

# 2019



Responsible Marketing Pact  
Monitoring content of ads

## **EASA**

The European Advertising Standards Alliance (EASA) is the single authoritative voice of advertising self-regulation in Europe. EASA promotes high ethical standards in commercial communications by means of effective self-regulation for the benefit of consumers and business. For further information, please visit: [www.easa-alliance.org](http://www.easa-alliance.org).

As a non-profit organisation based in Brussels, EASA brings together national advertising self-regulatory organisations and associations representing the advertising industry in Europe.

## **EASA contact information**

Lucas Boudet, Director General - [lucas.boudet@easa-alliance.org](mailto:lucas.boudet@easa-alliance.org)

Orestis Kouloulas, Project Officer - [orestis.kouloulas@easa-alliance.org](mailto:orestis.kouloulas@easa-alliance.org)

Tudor Manda, Project and Compliance Junior Officer – [tudor.manda@easa-alliance.org](mailto:tudor.manda@easa-alliance.org)

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## Table of Contents

Introduction.....	4
Project Overview .....	5
Methodology .....	5
Note on the Methodology.....	6
Executive Summary.....	7
1. Exclusion list case.....	8
2. Road test cases.....	9
2.1 Results.....	9
2.2 Characters.....	11
2.3 Characters' Style .....	12
2.4 Environment.....	13
3. Breaches of the self-regulatory codes.....	14

## Introduction

The seven-leading beer, spirits and wine producers in the European Union have committed to reducing exposure of minors to their marketing communications as well as any primary appeal they have to those under the legal drinking age. The ambition is to go beyond existing rules for responsible alcohol advertising, by making the commitments more specific and tangible. The Responsible Marketing Pact (RMP) ensures companies implement the rules consistently across all media and in all EU countries.

The Responsible Marketing Pact is a commitment by Europe's leading alcohol producers towards eliminating alcohol marketing to minors. It establishes clear guidelines on where ads are placed, the content of ads (i.e. creative execution) and sets new standards and controls for social media.

- **Placement of ads** – RMP member companies commit to setting common controls on the placement of their marketing communications to limit underage exposure to alcohol marketing;
- **Content of ads** – In order to ensure that ad content does not appeal to minors, signatories of the RMP have developed a comprehensive exclusion list of over 50 practices and techniques that are likely to be disproportionately appealing to minors.
- **Digital media** – RMP member companies commit to setting common standards to limit underage access to, and direct interaction with, their brand marketing communications on digital media. To that end, alcohol branded websites and social media platforms must include five safeguards to help ensure minors' online experience is free from alcohol ads. The five safeguards are:
  - Age-gating: stopping those under the legal drinking age from accessing alcohol-related sites or profiles;
  - Forwarding advice notice: reminding users not to share alcohol ads with anyone under the legal drinking age;
  - User generated content policy: reminding users not to post anything which condones irresponsible or excessive drinking;
  - Transparency: a requirement for advertisers to have an official badge on alcohol brand social media profiles so users know these are advertiser-owned pages (and therefore commercial) and not user generated content; and
  - Responsible drinking message: a requirement for advertisers to include a message such as "Don't drink and drive" in all marketing communications, in line with industry best practice.

In 2019 EASA was commissioned by the World Federation of Advertisers (WFA) to conduct a monitoring exercise of the content of RMP member companies' alcohol beverage ads to ensure they did not contain elements which are considered to be primarily appealing to minors.

## Project Overview

Six European self-regulatory organisations (SROs) were chosen by EASA and WFA to conduct the RMP monitoring exercise. All 6 SROs are well established organisations with significant experience in applying advertising self-regulation and represent different types of systems in terms of size (big vs. small SROs), location (geographical coverage) and maturity (new vs. old systems). Each SRO selected a self-regulatory expert from their team to conduct the review process of the selected ads.

*List of participating countries and companies*

SRO - Country	Ads reviewed	Companies
ASA - UK	25	AB InBev
AUTOCONTROL - Spain	14	Bacardi Global Brands
DWR - Germany	9	Brown-Forman Beverages
IAP - Italy	9	Carlsberg
ÖRT - Hungary	6	Diageo
SRC - Netherlands	8	Heineken
<b>Total</b>	<b>71</b>	Pernod Ricard

To monitor the RMP commitment on content of ads, EASA compiled a list of television and online audio-visual advertisements belonging to the RMP members screened between 1 May 2019 and 31 August 2019. EASA's list included advertisements that belonged to different campaigns and excluded advertisements related to corporate social responsibility and sponsorship. The advertisements were provided by Nielsen, a global media and marketing performance management company. The captured ads were reviewed by SRO experts in November 2019.

