

ADVERTISING CODE FOR ALCOHOLIC BEVERAGES

Preface

The renewed Advertising Code for Alcoholic Beverages (RvA) will come into force as from January 1th, 2012. The new article on Digital marketing demonstrates that the Code keeps up with the times and is not only directed at the traditional media. For articles 11, 15, 21, 29 and the supplement to article 32 on banners on the internet applies a transitional period of 3 months. These articles will come into force on April 1th, 2012. For article 24 applies a transitional term of 6 months. This article will come into force on July 1th, 2012.

What are the most important amendments?

Article 7 has been tightened up by means of a clarification on what is and what is not allowed with regard to the combination of alcohol and work-related situations.

Article 10 has been extended with the promotional item soccer cards and advertising messages that include Sinterklaas or Santa Claus which are specifically aimed at minors.

Article 11 has been reformulated, so that it becomes clear that the age limit of 25 applies for all advertising messages in which one makes use of staged situations with scripts and models.

Article 13 has been tightened up, so that premiums may not be offered to minors during a catering promotion.

Article 15 has been added so that advertising shall have no association whatsoever with illegal drugs.

Article 20 has been extended where it is specified that it also holds also for grocery packages and rewards in competitions and/or actions that no alcoholic beverages may be given away.

Article 21 has become more specific with regard to determining the reach figures in events.

Article 24 is a new article on digital marketing and includes some extra conditions that advertising messages in the form of digital marketing have to comply with.

Article 29 has become more specific with regard to what is and what is not allowed in the combination of alcohol and sports-related situations.

Furthermore the new definition of advertising has been adopted from the Dutch Advertising Code. Specifications for applying the logo and the slogan for banners on the internet have also been included. With this Code you will also find an adjusted guide with the background of the article and some examples. This serves to help you apply the Code correctly.

However, should you have any questions, feel free to contact STIVA.

Peter de Wolf
director

This is an interactive pdf; You can go straight to the subject or article concerned by clicking on the table of contents, the subjects in the tabs at the right or on the article numbers at the upper side of the pages.

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GENERAL PROVISIONS

Field of application

The Advertising Code for Alcoholic Beverages (RvA) applies to advertising for alcoholic beverages and non-alcoholic beverages, as far as these are recommended for consumption together with alcoholic beverages. This Code applies to all advertising intended specifically for the Netherlands.

Definitions

In this Code, the following definitions apply:

promotional advertising message: an advertising message for an alcoholic beverage in which the recommendation predominantly concerns the conditions with regard to the distribution to the consumer, such as price, length of the promotional period etc.;

thematic advertising message: an advertising message which is not a promotional advertising message for an alcoholic beverage in which the recommendation predominantly takes shape by means of the presentation of product characteristics, image, atmosphere and desired consumption environment;

alcoholic beverage: a beverage that contains more than a half (0.5) percent of alcohol by volume (abv) at a temperature of twenty degrees Celsius;

the industry: part of the business community that is involved in the production, the importation, the distribution, the sales and the supply of alcoholic beverages;

direct digital marketing has the following characteristics:

- a. the advertising message is transmitted by means of methods and technologies that are directed at a specific receiver, where the profile of that receiver is of influence on the choice of the advertiser whether or not to send this advertising message;
- b. the receiver has a direct possibility to grant or refuse permission for receiving this content;
- c. in some cases, the receiver has the possibility to adjust this content and to send it on to third parties.

catering industry promotions: promotions in pubs and clubs or at events or parties, where a promotion team (whether or not dressed in the look & feel of the brand) by order of a producer or importer, enables the present public to get to know one of the producer's or importer's brand products;

>>>

>>> **broadcasting station for youngsters:** a broadcasting station of which more than 25% of the total viewing and listening audience is minors. The determination of the percentage of minors in the watching and listening audience is based on the weighted average of the viewing and listening figures, as compared to the entire programme selection of a certain broadcasting station. The percentage shall be measured by a generally accepted viewing and listening survey. Each year the industry determines, on the basis of research by an independent agency, which broadcasting networks are to be designated as broadcasting stations for youngsters;

merchandising: articles provided with the brand name and/or the logo of an alcoholic beverage that a consumer can obtain against payment through the retail channel or member of the industry;

minors: persons under the age of 18 years;

premium: a gift article bearing the brand name and/or the logo of an alcoholic beverage that the consumer receives with the purchase of alcoholic beverage in the retail or catering channel or which he receives as part of a catering promotion;

printed advertising messages: advertisements in newspapers, magazines, on posters and flyers including billboards, swanks, bus shelters and illuminated street advertising columns in which an alcoholic beverage, brand or producer is the central point of attention;

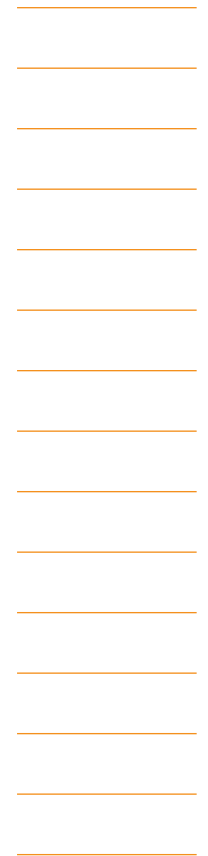
product placement: including or referring to a product, service or logo/brand as part of a programme, or a part of the media selection which is similar to a programme, against payment or a similar reimbursement;

tasting session: the occasion where, on the initiative of a member of the industry, in accordance with the conditions drawn up for this purpose such as described in the explanation of Article 26, an alcoholic beverage is offered to the consumer for free for consumption on the spot at a fair or during a catering promotion or at another location which is specifically permitted by law;

advertising for alcoholic beverages: any public and/or systematic, direct or indirect recommendation of alcoholic beverages and of non-alcoholic beverages as far as these are recommended for consumption together with alcoholic beverages by an advertiser or entirely or partly on behalf of this advertiser, whether or not by means of any third parties. By advertising we also mean services;

sponsoring: financial support by a member of the industry;

fair: an occasion where alcoholic beverages are brought under the attention of, predominantly, professional suppliers, by a member of the industry in a Business-to-Business (B2B) setting.



