



Report on complaints and the complaint system of alcohol marketing

Complaints on alcohol marketing

Results of monitoring alcohol marketing in the Netherlands in 2010

AMMIE Project

Report on complaints and the complaining system in The Netherlands

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Summary

Background

The goal of the AMMIE project was to monitor various alcohol marketing practices systematically, in order to test and improve the effectiveness of existing regulations (all AMMIE reports can be found on www.eucam.info/eucam/home/ammie.html). Especially, in order to protect young people against the harmful effects of exposure to large volumes and attractive alcohol advertising. Research shows that young people who have been regularly exposed to alcohol advertising start drinking earlier, or drinking more when they already drink, than those who are less exposed to alcohol advertising (Anderson et al; 2009). The AMMIE project is unique, because the monitoring is not only directed on the content, but also on the volume of marketing communications (see AMMIE volume report: www.eucam.info/eucam/home/ammie-volume.html). It is also unique because it involves young people in the project to ask their opinion on marketing expressions, and because the project wants to monitor self-regulation as well as statutory regulations. Judgements of the Advertising Code Committee (ACC) about filed complaints regarding marketing expressions in 2010 have been compared with the opinion of a Youth Rating Panel. This Rating Panel consists of a group of young people that one year several advertising practices have been assessed against which complaints have been filed. Complaints can be filed by anybody, provided that is explained why a certain alcohol advertising practice is expected to be in violation with certain articles in the Advertising Code for Alcoholic beverages (ACA). This report shows an overview of all filed complaints about alcohol advertising in 2010 and gives a detailed description of 17 advertising practices used in the AMMIE project. From each of these 17 advertising practices is described why and which articles of the ACA they would have violated, which was the decision of the ACC and what the opinion of the Youth Rating Panel was on the relevant advertising.

Complaints 2010

In 2010, STAP filed a total of 76 complaints about alcohol advertising to the Advertising Code Committee. These 76 complaints were about 30 advertising practices in total. Often, more complaints (in fact the articles of the Advertising Code for Alcoholic beverages), were filed about one single advertising practise. The themes of the complaints were mainly about substantive problems, such as minors, stimulation of excessive drinking or social, sexual or sportive success. Of the 76 complaints, 17 (22%) were upheld by the Committee and 57 (75%) were not upheld. One complaint (1%) was not accepted by the Committee because it would not give rise to a recommendation. Furthermore, in one complaint (1%), the case was closed because of uncertainty about the actual advertiser.

Results of the AMMIE project

For the AMMIE project, 17 of the 30 advertising practices against which complaints had been filed in 2010, were selected. The 17 advertising practices covered a total of 49 complaints. These 17 advertising practices were judged by the Advertising Code Committee and by a Youth Rating Panel consisting of 37 minors.

Of the 17 complaints which were related to minors, 3 were upheld and 14 were not upheld by the Committee. The Youth Rating Panel agreed with the 3 upheld complaints but disagreed with the Committee about 11 of the 14 not upheld complaints. This is due to the Committee often judged the advertising as 'not specifically aimed at young people', while the Youth Rating Panel assessed the advertising as being attractive to them. Of the remaining 26 complaints, which covered several other themes such as social, sexual and sportive success or stimulation of excessive drinking, 3 were upheld and 23 were not upheld by the Committee. The Youth Rating Panel agreed with 1 of the upheld complaints, disagreed with 1 and 1 was not asked in the questionnaires. Furthermore, they agreed with the Committee on 10 of the 23 not upheld complaints, disagreed with 10 and 3 were not asked. Lastly, the Youth Rating Panel judged 11 of the 17 advertising practices as appealing to them. Of the 6 remaining ads, they still regarded the used humour or images as attractive.

Conclusions

In 2010, STAP filed 76 complaints about alcohol advertising of which only 17 were upheld by the Committee (22%). Often complaints concerning more subjective articles of the Code were not upheld by the Committee, such as 'specifically targeting minors' (0 out of 7 upheld) or 'social, sexual and sportive success' (0 out of 8 upheld). Remarkably, the Youth Rating Panel in the AMMIE project clearly reveals that the youngsters do feel attracted to the selected advertising practices regarding these themes. Especially concerning the theme of minors the opinions of the Committee and the Youth Rating Panel were not often in agreement. The problem is that some articles of the Advertising Code for Alcoholic beverages are that specifically defined, that any variation in advertising applicable to this article will not be upheld by the Committee. This applies particularly to the articles which have been established to protect minors. The Committee adheres to the Code practically literal, what results in hardly any upheld complaints. The Code is simply not easily violated due to the way the articles have been formulated. Owing to this, many alcohol advertising is still allowed to be attractive while reaching minors.

Recommendations

The involvement of young people (e.g. Youth Rating Panels) in making alcohol advertising could help to create less attractive advertising practices for minors. Youngsters know best what is

appealing to them and their peers. Furthermore, several articles of the Code should be adjusted. These are mainly articles about the protection of minors which are that specifically defined, that any variation in advertising applicable to these articles, will not be upheld by the Committee. Due to a broadening of certain articles, less advertising will be allowed, which will lead to a better protection of minors against the harmful effects of alcohol advertising on drinking behaviour.

Introduction

Why important to pay attention to this subject, the impact of alcohol marketing on the drinking behaviour of adolescents.

The influence of alcohol advertising on the drinking behaviour of adolescents is unmistakable. Scientific studies show that exposure to alcohol advertising is significantly related to more positive beliefs about alcohol use, which in turn are associated with greater future intentions to drink alcohol among children and adolescents (Chen et al., 2005; Gentile et al., 2001). A review of 13 longitudinal studies, wherein the same youngsters were followed up during a period between 8 to 96 months, consistently suggests that exposure to media and commercial communications on alcohol is associated with the likelihood that adolescents will start to drink alcohol, and with increased drinking amongst baseline drinkers (Anderson et al., 2009).

Why this project is executed?

Currently, the monitoring of alcohol marketing in Europe is only performed by a limited number of NGOs. Reviewing existing alcohol advertising regulations is mainly conducted at the discretion of the EASA (European Advertising Standards Alliance) which represent the commercial advertising sector. EASA's yearly monitoring exercise is mainly focused on monitoring the content of traditional media and putting them against voluntary self-regulation codes as well as statutory regulations (EASA, 2008). The AMMIE project aims to extend and to improve this way of monitoring by monitoring also the volume of alcohol marketing and by extending the number of media monitored.

The goal of AMMIE is to monitor various alcohol marketing practices in systematically in order to improve and test the effectiveness of existing regulations in order to protect young people against the harmful effects of exposure to large volumes and attractive alcohol advertising. The project is unique, because the monitoring is not only directed on content, but also on the volume of marketing communications, because the project involves young people in the project to ask their opinion on marketing expressions, and because the project wants to monitor self-regulation as well as statutory regulations.

The project aims to build capacity at the EU and Member State level to reduce the harm done by alcohol through the strengthening of coordinated monitoring of alcohol marketing by independent NGOs in selected Member States (the Netherlands, Germany, Denmark, Italy, Bulgaria) in order to enable policymakers and other stakeholders to improve the existing alcohol marketing regulations within the framework of the SRO (Self Regulation) system.

A second general objective of the project is to show the importance of listening to the opinions of young people in the process of the assessment of the existing alcohol marketing

regulations. This is also an important point in the 'European Council recommendation on the drinking of alcohol by young people, in particular children and adolescents'.

A third general objective is to improve dialogue between Self Regulation Organisations who are related to commercial interests and those who monitor their performance independently from commercial interest and with health protection as its primer goal.

The project is financed by the European Commission and carried out by STAP, Eurocare, Institute for Social Marketing, Landsraad, DHS, Eurocare Italia, Horizonti 21 Foundation and the European Youth Forum. AMMIE will take place from July 2009 till June 2011.

What will be in de report?

This report will give an overview of the by STAP filed complaints about alcohol advertising in 2010 and the adjudication by the Commission and, in some cases, the collage of appeal.

Moreover this report contains an overview of adolescent's opinion on alcohol advertisements and a comparison between the opinion of the adolescents and the judgements of the advertising code Committees.

The Advertising Code contains several important themes. The themes STAP will distinguish are:

- Specifically targeting youngsters
- Social/Sexual and Sportive success
- Negative depiction of abstinence or moderate consumption of alcohol

Several filed complaints are subdivided into sub complaints. Sub complaints possibly are connected with different themes (different articles of the Code). In this case this will be discussed. Appendix 1 shows an overview of the total complaints in 2010.

Regarding the Youth Rating Panels this report gives an overview about the opinions of adolescents about alcohol commercials. This is an important part of the AMMIE project because only adolescents can tell what is appealing for them and what isn't. The way they interpret the different ads will be extremely valuable in evaluating the existing alcohol marketing regulations.

The results of monitoring alcohol commercials and –marketing and the opinions of the adolescents can be used to further shaping of the Dutch marketing policy. It gives insight to self regulation regulations the alcohol producers formulated by themselves, how they work and how the industry act with these regulations. Moreover the adjudication given by the Commission shows the way how a judgment about commercial expressions is realized and what kind of consequents this judgment could entail.

1. Dutch regulations on alcohol advertising

The Netherlands has a self-regulatory system in the area of advertising. Self-regulation is a system in which the advertising industry takes its own responsibility regarding the content and methods of dissemination of advertising. On the website of the Advertising Code Foundation (ACF) it is stated that self-regulation has its purpose to avoid far-reaching legal restrictions and to maintain the freedom to create advertising (Advertising Code Foundation, 2011a). Not the legislature but the advertising industry itself, which consists of advertisers, advertising agencies and media, has established regulations about what is and what is not allowed in the field of advertising. This multitude of regulations which advertising must comply with has been laid down in the Dutch Advertising Code (DAC). The Code consists of a general part and a special Area (Advertising Code Foundation, 2010a)

The general section provides, amongst other things, that advertising should not be misleading and that it should not be in breach with the truth. Subjective standards are also included in this section, such as the rule that advertising is not allowed to unnecessarily hurt and it should not be in conflict with decency. The special section includes special advertising codes and the corresponding provisions with respect to specific products and services. These provisions are in addition to the general Area. One of these special advertising codes is the Advertising Code for Alcoholic beverages (Advertising Code Foundation, 2010b).

1.1 The Advertising Code for Alcoholic Beverages

The Advertising Code for Alcoholic beverages (ACA) is a self-regulatory code which contains the regulations regarding alcohol marketing (Appendix 2). In 1986 the Dutch cabinet wanted to prohibit alcohol advertising on radio and television between 06.00 am and 09.00 pm; a proposal that led to widespread resistance within the alcohol industry. As a compromise, the business community got a chance to self-regulate the alcohol advertising. For this reason, the alcohol industry and STIVA (Foundation for Responsible Alcohol Consumption) established the regulations comprising the Advertising Code for Alcoholic beverages (STAP, 2007). Since 1978, the alcohol industry is united in STIVA, in which they are collectively committed to promoting responsible drinking and prevent abuse. STIVA objectives are 'promoting responsible commercial communication through self-regulation, providing information and supporting research' (STIVA, 2011). The ACA contains, amongst other things, regulations about irresponsible alcohol use, a ban on claiming health effects or social and sexual success in relation to alcohol, and the reach of certain population groups (pregnant women, minors).

In the past 20 years the ACA has changed several times and there have been a lot of discussions about the functioning of the Code. Despite these discussions, there has been remarkably little studied and written about the functioning of this code. According to STAP, many of the changes have rather weakened the Code, instead of tightening it. This is because the adaptations often lead to a more free interpretation of the Code. Nevertheless, also a couple of positive things developed in the past such as an educational slogan which became obligatory for each alcohol advertisement on TV, cinema, or theatre: 'Not yet 16? Not a drop!' (STAP, 2008a)

1.2 Dutch Media Law

On the 1st of January 2010; a watershed for alcohol advertising came into force through the new Dutch Media Law (2008). For the Netherlands this is the first legal provision in the area of alcohol marketing restrictions. In the new Media Law it is stated that no alcohol advertising may be broadcasted on television and radio between 06.00 am and 09.00 pm. The law is not obligatory for channels which broadcast from abroad (e.g. the RTL Group which broadcasts for Luxembourg), but these channels have assured to comply with the new law (Media wet, 2008).

1.3 European regulation

Since 1989, there also exists a statutory provision about alcohol advertising on television at European level, the Audiovisual Media Services Directive (AVMSD). Article 15 of the AVMSD states, among other things, that alcohol may not be directed specifically at young people and should not suggest that alcohol leads to enhanced physical performance or to social or sexual success (Audiovisuele Mediadiensten Richtlijn, 2007).

Lastly, in 2001 a Council Recommendation has been established by the European Union regarding alcohol use among young people, especially children and adolescents. The Council Recommendations include recommendations of the European Union about alcohol advertising in specifically targeted at children and adolescents or to ensure that alcoholic beverages are not designed or promoted to appeal to children and adolescents (Aanbeveling van de Raad, 2001).

When an advertising practice exceeds one or more of these regulations, a complaint against this certain advertising can be filed. The next section describes how the complaints system works in the Netherlands.

2. Complaining procedure

2.1 The Advertising Code Foundation

When it seems that an alcohol advertisement is in breach with the Dutch Advertising Code, one can file a complaint with the Dutch Advertising Code Foundation. This self-regulatory body consists of:

- the Advertising Code Committee (ACC)
- the College of Appeal
- a Monitoring & Compliance division (M & C)

The Advertising Code Committee as well as the College of Appeal consists of five members, which are the following:

- one member appointed by the organizations of advertisers participating in the Advertising Code Foundation;
- one member appointed by the organizations of communication consultants who participate in the Advertising Code Foundation;
- one member appointed by the media organizations that participate in the Advertising Code;
- one member appointed by the Advertising Code Foundation proposed by Consumer organizations and;
- an independent member, chairman, appointed by the Advertising Code Foundation (Advertising Code Foundation, 2011b).

2.2 Filing a complaint

Anybody - a private person, industry or an organization such as STAP- can file a written complaint with the Advertising Code Foundation. In the complaint, it is explained why a certain alcohol advertising practice is expected to be in violation with certain articles in the Code. The complaint is being processed by the Advertising Code Committee. The ACC sends a copy of the complaint to the 'accused' (in this case the alcohol advertiser), who has the opportunity to write a defence, within 14 days (writing a defence is not obligatory, but most of the times the advertiser chooses to respond). The defence is sent to the ACC which in turn sends a copy to the 'complainer' (e.g. STAP). After that, both parties have the possibility to orally explain their position to the Committee at a special 'hearing' (often accompanied by plea notes). Then, the Committee takes the advertisement and the position of both parties again into consideration and adjudicates after a couple of weeks.

When adjudicating on the complaint, the Committee has the choice of four options:

- **The complaint is not upheld;** the advertisement is not in breach with the Advertising Code for Alcoholic beverages.
- **A recommendation;** the advertiser is recommended not to advertise in such manner (for a first offence).
- **Press release;** the Committee publishes a press release and states that the advertiser has violated the regulations again (for a second offence).
- **A fine;** the Committee may impose a fine of up to € 50.000, depending on the seriousness of the offence. However, this penalty has never been imposed thus far. One limitation of this measure is that not all alcohol advertisers can be imposed a fine (only the STIVA members).

At the time the complainant or the accused does not agree with the statement of the Committee, one can go into appeal at the College of Appeal. In this case it may again take several weeks before the final decision is made about the particular advertisement (STAP, 2008b).

2.3 Monitoring and Compliance

After a violation of the Dutch Advertising Code has been established, this is followed up by the Monitoring and Compliance Division (M & C). The M & C is an independent department within the Advertising Code Foundation (ACF). It monitors whether the advertiser is complying with the ruling of the ACC and/or the College of Appeal. In case this is needed, the advertiser can discuss with the M & C whether, and in what way the convicted advertisement can be adjusted such that it will comply with the regulations from the Advertising Code. The advice is for free and the ACC and/or the College of Appeal are in no way bound by the opinion of M & C. In addition, the Monitoring Service can judge a request of a specific industry, whether advertising practice is in compliance with their special code.

Finally, the Advertising Code Committee is functioning as a contact for business, industry and consumer organizations, NGOs, government, politics and media for information about advertising self-regulation (Advertising Code Foundation, 2011c).

