

# PERNOD RICARD

## CODE FOR COMMERCIAL COMMUNICATIONS



This Code is adapted from the Amsterdam Group / EFRD Common Standards for Commercial Communications which has been approved and adopted by all our major competitors within Europe.

**PERNOD RICARD** has adopted this provision as our own internal code which will apply to all our advertising around the world.

All **PERNOD RICARD** marketing must comply with this Code of Conduct. At the same time, individual affiliates must ensure that our advertising is also in compliance with the relevant national laws or codes.

### PREAMBLE

Alcoholic Beverages have been consumed and enjoyed around the world for centuries. Production of these beverages, consumption patterns and drinking habits differ widely from one country or region to another, and particularly with regard to the different categories of Beverages. These products, when responsibly consumed, are compatible with a balanced and healthy lifestyle and are enjoyed in a responsible way by the vast majority of consumers. Those products are of major societal, cultural and economic importance throughout the world.

### PURPOSE OF THIS CODE

It is recognized that excessive or irresponsible consumption of Beverages may have personal, social or health consequences. The purpose of this Code is to ensure that commercial communications do not encourage or condone excessive consumption or misuse of any kind.



## COMMERCIAL COMMUNICATIONS

Commercial Communications are defined herein as: "All brand advertising or marketing communications to consumers regardless of the medium used (e.g. print, broadcast media, labeling, packaging, internet, new technologies and sponsorship) and including consumer and trade promotion, merchandising and point of sale material."

Commercial Communications do not include:

- non-advertising materials or statements to the media, government agencies or the public about issues of societal concern such as the risks or benefits related to the consumption of Beverages and educational messages about responsible drinking or the role of alcohol in society.

## BASIC PRINCIPLES

Commercial Communications should:

- be legal, decent, honest and truthful and conform to accepted principles of fair competition and good business practice ;
- be prepared with a due sense of social responsibility and be based on principles of fairness and good faith ;
- not in any circumstances be unethical or otherwise impugn human dignity and integrity.

### 1. Misuse

**1.1** Commercial Communications should not encourage or condone excessive or irresponsible consumption, nor present abstinence or moderation in any negative way.

**1.2** Commercial Communications should not show people who appear to be drunk or in any way imply that drunkenness is acceptable.

**1.3** Commercial Communications should not suggest any association with violent, aggressive, illegal, dangerous or antisocial behavior.



- 1.4** Commercial Communications should avoid any association with, acceptance of, or allusion to drug culture or illicit drugs.
- 1.5** For all print, TV and cinema advertising and on all company and brand websites, a responsible drinking message will be included. This responsible drinking message must be clearly legible and noticeable on the advertisement and on the website. The responsible drinking message should be expressed in the language most easily understood by the target audience and adapted to local situations.

## **2. Minors<sup>1</sup>**

- 2.1** Commercial Communications should not be aimed at minors nor show minors consuming Beverages.
- 2.2** Commercial Communications should only promote Beverages in print and broadcast media for which at least 70% of the audience are reasonably expected to be adults 18 years or older. They should not promote Beverages in print and broadcast media, or events for which more than 30% of the audience is known or reasonably expected to be minors.
- 2.3** Commercial Communications should not use models and actors who are not at least 25 years of age.
- 2.4** Commercial Communications should not use objects, images, styles, symbols, colors, music and characters (either real or fictitious, including cartoon figures or celebrities such as sporting heroes) of primary appeal to children or adolescents.
- 2.5** Commercial Communications should not use brand identification such as names, logos, games, game equipment or other items of primary appeal to minors.

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<sup>1</sup> Minors can be defined for this Code as: "Young people below 18; or higher when national legal purchase age requires".



### **3. Drinking and Driving**

- 3.1** Commercial Communications should not suggest that the consumption of Beverages is acceptable before or whilst driving motor vehicles of any kind, including speed boats, jet-skis, snow-mobiles and airplanes.
- 3.2** Any association of our brands with motor sports must be managed carefully. In particular **PERNOD RICARD** will refrain from any alcohol brand advertising on circuits, cars or pilots in action.

### **4. Hazardous Activities, Workplace & Recreation**

Commercial Communications should not suggest that the consumption of Beverages is acceptable before or whilst operating potentially dangerous machinery, or with undertaking any potentially hazardous recreational or work-related activity.

### **5. Health Aspects**

- 5.1** Commercial Communications should not claim that Beverages may have therapeutic properties and that their consumption may help preventing, treating or curing any human disease.
- 5.2** Where permitted by law, Commercial Communications using truthful and accurate factual statements about carbohydrate, calories or other nutrient content may be appropriate in some circumstances.

### **6. Pregnancy**

- 6.1** Commercial Communication should not show pregnant women drinking or aim at women who are pregnant.
- 6.2** Within the EU all **PERNOD RICARD** bottles will include the pregnancy logo currently used in France (except if another prescribed and mandatory message is required).



