

# Code of Responsible Practices

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for Beverage Alcohol  
Advertising and Marketing

*Since 1934*

Distilled Spirits Council  
of the United States

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# Introduction and Scope

The Distilled Spirits Council of the United States, Inc. (DISCUS) is a national trade association representing producers and marketers of distilled spirits sold in the United States. For more than 87 years, DISCUS members have voluntarily abided by the Code of Responsible Practices for Beverage Alcohol Advertising and Marketing—pledging to advertise and market their products to adults of legal purchase age in a responsible and appropriate manner.

The Code has been widely lauded as a model of self-regulation because it applies more rigorous standards than the government could require under the First Amendment, operates through a transparent and accountable process, and covers the full breadth of current advertising and marketing practices.

The Code applies to all activities undertaken by DISCUS members to advertise and market distilled spirits, malt beverage, and wine brands, as well as non-DISCUS member activities to advertise and market distilled spirits. These activities include brand advertising, consumer communications, promotional events, packaging, labels, sponsorships, product placements, and distribution and sales materials.

The Code has long provided industry members with a touchstone for responsible advertisement placement and content. Even so, 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.

Two critical bodies of experienced professionals, the Code Review Board and Outside Advisory Board, serve to execute and ensure adherence to the Code. For several decades, the Code Review Board has served to evaluate complaints and inquiries about advertising and marketing materials subject to this Code. The Code Review Board complaint process is transparent, and the resulting decisions and actions are regularly published on the DISCUS website. The Outside Advisory Board is composed of highly esteemed professionals with extensive experience related to responsible advertising. The Advisory Board is available to provide anonymous guidance on Code compliance, as well as their opinion if the Code Review Board cannot arrive at a majority decision on a complaint.

Since the inception of the Code in 1934, social mores, advertising practices, and technologies have evolved requiring the Code to adapt and remain flexible. Whatever the next trend may bring, DISCUS and its members will always remain dedicated to maintaining high standards that steer the industry to responsible advertising practices.

*Last update: May 2023*

## [A] Adult Audiences and Underage Persons

1. **Adult Audiences.** Beverage alcohol advertising and marketing materials are intended for legal purchase age adults who choose to drink. Thus, these materials should primarily appeal to individuals 21 years of age or older and best efforts should be taken to ensure they are placed in broadcast, cable, radio, print, and internet/digital communications where at least 73.8 percent of the audience is reasonably expected to be 21 or older. In order to facilitate these placement commitments, advertisers should adhere to the best practices outlined in the Responsible Media Buying Guidelines. See Appendix B.
2. **Fixed Advertising and Marketing Materials.** Appropriate measures and best efforts should be taken so that fixed beverage alcohol advertising and marketing materials are placed at venues used primarily for adult-oriented events defined as where at least 73.8 percent of the audience attending those venue events is reasonably expected to be of legal purchase age.
3. **College Campus Marketing.** Beverage alcohol products may not be advertised/marketed on college/university campuses or in college/university publications. The following activities, however, are permitted: (1) beverage alcohol product advertising/marketing and supplier-sponsored beverage alcohol promotions may be conducted in an on-campus licensed location; and (2) beverage alcohol products may be advertised/marketed at events where substantially all attendees are of legal purchase age, such as events organized by or for graduate or alumni organizations.
4. **Prohibited Zones of Advertising.** Beverage alcohol advertising should not be placed on any outdoor stationary location within five hundred (500) linear feet of an established place of worship, an elementary school or secondary school except on a licensed premise.
5. **Website Age Affirmation.** Age affirmation mechanisms, utilizing month, day and year functionality, should be employed for DISCUS member-controlled beverage alcohol advertising or marketing websites. Age affirmation mechanisms may vary depending upon available technology. Examples include, but are not limited to, an age affirmation page, an email or instant messaging age affirmation, or the use of a site's "registered user" database of users of legal purchase age. Member-controlled websites should contain a reminder of the legal purchase age.

