a stimulant, a mood-changer or a sedative, or that it is or can be transformative of an individual or a situation or that it is a means of boosting confidence or resolving personal conflict.

There can be no suggestion that alcohol can or might be a social lubricant or that it has the potential to improve personal, social, professional or physical performance or could be transformative in any way.

This could be demonstrated through a shift in

- *Environment/ambience*
- *Attitude*
- *Music*
- *Demeanour*
- *Physical contact • Wardrobe • Atmosphere •*
- *Etc.*

(h) Marketing communications should not depict any direct association with the consumption of alcoholic drinks and activities or locations where drinking alcohol would be unsafe, unwise or unacceptable. Where consumption is shown or

implied it should not be represented as having taken place before or during engagement of the activity in question.

9.8 (h) This aspect of the code refers to consumption linked to dangerous locations / activities.

The Managers will look at when consumption occurs in the context of the activity / location. It must be clear that the activity is finished and will not resume, and that consumption has not taken place prior to the activity.

This does not preclude scenarios where consumption is unlikely or not possible.

Example 1 a professional engaged in their 'field' which may be considered as dangerous for ordinary folk e.g. a professional acrobat etc.

The Managers will also consider the following in respect of this aspect of the code:

- Is the activity being carried out with all appropriate professional standards / safety precautions in place*
- Is there any suggestion of danger outside of the managed activity?*

Brands and advertisers should ensure they do not depict activities or locations that would be unacceptable under the Code.

Example 2

• •

Is it okay to show people dancing holding a drink?

It is not likely to be acceptable if the dancing is shown indoors, and /or on a floor surface that would be slippy if liquid spilt on it, and /or the dancing is very high energy, frenetic.

It is likely to be acceptable if the dancing is outdoor, and/or the surface is absorbent so that it is not likely to be slippy if liquid is spilt on it, and/or the dancing is calm, unlikely to cause collisions with other people and/or the venue is one where glass containers are prohibited or unsafe.

Example 3

Is it ok for people to be shown 'dancing on shoulders' at a concert etc?

This will be viewed as a dangerous activity in any location where there is presence or consumption of alcohol.

While a treatment may be allowed under this Code provision, it should be checked against Section 9.5d as it might contravene that provision if the person/action is likely to be considered brave, daring or tough.

9. (i) Marketing communications should not associate the consumption of alcohol with operating machinery, driving, any activity relating to water or heights, or any other occupation that requires concentration in order to be done safely.

Key is the potential danger of location / activity if alcohol were to be consumed. This includes, but is not limited to, the following:

- *Operating machinery*
- *'Extreme' sports*
- *Driving / Cycling*
- *Any activities relating to water,.*

Environmental aspects such as heights etc. – there can be no suggestion of danger where consumption can / is occurring

Close to or involving water – there can be no suggestion that someone could enter water after consuming alcohol. This could be suggested by proximity to water, wardrobe – are the protagonists wearing swimming togs? Is this a beach bar? A boat? Are there safety rails?

Environmental aspects such as heights etc. – there can be no suggestion of danger where consumption can / is occurring

10. (j) Factual information can be given about the alcoholic strength of a particular drink. However, with the exception of low-alcohol drinks (i.e. those that contain 2.8% alcohol by volume or less) it should not be the principal theme of any marketing communication. Drinks should not be promoted as being more intoxicating or presented as preferable because of their higher alcohol content.
11. (k) Advertisers should ensure that low-alcohol drinks (i.e. those that contain 2.8% alcohol by volume or less) are not promoted in a way that encourages excessive consumption.

Promotions

9.9 Terms and conditions for promotions involving alcohol should make it clear:

- (a) That entry is restricted to those 18 years of age and older.
- (b) That prizes and/or gifts will only be awarded to those 18 years of age or older.

9.10 Marketing communications or promotions should not combine alcohol with a gift that has particular appeal to under-18s.

9.11 Promotions involving alcohol that require multiple purchases should not promote excessive consumption.

- *CopyClear does not review the specifics or mechanics around promotions; however, any marketing communication around a promotion by an alcohol brand should be submitted to CopyClear.*

Other Requirements

9.12 Attention is drawn to a number of other requirements, in addition to those in this Code, which apply to the marketing of alcohol in Ireland:

- All campaigns by drinks manufacturers solely or mainly for alcohol carried in Irish media should carry **Copy Clear** approval.
- The **voluntary codes** agreed between the Department of Health, the drinks industry and the media in relation to television, radio, cinema and outdoor/ambient media.
- Codes of standards, practices and prohibitions in advertising, sponsorship, and other forms of commercial promotion in broadcasting service, regulated by the **Broadcasting Authority of Ireland**.
- **Code for Sponsorships by Alcohol Drinks Companies**.
- Intoxicating Liquor Acts, 1988 – 2008.
- **Responsible Retailing of Alcohol in Ireland Code**

Appendix One

ASAI Code Remit – Live Video / Live Streaming The key Code sections that inform our view are:

From Definitions:

1.1b

A marketing communication includes, but is not limited to, advertising, as well as other techniques such as promotions, sponsorships and direct marketing, and should be interpreted broadly to mean any form of communication produced directly by, or on behalf of, advertisers intended primarily to promote products, to influence the behaviour of and/or to inform those to whom it is addressed.

From Scope and application 2.2 h The Code applies to:

Marketing communications in non-paid-for space online, under the control of the advertiser or their agent, including but not limited to advertisers' own websites, that are directly connected with the supply or transfer of goods, services, facilities, opportunities, prizes and gifts or which consist of direct solicitations for donations.