2.4 Monitoring experiences in the Netherlands

According to STAP, the Advertising Code for Alcoholic beverages and the complaining system are not working optimally, especially not with regard to protecting minors. Years of experience in the monitoring of alcohol marketing and the filing of complaints has shown that many filed

complaints are not upheld by the Committee because of adherence of the Code solely by the letter, and not by the spirit (STAP, 2007; STAP 2008a; STAP, 2008b)

For example, according to article 11 ACA, persons depicted in alcohol advertising are not allowed to be, or look younger than 25 years old. Various judgements of the Committee show that age is in fact of secondary importance. *'If models don't drink alcohol or don't promote drinking alcohol, article 11 ACA will not be violated and therefore models under 25 years are allowed to be shown in alcohol advertising,'* according to the Committee (STAP, 2008b). Also the interpretation of article 8 ACA concerning social and sexual success is often only literally interpreted by the Committee. Although according to the Council Recommendations (2001) no sexual or social success may be *suggested* in alcohol advertising, it seems that in the corresponding article in the ACA this has been translated into *causality*. You have to prove that the success was *caused* by drinking alcohol. Many filed complaints regarding social or sexual success are not upheld by the Committee because no causal relation can be demonstrated between drinking alcohol and having social or sexual success (showing an *association* is allowed).

Furthermore, filed complaints about article 10 ACA concerning minors have been rarely upheld by the Committee. According to article 10 ACA, advertising is not allowed to 'specifically target' minors. The Committee rejects a complaint if e.g. a promotional item slightly differs from the specified list of 'forbidden alcohol advertising practices within the framework of article 10'. For example, an air mattress and a beach towel are not covered by the description of 'beach toys'. Furthermore, many advertising is not 'specifically' targeting minors, but is in fact 'appealing' to them. However, if an advertisement is targeting minors as well as adults, the ad is not in breach with article 10 ACA (STAP, 2008b).

Besides the experience that many alcohol advertising is not found to be in breach with the Code, due to certain formulations of the article or a too literal interpretation of the Code, it has also become clear that there are too little sanctions in case the Code has been violated. For example, one of the penalties is a fine, but this has never been imposed thus far. In addition, the Hotel and Catering industry are no STIVA members (Foundation for Responsible Alcohol Consumption; the industry body responsible for the Alcohol Code). This means they are excluded of the Code because of difficult enforcement. They can in fact not be punished (strictly) after violating article 1 ACA (stimulating excessive drinking) or article 20 ACA (free/cheap drinks), violations which often occur (STAP, 2008b).

In short, although the complaining system itself works well, monitoring experiences have shown that the literal interpretation of the Code results in many complaints not being upheld by the

Committee, especially complaints on the most important topic, which requires the highest level of protection: Minors.

3. Youth Rating Panels

3.1 Why working with Youth Rating Panels

The Advertising Code Committee has the task to evaluate whether an ad complies with the Dutch Advertising Code. But while a few regulations are stated in a vague way and are open for interpretation, others articles are formulated very specifically. Especially the ones about the protection of minors are defined that specifically, that any variation in advertising applicable to this article will not be upheld by the Committee. By this, young people are often still exposed to the harmful effect of attractive alcohol advertising.

When is stated that 'alcohol marketing should not be specifically targeting minors' the way this interpreted is often open for questions. The main question here is, while marketing expressions might not be 'specifically aimed at' minors (but also to adults), it can be still 'appealing' to them. However, the opinion of young people are not included in the decisions of the Advertising Committee regarding complaints about marketing practices that seem to be too attractive for young people. For this reason Youth Rating Panels have been introduced. They form an important part of the AMMIE project. Because only adolescents can tell what is appealing for them and what is not. The way youngsters interpret the different advertisements is extremely valuable in evaluating the existing alcohol marketing regulations.

In this report, articles of the Dutch self-regulation code have been inserted in different questionnaires whereas young people rated the questionable alcohol advertisement against these existing self- regulations. The effectiveness of the self-regulation code is evaluated by comparing the outcomes of the Youth Rating Panels and the judgments of the national Advertising Code Committee. By doing this one is able to show in what way minors are in fact protected against appealing advertising. Also, possible shortcomings of the regulations become visible.

3.2 Youth Rating Panel

Participants

Of three Dutch schools from the cities Amsterdam, Breda and Hoogeveen, 55 youngsters were selected on several characteristics, such as age, gender and education level. It was tried to select as many boys and girls, from different ages between 13 and 18 years old and from different education levels. In the end, the goal was to have a response of 30 youngsters who filled out all questionnaires during one year. Before they started with the questionnaires, the monitoring

coordinators had contacted the parents (or caretakers) to ask their approval (with a letter format) for their child taking part in the Youth Rating Panel.

Finally, 37 out of 55 youngsters finished all five questionnaires and could be used in the analyses. These 37 youngsters consisted of 15 boys and 22 girls. Regarding education level, 23 had VWO-level (highest education level in the Netherlands), 12 HAVO-level (middle level) and 2 VMBO-level (lowest level).

In comparison with the Dutch data of the ESPAD (The European School Survey Project on Alcohol and Other Drugs) report 2007, the AMMIE sample of youngsters seems to behave like an average group of Dutch youngsters. For example, 86% of the Youth Rating Panel consumed alcohol during the last 12 months compared to 84% of the ESPAD sample (2007). During the last 30 days, 73% of the Youth Rating Panel used alcohol which is roughly in agreement with 69% of all Dutch youngsters participating in the ESPAD study. Furthermore, the average number of drinks during the last drinking day (in centilitres of 100% pure alcohol) of the Youth Rating Panel was 3,3 centilitres of pure alcohol. In 2007 this was on average 4,9 centilitres of pure alcohol. Finally, beer is the favourite drink of 38% of this rating panel, compared to 40% of the ESPAD youngsters in 2007. These results show that, in relation to drinking behaviour, the sample of 37 youngsters is more or less in line with the average Dutch youth in 2007.

Materials

In total, the Youth Rating Panel was asked to fill out five questionnaires which were available online (see Appendix 3 for an example). The first questionnaire was about their demographic factors such as age and education level. Also questions about their drinking behaviour were asked, for example: *How much did you drink the last 30 days?* and *How much did you drink on the last drinking day?* The four subsequent questionnaires every time contained four commercials or advertisements about which they had to answer a few questions. Generally, the questions were based on the filed complaints against the particular advertising practise. A few examples are: *Do you think this advertising is attractive to your peers?* *How old are the persons depicted on this website?* and *Do you think this advertising is targeting minors?* When more than the half of the youngsters (19 or more out of 37) had the same opinion about a certain question, it was counted as 'agree' or 'disagree' (with the Committee). Thus, the opinion 'agree' or 'disagree' of the Youth Rating Panel was compared with the judgement (upheld or not upheld) of the Advertising Code Committee.

Method

Before the youth panels started, all youngsters got a brief introduction of the purpose of the AMMIE project. The briefing took place on their school and was conducted by the project coordinator. After the introduction of AMMIE, the topic alcohol marketing was introduced. The pupils were told what alcohol marketing is and were challenged to think of the goals of marketing. After this, something was told about the harmful effects of using alcohol especially at young age. The final part was about the website and the rating system itself. The youngsters were explained how to work with their personal codes, how and when they were expected to fill out the online questionnaires and the importance of finishing all five questionnaires for this project. The five questionnaires came online in turns in February, March, June, September and December 2010. The youngsters had approximately two weeks time to respond. As is common in research, also in the AMMIE project the youngsters remained anonymous.

The next two sections are about all filed complaints about alcohol advertising in 2010 and a detailed description of the 17 advertising practices used in the AMMIE project, which have been shown in the questionnaires of the Youth Rating Panel. The youngsters' opinion about the filed complaints of these advertising practices is compared with the judgments of the Advertising Code Committee.

4. General overview of complaints in 2010

In 2010, STAP filed a total of 76 complaints about alcohol advertising to the Advertising Code Committee. These 76 complaints were about 30 advertising practices in total. Often, more complaints, -in fact the articles of the ACA- are filed about one single advertising practise. In other words: in 2010, STAP filed a complaint against an advertising practise 30 'times'. These 30 complaints consisted of a total of 76 complaints because of the violation of more articles of the Code per advertising practice. The main themes of the complaints were on substantive problems, such as minors, stimulation of excessive drinking and social, sexual or sportive success (see Table 1).

Of the 76 complaints, 17 (22%) were upheld by the Committee and 57 (75%) were not upheld. One complaint (1%) was not accepted by the Committee because it would not give rise to a recommendation. Furthermore, in one complaint (1%), the case was closed because of uncertainty about the advertiser.

Table 1. Overview of filed complaints on alcohol advertising practices by theme in 2010.

| Theme | Number of complaints | Upheld | Not upheld | Closed file | Not accepted by Committee |
|--|-----------------------------|---------------|-------------------|--------------------|----------------------------------|
| Minors | 17 | 4 | 13 | | |
| Social/ sexual and sportive success | 11 | 0 | 11 | | |
| Negative depiction abstinence alcohol consumption/positive depiction of drinking alcohol | 4 | 0 | 4 | | |
| Stimulating excessive drinking | 13 | 3 | 10 | | |
| Health claims | 9 | 1 | 7 | | 1 |
| Decency | 3 | 2 | 1 | | |
| Promotion alcohol with discount >50% | 7 | 4 | 2 | 1 | |
| Facilitation disruption public order | 1 | 0 | 1 | | |
| Traffic participation | 1 | 0 | 1 | | |
| Adherence Code to letter and spirit * | 3 | 0 | 3 | | |
| Violating media Law ** | 1 | 1 | 1 | | |
| Collective advertising for alcoholic beverages | 1 | 1 | 0 | | |

| | | | | | |
|-------------------------|-----------|-----------|-----------|----------|----------|
| No Slogan <16 years | 1 | 0 | 1 | | |
| Misleading advertising* | 5 | 2 | 2 | | |
| Total | 76 | 17 | 57 | 1 | 1 |

* NRC, ** Media Law

5. Overview of complaint by theme used in the AMMIE project

STAP selected 17 of the 30 advertising practices which were in breach with the ACA in 2010 for the Youth Rating Panel. According to STAP, these ads were the most attractive to minors. The opinion of the youngsters about these 17 advertisements will be compared with the statements about the complaints by the Committee. The 17 advertising practices will be described by three main themes:

- Minors
- Social, sexual and sportive success, and
- Negative depiction of abstinence or moderate alcohol consumption

Complaints regarding other themes within this selection of 17 practices will be discussed within one of the three main themes. The 13 remaining advertising practices about which complaints have been filed in 2010, have not been presented to the youngsters. For this reason, these additional complaints will not be discussed in detail in the report, but will be only mentioned when there is referred to total numbers of complaints.

5.1 Theme: Minors

Judgment of complains about the theme of Minors

In 2010, 17 complaints (22% of the total number of complaints) have been filed that were related to the reach of minors or to the attractiveness of the ad for young people. The Dutch Advertising Code for Alcoholic beverages includes 10 articles concerning the protection of minors in which, amongst other things, is stated that advertising is not allowed to specifically target minors. Of the 17 complaints on the subject of minors, 3 were upheld and 14 were not upheld by the Committee. The advertisements on this topic used in the AMMIE project are explained below.

Advertisements on the theme of Minors used in the AMMIE project

Case 1: Heineken- Pletterpet

In 2010, STAP filed a total of five complaints against Heineken regarding the theme Minors. One of them concerned 'the Pletterpet' which was a gadget, inspired by a South-African miner helmet because of the World Championships football in South Africa (see Figure 1).

The Pletterpet

The Pletterpet was for sale in the supermarket when buying 8 cans of Heineken beer. Before you could use the Pletterpet, you had to put several parts together. In the box was a helmet, two flags that could be placed at the sides of the helmet, an orange horn that could be attached to the front and colourful stickers to pimp the Pletterpet. The Pletterpet was introduced and demonstrated in a special TV-commercial for the World Cup.



Figure 1. Heineken World Cup gadget, the 'Pletterpet'

According to STAP, the Pletterpet, as well as the TV-commercial, were in breach with **Article 10** of the Advertising Code for Alcoholic beverages, which states that alcohol advertisements are not allowed to specifically target minors (See Appendix 2 for the complete Advertising Code for Alcoholic beverages). According to STAP, the Pletterpet contains stickers, makes use of youth language and has a design which is popular amongst youngsters (a colourful plastic gadget).

Judgment of the Advertising Code Committee: Not upheld

The complaint against **Article 10** was rejected by the Committee for the following reason:

“Despite the fact that there are stickers in the package, one cannot say it is a premium ‘specifically targeting minors. The stickers are not specifically targeted at young people and only serve to decorate the premium. Furthermore, the advertiser provided sufficient evidence that the word ‘to pimp’ and the sentence ‘pimp your Pletterpet’ is not youth language as defined in the guidelines of Article 10. Nor does the Committee believe that the Pletterpet is designed in a way that is specifically targeting young people.” [ACC, 21-07-2010]

Opinion of the youngsters: Disagree

The Youth Rating Panel seemed to have a different opinion than the Committee. According to a large majority of the questioned youngsters, the Pletterpet is attractive to their peers (27 out of 37) and more than half (21 out of 37) thought their peers would like to have this gadget.

Conclusion:

According to the Committee, the Pletterpet is not designed (stickers, youth language) in a way which is specifically targeting young people, while the majority of the minors judged this gadget

as attractive for their peers and thought their peers would like to have it. Although the Pletterpet is not specifically targeted at youngsters, the gadget seems to be very appealing to them.

Case 2: Koninklijke De Kuyper B.V. - Partymeter

In 2010 STAP filed 6 complaints against De Kuyper, of which 4 were related to the theme of Minors. The 4 complaints concerned the 'Party meter campaign' for the alcoholic beverages 'Dropshot' and 'Hotshot'. The other 2 filed complaints were related to the themes 'Misleading advertising' and 'Stimulation of excessive drinking'. However, these two complaints will also be discussed below because they were part of the main complaint about minors.

"It can always be more festive!" with Dropshot and Hotshot

At the end of 2009 The Kuyper introduced the so called 'Partymeter'. This is a sound meter which shows the obtained noise on a column (3,5 meters high) with flat screens (see Figure 2). The



Figure 2. 'Partymeter'

Kuyper organized this action for her two brands Dropshot and Hotshot. Both are sweet liqueurs, with the flavours like liquorice respectively cinnamon. The drinks are consumed in the form of shots. Both of these beverages have an alcoholic content of 20%. The slogan which belonged to the campaign for Hotshot and Dropshot was "it can always be more festive!"

It was introduced in several pubs in the Netherlands, where the

audience was stimulated to produce the loudest noise. This way their pub or club could become "number one" in the noise rating. The club score could be increased by playing a game on the website www.originalshots.nl. During the evening promotion girls were selling shots to increase the sales.

According to STAP the Partymeter, as well as the products Hotshot and Dropshot, and the website Originalshots.nl were in breach with several articles of the Advertising Code for Alcoholic beverages.

Regarding minors, the products Hotshot and Dropshot, the slogan and the website were expected to be in breach with the following articles of the Code:

- Article 10 ACA:**
 because advertising for alcoholic beverages is not allowed to specifically target minors. According to STAP the packaging design of the products is quite simple, with a childlike letter type (see Figure 4). Both



Figure 3. Website of the 'Partymeter' with pictures of (drunk) youngsters.

- Article 11 ACA:**
 because advertising for alcoholic beverages is not allowed to show persons who are or appear younger than 25 years. According to STAP the website contained dozens of



Figure 4. Packaging design of the products

pictures on which teenagers were shown who obviously looked younger than 25 years (see Figure 3). Young people regularly look drunk on the photos while they serve as promotion for Dropshot and Hotshot.

- **Article 26.1 ACA:** because promoting alcoholic beverages is not allowed when more than 25% of the visitors are minors. According to STAP, this is likely, given the pictures on the website.

Judgment of the Advertising Code Committee: Partially upheld and partially not upheld.

The complaint against **Article 10** was rejected by the Committee for the following reason: *“There is not enough concrete evidence showing that the design of the website, the flavour of the drinks and the slogan are specifically targeting young people.”* And for the following reason the complaint against **Article 26.1** was rejected: *“The advertiser has adequately established that the article is complied with, because the number of minors are being monitored in the form of obligatory promotional reports.”* The complaint against **Article 11** was upheld by the Committee because of their doubts about the age of the persons who were shown on the website [ACC, 08-07-2010].

Opinion of the youngsters: Partially agree and partially disagree

According to a large majority of the youngsters, the website of Dropshot and Hotshot is attractive to peers (28 out of 37). The majority think especially the images (27 out of 37), the used language (25 out of 37), the music (21 out of 37) and the game (22 out of 37) on the website are attractive to their peers. Furthermore, most youngsters think the website is created to appeal to children and young people (22 out of 37) but the target group is between 18 and 30 years old (27 out of 37). Also, half of the minors share the opinion that the website stimulates drinking alcohol (19 out of 37). The opinion of the youngsters concerning the products Hothot and Dropshot is as follows: half of the minors thinks the drinks are created to appeal to youngsters (19 out of 37) but the majority share the opinion that especially people between 18 and 30 years are drinking this product (27 out of 37). Finally, the youngsters had the following opinion about the party which is recommended at the website: More than half of the youngsters think the party is not organised to specifically target children and minors (22 out of 37) and the large majority shares the opinion that the target group is above 18 years old (34 out of 37). However, when they are asked whether the party is attractive to their peers, 32 out of 37 said “yes” and more than half of them would have liked to go to the party (21 out of 37).

