

Responsible Marketing Code of Conduct

Scope : This policy applies to all business divisions within the AG Barr Group

INTRODUCTION

AG Barr markets some of the UK's best known soft drinks brands in addition to FUNKIN, the UK's favourite cocktail brand, BOOST, the challenger energy drink brand, and MOMA, the Craft Oat company. Our brands are enjoyed by millions of people throughout the country and those people rightfully expect the highest of standards not only in the quality of our products, but also in how we market them.

This policy has been written to provide the framework for our marketing communication and to ensure that the responsibility that we demand from ourselves and that our consumers expect from us is fully reflected in everything we do.

RESPONSIBILITY & MANAGEMENT

This policy is owned by the Commercial Director and responsibility for compliance is with the Barr Soft Drinks Marketing Director.

ExCo, procurement and all internal consumer marketing teams, trade marketing teams and customer teams must be briefed on the policy, together with all external third party marketing, media and creative partners who either develop or deploy communications on our behalf. Compliance with the policy must be documented in all contracts with such external parties.

The policy will be reviewed periodically (at a minimum on an annual basis) to ensure that it is in line with all relevant regulation and with our overall Responsibility objectives.

SCOPE

The policy is applicable to all AG Barr owned brands, including FUNKIN Cocktails, BOOST Drinks and MOMA Foods. It also covers partnership brands for which we are responsible in the UK and other specified geographies in Europe.

The policy applies across all media platforms and to all types of marketing communications including, but not limited to, brand advertising, brand promotion, brand PR, brand packaging, brand sponsorship, brand digital/social media content, influencer marketing, brand sampling and brand point of sale material.

CORE PRINCIPLES

1. All activities will work to both the letter and the spirit of regulatory framework and where applicable, of all voluntary industry codes.
2. Our brands, for example IRN-BRU, do at times seek to challenge and surprise. However, we will never set out to offend or go beyond the realms of what generally would be seen as good taste.

3. We will not use language or present imagery that is seen as derogatory or offensive to any particular groups of people, including but not limited to as might be defined by gender, ethnicity, religion or sexual orientation.
4. We will seek to be fully inclusive within our marketing communications, ensuring that they represent the diversity of our consumers and target audience.
5. We will not seek to encourage or promote excessive consumption of any of our drinks or to encourage an unhealthy lifestyle.
6. We will never seek to mislead our consumers through false, exaggerated or ambiguous claims. Any claims about our products, their benefits, or nutritional content will be substantiated by reliable evidence. All health brand claims and supporting evidence must receive approval from our Regulatory team.
7. We recognise that our soft drinks can and will be consumed by children. We recognise that we have a particular responsibility here and across all of our brands we will not target under 12's through direct communication or indirectly, by for example, associating with celebrities, influencers, or events etc., who or which have a primary appeal to under 12's. The same principle applies in relation to under 16's with any High Fat Sugar Salt (HFSS), or caffeinated or energy products.
8. We recognise that our soft drinks are sometimes consumed with alcohol or in environments where alcohol is present. Any marketing activity associated with alcohol must support the principle of responsible drinking. In the case of FUNKIN who have products, which either contain alcohol or are designed to be served with alcohol, they will be held to a higher standard of responsibility in their marketing and must comply with our group [Responsible Alcohol Marketing Code of Conduct](#).
9. We recognise that we have a responsibility to our environment and this is reflected in our sustainability strategy. We will avoid 'greenwashing' and we will never make any environmental claims that are false, exaggerated, ambiguous, or which cannot be substantiated by reliable evidence. In our marketing we will work towards increasing awareness of recyclability of materials and encourage greater recycling. We will ensure that we have effective recycling and waste arrangements in place for our sampling and experiential activity.

POLICY DETAIL

1. All marketing communications will comply with relevant UK regulation and legislation. Specifically:
 - a. all our communications will work within the framework of The UK Code of Broadcast Advertising (BCAP Code), the UK Code of Non-broadcast Advertising and Direct & Promotional Marketing (CAP Code), the Ofcom Broadcasting Code, and the Consumer Protection for Unfair Trading Regulations 2008 (CPRs).
 - b. In the case of FUNKIN Cocktails, who make and market products, which either contain alcohol or are designed to be served with alcohol, all communications will comply with The Portman Group Codes of Practice, which govern the packaging and promotion of alcohol in the UK.
2. We will apply the UK's Voluntary Front of Pack Nutrition Labelling Scheme, as set out by The Food Standards Agency, across all of our owned soft drinks brands in the UK. In the case of FUNKIN alcoholic beverages, we will promote the Chief Medical Officer's (CMO's) low risk drinking guidelines on all 'ready to drink' packaging, as well as featuring Drink Responsibly. Drinkaware.co.uk for the facts.