CONTENT

General

1

Article 1 - Quantity

Since the irresponsible consumption of alcoholic beverages can cause problems, restraint shall be exercised in all advertising messages for such beverages. Advertisements of alcoholic beverages shall not show, suggest, nor stimulate any excessive or otherwise irresponsible consumption.

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Guidelines to Article 1 - Quantity

The irresponsible consumption of alcoholic beverages can cause problems. Therefore it is important that the advertising message shows responsible alcohol consumption and that people are not encouraged to drink excessively. Use restraint with the quantity of alcohol you show and take into account the total number of drinks per person. The alcoholic beverage should not be consumed quickly. Avoid the image of one person drinking several alcoholic drinks.

The Advertising Code Commission (RCC) judged earlier that so-called ‘under-the-cap actions’ are not permitted if:

- consumers can only take part by opening non-reclosable packagings (bottles, cans);
- the chance to win becomes larger when more alcoholic products are bought.

Please note: this also includes a promotional campaign in which fans can save for their soccer club by handing in beer caps.

A crate with bottles is sometimes not excessive ...

In the Island commercial of Bacardi a (large) quantity of limes is cut in slices and a crate of bottles of Bacardi rum is carried in. By showing a large amount of people who are visiting the party on the island, there is no (suggestion of) excessive or irresponsible consumption of alcohol.

... but sometimes one six pack is

In Bavaria’s commercial with Piet Paulusma we see that meteorologist Piet Paulusma comes to the conclusion that the weather will be very nice the next day. Therefore he decides to buy an extra six pack of Bavaria. The RCC judged that the commercial was not sufficiently reserved and therefore in conflict with the Advertising Code for Alcoholic Beverages (RvA).

2

Article 2 - Abstinence

Advertising messages for alcoholic beverages may not portray abstinence of alcohol consumption or moderate alcohol consumption negatively, nor may the advertising of alcoholic beverages be contrasted favorably against any non-alcoholic beverage.

Guidelines to Article 2 - Abstinence

Abstinence or moderate alcohol consumption may not be portrayed negatively. People may not be challenged to take up drinking if they do not choose to do so themselves.

Under certain conditions it is permitted to offer a passer-by beer

In the commercial 'Automatic' two Belgians are making an effort to promote Palm beer in the Netherlands. Henk and Bert stop a passer-by who just took a minced-meat hot dog from an automat. They put him at a table on the street where an extensive lunch is served, together with a glass of Palm beer. Then a voice over says: 'Become a Burgundian too. Palm, pure authentic beer'. The RCC judged that because of the humouristically intended exaggeration, there was no question of a negative portrayal of the abstinence of alcohol consumption.

3

Article 3 – Alcoholic nature

Paragraph 1

Advertising messages for alcoholic beverages may not arouse any confusion concerning the alcoholic nature and the alcohol percentage of the alcoholic beverage.

Paragraph 2

Advertising messages for an alcoholic beverage, including the brand name, generic name and the packaging, may not arouse the impression that the beverage in question is a soft drink, lemonade or other type of non-alcoholic beverage.

Guidelines to Article 3 - Alcoholic nature

When drinks such as fruit juices have been combined with alcoholic beverages, then it should be made sufficiently clear that the drink is an alcoholic beverage. Do not use any words such as 'fruit drink', 'fruit juice', or 'soft drink', so the impression cannot arise that the beverage in question is a non-alcoholic drink.

2Fruity really is too fruity

In advertising messages of 2Fruity the fact that the drink also contained fruit juice was emphatically stressed. For example, in different messages they said among other: "2fruity, full of juicy details", "2fruity is a fresh and fruity drink". Despite the fact that "Alcoholic fruit drink" was mentioned on the bottle, the RCC believed that it was not sufficiently clear that it concerns an alcoholic beverage here.

Horizontal lines for notes or comments.

4

Article 4 – Alcoholic content

Advertising messages for alcoholic beverages may not suggest that the alcoholic content is in itself a positive property. Nor may it be implied that risks are eliminated the lower the alcoholic percentage.

Guidelines to Article 4 - Alcoholic content

The alcohol percentage has to be actually mentioned on the packaging, but it may never be presented as a primary advantage of the brand. This applies to both a relatively high and low alcohol percentage.

Too much emphasis on a high percentage of alcohol

The packaging among other said: “You feel that you are drinking beer. Imported Atlas super strong beer. Super strong. 12%.” The RCC judged that the packaging too much emphasized the height of the alcohol percentage.

Mentioning a low percentage of alcohol as a primary advantage is not allowed either

The printed advertising message for Lindemans Early Harvest Crisp Dry wine was in conflict with Article 4 of the Advertising Code for Alcoholic Beverages (RvA), because the following was communicated in this message: ‘Light wine. Many light wines contain around 12% of alcohol, but Early Harvest Crisp Dry of Lindemans only contains 9 percent. And less alcohol means less calories!’

5

Article 5 - Good taste and decency

Advertising messages for alcoholic beverages may not be at variance with good taste and decency, or detract from human dignity and integrity.

