Code of Conduct
Advertising and Marketing of Beverage Alcohol Products

November 2011
Code of Conduct

for

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CODE OF CONDUCT FOR ADVERTISING AND MARKETING OF BEVERAGE ALCOHOL PRODUCTS

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1.0 PREAMBLE

1.1 The Trinidad and Tobago Beverage Alcohol Alliance (TTBAA) is an association representing producers, distributors and marketers of beverage alcohol products in Trinidad and Tobago.

1.2 The Alliance has developed an Advertising and Marketing Code of Conduct to provide guidance to its members and those in the industry involved in the promotion, distribution and sale of beverage alcohol products.

1.3 Beverage alcohol products have been consumed and enjoyed around the world for centuries. Beverage alcohol products are of significant societal, cultural and economic importance to the Caribbean. Production of these beverages, consumption patterns and drinking habits vary from one country or region to another, and particularly with regard to the different categories of beverages. These products, when consumed responsibly by adults, are compatible with a balanced and healthy lifestyle and are enjoyed in a responsible manner by the vast majority of consumers.

1.4 Recognizing that excessive or irresponsible consumption of beverage alcohol products may have negative personal, social, economic and health consequences, the membership commit to adhere to the Code, working in collaboration with Government, its Ministries, Agencies and Departments, Non-Governmental Organizations (NGOs) and other interested parties (e.g. advertising agencies, media houses, among others) to promote responsible drinking of beverage alcohol products.

1.5 The TTBAA members undertake to promote responsible decision-making regarding the consumption of beverage alcohol products by adults, to discourage alcohol misuse and to ensure that alcohol marketing communications are not targeted at minors.
2.0 PURPOSE OF THE CODE

2.1 The objective of this Code is to ensure that members of the TTBAA (hereafter “the membership”) market their products to adults in a responsible and appropriate manner, and that advertising and marketing practices of the membership do not encourage or condone excessive consumption or misuse of any kind.

2.2 The producers, distributors and marketers of these products are strongly committed to promoting responsible drinking by adults and ensuring that underage drinkers are not targeted, by our marketing activities.
3.0 SCOPE OF THE CODE

3.1 The members pledge to conduct their advertising and marketing practices in accordance with the letter and spirit of the Trinidad and Tobago law and within the framework of the **TTBAA Code of Conduct for Advertising and Marketing of Beverage Alcohol Products**.

3.2 TTBAA members recognize that it is not possible for this Code to cover every eventuality and therefore agree to conform to the spirit as well as the letter of the Code.

3.3 This TTBAA Code of Conduct shall apply to all members’ brand marketing communications to consumers regardless of the medium used e.g. print, broadcast media, labeling, packaging, internet and any other online communications, new technologies, sponsorship, consumer and trade promotion, merchandising and point of sale material.

3.4 TTBAA members shall provide a copy of the Code to advertising agencies, media buyers and other external consultants involved in a member’s advertising or marketing activities, and ensure that such agencies are fully conversant with the Code’s provisions.

3.5 Responsibility for the interpretation and application of the Code, and the compliance of member companies with the Code, shall be vested in the Code Review Board of the TTBAA.
4.0 PROVISIONS OF THE CODE

General Principles
4.1 Marketing communications of beverage alcohol products should not be targeted or appeal primarily to persons under the legal purchase age which is currently established as 18, neither through selection of media aimed at such persons, nor through style of presentation, or content.

4.2 Marketing communications should not suggest any association with violent or anti-social imagery or behaviour or illegal activity.

4.3 Under no circumstances should marketing communication be unethical, offend against generally prevailing standards of taste and decency, or otherwise question, challenge or impugn human dignity and integrity.

Offensive Advertising
4.4 Marketing communications should not contain any images, symbols or figures which are likely to be considered overtly offensive or demeaning to either gender or to any race, religion, and culture or minority group.

Promotion
4.5 Sampling (including tasting) is only permitted at licensed or private premises, trade fairs or other occasions in accordance with local traditions and applicable regulations. No sampling should be offered to persons below the legal drinking age.

Placement
4.6 Marketing communications should not be placed on any outdoor stationary location unless out of the clear view of an established place of worship, an elementary school, secondary school, or children’s playground, except on a licensed premise.

4.7 Marketing communications should not depict a child or portray objects, images, or cartoon figures that appeal primarily to children.
4.8 People shown drinking in advertisements must be over the age of 21 and must not look as if they are under 21 years of age. Models and actors appearing in advertising and marketing of beverage alcohol products should be a minimum of 21 years old substantiated by proper identification, and should appear to be over 21 years of age.

4.9 Marketing communications for beverage alcohol products should not be placed where minors can reasonably be expected to make up more than 30% of the audience.

4.10 TTBAA members’ websites and other marketing communications on the Internet must ask for confirmation that those who use the site are over the legal purchase age. Members’ websites should also contain a responsible drinking message and links to a social aspects organization website.