3. We will adhere to the Industry Code of Practice on Energy Drinks, as laid out by the British Soft Drinks Association (BSDA). We will not market high caffeine products to under 16s, nor associate our high caffeine products with alcohol or vice-a-versa.
4. We will adhere to the CAP Code in relation to our marketing communications, and we will not market any of our products directly to children under 12, irrespective of the nutritional content of those products. This includes avoidance of use of licensed characters or celebrity/social influencers/movie/music associations/games/videos/sporting/entertainment events where appeal is primarily to under 12's, and importantly includes any media in which 35% or more of the audience are under 12s.
5. We will not market High Fat Sugar Salt (HFSS) products directly to children under 16, as laid out in the BCAP code and we will apply this to marketing communications in all other channels. HFSS definition is defined by the current Department of Health Nutrient Profiling Model.
6. We will adhere to the Competition and Markets Authority (CMA) Green Claims Code, ensuring that if and when we make any environmental claims about our products, business or service, such claims are precise, properly substantiated and do not mislead consumers.

MISLEADING ADVERTISING

1. Our marketing communications will at all times be clear, accurate and not misleading. We will avoid ambiguous or vague language that could lead to misinterpretation by consumers.
2. We will avoid the use of exaggerated or hyperbolic claims about the benefits, efficacy, or performance of our products, and any claims about our products, their benefits, or nutritional content will be substantiated by reliable evidence.
3. Pricing information and promotional offers will be presented accurately and transparently. Any discounts, promotions, or special offers will be clearly stated, including any terms and conditions that may apply.
4. Endorsements and testimonials used in any marketing communications will be genuine, authentic, and a true reflection of the individuals' experiences.

ENVIRONMENTAL CLAIMS

1. Environmental claims regarding the environmental impact, sustainability, or eco-friendliness of our business, processes or products will be clear, truthful, and not misleading and where necessary, supported by credible data and verifiable sources.
2. We will refrain from engaging in 'greenwashing', and for example, exaggerating our positive environmental impact, making false statements, or omitting key information, which could mislead consumers about the environmental attributes of our products, business or service.
3. Where general claims ('eco-friendly', 'green' or 'sustainable', for example) are being made, we will ensure that the claim reflects the whole life cycle of the product, business or service, which can be substantiated by reliable evidence.

INFLUENCER ADVERTISING

1. We acknowledge that our influencer partnerships are powerful marketing assets, however even the most experienced are not immune to mistakes; therefore, we will always employ a careful selection

process in working with influencers and ongoing briefing and monitoring of our influencers to ensure compliance with this policy.

2. Our influencer partnerships must be transparently disclosed to the audience and clearly stated in a prominent and unambiguous manner. We will ensure that our influencers disclose sponsored content using appropriate hashtags such as **#ad**, **#advert**, **#gift**, or **#sponsored** across relevant platforms.
3. We will encourage influencers to provide genuine, authentic experiences and opinions about our products. We will ensure that any claims made by influencers about our products are truthful and substantiated, and not misleading or exaggerated.
4. We will ensure that all influencer content is not offensive, discriminatory, or inappropriate or likely to cause harm to any of our brands or business.
5. We will partner with influencers who have an audience of an appropriate age demographic for our products.

MARKETING & PERSONAL DATA

1. We acknowledge that personal data is an important tool as part of our marketing approach, however, we recognise the importance of the UK General Data Protection Regulation (GDPR) and of protecting individuals' personal data while it is in our possession and upholding individuals' rights regarding their personal data, including rights to access, rectification and erasure.
2. We will provide individuals with clear and transparent information regarding the collection and processing of their personal data, including the purpose(s) for which their data is being processed, the legal basis for processing, and their rights under GDPR.
3. We will only collect and process personal data with the individuals' express and freely given consent, and such individuals will have the right to withdraw such consent at any time.
4. Personal data collected for marketing purposes will be limited to what is necessary for the intended purposes, will only be held for as long as necessary to fulfil the purpose for which it was collected, and will be updated as necessary to maintain its accuracy.
5. We will never share or transfer personal data collected by us to other third parties (including our external marketing, media and creative agencies) for any purpose without the express consent of the individual; unless such transfer is necessary for the performance of a contract or required by law.