Guidelines to Article 5 - Good taste and decency

Advertising messages for alcoholic beverages may not unnecessarily hurt people. Avoid every insult or offence. Discrimination on the basis of race, sexual inclination, religion and suchlike is absolutely forbidden.

Sometimes you can go too far

An advertisement of Bavaria in Voetbal International said among other: “Your balls are in good hands with us”. The RCC is normally very reserved with its judgments with regard to Article 5, but in this case still chose to determine that this advertisement was in conflict with the Advertising Code for Alcoholic Beverages (RvA). Reasons: the lack of subtlety, hinting at ‘a date’ with some of the ladies shown and offering ‘care’ by the ladies from the advertisement.

Horizontal lines for notes or comments.

6 claims

Article 6 - Claims

Advertising messages for alcoholic beverages may not:

Paragraph 1

refer to the disinhibiting effects of alcoholic beverages, such as the reduction or elimination of fears and feelings of inner or social conflict.

Paragraph 2

refer to the possible health benefits of drinking alcoholic beverages.

Paragraph 3

suggest that the consumption of alcoholic beverages improves physical or mental performance.

Paragraph 4

suggest that the consumption of alcoholic beverages positively influences sporting performance.

Guidelines to Article 6 - Claims

In advertising messages for alcoholic beverages no claims or suggestions may be made about the positive health effects of alcohol. However, one is allowed to refer to taste perception. Do not use any words such as 'energizing' and 'energy' either, because then the impression might arise that consumption of the product makes a person more energetic. The RCC has judged in several cases that these words suggest that it improves physical and mental performance.

Refreshing versus it refreshes

In a commercial Strongbow Gold is described as 'highly refreshing cider'. This judgment from the RCC made it clear that 'fresh' and 'refreshing' may be used, because in this commercial 'refreshing' only refers to the taste perception. Another judgment from the RCC already made it clear that the term 'it refreshes' may not be used, because here there is question of the suggestion of improved mental or physical performance.

7

Article 7 - Professional performance

Advertising messages for alcoholic beverages may not suggest that the consumption of alcoholic beverages enhances professional performance.

Explanation of Article 7

It is not allowed to show people drinking alcoholic beverages in the workplace or if there is a direct link with the workplace. If the setting has to be that of a work environment, it should be clear that it is the end of the working day. However, an indirect link is allowed, for example if one drinks an alcoholic beverage at the end of the working day in another room of the work environment – in a canteen or recreation space.

Guidelines to Article 7 - Professional performance

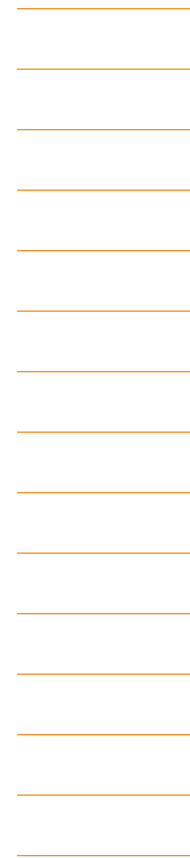
Alcohol and work is not a good combination. It is not allowed to show people drinking alcoholic beverages at the workplace. If the setting has to be a workplace, then make sure that it is clear that it concerns the end of the working day. Also make sure that people are not drinking alcoholic beverages in the work environment, but in a canteen.

Bavaria's Klokklok Commercial is an example of how it should be done

In this commercial we see an interpreter at the end of his job opening a beer in another room. He is still carrying his microphone, but there is no physical contact anymore with the people who are still at work. So this is all just allowed.

- messages in which a person takes off his/her clothes, takes up a more provocative position or evidently makes him-/herself sexually available with regard to either another person in the message, or the viewer, where it is abundantly clear that this is the result of alcohol (consumption).

NB: showing one or several people who are (already) sexually or socially successful, is in itself not in conflict with Article 8 of the Advertising Code for Alcoholic Beverages (RvA).



vulnerable groups

9

Article 9 - Pregnant women

Advertising messages for alcoholic beverages shall not be aimed specifically at pregnant women.

10

Article 10 - Minors

Advertising messages for alcoholic beverages shall not be aimed specifically at minors. More specifically the messages as described in the explanation of Article 10 are not permitted.

Explanation of Article 10

Forbidden advertising messages within the scope of Article 10 of the Advertising Code for Alcoholic Beverages (RvA) are particularly (this list is not exhaustive):

- messages in which teenage idols are used;
- messages/promotions in which promotional items are used (such as little dolls, cuddly toys, toy cars, games, stickers, buttons, soccer cards, beach toys or school-related articles) as far as these are specifically aimed at minors;
- music that can be downloaded for free, specifically aimed at teenagers;
- messages in which music is used that is specifically aimed at teenagers;
- messages in which the specific language of young people is used;
- messages that make use of situations that refer to teenage behaviour: puberty, adolescent infatuation, school parties, examinations;
- messages in which Sinterklaas or Santa Claus as far as these are specifically aimed at minors;
- messages that make use of any style that at that moment is fashionable amongst minors.

Guidelines to Article 10 - Minors

For years alcohol abuse among young people has been a widely discussed theme. That is why this Article is one of the most important articles from the Advertising Code for Alcoholic beverages. Of course the alcohol industry should hold aloof from wanting to reach minors. The industry itself uses the age limit of 18 years to define people as minors. But we go further here than the law. The industry should make clear that our products are not intended for people who are too young. That is why we have chosen to note down very clearly which forms of marketing are specifically aimed at young people. So therefore keep wide away from this kind of advertising messages. A clear example is referring to for example school parties or hinting at the examination period. These are clear examples of events that specifically apply to people who are too young.

