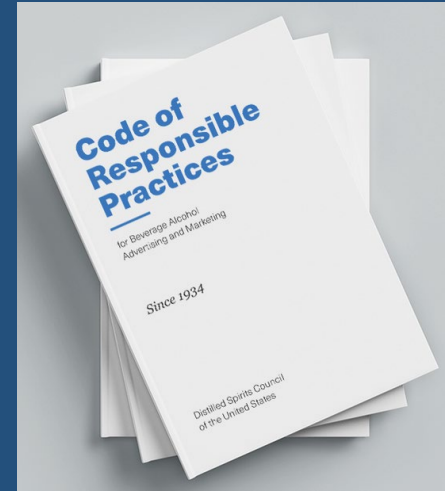


# Social Media and Digital Code Compliance 101



From October 27, 1934 to Today:  
A Model of Advertising Self-Regulation

**DISCUS CODE**  
**VIRTUAL MEDIA SUMMIT**  
Advertising & Marketing Practices

# Presenters

**Travis Smith**



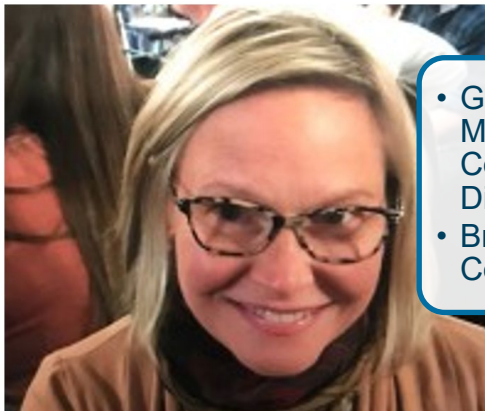
- Director, Global Media CoE
- Brown-Forman Corporation

**Courtney Armour**



- **Code Review Board Staff Liaison**
- DISCUS Chief Legal Officer

**Amy Brummer**



- Global Digital Marketing Compliance Director
- Brown-Forman Corporation

**Maggie Lu**



- **Code Review Board Member**
- Vice President & Asst. General Counsel
- Diageo

# Presenters



Eunice Wells



- Product Marketing Manager
- Snap Inc.



Megan Ramm



- Manager, Advertiser Solutions
- Snap Inc.



Noor Al-Haidary



- Business Product Policy
- Facebook



Jennifer Nedeau Helm



- Content Policy Stakeholder Engagement Policy Manager, Advertisers
- Facebook

# Digital Code Compliance Background and Importance

## **Code of Responsible Practices**

for Beverage Alcohol  
Advertising and Marketing

*Since 1934*

Distilled Spirits Council  
of the United States

# A Responsive, Tough, Active Code

- Decades of a strict advertising Code
  - DISCUS Code was established within months of the end of Prohibition
  - Showcases industry's longstanding commitment to responsibility
- Decades of compliance and enforcement
  - 100% compliance by DISCUS members
  - Overwhelming compliance by non-DISCUS members
- Decades of quick action
  - Members: 1-2 weeks from complaint receipt to resolution
  - Non-DISCUS members: average time less than 60 days

# Long and Evolving History

**1935** Restricted  
Sunday  
advertising  
Prohibited  
radio  
advertising

**1958** Prohibited  
women  
holding or  
consuming  
alcohol in  
ads

**2020** Programmatic  
Buying  
Guidelines  
Address  
social media  
influencers

Code provisions change over the years  
to reflect current advertising practices,  
technology, and social mores

# Scope of the Code: All Inclusive



All activities related to advertising and marketing

Brand advertising/consumer communications  
Promotional events  
Packaging and labeling  
Distribution and sales materials



Every type of print and electronic media

TV, radio, magazines, newspapers, outdoor  
All digital communications, including social media apps, websites, etc.



Every type of promotional or marketing activity

Product placements  
Sponsorships and on-premise promotions  
Paraphernalia (no branded items intended for use by those under 21)

# Overview of Digital Code Compliance

## **Code of Responsible Practices**

for Beverage Alcohol  
Advertising and Marketing

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of the United States

- Responsible Content and Placement Provisions
- Responsible Digital Marketing Guidelines
- Detailed Industry Media Buying Guidelines
- Programmatic Media Buying Guideline
- Downloadable Application Guideline
- Social Media Platform Specifics and Practical Application



# Responsible Content and Placement Provisions of the Code

## **Code of Responsible Practices**

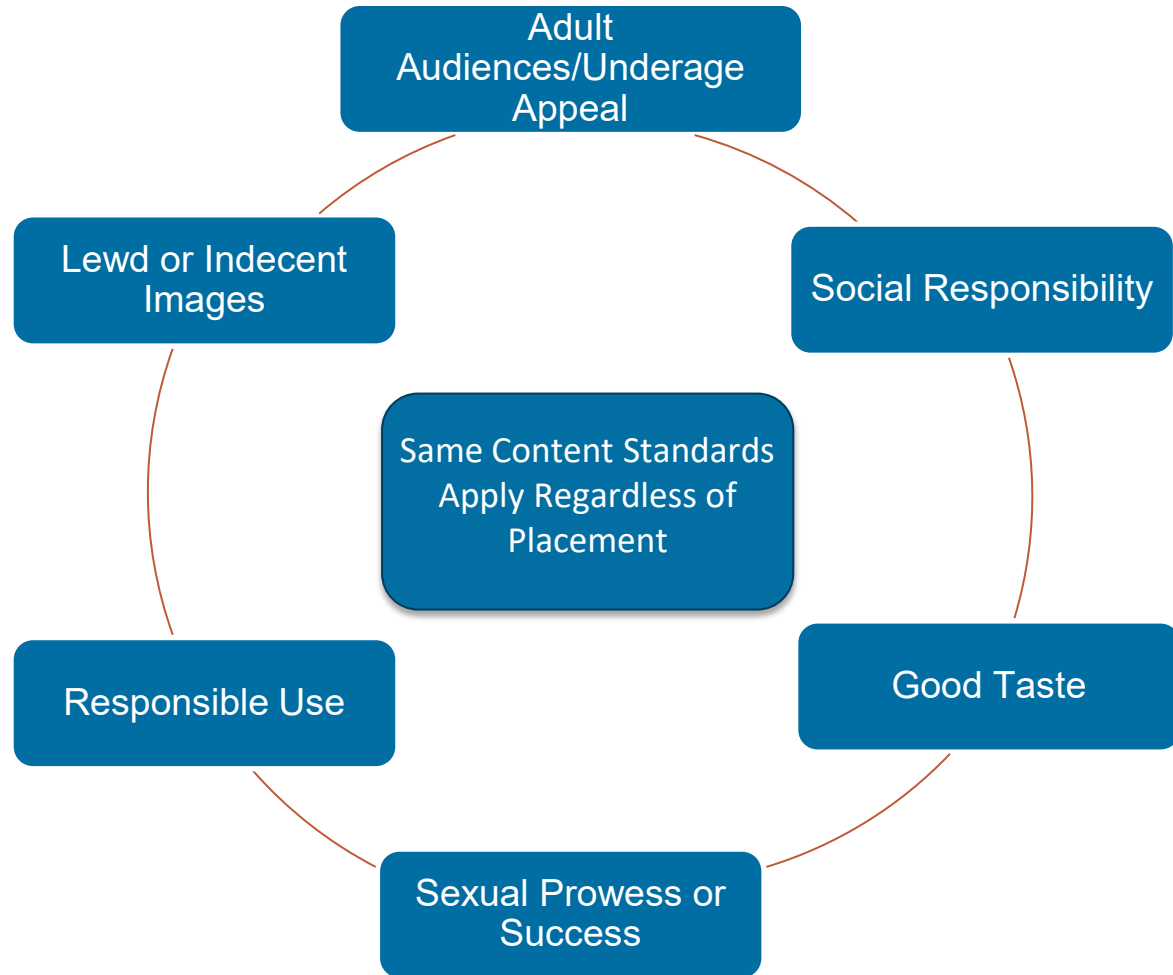
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# Code Content Provisions

What can I  
include in  
my ad?