Furthermore, STAP filed 2 more complaints against De Kuypers Party meter campaign which are related to the themes ‘Misleading advertising’ and ‘Stimulation of excessive drinking’. According to STAP, the promotion of the products Dropshot and Hotshot as well as the slogan “it can always

be more festive” are in breach with **Article 1** of the Advertising Code for Alcoholic beverages because excessive alcohol consumption is encouraged. The slogan “it can always be more festive” is also expected to be in breach with **Article 6.1** of the Advertising Code for Alcoholic beverages because it would indicate an inhibiting effect of alcohol.

Judgment of the Advertising Code Committee: Not upheld

The complaints against **Article 1** and **Article 6.1** were not upheld by the Committee for the following reason: *“Solely the advertising of shots does not encourage excessive consumption. Furthermore, the slogan ‘it can always be more festive’ does not suggest the party is even more fun when drinking Dropshot and Hotshot. Neither does the slogan refer to the inhibiting effect of alcohol.”*[ACC, 08-07-2010]

Opinion of the youngsters: Disagree

According to the youngsters, the party and actions such as promoting shots, encourage young people to drink alcohol (33 out of 37). Furthermore, the majority says their peers usually drink shots in addition to the drinks they already drink (23 out of 37). They also think their peers will drink more than on average, if they would have gone to this party (23 out of 37).

General conclusion:

In general most of the youngsters think the website, the drinks and the party are targeted at people above 18 years. However, almost all questioned minors feel attracted to the website, the drinks and the party as well. Moreover, the youngsters find that the website and the party encourage excessive drinking, which is in contrast with the opinion of the Committee. The youngsters even admit they would drink more than average on this party.

Case 3: Canei- Ladies Party

In the summer of 2010 STAP filed three complaints against Canei, of which two with regard to minors. These two complaints concerned the campaign ‘Completely arranged Ladies Party’. The third complaint was related to the promotion of free alcoholic beverages, but will also be discussed below.

Completely arranged Ladies Party

Last summer Baarsma Wine Group advertised with various types of advertisements for its wine Canei. Canei is a well-known sweet sparkling wine available in three different flavours: white, rosé and peach. Because of its sweet taste this wine is particularly appealing to (young) girls.



Figure 5. 'Win a Ladies party at home!'

"Winning a completely arranged ladies party" was promoted in a magazine of Canei. The advertisement states: "Upload your best Canei-moment with your friends or colleagues and win a completely arranged Ladies Party for you and 10 friends!" The action was also promoted on the website www.canei.com (see Figure 5).

According to STAP the advertisement as well as the website of Canei is in breach with the following articles of the Code:

- **Article 10 ACA:** because advertising for alcoholic beverages shall not be specifically targeting minors. It is well-known that, at least in the Netherlands, Canei is a typical wine for girls who just start drinking because of its sweet taste. According to STAP the coloured letters and popular language 'Party Calendar' and 'Win a Ladies Party' to promote the wine, is specifically targeted at young people. The fact that many pictures that were uploaded as 'Canei-moments' depict minors, underlines that the wine is especially appealing to young adolescents.
- **Article 11 ACA:** because advertising for alcoholic beverages is not allowed to show persons who are or appear younger than 25 years. According to STAP, there are photos on the website of Canei that show persons who are definitely younger than 25 years.
- **Article 20 ACA:** because it is not allowed to advertise with free alcohol. According to STAP, it is suggested that the Canei wine is arranged for free after winning the game.

Judgment of the Advertising Code Committee: Partially upheld and partially not upheld.

The complaints against **Article 11** and **Article 20** were both upheld by the Committee for the following reasons: *“The announcement ‘Win a Ladies Party at your house’ is a public recommendation of the wine Canei. Given the context, it is sufficiently plausible that Canei will be served at the party. This is free offering of alcoholic beverages which is breach with **Article 20 ACA**. Furthermore, below the pictures on the website of Canei, on which are depicted people who are or appear younger than 25 years, is written: ‘We? We drink Canei!’ Following this line, one can assume that the young people on the pictures encourage drinking of alcoholic beverages. Encouraging of drinking alcoholic beverages by people who are or appear younger than 25 years is in breach with **Article 11 ACA**. The complaint against **Article 10** was not upheld by the Committee for the following reason: *“It is not clearly demonstrable that the colours and the popular language on the website and advertisement are especially appealing to young people. That particularly young people have uploaded pictures of Canei moments does not mean that the advertising is specifically targeted at them.”*[ACC, 12-10-2010]*

Opinion of the youngsters: Partially agree and partially disagree

According to the majority of the questioned youngsters, the persons who were depicted on the photos on the website certainly seemed 25 years or younger (35 out of 37). Furthermore, most youngsters thought the target group of the advertisement was above 18 (29 out of 37), but half of the youngsters thought the advertising was also designed to appeal to children and minors (19 out of 37). Furthermore, the youngsters’ opinion was that the advertising practise (26 out of 37), the images (27 out of 37) and the competitive element (22 out of 37) were attractive to peers. Also, they found the colours, language and characters used on the website very much connected to youth culture (32 out of 37). Lastly, the youngsters thought their peers would like to be present at the party depicted on the website of Canei (26 out of 37).

Conclusion:

According to half of the youngsters the advertisement of Canei is designed to appeal to minors and almost everyone judged the advertisement to be attractive to peers in many ways. Remarkably, the youngsters thought the colours, language and characters used on the website were very much connected to youth culture, which is completely contradictory to the judgment of the Advertising Code Committee. Nevertheless, yet they thought the target group of the advertising is above 18 years.

Case 4: Malibu- Special edition of bottle

In 2010, STAP filed one complaint against Malibu covering the theme Minors. It concerned the special edition of the Malibu bottle: 'Malibu By U'.

Malibu By U

Last summer Malibu launched a special edition bottle called: "Malibu By U". You buy a white bottle of Malibu and receive four markers in the colours: yellow, blue, black and orange. The aim is to 'pimp' or to 'customize' this bottle and to create your own coloured Malibu bottle (see Figure 6).

According to STAP, this way of marketing is specifically targeting minors. It is a variant of colouring a picture, where instead of drawing 2D pictures, you can now make drawings on a bottle. Especially youngsters would feel attracted to this action of Malibu and for this reason STAP expected that Malibu was acting in breach with **Article 10** of the Advertising Code for Alcoholic beverages. According to article 10, alcohol advertisements are not allowed to be specifically targeted at minors.



Figure 6. 'Malibu introduces the Limited Edition bottle 'Malibu by U'. Customize your own Malibu bottle!'

Judgment of the Advertising Code Committee: Not upheld

The complaint against **Article 10** was not upheld by the Committee for the following reason:

"Only the fact that the Malibu bottle can be designed in your own way by markers does not mean it is specifically targeted at minors."[ACC, 18-08-2010]

Opinion of the youngsters: Disagree

According to a large majority of the questioned youngsters, the advertisement of Malibu is attractive to their peers (28 out of 37). Especially the images (24 out of 37) and the used language such as 'pimpen' and 'customize' (25 out of 37) are judged to be attractive to minors. More than half of the youngsters thinks the advertisement is created to appeal to children and young people (24 out of 37), but only 7 out of 37 youngsters think the target group is people under 18. About the drink Malibu itself, less than half thinks it is created to appeal to children and young people (16 out of 37) and almost nobody thinks Malibu is targeting people under 18 (3 out of 37).

This is a quote of one of the youngsters: *“It seems attractive to children (drawing), while they are advertising for alcohol which is for people above 16 years, this is confusing.”*

Conclusion:

In contrast with the opinion of the Committee, the youngsters find the advertisement appealing to their peers and more than half thinks the advertisement is targeted at them. Remarkably, the used images and language in the advertisement is just what appeals to them, while the Committee claims this is not the case.

Case 5: Grolsch- All around

In 2010 STAP filed one complaint against Grolsch covering the theme Minors. It concerned the commercial ‘All Around’ which was aired on TV last summer. A second complaint against this commercial has been filed concerning ‘the inhibiting effect of alcohol’. Both will be explained below.



Figure 8. A boy traveling by bus abroad with the text ‘To not making a career’

All around

From July 22 to August 2 2010 a new commercial for Grolsch was aired on several Dutch TV stations. In the commercial called ‘All around’ a couple of scenes are shown in which young people can be seen, just doing something differently than normal. Each scene a different ‘statement’ of Grolsch is shown, referring to something that can be toasted to. A few examples are:

“To doing what comes to mind”- Youngsters jumping with their clothes on in a lake (see Figure 7).

“To not making a career”- A boy is shown travelling by bus abroad (see Figure 8).

“To something new”- Music is made by mobile phones.

“To Grolsch”- Three hands toasting with green bottles of Grolsch.

“To doing what feels right”- Green bottle with Grolsch logo.



Figure 7. Youngsters jumping with their clothes on in a lake.

According to STAP the Grolsch commercial was in breach with the following articles of the Code:

- **Article 11 ACA:** because advertising for alcoholic beverages may not show persons who are or appear younger than 25 years. First of all, STAP questions the age of the models used in the different scenes, they seem younger than 25. In addition, the theme of the first scene 'to do what comes to mind' fits well to a younger audience, which is often impulsive in life.
- **Article 6 ACA:** because advertising for alcoholic beverages may not: indicate an inhibitory effect of alcohol, be related to possible beneficial health effects of alcohol or suggest that alcohol improves physical or mental performance. In the last scene three young people toasting with bottles of Grolsch are displayed, while the next sentence appears: 'To doing what feels right'. According to STAP, this sentence suggests that drinking Grolsch feels right, and thus that drinking alcohol has possible beneficial effects on health.

Judgment of the Advertising Code Committee: Not upheld

The complaints against **Article 11** and **Article 6** were not upheld by the Committee for the following reasons: *"After checking the birth dates of the models it was revealed that none of them was younger than 25 years old. We are also in the opinion that the models used in the scene do not seem younger than 25 years. Furthermore, toasting with Grolsch bottles to 'doing what feels right' does not refer to possible beneficial health effects of alcohol, but obviously to the previous scene in which a unique way of life was portrayed."*[ACC, 09-09-2010]

Opinion of the youngsters: Disagree

According to a large majority of the youngsters the people depicted in the commercial look young (28 out of 37) and seemed younger than 25 years old (25 out of 37). They also share the opinion that the commercial is attractive to their peers (30 out of 37), especially the used images (31 out of 37), the language (31 out of 37), the activities done by people (33 out of 37) and the used style (33 out of 37) which fits to youth (characters, music, colours). Most of the youngsters also think

the commercial suggests that drinking alcohol 'feels good' (34 out of 37) and contributes to social success (24 out of 37). Lastly, most of the youngsters do not think this commercial is created to appeal to children and young people (23 out of 37).

Conclusion:

According to most of the youngsters, the people depicted in the commercial seem younger than 25 years, which is contradictory to the opinion of the Committee. Another difference of opinion between the Committee and the youngsters concerns the sentence: 'doing what feels right' by toasting with Grolsch bottles. According to the youngsters, this suggests drinking alcohol 'feels right' but the Committee does not agree with this. The Committee believes the sentence refers to the previous scenes about a unique way of life. However, both parties believe the commercial is not aimed specifically at minors and young people.

Case 6: Gall & Gall- Sinterklaas

In 2010 STAP filed two complaints against the Dutch chain of liquor stores Gall & Gall with regard to the theme Minors. The advertising practice concerned a new magazine referring to the arrival of 'Sinterklaas' (a typical Dutch 'holy man' who brings presents to children after they put their shoes below the chimney. NB. He is not the same as Santa Claus). A second complaint against this print ad has been filed concerning the theme 'decency'. Both will be explained below.

Figure 9. Sinterklaas with a glass of champagne with to text 'to a wonderful weekend'



“Sinterklaas”

On the front page of the new brochure of Gall & Gall, 'Sinterklaas' is depicted with a glass of champagne in his hand. This is shown both on the website and in the brochure (see Figure 9).

Furthermore, in the brochure 'Zwarte Pieten' (Sinterklaas'helpers) are depicted, standing among alcoholic beverages. Also, it is shown that adults received some alcoholic drinks as a Sinterklaas gift in their shoes.

According to STAP the Gall & Gall brochure and website were in breach with the following two articles of the Code:

- **Article 10 ACA:** because advertising for alcoholic beverages must not be specifically targeted at minors. According to STAP, 'Sinterklaas' and 'Zwarte Piet' are teenage idols, which is not allowed in alcohol advertising. Also the expression that Gall & Gall is the 'favourite shop' of 'Sinterklaas', suggests that 'Sinterklaas' gives only alcoholic beverages as a present to everyone (including children).
- **Article 5 ACA:** because advertising for alcoholic beverages may not be in breach with decency or undermine human integrity). For this reason, STAP observed depicting 'Sinterklaas' and 'Zwarte Piet' in a brochure of alcoholic beverages in breach with the Code.

Judgment of the Advertising Code Committee: Not upheld

The complaints against **Article 10** and **Article 5** were not upheld by the Committee for the following reasons: *"One cannot say Gall & Gall is specifically targeting children, because 'Sinterklaas' is also a celebration for adults. Moreover, the presents are aimed at adults and the shoes that are shown have large sizes."*[ACC, 23-12-2010]

Opinion of youngsters: Partially agree and partially disagree

According to a large majority of the youngsters, this advertising practice is not attractive to their peers (29 out of 37), and more than half of them thinks neither for children under 12 years (21 out of 37). However, all of the questioned youngsters have the opinion 'Sinterklaas' is a teenage idol (37 out of 37) and should not be used in alcohol advertisements (25 out of 37).

Conclusion:

Even though the questioned youngsters do not feel attracted to the advertising practice, they all have the opinion that 'Sinterklaas' is a teenage idol (although the Committee does not agree with this). According to article 10, using teenage idols in alcohol advertising is forbidden. Moreover, a large majority of the rating panel thinks Sinterklaas should not be used in alcohol advertisements.

5.2 Theme: Social, Sexual and Sportive success

Judgment complains on the subject of Social, Sexual and Sportive success

In 2010, 11 complaints (14 % of the total number of complaints) were filed that were related to social, sexual or sportive success associated with alcoholic beverages. The Dutch Advertising Code for Alcoholic beverages includes 3 articles concerning social, sexual and sportive success in which, amongst other things, is stated that advertising may not suggest that alcohol contributes to social, sexual and/or sportive success. Of the 11 complaints on the subject of social, sexual and sportive successes 0 were upheld and 11 were not upheld by the Committee. Below, the advertisements on the topic of social, sexual and sportive success used in the AMMIE project will be described.

Advertisements on the subject of Social, Sexual and Sportive success used in the AMMIE project

Case 7: Bacardi- Island

In 2010 STAP filed one complaint against Bacardi that covered the theme 'social and sexual success'. It concerned the television and cinema commercial 'Bacardi Island' which was aired on TV last spring. Two other complaints against this commercial were filed concerning the themes 'stimulating excessive drinking' and 'adherence to the letter of the Code, but not to the spirit'. All complaints will be explained below.

Bacardi Island

The commercial shows how dozens of boats with young, popular people are going to a point in sea where they create an island with big stones. On the boats wooden boxes with bottles of Bacardi rum and limes are present (see Figure 10). While the island is being decorated (they put down a palm tree for example), other people are busy cutting limes, one of the ingredients characteristic for the Bacardi Mojito cocktail. A festive crowd lets lanterns into the air while they are enjoying Bacardi rum (this is obviously depicted). The commercial gives the impression that the people on the island are partying the entire night with the brought boxes of Bacardi rum. At the end of the commercial the sunrise is shown and the island disappears. Water or soft drinks have not been shown during the commercial. The only thing that seemed to be available for the

people on the island was Bacardi rum. Men and women were dancing erotically (= bijwoord) with each other on the party (see Figure 11).