Stickers for children are not permitted

The RCC is of the opinion that the buttons and stickers of Flügel are premiums that are specifically aimed at minors.

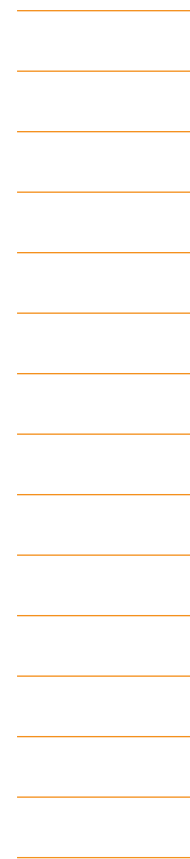
Stickers to be used on a cap are permitted

The RCC is of the opinion that these stickers are no premium that is 'specifically aimed at minors'. After all, the stickers concerned are in itself not aimed at young people and only serve as embellishment of the premium.

Sinterklaas as family celebration is allowed, but not as children's celebration

An advertising brochure shows images of Sinterklaas and Zwarte Piet (Black Peter). According to the RCC, Sinterklaas is a family celebration and the celebration is not only reserved to children. Sinterklaas and Zwarte Piet cannot be regarded as teenage idols.

By way of comparison: Involvement in a promotional campaign in which one can save for tickets for a Sinterklaas party by purchasing alcoholic beverages is not allowed, because a Sinterklaas party is indeed specifically aimed at minors.



11

Article 11 - Minors

Advertising messages for alcoholic beverages may not show any persons who are younger than or clearly look younger than 18 years old.

Advertising messages in which one makes use of staged situations with scripts and models that are hired by or by order of the advertiser, may not show persons who are younger than or clearly look younger than 25 years old.

Explanation of Article 11

Facebook and other (social network) sites with photos in which persons are portrayed who have not been hired by the advertiser and where the content of the site is managed by or on behalf of the advertiser and where the advertiser has editorial control, may not show any persons who are younger than or clearly look younger than 18 years.



12

Article 12 - Minors

Advertising messages for alcoholic beverages may not suggest that the consumption of alcoholic beverage is a sign of maturity and that abstinence from alcohol consumption is a sign of immaturity.

13

Article 13 - Minors

The offering of premiums to minors during catering promotions is not permitted.

Horizontal lines for notes or comments.

risky situations

14

Article 14 - Riskful behaviour

Advertising messages for alcoholic beverages may not show situations that encourage riskful behaviour.

Guidelines to Article 14 - Riskful behaviour

Nothing in the advertising message (words, actions, images) may associate drinking with violent, aggressive, dangerous or anti-social behaviour or may encourage such behaviour. When in doubt it is better to be careful: anti-social behaviour refers to any behaviour that may cause stress, irritation or discomfort to others.

15

Article 15 - Drugs

Advertising messages for alcoholic beverages may not show any acceptance of, association with, or reference to illegal drugs.

Guidelines to Article 15 - Drugs

Any association with illegal drugs and alcohol must be avoided. Alcohol, coffee and tobacco are legal substances. By illegal drugs we mean drugs such as described in the Opium act. Examples are: heroin, cocaine, amphetamine, LSD, XTC, marihuana and GHB.

Image of a hemp leave is not permitted

On the bottle of the liqueur 'Squeeze Hennepe' a hemp leave was portrayed. This is no longer allowed.



Horizontal lines for notes or comments.

16

Article 16 - Events: public order

Advertising messages for alcoholic beverages in connection with events is not permitted, if it may reasonably be suspected that this will encourage disruption of the public order and/or disruption of the event concerned.

17

Article 17 - Events: risk of physical injury

Advertising messages for alcoholic beverages in connection with events is not permitted, if it may reasonably be expected that this may create the risk of physical injury for participants and/or spectators.

Guidelines to Article 17 - Events: risk of physical injury

This refers to the sponsoring of events that apart from the element of competition and/or sports also have aggressive features and/or where bodily harm can be inflicted on participants in the event (such as boxing).

18

Article 18 - Traffic

Paragraph 1

Advertising messages for alcoholic beverages may not establish a link between the consumption of alcoholic beverages and active participation in traffic using a vehicle of any kind.

Paragraph 2

If a recommendation of alcoholic beverages is shown on a vehicle, then the vehicle shall also bear a clearly legible warning against active participation in traffic after the use of alcohol. Exceptions are vehicles used for the transportation of alcoholic beverages, such as trucks, vehicles for technical services of the hospitality and catering industry.

Guidelines to Article 18 - Traffic

Alcohol and traffic are not a good combination in advertising messages for alcoholic beverages either. Here it is important that drinking alcoholic beverages or the suggestion that this occurs, is not associated with active participation in traffic. This refers to all means of transport, including bicycles, boats and hot air balloons. When a person is shown who is driving a vehicle before he/she goes to a bar or arrives at a party, it is essential to show that this person will not be driving again, for example by showing that the keys are being handed to a non-drinker.

19 specific forms

Article 19 - Sports and events sponsorship

The linkage of a brand name of an alcoholic beverage to an event is permitted. All rules of this Code apply to sports and events sponsorship.

Guidelines to Article 19 - Sports and events sponsorship

The linkage of a brand name of an alcoholic beverage to an event is permitted. All rules of the Code also apply to sports and events sponsorship. Under the terms of Article 21 it is necessary to find out through or together with the organisation who exactly will be visiting the event and what percentage of this is younger than 18 years old. If you cannot determine this for certain and if there are any signals that more than 25% of the visitors is younger than 18, than it would be wise not to sponsor this event. Also remember Article 28, because a brand name of an alcoholic beverage may not be portrayed on clothing, attributes and means of transport that are used by a sportsman or sports team for active sports.