Where material consists of unedited live streaming from a 'feed' provided by a third party (who has editorial control), then we would not consider that material to be marketing communications. For example, where a broadcaster streams a concert and a brand shows that on their social media, we would be unlikely to consider that to be marketing communications.

It should be noted however that while the material itself may not be marketing communications, there could be marketing communications around it for example, a competition for followers to get tickets to the concert.

Where the brand however has control over what is filmed/videoed, and there is product and/or branding, we consider that such material is marketing communication. Non exhaustive current examples would be content captured using Facebook Live and Periscope or equivalents.

As technologies continually develop, our comments prevail at a point in time and will be enhanced in the future as media tools and their application progress.

ASAI. 28 February 2017.

Appendix Two

ASAI Guidance Note: Alcohol Marketing Communications

- (a) 9.7 (c) is included within the overarching requirement that marketing communications and promotions for alcohol should not be directed at children.

- (b) In order to minimise the appeal of alcohol products to children, heroes/heroines that children may wish to emulate, or that have strong appeal, should not be included in marketing communications for alcohol*

*This includes marketing communications for sponsorships such as, for example, brand engagement, recruitment, sports tournaments, music festivals and the like, subject to the exception at (q) below.

(c) Where there is, after appropriate discussion, ambiguity about a person who is being proposed by an advertiser as not being a hero of the young, then, by virtue of the pertaining lack of clarity, and, in the avoidance of doubt, the proposed person should not be used.

(d) To be considered to have strong appeal under the Code, the hero/heroine must have more than recognition alone; it would be an individual or group that children would aspire to be, to connect with or emulate, or an individual or group who is or is likely to be an influencer or potential influencer of children

(e) In sporting circles, a number of teams in particular have been identified as heroes/heroines of the young. By way of example, they include the Irish National Rugby and Soccer Teams, the provincial rugby teams, and GAA provincial and county teams. This identification applies to the teams and individuals that are current team members.

**As well as including players, 'Teams' is to be understood as including managers, coaches and support personnel.*

(f) Other representative sports teams, including international teams, and individual sportspeople may also be and/or contain heroes of the young. This is not restricted to Irish teams and sportspeople as those from outside Ireland may also be heroes/heroines to Irish young people.

(g) Not all sports teams or sports people would be considered heroes of the young. Sports that are less appealing to young people may fit into this category. It is important to take into account the age range of children which provide the key measurement – up to 18 years. Retired sports people might not meet the threshold with regard to a level of appeal and hero status. However, this is considered on a case by case basis and, in considering recent retirees and those still in the public arena (such as in punditry or managerial roles), the ASAI will have regard, amongst other things, to the length of time since retirement and their appeal/stature pre and post-retirement.

(h) Irrespective of the above, sporting teams or individuals (be it professional or amateur) who are current or recent champions, or those in contention for a championship or title, are considered to be heroes/heroines of the young.

(i) Events and tournaments are also not generally considered as heroes of the young, although teams/participants in them may be.

(j) Celebrities, TV and film stars and musicians with strong appeal to a younger demographic are likely to be heroes of the young. Again, this will be considered on a case by case basis and the ASAI will have regard to, amongst other things, the social media metrics of the individual, the ratings of the shows/films they have appeared in, the target audience for those shows/films, and/or the target audience for a singer or band's music.

(k) Presenters or others currently or recently associated with children's programming will be considered to be heroes/heroines of the young.

(l) Heroes/heroines of the young can include fictitious or animated personalities/characters.

(m) (m) Where the teams/individuals/groups pro-actively connect with under-18's through children's merchandise, special training sessions for children to attend and other initiatives with a youth focus, then the likelihood of their being considered heroes of the young is increased.

Note: Metrics, such as those referred to in (j) above, including social media metrics, may be useful in indicating whether an individual* is or is not a hero of the young. Where brands use such metrics they must provide evidence that they are relevant to an under 18 audience and provide them for all the social media platforms that the individual engages with. They

must also provide them over a period of time, no shorter than six months, in order to show any changes in trends. Where metrics demonstrate that the under 18 audience is within 5% of the threshold and growing, and there is no basis to expect that this trend will change, the proposed individual should not be used in marketing communications.

*"Individual" also should be read as team/group/band etc.

In determining an appropriate threshold for metrics, the ASAI note that under 18s represent circa 25% of the Irish population. They also note that TV viewership figures for major sporting events that have significant under 18 following are generally between 12% to 17%.

Taking account of the above, an individual whose under 18 **social media following is greater than 15%** is likely to be considered as a Hero/Heroine of the Young.

Hero of the Young status is open to change over time and where someone is designated as not being a hero of the young, their status should be re-evaluated every six months

Appendix Three

Brand Ambassadors / Celebrities / Spokespersons / Influencers etc.

Background: Brands must provide background information on all submitted personalities – profession (football player, singer, etc.); career achievements; age; when retired etc..

Metrics: Brands must be able to provide specific & objective metrics across all social media platforms used by any proposed 'celebrity' to show that the suggested person is not a hero of the young. For example, what % of FB / Instagram / Twitter etc. are over the age of 18 years. CopyClear cannot adjudicate on the proposed individual without sight of these.

Context: Brands must provide context of activation – how the brand will be represented in the communication.

Will the spokesperson mention/consume/engage with the brand etc..

No spokespersons / ambassadors will be approved for use without supplying the objective social media data such FB / Twitter / Instagram / etc. data, rather than a statement such as '1% of social media followers ..'