Figure 10. On the boats wooden boxes with bottles of Bacardi rum and limes are present



Figure 11. Men and women are dancing erotically with each other

According to STAP the commercial of Bacardi is in breach with the following three articles of the Advertising Code for Alcoholic beverages and the Dutch Advertising Code:

- **Article 8 ACA:** because advertising for alcoholic beverages may not give the impression that there is a causal relation between the consumption of alcoholic beverages, and having social or sexual success. For this reason, STAP considered this commercial in breach with the Code because drinking Bacardi is obviously associated with exuberant partying (until sunrise) and seducing each other. Several people are shown partying while they are holding a glass of Bacardi Mojito in their hands. **Article 1 ACA:** because advertising for alcoholic beverages may not stimulate or suggest excessive drinking. According to STAP the commercial suggests and stimulates excessive drinking because of all the boxes of Bacardi rum, the amount of cut limes(lemon = citroen, lime = limoen), the lack of non-alcoholic beverages as an alternative to Bacardi, the exuberant partying people and the suggestion that de party is going on all night long. Usually people do not party all night long with one drink.

- **Article 16 DAC:** because the Dutch Advertising Code should not only be adhered to the letter, but also to the spirit. Through this image of alcohol in the media, young people develop a stronger association between drinking alcohol and social or sexual success. The code was originally designed to protect young people against this. Therefore, the code should also be adhered to the spirit.

Judgment of the Advertising Code Committee: Not upheld

The complaints against **Article 8**, **Article 1** and **DAC Article 16** were not upheld by the Committee for the following reasons: *“Given the fact that a large amount of cut limes and a box with bottles of Bacardi rum was brought along does not suggest excessive or irresponsible drinking, because of the amount of people present on the island. Also given the fact that no non-alcoholic beverage has been served, or that there was going on a long and exuberant party, does not lead to a different conclusion. Nor can it be considered that in the advertising suggest a causal link between the consumption of alcoholic beverages and sexual / social success, as defined in Article 8. Neither can dancing people be counted as social or sexual success. The fact that the Code should also be adhered to the spirit does not lead to a different conclusion”* [ACC, 21-07-2010].

Opinion of the youngsters: Partially agree and partially disagree

Although the Committee does not think the commercial gives the impression there is a causal relation between drinking alcohol and social or sexual success, 21 out of 37 youngsters answered ‘yes’ on the question whether they think their peers would have more social success when drinking Bacardi. On the question whether the commercial encourages children and young people to drink alcohol, more than half of the youngsters disagreed (20 out of 37). Furthermore, the Code should not only be adhered to the letter, but also to the spirit because many alcohol commercials are still appealing to youngsters in many ways, despite the Code. This is also evident from the questioned youngsters whether this commercial is appealing to them: a large majority thinks this commercial is attractive to their peers (33 out of 37), especially the party element (35 out of 37), the used images (35 out of 37), the language (25 out of 37), the music (33 out of 37) and the styles which fit to youth culture (29 out of 37). Nevertheless, the youngsters do not think the commercial is specifically targeted at them (25 out of 37).

Conclusion:

The youngsters do not agree with the Committee that the commercial does not suggest social success; the majority thinks their peers would have more social success by drinking Bacardi. More than half of the youngsters shared the same opinion as the Committee about stimulating drinking; they do not think the commercial encourage drinking alcohol. Despite the fact that no

causal relationship was shown between drinking Bacardi and having social success, most of the youngsters think there is an association insinuated. For this reason STAP refers to article 16 of the Dutch Advertising Code which argues not only to adhere to the letter of the Code, but also the spirit. In addition, the Code has been set up to protect young people against attractive alcohol advertisements but the advertisements are still appealing to them despite the fact they are not specifically 'targeted at' youngsters.

Case 8 and 9: Bavaria- Masseuses and Balls

In 2010, STAP filed two complaints against Bavaria covering the theme 'social and sexual success'. It concerned two advertisements in the 'Football International' magazine last year, named 'Bavaria masseuses' and 'Bavaria balls'. Two other complaints against the advertisement 'Bavaria balls' were filed concerning the topics 'decency' and 'adherence to the letter, but not to the spirit of the Code'. All complaints will be explained below.

Bavaria Masseuses

The advertisement in the magazine 'Football International' portrays two sexy ladies with a short white dress. They look seductively into the camera, while they are massaging the legs of a man lying on the massage table. Below one can read the text: '*Sexy masseuses in your changing room? Go fast to BavariaUnited.nl*' (see Figure 12).

According to STAP, the advertisement of Bavaria is in breach with **article 8** of the Advertising Code for Alcoholic beverages, which stated that advertising for alcoholic beverages may not give the impression that there is a causal relation between the consumption of alcoholic beverages, and having social or sexual success. According to STAP, this advertisement generates an association between drinking Bavaria and having sexual success, namely: a massage by two sexy women.

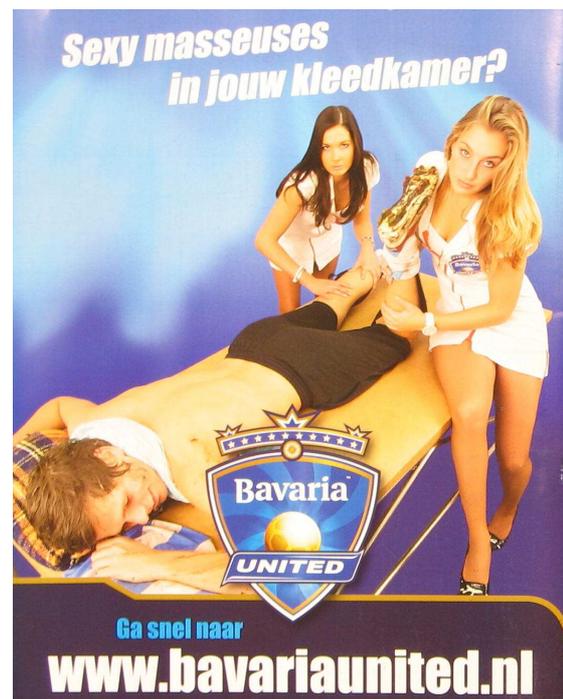


Figure 12. 'Sexy masseuses in your changing room? Go fast to www.bavariaunited.nl!'

Judgment of the Advertising Code Committee: Not upheld

The complaint against **Article 8** was not upheld by the Committee for the following reasons: “*Two sexy masseuses who are massaging the legs of a sportsman cannot be interpreted as sexual success. Moreover, it cannot be considered that alcoholic beverages have been consumed. So, there is no impression that there is a causal relation between the consumption of alcohol and - insofar relevant here- sexual success*” [ACC, 05-07-2010].

Opinion of the youngsters

According to the majority of the youngsters, the advertisement does not seem to be an alcohol advertisement (21 out of 37). Most youngsters think the advertisement is attractive to their peers (27 out of 37).

Conclusion:

Despite the fact that, erroneously, nothing has been asked with regard to the suggestion of sexual success, most youngsters thought it was not an alcohol advertisement in the first place. This means that the advertisement does not lead to associations with beer. Moreover, many of the youngsters think the advertisement is attractive to their peers. Concerning the opinion of the Committee, not much can be compared with the opinion of the youngsters.



Figure 13. ‘With us, your balls are in good hands! An entire day of treatment for your team by the Bavaria babes.’

Bavaria Balls

The second advertisement in the magazine ‘Football International’ portrays two sexy Bavaria babes with a blue Bavaria dress. Above the advertisement the text was placed: “*With us, your balls are in good hands! An entire day of treatment for your team by the Bavaria babes*” and at the bottom it states: “*Go for a date to BavariaUnited.nl.*” (See Figure 13).

According to STAP, the advertisement of Bavaria is in breach with the following three articles of the Advertising Code Committee and the Dutch Advertising Code:

- **Article 5 ACA:** because advertising for alcoholic beverages may not be in breach with decency or undermine human integrity. Although the

ad is intended to be ambiguous, and balls probably referred to *football* balls, the first

- impression is a very sexually one. It creates the impression that the Bavaria babes will take care of the balls of men. According to STAP, it is suggested that the babes can be hired for sexual acts (as if the babes are 'prostitutes').
- **Article 8 ACA:** because advertising for alcoholic beverages may not give the impression that there is a causal relation between the consumption of alcoholic beverages, and having social or sexual success. For this reason, STAP considered this advertisement to be in breach with the Code, because drinking Bavaria is obviously associated with the Bavaria girls who 'take care' of the balls of men.
 - **Article 16 DAC:** because the Dutch Advertising Code should not only be adhered to the letter, but also to the spirit. Although the consumption of Bavaria is not literally showed, the association between drinking Bavaria and sexual success ('with us, your balls are in good hands') has been obviously be presented, according to STAP. The code should also be adhered to the spirit, and not only to the letter.

Judgment of the Advertising Code Committee: Partially upheld, partially not upheld

The complaint against **Article 5** was upheld by the Committee for the following reasons: *"This ad has exceeded the allowable limit. Due to the lack of any subtlety in the used text in the add, this can hardly be called ambiguous. The invitation to go to the website for a date in combination with the offer of the ladies, leaves little room for other thoughts than one can have a date with a sexual intent."* The complaints against **Article 8** and **Article 16 DAC** were not upheld by the Committee for the following reasons: *"One cannot say there is a causal relation between the consumption of alcoholic beverages and sexual success. The fact that the invited ladies were presented as 'Bavaria babes' is insufficient to speak of a causal relation, in spite of the complainants rely on **DAC Article 16.**" [ACC, 03-12-2010].*

Opinion of the youngsters: Disagree

Although the Committee does not think this advertisement suggests sexual success, a large majority of the youngsters answered 'yes' on the question whether this advertisement links drinking alcohol to sexual success (24 out of 37). They also think the advertisement is attractive to their peers (29 out of 37), especially the used images (34 out of 37) and the language (31 out of 37). Finally, according to the majority of the youth panel, the target group is between 18 and 25 years old (34 out of 37).

Conclusion:

Unlike the judgement of the Committee, most of the youngsters think this advertisement links drinking alcohol to sexual success. Despite the fact there is no causal relationship between drinking Bavaria and having sexual success, yet the youngsters think there has been an

association insinuated. For this reason STAP refers to article 16 of the Dutch Advertising Code which argues to not only adhere to the letter of the Code, but also to the spirit.

Case 10: Jupiler- The Gathering

In 2010 STAP filed one complaint against Jupiler covering the theme 'sportive success'. It concerned the television commercial 'The Gathering' which was aired on TV in April. Two other complaints against this commercial were filed concerning the themes 'stimulating excessive drinking' and 'adherence to the letter of the Code, but not to the spirit'. All complaints will be explained below.

The Gathering

The Jupiler commercial shows how a couple of (male) friends are practicing several sports activities in the mountains. Successively we see them climbing, canoeing, mountain biking and playing football. During the canoe trip a net of more or less 9 or 10 cans of Jupiler was shown (see Figure 14). The men are shown playing football until it gets dark (see Figure 15). At the end the scores '2-3 and '4-2' are written on a stone. During the football game the men were drinking Jupiler beer.

According to STAP the commercial of Jupiler is in breach with the following three articles of the Advertising Code Committee and the Dutch Advertising Code:

- **Article 6.4 ACA:** because advertising for alcoholic beverages may not suggest that the consumption of alcoholic beverages enhances the sporting performance. According to STAP, it is not entirely clear whether the sports performance in reality may



Figure 14. Cans of Jupiler during the Canoe trip

or may not have been influenced by Jupiler. Both teams won and lost one time, but no one knows exactly how this happened. However, it is suggested that the men play better by drinking Jupiler, whether or not this is really the case. After all, Jupiler has been consumed while playing football. For this reason STAP believed the commercial to be in breach with article 6.4.

- **Article 1 ACA:** because advertising for alcoholic beverages may not stimulate or suggest excessive drinking. According to the advice of the Dutch Health Council, a grown man who chooses to drink alcohol should not consume more than two alcoholic units per day. This means that drinking two cans of Jupiler already exceeds this limit. During the canoe trip, more than 2 cans of Jupiler beer were shown per person. Because the men are playing football until it gets dark, the suggestion is being made that all the beer will be consumed in one evening. For this reason STAP believes the commercial is in breach of Article 1.
- **Article 16 DAC:** because the Dutch Advertising Code should not only be adhered to the letter, but also to the spirit. According to STAP there is no causal relationship, but the suggestion is made between drinking Jupiler and enhanced sporting performance. For this reason the Code should also be adhered to the spirit.

Judgment of the Advertising Code Committee: Not upheld

The complaints against **Article 6.4**, **Article 1** and **Article 16 DAC** were not upheld by the Committee for the following reasons: *“Practically, no alcohol has been consumed before or during the sport activities, for this reason the commercial is not in breach with **Article 6.4**. Nor is the commercial in breach with **Article 1**, because it is not clear how many cans of Jupiler were shown during the commercial. Moreover, they only show the men toasting and taking a sip of beer at the end of the day. Excessive consumption is therefore not encouraged. The fact that the Code should also be adhered to the spirit does not lead to a different conclusion.”* [ACC, 24-06-2010].



Figure 15. Men playing football

Opinion of the youngsters: Agree

The youngsters agree with the opinion of the Committee that the commercial does not show an activity which can be done better by drinking alcohol (31 out of 37). Neither do they think that the product (Jupiler) enhances the physical sport performance (35 out of 37). With regard to the question of how much the men are drinking in the commercial, the opinions were spread: 8 thought 0-1 glass, 17 thought 2-3 glasses, 9 thought 3-4 glasses and 3 thought the men were drinking more than 5 glasses. Yet, the majority does not think drinking alcohol is being

encouraged in this commercial (20 out of 37). However, 20 out of 37 have the opinion that their peers would have more social success by drinking Jupiler. Also, the majority believes the commercial is appealing to their peers (25 out of 37).

Conclusion:

The Committee and the majority of the youngsters have the same opinion regarding the belief that this commercial does not suggest that drinking beer enhances the sport performance and does not stimulate (excessive) drinking. Nevertheless, the commercial is still appealing to youngsters.

Case 11: Heineken- Honouring World Cup

In 2010, STAP filed 15 complaints (20% of the total number of filed complaints) against Heineken, of which four covering the theme 'social and sportive success'. Two of these concerned the honouring of the Dutch national team after the World Cup football last summer. The eight other complaints against this celebration concerned several other themes. All complaints will be explained below.

Honouring of the Dutch national team after the World Cup 2010

Last summer, the Dutch national team was honoured in Amsterdam for becoming second on the World Cup 2010. The honouring of our 'football heroes' like Wesley Sneijder, Dirk Kuyt and Giovanni van Bronckhorst was a real 'Heineken Honouring'.

Here are some examples of how Heineken used this event to advertise:

- On the boat of the football heroes free crates of Heineken were placed, in a visible spot. Wesley Sneijder sprayed beer out of his bottle, as if it were champagne.
- During the boat trip through the canals the players were visible with green Heineken bottles in their hand and with big mugs of Heineken beer (see Figure 17).



Figure 16. Thousands of fans along the canals waving "Bertje" flags and wearing "Bertje t-shirts and 'Pletterpetten'

- A promotion team of Heineken distributed free 'Pletterpets' to people along the canals. The 'Pletterpet' was the orange Heineken gadget of the World Cup 2010.
- Promotion teams of Heineken distributed free flags and t-shirts with the text 'Bertje' to passers-by. The flags and the t-shirts had also been distributed by supermarket Albert Heijn and by several bars and restaurants. "Bertje", written in the typical letter type of Heineken, referred to the coach Bert van Marwijk. Cleverly Heineken made use of their previous popular pay-off "Biertje" (which refers to 'beer').
- Thousands of fans along the canals waved with "Bertje" flags and wore "Bertje" t-shirts and 'Pletterpets' (see Figure 16).
- Also the football players made use of the "Bertje" flags, both on the boat and on the stage of honour.
- At the stage of honour behind the players, Heineken was depicted as the big sponsor. A giant Heineken beer mug was shared and held up by the players, as if it was the World Cup trophy.
- At the end a large canvas was hung on the Heineken Experience with the text: "Bertje, it was fantastic!" (See Figure 18).
- Not only the event attracted hundred thousands of visitors to Amsterdam, also on TV the 'Heineken Honouring' was visible many times. This way, Heineken reached an enormous amount of people with its sponsor action. Images in the daily television news broadcast at 20.00 showed, amongst other things, Wesley Sneijder drinking from a huge mug of Heineken beer (see Figure 17).

In short, the honouring of the Dutch national team was immersed in Heineken beer. According to STAP, this sponsor action of Heineken was in breach with the following ten articles of the Advertising Code Committee:

- **Article 1 ACA:** because advertising for alcoholic beverages may not stimulate or suggest excessive drinking. According to STAP, the images of the honouring in which football players were shown drinking from a large mug of Heineken beer were suggesting excessive drinking by the players. . Also the football players were drinking bottles of Heineken on the boat.



Figure 17. Two football players of the Dutch national team drinking a mug of Heineken beer.