20

Article 20 - Free supply

Paragraph 1

Except in the case of tasting sessions, advertising involving an alcoholic beverage being offered by a member of the industry or with the active co-operation of a member of the industry to private individuals free of charge or at less than half the normal retail price is not permitted.

Paragraph 2

The value of a premium offered may not be more than half of the total value of the purchased product including the purchased premium.

Explanation of Article 20

The maximum discount permitted is 50% of the normal retail price. It is not allowed to use the word 'free' or synonyms thereof (such as 'present' or 'treat') in communications.

It also holds for grocery packages and rewards in competitions and/or actions that no alcoholic beverages may be given away, even though the word 'free' or a synonym of it is not used in the message.

Guidelines to Article 20 - Free supply

Giving away alcoholic beverages for free in whichever form is not permitted. This does not suit responsible alcohol marketing. At the moment of the transaction there always has to be a financial reimbursement of at least 50% of the normal retail price. It appears that the RCC interprets this article very strictly. Presenting people with festival tickets is permitted, provided that the winners will not receive any 'free' alcoholic beverages during the festival. So do not use 'all-inclusive' or 'including drinks' in your communications. The value of a premium offered may not be more than half of the total value of the purchased product including the purchased premium. Below two calculation examples will be provided.

Example 1:

May you offer a crate of beer at a 40% discount and a premium with a value of € 2,-. Crate of beer at € 12,- (with a 40% discount) + premium at € 2,- = € 14,-. Offering this crate at a discount of 40% and a premium with the value of € 2,- is permitted, because you are paying € 7,20 for the crate and this is more than 50% of € 14,-, which is the total value (crate + premium).

For promotional campaigns in which for example the second entrance ticket is for free with the purchase of for example a crate of beer, the following calculation example applies:

Example 2:

Crate of beer at € 7,50 + ticket at € 40,- + free ticket at € 40,- = the total value of € 87,50. Offering a free ticket is permitted because it amounts to less than 50% of € 87,50 which is the total value.

All-inclusive party? Free drinks?!

Winners could win an all-inclusive Ladies Party at their home. According to the RCC there is question here of offering alcoholic beverages for free, because this party is completely taken care of by Canei. Even though it is not specifically communicated that the reward also includes Canei. Only by the linkage of the brand name of the alcoholic beverage Canei, it is sufficiently plausible that alcoholic beverages of this brand will also be provided.

Because part of the business that is involved in the supply of alcoholic beverages, the hotel and catering industry, is not a member of the STIVA, enforcement is not possible in this respect, except on the basis of voluntariness or co-operation of the media involved. Any pronouncements on Article 20 with regard to catering entrepreneurs who do not return a Compliance form to the Advertising Code Foundation (Stichting Reclame Code (SRC)), will be communicated by STIVA to the entrepreneur involved and the local authority of the place where the entrepreneur/enterprise involved is established.

MEDIUM minors

21

Article 21 - Minors

No advertising of alcoholic beverages in any form may reach a public that consists of more than twenty-five percent (25%) of minors. The reach is determined over a representative measuring period that is determined on the basis of the concrete circumstances of the case (among other its location, medium, impact, proportionality) and by means of reach figures that are as objective as possible.

The standard for determining the reach of advertising messages is the generally accepted survey for this purpose in the market and, in case not available, any other valid and representative evidence.

In case of events the attendance figures are the standard for determining the reach of advertising messages. The burden of proof regarding the reach of advertising messages falls on the advertiser, who has to base his figures on generally accepted viewer or listener ratings in the market or any other valid and representative evidence. As far as web sites and their subpages are concerned, one should make a reasonable case for using user profiles.

Article 21 is not applicable to advertising messages that are part of the regular street scene and to incidental situations on which the advertiser has no influence. Regular street scene means all those situations that you may reasonably expect in the street scene which are also in accordance with this Code, such as light boxes with the brand name and/or logo of the brands that are on draft or served in the front of cafes and / or restaurants and abri's. Incidental situations are situations with a single character, like the entry of Sinterklaas/ Santa Claus in a part of the town or a village. Another example is a situation where a promotion team moves

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Guidelines to Article 21 - Minors

Make sure that you will never reach an audience with your advertising messages which consists for more than 25% of minors. This also applies to locations of catering industry promotions, events, internet sites and their subpages. If you cannot determine this with certainty and if there are any signals that more than 25% of the visitors is younger than 18 years old, then do not do it. The burden of proof always falls on the advertiser. You can ask STIVA for a format on how to determine the reach figures.

Sometimes sponsorship of an event is not permitted ...

For some years Grolsch has been sponsor of The Night of Hengelo. From attendance figures of Sport Monitor complainant has concluded that more than 25% of the visitors were minors. Grolsch disputed the attendance figures of Sport Monitor, but has not been able to prove that a public has been reached with this event which consisted for less than 25% of minors.

... but if you are able to demonstrate that the visitors are predominantly old enough, it is permitted

This judgment of the RCC shows the importance of a good documentation. This complaint was rejected because Heineken was well able to document how the promotional team was briefed beforehand and was able to prove with figures of another honouring that less than 25% of the public consisted of minors.



>>> from one outlet to another one without actively advertising and cross a group of minors.

Explanation of Article 21

More particularly, messages that are part of the regular street scene are considered to be (not exhaustive) messages where the brand name and/or logo is shown beer mats, tap button, sunshades, flags, clothes of the barkeeper and banners that you may reasonably expect at a distribution point or mobile tap during events or fairs for the identification of the product and brand.

