



THE ANNUAL CODE REPORT 2005
THE PORTMAN GROUP'S CODE OF PRACTICE
ON THE NAMING, PACKAGING AND PROMOTION OF ALCOHOLIC DRINKS

THE PORTMAN GROUP

The Portman Group was established in 1989 by the leading UK drinks producers. Its purpose is to promote responsible drinking, to help prevent alcohol misuse, to foster a balanced understanding of alcohol-related issues and to encourage responsible marketing.

Its full members are: Bacardi Brown Forman Brands; Beverage Brands (UK) Ltd; Carlsberg UK; Coors Brewers UK; Diageo Great Britain; InBev UK Ltd; Pernod Ricard UK; and Scottish & Newcastle.

Its retail associate members are: Enterprise Inns; Mitchells & Butlers; Spirit Group; Thresher Group; Union Pub Company/Pathfinder Pubs; and JD Wetherspoon.

The Portman Group's Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks specifically encourages responsible marketing by the drinks industry.

FOREWORD

In the second half of 2005, the UK held the Presidency of the European Union. One of the key political themes promoted by the Government was better regulation. It is a great tribute to the UK alcoholic drinks industry that I was asked to give a presentation to the Presidency conference in Edinburgh showing how, through The Portman Group Code, the industry has risen so effectively to the challenge of self-regulation.

So when the tabloid headlines screech outrage and disaster day after day, apparently blaming all society's ills on the drinks industry, or when people sneer at self-regulation as if it were the ultimate cop-out, it's worth remembering that producers are actually doing a pretty good job of controlling their own marketing standards and that others could learn something from them.

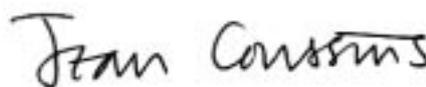
The Code complies with the five principles of good regulation as agreed by the Better Regulation Commission. It is **proportionate** - offering the preventative service of pre-launch advice, and applying the sanction of retailer action to de-stock products only when a complaint is upheld. It is **accountable**, with published decisions made by an independently-constituted Complaints Panel. It is **consistent** - applying the Code's rules without fear or favour to all producers regardless of size or influence in the market, and using standards compatible with other codes on marketing communications. It is **transparent**, with rules written in clear, user-friendly language within a procedure that complies with natural justice. Finally, it is **targeted**, with the specific purpose of maintaining and improving standards of social responsibility in the naming, packaging and promotion of drinks; it is not a panacea for sweeping away all known forms of alcohol misuse.

After ten years of operating the Code, we can identify four things as the key factors of its success as an instrument of self-regulation:

- the open complaints system;
- the independence of decision-making;
- the effective enforcement mechanisms; and
- the pre-launch advisory service.

The benefits of efficient self-regulation as opposed to legislative controls are significant. First, the rules can be adapted flexibly in response to changes in the market or in society. For example, in 2000 we introduced a new rule (with the blessing of the OFT) to deal with the emergence of so-called alcoholic energy drinks, a marketing phenomenon which was rightly strangled at birth. Secondly, compared to the legal process, decisions of the Panel can be enforced very swiftly indeed. Retailers are asked to de-list products in breach of the Code within three months of the final decision.

Finally, industry, government and consumers all benefit from a system of self-regulation that commands support and compliance right across its sector, as this Code does. There will always be debate about whether this rule goes too far or that rule isn't strict enough. There are many subjective judgements to be made; it could not be otherwise. But as long as producers are able to demonstrate their commitment to the rules and the Panel's decisions (even if they go against them), in the interests of the greater good of a fair social and political environment in which to do business, then the industry can rightly be held up, as it was by the UK Presidency conference, as an example of good practice. The Portman Group is here to help keep it that way.



Jean Coussins
Chief Executive, The Portman Group
December 2005

REPORT OF THE CHAIRMAN OF THE INDEPENDENT COMPLAINTS PANEL

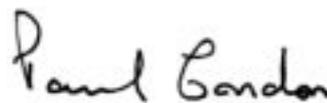
During the year under review, the work of the Complaints Panel took place against the background of the most significant changes to the licensing laws for more than forty years and unprecedented media interest and commentary about alcohol-related issues. The Complaints Panel members, both as individuals and collectively, noted the intensity of the political and media focus and then got on with the business of contributing to an independent, transparent and fair complaints system. In previous annual reports I have emphasised the importance of the Panel's independence and diversity of backgrounds and this year I was able to strengthen the Panel by the appointment of Jon Eggleton. Jon has a very interesting marketing pedigree including time spent in the drinks industry. He is now Marketing Director of United Biscuits UK and I am very pleased he was able to find the time to join the Panel.

