

MARKETING AND ADVERTISING OF INTOXICATING LIQUOR GUIDELINES

**PRACTICAL GUIDELINES ON ETHICAL AND RESPONSIBLE ADVERTISING OF
INTOXICATING LIQUOR PRODUCTS**

**CONTENT
FORUM**



COMMUNICATIONS AND MULTIMEDIA CONTENT FORUM OF MALAYSIA

Marketing and Advertising of Intoxicating Liquor Guidelines

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INTRODUCTION

The Content Code 2022 marked a significant shift in the advertising landscape for intoxicating liquor in Malaysia. By allowing such ads on electronic media platforms while maintaining restrictions on TV and radio, the Code aligned with the evolving media landscape and provided a more equitable playing field for advertisers.

To ensure clarity and promote responsible advertising practices, a supplementary guideline was developed. This guideline offers a comprehensive framework for the marketing of intoxicating liquor, drawing on international best practices and providing detailed guidance for industry members.

This guideline represents a collaborative effort between industry stakeholders and the public, reflecting a commitment to responsible advertising.

Deepest gratitude to the contributors from the Association of Accredited Advertising Agents Malaysia (4As), Malaysian Advertisers Association (MAA), Media Specialists Association (MSA), Asia Pacific International Spirits and Wine Alliance (APISWA), and Pernod Ricard for their invaluable contributions to the development of this Guideline.

OBJECTIVES

1. This Guideline lays forth overarching fundamentals for all marketing communications relating to the advertisement of intoxicating liquor. It is developed to encourage uniformity in self-regulation, assist members and companies in maintaining high standards of social responsibility in intoxicating liquor advertising via digital marketing.
2. This Guideline is aimed to provide an interpretation of the global standards and best practices in this sector. Advertisement of intoxicating liquor must uphold the concept of self-regulation as laid down in the Content Code.
3. The provisions in this Guideline should be followed in spirit and read alongside other relevant laws, guidelines, and regulations on advertising intoxicating liquor, including any updates.

SCOPE

1. This Guideline applies to advertising and marketing communications as stated in Part 3, Paragraph 1.1 of the Content Code 2022.

“This part of the Code applies to Advertisements communicated over a networked medium and displayed on devices that can process Content electronically and includes television, radio, and Digital Media. The Code shall not apply for Advertisements content that do not utilise the networked medium.”

2. Advertisers and operators of online marketplaces bear the primary responsibility for enforcing this Guideline. The obligation to comply with the specific guidelines that apply to them extends to all parties involved in the production and transmission of advertisements, including influencers, agencies, online publishers, broadcasters, and other advertising service suppliers, such as production houses, music composers, and designers.
3. This Guideline applies to all digital marketing communications, both paid and unpaid, for intoxicating liquor, including, but not limited to, advertising and marketing communications on various platforms such as social network sites and blogs, as well as mobile communications and applications, where the content of those communications is under the control of intoxicating liquor marketers.
4. This Guideline does not purport for legally enforceable responsibilities towards the parties involved but shall be viewed as recommendations unless specific regulatory or statutory requirements are cited. In the spirit of self-regulation, the Content Forum may advise the parties to withdraw content that is inconsistent with this Guideline.
5. This Guideline deals with general principles and does not seek to address every possible case or scenario that could arise. Examples included in the Guideline are not exhaustive. However, the principles and provisions in the following sections, should make clear what this Guideline is designed to achieve, and help industry members make the necessary judgments.
6. This Guideline applies to advertising and marketing communications as stated in Part 3, Paragraph 8.5 of the Content Code 2022.

“This paragraph, in addition to the advertising service industry self-regulation system, serves as a guide towards upholding the standards expected of the advertising service industry in a practical and commercially feasible manner and at the same time keep updated with the trends while respecting, protecting, and promoting those interests of minority and/or marginalised groups. Whilst this paragraph is relating to Advertisement of intoxicating liquor, there is no issue with corporate advertising and/or commercials relating to other products/services by intoxicating liquor companies.”

DEFINITIONS AND INTERPRETATION

For the purposes of this Guideline:

Age affirmation mechanism is a gateway in which a user is required to provide his/her year-of-birth to affirm that he/she is of legal purchasing age. Age-affirmation processes may vary according to the available technology.

Brand(s) refers to intoxicating liquor products made by the company.

Direct interaction is triggered whenever a user is provided with the ability to engage with the brand directly and actively, beyond just viewing or listening to content (e.g., sharing content, posting content, responding to a direct digital marketing communication).

Forwardable content means all branded digital content – including static, streaming, and downloadable – which can be forwarded and shared by a user to or with other users.

Influencer is defined as person(s) or group(s) who either on a personal capacity share their own independent opinions or are engaged and paid or paid by Advertisers (either in cash or other consideration) to advertise products or services on their own social media channels because of their social media influence on Consumers, and/or the advertiser has editorial control over the content.

Intoxicating liquor includes any alcohol, or any liquid containing more than 1.14 per centum volume over volume of alcohol, which is fit or intended to be or which can by any means be converted for use as a beverage.

Landing page is any page that serves as the entry point for a platform or website or a particular section of a platform or website.

Legal Purchasing Age (LPA) refers to the minimum age required to legally purchase or consume intoxicating liquor, which is 21 years and above.

Personal data means any information relating to an identified or identifiable individual.

Registered user is a user who has completed a formal registration process on a platform or website by providing required personal information, such as a username, email address, and/or password, and has created a unique account which typically gains access to additional services, features, or content that are restricted to unregistered visitors, such as posting comments, making purchases, or accessing premium material.

Responsible drinking messages (RDM) are messages featured in intoxicating liquor beverage marketing communications advocating responsible drinking. Its content and design may vary from one intoxicating liquor beverage company to another.

Service providers refers to those who offer curated content, including but not limited through subscription, over the internet or computer networks, directly to paying subscribers via an Internet connection to the subscriber's computer, TV, or mobile device.

User generated content (UGC) is all content – including text, videos, and images – produced by individual not associated with the advertiser.

