

# PORTMAN GROUP CODE COMPLIANCE HELP NOTE

## **GIFT PACKS CONTAINING ALCOHOL**

*This help note is intended to help drinks producers comply with The Portman Group's (TPG's) Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The help note represents the opinion of TPG's Advisory Service and is based, in part, on previous decisions made by the Independent Complaints Panel (ICP). Please note that the Panel is the final arbiter on how the Code should be interpreted and applied. Following the advice in this document is no guarantee that your product's packaging or promotion will not be found in breach of the Code if a complaint is received.*

### **INTRODUCTION**

An alcoholic drink is sometimes combined with another item or items (hereafter referred to as "the gift") and sold as a gift pack. A gift pack can range from anything from a can of lager with free pint glass to a miniature bottle of port with cheese and biscuits. Gift packs containing alcohol are required to comply with the Code. The party that has responsibility for Code compliance is not necessarily the drink producer or brand owner (sometimes a drink is included within a gift pack without the producer's knowledge or consent); it is the company named as the producer of the gift pack.

These guidelines have been produced by The Portman Group Advisory Service to alert producers and retailers to the potential problems that can arise with gift packs containing alcohol, and in particular, with the gift element of the pack.

### **REQUIREMENTS UNDER THE CODE**

A gift pack's compliance with the Code will depend both on the individual elements that make up the pack and the way in which these are presented overall. While a gift pack containing alcohol is required to comply with all the Code's provisions, there are two Code rules that have particular relevance. They are as follows:

***3.1 The alcoholic nature of a drink should be communicated on its packaging with absolute clarity.***

***3.2(g) [A gift pack containing alcohol] should not in any direct or indirect way, have a particular appeal to under-18s.***

Below we consider various issues arising under these two rules, starting with appeal to under-18s.

## **Appeal to under-18s**

Companies should seek to avoid combining alcohol with a gift that has a particular appeal to under-18s, for example, cuddly toys or childish sweets.

The Independent Complaints Panel recently upheld a complaint against a gift pack containing alcohol that contained a small bottle of sparkling wine and a teddy bear. The Panel considered that although teddy bears appealed to many adults, they also had a *particular* appeal to under-18s, especially the very young and teenage girls. The Panel therefore concluded that because of the inclusion of the teddy bear, the gift pack had a particular appeal to under-18s in breach of Code paragraph 3.2(g).

Previously, the Panel has upheld complaints against gift packs combining alcohol with jelly sweets because it considered that the confectionery, and hence the gift packs, had a particular appeal to under-18s.

It is not necessarily the case that every toy and all confectionery is unsuitable for inclusion in a gift pack containing alcohol. It depends on the exact nature of the item. The following list gives examples of products that potentially fall broadly into the toy and confectionery category but which are less likely to have a particular appeal to under-18s:

- Replica cars and other models catering more for the collectors' market
- Chocolate liqueurs
- After dinner mints
- Playing cards
- Some board games, such as chess or draughts
- Turkish delight

Please note that the above list is not intended to be a comprehensive guide to gifts that are likely to be acceptable. Producers are urged to seek advice from the Advisory Service before contemplating activity in this area.

It is also important to remember that it is not only the gift but also the overall presentation of the gift pack that determines whether the pack has a particular appeal to under-18s. A gift that is unacceptable in one context might therefore be acceptable in another context. The appeal of the overall pack to under-18s will also depend on, among other things, the nature of the alcoholic drink element within the pack; the nature of any other gift elements within the pack; the colour and design of the outer packaging; and the wording of any text on the packaging. Where necessary, companies should seek to manipulate these other factors to minimise the potential appeal of the overall pack to under-18s. In particularly risky circumstances, the gift could be contained within an opaque part of the packaging so that it was not visible. Attention could then be drawn to the gift element by describing it on the outside packaging. This might help in reducing the visual appeal of the pack to under-18s. If contemplating this type of action please contact the Advisory

Service for further guidance as each pack will be considered on its own merits.

Finally, companies may attempt to lessen the risk of their packs appealing to under-18s by applying an '18', '18+' or other warning sticker to the pack to alert the customer and retailer that the product is not suitable for people under 18. While this step might help address concerns about communicating the alcoholic nature of the product (see next section), it is unlikely to mitigate to a significant degree in terms of the appeal that the gift, and therefore the whole pack, has to under-18s.

### **Alcoholic nature must be communicated clearly**

The alcoholic nature of a drink must always be clearly communicated through the drink's own labelling. When a drink is included in a gift pack, the outer packaging may obscure the drink's label from view. It is important, therefore, that the fact that the pack contains alcohol is clearly communicated also on the outside packaging.

### **THE PORTMAN GROUP'S ADVISORY SERVICE**

The above guidance should help you to avoid problems under the Code. If you are in any doubt, however, as to whether your proposed activity conforms to the Code you can seek free, fast and confidential advice from The Portman Group's Advisory Service. To obtain advice, please telephone The Portman Group on 020 7290 1460 and ask for the Advisory Service. Alternatively, email your request to [advice@portmangroup.org.uk](mailto:advice@portmangroup.org.uk), with full details of the proposed activity.