## [A] Adult Audiences and Underage Persons

- 1. 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.
- 2. Advertisements Appealing to Children Are Inappropriate.** Marketing that primarily appeals to individuals under the age of 21 is inappropriate. 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.
- 3. Age of Models and Actors.** Beverage alcohol products should not be advertised or promoted by any person who is below the legal purchase age or who is made to appear to be below the legal purchase age. To help ensure that individuals in beverage alcohol advertising are and appear to be above the legal purchase age, models, and actors employed should be a minimum of 25 years old, substantiated by proper identification, and should reasonably appear to be 21 years of age and older. For clarity in applying this provision, athletes, celebrities, spokespersons, and influencers of legal purchase age that are generally recognizable to the intended audience are not considered models or actors under this provision; however, such individuals should reasonably appear to be 21 years of age or older in any beverage alcohol advertising and should not primarily appeal to persons below the legal purchase age.
- 4. Branded Apparel Adult Sizing.** Brand logoed apparel and the licensing of member company trademarks used in connection with the sale of brand logoed apparel should be limited to only adult sizes.
- 5. Product Potency.** Beverage alcohol advertising and marketing materials may refer to the alcohol content of a beverage alcohol product in a straightforward and factual manner, but should not promote the potency of a beverage alcohol product.

## [B] Social Responsibility

- 1. Good Taste and Responsible Use.** Beverage alcohol advertising and marketing materials should portray beverage alcohol products and drinkers in a responsible manner and reflect generally accepted contemporary standards of good taste.
- 2. Responsible Drinking Statements.** It is critically important to remind consumers to enjoy beverage alcohol products responsibly. Accordingly, responsible drinking statements should be included in beverage alcohol advertising, marketing materials, and promotional events where practicable.
- 3. Activities That Are Illegal or Require a High Degree of Alertness.** Beverage alcohol advertising or marketing materials should 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.

## [C] Examples of Inappropriate Content

In order to provide clarity and guidance, included herein is a non-exhaustive list of inappropriate content for beverage alcohol advertising and marketing materials that would violate the Code:

- 1) Depicts a child or portrays objects, images, or cartoon figures that primarily appeal to persons below the legal purchase age;
- 2) Uses the name of or depicts Santa Claus;
- 3) Promotes alcohol use as a "rite of passage" to adulthood;
- 4) Uses brand identification—including logos, trademarks, or names—on clothing, toys, games, game equipment, or other items intended for use primarily by persons below the legal purchase age;
- 5) Portrays persons in a state of intoxication or in any way suggests that intoxication is socially acceptable conduct;
- 6) Makes curative or therapeutic claims, except as permitted by law;

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- 7) Makes claims or representations that individuals can attain social, professional, educational, or athletic success or status due to beverage alcohol consumption;
- 8) Degrades the image, form, or status of women, men, or of any ethnic group, minority, sexual orientation, religious affiliation, or other such group;
- 9) Uses lewd or indecent images or language;
- 10) Employs religion or religious themes;
- 11) Relies upon sexual prowess or sexual success as a selling point for the brand;
- 12) Uses graphic or gratuitous nudity, overt sexual activity, promiscuity, or sexually lewd or indecent images or language;
- 13) Association with anti-social or dangerous behavior;
- 14) Depicts illegal activity of any kind; or
- 15) Uses the term “spring break” or sponsors events or activities that use the term “spring break,” unless those events or activities are located at a licensed retail establishment.

## [A] Conduct at Promotional Events

1. **Discourage Excessive or Abusive Consumption.** On-premise supplier sponsored promotions should encourage responsible consumption by those adults who choose to drink and discourage activities, such as drinking games, that reward or encourage excessive or abusive consumption.
2. **Responsible Sampling.** Where supplier sampling is permitted, appropriate measures should be employed to safeguard against underage drinking, including taking the necessary steps to ensure that individuals conducting the sampling on behalf of the supplier are of legal purchase age.

## [B] Product Placements

1. **Product Placements Guided by Code.** Movies, television programs, music videos, and video games often portray the consumption of beverage alcohol products and include related beverage alcohol signage in their productions. For those who seek product placement opportunities, placements should be guided by the principles of the Code and assessed on a case-by-case basis utilizing information about the placement available at the time provided by the project's producers.