# Adult Audiences and Underage Persons

- **Primary Appeal to Legal Drinking Age Adults**
  - All beverage alcohol advertising and marketing materials, regardless of placement, are intended for legal purchase age adults who choose to drink. The content of beverage alcohol advertising and marketing materials should primarily appeal to individuals 21 years of age or older.
- **Advertisements Appealing to Children Are Inappropriate**
  - Marketing that primarily appeals to individuals under the age of 21 is prohibited.
  - Advertising and marketing materials are considered to “primarily appeal” to persons below the legal purchase age if they have special attractiveness to such persons beyond the general attractiveness for persons of legal purchase age.

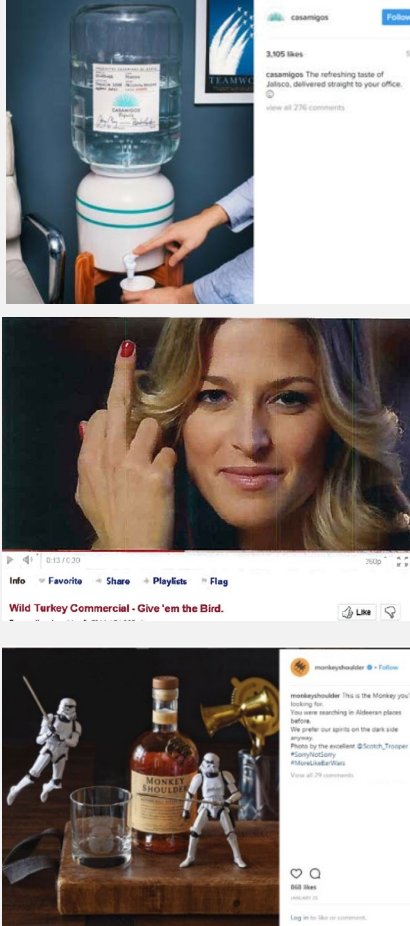
# Age of Models and Actors

- Beverage alcohol products should not be advertised or promoted by any person who is, or who is made to appear, below the legal purchase age
- Models and actors in ads should be a minimum of 25 years old and should reasonably appear to be 21 years of age and older
- This provision does not apply to athletes, celebrities, spokespersons, and influencers of legal purchase age that are generally recognizable to the intended audience; however, such individuals should reasonably appear to be 21 years of age or older and should not primarily appeal to persons below the legal purchase age

# Social Responsibility

- **Good Taste and Responsible Use**
  - Portray beverage alcohol products and drinkers in a responsible manner and reflect generally accepted contemporary standards of good taste
- **Responsible Drinking Statements**
  - Include responsible drinking statements in beverage alcohol advertising, marketing materials, and promotional events where practicable
- **Activities That Are Illegal or Require a High Degree of Alertness**
  - Do not portray beverage alcohol being consumed by a person who is engaged in, or is about to engage in, any activity that is illegal or requires a high degree of alertness or physical coordination, such as driving a vehicle

## Examples of Inappropriate Content



The Code provides a non-exhaustive list of inappropriate content for beverage alcohol and marketing materials. Some examples of prohibited content are as follows:

- Depicts a child or portrays objects, images, or cartoon figures that primarily appeal to persons below the legal purchase age;
- Uses the name of or depicts Santa Claus;
- “Rite of passage” to adulthood;
- Intoxication or suggestion that intoxication is socially acceptable conduct;
- Lewd or indecent images or language;
- Sexual prowess or sexual success to sell product;
- Degrades the image, form, or status of women, men, or of any ethnic group, minority, sexual orientation, religious affiliation, or other group;
- Employs religion or religious themes;
- Association with anti-social or dangerous behavior, or illegal activity of any kind

# Code Placement Provisions

- **Adult Audiences**

- Best efforts to ensure beverage alcohol ads are placed where the required percentage of the audience is reasonably expected to be 21 or older
- Consult with **Responsible Media Buying Guidelines** for appropriate placement

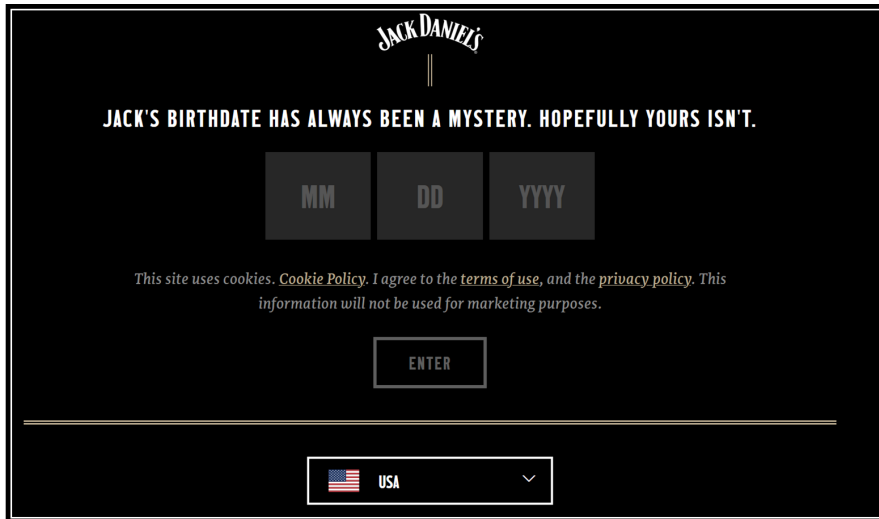
- **Website Age Affirmation**

- Applies to all beverage alcohol advertising and marketing websites
- Must include full DOB (month, day and year)
- Mechanisms can vary depending upon available technology, such as an age affirmation page, an email or instant messaging age affirmation, or a site's "registered user" database

Where  
can I  
advertise?



# Age Affirmation Mechanisms



JACK DANIEL'S

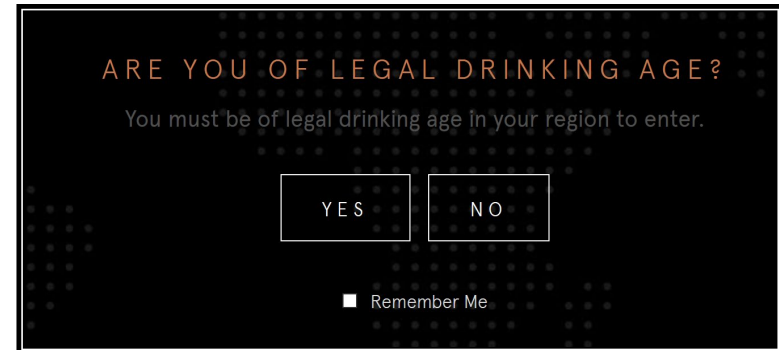
JACK'S BIRTHDATE HAS ALWAYS BEEN A MYSTERY. HOPEFULLY YOURS ISN'T.

MM DD YYYY

This site uses cookies. [Cookie Policy](#). I agree to the [terms of use](#), and the [privacy policy](#). This information will not be used for marketing purposes.

ENTER

USA



ARE YOU OF LEGAL DRINKING AGE?

You must be of legal drinking age in your region to enter.

