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**By email only**

11 June 2019

Dear Mike

## **Audit of Compliance with Portman Group's Code of Practice (6<sup>th</sup> edition)**

As you may know, the Portman Group administers codes of good practice on behalf of the drinks industry. The Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks (attached) is designed to encourage producers to market their products responsibly. Anyone can make a complaint against a product or promotion they consider is in breach of the Code. Complaints are considered by an Independent Complaints Panel (Panel) and its decisions are published. Effective sanctions are in place to ensure that the Panel's decisions are enforced.

While we believe the Code operates well, we undertake regular audits to test the level of compliance in the industry. The 6<sup>th</sup> edition of the Code will come into force on 23 September 2019; the audit is therefore an opportunity to highlight any potentially problematic products before the Code comes into effect. We recently commissioned Zenith Global<sup>1</sup> to conduct an independent audit of the naming and packaging of alcoholic drinks in the UK. Zenith Global were asked to collect a random sample of 500 alcoholic products on sale in the UK off-trade. The sample collected was statistically representative of the UK market and was based on the latest off-trade market share data.

Zenith Global considered that of the 500 randomly selected products, 22 were potentially in breach of the Code.

Arrogant Bastard Ale 500ml can was one of the products identified by the auditor as being in *potential* breach of Code rule 3.2(b) for the following reasons:

Rule 3.2(b) A drink, its packaging and any promotional material or activity should not in any direct or indirect way suggest any association with bravado, or with violent, aggressive, dangerous, anti-social or illegal behaviour

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<sup>1</sup> [Zenith Global](#) is a specialist food and drink consultancy

(though sponsorship of activities which may be dangerous after alcohol consumption, such as motor or yacht racing, are not in themselves in breach of this clause).

Zenith Global's findings:

*The packaging and naming in both a direct and indirect way suggest association with bravado.*

*The name of the product is Arrogant Bastard, and directly under name is a slogan stating "You're not worthy." The text on the can tells the consumer that they likely won't like it because the consumer prefers a safer option.*

*The language, name and visual are suggesting that one has to be tough or daring to drink the product, and that by consuming it, the consumer is tougher or more daring than a regular beer drinker. The language is presented in a way of challenging the consumer to not be ordinary and to be more daring by drinking this particular beer. The language used on the packaging is derogatory to consumer. Phrases such as 'If you don't like this beer, keep it to yourself - we don't want to hear from any snivelling yellow-beer-drinking' wimps, cause this beer wasn't made for you' are pejorative and may encourage anti-social behaviour, as they challenge the consumer not to be a wimp.*

We would like to offer you an opportunity to amend your product's packaging based on the concerns raised by Zenith Global. Our Advisory Service will be happy to work with you to amend your packaging. Their advice and guidance is free and confidential. You can contact them on 020 7290 1460 or via email [advice@portmangroup.org.uk](mailto:advice@portmangroup.org.uk)

If you seek advice and can demonstrate that you have taken the appropriate remedial action by 14 October 2019 we will be happy to close our file.

If you would like to challenge Zenith Global's findings, or are unable to make the amendments as agreed and/or within the agreed timescale the matter will be formally investigated by the Independent Complaints Panel. All cases considered by the Panel are published on our website. All Panel decisions relating to products raised by Zenith Global will be published once the audit process has been completed. If the complaint is upheld we could issue a Retailer Alert Bulletin advising retailers not to stock the product until it has been amended to comply with the Code. Please note that if you decide to take the formal investigation route, because you do not agree with Zenith Global's findings, the case will not become active under the Code until the 6<sup>th</sup> edition comes into force on 23 September.

At the end of the audit process, we will publish the final audit report, identifying all the products in Zenith Global's random sample, including those judged to be potentially problematic, and briefly noting the actions of the companies concerned.

If you would like to discuss the contents of this email please contact me on 020 7290 1460 or via email [compliance@portmangroup.org.uk](mailto:compliance@portmangroup.org.uk)

I look forward to hearing from you in due course.

Yours sincerely



**Compliance Team**

**Enc: image of product**