22

Article 22 - Minors

Advertising messages for alcoholic beverages may not be broadcast on radio and television immediately before, during, or directly after programs that, according to viewer or listener rating figures generally accepted in the market, are listened to or viewed by more than twenty-five percent (25%) minors.

23

Article 23 - Minors

Paragraph 1

Broadcasting stations for youngsters may not advertise for alcoholic beverages.

Paragraph 2

Magazines that are specifically aimed at minors may not advertise for alcoholic beverages.

Paragraph 3

Internet sites that are specifically aimed at minors may not advertise for alcoholic beverages.

Guidelines to Article 23 - Minors

Annually, STIVA (Dutch Foundation for the Responsible Use of Alcohol) asks an independent agency to determine which television and radio stations are regarded as youth broadcasting stations and issues a press release on this. The advertising of events organised by these stations may not include advertising of alcoholic beverages either.

Besides STIVA publishes a list of youth magazines and websites that may not show any advertisements for alcoholic beverages. If promotional actions are referring to a website, this website should state that minors are not allowed to take part in the action. The list of magazines and websites is not exhaustive. All lists of media mentioned in Article 23 can be found on www.alcoholcode.nl



24 other media

Article 24 - Digital marketing

Paragraph 1

All rules of this Code are applicable to advertising messages for alcohol in the form of direct digital marketing.

Paragraph 2

Advertising messages in the form of direct digital marketing where content is managed by or on behalf of the advertiser and where the advertiser has editorial control, should furthermore comply with the following conditions:

- a) the receiving person has reached the minimum age of 18 years;
- b) in case of digital advertising messages where the receiving person has the possibility to – without knowledge and influence of the advertiser - send this on to third parties, it should be clearly stated in or with the original source of that advertising message that this content is exclusively intended for persons of 18 years and older.

Explanation of Article 24

If it may reasonably be assumed that the content can be viewed outside its original context - as far as technically possible and taking into account the applicable media - a 'disclaimer' should also be actively communicated with the purpose that the content is exclusively intended for persons of 18 years and older.

What does this mean for some specific forms of digital marketing?

Please note: this list is not exhaustive and based on the situation of technical possibilities on the date of commencement.

Guidelines to Article 24 - Digital marketing

The explanation of Article 24 amplifies on a number of specific forms of digital marketing. For the other forms of digital marketing it applies that it has to be decided first whether the form complies with the characteristics of direct digital marketing such as formulated in the list of definitions. If so, then the extra conditions such as mentioned in Article 24, paragraph apply.

Because of the nature of some forms of digital marketing, it is wise to always look at the content delivered by a contact party (for example 'friend' on Facebook and 'follower' on Twitter) very critically. If there is only a little doubt or if the contact party is older than 18 years old, do not place this content or reproduce it through your own channels.

Facebook

With Facebook it is technically impossible for the advertiser to mention with likes that content is exclusively intended for people of 18 years or older. This means that, as an advertiser, you cannot send any likes to posts, status, pictures of friends etc.

Twitter

Because you cannot be certain, as an advertiser, whether a tweet is coming from someone who is 18 years or older, it is not desirable to send any retweets.

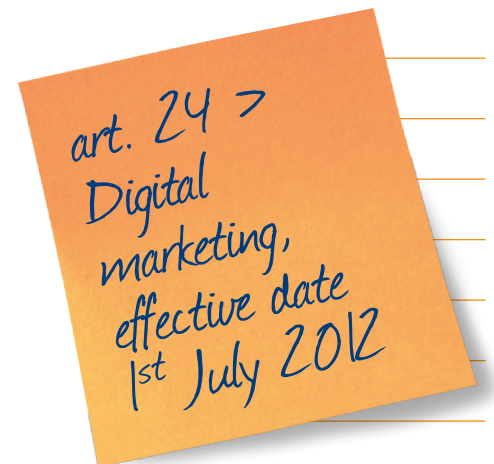
Please note: of course the rules based on the laws and regulations on privacy and data protection (Dutch Data Protection Act, Dutch Telecommunication Act and the Code on Distribution of Advertising via e-mail) apply, including the requirement of permission, inform about and create a possibility to sign out and the requirements to provide information.

Sms

An sms by an advertiser to a receiver is always a form of direct digital marketing. It is allowed, however the extra requirements of Art. 24, paragraph 2 apply here.

User generated content

User generated content (UGC) can be related to different forms of digital marketing, both direct and indirect forms. When the possibility is offered that this content



27

Article 27 - Outdoor advertising and advertising in cinemas

Paragraph 1

Advertising for alcoholic beverages is not permitted on billboards, swanks, bus shelters and illuminated street advertising columns that are in view of alcohol rehabilitation centres or educational centres that are attended primarily by minors, or along motorways or other ways outside built-up areas.

Paragraph 2

Advertising messages for alcoholic beverages may not be shown in cinemas before children’s films, family films dubbed in Dutch and before children’s matinee films and school film programs. As to other films, advertisements for alcoholic beverages may only be shown if minors form no more than 25% of the audience.



29 specific forms

Article 29 - Sports

Paragraph 1

Advertising messages for alcoholic beverages may not be displayed on an individual sportsman or sports team.

Paragraph 2

Advertising messages for alcoholic beverages may not be displayed on vehicles and/or attributes that are used by the sportsman or sports team in their active practice of sports.

Paragraph 3

It is not allowed to hire athletes who are still actively practicing sports at top level (European Championships, World Championships and Olympic Games) by or by order of the advertiser for radio, cinema and television commercials and print messages in which one makes use of staged situations with scripts and models.