YES NO

☐ Remember Me



PLEASE ENTER YOUR DATE OF BIRTH

YYYY OK

You have to be over 21 to enter this site

☐ REMEMBER ME

Utilizing full DOB (month, day, and year) or a registered user database = Code Compliant

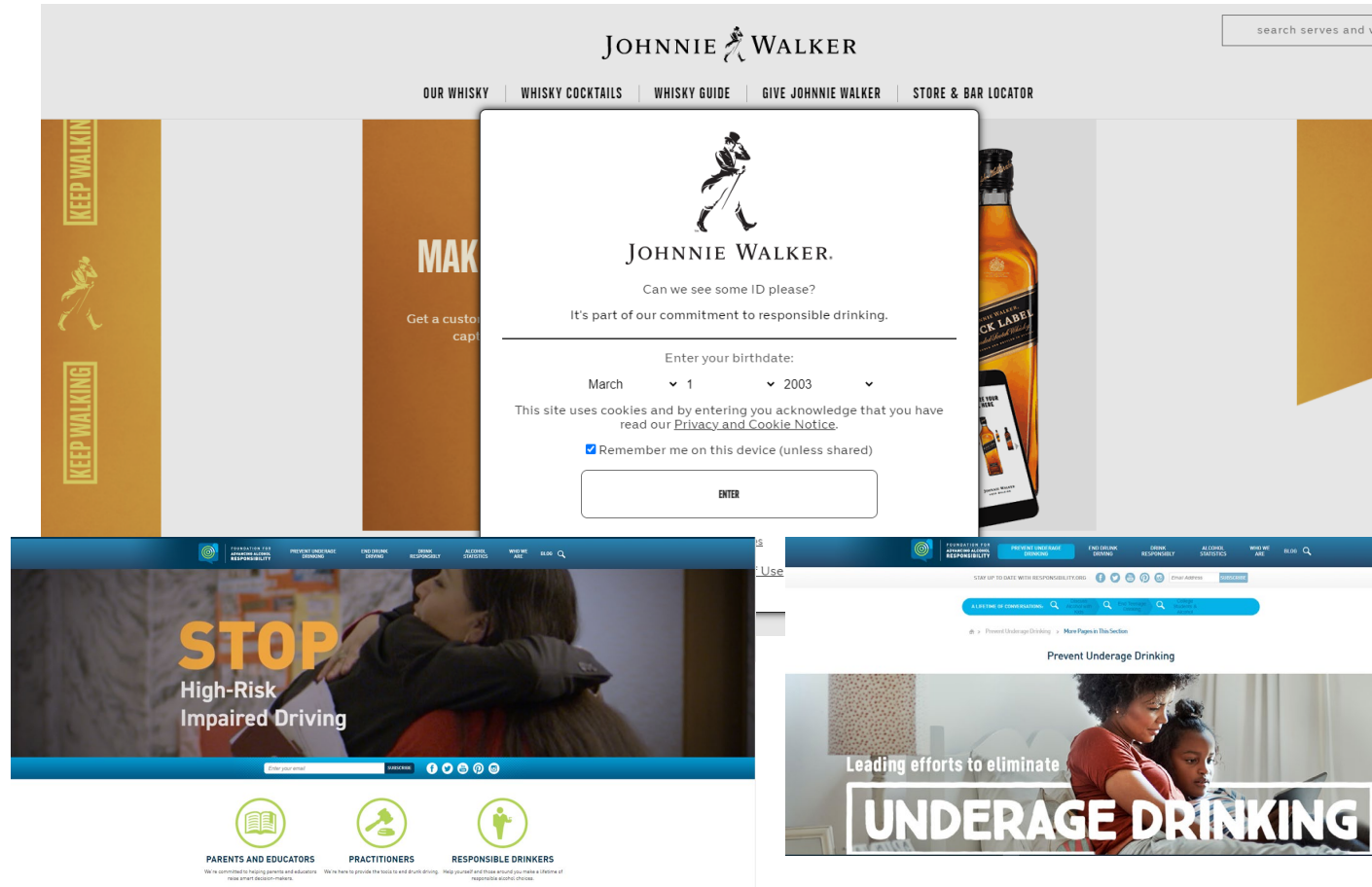


Asking if a user is LPA or for just the birth year is not enough





# Under LPA → Redirect to Responsibility Site



...Such as: **Foundation for Advancing Alcohol Responsibility**  
**www.Responsibility.org**

# Responsible Digital Marketing Guidelines

## **Code of Responsible Practices**

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Advertising and Marketing

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# DISCUS Digital Marketing Guidelines

## Scope:

- Social networking sites, blogs, mobile communications, apps, websites
- Basic principles:
  - Required percentage of audience is 21+ or may utilize a digital platform that provides the ability to directly communicate to only an audience of legal purchase age individuals
  - 21+ “age gating” before direct dialogue between an advertiser/consumer
  - Regular monitoring and removal of inappropriate user-generated content
  - Procedures for forwarding downloadable digital content only to 21+
  - Privacy policies to protect collection and use of personal information
  - Clearly identify product promotions as brand marketing
- Guidelines are reviewed regularly and updated as needed

# Privacy Policies

Privacy policies govern the collection of personal information from adults of legal purchase age and encompass any direct digital marketing or advertising whether conducted through a social networking site, website, or other digital platform and must ensure the following:

- User information collected from LPA+ only
- Opt-in before receiving a direct digital marketing communication and opt-out to discontinue receiving those communications
- Clear information must be provided about collection and use of personal data
- Privacy policy prominently displayed and simple to understand
- Measures will be taken to keep user information secure

## Appendix A

### Responsible Digital Marketing Guidelines

#### Introduction

These Guidelines for responsible digital marketing communications are an integral part of the Distilled Spirits Council's Code of Responsible Practices for Beverage Alcohol Advertising and Marketing and should be read in conjunction with its provisions.

# Direct Interaction Definition

- Age affirmation required prior to direct interaction
  - Individual must affirm full DOB – Month / Date / Year
- “Direct Interaction” definition modernized and clarified
  - Direct Interaction is a **two-way communication** between the user and the brand advertiser **on a digital medium** controlled by the brand advertiser. It occurs when the **brand advertiser directly interacts with an individual user**, such as responding to a direct communication from the individual user
  - Example: A user responding to a “hashtag” posted by a brand on social media is not direct interaction. In this instance, direct interaction requiring age affirmation is when the brand advertiser responds to that user response.

## Appendix A

### Responsible Digital Marketing Guidelines

#### Introduction

These Guidelines for responsible digital marketing communications are an integral part of the Distilled Spirits Council's Code of Responsible Practices for Beverage Alcohol Advertising and Marketing and should be read in conjunction with its provisions.

# Monitor/Moderate User-Generated Content

- User-generated content (UGC) on a social media page or website controlled by the advertiser must be monitored and moderated on a regular basis
- UGC on a site controlled by a brand should be monitored each business day or, at a minimum, every 5 business days
- If content is inappropriate and inconsistent with the Code's content provisions, material should be removed promptly
- Notify users that all inappropriate content will be removed

## Appendix A

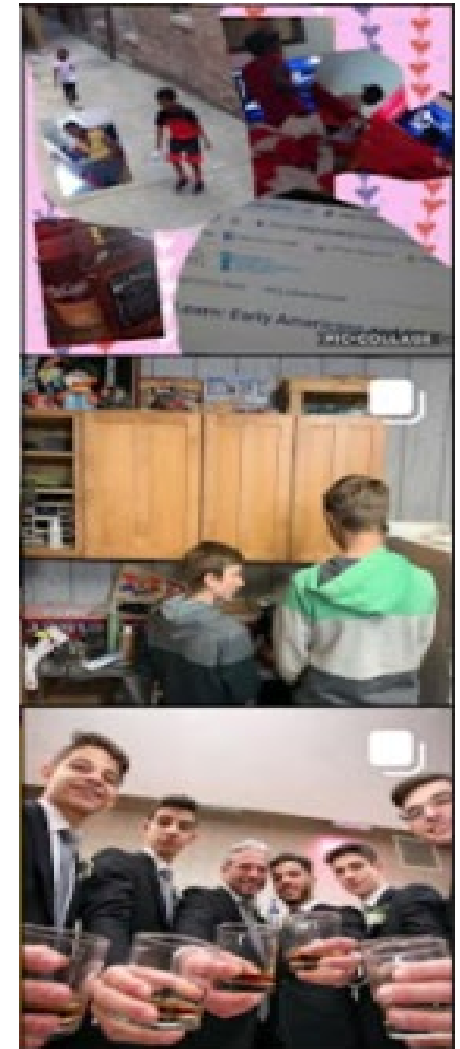
### Responsible Digital Marketing Guidelines

#### Introduction

These Guidelines for responsible digital marketing communications are an integral part of the Distilled Spirits Council's Code of Responsible Practices for Beverage Alcohol Advertising and Marketing and should be read in conjunction with its provisions.