## [C] Internal Compliance Process

- 1. Internal Compliance Process.** Companies should establish an internal process to ensure compliance with the Code. To the extent possible given a company's size and organizational structure, this process should include a separate review of advertising and marketing materials by a company employee who is not in the marketing department or who was not involved in the development of the advertising or marketing materials.
- 2. Training Program.** Companies should take appropriate steps to ensure that employees involved in advertising and marketing are properly trained on the Code. Where possible, companies should establish and conduct a regular training program for employees involved in the advertising or marketing of the company's brands, including appropriate initial and recurrent training.
- 3. Advertising Agencies and Other Consultants.** Companies should provide a copy of the Code to advertising agencies, media buyers, and other external consultants involved in a member's advertising or marketing activities.

## [A] Code Review Board Structure and Responsibilities

- 1. Code Review Board Structure.** The Code Review Board shall be comprised of no less than five (5) members in good standing of the DISCUS Board of Directors or his/her designee. Each member shall be elected by a majority vote of the Board of Directors.
- 2. Code Review Board Meetings.** The Code Review Board shall meet when necessary to consider complaints of Code violations and as otherwise necessary to conduct Code business.
- 3. Adjudication of Complaints.** The Code Review Board shall promptly adjudicate Code complaints, adhering to the process outlined herein. Findings of the majority of the members of the Code Review Board shall be communicated promptly to the responsible advertiser and, in appropriate circumstances, to all members of the DISCUS Board of Directors.

## [B] Code Complaint Process

- 1. Filing a Compliant**
  - a. Format and Substance of Complaint.** Complaints should be made in writing, identify the provisions of the Code in question, and provide an explanation for the basis of the complaint. The advertisement and/or marketing materials in question should be appended to the complaint to ensure that it is processed properly and expeditiously.
  - b. Complaint Submission.** Complaints and any questions about the Code and any particular advertisements or marketing materials should be sent to the DISCUS Code Review Board, c/o DISCUS Code Staff Liaison at 101 Constitution Avenue, N.W., Suite 350 West, Washington, D.C. 20001 or emailed to [DISCUSCode@distilledspirits.org](mailto:DISCUSCode@distilledspirits.org).
- 2. Complaint Review and Action**
  - a. Receiving Complaints.** All complaints involving advertising or marketing materials of the distilled spirits, beer, and wine brands marketed by a DISCUS member company and distilled spirits products of a nonmember

company are forwarded to the DISCUS Code Review Board for their review and consideration. All complaints are processed anonymously, and the identity of the complainant is not disclosed.

- b. **Advertiser Notification and Response.** Upon receipt of a complaint, the Code Review Board staff liaison notifies the advertiser and invites the advertiser to (1) respond to the complaint, and (2) participate in the Board's review of the complaint to answer any questions. DISCUS members are expected to respond forthwith. Non-DISCUS members have 15 business days to respond.
- c. **Complaint Evaluation.** The Code Review Board convenes to consider the complaint and the advertiser's response and will then deliberate and render a decision. When practicable, the Code Review Board proceeds in its deliberations within a week for DISCUS member company complaints and shortly after the 15 business day deadline for non-DISCUS member complaints, even when the advertiser has not responded.
- d. **Code Review Board Decision.** The advertiser is notified of the Board's decision and, if a violation has occurred, the Board urges the advertiser to revise or withdraw the advertisement forthwith. The Board is available to answer questions or assist with compliance.

### 3. Public Code Review Board Reporting

- a. The Code Review Board publishes decisions summarizing the complaint and the advertiser's response on the DISCUS website when rendered.

*This process is reviewed periodically and may be revised when warranted.*

## [A] Outside Advisory Board

DISCUS has established an Outside Advisory Board to provide confidential guidance on Code compliance. Members of the Advisory Board have extensive experience related to responsible advertising.