## **7. Alcohol Content**

- 7.1** Commercial Communications should not create any confusion as to the nature and strength of Beverages.
- 7.2** Commercial Communications may present information for consumers on alcoholic strength but should not emphasize high alcoholic strength as a dominant theme in any brand communications materials. On the other hand, messages may not imply that consuming Beverages of low alcohol content will avoid abuse.

## **8. Performance**

Commercial Communications should not create the impression that consumption of beverages enhances mental ability or physical performance or has an energizing effect, e.g. when engaging in activities requiring concentration in order to be safely executed.

## **9. Social Success**

Commercial Communications should not suggest that the consumption of Beverages is a requirement for social acceptance or success.

## **10. Sexual Success**

- 10.1** Under no circumstances should Commercial Communications be unethical, offend against generally prevailing standards of taste and decency or otherwise impugn human dignity and integrity.
- 10.2** Commercial Communications should not suggest that the consumption of Beverages enhances sexual capabilities, attractiveness or leads to sexual relations.
- 10.3** Any use of an image of a nude man or woman must be in good taste and appropriate for the brand message being conveyed. Commercial Communications should avoid the use of graphic, lewd or gratuitous nudity.



## FURTHER GUIDANCE ON THE IMPLEMENTATION OF THIS CODE

If further advice is required on the understanding or interpretation of the provision of this Code, **PERNOD RICARD** employees should contact members of the Internal Approval Panel for Commercial Communications.

## COMPLIANCE WITH LAWS, REGULATIONS AND OTHER INDUSTRY CODES

All Commercial Communications must be in keeping with both the letter and the spirit of all national applicable laws, regulations and self-regulatory codes of practice.

## COMPLIANCE BY EXTERNAL CONSULTANTS

**PERNOD RICARD** Marketing Executives should ensure that external consultants such as advertising, marketing, public relations and sponsoring agencies, are aware of the Code of Conduct and this guidance in particular.

## ANNEXES AND REFERENCES

The Code is further clarified and explained in the attached Annexes that include specific guidance :

- **For Internet brand marketing activities (Annex 1) :**  
Applicable to all markets
- **For Point of Sales promotions (Annex 2) :** Applicable to EU countries
- **For Sponsorship (Annex 3) :** Applicable to EU countries

## **ANNEX 1 – Pernod Ricard Regulatory Guidelines for Digital Communications Activity**



### **Overview**

Digital activity is a channel within **PERNOD RICARD**'s overall communications. As such it is included within the Code for Commercial communications. However, there are a number of areas where the nature of the medium requires clearer guidance, which is why these guidelines have been developed.

It should be noted that some issues (such as taste and decency) are fully covered by the [Pernod Ricard Code for Commercial Communications](#) and are therefore not specifically covered here. Compliance with this code remains mandatory.

There are a variety of guidelines available within the spirits industry regarding digital communications activity (for example, Discus, EFRD, Portman Group). These tend to be geographically delineated but have a strong degree of overlap.

A lot of work on the internet is intended to be global in nature and even work intended for one particular market can usually be viewed elsewhere.

The **PERNOD RICARD** guidelines represent an attempt to distill the different guidelines into a common standard to be used by all **PERNOD RICARD** companies across all markets. Nonetheless those responsible for digital communications need to work with local markets to ensure that they comply with all relevant legal restrictions and regulatory guidelines. If there are any apparent contradictions between local regulations and these guidelines please check with Armand Hennon or Rick Connor for clarification.

There are three major areas where guidelines prevail and, for ease of reference and quicker initial delivery, each of these will be the subject of a separate guidelines paper.



- Ensuring a responsible approach is taken towards those below the legal drinking age
- Ensuring that email communications respect privacy and that all commercial communications are readily identifiable as such.
- Ensuring proper control of the Intellectual property issues connected with our use of digital media

## Useful Links

The International Centre for Alcohol policies has a useful list of age regulations by country.

It can be found at <http://icap.org/Table/MinimumAgeLimitsWorldwide>.

Their main site is <http://www.icap.org/>

The Discus guidelines (USA) can be found at

<http://www.discus.org/responsibility/code.asp>

The EFRD (Europe) guidelines can be found at <http://www.efrd.org/main.html> (go to Common Standards on Commercial Communications 2009)

The Portman Group (UK) guidelines can be found at <http://www.portman-group.org.uk/?pid=4&level=1>

## **PR digital guidelines paper 1: Ensuring a responsible approach is taken towards those below the legal drinking age**

All websites operated by **PERNOD RICARD**, with the exception of those pertaining to corporate financial issues, must carry an age affirmation page (sometimes referred to as LDA or LPA or AVP page). Precise details of what such a page includes can be seen in appendix A.

Paid for space and **PERNOD RICARD** produced editorial or commentary can only appear on sites where at least 70% of the audience is aged 18 or above. In countries where the legal purchase age of alcohol is above this (eg in the USA it is 21) then that is the age at which the 70% figure applies. Appendix B gives details of the process used to determine whether or not a site meets the required age profile. (Elsewhere in this document this rule is referred to as "the 70% rule").

Please note that for the UK the rule is 75% of the audience should be 18 or above. This applies to all aspects of the "70% rule" in these Guidelines.