PART 1: BASIC PRINCIPLES

1. All marketing communications must:
 - a) be legal, decent, honest, and truthful;
 - b) be based on accepted principles of fair competition and good business practice;
 - c) be prepared with a due sense of social responsibility and based on principles of fairness and good faith;
 - d) be clearly identifiable as promotional content;
 - e) comply with all legislative and regulatory requirements;
 - f) not be unethical or otherwise impugn human dignity or integrity;
 - g) be mindful of sensitivities relating to local cultural values, gender, race, sexual orientation, religion; and
 - h) not employ themes, images, symbols, or figures that are likely to be considered illegal, offensive, derogatory, demeaning or disparaging.
2. In applying these requirements, creative elements are to be considered from the viewpoint of a reasonable adult of LPA, and in the overall context of the marketing communication.
3. Inappropriate content for intoxicating liquor advertising and marketing materials are not permitted. The inappropriate content that would violate this Guideline includes (but not limited to):
 - a) religious themes and religion;
 - b) products associated with the use of codes, terms, symbols, or words primarily appealing to persons below the LPA;
 - c) products that lead to consumer confusion with non-intoxicating liquor beverages;
 - d) depicts a child or features toys, illustrations, or animated characters that primarily appealing to persons below the LPA;
 - e) uses brand identification—including logos, trademarks, or names—on clothing, toys, games, game equipment, or other items intended for use primarily by persons below the LPA;
 - f) promotes intoxicating liquor use as a "rite of passage" to adulthood;
 - g) portrays persons in a state of intoxication or in any way suggests that intoxication is socially acceptable conduct;
 - h) makes curative or therapeutic claims, except as permitted by law;
 - i) makes claims or representations that individuals can attain social, professional, educational, or athletic success or status due to beverage intoxicating liquor consumption;
 - j) degrades the image, form, or status of women, men, or of any ethnic group, minority, sexual orientation, religious affiliation, or other such group;
 - k) uses lewd or indecent images or language;

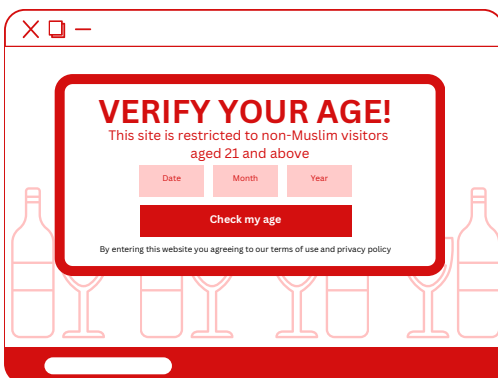
- l) relies upon sexual prowess or sexual success as a selling point for the brand;
- m) uses graphic or gratuitous nudity, overt sexual activity, promiscuity, or sexually lewd or indecent images or language;
- n) association with anti-social or dangerous behaviours;
- o) depicts illegal activity of any kind.

PART 2: PREVENTING UNDERAGE APPEAL

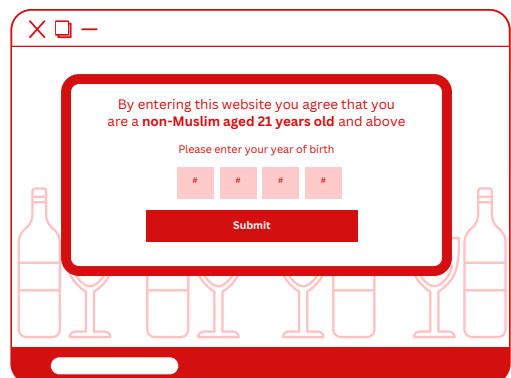
1. All marketing communications shall not be advertised or marketed in any manner targeted at or primarily appealing to persons below the LPA.
2. Marketing materials and promotions shall not depict anyone under LPA.
3. Any portrayal of content that are primarily appealing and targeted to persons below the LPA shall not be used.
4. Brands must be able to demonstrate they have used appropriate tools and/or have taken care in evaluating audience composition to select and target anyone above LPA audiences prior to the advertising.
5. Brands may use the following methods to ensure that only persons above LPA can access the content:
 - a) select platform or website users based on the registered age or year-of-birth of the device owner and/or the logged-in user;
 - b) age affirmation mechanism (age-gated access to online intoxicating liquor advertising on brand websites, brand social media pages, platform or apps where users are required to enter year-of-birth before accessing the content);
 - c) audience composition.

Age-affirmation Mechanism

6. To protect those under the LPA, platforms or websites owned or managed by the brand, should implement an age-affirmation mechanism (e.g., age gating, subscription, single sign-in with a social media profile, etc.). Wherever possible, these age-affirmation mechanisms should include a page that carries a field that requires the consumer to actively input their year of birth. This ensures that only users who confirm they are at least of LPA can access the site.



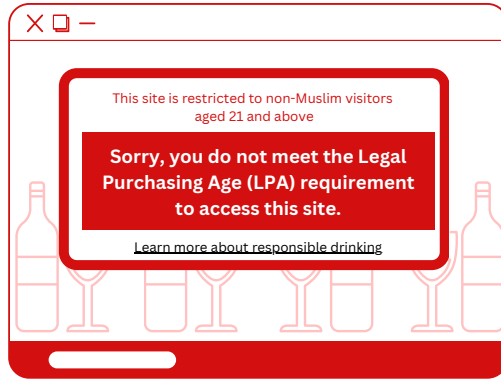
A mobile app interface for age verification. At the top, there is a navigation bar with a close button (X), a home button (square), and a back button (dash). Below the navigation bar, a large red-bordered box contains the text "VERIFY YOUR AGE!" in bold red letters. Underneath, it says "This site is restricted to non-Muslim visitors aged 21 and above". There are three input fields labeled "Date", "Month", and "Year". Below these fields is a red button labeled "Check my age". At the bottom of the box, there is a small line of text: "By entering this website you agreeing to our terms of use and privacy policy". The background of the app shows a row of liquor bottles and glasses.