Unlike last year, when the theme of 'sexual success' dominated the complaints, this year saw a return to a more eclectic mix of complaints against a wider range of provisions of the Code. Even though the Panel considered what might seem a relatively small number of complaints, nevertheless, through these complaints and our decisions, we were able to give important guidance to the industry and indeed to The Portman Group Advisory Service, about acceptable and unacceptable behaviour in relation to the Code. Every complaint is important and is treated so by the complaints system and the Panel members. However, occasionally we are aware that an individual decision may have significance beyond the circumstances of the complaint. The Kalashnikov Vodka complaint was such a case. The full decision is set out in the body of this report but in essence the Panel considered that regardless of the cause for which they were used, including lawful use, guns were dangerous and could be associated with violence. The Panel therefore concluded that a

drinks name that primarily evoked an image of a contemporary firearm was an unacceptable choice of a brand name for an alcoholic drink because it indirectly suggested an association with violent and dangerous behaviour. This decision should give clear guidance to the industry and the Advisory Service.

In my view the independent complaints system continues to make a relevant contribution to the self-regulation of the drinks industry at this important time of review and debate about the best way forward. Once again I would like to take the opportunity to recognise the role of my fellow Panel members and thank them for their dedication and thoroughness in considering the complaints put before us during the course of the year.

I would also like to acknowledge the role of The Portman Group Secretariat, who whilst taking no part in our actual decisions, provide vital administrative support.



Lord Condon
Chairman of the Panel

December 2005



KALASHNIKOV VODKA & WWW.KALASHNIKOVVODKA.COM

The Kalashnikov Joint Stock Vodka Co. (1947) plc

Final Decision 21 January 2005

COMPLAINT SUMMARY

"Alcohol Focus Scotland would like to complain about this drink in relation to clause 3.2(b) of the Code. The brand name 'Kalashnikov' is entirely inappropriate for an alcoholic drink as the general public would immediately associate the name with the world famous weapon, the AK-47, which has become a global symbol for terror and violence.

The product's website describes the product as having 'military strength' and says the 'Kalashnikov' stirs up the same emotions for Russians as the Spitfire does for the British."

COMPLAINANT

Alcohol Focus Scotland

DECISION

Under Code paragraph 3.2 (b) **UPHELD**

The producers said that the brand name was specifically associated with the Russian General Kalashnikov who was a professional engineer and had twice been awarded the honour of "Military Hero" in Russia. They pointed out that the image used on the product's labelling and packaging depicted him in civilian dress, not as a soldier on active service. They argued that the brand name did not associate itself with any piece of military equipment and that the automatic rifle invented by General Kalashnikov, the "AK-47", did not appear on any part of the labelling, packaging or website.

The producers argued that there had never been any association between General Kalashnikov himself and "terror and violence" and said that the General had consistently explained that he had invented the AK-47 for the defence of his Motherland Russia. They further argued that the rear label actively promoted friendship, goodwill and socially responsible drinking. They said that the term "Military Strength" was used on the back label and the website in its technical sense.

The Panel considered carefully the producers' submissions, including letters from General Kalashnikov, The Russo-British Chamber of Commerce, the Moscow International Higher

Business School and Michael Portillo MP. The Panel considered that the packaging and website had tried to focus on the Russian heritage of the General rather than the assault rifle that he had invented; it noted the fact that the AK-47 rifle was not depicted on either the bottle or the website. It did not object to the technical reference "military strength" on the back of the label and which was explained on the website.

The Panel acknowledged the status of General Kalashnikov as a hero in Russia and that he desired to promote peace and friendship. The Panel considered, however, that whatever the intentions of the producers and of the General, first and foremost, UK consumers would associate the name "Kalashnikov" with a gun and that many would associate it specifically with the assault rifle invented by the General (the "AK-47", which the Panel noted stands for "automatic Kalashnikov 1947"). The Panel also noted that that this view appeared to be echoed by magazine articles on the website and links to other articles about the product which also referred to the rifle and which used the name "Kalashnikov" as well as "AK-47" to describe it.

The Panel considered that, regardless of the cause for which they were used, guns were by nature dangerous and associated with violence even when used lawfully in combat, law enforcement or other lawful purposes. Having considered the product as whole, including its packaging and overall presentation, the Panel concluded that a name that primarily evoked an image of a contemporary gun, namely the AK-47 which was one of if not the most widely used firearm in the world, was an unacceptable choice of brand name for an alcoholic drink because it indirectly suggested an association with violent and dangerous behaviour. The Panel therefore found that the product name was in breach of paragraph 3.2(b) of the Code.

ACTION BY COMPANY

The Panel welcomed the fact that the company was liaising with the Advisory Service for guidance on changing the product name in order to comply with the Code.



MICKEY FINN'S SPIKED SOUR APPLE & MOONSHINE SCHNAPPS

BABCO Europe Limited

Final Decision 25 February 2005

COMPLAINT SUMMARY

"I wanted to bring to your attention the descriptor statement on the bottle stating 'Spiked'. In view of responsible drinking this I believe is cause for concern since a spiked drink would imply something added/detrimental. I also believe the alcohol declaration is in very small copy."

