



Brewers Association Marketing and Advertising Code

Adopted: February 2008

Amended: May 2023

Introduction

Beer is meant to be enjoyed responsibly. Beer marketing should be representative of the values, ideals and integrity of a diverse culture and free of any derogatory or discriminatory messages or imagery. This document is intended to guide BA member marketing efforts and uphold the industry's tradition of responsible corporate citizenship. The term "beer" as used in this code covers all types of malt beverages.

General Guidelines

1. Beer advertising **shall** portray beer in a socially responsible and respectful way. This can include depicting people enjoying their lives and socializing while beer is present and being consumed in a responsible manner.

Beer advertising and marketing materials **should not**:

- a. portray, encourage, or condone driving and drinking;
- b. depict situations where beer is being consumed excessively, involuntarily, as part of a drinking game;
- c. portray persons lacking control over their behavior as a result of consuming beer;
- d. portray or imply illegal activity as a part of drinking beer;
- e. make representations about unsubstantiated health benefits;
- f. claim or represent that individuals cannot obtain social, professional, educational, athletic or financial success or status without beer consumption;
- g. claim or represent that individuals cannot solve social, personal, or physical problems without beer consumption;
- h. promote underage drinking;

- i. contain sexually explicit, lewd, or demeaning brand names, language, text, graphics, photos, video, or other images that reasonable adult consumers would find inappropriate for consumer products offered to the public;
 - j. contain derogatory or demeaning text or images.
- 2. A brewer's advertising **should** focus solely on communicating to adult consumers of legal drinking age.
 - a. Advertising and marketing materials should only be placed in media where at least 73.8% of the audience is expected to be of legal drinking age. A media placement will be considered reasonable if the statistically valid audience composition data reviewed prior to placement meets the above percentage.
 - b. Given the importance of digital media to brewers, separate Digital Marketing Guidelines below address placements in all forms of digital media.
- 3. Beer advertising and marketing materials **should not** disparage competing beers. Comparisons or claims distinguishing competing beers should be factual.
- 4. Beer may be advertised and marketed on college campuses or at college-sponsored events only when permitted by appropriate college policy. All other guidelines of the Brewers Association's Advertising Standards apply to college marketing.
- 5. The Brewers Association's Advertising Standards shall apply to "product placement" of beer if the brewer is aware that its product is being placed in any type of media by a third party.

Digital Media Guidelines

Where use of digital media applies, brewers **should** adhere to the following guidelines:

- 1. Digital media includes all beer-branded digital advertising and marketing placements made by or under the control of a brewer. These include brewer-owned or controlled or third-party internet and/or mobile sites, commercial marketing e-mails, downloadable content, SMS and MMS messaging, and social media sites.
- 2. Brewers should require disclosure of a viewer's date of birth with a message indicating that brewers' products are intended only for those of legal drinking age:
 - a. at the entry to their websites
 - b. at the point of download for permanent use media with or without access to a brewer's website; and
 - c. with a third-party compliant digital media sites that include interactive features in brewer advertisements.
- 3. Downloaded content and content that can be forwarded to others by e-mail directly from brewer websites or from brewer placements on websites operated by others shall

instruct those downloading or e-mailing that they should not forward the content to persons who are not of legal drinking age.

4. If a host or sponsor of a third party digital advertising platform is able to use registration or technological means to restrict access to the platform by persons below the legal drinking age, brewers should require that the methods to restrict underage access be applied to their advertising and marketing materials.

5. Brewers shall maintain internet privacy policies that are publicly available on their websites. These policies will govern the collection of personal information from legal drinking age consumers on brewer websites. Additionally:

- a. Brewers shall not collect information from viewers who identify themselves as under age;
- b. Brewers shall not sell the personal information they collect from legal drinking age consumers;
- c. Brewers shall keep customer information secure;
- d. Brewers shall employ an opt-in feature to receive communications from a brewer, as well as an opt-out feature, in their communications with customers.

6. User-generated content that is posted on beer-branded digital media sites made by or under the control of a brewer shall be monitored for compliance with these guidelines.

7. Brewers will use a consistent audience measurement source recognized by the advertising industry (such as, but not limited to, ComScore and Nielsen NetRatings) to determine whether digital media placements are reasonably expected to satisfy the Brewers Association Marketing Code.

Complaint Resolution

If the Brewers Association receives a complaint regarding the marketing practices of a Brewers Association voting member, they will refer that complaint to the member brewery for a response to the complainant. If the response is deemed unsatisfactory, the Brewers Association may request to convene a panel of appropriate and unbiased industry participants for review and comment based on the above guidelines. The full process for convening such a panel is contained in the Brewers Association [Marketing and Advertising Code Complaint Process](#) document.

The Brewers Association expects all with whom brewers do business to adhere to the law, as well as this Advertising and Marketing Code.