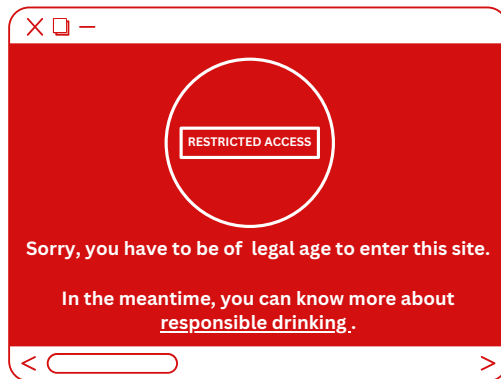
A mobile app interface for age affirmation. At the top, there is a navigation bar with a close button (X), a home button (square), and a back button (dash). Below the navigation bar, a large red-bordered box contains the text "By entering this website you agree that you are a non-Muslim aged 21 years old and above" in red. Underneath, it says "Please enter your year of birth". There are four input fields, each containing a red hash symbol (#). Below these fields is a red button labeled "Submit". The background of the app shows a row of liquor bottles and glasses.

- This information can be provided either by directly asking the user or through technological settings, and it should be implemented before granting entry to the site to ensure that the user is over the LPA.
- Whenever a user's access is denied through age-affirmation mechanisms, a clear and appropriate message should be displayed.

(Example: "Sorry, you do not meet the Legal Purchasing Age (LPA) requirement to access this site/section.")



- If a user enters a year of birth that equates to being under the LPA, they should be given an appropriate intoxicating liquor social responsibility message or redirected to an appropriate responsible drinking website.



- Additional age affirmation prompts should be located within sections of the platform or website where users can purchase merchandise of intoxicating liquor products.

Audience

11. All marketing communications must not be targeted at Muslims nor feature any Muslims persons.
12. If the digital platform where the marketing communications are placed allows direct interaction but does not include any age affirmation mechanism, the brand should consider the following three conditions before placing their digital marketing communications:

- a. **The brand shall endeavour to take reasonable efforts to ensure that the platform's audience for which the marketing communication is intended should meet at least 70% of LPA;**

Due to the dynamic nature of digital media consumption, audience composition targets may change from time to time. Nonetheless, the brand shall endeavour to take reasonable efforts to ensure that the platform's audience for which the marketing communication is intended should meet at least 70% of LPA. In case the digital platform does not provide age affirmation mechanisms, brand shall endeavour to take reasonable efforts to meet the 70/30 rule for audience composition, including an age disclaimer reminding users that the content is intended for those above the LPA only, and ensure the platform provides a mechanism to remove or moderate inappropriate content. A brand safety list should be developed to prevent content from being placed near underage content, such as youth-oriented programmes or content, or educational content for those under the LPA.

In determining whether a particular third-party platform or website is a suitable vehicle in terms of audience profile being at least 70% above the LPA, brand may refer to the following sources, in order of reliability.

- i. **Syndicated data source** – This is generally the most reliable evidence of a platform or website's audience profile. The most appropriate indicator is the most recent three-month average of available audience data of unique platform or website users (where seasonal fluctuations are evident the previous year's data should also be considered, if available). However, brands should be aware that some syndicated sources do not cover all ages (for example, some suppliers' data currently does not include individuals aged under 15). Therefore, these sources should be used with caution, and allowance should be made for unrecorded users under the LPA.
 - ii. **Independent demographic survey** – If a platform or website is not measured by a syndicated data source, or such data does not provide convincing evidence whether the 70% threshold has been

met, brands should ask the platform or website publisher to provide an independent demographic survey of the age profile.

- iii. **“Registered user” database** – If neither of the above sources are available, or these data do not clearly demonstrate whether the 70% LPA threshold has been met, but the platform or website publisher operates a “registered user” database incorporating an age confirmation element, brands should use this as evidence of the likely age profile of overall platform or website users.

b. An age disclaimer or statement should be placed reminding platform or website users that the content is intended for individuals of LPA only;

When a digital media channel, app or platform uses the 70/30 rule only, brands need to ensure that a statement is placed reminding users that the content is intended for adults only.

c. The platform should provide a mechanism to remove or moderate inappropriate User Generated Content (UGC).

All User Generated Content that is placed on sites or platforms controlled by brand should be moderated on a regular and frequent basis, and if inappropriate, removed as quickly as possible. Inappropriate UGC can be defined as any type of UGC that is not in line with the Content Code and this Guideline.

This Guideline does not apply to UGC that is placed on platforms or websites over which the brand has no control.

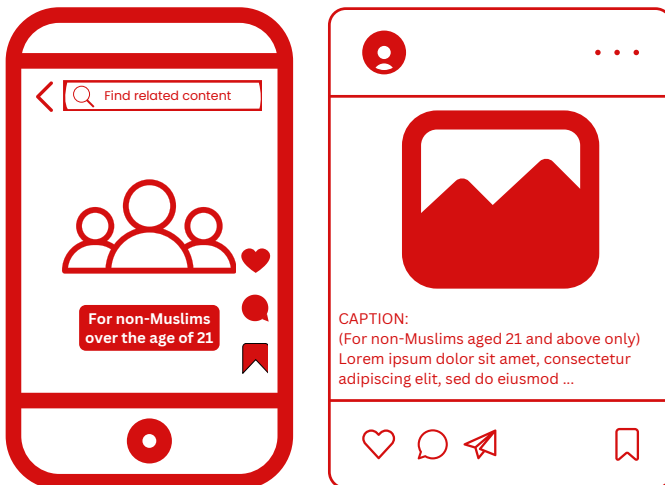
Disclaimer

13. A clearly visible disclaimer indicating that the advertisement is intended for non-Muslims over the age of 21, must be included in marketing communications.

Format of Disclaimer

14. The disclaimer must be sufficiently large to be easily legible across all screen sizes.
15. For websites, ensure the disclaimer is clearly visible and proportionate to the screen size. The disclaimer can be in word or icon depending on the types of visual or asset or platforms.
16. On mobile platforms (e.g., social media, reels), the disclaimer should remain clearly visible.

17. Avoid using overly stylized fonts that may impair readability.
18. The disclaimer must have a high contrast against the background for clarity (e.g., black text on a white background or vice versa).
19. Avoid placing the disclaimer over busy or colourful backgrounds that may detract from its readability.
20. In video advertisements (e.g., reels, stories, or promotional videos), the disclaimer can be in legible font or in the form of visible icon or banner and should remain visible throughout the entire duration of the video.
21. The disclaimer should be positioned at the bottom of the advertisement, within the frame, and should not be easily overlooked.
22. On social media, the disclaimer should either be included within the visual content or incorporated into the caption.
23. For clickable advertisements (e.g., banner ads or sponsored posts), ensure the disclaimer appears before the user can interact with the content.
24. The disclaimer must not be obstructed by overlays, such as “Skip” buttons, or by interactive elements like hashtags, stickers, or logos.
25. If the advertisement is targeted at a multilingual audience, provide the disclaimer in the relevant languages alongside the content.
26. Ensure that translations retain clarity and effectively communicate the intended message.