Paragraph 4

Advertising messages for alcoholic beverages may not portray the active practice of sports on packaging of alcoholic beverages.

Paragraph 5

it is permitted to portray active sports practice in advertising messages, but exclusively to portray the context of celebrating the performance afterwards.

Guidelines to Article 29 - Sports

Sportsmen are not allowed to drink alcoholic beverages during active sports. What is allowed, however, is to enjoy alcoholic beverages in a responsible manner after sports or during watching sports. In the Advertising Code for Alcoholic Beverages this distinction between active sports performance and passive sports perception is a guideline for this Article. Boarding along sports fields where adults are the main players is allowed, because this is aimed at the spectators and not at the players. So keep away from active sports perception and attributes that are used during sports. Also be reserved in only showing images of active sports performance; after all this leaves little room for adding the context of celebration.

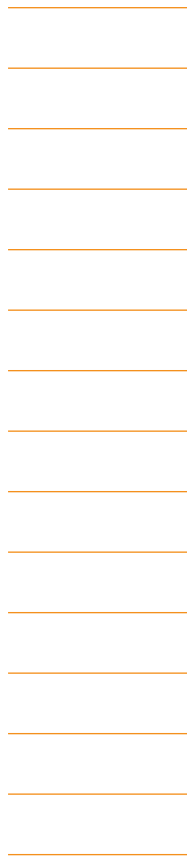
Drinking after sports is permitted

What is permitted is the television commercial of Jupiler in which four men are active in the mountains in an adventurous way and conclude this by a recreational game of soccer. After this they drink a beer together. The RCC was of the opinion that these people did not drink any alcohol before or during sports and that this advertising message was therefore not in conflict with the Advertising Code for Alcoholic Beverages (RvA).

Also after a game, sportsmen are not allowed to wear any clothes with brand names on it

The RCC judged that the bathrobes with the Amstel logo on it, worn by players of FC Twente, were in conflict with this Article. Despite the fact that the bathrobes were no part of the outfit in which the players played their game. The players could still be regarded as a sports team during the wearing of these bathrobes.

Art. 29 >
Sport,
effective date
1st April 2012



30

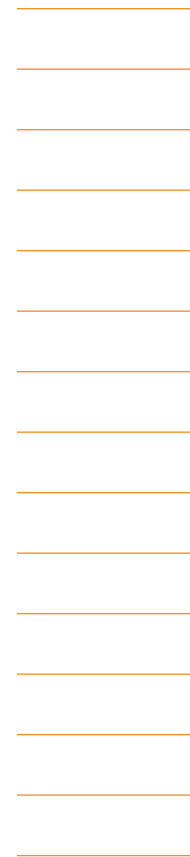
Article 30 - Fairs

During a specialized fair it is permitted to exhibitors to make buyers acquainted with their products. The conditions mentioned in the explanation of Article 26 do not apply here.

31

Article 31 - Tap installations

Members of the industry are not permitted to provide professional tap installations free of charge or for a symbolic fee at shows, events and festivities.



32 educational slogan

Article 32 - Educational slogan/logo

Paragraph 1

In the case of advertising messages for alcoholic beverages that are broadcasted on television, in cinemas, theatres and closed-circuit television, every broadcast shall in any case contain the - clearly visible - educational slogan or logo mentioned in paragraph 2.

Paragraph 2

In advertisements for strong alcoholic beverages the slogan 'Geniet, maar drink met mate' shall be used. For low alcoholic beverages the logo 'Geen 16? Geen druppel' shall be used, such as further elaborated in the explanation.

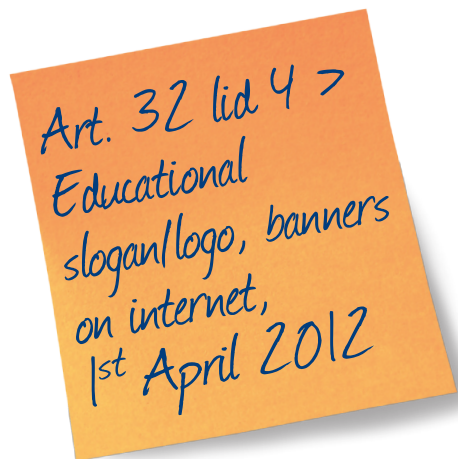
Paragraph 3

All printed advertising messages as well as commercials for alcoholic beverages on internet sites and social network sites shall contain either the educational slogan or the logo such as mentioned in paragraph 2. Excluded are messages that are portrayed on the internet and that are no longer part of a current campaign.

Exclusively for the purpose of promotional advertising in the retail channel, another slogan or logo than the ones mentioned in paragraph 2 can be used. Before the first use of another slogan, permission should be obtained from the Code Contact Person for the retail trade and STIVA.

Paragraph 4

All advertising messages for alcoholic beverages in banner form should be provided with the educational slogan or logo such as mentioned in paragraph 2. This does not apply to banners equal to or smaller than 120 pixels wide and 60 pixels high.



Paragraph 5

Directives for the use of the educational slogan or logo in all forms of advertising mentioned in this article are included in the explanation of Article 32.

Explanation of Article 32

The use of the educational slogan 'Geniet, maar drink met mate' or the logo 'Geen 16? Geen druppel' is obligatory in advertisements for alcoholic beverages broadcasted on television, in cinemas, in printed advertisements and in commercials for alcoholic beverages on the internet. Here the following guidelines apply:

>>>

Horizontal lines for notes or comments.