# Examples of Inappropriate User-Generated Content

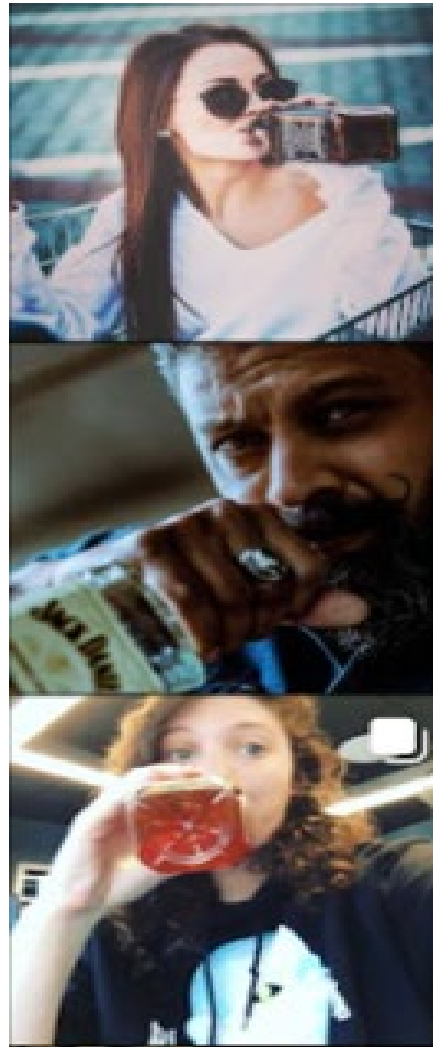
- ❌ Primarily appealing to underage people
- ❌ Portrays objects or cartoons that primarily appeal to underage people
- ❌ Includes children





# Examples of Inappropriate User-Generated Content

- ❌ Portrays persons in state of intoxication or suggests intoxication is socially acceptable
- ❌ Portrays overconsumption
- ❌ Portrays illegal activities or those that require high degree of alertness





# Responsible Media “Buying” Guidelines for Digital Advertising Platforms

## **Code of Responsible Practices**

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# DISCUS Media Buying Guidelines

- Outlines specific criteria for placement in each medium (TV, radio, magazine, newspaper, internet/digital)
  - Place ad based on prior two quarters of data
  - Data sources: Nielsen, comScore, Consolidated MRI TwelvePlus, etc.
  - Internet/digital ad placement should use the most recent three-month site average of available audience data of unique visitors or app registered user database (when not using tech to only target LPA+)
- Semi-annual random post audits
  - Post audits to verify past placement met LPA standard
- Same tough content standards regardless of medium/placement
- Guidelines are reviewed and revised as technology develops

# LPA Compliance Standard

- A placement will be considered to be in compliance with the DISCUS Code standard if:
  - The advertiser has a reasonable expectation, determined by using reliable, up-to-date audience composition data, that the audience composition will be at least the required percentage of 21+ for non-downloadable application placements, or where the digital platform provides the ability to directly communicate to an audience of legal purchase age individuals.
  - The advertiser conducts internal, semi-annual, after-the-fact audits of a random portion of past placements to verify that such placements were in compliance with the required 21+ audience composition standard; and
  - The advertiser, upon learning of a non-compliant placement, takes appropriate, corrective action for future placements.

## Appendix B

### Responsible Media “Buying” Guidelines

#### Introduction

Set forth below are the DISCUS Code “buying” guidelines related to the placement of advertisements in all mediums (e.g., TV, radio, magazine, newspaper, internet/digital communi-

# Reasonable Expectations and Market Realities

- A reasonable expectation for meeting this demographic standard takes into account marketplace realities, the medium, and available demographic audience composition data, including
  - Recognition that a company's media buys generally are determined prior to its upcoming fiscal year for placement during the course of that fiscal year;
  - Recognition that a company's media buys rely upon historical demographic data to estimate the future LPA+ audience composition; and
  - Recognition of the availability and publication intervals of syndicated audience composition data; for example, syndicated audience composition data, such as comScore or Nielsen Online (formerly Nielsen//NetRatings), for internet/digital communications are published on a frequent basis and are taken into account in these guidelines for purposes of advertisement placement and post audits

## Appendix B

### **Responsible Media "Buying" Guidelines**

#### **Introduction**

Set forth below are the DISCUS Code "buying" guidelines related to the placement of advertisements in all mediums (e.g., TV, radio, magazine, newspaper, internet/digital communi-

# Internet and Digital Advertisements

- **Scope:** The internet and digital buying guidelines apply to all paid and unpaid (including value-added) placements made by or under the control of the advertiser, including advertising on third-party websites, video advertisements, audio mentions, internet banners, pop-ups, sponsorships, user-generated content (including blogs), influencers acting on behalf of a brand advertiser, and other types of internet or digital advertising or marketing.
- **Placements:** Placement may be made on sites that meet the demographic standard of the Code where the required percentage of the audience is reasonably expected to be of LPA+, or where marketing materials are directed to LPA+ adults by using programmatic first, second, or third party data (regardless of composition of site).

## Appendix B

### Responsible Media “Buying” Guidelines

#### Introduction

Set forth below are the DISCUS Code “buying” guidelines related to the placement of advertisements in all mediums (e.g., TV, radio, magazine, newspaper, internet/digital communi-

# Use of a Syndicated Data Source

- Purchase or place your ads using “2 +” syndicated audience composition data, such as comScore or Nielsen Online, based upon the most recent three-month site average of available audience data of unique visitors (where seasonal fluctuations are evident, prior year data also should be taken into account if available).
- Advertiser consistently will use one of these syndicated data sources as its primary demographic measurement by brand and an alternate syndicated data source will be used only when the advertiser’s primary source does not measure that particular medium



**comscore**

# Unmeasured Digital Media – Independent Measurement

- **What to do when a medium is not measured by a syndicated data source?**
- **Independent Demographic Survey:** obtain from the publisher of medium
  - most recent three-month site average of available audience data of unique visitors
  - conducted by a third-party research company using established research methods.
- **Registered User Database:** advertiser can use the website’s “registered user” database to place their advertising or marketing materials to users 21 years of age or older if the website/platform has that capability
- **“Limited edition” or “One-time Only”:** For limited, event-specific, or other similar websites, the advertiser shall review and evaluate comparable websites, the proposed content of the website in question, data provided by the publisher regarding the target audience, and any other relevant factor to project a reasonable expectation of the demographic audience prior to placing the advertisement.

## Appendix B

### Responsible Media “Buying” Guidelines

#### Introduction

Set forth below are the DISCUS Code “buying” guidelines related to the placement of advertisements in all mediums (e.g., TV, radio, magazine, newspaper, internet/digital communi-

# Demographic Data

## **Code of Responsible Practices**

---

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# Ad Placement Measurement

- Digital Media Measurement Pre- and Post-Buy
  - Several third-party sources can be reviewed for LPA data:
    - comScore, Nielsen, Google Analytics are some top resources to review
  - Many platforms, such as Facebook, require Date of Birth to sign up
    - Thus, can be targeted directly to LPA consumers
  - Most of the large third-party measurement companies require subscriptions, so reaching out to your agency or the vendor may be necessary for the actual data
  - Data would be reviewed at the beginning of the buy to ensure targeting is above our required demographic standard
  - After the buy, the data is pulled for the month of activity to see the actual percentage of LPA during that time

# Post-Audit Practical Application

## Example Brand Actuals

Brand	Campaign	May-18			June-18			July-18			August-18			September-18		
		Comscore 21+	Comscore 21%	3+ Imp	Comscore 21+	Comscore 21%	3+ Imp	Comscore 21+	Comscore 21%	3+ Imp	Comscore 21+	Comscore 21%	3+ Imp	Comscore 21+	Comscore 21%	3+ Imp
Brand X	BFCU/558_BRANDX_NBA_US_FY18FY20_VIDEO_Q4'18-Q2'19	Bleacher	833,327	90%	924,504	824,089	89%	8	7	89%	0	0	91%	0	0	91%
		ESPN	164,742	92%	107,505	96,432	90%	0	0	91%	0	0	93%	0	0	93%
		Hulu	0	90%	0	0	91%	3,314,141	90%	3,770,287	2,482,177	90%	0	0	91%	
	BFCI_BRANDX_US_20_T1_OV_T1 Online Video	Vevo	0	96%	1	1	92%	3,546,693	99%	2,681,959	2,462,038	92%	0	0	93%	
		Zefr	0	84%	0	0	82%	1,419,401	1,219,223	84%	1,449,834	1,204,812	83%	0	0	84%
		Bleacher	0	90%	0	0	89%	0	0	89%	0	0	89%	0	0	91%
	BFCI_BRANDX_US_F20_T2T3_Online Video	Conde Nast	0	92%	0	0	93%	0	0	93%	1,495,791	1,423,993	93%	0	0	93%
		Hulu	0	92%	0	0	90%	0	0	91%	0	0	93%	528,021	481,555	91%
		Slightly	0	92%	0	0	91%	0	0	90%	0	0	90%	1,942,854	1,810,346	91%
		Vevo	0	92%	0	0	85%	0	0	85%	315,627	266,705	85%	0	0	85%
		Zefr	0	90%	0	0	92%	0	0	99%	0	0	92%	3,136,812	3,086,623	98%
		Total		996,069	91%	1,032,410	916,522	91%	8,709,112	8,380,263	93%	1,002,000	9,525,736	93%	0	0