COMPLAINANT

Member of the public, Oxfordshire

DECISION

Under Code paragraphs 3.1, 3.2(b), 3.2(c) and 3.2(g) **UPHELD**

Under Code paragraph 3.1(f) **NOT UPHELD**

The Panel first considered whether the alcoholic nature of the product was communicated on its packaging with absolute clarity. The Panel noted that the front of the label featured the product descriptors "schnapps" and "natural schnapps" as well as a statement of the product's alcoholic strength which the producers said was the regulation 2mm high. The Panel considered, however, that greater prominence was given on the front label to the phrases "Real natural fruit juice", "Spiked" and "Sour Apple and Moonshine" and that overall, the alcoholic nature of the product had not been communicated with absolute clarity. It therefore concluded that the product was in breach of paragraph 3.1 of the Code.

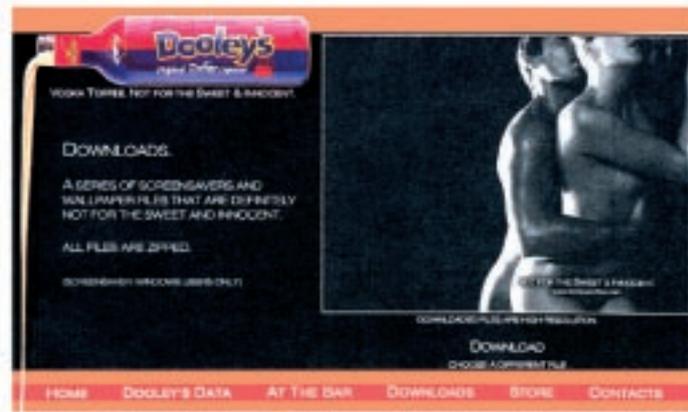
The Panel then considered whether the product suggested any association with bravado, or with violent, aggressive, dangerous or anti-social behaviour. It also considered whether the product suggested any association with, acceptance of, or allusion to, illicit drugs. The Panel noted from dictionary definitions that the phrase 'to spike' meant to lace a drink with alcohol or a drug and that the term 'Mickey Finn' referred both to a drink secretly adulterated with a narcotic and given to someone to render them unconscious and also to

the adulterant itself. The Panel considered that it was both dangerous and anti-social to spike a drink or suggest that a drink had been spiked and considered that the reference 'spiked' indirectly associated the product with dangerous or antisocial behaviour as well as illicit drugs, in breach of Code paragraphs 3.2(b) and 3.2(c). It therefore welcomed the fact that the producer had decided to remove the word 'spiked' from the product name. The producer argued that 'Mickey Finn' was an historical American slang term that had no meaning in a modern day context. The producer also said that it was a reference to an Irish American bar owner and that UK consumers would infer from it only that the product had an Irish heritage. The Panel considered, however, that the reference 'Mickey Finn's' (which it noted formed part of the product name) when read in conjunction with the narrative on the back of the bottle about the history of 'Mickey Finn' was also in breach of Code paragraphs 3.2(b) and 3.2(c). The Panel considered, however, that neither of these references would be likely to encourage illegal behaviour in the form of drink spiking and therefore concluded that the product did not breach Code paragraph 3.2(f).

Finally the Panel considered whether the product was likely to have a particular appeal to under 18s. It considered that the combination of the worm/apple cartoon, the word 'spiked', together with the colour of the product itself, meant that overall, the product was likely to have a particular appeal to under 18s. The Panel therefore concluded that the product was in breach of Code paragraph 3.2(g) and welcomed the producer's intention to remove the worm/apple cartoon from the label.

ACTION BY COMPANY

The Panel welcomed the fact that the company had agreed to consult the Advisory Service for guidance on new product labelling to ensure that it complied with the Code.



DOOLEYS & WWW.DOOLEYSTOFFEE.UNITEDBRANDS.CO.UK

United Brands Ltd

Final Decision 11 March 2005

COMPLAINT SUMMARY

"The sexual content of the product's website is very strong and it is obvious that the company are using sexual images to sell the drink. The website allows visitors to download a variety of images of nude couples as screensavers and purchase as posters which it describes as 'definitely not for the sweet and innocent'.

...the cocktail recipe names 'Dooley's with Head', 'A Kick in the Dooley's' and 'Sticky Nuts' go against the spirit of the Code and associate Dooley's with sexual success.

We object to the competition on the website which offers a prize of a case of Dooley's which the site says 'is enough to get you into all sorts of trouble' in relation to 3.2(f) of the Code...surely (this is) encouraging irresponsible consumption of alcohol." A previous complaint about this product appealing to young people was not upheld despite the Panel admitting that 'the packaging was brightly coloured and...that there was some similarity between the design of the packaging and the graphics on some confectionary wrappers.' The Dooley's website actually states that 'the packaging reflects its appeal to both the young and the young at heart'...It is the view of Alcohol Focus Scotland that this product's packaging clearly breaches the Code."