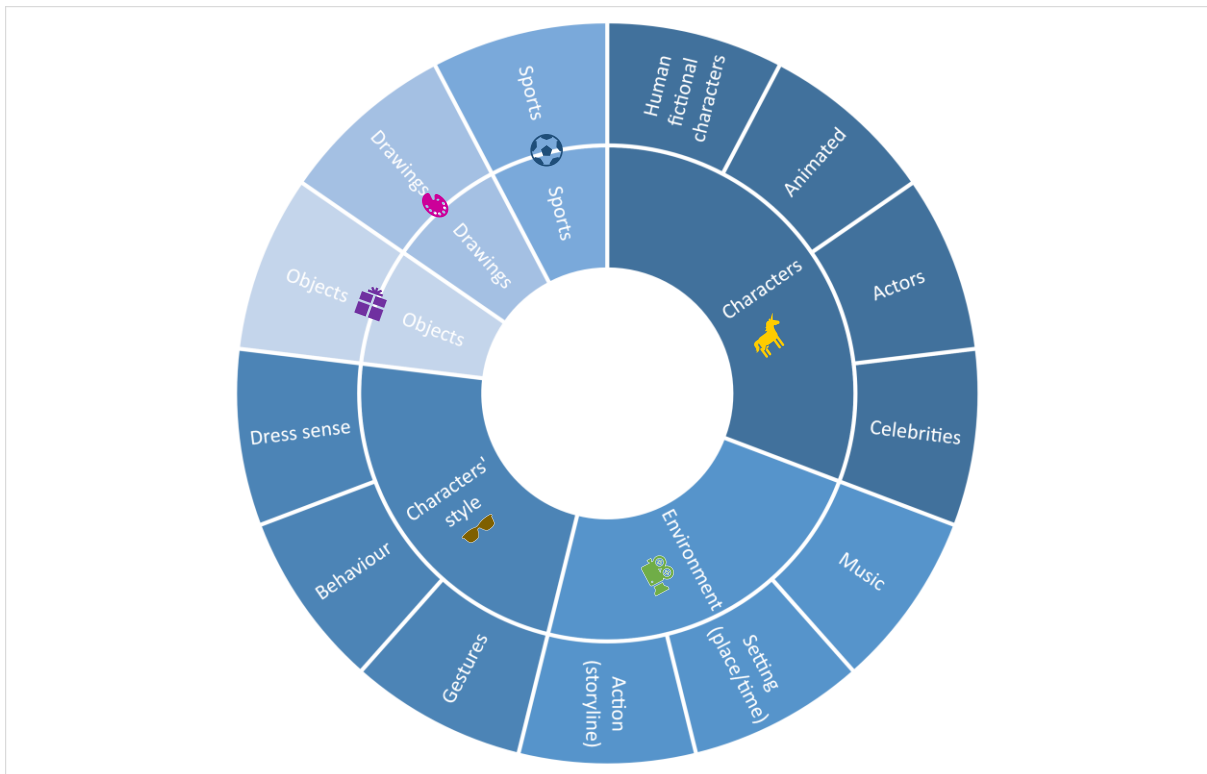
## Methodology

EASA developed a dedicated questionnaire for self-regulatory experts to use to monitor the ads.

The questionnaire consisted of two parts:

- The exclusion list of features that should not appear in RMP members' marketing communications because of their immediate and primary appeal to minors; and
- A set of open questions (known as the 'road test') designed to qualitatively 'double-check' that no further potential sources of primary appeal were present within the ad.

Both sections of the questionnaire were aimed at overcoming subjectivity, an inherent obstacle when assessing underage appeal. Both the exclusion list features and the road test indications fit within a framework of 6 different themes and their respective subcategories that SROs used to analyse the 71 TV and online advertisements. The figure below displays the themes analysed.



The last section of the questionnaire contained a question about the overall assessment of the ad (“Would you say that the ad is primarily appealing to minors?”), beyond checking the existence of exclusion list and/or road test elements.

In addition, the self-regulatory experts were also asked to check the advertisements against the relevant national legislative and self-regulatory rules.

Self-regulatory experts from each of the participating national SROs performed all reviews independently before sending the results to the EASA Secretariat. EASA’s role was to ensure that these results were complete and that they had been reported on in a consistent manner. EASA was also responsible for the compilation of this final report.