Primary Appeal

27. Brands must be able to demonstrate that they used materials that are primarily appealing to individuals of LPA, and that best reasonable efforts have been taken to ensure they are not appealing to persons below the LPA.
28. To provide clarity and guidance, herein is a non-exhaustive list that must not include any of the following in marketing materials:
 - a) any objects, images, styles, logos, symbols, behaviours, mascots, characters (either real or fictional, including cartoon figures, animals or celebrities), icons, motifs, interactive games or gaming equipment, children's toys, clothing, colours, music, fairy tales, schoolteachers, or drawing styles, symbols and designs that are clearly childish (e.g. children's scribbles or drawings) or other elements that are primarily appealing and targeted to persons under the LPA;
 - b) digital marketing elements (e.g. lenses or filters) that are primarily appealing and targeted to those under the LPA;
 - c) using role models, celebrities or other testimonials that primarily appeal to those under the LPA;
 - d) using names or packaging that could be confused with confectionary primarily appealing and targeted to those under the LPA;
 - e) using settings primarily used by those under the LPA (such as schools or playgrounds), including depicting models in these settings even if the model used in the advertisement or promotion is over 25 years of age;
 - f) using props, characters, or scenes commonly appealing to those under the LPA;
 - g) showing excessive liquor consumption and models under 25 years of age in the same frame;
 - h) advertising or promoting intoxicating liquor alongside unrelated products or services primarily appealing and targeted to those under the LPA.
29. Brands should not allow their brand logos or trademarks to be licensed for use on materials or merchandise intended for use primarily by persons below the LPA.

Persons Featured

30. All persons featured in a prominent role in marketing communications must be over and appear to be 25 years of age, substantiated by proper identification.
31. Marketing Communications should not primary appealing to persons below the LPA nor should they show these individuals consuming intoxicating liquor (nor feature a child or a teenager in a prominent shot).
32. Children's TV presenters/celebrities/influencers who have a fan base that would be of primary appeal to those below the LPA should not be featured in all marketing communications.
33. For celebrities, the "25 years or older" age rule applies if they are paid for appearing in brand marketing communications.
34. A group of celebrities (e.g. musicians, sports team) with members below 25 years old can be used in an advertisement or promotion, with 4 conditions:
 - a) there must be no single depiction of someone who is less than 25 years old;
 - b) there must be no drinking pictures;
 - c) there must be no activation on personal social media; and
 - d) the majority members must be over 25.

PART 3: RESPONSIBLE DRINKING MESSAGES

1. A clearly visible Responsible Drinking Message (RDM) should be carried on all marketing communications:
 - a) Wherever applicable, the RDM should be placed on the landing page.
 - b) On brand websites, the RDM must appear on both the Age Affirmation Page (AAP) and the landing page. On applications, it must appear on either the Welcome screen or the landing page. The RDM may be repeated before entering the AAP and landing page.

Content of RDM

2. The RDM should be expressed in the language most easily understood by the target audience and adapted to local situations.
3. The precise content of the message may be varied (determined by the individual company) but should advocate responsible drinking.

(Example: 'Drink Responsibly', 'Do not drink and drive', 'For people over legal drinking age only', 'Enjoy Responsibly').



4. The RDM may be tailored to a particular brand or campaign voice/style if it is deemed appropriate.
5. For markets with mandatory health warnings and/or messages, consideration may be given as to whether an additional RDM is necessary.
6. All brand-owned and controlled digital media will be monitored for content as users might post about irresponsible drinking. Brands may act on it, by removing the content and/or responding to it.

Format of RDM

7. The RDM must be clearly legible and noticeable on all marketing communications. Unless it is technically not feasible, the RDM shall:
 - a) be prominent, and affixed in a clearly visible place
 - b) be in a font and/or colour which clearly contrasts with the background
 - c) of a height of letters equal to 1/100 of the overall sum of height and width of the advertisement if no stricter minimum size is required by the industry or any local law or regulation. If the RDM consists of or includes a logo, it should be of an appropriate size to ensure legibility.
 - d) use visual – dynamic online banner ads that rotate through a series of ‘frames need only include the RDM in one of those frames.
8. All websites and other brand-owned or sponsored platforms (e.g., Facebook, X, Instagram, TikTok, etc.) should contain an RDM.
9. Brands should also require everyone who does marketing communications for intoxicating liquor on their behalf, such as influencers, to include a RDM and/or direct consumers, where appropriate, to reliable third-party online resources that discourage intoxicating liquor misuse.

PART 4: PRODUCT PLACEMENT

1. Given the diversity of local regulations applying to product placement (particularly regarding the age of viewers), the variety of forms it may take, and the importance of taking consumers' interests and rights, this Guideline is to ensure that brand always meets the highest standards of responsible marketing by always be respectful of cultural and religious contexts and consider local differences in interpretation and sensitivity.
2. The consideration of product placement by brands should be guided by the following principles:
 - a) **Case-by-Case Approval:** Approval of product placement in specific projects or scenes is based on respective brand owners' approval of the product placement project at the content level. The storyboard/script must be reviewed and approved prior to public release to ensure that the scene in which the product is placed (and, if possible, the scenes directly before and after) complies with this Guideline. If the script is not available for any legitimate reason, brand owners should at least be able to watch the final cut of the relevant scene before the project is publicly released.
 - b) **Portrayal of drinking and driving:** Brands must make every effort to ensure that product placements support responsible intoxicating liquor consumption.
 - c) **Underage drinking:** Product placement should not portray purchase or consumption of their products by persons who are below the LPA.
 - d) **Primary appealing to persons below the LPA:** Brand must ensure that product placement, does not involve primary characters below the LPA, nor should the primary themes be, due to their content or presentation, specifically appealing to persons below the LPA (for example digital comics, or teenage magazines).
 - e) **Portraying alcoholism/alcohol abuse:** Product placement shall not portray characters using products irresponsibly or abusively or portray alcoholism, unless the depiction supports a responsible-use message.
 - f) **Audience:** Product placement should not be placed in any media unless the brand can reasonably ensure, to the best of their ability, that 70% of the audience is expected to be of LPA.
3. Product placement should avoid using language, images, or themes that could be perceived as offensive, disrespectful, or demeaning to any group based on gender, sexual orientation, religion, nationality, ethnicity, minority status, disability, or age.

