

CPG Brands to Beverage Alcohol

Crossover Products Responsible Marketing Guidance

Traditional soft drink producers and beverage alcohol suppliers have recently introduced a number of new alcohol crossover products. The launch of these products has resulted in some concern that they may potentially be confused with their non-alcohol counterparts.

As with any other alcohol brands, these new crossover products must comply with all labeling and advertising laws and regulations. Similarly, the alcohol industry Codes of Responsible Advertising also apply to these products. For any spirits-based product, the Distilled Spirits Council has a strict [Code of Responsible Practices for Beverage Alcohol Advertising and Marketing](#) to help ensure that products are packaged and marketed appropriately, responsibly, and to those of legal purchase age.

The DISCUS Code Review Board provides this guidance document to (1) highlight some of the most relevant Code provisions for these crossover products, and (2) provide suggestions for responsible merchandising practices for our retail tier partners who have the responsibility and control over how products are presented to consumers for sale.

Producer Guidance for Responsible Advertising and Marketing

All provisions of the DISCUS Code apply to crossover brand spirits-based products, as well as malt or wine-based brands produced or marketed by DISCUS Members. With crossover brand products, all elements of marketing – including packaging, advertising, and point-of-sale materials – are subject to the DISCUS Code.

Responsible advertising requires, among other things, that packaging and marketing materials do not primarily appeal to those under the legal drinking age¹ and do not promote irresponsible use.² In order for people to make responsible drinking choices, consumers must of course understand that they are purchasing and consuming alcohol.

The following are suggested responsible marketing practices to ensure crossover brand products are marketed responsibly to legal drinking age adults:

- Develop product packaging and branding that is clearly and easily distinguishable from non-alcohol beverage counterparts.
- Include information on product labels, packaging, and promotional materials that makes it clear that it contains alcohol, such as prominently displaying the type of alcohol contained in the product, the percentage of alcohol by volume present, general notices that the product contains alcohol, and/or inclusion in the statement of composition.

¹ See Code, Responsible Content Provisions, Section A, Adult Audiences and Underage Persons.

² See Code, Responsible Content Provisions, Section B, Social Responsibility. Although there is no specific provision in the Code that addresses crossover products, it does note “DISCUS members recognize that it is impossible to cover every eventuality and, therefore, agree to observe the spirit, as well as the letter, of this Code.” *Id.* Introduction and Scope.

- Review packaging and advertising campaigns to ensure that they primarily appeal to legal drinking age adults, and not to individuals under the age of 21.
- Review packaging and advertising campaigns to ensure that they comply with all other Code provisions, including the Responsible Placement and Content provisions.

Retailer Guidance for Responsible Merchandising

Crossover brand products often retain many of the same branding elements and consumer recognition as their non-alcohol beverage counterparts. To avoid any consumer confusion, retailers are encouraged to take measures to ensure that crossover products are merchandised in a manner that makes it clear that they contain alcohol and are only marketed and sold to legal drinking age adults.

The following are suggested responsible merchandising practices:

- Do not display or promote crossover brand products in a manner that could create confusion with the non-alcohol beverage counterpart. If necessary, identify to consumers that the crossover brand product contains alcohol.
- Crossover brand products should not be displayed or promoted in areas that may primarily appeal to children, such as a toy aisle.
- Ensure retail outlet employees can differentiate crossover brand products from their non-alcohol beverage counterparts.
- If feasible, program crossover brand product barcodes to indicate that they contain alcohol when they are scanned at checkout so that the retail outlet employee confirms that the consumer is of legal drinking age.