COMPLAINANT

Alcohol Focus Scotland

DECISION

Under Code paragraph 3.2(d) **UPHELD**

Under Code paragraphs 3.1(f), 3.2(g) **NOT UPHELD**

The Panel first considered whether the download images on the website and the cocktail names highlighted by the complainants suggested an association with sexual success. It noted that the black and white images ranged from a man licking a woman's chin and foot to explicit images of nude couples embracing. The producers said that they did not accept that they had used sexual images to sell the product but agreed that some parts of the website might no longer be appropriate. The Panel

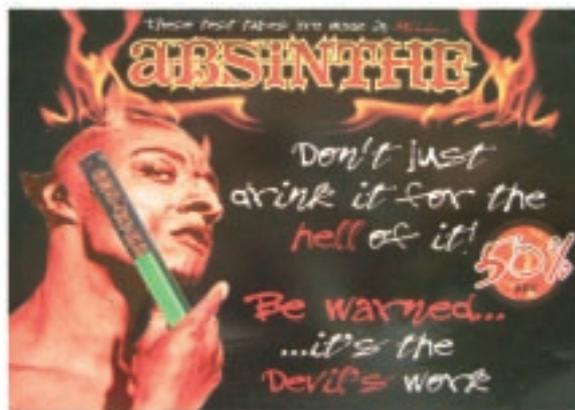
considered that the images both indirectly and in some cases directly suggested an association with sexual success in breach of paragraph 3.2(d) of the Code. It considered that the cocktail names 'Dooley's with Head', 'A Kick in the Dooley's' and 'Sticky Nuts' when juxtaposed with the images also suggested an indirect association with sexual success. The Panel therefore welcomed the fact that producers intended to remove the images and replace the cocktail names.

The Panel then considered whether the claim that the competition prize of a case of Dooley's was 'enough to get you into all sorts of trouble' encouraged the irresponsible consumption of alcohol. Although it noted the producers' intention to remove the competition page in its current format, the Panel did not object to the claim under Code paragraph 3.2(f).

Finally the Panel considered whether the product's packaging had a particular appeal to under 18s. The producers pointed out that in 2002 the Panel had dismissed a complaint about the packaging design. They also said that in 2003 they had removed the image of a toffee from the bottle and introduced the words 'Original Toffee & Vodka' beneath the Dooley's name on all side of the bottle to further distance the brand from any association with confectionary products. The Panel noted that the packaging was brightly coloured and eye-catching and that 'Dooley's' was in cartoon style lettering. It considered, however, that although the product appeared to be aimed at the younger end of the 18+ market, it would not have a particular appeal to under 18s. The Panel further considered that the phrase 'the packaging reflects its appeal to both the young and the young at heart' would not be seen as a reference to under 18s in particular. Hence the Panel found neither the packaging nor the website in breach of Code paragraph 3.2(g).

ACTION BY COMPANY

The Panel welcomed the fact that the company intended to remove the download images from the website and replace the cocktail names.



HOT SHOTZ & ABSINTHE

Pioneer International Drinks Ltd

Final Decision 24 June 2005

COMPLAINT SUMMARY

"We would like to complain about the test tube drinks known as Hot Shotz:

1. the alcoholic nature should be communicated with absolute clarity. We do not believe this is the case;
2. the promotional material for 'Absinthe' has a dominant theme promoting an intoxicating effect;
3. the whole theme alludes to sexual success: 'Love Juice', 'G Spot', 'Sixty Niner', 'Horny Devil', 'Double Vision', 'Sex on the Beach', 'Stiff One', 'Threesome', '4 Play', 'Sticky Lips' and 'Multiple Orgasm';
4. (should not) encourage illegal, irresponsible or immoderate consumption (3.2f) - clearly the promotional material for the 50% 'Absinthe' product alludes to this;
5. the product does have an appeal to under 18s;
6. the promotional material shows images of people who look under twenty-five."

COMPLAINANT

Shooters UK (Ltd)

DECISION

Under Code paragraphs 3.1, 3.2(d), 3.2(f), 3.2(g)

UPHELD

Under Code paragraphs 3.1(a), 3.2(h) **NOT UPHELD**

The Panel first considered whether the alcoholic nature of the products was communicated on their packaging with absolute clarity. It noted the producers' assertion that the font size and prominence of the 'alcohol by volume' (abv) information was in line with industry standards and stated even more clearly on the point of sale material. The Panel also noted, however, that the Code did not contain set guidelines on the size and prominence of abv information because each product must be considered on its own merits. The Panel was satisfied that the alcoholic nature of the 'Absinthe' product was clearly conveyed by the

'50%' references at the top of the container. The Panel was concerned, however, that the size of the abv references on the labels of the 'Hot Shotz' range was too small to be read easily and that this could cause confusion about the alcoholic nature of the product given its unusual and gimmicky test tube packaging. The Panel concluded that the alcoholic nature of the 'Hot Shotz' range was not clearly communicated on its packaging, in breach of Code paragraph 3.1.

