



THE RESPONSIBLE MARKETING CODE

1. Preamble

The Alcohol Beverages Association of Kenya (**ABAK**) is an umbrella body that brings

together Kenya's leading manufacturers and distributors of alcoholic beverages. ABAK exists to support the alcohol industry by providing training, information and technical expertise to government agencies, consumers, value chain players and the society at large.

As leading alcoholic beverage producers and distributors in Kenya, we communicate to a number of consumers, colleagues, customers, clients and suppliers every day. As such, it is imperative that our communications not only reflect the passion and respect we bring to our work, but also the fact that we take our responsibilities seriously.

The majority of our consumers sensibly enjoy our products, but there will always be a minority who misuse them. Our marketing communications, therefore, needs to be clear about whom our products are targeted at, and how to enjoy them in a responsible manner.





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2. Objectives

The Responsible Marketing Code (the Code) goes to the heart of our commitment in self-regulation. It is about being legal, decent, honest and truthful in the way we market our brands so that, as an industry, we can help address social issues such as drinking & driving, underage drinking and heavy episodic drinking. The Code does not serve to summarize or substitute national laws, policies or codes, which must always be upheld. It explains ABAK's approach to self-regulation.

The Code's purpose is not to curb marketing freedom and creativity – It is here to protect us.

3. The Scope

Marketing communications is defined as: "communications produced directly by or on behalf of marketers, intended primarily to promote products regardless of the medium used". These include brand advertising, consumer communications, promotional events, packaging, labels, sponsorship, "advertorials", and point of sale materials.

The provisions of the Code apply to every type of media, including digital media. These provisions also apply to every type of promotional or marketing activity or event, including all product placement and sponsorships.

The definition of marketing communications does not extend indiscriminately to every type of commercial or corporate communication. For instance, it does not include non-paid press articles, information in annual reports and the like, or corporate public affairs messages in press releases or statements to the media, government agencies or the public about matters of societal concern, such as the risk or benefits related to the consumption of alcohol, or educational messages about responsible drinking or the role of alcohol in society.

How will we use it?

The Code will help safeguard our brands' reputation and our freedom of expression in all of our consumer-facing brand activities and across all our alcohol brands.

Where will we use it?

The Code covers all sorts of communications channels, the most common being: packaging, point of sale, signage, trade promotions, sponsorships, advertising, digital and social media, as well as any new channels and technologies that might be created.

Who will use it?

The Code will be adhered to by all ABAK members and our partners.



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4. Compliance

Adhering to the Code is mandatory. Every ABAK member must implement and abide by the Code and must ensure that everyone involved in the Marketing and Sale of our brands complies to the letter. Every member must ascertain that:

- All correspondence regarding complaints received about a particular commercial communication, activity or event, is properly addressed and stored;
- All complaints in relation to commercial communication, trade marketing and sales are registered for audit purposes;
- Annual training on this Code is conducted for our teams involved in marketing and selling our brands and for our agencies teams;
- Legal and Corporate Relations are consulted when in doubt.

Members or partners who fail to abide by The Code will expose themselves to sanctions imposed in accordance with the constitutional documents of ABAK.

5. The Guiding Principles

i. Compliance with applicable laws, regulations and policies

- › Our marketing communications shall at all times comply with all laws, regulations and policies applicable in Kenya.

ii. False Promotion

Our marketing communications should:

- › Not promote our products so as to mislead consumers under any circumstances. That is, our marketing shall not imply that our alcohol brands offer any health, functional, sexual, therapeutic, dietary, energy, endurance or performance benefits.
- › NOT under any circumstances imply that our products are beneficial to pregnant women.

iii. Adult Appeal

Our Marketing Communications should:

- › target only adults and never target those younger than 18 years;
- › never be constructed and designed to primarily appear to individuals younger than 18 years;
- › avoid the use of themes, icons, music, games, or characters that appeal primarily to those younger than 18 years;
- › avoid showing people younger than the age of 18 (or people likely to be perceived as minors) drinking alcoholic beverages;



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- › only portray actors, models and brand ambassadors who are at least 21 years old or reasonably appear to be older than 21 years;
- › avoid corporate social responsibility activities to those under the age of 18 years as it can be misconstrued as indirect marketing.
- › be placed only in media during watershed period where at least 70% of the audience is reasonably expected to be above 18 years old.
- › Market or consumer research activities should NOT be conducted among people below the legal drinking age of 18 years.

iv. Responsible Consumption

Our marketing communications should:

- › Not encourage irresponsible consumption through advertising and promotions.
- › Not refer to inebriated/intoxicated behavior as favourable in any of our advertising and promotional material.
- › Always demonstrate moderate consumption in our advertising and promotions.
- › Not advocate that consumption of an alcoholic drink is acceptable before or while engaged in driving, operating machinery, sports or other activities that require concentration in order to be carried out safely.
- › Not promote or present abstaining from alcohol or moderation when drinking alcohol in a negative manner or imply that it is wrong to refuse a drink.
- › Not advocate for or depict people drinking heavily or rapidly, or depict people in our marketing activities who are already intoxicated, or imply that such behaviour is attractive or appropriate.

v. Good taste and decency

Our Marketing Communications should:

- › Always depict our products as decent and respectable.
- › Not associate our products with indecent or offensive material
- › Not associate our products with illegal substances

vi. Product ingredients and alcohol content

Our Marketing Communications should:

- › present factual information about our product ingredients
- › where practical and permitted by law, provide clear, factual and neutral information about the alcohol content of our brands.



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- › Not support or utilize promotional activities, packaging or drink delivery ideas that mean consumers cannot readily tell or control how much alcohol they are consuming.
- › Not present high alcohol strength or potency as the dominant theme or principal basis of appeal of any marketing or product innovation

vii. Health Messages

Our Marketing Communications should:

- › align to statutory requirements contained in the Alcoholic Drinks Control Act, 2010.
- › include health messages on advertising and promotional material.

viii. Digital Media

- › Marketing communications should only be placed on third-party sites where at least 70% of the visitors to that website are older than 18.
- › A range of available technologies may be used to target adult audiences in digital media and to prevent access to those who are younger than 18 years, e.g. age-gates on websites.
- › Relationship marketing should not be sent to any individual younger than 18 years, e.g. promotional emails.
- › All content that is designed to be forwarded or shared by users should include a Forward Advice Notice (FAN) instructing recipients that they should not forward the content to those younger than 18 years, e.g. emails.
- › User Generated Content (UGC) posted on alcohol beverage company-controlled platforms should be moderated on a regular and frequent basis and inappropriate content removed.
- › Alcohol beverage company-controlled digital platforms (e.g. websites, Facebook, etc.) should include a clearly visible Responsible Drinking Message (RDM) which explicitly advocates responsible drinking.

ix. Brand Ambassadors

- › We commit to treat our Brand Ambassadors with respect
- › Brand Ambassadors will be provided with decent uniforms to represent our brands
- › Brand Ambassadors will be treated humanely and paid sufficiently
- › Brand Ambassadors should be over the age of 21 years. They must represent our products with maturity and decency.

The Members of the Association adopt the Responsible Marketing Code and resolve that they shall be guided by the principles therein in all their marketing activities.



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CHAIRMAN 2018