Audience Composition

4. Brands shall endeavour to take reasonable efforts to ensure that placements are only located in media where at least 70% of the audience is reasonably expected to be of LPA.
5. A placement will be considered compliant if the brand, to the best reasonable effort can provide that the audience composition data reviewed prior to the placement satisfies the 70% audience and other placement criteria.

Rules Related to the Actors / Artists Featured

a) **Personal background of the artists/actors involved**

Brands should refrain from associating or placing their products with music artists or actors who:

- Are publicly known for having a problematic relationship with intoxicating liquor (such as intoxicating liquor addiction, rehab, etc.) within a period of two years.
- Have caused, or have been involved in criminal incidents (rape, murder, drink, and drive incidents, etc.). For such serious offenses, brand may withhold associations for several years or longer, depending on the severity of the incident and at the brand's discretion.

b) **Age of the actors**

All actors handling and/or consuming a product in the relevant scene should be over the LPA.

c) **Age of the music artists:**

- The music artist(s) featuring in a prominent role in the videoclip should be over the LPA.
- All individuals, including the music artist(s), depicted handling and/or consuming the relevant product in the placement scene, must be at least 25 years old.

d) **Age of the audience:**

Brands should endeavour to make reasonable efforts, utilizing reliable and up-to-date audience composition data, to ensure that at least 70% of the audience is over the LPA.

PART 5: HEALTH, THERAPEUTIC, PERFORMANCE OR FUNCTIONAL BENEFITS

1. Intoxicating liquor strength or potency should never be the dominant theme or primary focus in any marketing and it must not be given undue emphasis, such as being highlighted or printed in a larger font or a different colour. For instance, terms such as “extra strength” or “super strength” are advised to be avoided, unless they are part of the brand name.
2. Marketing communications **should not**:
 - a) suggest physical or sexual prowess, power, or strength as a result of consuming intoxicating liquor beverages;
 - b) suggest that the products can act as an aid to removing personal inhibitions;
 - c) give the impression that consumption of intoxicating liquor products can enhance mental ability or improve physical performance, skills, or strength. However, it is acceptable to depict a participant enjoying the product in a relaxing, celebratory, or team setting after the activity has taken place;
 - d) claim or imply that the product may have therapeutic properties or provide dietary benefits, or suggest that consumption may prevent, treat, or cure any human disease or illness.;
 - e) make any performance benefit claims, nor promote the product based on functional or performance benefits, such as energising or stimulating properties, or suggest that it can play a role in managing weight or hydration;
 - f) attempt to hide the nature or strength of an intoxicating liquor beverage, place improper emphasis on its intoxicating liquor strength, or suggest that it is preferred due to its superior strength. However, it is permissible to emphasize the low strength of the intoxicating liquor beverages;
 - g) use gifts, drinking vessels or cocktail names with medical or pharmaceutical connotations to market product;
 - h) market intoxicating liquor to pregnant women nor portray pregnant women in advertising;
 - i) market intoxicating liquor as thirst-quenching, hydrating, nor imply or suggest that they be consumed instead of non-intoxicating liquor beverages;
 - j) imply that players/performers consume intoxicating liquor before or during their performance, or that such consumption enhances performance in any manner.

PART 6: RESPONSIBLE DRINKING

1. Marketing materials must promote moderate drinking in all their marketing communications. They should never portray or associate with drunkenness or excessive drinking.
2. The marketing of the product should portray responsible drinking as a relaxed, sociable, and enjoyable part of life, promoting responsible consumption of intoxicating liquor.
3. The brand names and corresponding packaging, labels, internet, and social media domain names for the products must not convey sexual innuendo or use terms typically associated with intoxication or irresponsible intoxicating liquor consumption.
4. The use of language, labelling, slogans or titling of a promotion or images must not suggest rapid or excessive consumption.
5. Marketing communications **may not**:
 - a) depict, promote, or sponsor situations where intoxicating liquor is being consumed rapidly in large quantities, involuntarily, as part of a drinking game or as a result of a dare or peer pressure;
 - b) show any images of people drinking heavily or rapidly or in a state of drunkenness;
 - c) portray persons lacking or having diminished control over their behaviour, movement, vision, or speech as a result of consuming intoxicating liquor, or in any way suggest that intoxication is acceptable;
 - d) present refusal, abstinence or moderate intoxicating liquor consumption in a negative light, an individual's choice whether to drink will always be respected;
 - e) depict or suggest intoxicating liquor consumption before or during activities that require a high degree of alertness, judgment, precision, or co-ordination (for example driving, operating machinery or other hazardous activities);
 - f) depict or suggest intoxicating liquor consumption during working hours at the workplace.
 - g) depict or include pregnant women or imply that the consumption of intoxicating liquor during pregnancy is acceptable.
 - h) make intoxicating liquor content or product strength the main theme of marketing communications, or claims for lower strength products, except for non-intoxicating liquor products;

PART 7: VIOLENCE, ANTI-SOCIAL BEHAVIOUR AND CULTURAL CONTEXTS

1. All marketing communications should not portray or suggest any association with anti-social behaviour, nor depict situations where intoxicating liquor is being consumed illegally or in conjunction with explicit or implicit illegal activity of any kind. For this Guideline, anti-social behaviour covers a range of conduct including acting in a manner that causes or is likely to cause harassment, alarm or distress to other people, such as intimidating, bullying, aggressive or threatening behaviour. It also includes socially unacceptable behaviour (such as vandalism, rowdy behaviour, creating a public nuisance) or offensive behaviour (such as urinating in public).
2. Marketing communications should respect cultural contexts, acknowledging local differences in interpretation and sensitivity.
3. Marketing communications **may not**:
 - a) portray or suggest any association with violence, including avoiding the trivialization or glamorization of violence;
 - b) associate the product with any activity or event where the intent is to cause harm or violence to anybody, including animals;
 - c) depict violent or antisocial behaviours, unless clearly recognizable throughout as humour, parody, satire, or spoof;
 - d) use images, text or language that allude to drug-taking behaviour;
 - e) use props, settings or scenarios that link the promotion of liquor to illicit drugs.
 - f) use images or messages associating intoxicating liquor consumption with risky or dangerous activities (such as skydiving, motor racing, drink driving or speed boating).
 - g) use stereotypes that link the advertising or promotion of intoxicating liquor with celebrating aggressive or risk-taking behaviour.
 - h) associate liquor with activities that encourage or condone aggressive behaviour towards others (such as competitions or challenges that pit patrons against each other, for example, arm wrestling).