The Panel next considered whether the promotional material for 'Absinthe', featuring a devil character holding the product, and the phrases "These test tubes are made in HELL...", "Don't just drink it for the hell of it!" and "Be warned...it's the devil's work" had a dominant theme promoting an intoxicating effect. The Panel concluded that material did not have the intoxicating effect as a dominant theme and therefore did not breach Code paragraph 3.2(a).

The Panel then considered whether the flavour names in the 'Hot Shotz' range alluded to sexual success. It noted the producers' argument that the themed phraseology used in their flavour names was replicated in the names of cocktails made in bars and nightclubs nationwide. The Panel appreciated the producers' argument but reminded them that the scope of the Code did not extend to cocktails mixed in licensed premises. The Panel considered that in view of alcohol's potential to impair judgement and affect behaviour, it was undesirable to link alcohol and sexual activity in a drink's name because it might encourage and/or trivialise excessive consumption and potentially harmful attitudes and behaviour. It considered that Code paragraph 3.2(d) was designed to prevent such marketing approaches and concluded that the flavour names 'Love Juice', 'G Spot', 'Sixty Niner', 'Horny Devil', 'Sex on the Beach', 'Stiff One', 'Threesome', '4 Play', 'Sticky Lips' and 'Multiple Orgasm' contained either a direct or an indirect association with sexual success in breach of this paragraph.

continued overleaf..

The Panel then considered the 'Absinthe' promotional material under Code paragraph 3.2(f). It concluded that the material would not encourage illegal, irresponsible or immoderate consumption and therefore was not in breach of Code paragraph 3.2(f). The Panel was concerned, however, that the 'Hot Shotz' variant 'Double Vision' could be seen as a reference to the effects of excessive consumption of alcohol and was likely to encourage irresponsible or immoderate consumption such as binge-drinking and drunkenness and was therefore in breach of paragraph 3.2(f).

The Panel next considered whether the products had a particular appeal to under 18s. The producers argued that the products were sold only in licensed premises and that cocktails were virtually without exception brightly coloured. The Panel noted that the products were sold in licensed on-trade premises and were not intended for sale through the off-trade but considered that once they had been sold to a third party the producers could not

guarantee this. Furthermore, the Panel considered that even if the products were available only through the on-trade, they could still be seen by, and appeal to, under 18s. It concluded that the both the 'Hot Shotz' range and the 'Absinthe' product had a particular appeal to under 18s because of the unusual and gimmicky nature of the test tube packaging combined with the bright colours of the products which were visible through the transparent containers. It therefore found both the 'Hot Shotz' range and the 'Absinthe' product in breach of Code paragraph 3.2(g).

Finally, the Panel considered whether the promotional material showed images of people who looked under 25. It concluded that it did not and that the material was therefore not in breach of Code paragraph 3.2(h).

ACTION BY COMPANY

Not known.



ROCKET FUEL VODKA & ROCKET FUEL ICE

Mr Fraser Coutts t/a The Rocket Fuel Drinks Company

Final Decision 24 June 2005

COMPLAINT SUMMARY

“The name of these drinks, ‘Rocket Fuel Vodka’ and ‘Rocket Fuel Ice’, and prominent positioning of the very high alcohol content, 42.85% ABV, is clearly using the intoxicating effect to sell the product. Most people would think of rocket fuel as being a very powerful substance and it is completely irresponsible for a drink to be promoted in terms of the effect of the alcohol content.”

COMPLAINANT

Alcohol Focus Scotland

DECISION

Under Code paragraph 3.2(a) **UPHELD**

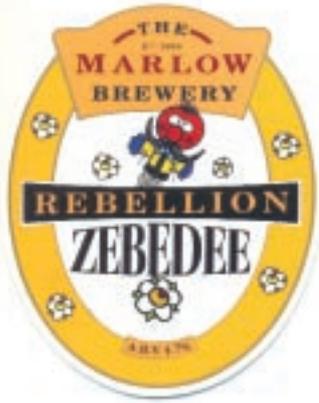
The producer’s solicitors argued that ‘Rocket Fuel’ had been marketed since 1997 without complaint. They pointed out that ‘Rocket Fuel’ was a registered trademark and that the ‘Rocket Fuel Vodka’ label carried the wording ‘Drink Responsibly’. They said that after The Portman Group’s Advisory Service had contacted the producer in 1999 expressing concern about the product name, he had changed an advertisement strapline from ‘The Vodka with a kick’ to ‘Vodka that is out of the world’. The solicitors cited several Panel decisions dating from 1996–2001, some of which concerned issues similar to the complaint against their product, in which complaints were not upheld. They said that the premium price of the product meant that it would not appeal to those

seeking basic alcohol. Finally, they said that the name was intended to be a humorous joke and could not be intended to suggest that drinking the product would empower the drinker. They pointed out that the strength of the product was very clearly marked on the label and that the name clearly reinforced the producer’s message that it was a strong drink. They said that a more innocuous name would be irresponsible promotion of the vodka product given its alcoholic strength.

