



Accolade
Wines

Labelling & Social Media

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A Label Is Not Just What You Stick On The Bottle

Continuity of claims & representation between the Labelling & Advertising in traditional/emerging platforms

Inclusive of:

- Appellations / Varieties / Vintage
- Environmental Credentials or Endorsement Agencies
- Responsible Alcohol representations
- Health & Nutritional Related Information
- Awards
- Competitions
- Consumer references/mechanisms to online/social media

A Label Is Not Just What You Stick On The Bottle

Continuity of claims & representation between the Labelling & Advertising in involve the following agencies

Inclusive of:

- Wine Australia
- Accrediting Agencies & ACCC
- FSANZ
- State Health authorities
- State/Territory Gaming, Liquor & Racing Agencies
- Office of the Information Commissioner

ABAC

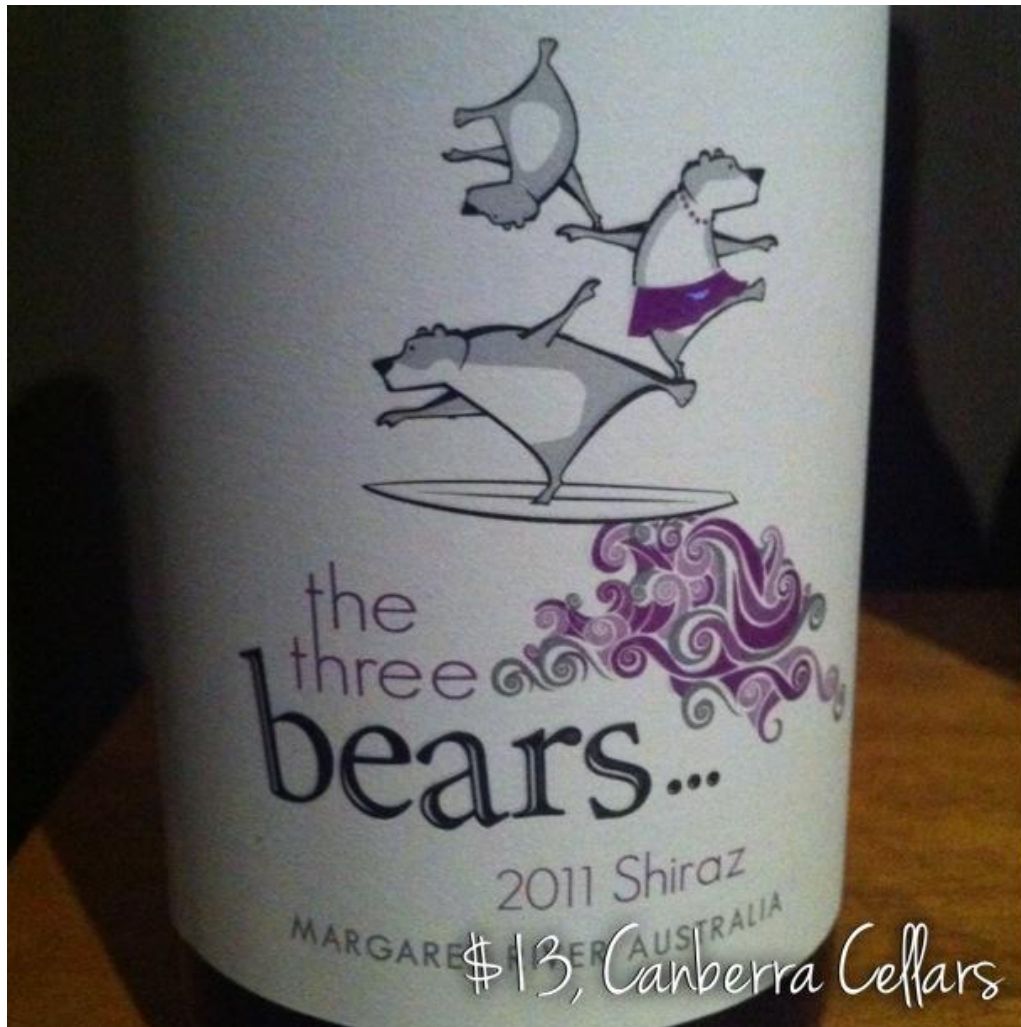
- **Administration of the Alcohol Beverages Advertising (And Packaging Code)**

“ Part 2 – Standards to be applied to the naming and packaging of alcohol beverages

- 1. The naming or packaging of alcohol beverages (which is also referred to within these standards as “product material”)
- a) present a mature, balanced and responsible approach to the consumption of alcohol beverages and, accordingly –
- i) must not encourage excessive consumption or abuse of alcohol;
- ii) must not encourage under-age drinking;5
- iii) must not promote offensive behaviour, or the excessive consumption, misuse or abuse of alcohol beverages;
- iv) must only depict the responsible and moderate consumption of alcohol beverages; must:

etc.....