PART 8: SOCIAL & SEXUAL SUCCESS

1. The product may be portrayed as part of normal social experiences, such as the depiction of people who appear to be attractive or affluent, or those who seem to be relaxing or in an enjoyable setting.
2. The product preference may be portrayed as a mark of discernment or good taste; however, marketing materials will not imply or make any claim or representation that intoxicating liquor consumption is necessary to achieve social acceptance or professional, financial, academic, sporting, or social success.
3. Marketing communications may portray the product as part of a social or romantic setting, or depict people showing affection or other amorous gestures. However, they must ensure that the marketing does not imply that drinking enhances sexual attractiveness or is a requirement for sexual success.
4. The content of the scenes or images in marketing communications **should not**:
 - a) imply that consumption of intoxicating liquor is necessary to ensure the success of an event or occasion;
 - b) show individuals drinking or holding a glass containing the product (within a group setting) in a way that they may reasonably be perceived as being more popular or socially successful as a result of drinking;
 - c) show or imply that drinking is a way to enhance one's confidence, solve social or personal problems or overcome inhibitions or shyness;
 - d) suggest that drinking a certain brand has played a key part in the success of an event;
 - e) suggest that intoxicating liquor can enhance mental or physical performance;
 - f) suggest that the consumption of intoxicating liquor can be a catalyst for an extreme change in mood or state, or reduce social anxiety or boredom;
 - g) suggest that intoxicating liquor can enhance sexual capabilities, attractiveness, masculinity, or femininity, or contribute to sexual success or seduction (for example, "Drink Z brand and be the envy of all your friends");
 - h) portray nudity or people featured in marketing materials posed in a position or stance that is overtly sexual in nature (for example, intoxicating liquor product being poured over a naked person);
 - i) objectify and/or overly sexualise an individual. Any image or illustration that unnecessarily focuses on someone's body or body parts (such as focusing on a person's torso) is likely to be interpreted as objectifying someone based on their gender or sex;

- j) depict someone in a highly sexualised manner;
- k) show strong sexual images (for example, a person lying on a bed wearing seductive underwear);
- l) associate the product with sexual success or suggest and/or make references to sexual activity;
- m) use language or images that are likely to insult or offend a reasonable person, or language or images that are discriminatory, vilifying or demeaning. This includes language or images that mock, ridicule, or deride certain personal characteristics, such as disability.

PART 9: USE OF INFLUENCERS

1. This Guideline applies to all paid and incentivised influencer content where there is a contractual or other material relationship in place between the producer and the influencer.
2. All influencers must meet the following criteria:
 - a) Be at least 25 years old and reasonably appear to be of LPA or older.
 - b) Have an audience of at least 70% of people above the LPA, based on reliable, up-to-date information (e.g., Facebook audience demographics).
 - c) Have no known history of serious intoxicating liquor-related offenses, substance abuse, or irresponsible behaviour (e.g., excessive consumption, offensive conduct, violence).

Protecting those under the LPA

3. Where available, all paid influencers must age-gate posts on digital platforms to prevent those under the LPA from accessing this content. In cases where age-gating mechanisms for influencers are not yet effective on certain platforms, paid influencers must be over 25 years old and appeal primarily to adult audiences in accordance with the 70/30 rule. Brands should also continue to collaborate with digital platforms to advocate for the implementation of effective age-gating mechanisms to further restrict individuals under the LPA from viewing marketing communications.

Engagement

4. For paid content, all influencers should have a written agreement in place signed by both parties. This **should include**:
 - a) information linking to legal requirements relevant to national/regional context.
 - b) disclosure guidelines – asking influencers to disclose their link clearly and conspicuously to the brand so that consumers are left in no doubt about the association.
 - c) responsibility guidelines – asking the influencer to comply with the brand's responsible marketing code including, ensuring content does not condone or encourage illegal behaviour or excessive consumption.
 - d) best practice tools for influencers when engaging on social media platforms such as information on branded content pages and details on how to age restrict.
 - e) feedback mechanisms so that influencers can flag any engagement or issues around responsible drinking with an agency or brand.

- f) for content featuring gifted product, influencers should be provided with clear terms of engagement that include disclosure guidelines and a responsibility to follow the brand's responsible marketing code.
 - g) the responsibility for vetting, including the social media account/handle and details of what is to be vetted, should be raised, and clarified between influencers, an agency or brand and any others engaged.
5. All Influencer contents **must not**:
- a) depict or endorse irresponsible drinking behaviour (such as drinking and driving, excessive consumption, underage drinking, or engaging in dangerous activities);
 - b) appeal primarily to individuals under the LPA or use imagery that primarily appeals to them;
 - c) depict anyone under the age of 25 or that appears to be younger than LPA;
 - d) depict or imply illegal, antisocial, violent, abusive, or dangerous behaviour of any kind;
 - e) degrade the image, form, or status of any person or social or ethnic group;
 - f) make fun of individuals that abstain from drinking;
 - g) suggest that a drink can enhance mental or physical performance or provide curative or therapeutic benefits;
 - h) make claims about other brands or competitor brands unless properly substantiated;
 - i) disparage competitors or other brands;
 - j) include third party trademarks or copyright (e.g., "Sipping some #[BRAND X] for the #Oscars" or including products with recognizable third-party logos, such as a Louis Vuitton monogram bag) without consent;
 - k) tag or promote celebrities or public figures without consent.

Brands Disclosure

6. Influencers shall make adequate disclosures in promotional posts whenever they have a "material connection" to brands. They should not assume consumers know about an influencer's brand relationships, even if a partnership is well-known.
7. A "material connection" can exist any time when brand provides incentives or other benefits that could impact the influencer's credibility, including:
- a) monetary payments;
 - b) gifts;
 - c) special access privileges (including festival or backstage passes);
 - d) travel expenses;
 - e) any financial incentive, relationship, gift, or other connection that could even potentially impact an Influencer's credibility must be disclosed to consumers.