The Panel noted the solicitors’ arguments. It also noted that in 1999 The Portman Group Advisory Service had expressed concerns about the name of the product and advised the producer to change it. The Panel considered that that the term ‘rocket fuel’ was widely associated with something very strong and very powerful. The Panel did not object to the positioning or size of the alcoholic strength information (42.85% abv for Rocket Fuel Vodka, 5.5% abv for Rocket Fuel Ice) or any aspect of the products’ packaging. It did, however, consider that ‘rocket fuel’ was an unacceptable choice of name for an alcoholic drink, even at a premium price, because it made the alcoholic strength of the product the dominant theme. The Panel therefore concluded that both product names were in breach of Code paragraph 3.2(a).

ACTION BY COMPANY

Not known.



ZEBEDEE BEER PUMP CLIP

Rebellion Beer Company Ltd

Final Decision 24 June 2005

COMPLAINT SUMMARY

"I would like to make a complaint about Zebedee beer which I believe breaches The Portman Group's code of practice. Their point of sale material in pubs features the Zebedee character from the Magic Roundabout, which is obviously of more than a little interest to children."

COMPLAINANT

Member of the public, London

DECISION

Under Code paragraph 3.2 (g) **NOT UPHELD**

The producers said that "Zebedee" beer was a Real Ale produced solely for consumption in pubs where it was available only via handpumps on the bar. They said that that because it was sold only in pubs consumers had to be over 18 and that the product was generally a drink for the 30-70 year old age bracket. They argued that children's series "The Magic Roundabout" was last shown on television 30 years ago and that there were no plans for a new series to be shown. They also said that although a film version of the series had

recently been released, they believed it had not been particularly popular. The producers pointed out that they had used the pump clip for 12 years without any adverse comment.

The Panel noted the producers' arguments. It noted particularly the fact that the beer was only sold in draught form in the controlled environment of pubs and was not available in bottles and that the pump clip was intended to be permanently fixed to the pump handle. It noted that the pump clip featured the Zebedee character from the original tv series "The Magic Roundabout", rather than the modern character from the recent film version, and that the tv series was shown in the UK between 1965 and 1977. The Panel considered that the original Zebedee character featured on the pump clip was "retro" in nature and would have a nostalgic appeal to an older generation of 30 and 40-somethings who had watched and fondly remembered the original tv series, rather than a particular appeal to under 18s. It therefore concluded that the pump clip did not breach Code paragraph 3.2(g).

ACTION BY COMPANY

None needed.



VODKA MUDSHAKE & VODKA TWISTEE SHOTS CONDOMS

Independent Distillers (UK) Ltd

Final Decision 3 December 2005

COMPLAINT SUMMARY

"I was in a bar recently and was given these [Vodka Mudshake & Vodka Twistee Shots branded condoms]. I feel concerned that this may encourage drunken sex."

COMPLAINANT

Member of the public, Chesterfield

DECISION

Under Code paragraph 3.2 (d) **UPHELD**

The producers said that they were responsible for the manufacture of merchandise bearing their brands but that they did not take responsibility for how that branded merchandise might subsequently be used by retailers or wholesalers. The producers felt that neither the branded condoms nor the consumption of their products in combination with the use of the branded condoms suggested that the user would achieve greater sexual success. They argued that the provision of condoms was socially responsible and that given the potentially dangerous consequences of not using the branded condoms, the benefit of providing them outweighed any perceived association with irresponsible sex.

The Panel carefully considered the producers' arguments. It acknowledged the importance of the

safe sex message and supported the work of health agencies in encouraging people to use condoms in order to reduce the risk of Sexually Transmitted Infections (STIs) and unwanted pregnancies. The Panel pointed out, however, that alcohol was a potentially dangerous substance that had the potential to impair judgement, affect behaviour and contribute to unplanned sexual encounters. Because of this, the Code did not permit the use of **any** association with sexual success to sell an alcoholic product.

The Panel considered that Code paragraph 3.2(d) did not make exceptions for merchandise such as condoms that might be intended to promote safe sex because **any** perceived link between alcohol and sexual activity, safe or otherwise, might encourage and/or trivialise potentially dangerous behaviour and attitudes to drinking and sex.

The Panel considered that the branded condoms directly associated the featured products with sexual success and therefore breached Code paragraph 3.2(d).

ACTION BY COMPANY

The Panel welcomed the company's assurance that it would cease to distribute branded condoms to its UK customers on or before 1 February 2006.

RETAILER ALERT BULLETINS

If a product's packaging or point-of-sale material is found in breach of the Code, The Portman Group takes compliance action by issuing a Retailer Alert Bulletin (RAB) asking licensees de-stock the offending product/materials after a specified three

month period. RABs are published in the licensed trade press and on The Portman Group's website and are sent to Code Signatories, police licensing officers, Trading Standards Officers, licensing magistrates and other interested parties nationwide.