HIGH FAT SUGAR SALT (HFSS)

1. We recognise the importance of promoting balanced and healthy lifestyles, particularly in relation to the consumption of HFSS products.
2. Our packaging and marketing communications for our products, including any HFSS products, will provide clear and accurate information regarding the nutritional content, including fat, sugar, and salt levels.
3. We will not actively market HFSS products to children under 16, and we will not employ any techniques that are likely to appeal to them, such as the use of fictional characters, celebrities, social media influencers, video games, or other promotional offers, nor employ tactics that may encourage excessive consumption or unhealthy dietary habits.

ENERGY DRINKS

1. Our marketing communications for energy drinks will not be placed in any media with an audience of which more than 35% are under 16. We will not carry out sampling activity of energy drinks, which is targeted at under 16s.
2. We will not carry out any marketing or commercial activity relating to our energy drinks in primary or secondary schools. We will ensure that no static outdoor advertising of our energy drinks will be placed within 100 metres of primary or secondary school main gates.
3. We will not promote irresponsible or excessive consumption of energy drinks, nor any association with illegal or anti-social behaviour.
4. Our energy drink packaging will contain suitable disclosures related to them having “High Caffeine Content” and “Not recommended for children or pregnant or breast-feeding women” followed by the exact caffeine content expressed in mg per 100ml on the label.

ALCOHOL

1. Whilst we are primarily a soft drinks business, we recognise that our brands may be consumed with alcohol. We therefore owe a duty of care to our consumers and we are committed to adhering to ethical marketing practices on alcohol. Our marketing efforts involving alcohol will always aim to balance the promotion of our products with the promotion of responsible drinking behaviours.
2. Whilst we have a separate group Responsible Alcohol Marketing Code of Conduct, which applies to our alcohol brands (currently FUNKIN), there are general principles that must be applied if and when any of our other soft drink products are marketed with or associated with alcohol.
3. Any marketing involving alcohol must always include clear and prominent messaging about the alcohol content of the products and must always promote responsible drinking. This includes encouraging moderation, avoiding drinking and driving, promoting the importance of knowing one's limits, and never depicting drinking alcohol before or during activities, or in situations or locations, where drinking alcohol would be unsafe or unwise.
4. We will never involve themes that promote excessive drinking, anti-social behaviour, or the glamorisation of alcohol consumption.
5. Our marketing, which involves alcohol, should not involve sponsoring or partnering with individuals, activities, sports, teams, events, competitions, influencers or celebrities, which or who have a particular appeal to those 18 and under.
6. Our marketing will refrain from depicting situations that imply alcohol consumption leads to improvements or altering of mood or state of mind; enhancing a person's confidence, popularity, social or sexual success; and/or bringing about any other health, therapeutic or mental / physical improvements.
7. Anyone featuring in or participating in our marketing, which involves alcohol, must be aged 25 years or older, and importantly, must look to be aged 25 years or older.
8. Our marketing, which involves alcohol, must be designed and placed for adult only (18+) audiences only and not created in a way or placed in a form, which predominantly calls to a younger audience. Marketing should only be placed on forums (advertising, events, websites etc.) where a minimum of 75% of the audience is reasonably expected to be older than 18 years of age.

9. When sponsoring events or activities involving alcohol, we will ensure they are aligned with our values of responsible drinking. We will not sponsor events that primarily target underage audiences, promote excessive alcohol consumption, or involve activities where drinking alcohol would be unsafe or unwise.

FAILURE TO COMPLY WITH THIS POLICY

1. We have both business and personal responsibilities to do the right thing in our marketing. Failure to comply with this policy could result in the business being penalised with significant fines, facing third party legal action and the damaging of our brands and reputation. For individuals, failure to comply may negatively impact performance reviews / ratings and possibly result in disciplinary proceedings.

Related Documents:

- [Responsible Alcohol Marketing Code of Conduct](#)

Last Reviewed : June 2024

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