

Responsible Marketing Pact 2023

Monitoring content of advertisements

Top line report

The European Advertising Standards Alliance (EASA) is the single authoritative voice on advertising self-regulation in Europe. Advertising self-regulation helps ensure that advertisements are legal, decent, honest and truthful and by doing so helps create consumer trust in advertising and in brands.

EASA promotes high ethical standards in commercial communications by means of effective self-regulation for the benefit of consumers and business.

As a non-profit organisation based in Brussels, EASA brings together national advertising self-regulatory organisations and associations representing the advertising industry in Europe. Further information at: <http://www.easa-alliance.org/>.

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I. INTRODUCTION

The nine leading beer, spirits and wine producers in the European Union have committed to reducing minors exposure to their marketing communications as well as any primary appeal they might 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.

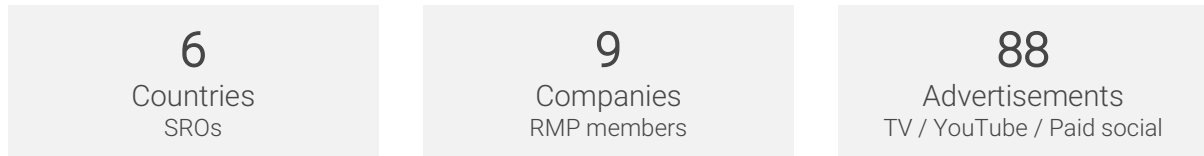
The Responsible Marketing Pact is a commitment by Europe's leading alcohol producers towards eliminating alcohol marketing to minors, and ensures companies implement the rules consistently across all media and in all EU countries. It establishes clear guidelines on where to place the advertisements and their content (i.e., creative execution) and sets new standards and controls for social media.

- **Placement of advertisements** – RMP member companies commit to setting common controls on the placement of their marketing communications to limit underage exposure to alcohol marketing;
- **Content of advertisements** – In order to ensure that advertisement 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 advertisements. The five safeguards are age-gating, forwarding advice notice, user generated content policy, transparency and responsible drinking message.

In 2022 EASA was commissioned by the World Federation of Advertisers (WFA) to conduct a monitoring exercise of the content of RMP member companies' alcohol beverage advertisements to ensure they did not contain elements which are considered to be primarily appealing to minors.



II. PROJECT OVERVIEW



Six European self-regulatory organisations (SROs) were chosen by EASA and WFA to conduct the RMP monitoring exercise. All six 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), location (geographical coverage) and maturity (new vs. old). Each SRO selected a self-regulatory expert from their team to conduct the review process of the selected advertisements.

Figure 1. Participating SROs

	Advertising Standards Authority for Ireland (ASAI) Ireland
	Asociación para la Autorregulación de la Comunicación Comercial (AUTOCONTROL) Spain
	Istituto dell'Autodisciplina Pubblicitaria (IAP) Italy
	Önszabályozó Reklám Testület (ÖRT) Hungary
	Stichting Reclame Code (SRC) The Netherlands
	Deutscher Werberat (DWR) Germany

Self-regulation experts from the six SROs reviewed a sample of advertisements belonging RMP members broadcast between 1 August and 30 November 2022. The advertisements were provided by Nielsen, a global media and marketing performance management company, and compiled by EASA.

Figure 2. Advertisements monitored by platform and country

	Germany	Hungary	Ireland	Italy	Spain	The Netherlands	
TV & YouTube	9	6	9	9	9	8	50
TV	4	4	7	3	6	7	31
YouTube	5	2	2	6	3	1	19
Paid Social	10	3		8	9	8	38
Facebook	7	3		7	6	7	30
Instagram	1			1	1	1	4
Twitter	2				2		4
	19	9	9	17	18	16	88