## Note on the Methodology

The European Advertising Standards Alliance, taken great care to ensure that the results of this project are objective and consistent. The use of the exclusion list methodology developed as part of the RMP helped objectivise the abstract notion of primary underage appeal. However, the decisions of the self-regulatory experts will always retain an unavoidable degree of subjectivity, although it is informed by their extensive day-to-day professional experience and their knowledge of local, cultural, linguistic, and legal particularities. Readers are requested to bear this in mind.

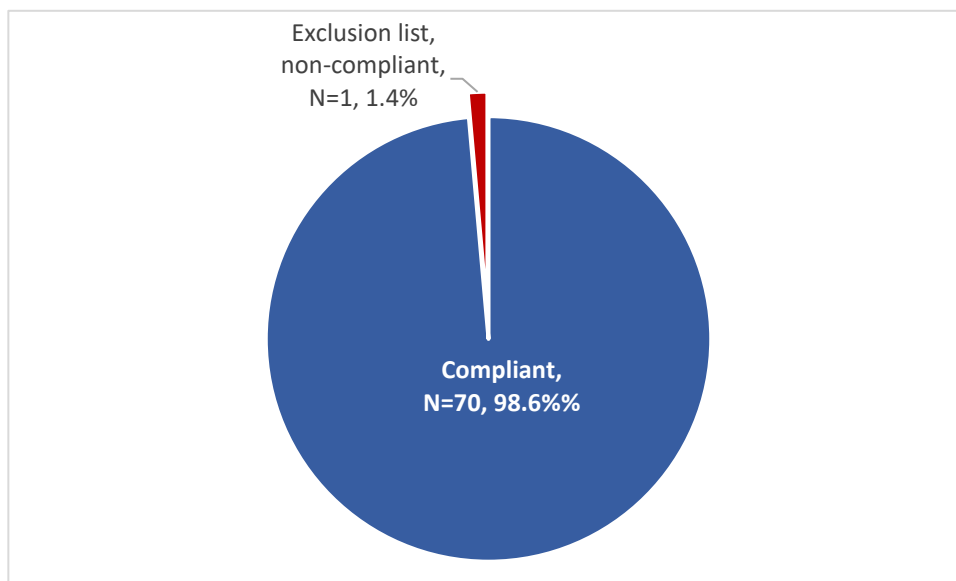
## Executive Summary

- A total of 71 TV advertisements were reviewed across all six countries;
- One advert was flagged as breaching the RMP Commitment, as its Environment and overall Setting contained elements from the exclusion list;
- 17 ads were flagged for the road test across various categories;
- 2 adverts were also flagged for potentially breaching national self-regulatory codes.

## 1. Exclusion list case

The SRO reviewers were asked to analyse the advertisements against both the RMP exclusion list of features and elements that are not to be included and used in adverts, and the road test category of questions, aimed at highlighting various aspects of the adverts that could potentially appeal to children to a certain extent, but not primarily so. Experts flagged one ad that contained a merry-go-round in multiple scenes, which the RMP exclusion list expressly bans from featuring in alcohol advertising. This ad was the only ad which breached the exclusion list. The ad was immediately edited, and the merry-go-round scenes were removed to comply with the commitment