This suggests that it is normal to drink (much) on such events.

- **Article 6.4 ACA:** because advertising for alcoholic beverages may not suggest that the consumption of alcoholic beverages enhances sporting performance. According to STAP, the football players of the national team are that tightly related to sport, that they implicitly suggest drinking alcohol does not adversely affect the sport performance by drinking Heineken beer (heavily).
- **Article 10 ACA:** because advertising for alcoholic beverages may not be specifically targeted at minors. In the explanation of article 10 it is stated that teenage idols may not be used. Probably, many boys have posters of great football stars such as Wesley Sneijder, Dirk Kuyt and Raphael van der Vaart hanging on their bedroom wall at home. According to STAP, these are teen-age idols who serve as role models for children.
- **Article 11 ACA:** because advertising for alcoholic beverages must not show persons who are or appear younger than 25 years. According to STAP, minors were also in the possession of promotional gadgets such as the 'Pletterpet', which means they also advertise for Heineken.
- **Article 13 ACA:** because offering of promotional items of alcohol brands free of charge to persons who have not yet reached the legal age for purchasing the alcoholic beverage concerned, is not permitted. According to STAP, the Heineken gadgets were distributed for free and in addition, also to minors.
- **Article 15 ACA:** the advertising of alcoholic beverages at events is not permitted if it can be reasonably assumed that it will disturb public order and/or the event. According to STAP, Heineken took a risk by advertising extensively during the honouring of the Dutch national team. This is because there was a large group of spectators (700.000 people), who were probably inclined to excessive drinking on such a (festive) day. Research shows that excessive drinking can result in aggression and other public order related problems.
- **Article 17 ACA:** because advertising for alcoholic beverages may not suggest a relationship between the consumption of alcoholic beverages and active traffic participation. Where on a vehicle a recommendation for alcoholic beverages has been shown, a clearly legible warning against active traffic participation after consuming alcohol need to be visible as well. According to STAP, on the players' boat several public recommendations for alcoholic beverages such as bottles, mugs and flags has been shown. However, a clearly legible warning against active traffic participation after consuming alcohol was missing.
- **Article 21 ACA:** because advertising messages for alcoholic beverages of any type may not reach an audience which consists of twenty-five percent (25%) or more of minors. The world champion cup took place last summer, so all kids had holidays. STAP wonders

whether Heineken reached more than 25% minors with the television broadcast of the honouring . Also at the event itself in Amsterdam many young people were present. For this reason STAP thinks Heineken might have acted in breach with article 21 and article 22 of the Advertising Code Committee.

- **Article 22 ACA:** because advertising messages for alcoholic beverages shall not be broadcasted on radio or television immediately before, during or immediately after programmes that reach an audience consisting of 25% minors or more.
- **Article 28 ACA:** because advertisements for alcoholic beverages may not be carried by an individual sports person or sports team or on attributes that the sports person uses in the active sports practice. According to STAP, article 28 was violated several times during the honouring: the players held up bottles and mugs of Heineken and waved with “Bertje” flags, Raphael van der Vaart wore a “Bertje” t-shirt and Sneijder wore a t-shirt with the Heineken logo.

Judgment of the Advertising Code Committee: Not upheld

The complaints against all aforementioned articles were not upheld by the Committee for the following reasons: *“With regard to **Article 1**, the Heineken mug has not been designed for only one person, but for sharing beer with more people. Also soft drinks were available on the boat, so for this reason it cannot be said that excessive drinking was being stimulated. Concerning **Article 6.4**, the fact that the players were having a beer does not suggest that drinking alcoholic beverages enhances sporting performance. Regarding **Article 10**, football players are not regarded as teenage idols and moreover, Heineken cannot be responsible for the fact that the football players drinking alcohol during the honouring. With regard to **Article 11 and 13**, Heinekens promotion team was explicitly instructed not to distribute the gadgets to minors. Furthermore, Heineken cannot be held responsible for minors wearing those gadgets. Regarding **Article 15**, the advertising and the promotional gadgets of Heineken are nothing of the kind that they cause disturbance of public order. With regard to **Article 17**, about the fact that the players drinking Heineken on the boat and waving with ‘Bertje Flags’, one cannot speak about recommendation of alcoholic beverages on the way it was meant in Article 17. With regard to **Article 21 and 22**, it is likely that the public at the honouring consisted of less than 25% of minors, because the total Dutch population consists of 16.5% of minors and the pictures showed that the audience consisted of mainly adults. Furthermore, the avertertiser is not responsible for news broadcasts. Concerning **Article 28**, of the fact that some players wore “Bertje” gadgets, cannot be said that Heineken was advertising for alcoholic beverages on an ‘individual sportsmen or sport team’. Nor does the text ‘Bertje’ violates the article. With this, there is not being advertised for alcohol on a sportsman or sport team.” [ACC, 21-07-2010].*

Opinion of the youngsters: Partially agree and partially disagree

According to almost all youngsters, Heineken took the honouring of the Dutch team as an opportunity for extra advertising (36 out of 37). Furthermore, more than half of the youngsters agreed with the question whether 'Bertje' is obviously advertising for Heineken (20 out of 37). Finally, almost everyone thinks Dutch football players are teenage heroes (31 out of 37) and a large majority thinks Dutch football players are role models for young people (30 out of 37). Nevertheless, the youngsters do not agree with the question whether the football players should better not drink alcohol on these occasions for the aforementioned reasons (6 out of 37).

Conclusion:

More than half of the youngsters do not agree with the judgement of the Committee regarding the 'Bertje' flags: they just think these are obviously referring to Heineken. Furthermore, according to the youngsters, football players are teenage heroes and role models for young people which is in contrast with the opinion of the Committee. Even so, the youngsters think the football players are allowed to drink alcohol on these occasions. One youngster wrote: *"we can't impose everything upon them; they are also 'just people'."*



Figure 18. At the end of the World Cup a large canvas was hung at the Heineken Experience with the text: "Bertje, it was fantastic!"

Case 12: Hooghoudt- Party like Royalty

In 2010, STAP filed 3 complaints against the Dutch distiller Hooghoudt, of which one was covering the theme 'social success'. It concerned the advertisement called 'Party like royalty' that was published in several magazines last year. The two other complaints that were filed against this advertisement were regarding the themes 'stimulating excessive drinking' and 'minors'. All complaints will be explained below.



Figure 19. Advertising with depicted festive people with a Hooghoudt cocktail in their hands.

Party like Royalty

According to several advertisements of Hooghoudt, 'going out' is 'sooo 2009'. There is a new way of going out, namely partying at home. Home parties can be best done with Royalty cocktails such as the Mojito cocktail. On one of the advertisements a couple of festively dressed people were depicted with a Hooghoudt cocktail in their hands.

Above the following text was placed: 'Party like royalty'. And below the

text: *'Party like royalty is discrete partying with the privacy of your own house. Your house will be a Royalty House: your private party castle. And with the exclusive pre-mixed Cocktails of Royalty you are set to go. For tips for the perfect home party and for more information about the products of Royalty, surf to www.royaltyathome.nl'* (see Figure 19).

According to STAP, the advertisement of Hooghoudt is in breach with the following three articles of the Advertising Code for Alcoholic Beverages:

- **Article 8 ACA:** because advertising for alcoholic beverages may not give the impression that there is a causal relation between the consumption of alcoholic beverages and having social or sexual success. According to STAP, the advertisement suggests that drinking Hooghoudt will make you royal. Your house will be transformed into a royal house with the Hooghoudt cocktails. Becoming royal by drinking Hooghoudt cocktails is obviously suggesting a form of social success.
- **Article 1 ACA:** because advertising for alcoholic beverages may not stimulate or suggest excessive drinking. According to STAP, several expressions on the website are in breach with Article 1: Under the heading 'How does it work' it is stated: *'The next day you can (with a slight hangover) upload your photos'* and under the heading 'Royal evening' it is stated: *'Of course you will not make it through the evening completely without damage. Getting up with a head pounding hard, but not because of great memories?'* Both expressions obviously suggest excessive drinking because of the hangover (headache) the day after the party.
- **Article 11 ACA:** because advertising for alcoholic beverages must not show persons who are or appear younger than 25 years. On the website several photos are visible depicting persons who appear or are younger than 25 years old (see Figure 20).

Judgment of the Advertising Code Committee: Partially upheld and partially not upheld

The complaint against **Article 8** was not upheld by the Committee for the following reason: *‘Consumers will understand that the foregoing statements in combination with the name of the brand ‘Royalty’ refers to a product meant for festive events and which could also be used at home parties. For this reason the product does not suggest social success.’* **Article 1** and **Article 11** were upheld by the Committee for the following reasons: *“The words ‘hangover’ and ‘pounding of the head’ refer to excessive drinking on the evening before.”* The advertiser agreed with this judgement and deleted or improved these statements on the website. *“Furthermore, the advertiser admitted the complaint concerning the persons on the photos who seemed or were younger than 25 years old was valid. The photos wereremoved.”* [ACC, 24-11-2010].

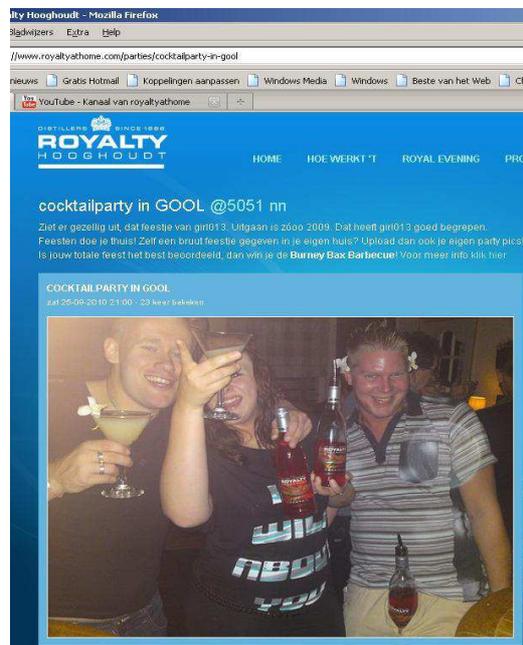


Figure 20. Website of Royalty Hooghoudt depicting (drunk) youngsters with alcoholic beverages.

Opinion of the youngsters: Partially disagree and partially agree

Contrary to what the Committee thinks, a large majority of the youngsters believe drinking alcohol is linked to having social success in the advertisement (26 out of 37). Furthermore, the youngsters do agree with the Committee that the texts ‘hangover’ and ‘pounding head’ are referring to excessive drinking (36 out of 37), and are encouraging drinking (19 out of 37). They also agree with the Committee that the people on the photos seem young (21 out of 37), most of the youngsters think they are younger than 25 years (23 out of 37). Finally, half of the youngsters do not think the advertisement is appealing to them (19 out of 37) or is specifically targeted at young people (33 out of 37). However, most youngsters think the pictures of young people depicted on the website are attractive to them (20 out of 37). Moreover, a large majority agrees with the questions whether organizing parties at home is appealing to peers (32 out of 37), whether organizing parties at home is typically something what young people do (26 out of 37) and whether their peers drink more at a house party than in a pub (28 out of 37).

Conclusion:

Generally, the youngsters do agree with the Committee except for the judgement regarding the suggestion of social success. In contrast with the Committee, most of the youngsters think the

advertisement suggests a relationship between drinking alcohol and having social success. Remarkably, although the youngsters do not think the advertisement is specifically targeted at them, they do feel attracted to the advertisement in many ways.

Case 13: Petrikov vodka

In 2010, STAP filed 2 complaints against Petrikov vodka, of which one was covering the theme of 'social success'. It concerned an advertisement called 'It starts with Petrikov' in a cooking magazine last September. The other complaint that was filed against this advertisement concerned the theme 'minors'. Both complaints will be explained below.



Figure 21. 'It starts with Pertikov'

It starts with Petrikov

The ad is advertising for three different flavours of Petrikov vodka: Juicy Red (red orange), Petrikov Purple (blackthorn berry) and Limy Blue (lime). On the right the following text was placed: *'IT STARTS WITH*

PETRIKOV' and below the text: *'The Mixables! Petrikov is the perfect mix of the purest Petrikov vodka and aromas of fresh fruit. Petrikov is available in the flavours Purple, Blue and Red. An evening with friends: cosy at home or in your favourite club. Wherever you are, there is Petrikov. Discover your ultimate taste and mix it with Petrikov. For an evening to remember! Check out the best mix tips on www.petrikov.nl.* (See Figure 21)

According to STAP the advertisement of Petrikov is in breach with the following two articles of the Advertising Code Committee:

- **Article 8 ACA:** because advertising for alcoholic beverages may not give the impression that there is a causal relation between the consumption of alcoholic beverages and having social or sexual success. According to STAP, the statements *'It starts with Petrikov'* and *'For an evening to remember'* point to the fact that the evening will be unforgettable by the presence and drinking of Petrikov vodka. The evening 'starts with Petrikov' in other words means that the availability of Petrikov vodka contributes to a nice

evening; you even have to 'start' with it. STAP believes that these statements suggest social success by drinking Petrikov.

- **Article 10 ACA:** because advertising for alcoholic beverages may not be specifically targeted at minors. According to STAP, the design and the colours of both the bottles of Petrikov vodka as well as the advertisement itself are attractive to minors. The cheerful colours of the bottles are reminiscent of Bacardi Breezer, which is still popular, particularly among girls. Petrikov vodka seems to be a sweet mix drink, which is especially attractive to youngsters and less to adults.

Judgment of the Advertising Code Committee: Not upheld

The complaints against **Article 8** and **Article 10** were not upheld by the Committee for the following reasons: *“Although, the statements in the advertisement are recommending Petrikov vodka, the sentence ‘an evening to remember’ does not suggest Petrikov vodka contributes to social success. Furthermore, the colourful design of the bottles and advertisement do not mean the ad is specifically targeting youngsters.” [ACC, 24-11-2010].*

Opinion of the youngsters: Partially agree and partially disagree

Most of the youngsters agree with the Committee that the advertisement does not suggest that Petrikov vodka contributes to social success (25 out of 37). Furthermore, the majority of the youngsters is of the opinion that the product of this advertisement is not specifically targeted at children and young people (24 out of 37). Most of them think the target group of this advertising is between 18-25 years old (31 out of 37) and that the drinkers of Petrikov vodka are above 25 years old (26 out of 37). Nevertheless, a large majority still thinks this advertisement is attractive to their peers (31 out of 37).

Conclusion:

Generally, the opinion of the Committee and the youngsters are corresponding, but remarkably, still almost all youngsters think the advertisement is attractive to them and their peers.

Case 14: Amstel- 140 years

In 2010, STAP filed 2 complaints against Amstel beer (brand of Heineken), of which one covering the theme 'social success'. It concerned the TV commercial in honour of the 140th anniversary of the brand Amstel beer last September. The other complaint that was filed against this commercial concerned the theme 'the inhibiting effect of alcohol'. Both complaints will be explained below.

Amstel 140 years

The commercial shows how several men in a 'gloomy' pub look back with appreciation at a special 'friendship'. At the end of the commercial it becomes clear that the friendship of Amstel beer is being remembered and honored. The following sentences were spoken literally by the men in the commercial:

'I am not good at this' (somewhat uncomfortable start of the speech).....'Wherever we go, you're always there'

'And God, what can we laugh with you' (thunderous laughter in background)

'When I come home, you're always there for me'

'Or that time we were near the French border, and that Joop had forgotten you' (laughter)

'You're one of us'

'Only when you have someone with whom you can laugh and with whom you can cry, then you can say I have got a friend' (emotional)

'I have got a friend ...' (emotional)

'Goosebumps ...' (emotional)

'Old funny rocket, there you go!

'Our beer turns 140 years only once and that we celebrate!' (voiceover)

According to STAP the commercial of Amstel is in breach with the following two articles of the Advertising Code Committee:

- **Article 8 ACA:** because advertising for alcoholic beverages may not give the impression



Figure 22. Emotional man through emotional speech.

that there is a causal relation between the consumption of alcoholic beverages and having social or sexual success. According to

STAP, Amstel beer is expressed as an

indispensable ingredient, which cannot be missed. Amstel is depicted as mood enhancing, a social device and without Amstel, life would be a lot less cheerful. For this reason STAP believes this commercial suggests social success.

- **Article 6.1 ACA:** because advertising for alcoholic beverages may not point at an inhibiting effect of alcohol such as the inhibition of feelings of fear. According to STAP, the commercial clearly shows that Amstel beer is the support of the men presented at the pub (see Figure 22). Sentences such as *'When I come home you're always there for me'* or *'I have got a friend'*



Figure 23. Ending up with only the bottle being left as 'best friend'.

suggest an inhibiting effect of alcohol, namely: alcohol will help you in hard times. STAP believes it is especially risky to speak about alcohol in this way because the Netherlands has almost one million problem drinkers. Many of them use alcohol to forget their worries and they often end up with only the bottle being left as their best friend (see Figure 23).