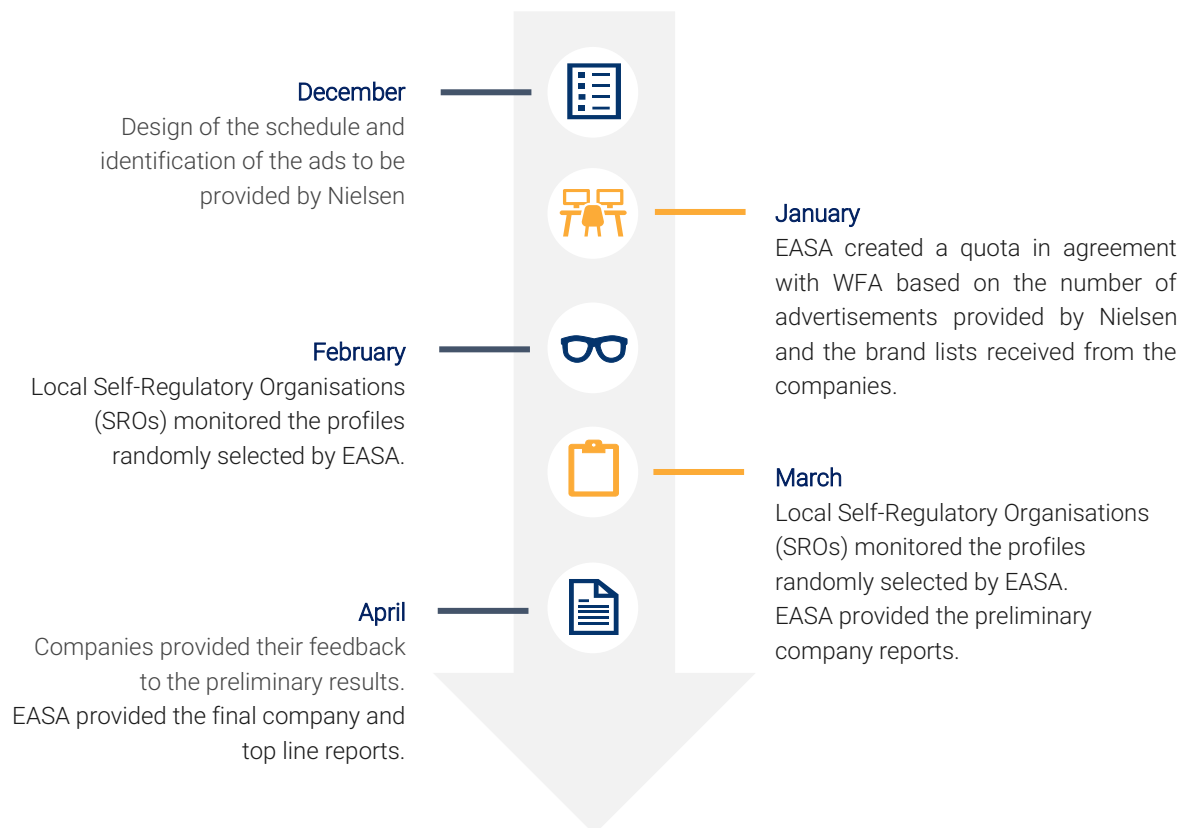
To monitor the RMP commitment on content of advertisements, EASA’s list included advertisements that belonged to different campaigns and excluded advertisements related to corporate social responsibility and sponsorship. The number of assets analysed were designed with the intent of having different brands proportionally represented across all countries and digital platforms.

Figure 3. Advertisements monitored by company and country

	Germany	Hungary	Ireland	Italy	Spain	The Netherlands	
AB Inbev	1	1	1	2	1	3	9
Bacardi	2			2	3	1	8
Brown Forman		1		2	2	2	7
Carlsberg	2	2	1	1			6
Diageo	4	2	2	3	2	1	14
Heineken	1	2	3	2	4	8	20
Moet Hennessy	6			3			9
Pernod Ricard	3	1	2	2	6	1	15
	19	9	9	17	18	16	88

The project took place between December 2022 and April 2023.

Figure 4. Project timeline





III. METHODOLOGY

Objective: to monitor the commitment of ‘No primary appeal to minors’ on the basis of the definition presented in the WFA’s recommendation on the Responsible Marketing Pact (RMP)

In order to achieve this objective, EASA developed a dedicated questionnaire based on the RMP commitment (see Annex I) for self-regulatory experts to use to monitor the advertisements. The core of the questionnaire consisted of:

- The exclusion list of features that should not appear in RMP members’ marketing communications because of their immediate and primary appeal to minors (known as the *exclusion list*); 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 six different themes and their respective subcategories that SROs used to analyse the advertisements.

Figure 5. Summary of reviewed elements





Whenever an **advertisement contained an element from the *exclusion list*, it was considered as non-compliant** against the RMP commitment. If the advertisement didn't contain any features from the exclusion list but was positively answered for any of the *road test* questions, it was considered potentially appealing to minors.

The last section of the questionnaire contained a question about the overall assessment of the advertisement ("*Would you say that the advertisement 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 been reported on in a consistent manner. EASA was also responsible for the compilation of this report.

NOTE ON THE METHODOLOGY

The European Advertising Standards Alliance, in collaboration with the World Federation of Advertisers, has 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.

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 advertisements' environment, the objects featured, and overall action would attract the attention of minors and could, to a certain extent, appeal to them. 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 advertisements face on a daily basis.



IV. EXECUTIVE SUMMARY

- A total of 88 advertisements were reviewed;
- 99% of the advertisements were compliant with the RMP Commitment;
- 5 advertisements featured elements flagged for the road test as sources of potential underage appeal;
- 92% of the advertisements were compliant with the self-regulatory codes and legislation.



V. RESULTS

Compliance with the RMP commitment

99% of the reviewed advertisements were compliant with the RMP commitment – 1 out of 88 were in breach.