*Number of flagged adverts for the exclusion list (N=71)*



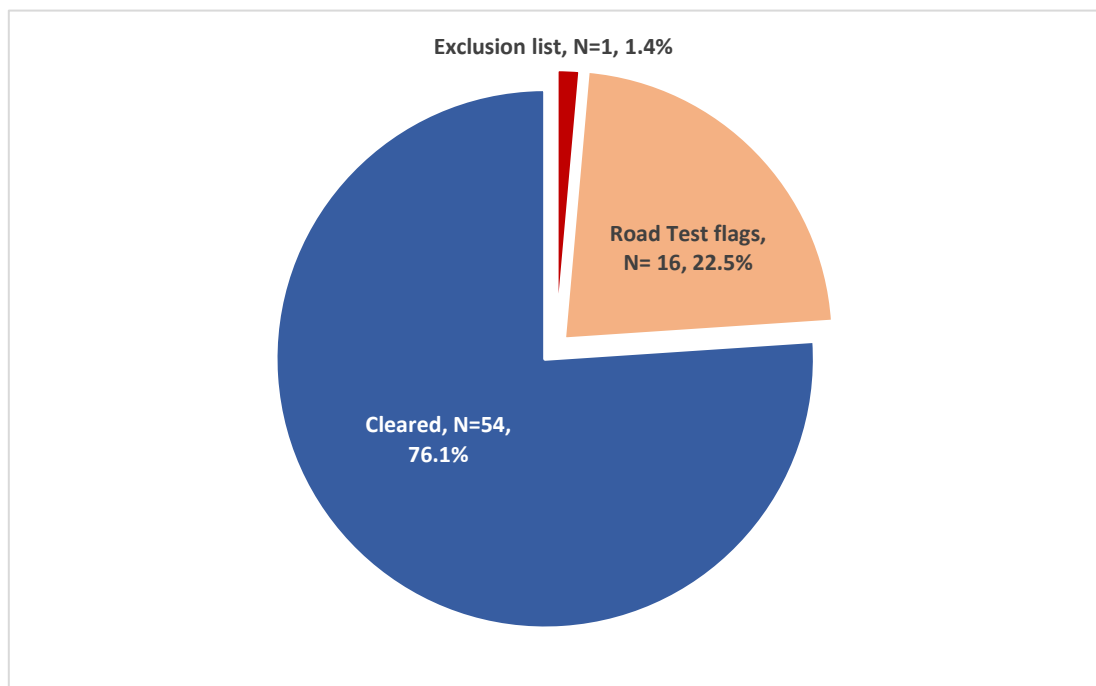


## 2. Road test cases

### 2.1 Results

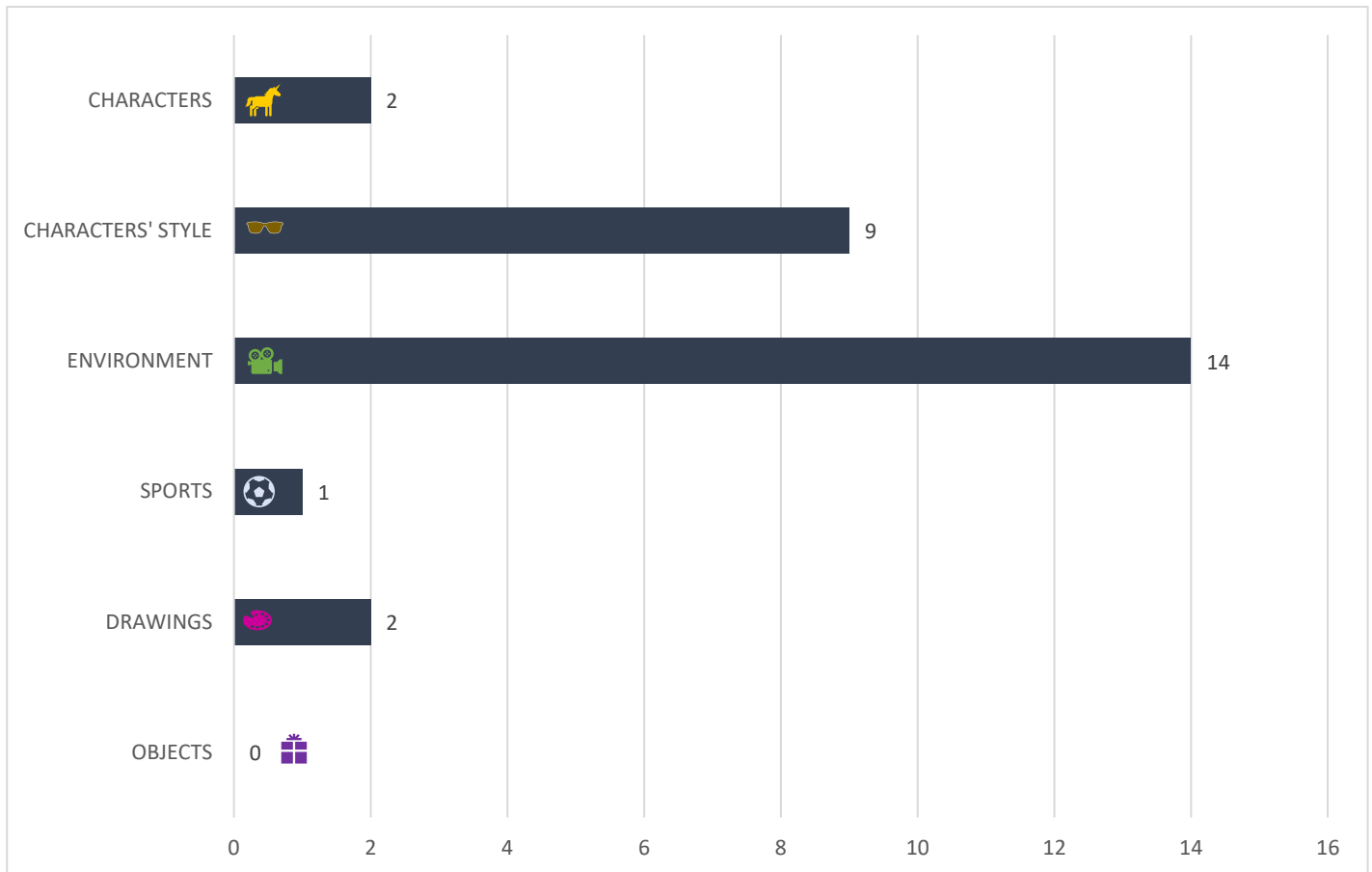
As mentioned above, reviewers were asked to go beyond the agreed objective exclusion list of identifying prohibited elements in the adverts, and consider whether any of the characters, their style, the ads' environment, the objects featured, and overall action would attract the attention of minors and could, to a certain extent, appeal to them. Naturally, this part of the exercise is much more subjective and establishes itself on the experts' informed points of views. It is, nonetheless, important to note that this subjectivity is in great part due to the reviewers' experience of past monitoring exercises, of the local national legislation and self-regulatory codes, as well as their in-depth knowledge of the local, cultural, and linguistic particularities that will inevitably differ between countries. However much the following assessments are based on a subjective point of view, these are founded on informed opinions and experience on the type of complaints and issues that many ads face on a daily basis. Readers are thus asked to bear this in mind when consulting the road test results.