Judgment of the Advertising Code Committee: Not upheld

The complaints against **Article 6.1** and **Article 8** were not upheld by the Committee for the following reasons: *'About the way the men were speaking to their friend (Amstel beer), it cannot be said that it reduces anxiety or inner conflicts. These aspects were not contained in the statements said by the men. Nor has the impression been generated of social success after consuming Amstel beer. Furthermore, Amstel (the birthday boy) is praised because he owns a number of properties which are usually ascribed to a good friend, but this cannot be judged as an association with social success. The fact that the Netherlands has one million problem drinkers and for them alcohol cannot be called a friend, does not lead to a different conclusion.'* [ACC, 03-11-2010].

Opinion of the youngsters: Disagree

The answers varied on the question what their first association was with this commercial, but most youngsters answered something like: *'as if Amstel beer is a friend'* (12 out of 37), *'enjoyable evening with mates'* (8 out of 37) or *'bachelor party or birthday'* (7 out of 37). On the question whether Amstel beer was depicted as a friend, almost everyone answered 'yes' (35 out of 37). Furthermore, most of the youngsters think Amstel is depicted as if beer will help you in hard times (32 out of 37) and 21 out of 37 have the opinion this commercial links drinking alcohol to social success ('you have got a friend'). Lastly, the majority does not think the commercial itself is attractive to peers (24 out of 37), but on the question whether they think the humour is appealing to their peers, a large majority answered 'yes' (28 out of 37).

Conclusion:

In contrast with the judgement of the Committee, most of the youngsters think Amstel beer is depicted as a friend which suggests social success. They also think Amstel is depicted as if beer will help you in hard times (inhibiting effect of alcohol), which is not corresponding with the opinion of the Committee.

Case 15: Maxxium Netherlands: Licor 43- Spanish Temptation

In 2010, STAP filed one complaint against Licor 43 covering the theme 'sexualsuccess'. It concerned an advertisement about Licor 43 called 'The Spanish Temptation' in the magazine Jackie and a similar out of home advertisement. The Spanish liquor is promoted by Maxxium Netherlands.



The Spanish Temptation

The Spanish liqueur Licor 43 is gaining popularity in the Netherlands. On the advertisement a woman is shown whose face is covered with black lace up to her eyes. Under her face a bottle of Licor 43 is depicted with two glasses. The ad contains the following text: '*Licor 43. The Spanish temptation.*' (See Figure 24). In the out of home advertisement only the bottle of Licor 43 and the two glasses were depicted, with the same text.

Figure 24. Licor 43. The Spanish temptation

According to STAP, the advertisement of Licor 43 is in breach with **article 8** of the ACA which states that advertising for alcoholic beverages may not give the impression that there is a causal relation between

the consumption of alcoholic beverages and having social or sexual success. According to STAP, the description '*the Spanish temptation*', in combination with the seductive look of the women in the ad, suggests that the drink can be used to seduce. In other words, consuming Licor 43 contributes to sexual success.

Judgment of the Advertising Code Committee: Not upheld

The complaint against **Article 8** was not upheld by the Committee for the following reason: *“The slogan ‘the Spanish temptation’ in combination with the context in which the statement is placed, does not suggest that consuming the alcoholic beverage could contribute to (social or) sexual success.” [ACC, 08-07-2010].*

Opinion of the youngsters: Agree

The opinion of the youngsters concerning the link between Licor 43 and sexual success in this advertising practice is in agreement with the Committee: 20 out of 37 think no association between Licor 43 and sexual success is insinuated. Furthermore, the majority believes the advertisement is not appealing to their peers (22 out of 37), but surprisingly enough, on the question whether the images used in the advertisement are appealing to their peers, 20 out of 37 answered ‘yes’.

Conclusion:

More than half of the youngsters agree with the opinion of the Committee concerning the link between drinking Licor 43 and having sexual success. Remarkably, the youngsters indicate they do not feel attracted to the advertising, but when they are asked whether they feel attracted to the content of the advertising (in this case: the images) they actually often *do* feel attractive.

5.3 Theme: Negative depiction of abstinence or moderate consumption of alcohol

Judgment complaints on the subject of negative depiction of abstinence or moderate consumption of alcohol

In 2010, 4 complaints (5% of the total number of complaints) were filed concerning the negative depiction of abstinence or moderate consumption of alcohol. The Advertising Code for alcoholic Beverages includes 2 articles concerning this theme in which, amongst other things, is stated that negative depiction of abstinence or moderate consumption of alcohol in advertising is not allowed. Of the complaints on this topic, 1 was upheld and 3 were not upheld by the Committee. Below, the advertisements on the subject of negative depiction of abstinence or moderate consumption of alcohol that were used in the AMMIE project will be described in detail.

Advertisements on the subject negative depiction of abstinence or moderate consumption of alcohol used in the AMMIE project

Case 16: Bavaria- 0.0%

In 2010, STAP filed four complaints against Bavaria, of which two were covering the theme 'negative depiction of abstinence or moderate consumption of alcohol'. It concerned the television commercial for 'Bavaria 0.0%' which was aired on TV in April last year. Two other complaints that were filed against this commercial concerned the themes 'Stimulating excessive drinking' and 'Violating the Media law'. All complaints will be explained below.

Bavaria 0.0%

In the commercial we see how the actor Mickey Rourke, somewhat worked up, is entering a hotel. He asks the bartender for a beer: *"Hey man, I need a drink, give me a fucking beer."* The bartender



Figure 25. Besides Bavaria 0.0%, the commercial was also advertising for the alcoholic beverage Bavaria beer.

hesitates between Bavaria and Bavaria 0.0% (see Figure 25) and decides to give mister Rourke an alcohol-free beer, without informing him about this. It becomes a pleasant evening with several people drinking and talking at the bar, where mister Rourke gets several (alcohol-free) beers served by the bartender. When he finally leaves the bar to go to his hotel room with a nice lady, it does not take long before a mini bar is being thrown out of the window on the street.

An angry Mickey Rourke, wearing a bathrobe, comes back to the bar and curses: *'Man, what kind of shit hotel is this: alcohol-free beer in the minibar??! I'll have one of yours!'*

The bartender again serves him (sneakily) a Bavaria 0.0%.

According to STAP, the commercial for Bavaria 0.0% is in breach with the following articles of the Advertising Code Committee and the Dutch Advertising Code:

- **Article 2 ACA:** because advertising messages for alcoholic beverages may not negatively depict abstinence or the moderate use of alcoholic beverages, nor shall advertising present alcoholic beverages favourably compared to any non-alcoholic beverage. During the commercial mister Rourke is unaware of the fact that he is drinking alcohol-free Bavaria. If he would have known this, he would not have appreciated this, shown by his indignant reaction when he found Bavaria 0.0% in his minibar: *'Man, what kind of shit hotel is this: alcohol-free beer in the minibar??!'*. He walks down furiously, in the impression that he can get a 'real' beer at the bar. According to STAP, drinking alcohol-free beer is only 'justified' in the commercial because mister Rourke does not know he is drinking alcohol-free beer. For this reason, drinking alcohol-free beer is being negatively depicted here, which is in breach with article 2.
- **Article 12 ACA:** because advertising messages for alcoholic beverages shall not suggest that the consumption of alcoholic beverages is a sign of maturity and that abstinence is a sign of immaturity. In fact, mister Rourke depicts alcohol-free beer as a worthless product which he does not want. He even throws his minibar out of the window and calls the hotel 'a shit hotel'. According to STAP, with this message he suggests that drinking alcohol-free beer is not masculine; it is a sign of immaturity.
- **Article 1 ACA:** because advertising for alcoholic beverages may not stimulate excessive drinking. In the commercial it is shown how mister Rourke is served several beers by the bartender. Mister Rourke believes he is drinking 'normal' beer and under this impression he keeps ordering beer during the commercial. At the end mister Rourke thinks he has been drinking four 'real' beers. According to STAP, this message suggests and stimulates excessive drinking (According to the Dutch Health Council healthy, adult men who drink, should not drink more than two alcoholic drinks per day). **Article 2 DAC:**

because advertising for alcoholic beverages on television is prohibited between 06.00 am and 09.00 pm. STAP noted that the commercial for Bavaria 0% was broadcasted before 09.00 pm. Despite the commercial concerns Bavaria 0%, it can also be regarded as alcohol advertising for the brand Bavaria (see Figure 25). This means that a violation of the Media Law had occurred.

Judgment of the Advertising Code Committee: Both partially upheld and partially not upheld

The complaints against **Article 2**, **Article 12** and **Article 2 ACA** were not upheld by the Committee for the following reasons: *Article 2: "The commercial clearly encourages drinking Bavaria 0.0%, a non alcoholic beverage. The fact that the acting mister Rourke speaks negatively about alcohol-free beer, does not matter."* *Article 12: "In the commercial no relation has been insinuated between drinking non alcoholic drinks and immaturity. For this reason, the fact that mister Rourke speaks negatively about alcohol-free Bavaria does not suggest that drinking non alcoholic beverages is a sign of immaturity."* *Article 1: "For the viewer it's clear that mister Rourke is drinking alcohol-free beer during the commercial. The fact that mister Rourke apparently thinks he is drinking normal beer, does not mean that therefore excessive or irresponsible drinking of alcoholic beverages is suggested."* The complaint against **Article 2** of the Dutch Advertising Code was upheld by the Committee for the following reason: *"Although the commercial is focused on Bavaria 0.0%, the alcoholic Bavaria beer is also obviously highlighted by showing bottles of this beer next to Bavaria 0.0% bottles. For this reason we can speak of advertising for alcoholic beverages, which is prohibited to be broadcasted before 21.00."* [ACC, 17-06-2010].

Opinion of the youngsters: Partially agree and partially disagree

In agreement with the Committee, the youngsters also think this commercial does not stimulate drinking alcohol in comparison with drinking non-alcoholic beverages (32 out of 37). Neither does the majority believe alcoholic drinks to be nicer/better depicted than non-alcoholic beverages in this commercial (25 out of 37). Furthermore, almost everyone disagreed with the question: 'Is this advertising for an alcoholic product?' (34 out of 37), while the Committee just had upheld this complaint because of advertising for the brand Bavaria. Finally, most of the youngsters do not think this advertising is attractive to their peers (26 out of 37), neither the used images (21 out of 37) nor the used language (19 out of 37). On the other hand, and 31 out of 37 answered 'yes' on the question whether the used humour is appealing to their peers.

Conclusion:

In agreement with the Committee, the youngsters also think alcoholic drinks are not being depicted better/ nicer in comparison with non-alcoholic beverages. The youngsters also agree with the Committee that the commercial does not stimulate drinking alcohol instead of non-alcoholic beverages. Remarkably, the youngsters have the opinion the commercial is not advertising for an alcoholic beverage, while the Committee decided the opposite. The Committee clearly judged the commercial to be alcohol advertising. Lastly, despite the fact they do not feel attracted to the commercial itself, most of the youngsters thought the humour in the commercial was attractive to their peers.

Case 17: Palm- Cinema

In 2010, STAP filed two complaints against Palm beer, of which one covered the theme 'negative depiction of abstinence or moderate consumption of alcohol'. It concerned the television commercial 'Cinema' which was aired on TV in October last year. One other complaint that was filed against this commercial concerned the theme 'Stimulating excessive drinking'. Both complaints will be discussed below.

Cinema

Since October 2010, two new commercials for Palm beer have been broadcasted on television. In the commercials we meet with the Belgian, comedy duo Henk and Bert, who were hired by Palm to "teach the Dutch how to enjoy a Burgundy lifestyle". In the commercial named 'Cinema' first the Belgians Henk and Bert introduce themselves: *'This is Henk...and this is Bert* (see Figure 25). *And on behalf of Palm, we are going to teach you Dutch people how to enjoy a Burgundy lifestyle. And that is possible, with a "Palmke"...and with a push in the right direction...'*



Figure 26. Henk and Bert with a Palm beer (a "Palmke").

Next we see how the comedy duo is entering a cinema and request the men by megaphone to leave this typical 'women's movie' to join them at the terrace 'enjoying a Palmke in a Burgundy fashion' (see Figure 26). After they reveal the plot of the movie by the megaphone, Henk and Bert leave,

leaving a chuckled and surprised audience behind.

The waitress on the terrace: *'Can I help you?'* Henk: *'50 Palmkes please!'* (The waitress looks surprised) *'Yes, the others are coming.....'*

Voice over: *'Also become a Burgundian! Palm, pure brand beer'*

According to STAP the commercial of Palm is in breach with the following articles of the Advertising Code Committee:

- **Article 2 ACA:** because advertising messages for alcoholic beverages may not negatively depict, nor shall advertising present alcoholic beverages favourably compared to any non-alcoholic beverage. Despite the commercial is intended to be humorous, Henk and Bert unsuspectingly urge the men who were watching a movie with their partners, to drink a Palm beer at the terrace. The men were explicitly urged to leave the cinema and their girlfriends, to have a Palm beer with Henk and Bert in a 'Burgundy fashion'. According to STAP, the commercial suggests that drinking Palm beer at the terrace is more important than watching a movie in the cinema with your partner. In other words: alcohol is depicted as positive compared to a non-alcohol related activity: watching a movie. That this is presented in a funny way, detracts nothing from the fact that drinking alcohol gets a more positive connotation in comparison with no drinking alcohol.
- **Article 1 ACA:** because advertising for alcoholic beverages may not stimulate excessive drinking. At the end of the commercial Henk and Bert ordered 50 Palm beers. The waitress looked a bit surprised, but after Henk said that 'the others will come', she returned to place the order. Unclear and uncertain is whether 'the others' were coming, and whether there were actually 50 men present in the cinema. According to STAP, again the commercial is intended to be humorous, but nevertheless, an order of 50 beers suggests excessive drinking.



Figure 27. Henk and Bert entered the cinema and requested by megaphone: 'Men, save yourself of this women movie'.

Judgment of the Advertising Code Committee: Not upheld

The complaints against **Article 2** and **Article 1** were not upheld by the Committee for the following reasons: *“The order of 50 beers, considering the statement ‘the others are coming...’ is placed with the assumption there will actually come 50 men to the terrace for a glass of beer. This situation, which is obviously intended to be humorous, cannot lead to a judgement of excessive or irresponsible drinking. Furthermore, considering the intended humorous overstatement of the commercial, one cannot speak of abstinence of alcohol consumption being depicted negatively.”*[ACC, 24-11-2010]

Opinion of the youngsters: Partially agree and partially disagree

Concerning the complaint against stimulating excessive drinking, the majority of the youngsters agree with the opinion of the Committee that the order of 50 beers in this context does not contribute to excessive drinking (26 out of 37). In contrast with the Committee, most youngsters think the commercial stimulates drinking alcohol while people were quietly watching a movie (30 out of 37). Also, the majority believes it is suggested that drinking alcohol is better compared to watching a movie (25 out of 37). Lastly, most youngsters do not think the commercial is attractive to their peers (24 out of 37), neither the used images in the commercial (20 out of 37) nor the used language (23 out of 37). On the other hand, they *do* think humour (28 out of 37) and the actions of the persons showed in the commercial (24 out of 37) are attractive to their peers.

Conclusion:

Most youngsters agree with the judgement of the Committee concerning the complaint against stimulating excessive drinking; the fifty ordered beers are not only for the two guys but also for ‘the others’ who are coming. On the other hand, most of the youngsters do not agree with the Committee’s opinion regarding the negative depiction of abstinence or the moderate use of alcoholic beverages. They think drinking alcohol is stimulated among people who were watching a movie and in addition, drinking alcohol is better compared to watching a movie. Finally, despite the fact they do not feel attracted to the commercial, the used humour and actions of the persons showed in the commercial, are appealing to them.

6. Opinion Youth Rating Panel vs. Advertising Code Committee

Below are two tables which show a summary of the 17 advertisements used in the AMMIE-project. They are shown by theme and are accompanied with the opinions of the Advertising Code Committee compared to the opinion of the Youth Rating Panel. Based on the opinion of the majority of the youngsters (19 or more), the 'agreement' or 'disagreement' with the Committee has been determined. Some filed complaints against advertising practices have not been asked to the youngsters because of irrelevance (this is presented in the tables as 'not asked').

6.1 General overview per advertising practice

Table 2 shows a general overview of the number of complaints for every single advertisement used in the AMMIE project and whether the youngsters agree or disagree with the judgement of the Committee. Often, more than one complaint has been filed against a single advertising practice.