4.11 TTBAA members will not license their brand names, logos or trademarks for use on children’s clothing, toys, games or other materials unless the product is a non-alcohol beverage product.

**Internet Advertising**

4.12 TTBAA members recognize that parents play a significant role in educating their children about the legal and responsible use of alcohol and may wish to prevent their children from accessing Internet Websites without parental supervision. To facilitate this exercise of parental responsibility, TTBAA members agree to institute appropriate Internet security and control measures to prohibit persons under the legal drinking age from accessing such websites.

**Health and Safety Aspects in Marketing Communications**

4.13 TTBAA’s marketing communications will not depict activities or locations where drinking beverage alcohol products would be unsafe or unwise. In particular, no marketing communication should imply that the consumption of alcohol is acceptable before or whilst operating a vehicle.

Marketing communications should not show people consuming alcohol in any situation where its use might result in danger to themselves or to others.

**Performance**

4.14 Marketing communications should not create the impression that drinking of beverage alcohol products enhances mental ability or physical performance or has an energizing effect, e.g., when engaging in activities requiring concentration.
Pregnancy

4.15 The TTBAA discourages the consumption of beverage alcohol products by pregnant women.

Marketing and Advertising should not depict pregnant women or be addressed to pregnant women or other at risk groups.

Hazardous Activities, Workplace & Recreation

4.16 Marketing communications should not suggest that drinking is acceptable before or whilst operating potentially dangerous machinery, or while undertaking any other activity that requires concentration in order to be carried out safely.

Responsible Consumption

4.17 Marketing communications should not portray beverage alcohol products being consumed excessively or in an irresponsible manner. Marketing communications should not condone or trivialize drunkenness, or suggest that it is ever acceptable to be drunk.

4.18 On-premise promotions sponsored by the beverage alcohol industry should encourage moderate and responsible drinking by those adults who choose to drink. Such promotions should avoid irresponsible drinking.

4.19 Marketing communications should not present abstinence in a negative way or imply that it is wrong or foolish to refuse to drink.

4.20 Marketing communications for beverage alcohol products should not suggest, directly or by implication, that the consumption of alcohol is a necessary component of the attainment of adulthood or part of the “rite of passage” to adulthood.
**Medicinal or Therapeutic Value**

4.21 Marketing communications should not claim that beverage alcohol products have curative or therapeutic properties and that their consumption may help in preventing, treating or curing any human disease. For example beverage alcohol products should not be presented as a stimulant, sedative or tranquilizer, or as a means of overcoming boredom, loneliness or other personal problems.

**Nutrition**

4.22 Where required by law, marketing communications, using truthful and accurate factual statements about carbohydrate, calories or other nutrient content, may be appropriate in some circumstances.

**Alcohol Content**

4.23 Marketing communications should not emphasize high alcohol strength as a dominant theme, nor should they imply that the consumption of beverages with relatively low alcohol content is safer.

**Social Acceptance and Success**

4.24 Marketing communications should not claim or imply that individuals can attain social, economic, professional, educational or athletic success or status as a result of beverage alcohol consumption; nor should they suggest that the consumption of beverage alcohol is a requirement for social acceptance. This does not preclude showing responsible and moderate consumption of beverage alcohol products in the context of personal and social activities, for example, in a social or romantic setting, or featuring people who appear attractive or affluent, or people relaxing in an enjoyable setting.

4.25 Marketing communications should not associate the consumption of beverage alcohol products with sexual attractiveness or sexual success.

4.26 Marketing communications should avoid the use of graphic or gratuitous nudity, overt sexual activity, promiscuity or sexually lewd or indecent images or language.

**Product Labels and Packaging**

4.27 Product labels should not feature characters, imagery or names that are likely to appeal to those under the legal drinking age, suggest aggression, violence, danger or sexual success.

4.28 Product labels and packaging material should clearly present information for consumers on alcohol strength as required by law.
5.0 CHAIRPERSON OF THE TTBAA

5.1 The TTBAA will appoint, by majority vote, one member who shall serve as Chairperson for two (2) years.
6.0 CODE REVIEW BOARD

Establishment of Code Review Board

6.1 There shall be established and maintained a Code Review Board which shall meet when necessary to consider complaints lodged by the TTBAA members or other interested parties, including members of the public.

Composition

6.2 The members of the Code Review Board will be appointed by the Board of Directors of the TTBAA and will comprise:

- Chairperson of the TTBAA;
- A Retired Member of the Judiciary;
- Representative of the Ministry of Health or other Government Agency;
- Representative of the Advertising Agencies Association of Trinidad and Tobago Limited or Advertising Standards Authority;
- Representative of the Trinidad and Tobago Chamber of Industry and Commerce;
- Executive Secretary of the TTBAA (no voting privileges).

Powers

6.3 It is agreed that:

- The TTBAA Code Review Board will act as the determining body for complaints about beverage alcohol marketing communication which fall under the TTBAA Advertising and Marketing Code of Conduct.

- The Board will have the power to sanction members who are found to be in breach of the Code.