*Number of flagged adverts for the exclusion list and road test (N=71)*



Less than a quarter of all televised reviewed adverts were flagged for one of the road test categories. Below are the number flagged ads per road test category.

*Number of flagged adverts for road test for each theme (N=17)*



The graph above shows the number of ads that were flagged for each theme, namely Characters, Characters’ style, Environment, Sports, Drawings, and Objects. The first three themes are further subdivided into multiple categories with specific questions helping the reviewers to assess the ads’ potential appeal to minors. All the advertisements that we will be discussing in the following pages have been, to a certain extent, considered to be drawing the attention of minors. However, it is important again to note that as much as these adverts were deemed to a certain extent appealing for minors, they are also considered predominantly appealing to and targeting adults. The advertisements simply contained elements and factors that could potentially attract the attention of minors due to their content or format.

Self-regulatory experts were thus asked to assess the 71 adverts’ content and format with the help of the above-mentioned six themes with corresponding questions. Moreover, the reviewers have extensive experience with the RMP compliance criteria, as well as with complaints and elements that would be considered problematic for viewers. They also have considerable insight into the local, cultural, and legal perspectives and are thus able to judge whether a certain advertisement would be potentially problematic in their country. Their subjective assessment is thus limited by their informed opinions and experiences on the matter.

Furthermore, most of the questions in the road test are meant to explore the potentially problematic issues ads might be facing, even if their overall assessment is compliant. It is crucial for marketers to

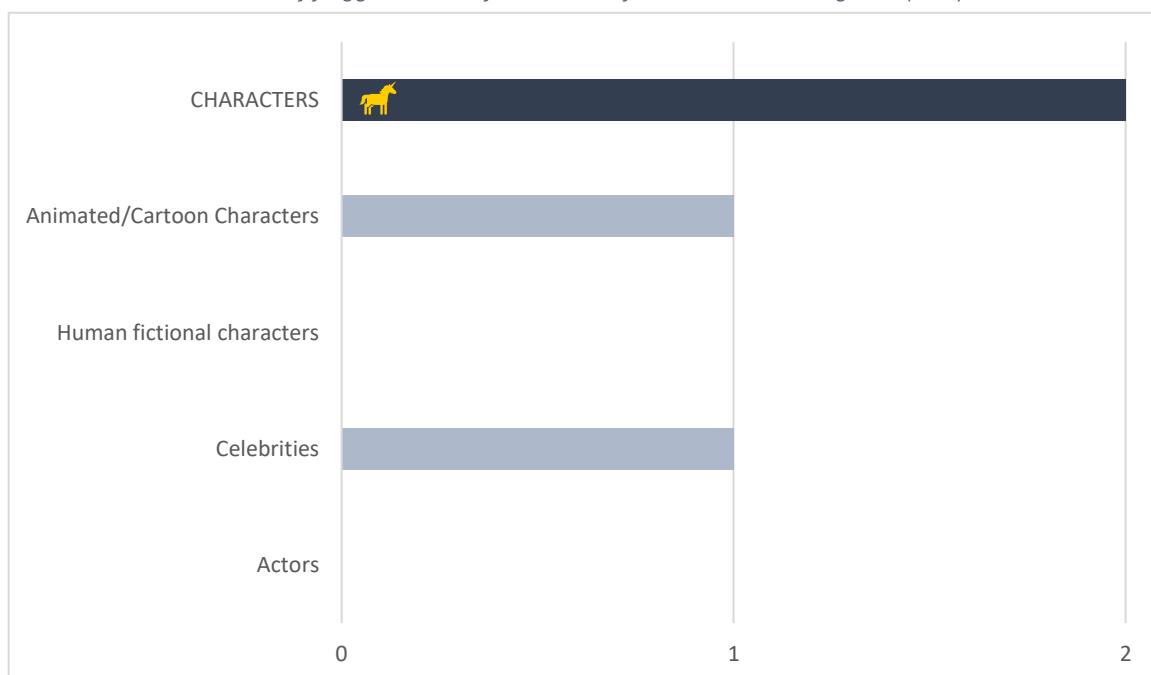
be aware of their ads' potential appeal, even if it is not primarily appealing to minors. Inadvertently, an advertisement could also be attracting the attention of minors. SRO experts are best positioned to evaluate such appeal levels and inform marketers of the elements to avoid in order to create ads that will not appeal to minors in any way.