8. The following is a non-exhaustive list on how influencers may disclose their connection to brands:
- a) disclosures should be placed with the content – in each branded post and any subsequent post; (an endorsement in one tweet followed by a disclosure in the second tweet is not enough). All reasonableness should be taken to ensure that the disclosure can be viewed on the same page;
 - b) disclosures should be immediately visible to consumers in the original post. They should not be buried in a bio, profile page, about section, separate link, or at the end of posts or videos, or have to scroll under the fold or anywhere that requires a person to click MORE button;
 - c) disclosures need to be reasonably visible, readable, and suitable for all potential devices (it needs to be visible regardless of the device used, or platform);
 - d) if influencers use a lot of hashtags/mentions at the end their content, then the disclosure should always be prior to those hashtags/mentions;
 - e) disclosures should be clear, unambiguous, simple, straightforward, and accurately describe the relationship – avoid industry-specific terms and jargon. Examples include: #ad, #advertisement #sponsored, #AdvertisementFeature #[Brand]Employee, #paid, #[Brand]Ambassador, #[Brand]_Partner or “I received a free product from [Brand].”
 - f) avoid disclosures that are vague or unclear, including: #sp, #spon, #collab, “Thanks [Brand],” #partner, or #ambassador. #PR, #PRHaul, #brand. Tagging or mentioning a brand without disclosing the Influencer’s connection to the brand is also NOT sufficient.
 - g) if disclosures are buried in a hashtag list; or are in overlays that are too small or faint, they could be considered hidden (such as “#poollife #floaties #sunshine #summerfun #pinacolada #ad #malibu #livingthedream #sundayfunday) or combined with other words (e.g., “#SippinInStyleAd”).
 - h) disclosures must not combine a company name “ad” such as “Cool Style” with “ad” at the end of a hashtag to make “#coolstylead”.
 - i) for visual content, both traditional and “live” (for example YouTube, Instagram Stories, and reels, TikTok, X), include appropriate text disclosures in readable font size. Videos should include a verbal disclosure (presented at an adequate volume) at the start and end of the video. They should use any reasonable methods available to disclose their relationships with brands to their audience using appropriate and straightforward methods which are easily understood by the viewers.
 - j) for image-only platforms that do not use captions (such as live videos), superimpose text disclosures over images/videos. The text should be in a colour that contrasts with the background to ensure the disclosure is prominent.

- k) disclosure must be legible;
- l) disclosures should be in the same language as the endorsement itself. For example, if the content is in English, disclosures should be made in English.
- m) disclosures need to be in a colour that contrasts with the background to emphasise the text of the disclosure.
- n) a virtual influencer must additionally disclose to consumers that they are not interacting with a real human being. This disclosure must be upfront and prominent.
- o) to ensure transparency, they should utilize any available platform features or tools to convey that it is an advertisement and/or a paid collaboration.

Monitoring

9. Influencer posts must be monitored for compliance and fixed or removed within 72 hours if they are not compliant. If the influencer does not comply the relationship will be reassessed and could be terminated.

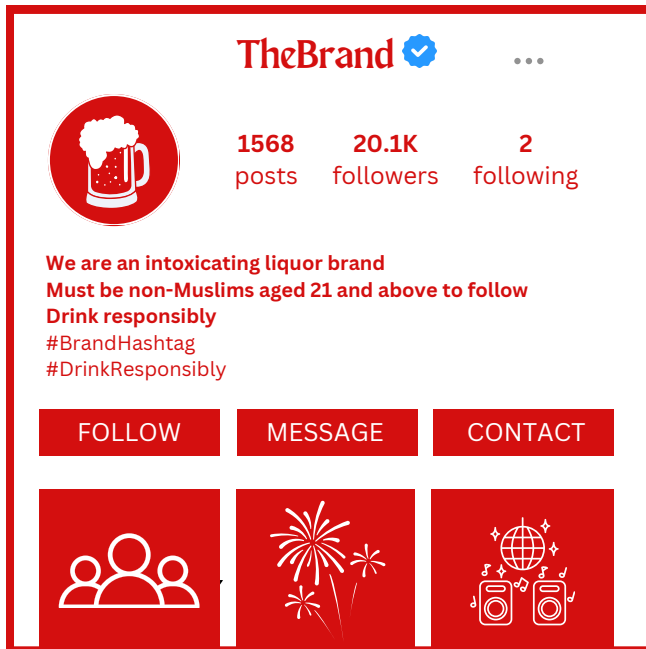
PART 10: USER GENERATED CONTENT (UGC)

1. UGC posted on brand-owned and/or controlled digital platforms should be moderated on a regular basis so as to comply with the Guidelines.
2. Brand-owned and/or controlled digital platforms should include community guidelines stating their UGC policy, which may be included in the RDM.

PART 11: FORWARD ADVANCE NOTICE (FAN)

Any branded digital content that is designed or enabled to be shared, such as with a share, download, or email must include a clear warning that any recipient must also be over LPA in the “About” section or any prominent place within the platform or website.

(Example: “Please only share our posts with those who are legal drinking age”).



PART 12: SUBSCRIPTION-BASED/STREAMING SERVICES PLATFORM

1. Service providers shall exercise due caution to ensure that the marketing communications of intoxicating liquor are only accessible to users who are non-Muslims and 21 years old and above.
2. A prominent disclaimer must be included throughout the advertisement, indicating that it is intended for non-Muslims over the age of 21.
3. Service providers shall implement the following measures to restrict access to intoxicating liquor advertisement:
 - a) **Age Verification and Access Control**
Require all users to create profiles with age verification. Only profiles belonging to individuals over the age of 21 should be allowed to view advertisements for intoxicating liquor. Additionally, implement PIN codes or passwords or other mechanisms to further restrict access to these advertisements.
 - b) **Platform Restrictions**
Ensure that advertisements for intoxicating liquor are only displayed on content specifically designed or classified for users aged 21 and above.
 - c) Implement any other technological advancements featuring age verification to control access to these advertisements.

