

Bacardi-Martini Limited response to the Product Placement consultation

Bacardi-Martini Limited is the UK sales organisation for premium spirits brands owned by fully by Bacardi Limited. BML is responsible for the distribution and marketing of key premium brands including Bacardi rum, Bombay Sapphire Gin, Martini Vermouth and Grey Goose Vodka.

Executive Summary

BML do believe that the alcohol industry should have the freedom to partake in product placement which should be permitted with some guidance for both the industry and the programme makers to adhere to. We also believe that this should be delivered in conjunction with existing guidelines for the marketing of alcohol in order to avoid less scrupulous manufacturers trying to portray alcohol in an inappropriate manner.

Bacardi-Martini does not have the relevant expertise or qualifications to comment on many questions. We have responded to those questions relating to alcohol below.

Response to Specific Questions

17. As well as being prohibited in specifically 'children's' programmes, therefore should any or all product placement be restricted or prohibited in programmes with a disproportionately high child audience?;

if so, how should that assessment be made in advance of a programme being broadcast?;

how could a 'disproportionately high child audience' be defined?;

should there be restrictions on placing certain types of products (e.g. HFSS foods or alcohol) in programmes with a disproportionately high child audience?;

There should be a code or guidelines developed on how alcohol should be used in all programmes

and if so should those restrictions be the same as or greater than those which are currently in place for the scheduling of spot advertising of those products?

They should not be greater as the rules for alcohol advertising are already robust in ensuring that alcohol does not encourage excessive or irresponsible consumption. The AVMS guidelines should cover this

23. In each case, we would be grateful for your views as to whether television product placement of this category of product should be subject to an outright prohibition, or if not prohibited, whether it should be subject to restrictions of some kind, and if so what those restrictions should be.

Alcohol products are already placed in programmes under the responsibility of programme editors where it adds authenticity to programme scenes e.g a pub would be expected to feature alcohol. There is also editorial responsibility as it is currently and programme producers should be free to source product placement and provide commercial endorsement in return for revenue.

Alcohol is a legal product and should not be prohibited from programmes especially those that reflect realism.

24. As already noted, the AVMS Directive requires that any product placement of **alcoholic drinks** must not be aimed specifically at minors and must not encourage immoderate consumption. The Advertising Standards Authority's BCAP (Broadcast Committee of Advertising Practice) Code which applies to TV advertising generally

- prevents alcohol advertising in and around programmes 'of particular appeal' to people aged under 18, and
- contains detailed guidance to prevent association between alcohol advertising and irresponsible consumption or youth culture (BCAP Advertising Guidance note no. 6)⁵.

Product placement should not be used to encourage immoderate consumption. If Product Placement is featured it should be under strict editorial control and shouldn't be used to promote illegal activity e.g selling alcohol to minors or using excessive prizes to promote that irresponsible or immoderate consumption is acceptable. Guidelines should be developed to ensure that programme makes do not use alcohol in a derogatory manner.

25. Ofcom's Broadcasting Code contains rules that require broadcasters to apply generally accepted standards to programme content to protect audiences from harmful material. To ensure adequate safeguards around the placing of alcoholic products in programmes, one option may be to require the placement of alcohol to comply with the rules which BCAP apply to television advertising of alcohol.

It is not practical to apply the BCAP codes to Product Placement. The AVMS directive would be enough to cover the use of alcohol within programmes. As producers of alcohol we would not want our brands to be used in a derogatory manner and should only used for realism purposes e.g pub/bar or as part of a positive drinking scene.

26. There are however practical difficulties around applying the full detail of BCAP Code rules on the content of alcohol advertising to product placement;. For example, requiring that product placement

'must not suggest that the success of a social occasion depends on the presence or consumption of alcohol'

or that

'no one who is or appears to be under 25 years old may play a significant role No one may behave in an adolescent or juvenile way'

would have implications for programme content around the placement and could present difficulties of enforcement and/or interpretation. It could also undermine the editorial independence of the programme maker.

If it is not practicable to apply the detail of the BCAP Code rules on alcohol advertising to alcohol product placement, would the simple AVMS Directive rules that alcohol advertising must not be aimed specifically at minors and must not encourage immoderate consumption provide adequate safeguards?

Yes

Monitoring possible effects on health

27. To the extent that television product placement of alcohol, HFSS foods, and gambling is to be permitted, Government will want to make sure that there are robust systems in place to ensure that any possible effects on health, welfare and problem gambling are assessed and monitored. As well as the question of how this could best be done in an accurate and effective way, the Government would need to consider how any programme of monitoring and/or research could be paid for.

28. This gives rise to two questions

What methods of assessment and monitoring would be most effective in ensuring that there was accurate and reliable information about the actual effects of any introduction of product placement in these areas?

Would it be possible or desirable to levy a charge on product placements to enable monitoring and/or research to take place?

No this comes back to the point within the consultation of treating this potential revenue stream as a separate business opportunity and it remains to be seen whether the scale of the opportunity justifies the administration that would be required to do monitoring and research in a significant way