Finally, the last three categories each consider specific aspects and content in the ad that may be appealing to minors. Reviewers are thus asked to identify whether there are any sports displayed that might be appealing to minors or whether the sports' style and prestige might be attracting minors' attention. Second, experts were also looking for any childish drawings, or whose content may be familiar to them. Lastly, though equally important, reviewers were asked to identify objects that are displayed in the adverts, and whether these are widely used by minors or whether they are, to a certain extent, related to teenage and/or children's culture.

## 2.2 Characters

The theme for Characters looked into the actors' age and to what extent the actors, models, the human fictional characters, and the animated cartoon characters would represent a role model for minors or would appeal to them. Only two ads were considered to be potentially appealing to minors. More specifically, an animated cartoon character and a celebrity were thought to be attracting the attention of minors, though not in a primary way. The SRO found that, to a certain extent, the character, combined with the other themes and the overall look and feel of the ad, could be potentially appealing to minors. However, SROs found them overall not to be primarily appealing to minors. No real or fictional human actors were found to be problematic from the 71 ads analysed.

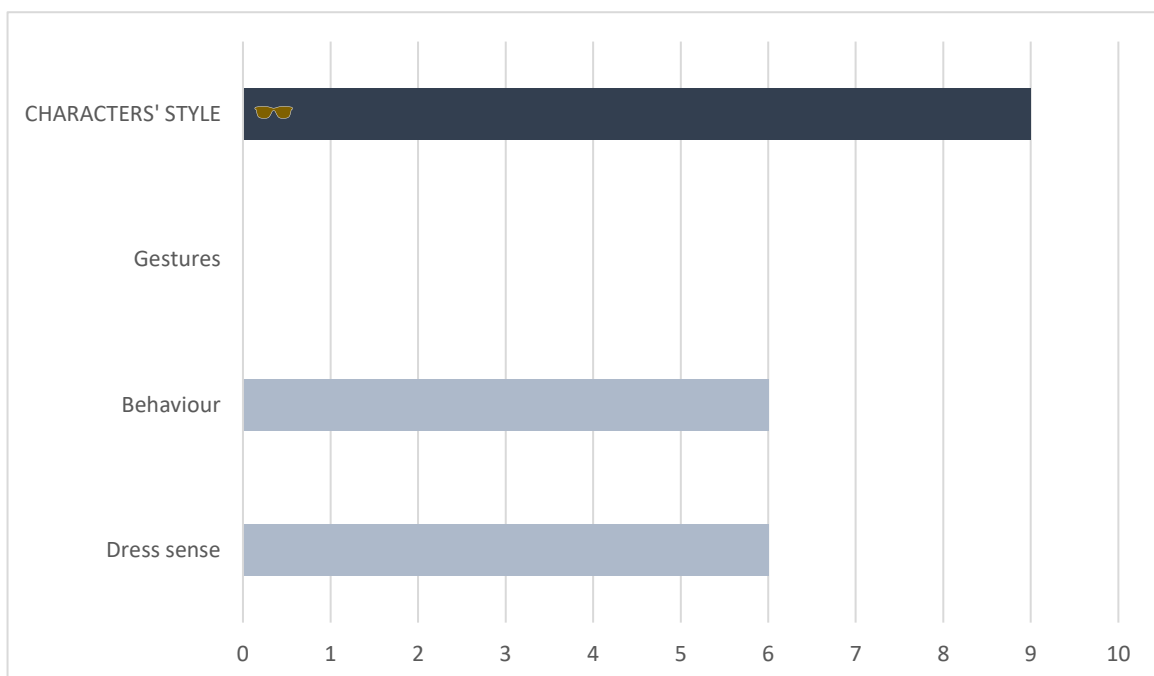
*Number of flagged adverts for road test for Characters' categories (N=2)*