PART 13: PRIVACY POLICY

Brands must prioritize user privacy and ensure compliance with privacy policies governing the collection of personal information in accordance with the Personal Data Protection Act 2010.

PART 14: COMPLIANCE

In the spirit of self-regulation, brands are encouraged to ensure that external consultants, such as public relations, marketing and advertising agencies, and third-party distributors engaged in the company's marketing efforts (including but not limited to digital), are familiar with the principles and provisions set forth in this Guideline.

PART 15: DETAILED GUIDELINES FOR SOME SPECIFIC COMMUNICATION VEHICLES

Applications (e.g., iPhone, Android etc.)

1. Where there is an age requirement included in the service (e.g., iTunes has a more than 17 years old) the application must only be available to 21 years old or closest to that. If there is no age requirement specified by the service or it is below 21 years old then there must be an additional notice stating that the application should only be downloaded by those aged 21 years or over.
2. If the service can prevent users who do not meet the age criteria from downloading the application, then this should be enacted.
3. Applications must have an Age Affirmation Page (AAP) in the app itself that shows the first time it is used. It does not need to be repeated each time the app is used.
4. Applications must have a RDM visible on the Welcome screen or the Home Screen.

Blogs

5. All brand blogs should be located on a site/platform that has an AAP.
6. Brand or its agents should only make comments on blogs where there is a reasonable expectation that at least 70% of the audience is aged over LPA.
7. All brand blogs should carry a RDM within the blog introduction.

Bluetooth and similar near field technologies

8. Bluetooth messaging or similar near fields technologies should link directly to an AAP unless it is being only used in areas where the audience is restricted to those of LPA (e.g., Private events, Clubs, and bars).

Instant Messaging

9. Brand and its agents may only Instant message recipients who are registered users of a specific club or group (e.g., Glenlivet guardians) and have already affirmed their age as a part of that registration and consented to receiving such communications.

Advertising on Mobile devices

10. Third party mobile sites which are used for advertising must meet the 70% rule. Marketing material (e.g., sweepstakes) which is accessed via a mobile phone must carry an AAP.
11. Direct messaging to mobile devices may only be undertaken to recipients who have confirmed that they are over LPA (for example they may be part of a registered club) and consented to receiving such communications. Phone (device) registration data alone is not considered acceptable as in many cases a minor's phone is registered to their parent.

Gaming

12. Advertising within third party games can only be run if the audience to the game can reasonably be shown to be within the 70% rule or sales of the game are restricted to over LPA.
13. "Advergaming" are permissible, but the distribution of these games must be through platforms or websites that have AAPs, and they must also contain a warning that they are intended only for those of LPA or above.

Podcasts

14. Podcasts should carry a download advice notice and only be located on sites which have an AAP.

QR Codes

15. Quick response codes are two-dimensional bar codes that when scanned or photographed link to a particular website.
16. Unless they are situated in age restricted areas (e.g., clubs or bars) or are accessed via an age affirmed platforms or website, wherever possible a QR code should link to material which carries an AAP.
17. QR codes should be accompanied by a notification that the content is intended for those over LPA only.

POS/Event based digital experiences

18. Should have AAP unless they are in an area that is restricted to LPA (e.g., Clubs or bars) or controlled by a person over LPA. If controlled by a person, they must ensure that anyone using the system is over the LPA.

Relationship Marketing

19. Relationship marketing can only be undertaken by registered users who in registering have affirmed that they are over LPA.

RSS Feeds

20. Really Simple Syndication feeds allow content to be taken into the website users' aggregator (or reader). The link back to the content requires that the user goes through the original site's AAP (although the site may utilize "a remember me" feature).

Search Engine Marketing & optimization

21. Search Engine links (e.g., Keywords) must direct users to the AAP of the appropriate website.

Wiki's (e.g., Wikipedia, PBworks)

22. Brand should only participate in Wiki's which meet the 70% rule.

X (formerly known as "Twitter")

23. Advertising on X is subject to the 70% rule.
24. Branded X Feeds should be age gated. This is possible using X Age Gate system. More info [here](#). (Google Search: X Age Gate System)
25. Branded X feeds should carry a RDM within their introductions.
26. This should be in the same font, colour and size as the rest of the introductory text.
27. X Feeds must contain a notice on their home page saying that the content is only intended for viewing by those over the LPA in their country of residence or viewing (whichever is older).

Facebook

28. On Facebook pages, the RDM must be shown on the Cover photo. In addition, there must be a “Responsible Pact” tab (not necessarily named Pact that shall clearly relate to responsibility). This tab must be one of the first four tabs and therefore immediately visible on the page.
29. Facebook pages should be set up to only be available to anyone over the LPA. This can be achieved by selecting the “Intoxicating liquor Related” Age restriction in the Facebook page administration panel under the “Manage permissions” category. The page must also be categorized in the “Wine/Spirits” category. Additionally, they should have a message on the page outlining that this page should not be read or accessed by anyone under LPA. (Technically this should not be necessary as the page will only be visible to Facebook users over the appropriate age; however, the message will make it clear to regulators that we are taking a responsible attitude to underage drinking).

Instagram

30. Official branded Instagram channels must use the age gate mechanism put in place in April 2015. Any linking from an Instagram account should be to a location that is age gated for intoxicating liquor-related content.
31. Additionally, branded Instagram pages should contain both a responsibility message and a note that material is intended for people over LPA.

Pinterest

32. Branded Pinterest channels do not require age gates but any links to intoxicating liquor related content must be age-gated.
33. Additionally, branded Pinterest pages should contain both a responsibility message and a note that material is intended for people over LPA.

YouTube (Vimeo, Hulu and other video sharing sites)

34. Brand and its agents should only upload material to sites which meet the 70% rule.
35. Wherever possible branded video channels should be age gated or restricted to registered viewers of LPA. This is possible using the YouTube Age Gating Guide. More info [here](#). (Google Search: YouTube Age Gating Guide)
36. All branded video channels should contain a responsibility message within their introduction of the same font colour and size as the rest of the introductory text.
37. If a part of your video is used as an advertising campaign and displayed as a teaser (meaning less than 15 seconds of viewing), you may display the RDM in a ticker field at the bottom of the screen during the 15 seconds. It means you can display your full content during 15 seconds for this advertising.



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