- 1. Confidential Guidance on Code Compliance.** On a voluntary, nonbinding, and confidential basis, beverage alcohol industry member advertisers can seek the guidance from the Advisory Board related to any questions about Code compliance.
- 2. Complaint Adjudication Guidance.** These Outside Advisors also will be contacted for their respective opinion if the Code Review Board cannot arrive at a majority decision about a particular advertisement or marketing material.
- 3. Advisor List and Contact.** The names and biographical information of the Outside advisors are published on the DISCUS website. To contact the advisors, submit a request to [DISCUSCode@distilledspirits.org](mailto:DISCUSCode@distilledspirits.org).

## [B] Training Seminars

To increase awareness of the Code and current best practices in complying with its provisions, DISCUS conducts periodic training seminars, such as our Best Practices “Media Summits,” for both DISCUS member companies and non-DISCUS member companies, as well as their respective advertising agencies, media buyers, and other external consultants.

These training seminars focus upon the challenges, opportunities, and Code compliant tools in evolving social media platforms, including discussions on the latest marketing technologies (mobile marketing, mobile apps, programmatic media buying, and beyond), as well as demographic data tools to meet the DISCUS Code’s placement standard.

Current DISCUS Code training materials can be accessed on the DISCUS website.

## [C] Other Code Guidance Documents

To provide further guidance on complying with the Code tenets and provisions outlined above, DISCUS also has published Responsible Digital Marketing Guidelines and Media Buying Guidelines. These guidelines are set forth below as appendices and are also separately available on the DISCUS website.

# 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.

DISCUS members recognize the increasingly important role of digital marketing and believe it provides valuable and appropriate tools to reach adult consumers. As an extension of the commitment to market brands responsibly to adults and to respect their privacy, the following principles have been developed to guide responsible digital marketing.

Digital marketing activities are constantly evolving and new trends occur rapidly. This Guidance will therefore be reviewed regularly and updated as necessary.

## Scope

These Guidelines apply to branded digital marketing communications (paid and unpaid), including, but not limited to, communications on websites, such as social network sites and blogs, as well as mobile communications and applications.

## [A] Basic Principles

1. Digital marketing communications are intended for adults of legal purchase age.
2. Digital marketing communications should be placed only in media where at least 73.8% of the audience is reasonably expected to be of the legal purchase age, or where the digital platform provides the ability to directly communicate to an audience of legal purchase age individuals.
3. Direct interaction by the brand advertiser with a user should require age affirmation by the user prior to direct engagement with that individual.
4. User-generated content on a digital medium controlled by the brand advertiser must be monitored and moderated on a regular basis.
5. Forwardable content should include instructions that such materials should not be forwarded to individuals below the legal purchase age.
6. Digital marketing communications must respect user privacy.
7. Digital marketing communications and product promotions must be transparent and overtly identified as brand marketing.

## [B] Definitions and Guidance to Implement Principles

1. **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.
2. **Age Affirmation** is a process or a mechanism by which users provide their full date of birth (month, day, and year) to affirm they are of legal purchase age. Age affirmation mechanisms may vary depending upon available technology and examples could include, among other things, an age affirmation page, an email or instant messaging age affirmation, or the use of a site's "registered user" database of legal purchase age adults.

If a user enters a date of birth that indicates they are under the legal purchase age, access to a member-controlled website should be denied and visitors should receive an appropriate message or directed to an information website

on responsible drinking, such as those found at The Foundation for Advancing Alcohol Responsibility's website (<http://www.responsibility.org>).

- 3. User Generated Content (UGC)** is material (including text, pictures, audios, and videos) that has not been created by the brand advertiser, but by a user. UGC that appears on a digital medium controlled by the brand advertiser should be monitored each business day when possible, but, at a minimum, every five business days. When content is determined to be inappropriate, the inappropriate material should be removed promptly. A disclaimer should appear saying that all inappropriate content generated by users will be removed from any digital medium over which the brand advertiser has control.
- 4. “Forwardable” Content** is any branded digital content that is designed or enabled to be shared, such as with a share, download, or email “button click.”
- 5. Social Responsibility Statements** should be included in all digital marketing communications where practicable.
- 6. 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:
  - i) **Legal Age Users Only.** User information can only be collected from those individuals who are of the legal purchase age. Prior to the collection of any information, the brand advertiser will require that individual to affirm that they are of legal purchase age.
  - ii) **Opt-In and Opt-Out.** The brand advertiser shall employ a mechanism for a user to “opt-in” before receiving a direct digital marketing communication and provide a mechanism to “opt-out” and discontinue receiving such direct communications.
  - iii) **Collection and Use Notice.** Clear information must be provided about collection and use of personal data.
  - iv) **Privacy Statement.** Users should be encouraged to read the privacy statement before submitting their information.
  - v) **Data Security.** Measures will be taken to keep user information secure and protected from loss or theft.