ABAC



ABAC

- In this case, the Panel believes the product material is in breach of sections (a)(ii) and (b) of Part 2 of the ABAC. In reaching this conclusion the Panel has noted:
- (a) That while “The Three Bears” name was a reference to the wine making region from which the product originates, it nevertheless could be taken by a reasonable person to be a reference to the “Goldilocks and The Three Bears” children’s story.
- (b) That the use of the character of the bears as depicted on the labels would have strong and evident appeal to children given a combination of:
 - the style of the drawing of the bears;
 - the bright colours used on the bears;
 - the activity the bears are portraying.
- (c) It is not necessary for the label to definitively create an impression of the ‘Goldilocks’ story to breach the ABAC standard. Rather, the overall impression created by the name, illustrations, colours and style of depiction of the bears collectively is considered strongly or evidently appealing to children.

26 November 2012

Wine Australia

- Wine Australia has power to look at labelling AND advertising with regard to LIP claims (Vintage, Variety and GI)

examinable document means:

.....

- (b) any wine label or other document relating to the vintage, variety or geographical indication of wine goods; or
- (c) any document relating to advertising the vintage, variety or geographical indication of wine goods; or
- (d) any other document that is relevant to monitoring or enforcing compliance with a label law.

Viewable under inspection powers.

This includes Internet Advertising, Downloadable Tasting Notes, Social Media & Downloadable Applications.



Labelling As A Gateway

- A range of wine and food industry applications now appearing on market using product labelling as a launching point
- Increases regulatory complexity – within a company where does responsibility for labelling end, and responsibility for “extensions of the label” begin?

QR Codes to Mobile Sites/Facebook/Mailing Lists

WOLF BLASS'
Yellow Label
CABERNET SAUVIGNON

Wolfgang Blass established his winery in 1966 crafting wines which epitomised quality, character and consistency; a philosophy our winemakers continue today.

We invite you to try other wines in the Wolf Blass range


GOLD LABEL
REGIONAL EXCELLENCE

YELLOW LABEL
SINGLE VARIETAL

RED LABEL
SMOOTH BLENDS

A full flavoured Cabernet Sauvignon from selected vineyards in South Australia, the heartland of Wolf Blass. Blackcurrant flavours, subtle oak and fine tannins integrate in a superbly balanced palate.

Scan this QR code or visit wolfblass.com for more information



www.wolfblass.com

Wolfgang Blass

WOLF BLASS AM - FOUNDER

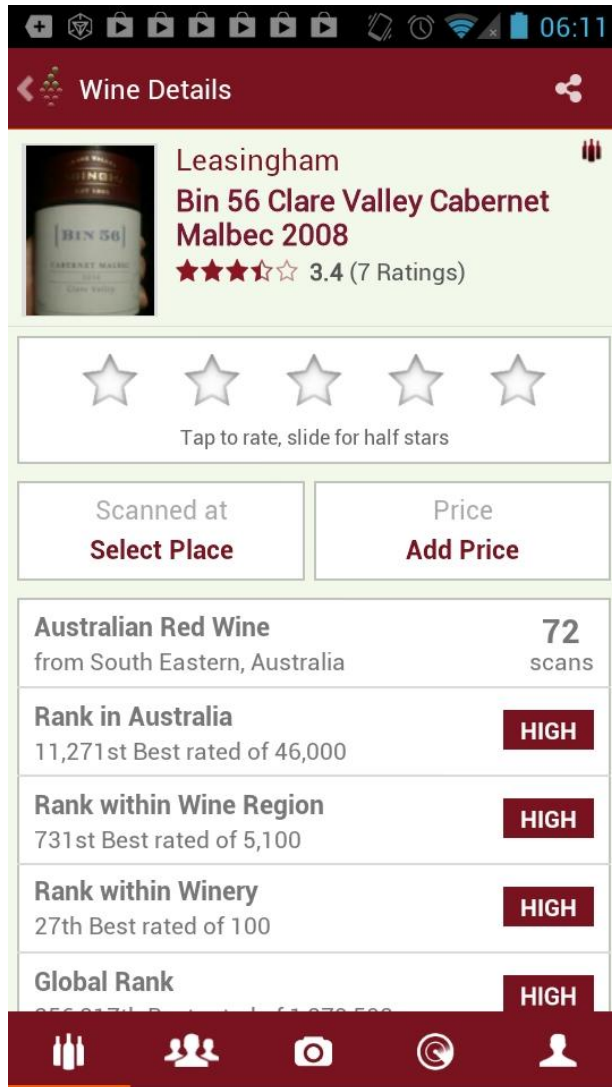
GS1 GoScan

- The GS1 GoScan smartphone application enables a consumer to scan the bar code on a product and then receive detailed product composition data, including:
 - Ingredient lists
 - Nutritional content
 - Daily Intake information
 - Dietary information such as Kosher, Halal, Organic and others
 - Preparation, usage and storage Instructions
 - Allergen information
 - Net contents and serving information
 - Country of origin
 - And product data such as descriptions and images



Company controlled & responsible.

