

NewsLetter



Beer advert ban

ASA calls time on Prime Time lager adverts

A poster ad for Prime Time Lager, seen on the side of a bus in October 2024, included product images of cans of beer and a pint in a glass. Large text stated, "BEER, BUT BETTER." Smaller text underneath included "63% FEWER CARBS".

Further text stated, "NEXT LEVEL TASTE, EASY ON THE WAIST". The Prime Time logo appeared on the right, with text underneath which included "AND AT 4.2% ABV, WHY WOULDN'T YOU?".

The Advertising Standards Authority (ASA) considered the following issues:

- "63% fewer carbs" was a nutrition claim that was not permitted for alcoholic drinks;
- "NEXT LEVEL TASTE, EASY ON THE WAIST" and "BEER, BUT BETTER" were health claims that were not permitted for alcoholic drinks; and
- "AND AT 4.2% ABV, WHY WOULDN'T YOU?" implied that a drink may be preferred because of its alcohol content.

What are the rules on alcohol advertising?

ASA referred to the Code of Advertising Practice (CAP) in its ruling on the above, however CAP is itself based on law and in this context, the Nutrition and Health Claims Regulation, Assimilated Regulation (EC) 1924/2006 is relevant.

In particular, Regulation 3 states:

"Beverages containing more than 1,2 % by volume of alcohol shall not bear health claims.

As far as nutrition claims are concerned, only nutrition claims referring to low alcohol levels, or the reduction of the alcohol content, or the reduction of the energy content for beverages containing more than 1,2 % by volume of alcohol, shall be permitted"

What did the ASA rule?

The ASA upheld all three complaints and ruled:

- "63% FEWER CARBS" suggested that the product had particular beneficial nutritional properties because it was reduced in carbohydrates. It was therefore a nutrition claim... but it was not one of the three nutrition claims permitted to be made in relation to alcohol"
- "NEXT LEVEL TASTE, EASY ON THE WAIST" implied that the product could contribute to weight loss or maintenance. It was therefore a health claim, which are prohibited for use with respect to alcoholic drinks.
- "BEER, BUT BETTER" , due to its proximity to the above claims, was likely to be understood as implying that the beer provided general benefits to overall health and health-related well-being. It was therefore also a health claim.
- 'AND AT 4.2% ABV, WHY WOULDN'T YOU?'. went beyond a factual presentation of information about the product's ABV, because it emphasised the alcoholic strength of the product and suggested it may be preferred because of that. This was a breach of the CAP.