Figure 6. Compliance with the RMP commitment



NON-COMPLIANT CASES

The non-compliant advertisement was flagged for the dress sense of the character, which included child/teenage related uniforms that might be appealing to minors.

ROAD TEST CASES

Out of the 5 advertisements flagged under the road test category, 3 of them are related to sports, 1 to the featured characters and 1 to the childish behaviour and music .

Among the sport related cases, experts considered that both Formula 1 and soccer were widely practiced among minors and/or with values and style that might be appealing to minors.

The featured characters in the fourth case are actors who the experts assumed are over the age of 25 in real life. Nevertheless, the experts thought it was important to warn the company that one of the actors looks slightly younger than 25, no more than 20 years old.

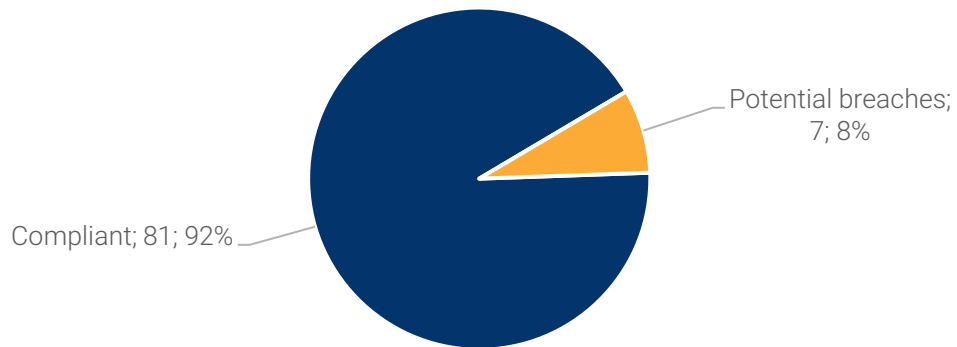
Lastly, one of the advertisements was flagged for featuring childish behaviour, as it displayed actors preparing drinks while dancing, dressed in bright colours. Experts also wanted to point out that the music's genre is widely listened to by minors and that the music/song's lyrics might be appealing to minors too, as the ad displays a catchy song that has also been used in TikTok.



Compliance with self-regulatory codes and legislation

92% of the reviewed advertisements were compliant with self-regulatory codes and legislation – 7 out of 88 were in potential breach.

Figure 7. Compliance with self-regulatory codes and legislation



Most of the potential breaches of the self-regulatory codes and legislation are directly related to the RMP commitment in the area of digital controls, with five advertisements being flagged for not including the message reminding users **not to share the content with minors**. One advertisement was identified for potentially **promoting irresponsible drinking** and one advertisement was flagged for an **environmental claim**.



ANNEX 1. APPEAL RULES – EXCLUSION LIST & ROAD TEST QUESTIONS

APPEAL RULES: BLACKLIST & ROAD-TEST QUESTIONS

Category	Sub-Cat		
CHARACTER ¹		BLACKLIST	ROAD TEST
Real	<i>Actors</i>	<p>Alcohol Commercial communications must not feature:</p> <ul style="list-style-type: none"> • Any actor/model below 25 years old in real life. <p>In addition, they must not feature:</p> <ul style="list-style-type: none"> • School teachers/personnel; • Child/teenage-related leaders; • Child-related performers & child-related entertainers • Child-related fairy tale characters. 	<ul style="list-style-type: none"> • Even though the actor/model is over 25 years old, to what extent may the actor represent a role model for minors?
Real	<i>Celebrities</i>	<p>Alcohol commercial communications must not feature:</p> <ul style="list-style-type: none"> • Any celebrity whose audience is primarily composed of minors; • Any celebrity below 25 years old, whenever this celebrity actively and explicitly endorses the brand and is core to the commercial communication in his/her individual capacity. 	<ul style="list-style-type: none"> • Even though the celebrity is over 25 years old, to what extent may he/she represent a role model for minors?
Fictional	<i>Human fictional characters</i>	<p>Alcohol commercial communications must not feature:</p> <ul style="list-style-type: none"> • Any fictional character (or any associated elements) whose audience is primarily composed of minors; • Any fictional character below 25 years old, whenever this character actively and explicitly endorses the brand and is core to the commercial communication in its individual capacity. 	<ul style="list-style-type: none"> • Even though the character is over 25 years old, to what extent may he/she represent a role model for minors?
Fictional	<i>Animated / Cartoon characters</i>	<p>Alcohol commercial communications must not feature:</p> <ul style="list-style-type: none"> • Any animated cartoon character extracted from a piece of work primarily viewed and/or read by minors; • Any animated cartoon character whose style and design are evidently childish. 	<ul style="list-style-type: none"> • To what extent would you say that the cartoon's/animated character's style and design appear childish? • To what extent would you say that the cartoon/animated character featured may be appealing to minors?