Paid for advertising which has a significant interactive content (eg rich media banners with a game element) are likely to require an age affirmation device. This should be discussed on an individual basis with PR Holding (Rick Connor/Armand Hennon).

Any material designed for sharing, irrespective of where it is placed, must carry an appropriate warning that it should not be shared with anyone under the age at which it is legally permitted to purchase alcohol in the country of viewing. This will be referred to throughout this document as a "download advice notice".

All video footage that can be shared or downloaded must carry a beginning frame that carries an age warning "this material relates to the promotion of alcohol and should not be viewed by anyone below the legal age of alcohol purchase in the country of viewing" (please note that whenever TV commercials are put onto sites they should carry this frame irrespective of whether it is intended that they should be downloaded).



Groups or channels that are run by **PERNOD RICARD** on third party websites (for example a Facebook Page or a You Tube channel) should wherever possible ensure that all members are aged over LDA. No group or channel should be run by **PERNOD RICARD** or its agents unless the site meets the 70% rule regarding audience profile. Nor should **PERNOD RICARD** engage with any group or channel that does not meet the 70% rule. Where it is not clear that 100% of the viewers are aged over LDA then a notice must be posted that the material shown is only intended for those over legal drinking age. Specific guidelines for some of the main channels are shown in appendix C

User Generated Content may not be directly uploaded to any **PERNOD RICARD** owned or controlled website (or page) but must be reviewed before it appears (pre-moderated) and be in line with the guidelines given in appendix D. In a small number of cases it may be acceptable for User Generated Content to be post moderated (ie reviewed within a short period after it has been posted). In these circumstances there must be minimal risk of inappropriate posting and a significant disadvantage to pre-moderation. This must be reviewed and agreed by Rick Connor or Armand Hennon in advance.

All models or actors appearing on any PR controlled site or part thereof must be (and appear to be) over the age of 25.

No images, including any User Generated Content, of anyone who is or appears to be below the age of 18 and involved in drinking alcohol may be shown on any site (or part thereof) within **PERNOD RICARD**'s control. (In some markets there are stricter local controls in place. Please see the three paragraphs below. If there are stricter rules pertaining in your market please follow them. If you are in any doubt please refer to Rick Connor or Armand Hennon).

For sites which are designed to appeal to a predominantly USA audience, no images, including user generated content, may show anyone (whether or not involved with drinking alcohol) who is or appears to be below the age of 21.

For sites which are designed to appeal to a predominantly UK audience, no images, including User Generated Content, may show anyone involved with drinking alcohol who is or appears to be below the age of 25.

In the preceding two paragraphs, a site will be considered as "predominantly" intended for a specific country if 50% or more of the traffic comes from that particular country.



## **Appendix 1 A – Age Affirmation page details**

All first-time visitors to the brand site (or other location where an AAP is required) should be required to navigate an Age Affirmation Page (AAP) unless they are being referred from a website which itself is age-protected to a similarly rigorous standard. This includes traffic generated from pay per click search engines, natural search campaigns and display advertising campaigns.

The method of age affirmation should require the visitor actively to input their date of birth including day, month and year. These should not be prefilled with example dates.

Users should be asked to select their country of location from a drop down list. Alternatively they may be asked to tick a box to confirm their country of location based on their IP address.

Access must then be blocked to any visitor below the age of 18. In countries where the legal purchase age of alcohol is above 18 (eg in the USA it is 21) then visitors below this age must be blocked. Blocked visitors should be given an appropriate message and/or directed to an appropriate alternative site (e.g. [drinkaware.co.uk](http://drinkaware.co.uk), [acceptresponsibility.org](http://acceptresponsibility.org), [centurycouncil.org](http://centurycouncil.org)). If they are not directed elsewhere they should not be able to easily back click and re-enter a different date of birth.

Visitors may be invited to set-up a "Remember me" option to facilitate easier access to the site in future but this invitation should be accompanied by a reminder to the visitor to consider the appropriateness of this option if the computer is shared with someone aged under legal purchase age.

Direct electronic communications to registered members only may contain a link allowing direct entry to the site (i.e. by-passing the AAP).

Where possible AAPs should carry a Nanny Tag. This is a hidden label, known as meta data, that described the site's content in a format that software like NetNanny can understand. This software is used by parents to control web browsing activity of their children. More information can be obtained from the Family Online Safety Institute ([www.fosi.org/icra](http://www.fosi.org/icra)).

AAP pages, like all website pages should carry Terms and Conditions and a Privacy policy.

All AAP pages must carry a responsible drinking message.



Visitors to the AAP may be below legal purchase age and thus they may not be shown marketing messages. A minimal reference to the brand (for example a small product shot or logo is permitted).

Corporate websites, intended to communicate company information rather than to promote a particular brand(s), do not need to feature an age affirmation page. However if there are sections within these sites dedicated solely to brands then these sections should have an AAP.