Vivino



- Does the database have the right information?
- Does this have a positive/negative impact on customer repeat purchase?
- Who is responsible for maintaining?

Brookland Valley App



Basic Regulatory Principle

- A reasonable expectation that if you are not permitted to put something on a label, nor should you be putting it on any electronic medium which is an extension of/or accessible via the label, in so far as it is under your reasonable control.

Social Media & Regulation

- Same bottle single or multiple markets?
- International consumers accessing same applications/sites or different?
- Regulations same/different in different markets?

Future ABAC

- Age restriction, targetting or affirmation technologies – to be used where possible
- Downloading advice, forwarding notices, responsible drinking messages on all content intended to be shared, downloaded or emailed
- Direct Marketing – Twitter
- Website age affirmation pages
- Digital marketing on a site, page, application by brand advertiser that involves direct interaction with the consumer
- Proximity Marketing
- Communications & Apps – 75% rule
- User generated content
- Moderation
 - Premoderation / Post moderation

TTB – Use Of Social Media In The Advertising of Alcoholic Beverages

- Considers all social network services “any other media” and as such an advertisement under the FAA Act and TTB regulations
- All mandatory statements required by the regs must be included on them (company disclosure) and existing advertising restrictions (24 CFR 4.64) apply:
 - false, untrue statement
 - disparaging of competitors
 - indecency
 - allusions to testing that might mislead
 - comparisons to spirits
 - inconsistencies to product labelling
 - statements of age except for vintage wines, or as part of product name
 - statements of place unless consistent with appellations on labels
 - health claims



TTB – Use Of Social Media In The Advertising of Alcoholic Beverages

- Video Sharing Sites – posted videos are advertisement
- Blogs
- Microblogs (Twitter, Tumblr) – if written to induce sales
- Mobile Applications – “consumer specialty advertisement”, like a bottle opener (!)
- Links & Quick Response Codes
 - “If, for example, the QR code links to a document, such as a drink recipe using the industry member’s product, the recipe will be considered an advertisement”



US FTC .com Disclosures Guidelines

- Protecting consumers from market place deception (i.e. false representations etc..)
- Placement, prominence and comprehension
- Methods of disclosure:
 - Hyperlinks disclosures on separate page/site not always acceptable
 - Don't use "pop ups"
 - Proximity to claim, not hidden on Purchase/Order pages
 - Space constraint i.e. Twitter #Spon hash-tags

Portman Group – Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks (5th Ed)

- 1.3 The Code applies to the naming, packaging, marketing and promotional activity undertaken by a drinks producer for an alcoholic drink which is marketed for sale and consumption in the UK, where such activity is primarily UK-targeted,
- *any website, or part of a website, managed by or on behalf of an alcoholic drinks producer for the promotion of their brand(s) primarily to the UK market and over which the producer has editorial control”.*

Portman Group – Responsible Marketing of Alcoholic Drinks In Social Media

- Applications (e.g. iPhone, Google Android)
- Blogs
- Bluetooth
- Brand Websites
- Instant Messaging
- Microblogs (e.g. Twitter)
- Mobile Communications (WAP sites, advertising on mobile devices)
- Mobile Messaging (e.g. SMS, MMS)
- Online Advertising/banner ads
- Online Gaming (e.g. Second Life, World of Warcraft)
- Opinion Sites (e.g. epinions, Yelp)
- Peer-to-Peer File Sharing
- Photo Sharing (e.g. Flickr, Zoomr, Photobucket, SmugMug)
- Podcasts
- POS / Event-based digital experiences
- Relationship Marketing (e.g. consumer email outreach, member get member campaigns)
- RSS feeds
- Search Engine Marketing and Optimization
- Social Networking (e.g. Facebook, LinkedIn, MySpace)
- Social News Sites (e.g. Digg, Mixx, Reddit)
- User Generated Content
- Video Sharing (e.g. YouTube, Vimeo)
- Wikis (e.g. Wikipedia, PBwiki)



Basic Risk Management

- Who do you authorise to overseas “Social Media”: who posts/uploads, who monitors who has access?
- Transparency: clarity on who is online and who they represent.
- Accountability: factually correct, not misleading, not defamatory, do not breach confidentiality, privacy, IP or misleadingly imply endorsement.
- Compliance: any internal company policies & legal/regulatory requirements.

Risk Management

- Links to material outside company control
- Local posts = global significance
- Record keeping: Don't just push delete
- Don't infringe IP: especially graphics, pictures, writing, trademarks & logos
- Confidential material: be careful you don't commercially disadvantage yourself
- Privacy, Data Use & SPAM
- Commenting on competitors



Risk Management

- Platform Terms of Service (do they even allow Alcohol companies?)
- Age verification
- User Generated Content
- Promotion of Responsible Drinking
- Internal approval & management, third party agencies
 - Do you have a response plan when UGC breaches ABAC, who has access to the site 2am Sunday morning when someone from UK posts something inappropriate?