¹ Consumers appearing in brand promotional communications are not remunerated and therefore should not be considered as characters. Consumers have to be and appear to be over the legal purchase age in a given market.

CHARACTER'S STYLE	BLACKLIST	ROAD TEST
<p>Dress sense</p>	<p>Alcohol commercial communications must not feature any dress style and apparel evidently extracted from childish/teenage style, including:</p> <ul style="list-style-type: none"> • Any child/teenage-related uniforms; • Outfits directly inspired by such uniforms. 	<ul style="list-style-type: none"> • To what extent would you say that the dress sense adopted by the characters is widely assumed by minors? • To what extent would you say that the way the characters dress may be appealing to minors?
<p>Behaviour</p>	<p>Alcohol commercial communications must not feature any evident childish/teenage behaviour, including:</p> <ul style="list-style-type: none"> • Bullying; • Teenage peer pressure; • Teenage rebellion. 	<ul style="list-style-type: none"> • To what extent would you say that the behaviour adopted by the characters is widely assumed by minors? • To what extent would you say that the way the characters behave may be appealing to minors?
<p>Gestures</p>	<p>Alcohol commercial communications must not feature any evident childish/teenage gestures, including:</p> <ul style="list-style-type: none"> • Any gestures extracted from child/teenage body language. 	<ul style="list-style-type: none"> • To what extent would you say that the gestures used by the characters are widely used by minors? • To what extent would you say that the characters' gestures may be appealing to minors?

ENVIRONMENT	BLACKLIST	ROAD TEST
<p>Action (storyline)</p>	<p>Alcohol commercial communications must not feature:</p> <ul style="list-style-type: none"> • Any visual flashbacks to childhood and/or to adolescence; • Childish pranks; • Rites of passage from adolescence to adulthood; • Teenage/childish challenges; • Teenage romances/infatuations and ‘first times’. 	<ul style="list-style-type: none"> • To what extent would you say that the action described is one that minors would easily live/find themselves involved in? • To what extent would you say that the situation described may be appealing to minors?
<p>Setting (place/time)</p>	<p>Alcohol commercial communications must not feature any childish/teenage-related settings, including:</p> <ul style="list-style-type: none"> • Any child-related fairy tales and/or child-related fantasy worlds; • Schools; • Child-related attractions, child-related roller coasters, and merry-go-rounds; • Playgrounds; • Zoos; • Skate parks; • Teen clubs; • Indoor game arcades accessible to minors; • Summer camps for minors. 	<ul style="list-style-type: none"> • To what extent would you say that the place in which the action is set is widely frequented by minors? • To what extent would you say that the setting may be appealing to minors?
<p>Music</p>	<p>Alcohol commercial communications must not feature:</p> <ul style="list-style-type: none"> • Any music of a singer/musician whose audience is composed mainly of minors; • Any music/song which is primarily listened to by minors; • Any singer/musician younger than 25 years old when the song explicitly promotes a brand, the band is promoting the brand and the musician in question is core to the commercial communication in her or his individual capacity. 	<ul style="list-style-type: none"> • To what extent would you say that the music’s genre is widely listened to by minors? • To what extent would you say that the music’s artist is widely listened to by minors? • To what extent would you say that the music/song’s lyrics may be appealing to minors?

SPORTS	BLACKLIST	ROAD TEST
	<p>Alcohol commercial communications must not feature:</p> <ul style="list-style-type: none"> • Any athletes whose audience is primarily composed of minors; • Any sports which are primarily followed by minors • Any athlete below 25 years old, whenever he/she actively and explicitly endorses the brand and is core to the commercial communication in its individual capacity. 	<ul style="list-style-type: none"> • To what extent would you say that the sport featured is widely practiced among minors? • To what extent would you say that the featured sport’s style and values may be appealing to minors?
DRAWINGS	BLACKLIST	ROAD TEST
	<p>Alcohol commercial communications must not feature:</p> <ul style="list-style-type: none"> • Any child scribbles or drawings; • Any drawings the style and design of which are evidently childish. 	<ul style="list-style-type: none"> • To what extent would you say that the drawing featured appears childish? • To what extent would you say that the subject of the drawing may be appealing to minors?
OBJECTS	BLACKLIST	ROADTEST
	<p>Alcohol commercial communications must not feature objects used primarily by children and teenagers including:</p> <ul style="list-style-type: none"> • Child-related toys; • Objects extracted from child/baby tableware sets; • Dummies; • School-related objects. 	<ul style="list-style-type: none"> • To what extent would you say that the objects (and their style) featured in the commercial communication / used by the ad’s characters are widely used by minors? • To what extent would you say the objects featured in the commercial communication / used by the ad’s characters may be particularly appealing to minors / relate to child or teenage culture?