## 2.3 Characters' Style

The Characters' Style category investigates the fashion and dress sense, the behaviour, and the gestures of the actors and character's in the ad. More specifically, the reviewers were identifying whether the actors' fashion, behaviour, and gestures were adopted by minors and to what extent they would be appealing to them. Self-regulatory experts found that 6 ads displayed actors wearing certain clothes that could attract the attention of minors, as teenagers would recognise the brands or the style and would probably wear such clothing and combining a certain fashion brand with an alcohol brand could create subliminal links in teenager's minds. Moreover, the reviewers also found 6 ads to be displaying behaviour which, to a certain extent, could appeal to minors. They would also potentially identify with the actors behaving in ways that they would in similar situations. These 9 ads in total, however, were not deemed to be primarily appealing to minors. Certain scenes of the ads were considered merely problematic as they would appeal both to adults and children.

*Number of flagged adverts for road test for Characters' Style's categories (N=9)*



## 2.4 Environment

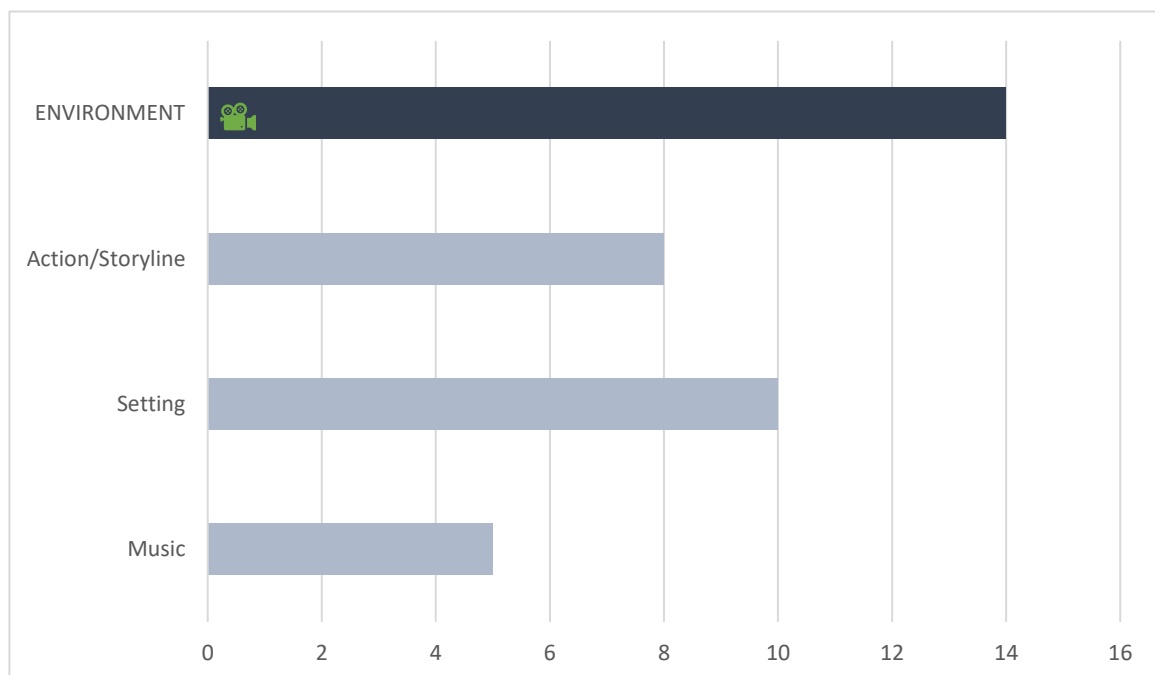
The Environment category looks at the overall setting of the advertisement and the action that is on-going. Reviewers were asked to identify whether the action and storyline would be something that minors would themselves be involved in. The place and time of the setting was also important, in order to identify whether minors would frequently visit similar environments. The theme is split in three categories, one analysing the action and storyline of the ad, one for the overall setting, and one for the music played in the ad. In total, 14 ads were found to be of issue in this theme.