## 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 communications, podcasts) and the requirement for semi-annual, random, after-the-fact audits (post audits) of placements to meet the demographic standard where at least 73.8% of the audience is reasonably expected to be 21 years of age or older (the legal purchase age audience composition, hereinafter LPA). These guidelines also address the placement of marketing materials directed to LPA+ adults via programmatic media buying.

It should be noted that while demographic data is generally one of the best tools available for reliably measuring the age composition of an audience, the collection of data for downloadable applications and podcasts remains limited. Specifically, current technology for measuring demographics for downloadable applications and podcasts identify the individual downloading the application, which may not be the user in some instances. Accordingly, demographics alone are not sufficient for ensuring the requisite LPA+ audience composition for downloadable applications and podcasts, and these Guidelines include specific best practices to be applied when placing advertisements in that medium.

These Guidelines will be reviewed periodically to ensure that they reflect the most current and appropriate recognized electronic and print audience composition data.



## [A] Media Placement and the 73.8% LPA Standard

1. **LPA Compliance Standard.** A placement will be considered to be in compliance with this LPA standard if:
  - i) The advertiser has a reasonable expectation, determined by using reliable, up-to-date audience composition data, that the LPA audience composition will be at least 73.8%;
    - Note – Reliability of Downloadable Application And Podcast Data: Collection of audience composition data for downloadable applications and podcasts is limited. Accordingly, relying on this data alone is not sufficient for these mediums and advertisers must also comply with the specific best practices included below.
  - ii) 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 73.8% LPA audience composition standard; and
  - iii) The advertiser, upon learning of a non-compliant placement, takes appropriate, corrective action for future placements.
2. **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:
  - i) 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;
  - ii) Recognition that a company’s media buys rely upon historical demographic data to estimate the future LPA+ audience composition; and
  - iii) Recognition of the availability and publication intervals of syndicated audience composition data; for example, MRI TwelvePlus data are published annually and Nielsen Audio data are published quarterly, whereas national broadcast networks have the most frequently measured syndicated audience composition data (national Nielsen data) thereby affording, among other things, more data for advertisement placement and for more expeditious after-the-fact audits, as compared to, for example, local (spot) TV and cable, as well as radio and print media. Syndicated audience composition data, such as comScore or Nielsen Online (formerly Nielsen//NetRatings), for internet/digital communications also are published on a more frequent basis and are taken into account in these guidelines for purposes of advertisement placement and post audits.

## [B] Compliance Standards Per Medium

A placement will be considered appropriate when it complies with the Code and with the media placement and audience composition data outlined below.

### 1. TV: Broadcast, Cable, and Syndication

- i) Use of a syndicated data source: Purchase by program (or, if program specific data are unavailable, by daypart/timeslot) using nationwide “2+” audience composition data, such as national Nielsen data, based upon the last two quarters of such data.
- ii) For new programs, data for similar programs or time periods should be referenced.