PRODUCT	RAB ISSUED	COMPLIANCE DEADLINE
Kalashnikov Vodka	February 2005	27 April 2005
Mickey Finn's Spiked Sour Apple & Moonshine Schnapps	April 2005	8 June 2005
Hot Shotz & Absinthe	July 2005	28 September 2005
Rocket Fuel Vodka & Rocket Fuel Ice	July 2005	29 September 2005
Vodka Mudshake & Vodka Twistee Shots condoms	January 2006	9 March 2006

HOW TO MAKE A COMPLAINT UNDER THE CODE

Details of the complaints process are given in our 'A Guide to Complaints' leaflet, available free of charge from The Portman Group (address and telephone number below). Copies of the Code of Practice are also available from the same address on request.

The Portman Group's Code of Practice encourages drinks producers to market their products responsibly. A product might contravene the Code if its name, packaging or marketing:

- does not make it clear that it's an alcoholic drink;
- appeals particularly to under 18s;
- emphasises the alcoholic strength unduly;
- links the product with illicit drugs;
- associates the product with sexual success;
- suggests bravado, violence, dangerous or anti-social behaviour;
- makes you think that drinking it will help you become popular or successful;

- encourages illegal or irresponsible drinking, such as binge drinking or drink-driving;
- uses inappropriate images of people under 25;
- suggests it can improve your mental or physical performance.

The Code applies to a drink's packaging, (including its brand name) and also to point-of-sale activities and materials, brand websites, sponsorship, branded merchandise, press releases, advertorials and sampling.

If you wish to make a complaint under the Code, please write to the Secretary to the Independent Complaints Panel at The Portman Group, 7-10 Chandos Street, London W1G 9DQ.

If you would like to discuss any aspect of the complaints procedure, you are welcome to telephone 020 7907 3700. Alternatively you can send an email to info@portmangroup.org.uk

THE INDEPENDENT COMPLAINTS PANEL

The membership of the Independent Complaints Panel represents a diversity of background and experience and does not include any person employed by The Portman Group or by any of its Member companies.

The Panel's procedures are set out in a Guide to Complaints leaflet which is available from The Portman Group on 020 7907 3700. Each complaint is considered carefully on its own merits.



Lord Condon (Chairman)

Director of the Anti-Corruption Unit of the International Cricket Council. Former Commissioner of the Metropolitan Police 1993-2000. Joined the Metropolitan Police in 1967.



Jon Eggleton

Appointed to the role of United Biscuits UK Marketing Director in December 2003. Previously 15 years' experience within the drinks industry, most recently as a plc main board Marketing Director at HP Bulmer until October 2003. Prior to Bulmers, 11 years at Diageo/Guinness in a variety of marketing roles in the UK and overseas as Director of Marketing for Guinness Asia Pacific.



Callum Jacobs

Head of Personal, Citizenship and Health Education and also teacher of sociology and psychology at Cophall School, a comprehensive secondary school in Barnet, London. Worked with Barnet Local Education Authority producing drug education resources for schools. Currently works with young people, specialising in drug and alcohol education.



Nigel Long

Non-executive advisor to Naked (communications strategy company), Partners Andrews Aldridge (relationship marketing company) and Harringtons. Previously over 20 years' experience in the advertising industry including the creative agencies WCRS and Partners BDDH where he was Managing Director from 1995 and Chairman & CEO from 2001. After 10 years, and having successfully completed the merger of Partners BDDH and Euro RSCG (to create the UK's 6th largest ad agency), Nigel left in March 2004 and took a six month sabbatical.



Morven Proctor

Welfare Advisor at Liverpool John Moores' University Student Union. Former Women's Officer, National Union of Students Scotland. Former Vice-President (Welfare), Stirling University Students' Association.

Panel members continued overleaf..

THE INDEPENDENT COMPLAINTS PANEL continued



Angela Sarkis CBE

An independent consultant with wide experience of voluntary organisations, the public sector, faith communities and charitable trusts. A BBC Governor since October 2002. Chairs the National Council for Voluntary Organisations Diversity Project and is a member of the Home Office Active Community Unit Advisory Panel and the Vice-President of the African Caribbean Evangelical Alliance. Currently a non-executive director on the Home Office Correctional Services Board. Former Chief Executive of the Church Urban Fund 1996-2002.



Shona Stephen

Appointed to the new post of Director for Glasgow, Communities Scotland in June 2004. Director of Policy and Development at The Prince's Trust-Scotland 1998-2004. Previously worked in both inner city and Easterhouse areas of Glasgow and was Director of Lochfield Park Housing Co-operative. Wide experience of art and education projects involving young people, local employment initiatives, tenant-controlled housing design and crime reduction initiatives.

THE PORTMAN GROUP'S CODE ADVISORY SERVICE

As part of its responsibility in operating the Code of Practice, The Portman Group offers a free, fast and confidential Advisory Service.

The service gives drinks producers, importers and retailers the opportunity to seek advice, in advance, about the packaging and below-the-line marketing of any pre-packaged alcoholic drink that is to be sold in the UK. This enables any concerns about any possible breaches of the Code to be discussed and dealt with at an early stage.