First, 8 ads were considered to be displaying a storyline familiar with many teenagers or minors, or one in which they could identify themselves with. Some ads displayed heroic actions of space exploration, whilst others contained small animated figures of animals or other objects that joyfully jumped around like an arcade game. There were also ads that showcased traditional settings of dinner with the extended family, as well as a few ads where actors were dancing their way through the city, much like a flash-mob, on their way to a dance club.

Secondly, ten ads were deemed to be containing settings and situations that could appeal to minors. These included beach settings, woodland areas, and magical or fairy-like stories where adults are seen discovering a whole new secret world behind a small child-sized wooden door.

Finally, 5 advertisements were found to be playing music, songs or melodies whose genre, to an extent, is either widely listened to by minors, or whose singer and lyrics are appealing to minors. It is also important to underline the fact that these ads contained elements from other themes which, when taken together, indicate that the ads could be considered, to a certain respect, potentially appealing to minors.

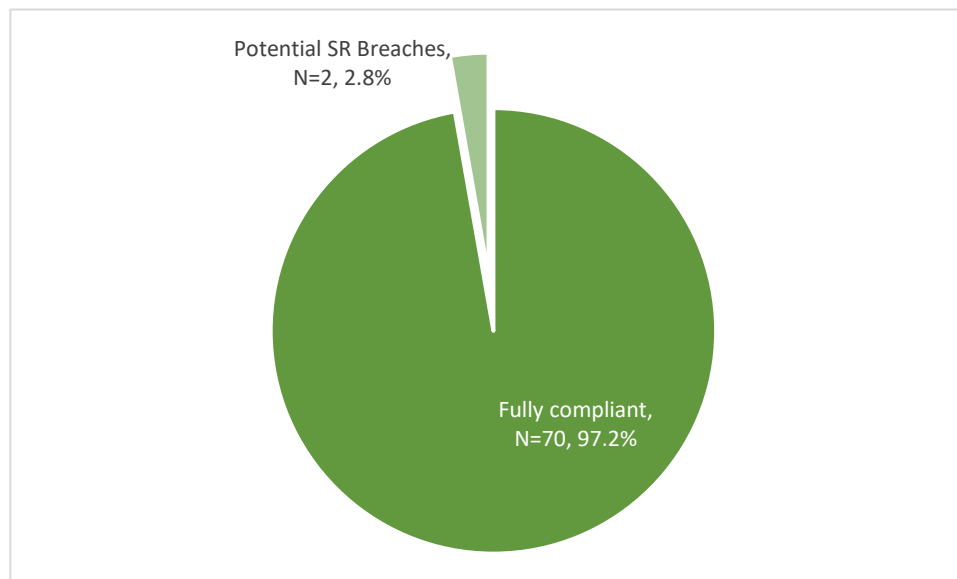
*Number of flagged adverts for road test for Environment's categories (N=14)*



### 3. Breaches of the self-regulatory codes

As a last question in the monitoring exercise, the self-regulatory experts were asked to pay also particular attention to potential breaches of relevant national advertising legislation and self-regulatory codes. The self-regulatory organisations upheld a number of codes and rules in order to keep the standards of advertisements at an all-time high. Reviewers identified two cases where adverts displayed content going against such advertising rules, whether revolving around alcohol provisions or general rules on advertising.

*Number of flagged adverts for potential SR breaches (N=72)*



The first advert was broadcast in the Netherlands and contained an English Responsible Drinking Message instead of the mandatory Dutch RDM version of “*Geen 18, geen alcohol*”. However, since the ad could be used across multiple markets and not just in the Netherlands, and that the advertised promotion is available in multiple countries, the Dutch SRO mentioned that the ad could be exempt of this requirement. The company will have to confirm that the ad is not solely broadcast on the Dutch market.

The second televised advertisement was broadcast in the UK and contained a brand fictional animal character that was deemed to be particularly childish and possibly appealing to children. The character is seen jumping joyfully on top of fruits with exciting squeaky noises, from one part of the planet to another, in a manner similar to arcade games popular with children and teenagers. The ad would likely face investigation by the British SRO, the ASA, and may be found to breach the UK advertising codes, if a consumer files a complaint with them. This could be mitigated by scheduling restrictions, and the lack of colours on the character, which would render the ad less likely to appeal to minors. None the less, the behaviour of the main brand character could be problematic for the ASA.



Report compiled by  
European Advertising Standards Alliance

Rue des Deux Eglises 26 Tweekerkenstraat  
1000 Brussels, Belgium

[info@easa-alliance.org](mailto:info@easa-alliance.org)

[easa-alliance.org](http://easa-alliance.org)

[@AdvertisingEASA](https://twitter.com/AdvertisingEASA)