### 2. Radio

- i) Scope: The radio buying guideline applies to all paid and bonus spots, including rotators, negotiated and agreed upon mentions, liners, tags, billboards, and any other type of announcement.
- ii) Use of a syndicated data source: For audited radio stations, purchase by daypart using the Average Quarter Hour (AQH) Persons measurement in Nielsen Audio quarterly reports based upon the last two quarters of such data (where seasonal fluctuations are evident, prior year data also should be taken into account if available):
  - (a) Time periods in which radio spots may be placed shall be in the following Nielsen Audio standard dayparts or other time periods as specified below:
    - AM Drive Monday thru Friday 6:00 a.m. - 10:00 a.m.
    - Midday Monday thru Friday 10:00 a.m. - 3:00 p.m.
    - PM Drive Monday thru Friday 3:00 p.m. - 7:00 p.m.
    - Evening Monday thru Friday 7:00 p.m. - 12:00 midnight
    - Monday thru Friday 12:00 midnight - 6:00 a.m.
    - Sat. & Sun. 6:00 a.m. - 10:00 a.m.
    - Sat. & Sun. 10:00 a.m. - 3:00 p.m.
    - Sat. & Sun. 3:00 p.m. - 7:00 p.m.
    - Sat. & Sun. 7:00 p.m. - 12:00 midnight
    - Sat. & Sun. 12:00 midnight - 6:00 a.m.

- (b) More specific data than daypart can be used for audience composition such as, for example, narrowing the a.m. drive hours from 6:00 a.m.-10:00 a.m. to 8:00 a.m.-10:00 a.m. to determine audience composition.
- (c) Any period of time adjacent to a Nielsen Audio standard daypart that is also purchased, provided that each additional hour independently satisfies the Code provision that 73.8% of the audience composition is LPA+.
- (d) Any period of two or more consecutive hours, provided that each hour independently satisfies the Code provision that 73.8% of the audience composition is LPA+.
- iii) Unmeasured stations: If the station is not measured by a syndicated data source (e.g., a new station or a station not measured by Nielsen Audio), data provided by the station regarding the target listenership audience or audience composition data from time periods for comparable stations in comparable markets.

### 3. Magazines

- i) Use of a syndicated data source: Purchase by publication using “12+” audience composition data, such as MRI consolidated TwelvePlus data (designed to allow analysis of “12+” youth and adult readership) or, if unavailable, MRI “18+” data, based upon the last publication of such data.
- ii) More specific data regarding audience composition also meet this standard, such as subscription-only or a “21+” subscriber special edition of the publication.
- iii) Unmeasured magazines not of general circulation: If the publication is not measured by a syndicated data source (e.g., a new publication or a publication not measured by MRI), data provided by the publisher regarding target readership audience or data for similar publications (see section D below for “unmeasured magazines” intended for general circulation, including maiden/new publications, even if it is, for example, a prototype of another magazine).
- iv) Unmeasured magazines intended for general circulation: Magazines intended for general circulation that are not measured by a syndicated data source, such as MRI or Simmons, and have or are intended to have a subscriber base, should have an independent measurement of their subscribers, which meets the criteria outlined in this section.

- a) A demographic survey of subscribers should be conducted periodically for established magazines and for new magazines before consideration of an advertisement placement (and again for new magazines once the subscriber base has stabilized, for example, after initial subscribers have had an opportunity to renew).
- b) Survey of magazine subscribers must be conducted by an independent third party research company using established research methods, such as the ABC Subscriber Study Audit requirements.
- c) Survey supplier and date survey was conducted must be identified.
- d) Sample should be at least 300 in-tab (tabulated) respondents with the sample frame fully reported,
- e) Sample must be pulled on an nth name basis from all eligible names on the publication's full subscriber file for U.S. only. No complimentary copies, international, business addresses, demographic, or regional edition splits (unless these copies are also used for the advertising).
- f) Subscribers, not other household members, should be asked to fill out and return the survey.
- g) Actual age, year of birth, or check off for appropriate bracket of age are acceptable, as long as the age bracket identifies 21 as a starting point (for example, 21-34 versus 18-24).
- h) Upon the receipt of the independent demographic survey, a potential advertiser will evaluate the audit in conjunction with other factors prior to purchasing an advertising placement, such as the content of the magazine, similar or comparable publications, the “pass along” rate and/or circulation distribution of similar or comparable publications.

#### **4. Newspapers**

- i) Scope: This guideline applies to all paid and bonus placements in the print editions of daily, Sunday, and weekly newspapers intended for general circulation that have or are intended to have a subscriber base, including advertising supplements, magazine sections, and other forms of advertising added to or delivered with newspapers.