Site	September-19		
	2+ Imp	Comscore 21+	Comscore 21+%
Bleacher	1,642,710	1,460,369	89%
Conde Nast	1,495,791	1,423,993	95%
ESPN	528,021	481,555	91%
Hulu	1,982,854	1,810,346	91%
Slightly	315,627	266,705	85%
Vevo	3,136,812	3,086,623	98%
Zefr	1,190,135	996,143	84%
	10,291,952	9,525,736	93%

- Recommend pulling by creative or campaign to be able to see exact LPA for the flights
- The more detail, up front, yields the most complete picture when you need to analyze LPA

# Post-Audits

- Semi-Annual Audits: On a semi-annual basis, advertisers should conduct internal, after-the-fact audits of a random portion of past placements to verify that such placements comply with the LPA audience composition standard.
- Post Audit Compliance: A past placement will be considered appropriate where data published or supplied for the quarter in which the placement ran or subsequent to the placement show an audience composition that complies with the Code.
- Post Audit Corrective Measures: In the event that the post audit indicates that the placement did not meet the LPA demographic standard, the advertiser will, as soon as practicable, make schedule adjustments, cancellations, or other appropriate changes to comply with the standard in future placements.

## Appendix B

### Responsible Media “Buying” Guidelines

#### Introduction

Set forth below are the DISCUS Code “buying” guidelines related to the placement of advertisements in all mediums (e.g., TV, radio, magazine, newspaper, internet/digital communi-

# Post-Audit Practical Application

## Multi-Brand Rollup

COMSCORE			
	Total 2+ Imps	Total Comscore 21+	Total Comscore 21+%
January	25,887,087	21,687,534	84%
February	26,048,409	22,110,200	85%
March	22,055,227	18,577,656	84%
April	50,693,881	43,196,262	85%
May	852,648	797,226	94%
June	9,656,977	8,337,411	86%
July	36,208,211	30,829,002	85%
August	34,467,485	29,322,666	85%
September	16,936,285	13,916,706	82%
October	28,462,675	23,931,809	84%
November	30,438,997	28,108,364	92%
December	33,135,592	29,390,177	89%
<b>Brand X</b>	<b>314,843,474</b>	<b>270,205,013</b>	<b>86%</b>
January	2,378,960	2,081,139	87%
February	11,732,373	10,238,697	87%
March	10,629,218	9,224,901	87%
April	12,339,397	9,838,973	80%
September	15,044,551	13,836,295	92%
October	21,400,568	17,888,190	84%
November	21,983,824	19,512,094	89%
December	22,907,900	19,798,245	86%
<b>Brand Y</b>	<b>118,416,791</b>	<b>102,418,533</b>	<b>86%</b>

- Recommend a roll-up, by month, of all brands.
- Pull a full picture, across the audit, of the entire spend by brand by month for analysis of LDA.

# Programmatic Buying Guidelines

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# Programmatic Media Buying Guidelines



The Media “Buying” Guidelines includes a section on Programmatic Marketing Directed to LPA+ Adults



**What is Programmatic?** An automated method of buying digital advertising in which supply and demand partners make decisions on a per-impression basis and adhere to business rules as provided by the operators on each platform.



Programmatic buying uses actual audience targeting as a prerequisite for delivering the ad, resulting in demographic placement numbers that generally far exceed the required standard. Audience-based targeting tests conducted reported that over 98% of the targeted audience was over 21 years old.

## Appendix B

### Responsible Media “Buying” Guidelines

#### Introduction

Set forth below are the DISCUS Code “buying” guidelines related to the placement of advertisements in all mediums (e.g., TV, radio, magazine, newspaper, internet/digital communi-

# Programmatic Media Buying Guidelines

- May target ads directly to people known to be LPA+
  - Validated through first, second, or third-party data sources
- Data validation requirements:
  - (a) validation against at least one set of deterministic data (i.e., first party data that is known to be true);
  - (b) data provider should be member or abide by guidelines of accredited third party (e.g., DAA, IAB); and
  - (c) data should be refreshed/audited every 30 days
- Includes use of contextual and content filters, when the technology is available, to ensure users are LPA+

# Programmatic Media Buying

## Practical Application

Product	Targeting	Ad Unit Dimensions	Flight Dates	Rate Type	Impressions
<b>Native image</b> Incorporate your brand's visual content and copy directly into the publisher's feed on the world's best sites. Image ads allow users to discover your brand message and click through to your website to engage further.	Behavioral and contextual targeting/Cross device Contextual: LDA Compliant Sitelist Cross Device	Custom, 1x1	~ 3 week flight (pending creative)	CPM	150,909 318,182 372,727 400,000

**Targeting**  
  
Behavioral and contextual targeting/Cross device  
  
Contextual: LDA Compliant Sitelist  
Cross Device

- The above is an example of a simple programmatic buy.
- They agreed, pre-buy, to our guidelines.
- Recommend - even though sites will be LDA compliant, take a review, if possible. Context for your brand is very important and you may not want to appear in particular placements.
- You can require them to remove certain sites.



# Downloadable Application Guidelines

## **Code of Responsible Practices**

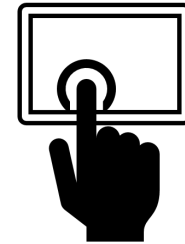
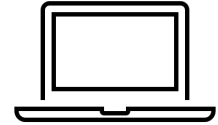
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# 2021 Update – Downloadable Applications

- **Reliability of demographic data limited**
  - Need additional safeguards to ensure placed on LDA+ app
- **New Buying Guidelines for Apps**
  - Requires content review
  - App content must not primarily appeal to underage audience
  - Before buy and periodically thereafter (90 days)
  - Can be manual or using available technology



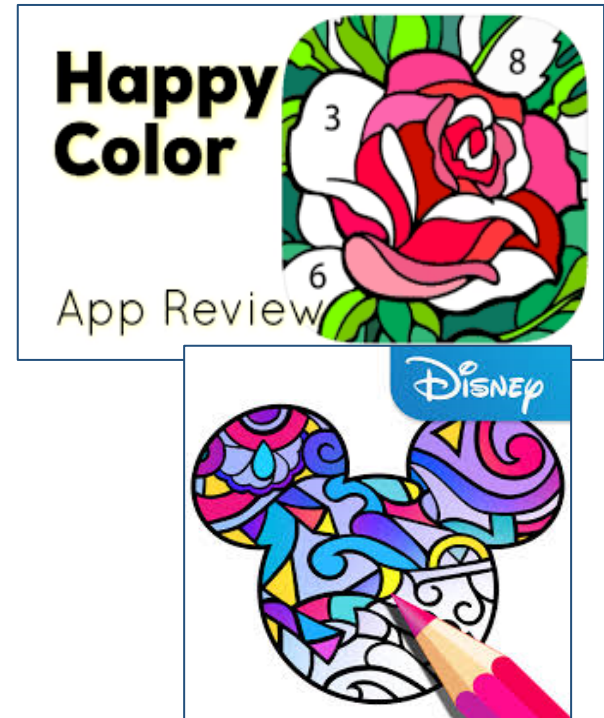
# Recent Complaints Necessitated Changes

Two Complaints Received in November 2020 and February 2021

## Smirnoff Complaint Process Summary

- Complaint: advertisement placed in medium that did not meet LPA standard
- Advertiser Response: provided demographic data to show 84.4% LPA audience, noted other content had been added after placement, stopped serving ads on this app
- CRB: convened, found no violation, but noted the need to explore the demographic issues
- Publication and Notification