## **Appendix 1 B – Checking site age profiles**

In determining whether a particular third-party website is a suitable vehicle for alcohol marketing, companies should refer to the following sources, in order of reliability:

- *Syndicated data source* – This should generally be seen as the most reliable evidence of a website’s audience profile. The most appropriate indicator is the most recent three months site average of available audience data of unique visitors (where seasonal fluctuations are evident the previous year’s data should also be taken into account, if available). Companies should be aware, however, that some syndicated sources do not cover all ages (for example, some suppliers’ data currently does not include individuals aged under-15). These sources should therefore be used with caution and allowance made for unrecorded visitors aged under-18.
- *Independent demographic survey* - If a website is not measured by a syndicated data source, or the source does not provide convincing evidence of whether or not the 70% threshold has been met, companies should ask the website publisher to provide evidence of the age profile measured through an independent demographic survey.
- *“Registered user” database* – If neither of the above sources are available, or these data do not clearly demonstrate whether or not the 70% over-18s threshold has been met, but the website publisher operates a “registered user” database incorporating an age confirmation element, companies should use this as evidence of the likely age profile of overall visitors.

If a site does not meet the 70% threshold but it operates a registered user database and has the ability to target users demographically with advertisements based on the date of birth they gave when registering, a company may place an advertisement as long as it is seen only by those registered as over 18.

In the event that none of the above is available, for example because it is a non-permanent (e.g. event-specific) website, a company should place marketing content only if either the website is age-protected to at least a similar standard as that expected of alcohol brand websites or it is entirely satisfied that the website unquestionably is targeting an adult audience and runs no risk of attracting a significant proportion of under-18 visitors following a review of:



- the (proposed) content of the website;
- comparable websites;
- data provided by the publisher regarding the target audience;
- any other relevant factor.



## **Appendix 1 C – Detailed guidelines for some specific communication vehicles**

### **Applications (eg iPhone, Android etc)**

Where there is an age requirement included in the service (eg iTunes has a 17+ option) the application must only be available in 21+ or closest to that. If there is no age requirement specified by the service or it is below 21+ then there must be an additional notice stating that the application should only be downloaded by those of 21 years or over.

Where access to an application is limited to a specific country then the age requirement may be the higher of LPA or 18 years.

If the service can prevent users who do not meet the age criteria from downloading the application then this should be enacted.

Applications do not have to have an AAP included in the application itself, but should have a visible notice saying that they are intended for users of legal drinking age.

### **Blogs**

All PR blogs should be located on a site that has an AAP.

PR 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 18 (21 if the blog is of US origin).

### **BlueTooth**

Blue Tooth messaging should link directly to an AAP unless it is being only used in areas where the audience is restricted to those of legal drinking age (eg Clubs and bars).

### **Instant Messaging**

PR and its agents may only Instant Message to recipients who are registered users of a specific club or group (eg Glenlivet guardians) and have already affirmed their age as a part of that registration.



## Twitter

Twitter Feeds must contain a notice on their home page saying that the content is only intended for viewing by those over the legal age of purchase in their country of residence or viewing (whichever is older).

## Advertising on Mobile devices

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 age affirmation page.

Direct messaging to mobile devices may only be undertaken to recipients who are confirmed that they are over the legal age of alcohol purchase (for example they may be part of a registered club). Phone (device) registration data is not considered acceptable as in many cases a minor's phone is registered to their parent.

## Gaming

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 18+ (21+ in the USA). If you are intending to undertake this type of activity please speak to PR Holding first (Rick Connor/Armand Hennon).

"Advergames" are permissible but the distribution of these games must be through websites that have AAP's and they must also contain a warning that they are intended only for those of LPA or above.

## Photo Sharing (eg Flickr)

**PERNOD RICARD** should avoid sponsoring specific groups on Flickr and other similar sites if they do not have the ability to premoderate the content or guarantee to remove inappropriate content within a 24 hour window.

**PERNOD RICARD** and their agents may submit photos to photosites provided that they can establish that the site meets the 70% rule and that the photo is in keeping with the guidelines on social responsibility (see Appendix D).



## **Podcasts**

Podcasts should carry a download advice notice and only be located on sites which have an age affirmation page.

## **QR codes**

(Quick response codes are two dimensional bar codes that when scanned or photographed link to a particular website).

Unless they are situated in age restricted areas (eg clubs or bars) or are accessed via an age affirmed website, QR codes should only link to material which carries an age affirmation page. QR codes should be accompanied by a notification that the content to be found is intended for those over LPA only.

## **POS/Event based digital experiences**

Should have age affirmation page unless they are in an area that is restricted to LPA (eg Clubs or bars) or controlled by a person. If controlled by a person they must ensure that anyone using the system is over the legal drinking age.

## **Relationship Marketing**

Relationship marketing is the subject of a separate set of guidelines. However, concerning age issues, relationship marketing can only be undertaken by registered users who in registering have affirmed that they are over LPA.

## **RSS Feeds**

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

## **Search Engine Marketing & optimization**

Search Engine links (eg Keywords) must direct users to the age affirmation page of the appropriate website.