6.4 Three levels of sanctions shall apply:

- The first is to notify the national body (the TTBAA) that the Company has breached the Code, and that the marketing and advertising material of that Company’s brand that breached the Code will need to be withdrawn or modified. Depending on the severity of the violation, the Code Review Board will have the power to determine a stiffer sanction of up to six (6 months) pre-vetting.
• On the second offense, the name of the Company will be published with an indication that they are in violation of the Code.

• On the third violation the Company will be suspended from the TTBAA and a public statement issued informing of the suspension.

Modalities for Handling Complaints

6.5 Upon receiving a complaint, the Chief Adjudicator (who will be appointed by members of the Code Review Board excluding the Chairman or Executive Secretary of the TTBAA):

• Shall transmit the complaint to all Members of the Code Review Board; and

• Shall assess if the complaint raises matters within the framework of this Code.

Issues that fall outside the Code
1. Where the Chief Adjudicator determines that the issues raised fall outside the scope of the Code, he shall advise, through the Secretary, the complainant, the Company and the Code Review Board of his findings.

Issues that fall within the Code
2. Where the Chief Adjudicator determines that the issues raised fall within the scope of the Code, he shall invite the Member to engage in one of the two processes:

• Mechanism A – Good Office of the Chief Adjudicator (Mediation); and

• Mechanism B – Juridical Process

6.6 Mechanism A. Good Offices of the Chief Adjudicator (Mediation)

The Chief Adjudicator:

• Shall invite comments from the Member on the complaint and the issues identified by the Code Review Board;

• Shall seek the assistance of the Members of the TTBAA to identify and obtain copies of the advertisement complained of, and the contact details for the relevant Company or Advertising Agency;
The breaching party may use mediation through the Good Office of the Chairperson to resolve the matter. However, no member can use mediation more than once a year and no more than twice in successive years.

Should the complaint remain unresolved two (2) working days after a determination is made, the process automatically moves to the next phase, i.e. Mechanism B. Juridical Process.

6.7 Mechanism B. Juridical Process

On the basis of his/her preliminary assessment, the Chief Adjudicator shall:

1. Frame issues to be addressed by the Company.

2. Invite comments by the Company and/or Advertising Agency on the basis of the complaint and the issues formed.

Such comments shall be provided within five working days (inclusive of the two working days given for the Company and/or Advertising Agency to provide a response) and failure to provide these comments will be taken as a non-response. Non-response shall result in the proceedings moving forward, with the Chief Adjudicator through the Executive Secretary requesting the convening of the Code Review Board.

6.8 The Board is required to meet within five (5) working days of notice from the Executive Secretary and shall determine the complaint in light of:

- The TTBAA Code of Conduct;
- The Complaint;
- The response of the Company or Advertising Agency;
- The preliminary report by the Chief Adjudicator.

6.9 At the expiration of eight (8) working days (inclusive of the 5 working days allowed for the Company’s and/or Advertising Agency’s response) the Chief Adjudicator shall submit a Report to facilitate a decision by the Code Review Board.
The Code Review Board shall review said Report and communicate its decision to the Chairman and Board of the TTBAAN.

6.10 The Executive Secretary shall request the convening of a TTBAAN Board Meeting and communicate the final determination of said Board Meeting to the complainant.

6.11 The Complaint process - from the determination that the complaint raises issues within the competence of the TTBAAN to the communication of the final decision to the complainant should take no longer than ten (10) working days.

6.12 On a semiannual basis, the Code Review Board will issue a report summarizing all complaints, actions, decisions and the Company’s or Advertising Agency’s response.

6.13 The decisions of the Code Review Board shall be placed on the TTBAAN’s website and shall be maintained for a period of two (2) years. Thereafter, a summary of the case shall be maintained without reference to the name of the Company.

6.14 The quorum for meetings of the Code Review Board shall be no less than three (3) voting members including the Chairperson.

6.15 Meetings of the Code Review Board can take place through electronic conferencing.
7.0 INDEPENDENT ARBITRATOR

7.1 The Code Review Board shall as required identify an individual, from a panel of three (3) independent arbitrators, (who shall have no relationship to the Beverage Alcohol, advertising or marketing industry), to act as an Independent Arbitrator as required.

7.2 Any costs associated with an appeal to the Independent Third Party must be borne by the disputing party.
8.0  REVIEW OF THE CODE

8.1  The Alliance is required to undertake a review of the Code every two (2) years.

8.2  The objective of such a review is to re-assess the suitability of the Code’s provisions, and to determine at that review, whether any part of the Code should be expanded, deleted or re-worked.

8.3  At such time, any amendments to the Code shall be on the basis of a qualified majority of the TTBA Code Members.
9.0 CONTACT INFORMATION

9.1 For further information on the TTBAA Advertising and Marketing Code of Conduct, or on compliance issues, please write to:

The Trinidad and Tobago Beverage Alcohol Alliance,
9th Floor, TATIL Building,
11 Maraval Road, Port of Spain.
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