### Smirnoff Vodka Advertisement Placed on the “Happy Color” App



# Social Media Influencers/Endorsers

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# Influencers

- Why Influencers Matter:
  - **43% of consumers** are conscious of being influenced to purchase a brand or product after seeing an influencer endorsement
  - Willingness to spend **20%** more on a product that has an influencer endorser
  - The influencer marketing industry is set to hit **\$15 billion** by 2022

Sources: [Hollywood Branded Consumer Behavior Survey](#); [Business Insider Intelligence Marketing Report](#)



# The Value of Influencers As Part of the Marketing Mix

- They Act As Media Channels
- They Become an Accelerant to Break Into New Consumers
- They Are Content Creators on a Brand's Behalf
- They Authentically Connect our Brands Into Culture
- They Create Access and Allow Entries into Subcultures & Communities
- They Drive Sales

# Endorser Compliance:

## *Why It Matters*

- Companies/Brands and their endorsers are responsible for ensuring endorsers clearly and conspicuously disclose their “material connection” with the brands, so consumers understand the context of their endorsement.
- Oct. 13, 2021: FTC Puts 700+ Companies on Notice to Expect to Pay Penalties for Any Endorsement Violations



## WHAT IS AN ENDORSER

- + Anyone who speaks about brands with a “material connection” to the brand
- + Could be celebrities, social influencers, bloggers, employees, agency employees, brand ambassadors, consumers, and others
- + Consumers must know if these people have been paid or given anything for free or have been incentivized or have any other relationship with the brand
- + Reminder: Brands and endorsers are jointly responsible for getting this right.





## WHAT IS “MATERIAL CONNECTION”



Payment

Receipt of free products

Experiences, promise of future relationship



Any relationship that might affect the weight or credibility of the endorser’s statements

### Examples:



Paid celebrities, brand ambassadors, talent, influencers, social media stars, social media groups/pages



People to whom Brand or its agencies send products or merchandise, give tickets or allow to attend events, etc.



People who work for Brand or any of its agencies or other vendors working for Brand



## HOW DO I COMPLY

- ✚ Disclosures must appear clearly and conspicuously

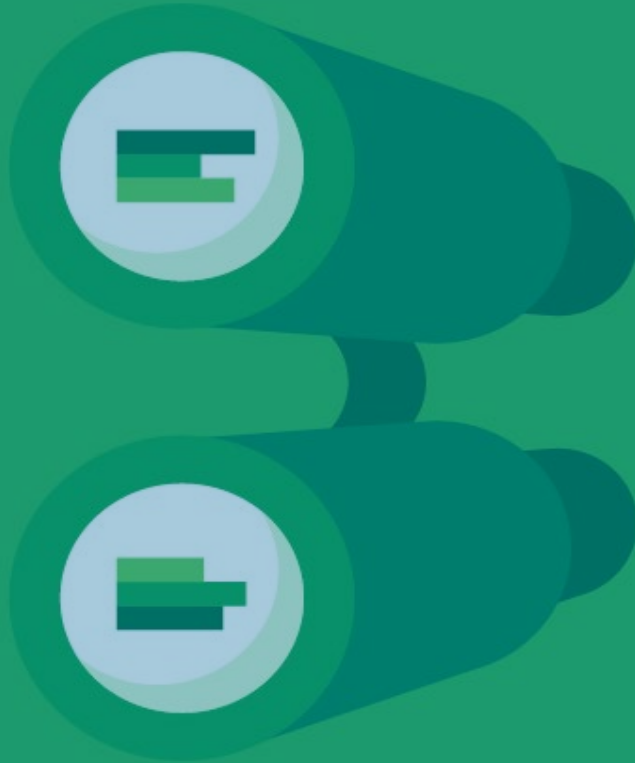
*What are acceptable disclosures?*

*Unacceptable?*

- ✚ Begin post copy with disclosure? Have the disclosure within first few lines?
- ✚ What about Stories?
- ✚ Paid partnership function of a platform
- ✚ MONITOR

## MONITORING RESPONSIBILITY - CONSIDERATIONS

- + Consider training brand teams and agencies on policies and procedures for monitoring systematically to ensure compliance and keep records.
- + Example: Policy of daily monitoring; removal of non-compliant posts within 24 hours



# Intermission

# Social Media Platform Specifics and Practical Application

## **Code of Responsible Practices**

for Beverage Alcohol  
Advertising and Marketing

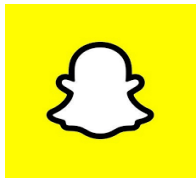
*Since 1934*

Distilled Spirits Council  
of the United States

# Branded Social Media Account Profiles

When alcohol brands are setting up profiles on social media, they must take every measure to ensure age restrictions are in place to the best of the ability of the platform including these 5 requirements:

1. **Age Affirmation:** Restricts under LPA to see restricted profile content
2. **Responsible Drinking Message (RDM):** Clearly visible message which explicitly advocates responsible drinking
3. **Official Signpost / Account Transparency:** Alcohol brands should clearly state that this is their official brand page
4. **Community guidelines on UGC:** Alcohol brands must clearly state that they do not condone user generated content that would promote inappropriate or excessive consumption of alcohol
5. **Forward Advance Notice (FAN);** Clearly states that content should not be forwarded or shared with anyone under LPA





# Google/YouTube Profile Set Up

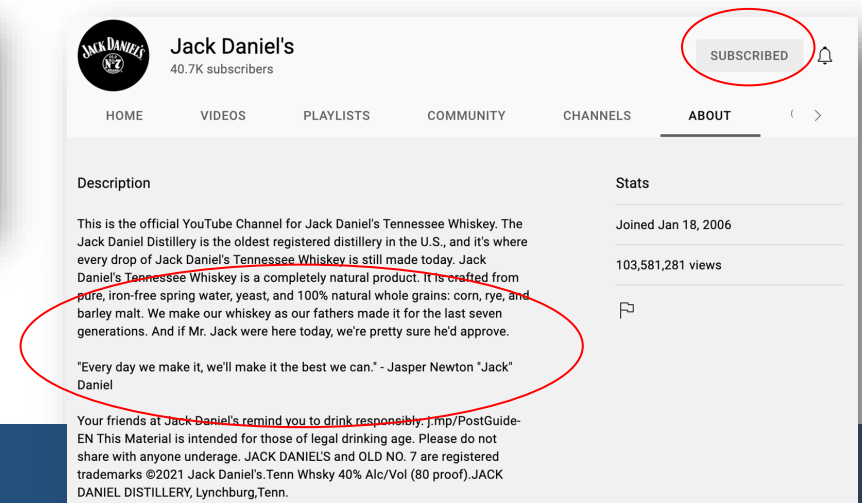
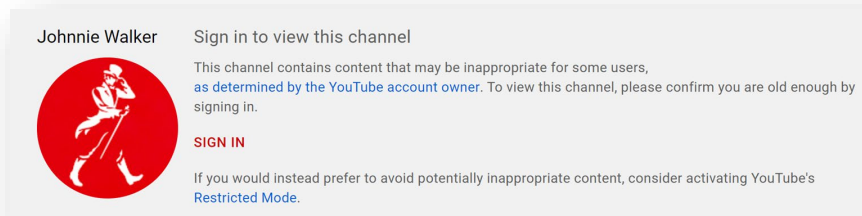


## YouTube Age Gates:

- Consumers must be logged into Google to see age restricted content. Date of Birth is required when setting up your profile.
- Videos or brand channels are age-gated by [advertiser choice](#) or after a [Community Guidelines violation](#). Only “of age” viewers can view this content while signed into YouTube.

## Custom-built Age Gates:

- Alcohol, gaming, and movie advertisers can build custom age gates on homepage ads. We allow this because these are highly regulated industries, and the YouTube age gate may not meet industry regulations.