>>> **Printed advertising messages**

Type of messages

The requirements for the use of the educational slogan 'Geniet, maar drink met mate' resp. the logo 'Geen 16? Geen druppel' apply to the following printed advertising messages: advertising messages in newspapers, magazines, flyers and posters (including billboards, swanks, bus shelters and illuminated street advertising columns) in which an alcoholic beverage, brand or producer is the central point of attention.

Font of the slogan

Arial italic

Type size of the slogan

The size of the font depends on the size of the advertising message (width x height). Should the paper size be smaller than A5, then the slogan shall be of similar size as the body text of the advertisement. In case of a larger paper size, the following requirements for the type size of the slogan are applicable:

- A5 (210 x 148 mm): type size 9
- A4 (210 x 297 mm): type size 12
- A3 (420 x 297 mm): type size 16
- A2 (420 x 594 mm): type size 20
- A1 (841 x 594 mm): type size 24
- A0 (841 x 1189 mm): type size 30
- Bus shelters/Illuminated street advertising columns (1160 x 1710 mm): type size 150

In case of other paper sizes which are larger than A4, the type size of the slogan shall be defined by comparing the paper size with the closest standard size mentioned above.

Place of the slogan

The slogan has to be placed sufficiently separated from the body text and in a horizontal direction, so as to attract sufficient attention.

Lay-out of the slogan

The slogan shall be clearly distinguishable against the background colour with as much positive (black) and negative (white) as possible.

Logo

Type size of the logo

The guideline is that if the short side of the medium is divided into five equal parts and on the basis of this a basic grid based on squares, the type size of the logo is equal to one square.

Place of the logo

With regard to the logo 'Geen 16? Geen druppel' it applies that the logo should in any case be clearly visible, that it has to be placed sufficiently separated from the body text.

Lay-out of the logo

One should make use of the files that can be downloaded from www.geen16geendruppel.nl or file forms that are equal to these files as regards content and quality.



>>> **Commercials on TV, in cinemas and on the internet**

Slogan

Font of the slogan

Arial italic

Type size of the slogan

If the screen ratio is 16:9, which is the standard wide-screen ratio, the type size of the slogan shall be 26.

Duration of the slogan

The slogan shall be visible for at least 5 seconds. In tag-ons and tag-forwards the educational slogan shall be visible for 5 seconds. If the tag-on or tag-forward is shorter than 5 seconds, then the slogan has to be visible for the entire duration of the message.

Place of the slogan

The slogan shall be placed horizontally at the bottom of the screen in the 'title safe area' (or 'text safe').

Lay-out of the slogan

The slogan shall be clearly distinguishable from the background colour with as much positive (black) or negative (white) as possible.

Timing of the slogan

The slogan shall not be visible simultaneously with a pack-shot, disclaimer or pay-off. Furthermore, the slogan has to be placed sufficiently separated from the body text, so as to attract sufficient attention.

Logo

Type size of the logo

The guideline is that if the short side of the medium is divided into five equal parts and on the basis of this a basic grid based on squares, the type size of the logo is equal to one square.

Duration of the logo

The logo shall be visible for at least 5 seconds. In tag-ons and tag-forwards the educational slogan shall be visible for 5 seconds. If the tag-on or tag-forward is shorter than 5 seconds, then the slogan has to be visible for the entire duration of the message.

Place of the logo

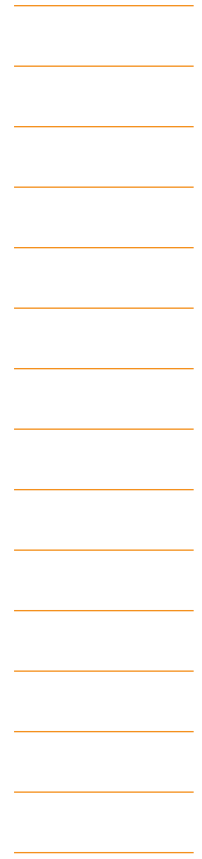
The logo shall be placed in the left upper corner between the co-ordinates x48/y09v and x140/y148 with a standard screen ratio of 16:9.

Lay-out of the logo

One should make use of the files that can be downloaded from www.geen16geendruppel.nl or file forms that are equal to these files as regards content and quality.

Timing of the logo

The logo shall not be visible simultaneously with a pack-shot, disclaimer or pay-off. Furthermore, the logo has to be placed sufficiently separated from the body text, so as to attract sufficient attention. For practical reasons the conditions with regard to the timing of the logo do not apply to tag-ons and tag-forwards. Exclusively in tag-ons and tag-forwards the logo may therefore be shown at the same time with a pack-shot, disclaimer or pay-off.



>>> **Banners on the internet**

Type of messages

The requirements for the use of the educational slogan 'Geniet, maar drink met mate' and the logo 'Geen 16? Geen druppel' apply to all types of banners. This does not apply to banners that are equal to or smaller than 120 pixels wide and 60 pixels high.

Font of the slogan

Arial italic

Type size of the slogan

Type size 11

Place of the slogan

The slogan shall be placed sufficiently separated from the body text and shall be placed horizontally, so as to attract sufficient attention.

Lay-out of the slogan

The slogan shall be clearly distinguishable from the background colour with as much positive (black) or negative (white) as possible.

Logo

Type size of the logo

The type size of the logo shall be at least 55 x 56 pixels.

Place of the logo

With regard to the logo 'Geen 16? Geen druppel' it applies that the logo should in any case be clearly visible, that it has to be sufficiently separated from the body text.

Lay-out of the logo

One should make use of the files that can be downloaded from www.geen16geendruppel.nl or file forms that are equal to these files as regards content or quality.