## Social Network sites

### Facebook

Facebook pages should be set up to only be available to anyone over legal purchase age. Additionally they should have a message on the page outlining that this page should not be read or accessed by anyone under legal purchase age. (Technically this should be unnecessary 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).

**PERNOD RICARD** and its agents must not directly send material to individuals (of any age) to use on a blog or social media page that is directly related to a specific **PERNOD RICARD** Brand (for example a Facebook user Group entitled "Chivas Regal lovers". as this may make us liable for other content that appears on that page or blog. It is permissible for **PERNOD RICARD** to put material on a publicly available website (subject to age affirmation) that can be downloaded and reused on such blogs or social media pages provided that such material is accompanied by the appropriate download notices.

It is permissible for **PERNOD RICARD** and its agents to send material to bloggers and writers for use on more general sites (eg "World of Whiskey") where there is no risk of confusion that such a site or blog may be belong to, or be wholly sponsored by, **PERNOD RICARD**.

**PERNOD RICARD** and its agents may only communicate with other Facebook groups or individuals if they have good reason to believe that the audience to that site meets the 70% rule.

All **PERNOD RICARD** brand pages should include a responsible drinking message and link to an appropriate responsible drinking site.

All user comments should be checked within one business day and inappropriate material (see Appendix 1D) removed forthwith.



## **Others**

Advertising on social network sites is subject to the 70% rule.

Additionally, where it is possible to limit advertising to those over the age of 18 (or LPA if higher than 18) then this should be done.

Any sponsored locations should carry a message that this material is for viewing only by those of legal purchase age.

Any downloadable material should carry a download advice notice.

When someone passes directly from one of our sites with an age affirmation page to another of our sites, they may bypass the age affirmation page on the second site.

## **Video sharing (eg YouTube, Vimeo, Hulu)**

All video material placed on this type of site should have an age warning at the beginning irrespective of whether or not it is intended to be downloaded.

**PERNOD RICARD** and its agents should only upload material to sites which meet the 70% rule.

## **Virtual Worlds (eg Second Life)**

Branded materials may only be used within virtual worlds which meet the 70% rule.

Attention should be paid to how branded materials might be utilised (nb taste and decency issues) by users of the virtual world. All proposed activity in virtual worlds must be discussed and agreed in advance with Armand Hennon or Rick Connor.

## **Wiki's (eg Wikipedia, PBwiki)**

**PERNOD RICARD** should only participate in Wiki's which meet the 70% rule.



## **Appendix 1 D – Standards of user generated content**

We ensure all our marketing communications are socially responsible and in line with industry codes of practice. This means that all content posted by users of this site must comply with the following rules:

- It must not glorify the alcohol strength, relatively high alcohol content or intoxicating effect of a drink;
- It must not associate a drink with bravado or with violent, aggressive, dangerous or anti-social behaviour;
- It must not suggest any association with, acceptance of or allusion to, illicit drugs;
- It must not associate a drink with sexual success;
- It must not suggest that drinking can lead to social success or popularity;
- It must not encourage illegal, irresponsible or immoderate drinking;
- It must not encourage "down-in-one" consumption;
- It must not have a particular appeal to those under legal purchase age;
- It must not suggest that a drink can enhance mental or physical performance;

**PR Digital guidelines paper 2: Ensuring that email communications respect privacy and that all commercial communications are readily identifiable as such.**

The following rules apply to the collection and use of email addresses:

Email addresses can only be collected if the addressee has clearly been given the opportunity to consent to being placed on an email list. This should take the form of a box which should be ticked to OPT – IN. The box must be actively ticked, so the default should be that the box is left blank.

All marketing emails must be sent from a functioning email address that can accept replies

All marketing emails must contain the following information:

- Instructions on opting –out from receiving future messages
- Accurate origin/routing information
- The brand or company name and a physical postal address

If a marketing email has not been given prior consent (ie the recipient has not agreed to accept it, by, for example, signing up for a newsletter) then that message must be clearly identifiable from its subject heading that it is an advertisement or solicitation.

All requests for opt-outs must be honoured within ten working days after receipt.

**Emails that contain an invitation to “send to a friend”**

As with all material that can be downloaded or forwarded, there should be a notice explaining that the recipients of anything forwarded must be of legal purchase age in the country in which they are resident.

Any email that is designed to be forwarded should contain a message noting that persons receiving the message should be of legal purchase age in their country of residence.



Emails designed to be forwarded should take the recipient through an AVP before they receive the bulk of the message. Thus for example a forwarded message can contain a statement such as "look at this great new film from Malibu", but then link to the film via an age verification page.

## **Seeding/transparency**

If we pay (in cash or in kind) for any material or messages to appear on a blog, twitterfeed, Facebook site, website or similar then it must be made clear to the reader that that is the case. This is equally true if the payment is made via a third party company (such as GoViral or ebuzzing).

This does not prevent the company or their PR agents sending material for review to established bloggers in a comparable manner to press journalists.

Please also note that the 70/30 age rule applies to blogs where PR or their agents are seeding content.