- ii) Use of a syndicated data source: Prior to the purchase of print advertisements in newspapers distributed nationally, regionally or locally, review audience composition data utilizing an audience measurement source recognized by the advertising industry (such as, but not limited to, Scarborough Research and Mediamark Research, Inc.). Data for the most recent rating period available should be reviewed to determine that placements are reasonably expected to meet the demographic standard.
- iii) Unmeasured newspapers: If the newspaper is not measured by a syndicated data source (e.g., a new newspaper or a newspaper not measured by Scarborough Research or Mediamark Research, Inc.), use target readership audience or subscription data provided by the publisher and/or data for similar newspapers.

## 5. Internet and Digital Advertisements

- i) 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.
- ii) Placement may be made on sites that meet the demographic standard of the Code where at least 73.8% 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). See *Programmatic Marketing Directed to LPA+ Adults* section below.
- iii) Use of a syndicated data source: Purchase or place 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).
- vi) An 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. Given that the methodologies and measurements of internet and digital media are evolving, these guidelines will be reviewed as further developments warrant and, if appropriate, revised accordingly.

**6. Social Media Platforms**

- i) Scope: The social media platform buying guidelines apply to all paid and unpaid (including value-added) placements made by or under the control of the advertiser on social media platforms. Please refer to the Responsible Digital Marketing Guidelines for additional guidance for social media platform placements. See Appendix B.
- ii) Digital marketing communications on social media platforms should be placed only where at least 73.8% of the audience is reasonably expected to be of the legal purchase age, or where the platform provides the ability to directly communicate to an audience of legal purchase age individuals.
- iii) If relying on the 73.8% demographic standard for placement, the advertiser shall employ the use of a syndicated data source and purchase or place 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.

**7. Unmeasured Digital Media - Independent Measurement**

- i) If the digital medium is not measured by a syndicated data source, prior to purchasing or placing an advertisement or any marketing materials, the advertiser shall obtain from the publisher of the medium an independent demographic survey based upon the most recent three-month site average of available audience data of unique visitors conducted by a third-party research company using established research methods.
- ii) More specific data to meet the demographic standard: Where the average of the syndicated audience composition data or an independent third-party survey over the three-month time period (as described in subsection iii above) does not show a 73.8% LPA+ demographic, the 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 has that capability.
- iii) Unmeasured medium with a “registered user” database: If the digital medium is not measured by a syndicated data source or an independent third-party survey, but has a “registered user” database that can link a user to an age, the advertiser can use the website’s “registered user” database to place its advertising or marketing materials to LPA+ users.
- iv) “Limited edition” websites: For “one-time” only, 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 purchasing or placing an advertisement or any marketing materials.

## 8. Programmatic Marketing Directed to LPA+ Adults

These provisions apply to placements targeted directly to LPA+ adults by using programmatic first, second, or third party data substantiating the age of those individuals (regardless of the demographic composition of site, app, or medium).

Note: The provisions outlined in this section are not applicable to social media platforms that provide in-house tools to directly communicate to an audience of legal purchase age individuals. And, given the limitations of demographic data for downloadable applications and podcasts, any programmatic marketing in these mediums must also comply with the best practices outlined in the Downloadable Applications and Podcast sections included below.

- i) Data Usage and Validation: data utilized for programmatic placements should adhere to the following usage and validation best practices.
  - a) The data provider should validate their audience demographic data against at least one additional deterministic data set (e.g., first, second, or third party audience data) for the age of the individuals receiving the advertising execution;
    - Deterministic Data Explanation:
      - First-party data is generally data about your audience that you collect directly from them (e.g., data from your website).
      - Second-party data is generally data that an organization (e.g., Google Analytics, Facebook, or Amazon) collects straight from its audience and then sells directly to another company. This data is, in essence, that organization’s first-party data since they gather it directly from their audience and it may include data from activity on websites, apps and social media, in-store purchase history, survey responses, and more.
      - Third-party data is generally data that an aggregator (e.g., Oracle Data Cloud, Salesforce Marketing Cloud, or Acxiom) collects from various sources and sells as a package.