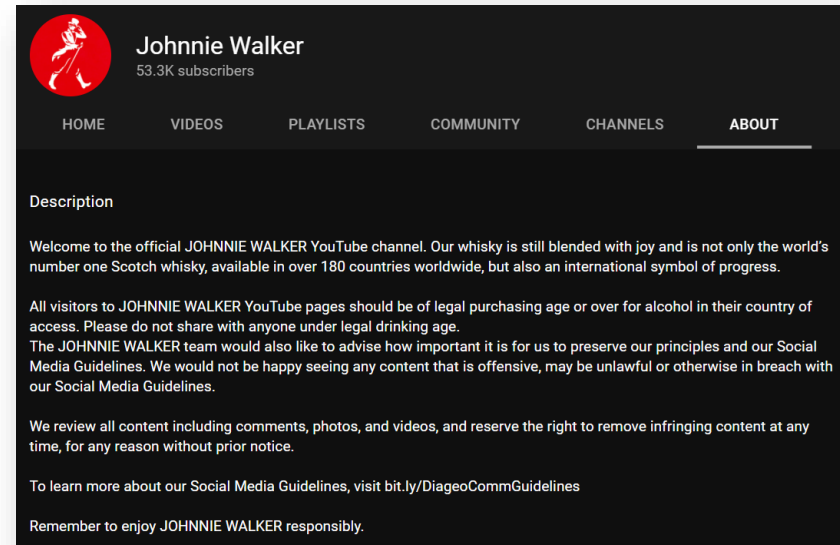
Compliance Requirements (RDM, FAN, UGC, Official Account verification) can be found in the About section on the brands Channel home page



# Google/YouTube Advertising



- Google/YouTube allows alcohol advertisements across various platforms and formats.
- Google abides by local alcohol laws and industry standards and does not allow certain kinds of alcohol-related advertising
- Some types of alcohol-related ads are allowed if they meet the policies outlined in their alcohol policy, don't target minors, and target only countries that are explicitly allowed to show alcohol ads.
- Note: Alcohol ads now prohibited from being placed on the YouTube masthead



## Ad platform

### ✓ Can run alcohol ads:

- Google Ads
- YouTube (Alcohol advertisers who wish to use an age gate on their homepage, brand channel, and/or video may do so under our [age gate policies](#))
- AdMob
- Google Ad Manager

## Ad formats

Acceptable ad formats can vary depending on factors such as the platform you're using, the status of your ad, and whether a publisher or partner has opted to show such ads. Here are some typical examples, though they may vary:

### ✗ Cannot promote alcohol:

- Gmail ads
- Reservation display ads
- Consumer ratings annotations
- Dynamic search ads

## Irresponsible alcohol advertising

We consider the following to be irresponsible in alcohol-related advertising, and any ads containing this content will be disapproved.

- ✗ Targeting individuals below the legal drinking age in any country where you want your ads to serve
- ✗ Implying that drinking alcohol can improve social, sexual, professional, intellectual, or athletic standing
- ✗ Implying that drinking alcohol provides health or therapeutic benefits

Example (non-exhaustive): "A wine a day keeps the doctor away"

- ✗ Portraying excessive drinking favorably or featuring binge or competition drinking
- ✗ Showing alcohol consumption in conjunction with the operation of a vehicle of any kind, the operation of machinery, or the performance of any task requiring alertness or dexterity



# Twitter – Profile Set Up



Twitter accounts are set to “Alcohol” in the set-up process. Twitter’s Age Affirmation is only required by a consumer when a brand wishes to respond to a post. The brand must check to see that the person who posted is LPA. Otherwise, all of the compliance requirements are visible in the Twitter profile / bio.



Responsible  
Drinking Message

UGC Policy

Official Signpost  
Verification Badge

Forward Notice

# Twitter Advertising



## Twitter's Alcohol Policy

- Twitter restricts the promotion of online and offline sale of alcohol and general awareness of alcohol brands. These restrictions are based on the specific product or service being promoted, as well as the country that the campaign is targeting.
- In addition, Twitter requires any advertisement for alcohol content must adhere to several content and responsibility standards

## What products or services are subject to this policy?

- This policy applies, but is not limited, to:
  - Promoting, selling, or facilitating the online or offline sale of any kind of alcoholic beverage, whether beer, wine, or spirits
  - Branding for any kind of alcoholic beverage, whether beer, wine, or spirits
  - Competitions with alcohol as a prize

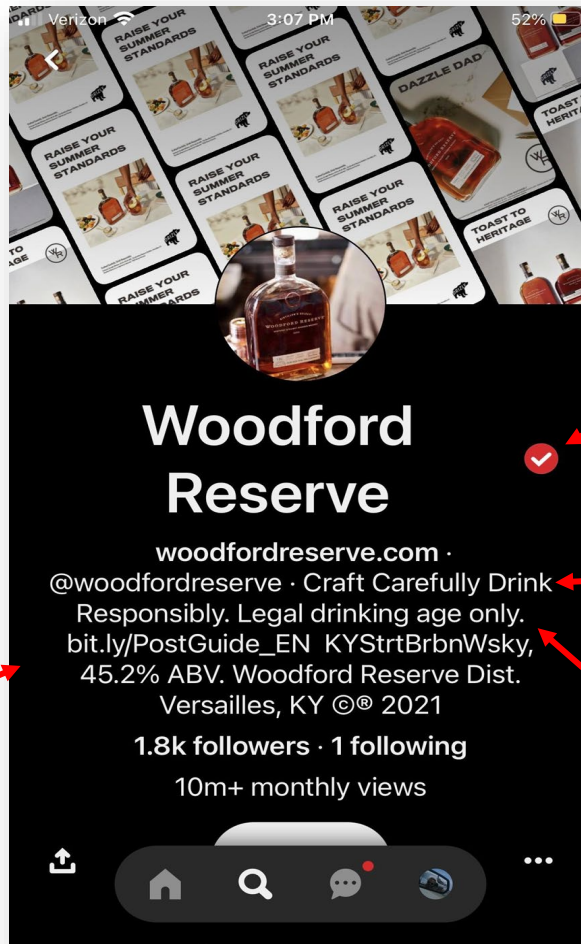


# Pinterest – Profile Set Up



\*There is no age affirmation mechanism for Pinterest's platform to safeguard under LPA to see content. Brands rely on the platform's user age composition as reported by a 3rd party such as ComScore or Nielsen

Because of this, we require all brand compliance safeguards to be present on the page profile.



Official Signpost  
Verification Badge

Responsible  
Drinking Message

Forward Notice

UGC Policy

# Pinterest Advertising



## Pinterest's Alcohol Ads Policy

Advertiser is responsible for complying with all federal and local laws of the market.

- Alcohol ads on Pinterest cannot:
  - Target minors or depict minors consuming alcohol.
  - Associate the consumption of alcohol to enhance physical performance, improved social standing or better sexual success.
  - Encourage excessive drinking or imply excessive drinking is beneficial or therapeutic/stimulant or relaxant.
  - Depict people under the influence of alcohol or associate with risky behavior, antisocial or illegal
  - Emphasize high alcoholic content as positive quality.

## Targeting Requirements

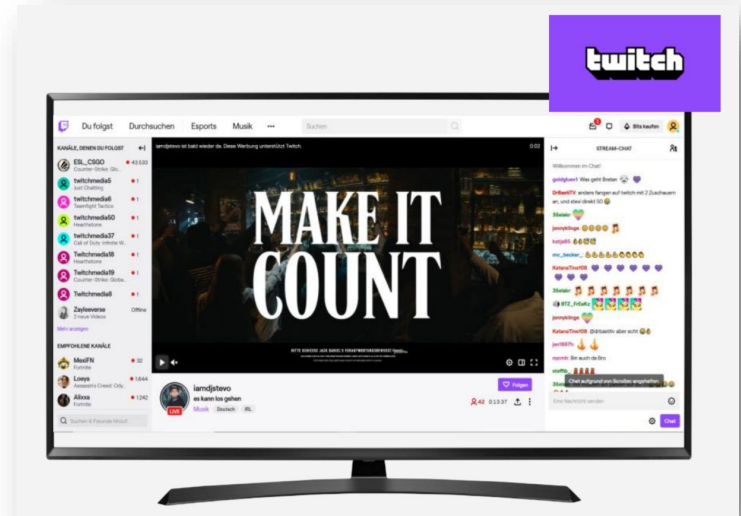
- If you choose to run ads that promote or reference alcohol, you must choose LPA consumers in the campaign set-up.