Table 2. Summary of Advertisements used in the AMMIE Project (N = 17). Complaints are presented by Theme, Judgment of the Committee and Opinion of the Youth Rating Panel.

| Case | Advertising practice | Themes of complaints | Number of complaints | Judgement of Committee | Opinion of youngsters |
|------|----------------------|-----------------------------------|----------------------|--|---|
| 1 | Heineken-Pletterpet | Minors | 1 | Not upheld | Disagree |
| 2 | De Kuyper-Partymeter | Minors | 4 (a, b, c, d) | a) Not upheld b) Upheld c) Not upheld d) Not upheld | a) Disagree b) Not asked c) Not asked d) Not asked |
| | | Health claims | 1 | Not upheld | Disagree |
| | | Stimulation of excessive drinking | 1 | Not upheld | Disagree |
| 3 | Canei-Ladies Party | Minors | 2 (a, b) | a) Not upheld b) Upheld | a) Disagree b) Agree |
| | | Advertsing with free alcohol | 1 | Upheld | Not asked |
| 4 | Malibu-bottle | Minors | 1 | Not upheld | Disagree |
| 5 | Grosch- All | Minors | 1 | Not upheld | Disagree |

| | | | | | |
|---|-------------|---------------|---|------------|----------|
| | Around | Health claims | 1 | Not upheld | Disagree |
| 6 | Gall&Gall- | Minors | 1 | Not upheld | Agree |
| | Sinterklaas | Decency | 1 | Not upheld | Disagree |

| Case | Advertising | Themes of complaints | Number of complaints | Judgement of Committee | Opinion of youngsters |
|------|------------------------------|--|----------------------|------------------------|-----------------------|
| 7 | Bacardi-Island | Social/ sexual/ sportive success | 1 | Not upheld | Disagree |
| | | Stimulation of excessive drinking | 1 | Not upheld | Agree |
| | | Adherence of the Code to the letter and spirit | 1 | Not upheld | Not asked |
| 8 | Bavaria-Masseuses | Social/ sexual/ sportive success | 1 | Not upheld | Not asked |
| 9 | Bavaria- Balls | Social/ sexual/ sportive success | 1 | Not upheld | Disagree |
| | | Decency | 1 | Upheld | Not asked |
| | | Adherence of the Code to the letter and spirit | 1 | Not upheld | Not asked |
| 10 | Jupiler- The Gathering | Social/ sexual / sportive success | 1 | Not upheld | Agree |
| | | Stimulation excessive drinking | 1 | Not upheld | Agree |
| | | Adherence of the Code to the letter and spirit | 1 | Not upheld | Not asked |
| 11 | Heineken-Honouring World Cup | Social/ sexual/ sportive success | 2 | Not upheld (2x) | Not asked (2x) |
| | | Stimulating excessive | 1 | Not upheld | Agree |

| | | | | | |
|----|-----------------------|---|---|-----------------|---------------|
| | | drinking | | | |
| | | Minors | 5 | Not upheld (5x) | Disagree (5x) |
| | | Facilitation of disruption public order | 1 | Not upheld | Not asked |
| | | Traffic participation | 1 | Not upheld | Not asked |
| 12 | Hooghoudt- Royalty | Social/ sexual/ sportive success | 1 | Not upheld | Disagree |
| | | Stimulation excessive drinking | 1 | Upheld | Agree |
| | | Minors | 1 | Upheld | Agree |
| 13 | Petrikov Vodka | Social/ sexual/ sportive success | 1 | Not upheld | Agree |
| | | Minors | 1 | Not upheld | Disagree |
| 14 | Amstel- 140 years | Social/ sexual/ sportive success | 1 | Not upheld | Disagree |
| | | Health claims | 1 | Not upheld | Disagree |

| Case | Advertising | Themes of complaints | Number of complaints | Judgement of Committee | Opinion of youngsters |
|------|------------------------------------|---|----------------------|------------------------|-----------------------|
| 15 | Licor 43- Spanish temptation | Social/ sexual/ sportive success | 1 | Not upheld | Agree |
| 16 | Bavaria- 0% | Negative depiction abstinence alcohol consumption | 2 | Not upheld (2x) | Agree (2x) |
| | | Stimulating excessive drinking | 1 | Not upheld | Agree |
| | | Violating media law | 1 | Upheld | Disagree |

| | | | | | |
|--------------|-------------|--|-----------|---|--|
| 17 | Palm-Cinema | Negative depiction abstinence alcohol Consumption | 1 | Not upheld | Disagree |
| | | Stimulating excessive drinking | 1 | Not upheld | Agree |
| Total | | | 49 | Upheld 7 Not upheld 42 | Agree 14 Disagree 22 Not asked 13 |

* The agreement or disagreement on the Theme of Minors is based on the attractiveness of the advertising judged by youngsters, and not on their opinion whether the add is specifically targeting minors.

A total of 49 complaints were filed about the 17 advertising practices used in the AMMIE project. Of these 49 complaints, 7 were upheld by the Committee; 42 were not upheld. Furthermore, 13 of the 49 complaints were not asked the Youth Rating Panel and could not be compared with the Committee. Of the remaining 36 complaints, the youngsters agreed 14 times with the judgement of the Committee and disagreed 22 times.

6.2 (Dis)agreements per theme

Table 3 shows the number of complaints and the agreements/disagreements between the Committee and the youngsters for every single relevant theme (relevant themes are themes which were asked about in the Youth Rating Panel). In the end, 36 of the 49 judgements of the Committee could be compared with the opinion of the Youth Rating Panel; 13 complaints were not asked.

The youngsters agreed with 14 (39%) of the judgements by the Committee and disagreed with 22 (61%) judgements (see Table 3). Note that of the 14 agreements, 3 complaints were upheld by the Committee and 11 were not. Of the 22 disagreements, only 1 of the complaints was upheld by

the Committee; 21 were not upheld. Of the 13 complaints which were not asked, only 3 complaints were upheld; 10 were not upheld. In other words: of the 7 complaints upheld by the Committee, the youngsters agreed with three of them, disagreed with one and three were not asked. Of the 42 complaints that were not upheld by the Committee, the youth panel agreed with 11, disagreed with 21 and 10 of them were not asked.

Minors

It is notable that most disagreements between the Youth Rating Panel and the Committee are with respect to the theme of Minors. This turns out to be exactly the issue that the AMMIE-project wanted to make clear. The Advertising Code Committee often judges advertisements as 'not specifically targeted at minors', and while youngsters sometimes say they agree with this opinion, they also clearly indicate that they often find the advertisements very appealing to them and their peers. Of the 17 advertisements used in the AMMIE-project, 11 have been judged as attractive by the Youth Rating Panel. Even of the six ads they did not feel attracted to, the youngsters found elements like humour and language still appealing. The problem is clear: many advertisements which are probably aimed at adults are appealing for minors too.

Furthermore, there was another remarkable opinion of the youngsters which not directly become clear from one of the tables. Although in article 10 of the ACA is stated that the use of teenage idols in alcohol advertising is forbidden, the Youth Rating Panel rated the football players of the Dutch national team and 'Sinterklaas' almost unanimously as teenage idols. Surprisingly enough, the Committee denies to see these persons as teenage heroes, while one would say children still can tell the best who their idols are.

Social/sexual/sportive success

Ten complaints concerning social, sexual en sportive success have been filed about the 17 advertisements used in the AMMIE project. Three of them were not asked the Youth Rating Panel because of irrelevance. All of the seven remaining complaints were not upheld by the Committee, but the opinion of the youngsters was divided: they disagreed with four of them and they agreed with three. Three of the four disagreements were about social success and the three agreements were about all three different categories (social/sexual/sport). Also for these 10 advertising practices hold: although the Youth Rating Panel agreed some times with the Committee about complaints regarding this theme, they rated 8 of these 10 ads as attractive to them. Practically, they felt also attracted to the other two ads because of the humour and images.

Negative depiction abstention of alcohol consumption

Just three complaints have been filed concerning negative depiction abstention of alcohol consumption about two of the 17 advertisements used in the AMMIE project. All three complaints were not upheld by the Committee and the Youth Rating Panel agreed two times with this decision; in one case they did not agree. Also, the youngsters rated these advertisements as not attractive to their peers, while they did feel attracted to the used humour.

Table 3. Summary of Agreements and Disagreements by theme between the Committee and Youngsters.

| Theme | Number of (sub) complaints | Judgement by Committee | Opinion of youngsters (18 or more out of 35) | Conclusion | |
|---|----------------------------|------------------------|--|-------------------------|---|
| Minors | 17 | Upheld | 3 Agree | 2 Agreements: | 3 |
| | | | 1 Not asked | 1 Disagreements: | |
| | | Not upheld | 14 Agree | 1 | |
| | | | 11 Disagree | 2 | |
| Social/sexual/sportive success | 10 | Upheld | 0 - | 3 Agreements: | 3 |
| | | | 10 Agree | 4 Disagreements: | |
| | | Not upheld | 4 Disagree | 3 | |
| | | | 3 Not asked | | |
| Negative depiction abstinence alcohol consumption | 3 | Upheld | 0 - | 2 Agreements: | 2 |
| | | | 3 Agree | 2 | |
| | | Not upheld | 1 Disagree | 1 Disagreements: | 1 |
| Stimulating excessive drinking | 7 | Upheld | 1 Agree | 1 Agreements: | 6 |
| | | | 6 Agree | 5 | |
| | | Not upheld | 1 Disagree | 1 Disagreements: | 1 |
| Health | 3 | Upheld | 0 - | 1 Disagreements: | |

| | | | | | | | |
|---------------------|-----------|-------------------|-----------|------------------|-----------|------------------------------------|-----------|
| claims | | Not upheld | 3 | Disagree | 3 | | 3 |
| Decency | 2 | Upheld | 1 | Not asked | 1 | Disagreements: | 1 |
| | | Not upheld | 1 | Disagree | 1 | | |
| Violating media law | 1 | Upheld | 1 | Disagree | 1 | Disagreements: | 1 |
| Total | 43 | Upheld | 6 | Disagree | 14 | Agreements | |
| | | Not upheld | 37 | Not asked | 7 | (of which 11 not Upheld/ 3 upheld) | 14 |
| | | | | | | Disagreements | 22 |
| | | | | | | (of which 21 not Upheld/ 1 upheld) | |

* The agreement or disagreement on the Theme of Minors is based on the attractiveness of the advertising judged by youngsters, and not on their opinion whether the advertising is specific targeting minors.

7. Conclusions

7.1 Total number of complaints

In 2010, STAP filed a total of 76 complaints about 30 different alcohol advertising practices. Only 17 (out of 76) were upheld by the Committee (22%). Often, complaints concerning more subjective articles of the Code, such as 'specifically targeting minors' or 'social, sexual and sportive success', are not upheld by the Committee. Last year, none of the 11 filed complaints regarding social, sexual and sportive success was upheld by the Committee. Of the 17 filed complaints concerning minors, 13 were not upheld. Complaints that are usually upheld are the more concrete complaints, such as 'promotion of alcohol for more than a 50% discount'. For example, 4 of the 7 filed complaints in 2010 regarding this theme were upheld by the Committee.

On average, the entire process from the moment of filing the complaint until the judgement of the Committee took an average 5,2 weeks (37 days), with a minimum of 16 days and a maximum of 58 days (Appendix 1). In 2008, this process still took 2,5 months on average (STAP, 2008b)

7.2 Results of the AMMIE-project

This report showed the decision of the Advertising Code Committee to a large number of filed complaints in 2010, versus the opinion of a Youth Rating Panel consisting of 37 young people between 13 and 17 years. Very contrasting is the fact that the Advertising Code Committee almost always judged the complaints regarding 'specifically targeting minors' as 'not upheld', while the Youth Rating Panel felt attracted to practically all showed advertising practices. In 7 of the 17 cases there has been filed a complaint against article 10 (specifically targeting minors). All 7 complaints were not upheld by the Committee while the Youth Rating Panel judged 6 of the 7 advertising practices as attractive to them. Of the 14 asked complaints regarding the theme 'minors' (including article 10) which were not upheld by the Committee, the Youth Rating Panel disagreed with 11 of the judgments.

Also remarkable is the fact that the youngsters of the Youth Rating Panel judged 11 of the 17 advertising practices used in the AMMIE-project as 'attractive' to them. Even to the six advertising practices they labeled as 'not attractive' overall, they still felt attracted because of the humour, language or images that were used in the advertising. Apparently, much alcohol advertising is also attractive to minors or contains specific elements e.g. humour, that are appealing to them.

Of the total amount of rated complaints which were not upheld by the Committee (32), the Youth Rating Panel disagreed with 21 of them (66%).

The reason for the discordance between the opinion of the Advertising Code Committee and the Youth Rating Panel seems to be the way some articles of the Advertising Code for Alcoholic beverages have been formulated. Especially the articles with regard to the protection of minors are often 'interpreted too literally'. For example, according to article 10 of the ACA an advertising practice may not be specifically targeting minors. In practice, alcohol advertisements might not be *specifically* targeting *minors* but a wider audience including adults. However, the Youth Rating Panel has clearly shown that, although the advertising might not be specifically targeted at them, it is still *appealing* to them. Many things that adults enjoy, minors like too, probably because they (want to) identify themselves with them. In research it has been shown that alcohol use of people liked by young people, could appeal to pre-existing norms on drinking, and subsequently leads to alcohol use (Stern, 2005). In addition, often people liked by youngsters are used in advertising practices for alcoholic beverages.

Therefore, the Committee can hardly be 'blamed' for denying most of the complaints, because they literally adhere to the Code. But just because of this literal adherence, hardly any alcohol advertising practice turns out to be *specifically* targeting minors. For this reason it results in hardly any rejection of advertising practices based on article 10 of the Code.

Another example is the formulation of article 8 of the ACA concerning social and sexual success. In this article it is literally stated that advertising for alcoholic beverages shall not make the impression that there is a causal link between the consumption of alcoholic beverages and social or sexual success. The impression of this causal relation can also be invoked though the suggestion of alcohol being consumed without the actual consumption of alcohol being displayed. Despite the fact that no causal relation is evoked or shown in alcohol advertising, often an obvious association is made between drinking an alcoholic beverage and social or sexual success. Because of the literal adherence of the Code, and no *real* causal relation is depicted, every filed complaint in 2010, based on article 8, was rejected by the Committee.

The same applies to article 6.4 concerning sportive success. In the ACA is stated that advertising messages for alcoholic beverages shall in no way suggest that the consumption of alcoholic beverages enhances sporting performance. Despite the fact that in many alcohol advertising practices an obvious association is made between alcohol and sporting performance, hardly any complaint concerning this topic is upheld by the Committee because of the lack of 'consumption' of alcoholic beverages. Because no causal relation between the consumption of alcohol and

sporting performance is depicted, every filed complaint in 2010 based on article 6.4 (3), was rejected by the Committee. Also in this case, the adherence of the Code is too literal.

The contrasting difference between the opinion of the Committee and the opinion of the Youth Rating Panel, especially concerning the theme of minors, is due to the literal interpretation of some articles of the Advertising Code. This happens, despite the fact that article 16 of the Dutch Advertising Code states that the Code should not only be adhered to the letter but also *to the spirit*. Although the Advertising Code for Alcoholic beverages has, amongst other things, once been established to protect young people, youngsters are currently not being protected against attractive alcohol advertising. Still many attractive advertising practices are reaching minors due to certain formulations and interpretations of the Code.

8. Recommendations

In 2010, only a few filed complaints against alcohol advertising were upheld by the Committee (22 %). Especially complaints with regard to the theme of minors are often not upheld by the Committee. Due to certain formulations of the Code only advertising 'specifically aimed at minors' is not allowed, while 'attractive advertising for minors' is allowed because this could also appeal to adults (and is thus not *specifically* targeting minors).

According to the Youth Rating Panel of the AMMIE project, 11 of the 17 showed alcohol advertising practices were appealing to them. And of the six 'not appealing' advertising practices, the youngsters indicated they did feel attracted to the humour, music, images and/or language that was used.

So basically, despite the fact that the Code contains several articles to protect minors against the volume and the attractiveness of alcohol advertising, much attractive alcohol advertising practices are still allowed and reach minors, obviously with harmful effects on their drinking behaviour (see Anderson et al., 2009).

Therefore, the Dutch Institute for Alcohol Policy (STAP) has some recommendations to better protect minors against the amount of (attractive) alcohol advertising.

8.1 Youth Rating Panels

The use of Youth Rating Panels can provide insight into what is attractive to minors and what is not. After all, the youngsters themselves are the ones who are best able to tell us what kind of advertising is appealing to them, instead of middle-aged individuals related to the media and advertising sector who determine this currently. Thus, the involvement of young people in making alcohol advertising could help to create less attractive advertising practices for minors, because they know exactly what is appealing to them and their peers.