## **Transparency on blogs, forums etc**

If a **PERNOD RICARD** employee or agent makes any form of comment that relates to alcohol or any **PERNOD RICARD** sponsored or funded event then they must clearly state that they are an employee or agent of the company. Moreover if an employee refers to **PERNOD RICARD** events or use **PERNOD RICARD** products, brands or pictures on a personal blog, forum, social network, this should be done with a due sense of responsibility.



## **PR Digital guidelines paper 3: Ensuring proper control of the Intellectual property issues connected with our use of digital media**

There are five key areas of concern

Only use material which you have the rights to use. As with conventional advertising you need to have rights to use all materials this includes such things as models/voiceover, music (lyrics, musical arrangement), look and feel, background (other people, other brands, household names, books), and cinematographers rights. By way of example, please note that photographs taken at events need the written consent of all those who are visible within them. Two consents from the subjects are required – to being photographed, recorded or filmed AND to the subsequent exploiting or making public that material. Additionally a consent is required from the photographer who owns the copyright.

If you have a time limit to your rights to use something then ensure that it is taken down as soon as those rights have ended.

Ensure that Users are informed that they may only post material to which they have the appropriate copyrights. In some instances, for example Facebook, this is covered by the terms and conditions of the site you are using.

Ensure that in posting any material that Users give you the right to use it. Again, for some sites (such as Facebook) this is included in the terms and conditions already.

Ensure that you have a facility in place whereby people can contact you if they feel that you have posted something which contravenes their copyright or any other IP right.

*The opportunities offered by digital are increasingly exposing us to IP issues. Whenever you are involved with digital content please ensure that you have involved your legal team.*

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## ANNEX 2 – GUIDELINES FOR RESPONSIBLE PROMOTIONS



### Introduction

These Guidelines for Responsible Promotions are an integral part of the Code of Conduct for Commercial Communications. They apply in addition to the Common Standards and should therefore be read in conjunction.

**PERNOD RICARD** recognizes that promotions are an appropriate and valuable marketing tool to:

- enhance customer awareness of a product/brand;
- showcase a new product/brand.

As with all commercial communications, promotions should

- be developed, implemented and managed responsibly;
- never be aimed at underage drinkers;
- never encourage violent, aggressive, dangerous, anti social or illegal behavior, drink driving or alcohol misuse;
- never be demeaning to any group in society or otherwise offend accepted standards of taste and decency;
- be in full compliance with the prevailing laws, regulations and self-regulatory codes.

Given the complexity and structure of the beverage alcohol industry and the restaurant, retail, bar and hospitality business throughout Europe, the manufacturer whose product(s) is/are part of a promotional activity may not always be involved in or even aware of that particular activity. This of course affects the degree of control – if any – the manufacturer can exert over the content and tone of such activities. The operator and/or owner of the venue where the promotional activity takes place are important parties for the implementation of promotional activities.



This said, **PERNOD RICARD** recognizes that it is in its interest and in the interest of the society as a whole that beverage alcohol products (hereafter referred to as Beverages) are promoted responsibly. **PERNOD RICARD** therefore commits itself to working with the relevant organizations helping to ensure that these Guidelines are fully understood and communicated widely in sectors such as :

- retail
- hotels / restaurants / cafes / bars / nightclubs / discotheques
- tourism boards
- educational bodies and institutes from the HORECA industry
- promotion agencies and promotion suppliers
- events producers and organizers

## **Types of promotions**

Promotional activities of Beverages can take place broadly in the following types of settings:

- in store (small shops, supermarkets, hypermarkets)
- on-premise (licensed establishments)
- third party events
- in-house (e.g. production facility tours)
- own events in non-traditional locations (e.g. brand-owner sports event ; brand's music or dance festivals, train stations, on the beach, old industrial sites, spontaneous gatherings/events organized via sms)
- private homes of consumers

As circumstances and settings greatly vary, there is not one rule for everyone. These Guidelines, based on the provisions of the Code of Conduct, aim to provide practical tips on a number of aspects concerning promotional activities:

- setting
- content
- tone
- approach
- audience (age) profile.



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These Guidelines cover both the actual activity and the supporting materials.

## **Guidelines for Point-of-Sales promotions**

### **Basic Principles**

#### **Commercial Communications should:**

- be legal, decent, honest and truthful and conform to accepted principles of fair competition and good business practice ;
- be prepared with a due sense of social responsibility and be based on principles of fairness and good faith ;
- not in any circumstances be unethical or otherwise impugn human dignity and integrity.
  - a. There should be no form of discrimination of participation on the grounds of race, sexual orientation, religion, political inclination etc.
  - b. Avoid images, messages or activities which are likely to be considered gratuitously offensive or demeaning.
  - c. Ensure that the price for the Beverage(s) is/are known to all consumers.
  - d. Ensure that the alcoholic nature / alcohol content of the promoted Beverage(s) is/are known to consumers when the promotional activity is being started.

