

Help Note

# Health, diet and nutritional claims in non-broadcast marketing communications for alcoholic drinks

*CAP Help Notes offer guidance for non-broadcast marketing communications under the UK Code of Non-broadcast Advertising, Sales Promotions and Direct Marketing (the CAP Code). For advice on the rules for TV or radio commercials, contact Clearcast [www.clearcast.co.uk](http://www.clearcast.co.uk) for TV ads or the RACC [www.racc.co.uk](http://www.racc.co.uk) for radio ads.*

## Background

These guidelines, drawn up by CAP, are intended to help marketers, agencies and media interpret the CAP Code as far as it relates to the subject discussed. They are not intended to be a substitute for the Code. They neither constitute new rules nor bind the ASA Council in the event of a complaint about a marketing communication that follows them. This Help Note advises on the interpretation of CAP Code rule 18.17 on health, diet and nutritional claims in marketing communications for alcoholic drinks.

## Rule 18.17

“Marketing communications [for alcoholic drinks] may give factual information about product contents, including comparisons, but must not make any health, fitness or weight-control claims. The only permitted nutrition claims are “low alcohol”, “reduced alcohol” and “reduced energy” and any claim likely to have the same meaning for the consumer.”

## Application

1. The starting point is whether a health or beneficial nutrition claim is being made. For example words such as ‘light’ or ‘lite’ may in context clearly relate only to flavour or colour, and not to nutrition and so rule 18.17 would not apply.
2. If made, numerical statements of the number of calories per unit should be made clear.
3. **Health claims**, including fitness, exercise or weight control claims, are not permitted. Body copy goes here (Press enter on your keyboard twice, then select Heading 5 again to continue with this formatting style)
4. **Nutrition claims** are acceptable only if referring to low-alcohol levels, or the reduction of the alcohol content, or the reduction of energy content. So claims such as “light” or “lite” (referring to alcohol content) or “reduced calories” are permissible all such claims must be must comply with the criteria for use set down in the Annex to EC Regulation No 1924/2006 On Nutrition and Health Claims Made on Foods. Numerical statements of calorie or carbohydrate content should not be qualified, for example by words such as “only”. Claims such as “reduced sugar”, “half sugar” or “reduced/low carbohydrate” are not acceptable, since they are not energy claims.

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5. Factual comparisons relating to permitted nutrition claims may be made either “internally”, between an advertiser’s products (for example, if the calorie content has been reduced or is different from another product in the range) or between the advertiser’s product and competitor products. In order not to mislead, the reduction or difference should be significant. In the case of a reduced energy claim, the energy value should be reduced by at least 30% and should be accompanied by a clear statement of the number of calories per unit of alcohol. If a comparison is made, the comparison must take into account a range of foods in the same category, and the difference in energy value must be stated.

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  6. If a trade mark or brand name on its own implies an impermissible nutrition claim for an alcoholic drink, the advertisement should include a related permissible nutrition claim as described above. Trade marks or brand names cannot be used if they may be construed as making a health claim for an alcoholic drink.

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  7. For health and nutrition claims for foods generally, advertisers should refer to Regulation (EC) 1924/2006. Article 4(3) concerns alcoholic drinks. Transitional provisions may apply, for example for pre 1 January 2005 brand names. Advertisers will be expected to be in a position to establish clearly the applicability of any transitional provision.

## Guidance

Advice on specific marketing communications is available from the Copy Advice team by telephone on 020 7492 2100, by fax on 020 7404 3404, or you can log a specific written enquiry via our online request form <http://www.copyadvice.org.uk/Ad-Advice/Bespoke-Copy-Advice.aspx>. The Copy Advice website at [www.copyadvice.org.uk](http://www.copyadvice.org.uk) contains a full list of Help Notes as well as access to the AdviceOnline database, which has links through to relevant Code rules and ASA adjudications.

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