8.2 Reformulation of some articles of the Code

Because of the literal formulation of some articles of the Code, much advertising practices which are attractive to minors are still allowed. The following articles of the Code need to be adjusted:

- **Article 10:** Over the past years, STAP has called several times for an adjustment of Article 10. Now, alcohol advertising is not allowed to "focus specifically" on minors, but it

is allowed to be "attractive" for them. STAP would like to see a restriction on all alcohol advertising that is attractive to minors (whether or not it is also attractive for adults). Due to such an adjustment much less alcohol advertising will be possible. This adjustment would be in line with the French law 'Loi Evin', which only allows product information (e.g. on price and taste) to be provided. Portrayal of humans in alcohol advertising and more subjective elements such as humour, lifestyle and social/sexual success are not allowed. Also a relation between alcohol and sport sponsorship is forbidden

- **Article 8:** In article 8 on social/sexual success, the formulation of the original Council Recommendations (2001) should be implemented. In the Council Recommendations it is stated that 'no suggestion of social or sexual success may be raised'. In the current article 8 of the ACA, the emphasis is put too much on causality, while the Recommendation did not mention this at all. It is the intention of the Council Recommendation to prevent alcohol advertising to suggest an association between alcohol and social / sexual success.

By implementing the recommendations above, minors can be better protected against the effects of alcohol advertising on drinking behaviour.

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9. Appendix

Appendix 1: Overview of complaints about alcohol advertising in 2010

| Number of Complaints | Name of accused (advertiser) | Date of file | Art ACA/NRC | Judgement |
|----------------------|--|--------------|--|---|
| 1 | Get Down Cafe | 10-02-10 | 1, 5, 20 | Upheld |
| 2 | XIKroegetocht doetinchem | 16-02-10 | 1 | Not upheld |
| 3 | Jupiler TV commercial | 10-05-10 | 1, 6.4 ACA en 16 NRC | Not upheld |
| 4 | Bavaria 0% commercial | 10-05-10 | 1, 2, 12 ACA en 2 NRC | art 2 NRC upheld, remaining articles not upheld |
| 5 | Holland Alcomix-Disaronno tv commercial | 10-05-10 | 18 | Upheld |
| 6 | Bavaria masseuses | 11-05-10 | 8 | Not upheld |
| 7 | Feestmeter van De Kuyper | 02-06-10 | 1, 6.1, 10, 11, 26.1, 25 | art 11 upheld, remaining articles not upheld |
| 8 | Grosch Koeltips | 08-06-10 | 6.2 | Not taken into consideration |
| 9 | Heineken Pletterpet gadget + tv commercial | 10-06-10 | 10 | Not upheld |
| 10 | Bacardi Island commercial | 10-06-10 | 1, 8 ACA en 16 NRC | Not upheld |
| 11 | Super de boer Pletterpet korting | 21-06-10 | 20 | Closed file because of uncertainty advertiser |
| 12 | Maxxium - Licor 43 | 21-06-10 | 8 | Not upheld |
| 13 | Heineken - WK uiting | 06-07-10 | 1, 6.4 | Not upheld |
| 14 | InBev-Jupiler WK uiting | 06-07-10 | 1 | Not upheld |
| Number of Complaints | Name of accused (advertiser) | Date of file | Art ACA/NRC | Judgement |
| 15 | Malibu By U (Pernod Ricard) | 29-07-10 | 10 | Not upheld |
| 16 | "Heineken Huldiging", WK | 04-08-10 | 1, 6.4, 10, 11, 13, 15, 17, 21, 22, 28 | Not upheld |
| 17 | Grosch commercial | 05-08-10 | 11, 6.1, 6.2, 6.3 | Not upheld |

| | | | | |
|----|----------------------------------|----------|-----------------------|--|
| 18 | OAD Reizen en Bavaria | 05-08-10 | 31 ACA en 2, 7, 8 NRC | Not upheld |
| 19 | Ilja Gort-La Tulipe | 02-09-10 | 6.2 ACA en 7,8 NRC | Upheld |
| 20 | Canei (Winetracks International) | 02-09-10 | 10, 11, 20 | Art. 11, 20 upheld, art. 10 not upheld |
| 21 | Heineken (Amstel 140 jaar) | 06-10-10 | 6.1, 8 | Not upheld |
| 22 | Petrikov | 06-10-10 | 8, 10 | Not upheld |
| 23 | Palm (automatiek) | 15-10-10 | 1, 2, 6.1, 6.2 | Not upheld |
| 24 | Palm (bioscoop) | 15-10-10 | 1, 2 | Not upheld |
| 25 | Hooghoudt (party like royalty) | 20-10-10 | 1, 8, 11 | Art. 1, 11 upheld art. 8 not upheld |
| 26 | Grolsch boekbierarrangement | 20-10-10 | 20 | Not upheld |
| 27 | OLM wereldrecord | 20-10-10 | 1, 20 | Upheld |
| 28 | Wijnhandel Colaris | 11-11-10 | 20 | Upheld |
| 29 | Bavaria (ballen) | 11-11-10 | 5, 8 ACA en 16 NRC | Art. 5 upheld art. 8 not upheld |
| 30 | Gall&Gall (sinterklaas) | 22-11-10 | 5, 10 | Not upheld |

Appendix 2: Advertising Code for Alcoholic beverages

Advertising Code for Alcoholic beverages, 30-11-2009

| Article | Text article |
|---------|---|
| 1 | As 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. |
| 2 | Advertising messages for alcoholic beverages shall not negatively depict abstinence or the moderate use of alcoholic beverages, nor shall advertising present alcoholic beverages favourably compared to any non-alcoholic beverage. |
| 3 | Par. 1 Advertising messages for alcoholic beverages can not cause confusion about the alcohol percentage of alcohol in the beverage. Par. 2 Advertising messages for alcoholic beverages, including brand name, type name and packaging shall not create the impression that the beverage in question is a soft drink, lemonade or another non-alcoholic beverage. |
| 4 | Advertising messages for alcoholic beverages shall not suggest that the percentage of alcohol in itself is a favourable quality. Nor shall the suggestion be made that a lower percentage means that any risks are diminished. |
| 5 | Advertising messages for alcoholic beverages shall not be in defiance of the requirements of good taste and decency, or cause harm to the human dignity and integrity. |
| 6 | Advertising messages for alcoholic beverages: Par. 1 shall not refer to the inhibiting effect of alcoholic beverages such as the reduction or disappearance of feelings of anxiety, inner conflicts or feelings of social inadequacy. Par. 2 shall make no reference to possible health benefits as a result from the consumption of alcoholic beverages. Par. 3 shall in no way suggest that the consumption of alcoholic beverages improves physical or mental performance. Par. 4 shall in no way suggest that the consumption of alcoholic beverages enhances sporting performance. |
| 7 | Advertising messages for alcoholic beverages shall in no way suggest that the consumption of alcoholic beverages favourably affects the professional performance. |
| 8 | Advertisements for alcoholic beverages may not give the impression that there is a causal relation between consumption of the alcoholic beverage and social or sexual |

success.

The impression of this causal relation can also be invoked though the suggestion of alcohol being consumed without the actual consumption of alcohol being displayed. More precisely the expressions as mentioned in article 8 are not permitted (this enumeration is not limiting)

- 9 Advertising messages for alcoholic beverages shall not be aimed specifically at pregnant women.
- 10 Advertising messages for alcoholic beverages shall not be aimed specifically at minors. Specific messages which are not permitted are described in the explanation of article 10.
Explanation of article 10
The following advertising messages within the scope of article 10 of the Advertising Code for Alcoholic Beverages are particularly forbidden (this list is not exhaustive or exclusive):
- messages in which teenage idols are used;
 - messages/actions in which premiums are used, which are pacifically targeted at minors, such little dolls, cuddly toys, toy cars, games, stickers, buttons, beach toys, or school related articles;
 - ring tones or music, specifically aimed at teenagers;
 - messages in which the specific language of young people is used;
 - messages which present situations that refer to teenage behaviour, adolescent infatuations, school parties, school examinations;
 - messages in which music is used that is specifically aimed at adolescents;
 - messages that make use of any style that at that moment is fashionable amongst minors;
- 11 Advertising messages for alcoholic beverages shall not show persons who are younger or appear younger than the age of twenty-five who drink alcoholic beverages or who encourage the consumption of alcoholic beverages.
- 12 Advertising messages for alcoholic beverages shall not suggest that the consumption of alcoholic beverages is a sign of maturity and that abstinence is a sign of immaturity
- 13 Offering of objects bearing advertising messages for alcoholic beverages free of charge or at less than half the normal retail price to persons, who have not yet reached the legal age for purchasing the alcoholic beverage concerned, is not permitted.
- 14 Advertising messages for alcoholic beverages shall not depict situations that encourage dangerous behaviour.
- 15 The advertising of alcoholic beverages at events is not permitted if it can be reasonably assumed that it will facilitate disruption of the public order and/or the disruption of the event.
- 16 The advertising of alcoholic beverages at events is not permitted if the risk of physical injury to participants and/or spectators can be reasonably expected.
- 17 Advertising messages for alcoholic beverages shall not associate the consumption of alcoholic beverages and active participation in traffic using a vehicle of any kind. If a recommendation of alcoholic beverages is readable on a vehicle, then the vehicle shall

also bear a warning against operating a vehicle after drinking alcoholic beverages. Vehicles used for the transportation of alcoholic beverages, such as trucks and vehicles for technical services of the hospitality and catering industry do not have to bear a warning against operating a vehicle after drinking alcoholic beverages.

- 18 Collective advertising for various types of alcoholic beverages is not permitted. Advertising for alcoholic beverages is only permitted with designation of the brand or trade name, and in the case of wine, also with designation of the place or region of origin.
- 19 The linkage of the brand name of an alcoholic beverage to an event is permitted. All the rules of this Code apply to sport and event sponsorship.
- 20 Unless at tasting sessions, advertising involving an alcoholic beverage being offered by a member of the sector or with the active participation of a member of the sector to private persons free of charge or for less than half the normal retail price, is not permitted.
- 21 Advertising messages for alcoholic beverages of any type shall not reach an audience which consists of twenty-five percent (25%) or more of minors. For advertising messages the measurement of the range is considered to be the generally accepted research of the range. For events, the attendance figures shall apply as the range of the reached audience. The burden of proof in this matter lies with the advertiser, who must use the generally accepted listening and viewing figures. For websites the users' profile shall be made plausible.
- 22 Advertising messages for alcoholic beverages shall not be broadcasted on radio or television immediately before, during or immediately after programmes that, according to generally accepted listening or viewing figures, reaches an audience which consists of twenty-five percent (25%) minors or more
- 23 Par 1:
Broadcasting stations intended for youngsters shall not advertise alcoholic beverages.
Par 2:
No advertisements for alcoholic beverages are allowed in magazines that are specifically targeted at minors
Par 3:
No advertisements for alcoholic beverages are allowed on websites specifically targeted at minors.
- 24 Publicity for alcoholic beverages may not occur in the form of ring tones or mobile phone games, whether these services were demanded or not. Additionally, advertisements for alcoholic beverages are not allowed in the form of text messages. Advertisements for alcoholic beverages are also not allowed in the form of online games or other types of computer games specifically aimed at minors. Publicity or product placement in the games mentioned above, is also not permitted.
- 25 Websites of which the brand name of the alcoholic beverage is incorporated in the domain name must preclude a mandatory age check to verify that visitors are at least 18 years of age before continuing to the homepage. This age check needs to at least include the

filling in or clicking of the date of birth (day/month/year) of the visitor. Entrance to the website may only be given when the visitor declares himself to be adult at the time of the age check.

- 26 Par 1
The commandment of alcoholic beverages by promotional teams of the hotel and catering industry may not be aimed at minors. This manner of commandment is not allowed at locations where the public at that moment consists of more than twenty five percent (25%) of minors.
Par 2
During promotions of the hotel and catering industry it is not permitted to offer free alcoholic beverages.
Par 3
During promotions of the hotel and catering industry it is not permitted to sell alcoholic beverages with a price discount of more than fifty percent. Additionally it is not permitted during promotions to offer one customer more than one consumption with a discount.
Par 4
During promotions of the hotel and catering industry it is not permitted to simultaneously give out a discounted consumption AND a premium.
Par 5
During promotions of the hotel and catering industry it is permitted to organise a tasting meeting.
- 27 Par. 1
Advertising for alcoholic beverages is not permitted on billboards, posters, bus shelters or boarding that are in view of alcohol rehabilitation centres or educational centres that are attended primarily by minors, or along motorways or roads outside built-up areas.
Par. 2
Advertising messages shall not be broadcasted in cinemas before children's films, family films dubbed in Dutch, or before children's matinee films or school film programmes. As to other films, advertisements for alcoholic beverages may only be broadcasted if minors make up no more than twenty-five percent (25%) of the audience
- 28 Advertisements for alcoholic beverages may not be carried by an individual sports person or sports team or on attributes that the sports person uses in the active sports practice.
Nor on the transportation used by sports persons of teams in the practice of speed sports.
- 29 During an exposition it is permitted for exhibitors to organise a tasting meeting.
Clarification article 29: Provided that a tasting meeting is organised during and at an exposition, the conditions apply of the clarification of article 26.
- 30 Members of the sector are not permitted to provide professional draught systems free of charge or for a symbolic amount at demonstrations, events and festivities.
- 31 Par 1
For advertisements for alcoholic beverages that are broadcasted on television, in theatres, cinemas and closed TV-circuits it pertains that every expression at least be fitted with one of the educational slogans clearly visible, as mentioned in Par 2.
Par 2
For advertisements for spirits it is pertained that the slogan is used: 'Enjoy, but drink
-

with measure' as well as 'Alcohol under 16, of course not'.

Par 3

For all print advertisements as well as commercials for alcoholic beverages on websites of which the name of the alcoholic beverage is incorporated in the domain name it pertains that every expression at least be fitted with one of the educational slogans, as mentioned in Par 2. Exclusively for discount advertisements in retail trading may there be used another slogan than those educational slogans mentioned in Par 2. For the first use of another slogan permission must be asked of the Code Contact person van de Detail Handel en STIVA.

Par 4

For all the forms of advertising mentioned in this article there are guidelines for the display of educational slogans in the clarification of article 31.

Clarification Article 31: The display of educational slogans 'Enjoy, but drink with measure' as well as 'Alcohol under 16, of course not' is mandatory for alcohol advertisements on television, cinemas, print and for alcohol advertisements on the internet.

Appendix 3: Example question of questionnaire Youth Rating Panel

Watch the next commercial:

—

Barcardi Island commercial

How appealing do you think is this ad to your peers?

- a. Appealing
- b. Not appealing

Do you think your peer would like to be present at this party?

- a. Yes
- b. No

How appealing do you think are the *images* of this ad to your peers?

- a. Appealing
- b. Not appealing

How appealing do you think is the *languages* in this ad to your peers?

- a. Appealing
- b. Not appealing

How appealing do you think is the *music* in this ad to your peers?

- a. Appealing
- b. Not appealing

How appealing do you think are the humorous elements of this ad to your peers?

- a. Appealing
- b. Not appealing

This *ad* is designed to appeal children and adolescents.

- a. Yes
- b. No

The *product* in this ad is designed to appeal children and adolescents.

- a. Yes
- b. No

In this ad you can see styles associated with youth culture (like characters, colours, languages, music).

- a. Yes
- b. No

The characters in this ad are young looking models.

- a. Yes
- b. No

How old do you think the characters in this ad are?

- a. Children or adolescents (under 18 of age)
- b. 18-25 years old
- c. 25-30 years old
- d. 30-35 years old
- e. Above 35 years old

What do you think is the target group of this commercial?

- f. Children or adolescents (under 18 of age)
- g. 18-25 years old
- h. 25-30 years old
- i. 30-35 years old
- j. Above 35 years old

By drinking this product my peers think their social success will improve.

- a. Yes
- b. No

This commercial encourages children and adolescents to drink alcoholic drinks.

- a. Yes
- b. No

Does the main character in the ad consume alcohol?

- a. Yes
- b. No

Go to the links below for all five complete questionnaires:

<http://www.eucam.info/eucam/home/netherlands-1>

<http://www.eucam.info/eucam/home/netherlands-2>

<http://www.eucam.info/eucam/home/netherlands-3>

<http://www.eucam.info/eucam/home/netherlands-4>

<http://www.eucam.info/eucam/home/netherlands-5>

Alcohol Marketing Monitoring in Europe



Alcohol Marketing Monitoring in Europe