Seeking advice can help companies to avoid the expense and bad publicity of having to make changes in response to an upheld decision by the Panel in the event of a complaint.

Companies wishing to seek advice under the Code should contact Kay Gill, Code Advice Officer on 020 7907 3706 or by email kgill@portmangroup.org.uk with details of their plans.

CODE SIGNATORIES December 2005

Over 130 companies have signed up to The Portman Group Code of Practice to indicate their support for the Code and their willingness to abide by and, in the case of retailers, help enforce, the decisions of the Independent Complaints Panel.

Adnams plc	Halewood International Ltd	Scottish & Newcastle plc
Alcohols Ltd	Hall & Woodhouse Ltd	Sharp's Brewery
Allied Domecq Spirits & Wines (UK) Ltd	Hardys & Hansons plc	Shepherd Neame Brewery Ltd
Ampleforth Abbey Trading Ltd	Harvey & Sons (Lewes) Ltd	Shooters UK Ltd
Arkell's Brewery Ltd	Hayman Ltd	Somerfield Stores Ltd
ASDA Stores Ltd	Joseph Holt plc	Spirit Group
Association of Licensed Multiple Retailers	Hook Norton Brewery Co. Ltd	St Austell Brewery Co. Ltd
Atlantic Wine Agencies Ltd	Hyde's Brewery Ltd	Timothy Taylor & Co.Ltd
Avery's of Bristol Ltd	Icon Distillers UK	Tesco Stores Ltd
Babco Europe Ltd	InBev UK Ltd	The Belhaven Brewery Co.Ltd
Bacardi Brown Forman Brands	Intercontinental Brands (ICB) Ltd	The Black Sheep Brewery plc
George Bateman & Son Ltd	Inver House Distillers Ltd	The Caledonian Brewing Company Ltd
Daniel Batham & Son Ltd	Lanchester Wine Cellars Ltd	The Co-operative Group
Beverage Brands (UK) Ltd	Landmark Cash & Carry Ltd	The Drinks Group
Blackwood Distillers	Laurel Pub Company	The Edrington Group
Blavod Drinks Ltd	JW Lees & Co (Brewers) Ltd	The F&B Partnership Ltd
S A Brain & Co.Ltd	London & Scottish International Ltd	The Felinfoel Brewery Co. Ltd
British Beer & Pub Association	Maclay Group plc	The Gin & Vodka Association of Great Britain
Brothers Drinks Co. Ltd	Ian Macleod Distillers Ltd	The Heavitree Brewery plc
Booker plc	Majestic Wine Warehouses Ltd	The National Association of Cider Makers
WH Brakspear & Sons plc	Marblehead Brand Development Ltd	The Scotch Whisky Association
Robert Cain & Co. Ltd	Marks and Spencer plc	The Union Pub Company
Carlsberg UK Ltd	Maxxium UK Ltd	The Welsh Whisky Association Ltd
J Chandler & Co (Buckfast) Ltd	McMullen & Sons Ltd	The Wine Portfolio Ltd
Constellation Wines Europe Ltd	Mercantile Vintners Ltd	The Wine and Spirit Trade Association
Coors Brewers Ltd	Merrydown plc	Thresher Group
Costcutter Supermarkets Group Ltd	Metro Discount Stores	Daniel Thwaites & Co. Ltd
De Vere Group plc t/a G&J Greenall	Miller Brands (UK) Ltd	T M Retail
Diageo Great Britain	Mitchells & Butlers plc	V&S Plymouth Ltd
Ehrmanns Ltd	Mitchells of Lancaster (Brewers) Ltd	Vickery Wines Ltd
Eldridge Pope plc	MOB Ltd	Wadworth & Co. Ltd
Elgood & Sons Ltd	Morrells Brewery Ltd	Waitrose Ltd
Enterprise Inns plc	Nisa-Today's (Holdings) Ltd	Charles Wells Ltd
Everards Brewery Ltd	Northern Ireland Drinks Industry Group	Western Wines Ltd
John E Fells & Sons Ltd	Odbbins Ltd	JD Wetherspoon plc
First Choice Wholesale Foods	JC & RH Palmer Ltd	Whiskynet
First Drinks Brands Ltd	Palmer & Harvey McLane Ltd	Whitbread Group plc
Fuller Smith & Turner plc	Pathfinder Pubs	Whitley Neill Ltd
G T News Ltd	Pernod Ricard UK	Whittalls Wines Ltd
George Gale & Co Ltd	Punch Taverns	Whyte & Mackay Ltd
GBL International Ltd	Rank Group	Wolverhampton & Dudley Breweries Ltd
Gray & Sons (Chelmsford) Ltd	Refresh UK	Young & Co's Brewery plc
Greene King plc	Ringwood Brewery	
Greenwich Distillers Ltd	Frederic Robinson Ltd	
H&A Prestige Packaging Company Ltd	J Sainsbury plc	

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