# Twitch Advertising

- Twitch accepts alcohol advertising in some locales, but does apply safeguards like contextual targeting and daypart targeting in order to limit exposure to viewers that may not have a positive experience with the advertisements. Locale-specific rules are important because products or services may be more socially acceptable in some places, in addition to being fully legal.



## Why White Claw used Twitch for its latest campaign

By Gabriela Barkho



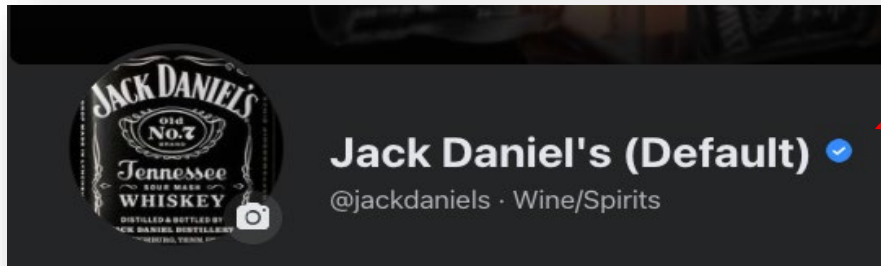




# Facebook: Profile Set Up

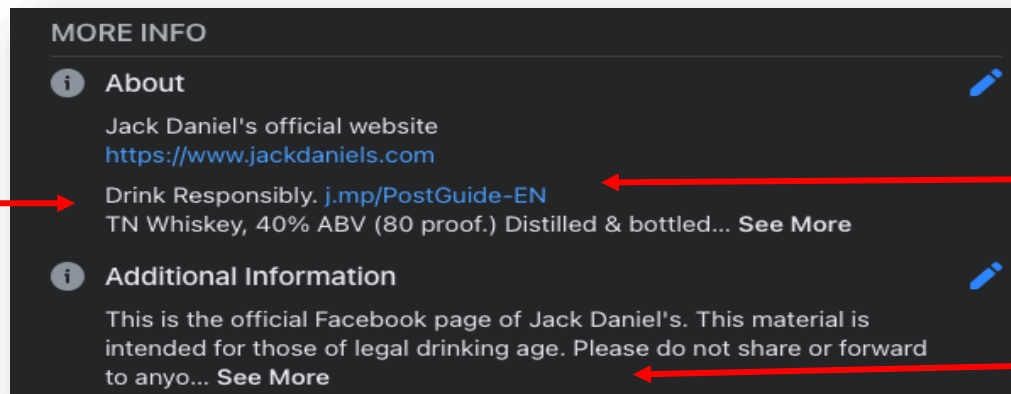
Facebook requires full date of birth when a user creates an account and has the ability to restrict content seen by under LPA users.

**Age-Affirmation Mechanism:** In “settings,” choose “Alcohol Related” under “Age Restrictions.”



Official Signpost  
Verification Badge

The rest of the requirements can be found in the “About” section on your page



Responsible  
Drinking Message

UGC Policy

Forward Notice



# Instagram: Profile Set Up

Instagram uses age data of profiles linked to a FB page to affirm age on restricted profiles. If there is no FB account linked, a user will be asked if they are LPA Yes or No.

Brands must apply an age minimum at the time you set up a business account, and is done in “Settings”



All the required compliance statements can be found in the “bio” section of the brands page. The character count is limited so it’s important to include the required copy over brand romance copy

The screenshot shows the Instagram profile for **jackdaniels\_us**, which is a verified account. The profile includes a bio with a responsible drinking message, a UGC policy, and a forward notice. Annotations with arrows point to specific elements:

- Official Signpost Verification Badge:** Points to the blue verification checkmark next to the username.
- Responsible Drinking Message:** Points to the bio text: "Live Freely. Drink Responsibly. For legal drinking age only. Don't share with anyone underage. j.mp/PostGuide-EN. Jack Daniel's ©® 2021".
- UGC Policy:** Points to the website link in the bio: [www.jackdaniels.com](http://www.jackdaniels.com).
- Forward Notice:** Points to the bio text: "Don't share with anyone underage".



# Facebook/Instagram

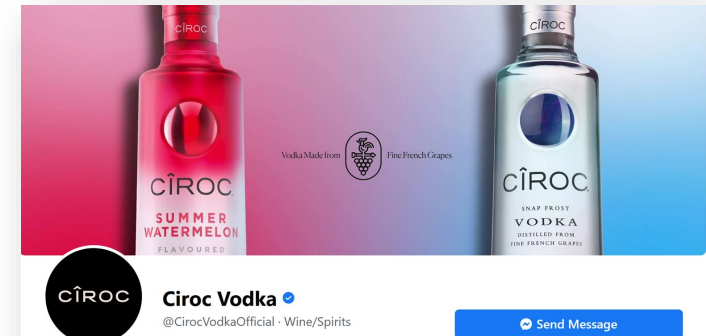


## Policy

- Facebook/Instagram ads that promote or reference alcohol must comply with all applicable local laws, required or established industry codes, guidelines, licenses and approvals, and include age and country targeting criteria consistent with Facebook's targeting requirements and applicable local laws.

## Targeting Requirements

- If you choose to run ads that promote or reference alcohol you must make sure to follow local laws and target your ads appropriately, including targeting your ads to LPA consumers.

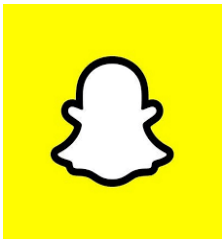


## About

[See All](#)

- Please note that this page and all content within is intended for those of legal drinking age. Please celebrate responsibly and do not share content with those under legal purchase age - visit [www.drinkiq.com](http://www.drinkiq.com) for the facts. [See Less](#)
- CÎROC Ultra Premium Vodka  
The celebration starts now. Live your dream and share your #OnArrival moment.  
#CirocVodka  
Must be of legal drinking age to follow us and use our hashtags. Please celebrate responsibly and do not share content with those under legal purchase age - visit [www.drinkiq.com](http://www.drinkiq.com) for the facts.  
[https://footer.diageohorizon.com/dfs/assets/policies.diageohorizon.com/TnC\\_en.html](https://footer.diageohorizon.com/dfs/assets/policies.diageohorizon.com/TnC_en.html)  
[https://footer.diageohorizon.com/dfs/assets/policies.diageohorizon.com/PrivacyPolicy\\_en.html](https://footer.diageohorizon.com/dfs/assets/policies.diageohorizon.com/PrivacyPolicy_en.html) [See Less](#)





# Snapchat

## Snapchat Alcohol Policy:

- Ads that promote or reference alcohol must not:
  - Target or be likely to appeal particularly to people under the legal drinking age in the territory where the ad will run.
  - Encourage or depict excessive or irresponsible consumption of alcohol.
  - Exploit an individual who is drunk or otherwise intoxicated.
  - Glamorize alcohol, or otherwise misrepresent the effects of consuming alcohol.
  - Associate alcohol with operating a vehicle or other activities that require a certain degree of skill or physical coordination, or with any illegal behavior.
- Mandatory warning labels, such as “please drink responsibly” or its local variation (if applicable) must be prominently displayed in the ad.
- Ads for alcohol products must be age targeted to the applicable minimum drinking age in the country to which you are advertising

# Conclusion

## Code of Responsible Practices

for Beverage Alcohol  
Advertising and Marketing

*Since 1934*

Distilled Spirits Council  
of the United States

- The DISCUS Code is a longstanding and important self-regulatory tool to ensure beverage alcohol advertising reaches adults of legal purchase age
- Familiarize yourself with the Code's Responsible Placement and Content provisions
- Understand the Digital Marketing and Media Buying Guidelines and put company-wide best practices in place to ensure UGC and demographic compliance
- Engage with your ad agencies and employees to communicate requirements for programmatic and downloadable application ad placements
- If you ever have questions related to Code compliance, reach out to us! We are always happy to help

Leading  
Responsibility  
Since  
1934

**DISCUS CODE**  
**VIRTUAL MEDIA SUMMIT**  
Advertising & Marketing Practices

Questions?

[Distilledspirits.org](http://Distilledspirits.org)