### **1. Misuse**

- 1.1** Commercial Communications should not encourage or condone excessive or irresponsible consumption, nor present abstinence or moderation in any negative way.
- 1.2** Commercial Communications should not show people who appear to be drunk or in any way imply that drunkenness is acceptable.
- 1.3** Commercial Communications should not suggest any association with violent, aggressive, illegal, dangerous or antisocial behavior.



- 1.4** Commercial Communications should avoid any association with, acceptance of, or allusion to drug culture or illicit drugs.
- a. Never encourage irresponsible and excessive consumption of Beverages.
  - b. Do not use any “drinking games” that may encourage excessive or irresponsible consumption, such as activities which involve either “speed incentives” or drinking an excessive amount of Beverages within a short period of time.
  - c. Do not serve consumers who are or appear to be uncontrollably excited, drunk, aggressive or engage in anti-social behavior. Ensure your staff is fully briefed on how to manage consumers who appear drunk, aggressive or anti-social.
  - d. Do not exercise any pressure on people not willing to participate.
  - e. Do not act negatively towards people who are not interested in the promotion.
  - f. It is good practice to display a clearly visible and appropriate responsible drinking message.
  - g. Ensure none of the aspects of the activity encourages excessive or irresponsible consumption (content, language, behavior of promotional teams, price/timing etc).
  - h. If a promotion or incentive includes a multi-purchase, consumers are not encouraged to drink over the national recommendation for sensible drinking.
  - i. Promotional activities and messages should never encourage consumers to engage in risky or potentially dangerous activities or behavior.

## **2. Minors<sup>2</sup>**

- 2.1** Commercial Communications should not be specifically aimed at minors nor show minors consuming Beverages.

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<sup>2</sup> Minors can be defined for this Code as: “Young people below 18; or higher when national legal purchase age requires”.



- 2.2** Commercial Communications should only promote Beverages in print and broadcast media for which at least 70% of the audience are reasonably expected to be adults 18 years or older. It should not promote Beverages in print and broadcast media or events for which more than 30% of the audience is known or reasonable expected to be minors.
- 2.3** Commercial Communications should not use models and actors who are not at least 25 years of age.
- 2.4** Commercial Communications should not use objects, images, styles, symbols, colors, music and characters (either real or fictitious, including cartoon figures or celebrities such as sporting heroes) of primary appeal to children or adolescents.
- 2.5** Commercial Communications should not use brand identification such as names, logos, games, game equipment or other items of primary appeal to minors.
- a. Never engage in promotional activities inviting people under the legal purchase age to participate.
  - b. Do not allow people below the legal drinking age to participate.
  - c. Do not carry out the promotion at all if it is reasonably expected that more than 30% of the public will consist of people under the legal drinking age. In case of doubt, do not go ahead with the activity (please check percentages as they may vary from country to country).
  - d. Consider using displays to inform consumers that Beverages should only be consumed by people over the legal purchase age (please see also point f under point 1 Misuse).
  - e. In case of doubt about the legality of the age, ask for proof of age, when appropriate (be aware of national laws and regulations regarding identity / proof of age requests).
  - f. Ensure that none of the aspects of the activity primarily appeal to people under the legal drinking age (content, language, cartoons, music, celebrities etc).



- g. Alcohol brands should not feature on children's/adolescent size clothing.

### **3. Drinking and Driving**

Commercial Communications should not suggest that the consumption of Beverages is acceptable before or whilst driving motor vehicles of any kind, including speed boats, jet-skis, snow-mobiles and airplanes.

- a. Be particularly vigilant about the participation of consumers who may drive following participation, e.g. in a supermarket tasting.
- b. Consider displaying a "don't drink and drive" message.
- c. Be careful with promotions in venues closely linked with driving (e.g. highway stores/restaurants).
- d. While motor vehicles can be used as prizes, great care must be taken at the awards ceremony to ensure the vehicle cannot be driven by anyone who has consumed Beverages (e.g. vehicle keys can be handed over the day after the award ceremony).

### **4. Hazardous Activities, Workplace & Recreation**

Commercial Communications should not suggest that the consumption of Beverages is acceptable before or whilst operating potentially dangerous machinery, or with undertaking any potentially hazardous recreational or work-related activity.

- a. Ensure that the promotion does not include or encourage a hazardous activity.

### **5. Health Aspects**

- 5.1** Commercial Communications should not claim that Beverages may have therapeutic properties and that their consumption may help preventing, treating or curing any human disease.



- 5.2** Where permitted by law, Commercial Communications using truthful and accurate factual statements about carbohydrate, calories or other nutrient content may be appropriate in some circumstances.
- a. Ensure that no aspects of the activity imply that the Beverage has any properties of preventing, treating or curing a human disease.

## **6. Pregnancy**

Commercial Communication should not show pregnant women drinking or specifically aim at women who are pregnant.

## **7. Alcohol Content**

- 7.1** Commercial Communications should not create any confusion as to the nature and strength of Beverages.
- 7.2** Commercial Communications may present information for consumers on alcoholic strength but should not emphasize high alcoholic strength as a dominant theme in any brand communications materials. On the other hand, messages may not imply that consuming Beverages of low alcohol content will avoid abuse.
- a. Ensure that participants in the promotion know that alcohol is involved.
  - b. Do not use drink-delivery methods / gimmicks which might confuse or mislead the consumer as to the amount of alcohol they are consuming (e.g. alcohol sprays, vaporizers).