- b) The data provider should be a member of or abide by the guidelines of an accredited third party such as the Media Ratings Council, Digital Advertising Alliance or Interactive Advertising Bureau; and
  - c) Data should be refreshed and/or audited/validated as appropriate, for example, in 30-day intervals.
- i) Contextual Targeting: When feasible and reasonably accessible, contextual targeting technology should also be employed to further validate LDA+ data, as outlined in the best practices below.
- a) In placing programmatic media buys, the Data Service Provider should adhere to its technical capabilities utilizing contextual/content filters;
  - b) Contextual/content filters should ensure compliance with the Responsible Content Provisions of the DISCUS Code; and
  - c) If feasible and appropriate, measurements should be followed to maximize LPA+ placements, such as use of Nielsen’s Digital Ad Ratings or comScore’s validated Campaign Essentials.

### **9. Downloadable Applications**

In light of the current limitations in demographic data collection for downloadable applications, each application should be reviewed through one or more of the methods listed below to ensure that advertising placements meet the requisite LDA+ audience composition. Specifically, advertisers shall review content and avoid placements on applications that primarily appeal to an underage audience. A review to evaluate the content should be conducted prior to placement and, if applicable, periodically thereafter for the remainder of the placement, no less frequently than once every 90 days. Review methods include, but are not limited to, one or more of the following:

- i) Manual review of content to identify and exclude any applications that primarily appeal to an underage audience;
- ii) Review using technological programs and tools capable of identifying content that primarily appeals to an underage audience; and/or
- iii) Review using an Inclusion List, Exclusion List, or both, as appropriate during the advertisement placement process, to either (a) specifically approve placement on applications that are reasonably expected to primarily appeal to legal drinking age individuals, and/or (b) exclude placement on applications that may primarily appeal to an underage audience.



## 10. Podcasts

- i) **Scope:** This guideline applies to all paid and unpaid (including value-added) podcast placements made by or under the control of the advertiser. Placements may be made on podcasts that meet the demographic standard of the Code where at least 73.8% of the audience is reasonably expected to be of LPA+.
- ii) **Use of a syndicated data source:** Prior to the purchase of advertisements on podcasts, review audience composition data utilizing a recognized audience measurement source, such as survey-based demographic data provided by Scarborough Research and Edison Research, or digital audience composition data, such as provided by comScore or Nielsen Online that is based upon the most recent three-month average of available audience data of unique listeners (where seasonal fluctuations are evident, prior year data also should be taken into account if available).
- iii) **Unmeasured podcasts:** If the podcast is not measured by a syndicated data source, use target listenership audience data provided by the publisher and/or obtain from the publisher an independent demographic survey based upon the most recent three-month average of available audience data of unique listeners conducted by a third-party research company using established research methods.
- iv) **Content review requirement:** Similar to downloadable applications, utilizing digital audience composition data alone is generally not sufficient for podcast placements given current technological limitations. The one exception is the utilization of survey-based podcast demographic data, which is a reliable indicator of LPA+ and does not require an additional content review. Any podcast for which survey-based demographic data is not available, however, requires a review of content to avoid placements on applications that primarily appeal to an underage audience.  
Content reviews should be conducted prior to placement and, if applicable, periodically thereafter for the remainder of the placement, no less frequently than once every 90 days. Review methods include, but are not limited to, one or more of the following:
  - a) Manual review of content to identify and exclude any applications that primarily appeal to an underage audience;
  - b) Review using technological programs and tools capable of identifying content that primarily appeals to an underage audience; and/or

- c) Review using an Inclusion List, Exclusion List, or both, as appropriate during the advertisement placement process, to either (a) specifically approve placement on applications that are reasonably expected to primarily appeal to legal drinking age individuals, and/or (b) exclude placement on applications that may primarily appeal to an underage audience.

## [C] Post Audits

1. **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 73.8% LPA audience composition standard.
2. **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.
3. **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.