## **8. Performance**

Commercial Communications should not create the impression that consumption of beverages enhances mental ability or physical performance or has an energizing effect, e.g. when engaging in activities requiring concentration in order to be safely executed.

- a. Do not encourage or promote drinking prior to engaging in sports.



## 9. Social Success

Commercial Communications should not suggest that the consumption of Beverages is a requirement for social acceptance or success.

## 10. Sexual Success

**10.1** Under no circumstances should Commercial Communications be unethical, offend against generally prevailing standards of taste and decency or otherwise impugn human dignity and integrity.

**10.2** Commercial Communications should not suggest that the consumption of Beverages enhances sexual capabilities, attractiveness or leads to sexual relations.

## 11. Sampling<sup>3</sup>

No sampling of Beverages should be offered to minors; it is allowed at licensed or private premises, trade fairs or occasions in accordance with local regulations.

It should be noted that the provisions of the Code and the guidance given in this guidelines for promotions also apply to sampling, i.e. informing the consumer about what they are to sample, alcohol strength, not sampling someone who is drunk, where people are potentially participating in risky or dangerous activity or where they potentially engage in anti social behavior etc.

## PROHIBITED PHYSICAL POS / PROMOTIONAL ITEMS

- Promotions involving drinking vessels, gimmicks, sprays or other drink dispensing mechanisms which either
- Encourage excessive drinking

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<sup>3</sup> Sampling includes tasting



- And/or mean that consumers cannot readily tell how much alcohol they are consuming (e.g. squirt guns, AWOL machines).
- And/or mean that consumers do not have control on the amount of alcohol they are consuming, or the speed of delivery (free-pour luges, 'dentist chairs').
- Drinking vessels, gimmicks or drink-dispensing mechanisms with medical or pharmaceutical connotations, e.g. syringes, test tubes.
- Promotions which involve religious or other symbols and references which could cause offence in the context of an alcohol beverage promotion.
- Sweets or children's confectionary: no confectionary/treats that are primarily associated with children; adult confectionary is acceptable, liqueur chocolates, dark chocolate, if in doubt sales data should be looked at to ensure adult audience.
- Prize giveaways and games primarily appealing to underage.
- Drinking games and/or games that can encourage irresponsible consumption.
- Seduction games with a sexual content or connotation.
- Inflatable e.g. doughnuts, lilos, inflatable beds/pillows, chairs, etc likely to be used in the water should not be primarily appealing to underage.
- Clothes in children's sizes or any reference thereto,
- Sex toys
- Branded condoms
- Hangover cures

## ANNEX 3 – SPONSORSHIP GUIDELINES



### 1. Introduction

**PERNOD RICARD** treats sponsorship with the same due diligence and great respect for maintenance of the high standards of responsibility that they apply to all other marketing disciplines.

Sponsorship for the purpose of these guidelines means any commercial agreement by which a sponsor, for the mutual benefit of the sponsor and sponsored party, contractually provides financing or other support in order to establish an association between the sponsor's brands or products and a sponsorship property in return for rights to promote this association and/or for the granting of certain agreed direct or indirect benefits.

### 2. Specific guidance for alcohol beverage brand sponsorships

- The Code of Conduct along with these complementary guidelines apply to the overall sponsorship agreement, including any sponsored event material carrying the sponsor's logo or trademark for the duration of the sponsorship agreement.
- **PERNOD RICARD** should not engage in sponsorship agreements unless at least 70% of the audience for the event (meaning those attending the event and the audience for broadcast media coverage of the event) are reasonably expected to be 18 years of age or older. It is the sponsor's responsibility to demonstrate that this requirement has been met.

- Sponsorship by **PERNOD RICARD** to assist programs encouraging social responsibility or discourage underage drinking is covered by the Code of Conduct and this guidance and shall not be in breach thereof.
- Sponsorship in any field may be accompanied by an activity or message promoting responsible drinking behavior.
- **PERNOD RICARD** shall require sports sponsored parties not to feature alcohol branding on children's size replica sports items, but instead to offer such items without alcohol beverage branding.
- No branded merchandise associated with a sponsorship should be aimed at those under legal purchase age or have a particular appeal to them beyond the appeal the merchandise has for the adult public.
- **PERNOD RICARD** will not sponsor junior sports teams, junior sports leagues or junior cultural events, such as musical/talent contests or awards primarily for people under 18 years old (the term 'junior' meaning those under 18 years of age or under legal purchase age where this may be higher than 18). However, an adult oriented cultural or sports event meeting the 70% over-18 threshold (e.g., city orchestra or opera) may be sponsored even if it should turn out that a small number of the performers are under 18 years old.
- With respect to sponsored sports or activities that could be considered dangerous, there should be no suggestion that players/performers consume alcohol before or while performing, or that alcohol consumption enhances their performance in any way.

