

American CRAFT SPIRITS ASSOCIATION

CODE OF RESPONSIBLE PRACTICES¹

FOR CRAFT SPIRITS ADVERTISING AND MARKETING

2022²

Introduction and Scope

The American Craft Spirits Association (ACSA) is a national trade association representing producers and marketers of craft distilled spirits sold in the United States. ACSA members have voluntarily abided by the Code of Responsible Practices for Craft Spirits Advertising and Marketing—pledging to advertise and market their products to adults of legal purchase age in a responsible and appropriate manner.

The Code applies to all activities undertaken by ACSA members to advertise and market craft distilled spirits. These activities include brand advertising, consumer communications, promotional events, packaging, labels, sponsorships, product placements, and distribution and sales materials.

The Code provides ACSA members with a touchstone for responsible advertisement placement and content. Even so, ACSA 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.

ACSA's Code Review Panel serves to execute and ensure adherence to the Code and to evaluate complaints and inquiries about advertising and marketing materials subject to this Code. The Code Review Panel complaint process is transparent, and the resulting decisions and actions are published on the ACSA website.

I. Responsible Placement Provisions

A. Adult Audiences and Underage Persons

- 1. Adult Audiences.** Craft spirits 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 71.6 percent of the audience is reasonably expected to be 21 or older.
- 2. Fixed Advertising and Marketing Materials.** Appropriate measures and best efforts should be taken so that fixed beverage alcohol advertising and

¹ Adopted by the Board of Directors on May 26, 2022.

² This document will be updated upon the release of official census data in 2023

marketing materials are placed at venues used primarily for adult-oriented events defined as where at least 71.6 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) 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 ACSA 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.

II. Responsible Content Provisions

A. Adult Audiences and Underage Persons

1. **Primary Appeal to Legal Purchase Age Adults.** All craft spirits advertising and marketing materials, regardless of placement, are intended for legal purchase age adults who choose to drink. The content of craft spirits 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.** Craft spirits 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.** Craft spirits advertising and marketing materials should portray craft spirits 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 craft spirits products responsibly. Accordingly, responsible drinking statements should be included in craft spirits advertising, marketing materials, and promotional events where practicable.
3. **Activities That are Illegal or Require a High Degree of Alertness.** Craft spirits advertising or marketing materials should not portray craft spirits 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 Conduct

To provide clarity and guidance, below 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;

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 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. Makes association with antisocial 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.

III. Other Responsible Advertiser Provisions

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. Internal Compliance Process

1. **Internal Compliance Process.** Member companies should establish an internal process to ensure compliance with the Code.
2. **Training Program.** Member companies should take appropriate steps to ensure that employees involved in advertising and marketing are properly trained on the Code.
3. **Advertising Agencies and Other Consultants.** Member 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.

IV. Code Review Panel and Complaint Process

A. Code Review Panel Structure and Responsibilities

1. The ACSA's Code Review Panel (CRP) will be composed of three (3) members of the ACSA's Ethics Committee. The CRP will rotate through the members of the Ethics Committee and will change for each complaint received. There may be occasions when multiple complaints about a single ad of one ACSA member or

multiple ads by a single member may be joined into a single complaint for purposes of review.

B. Code Complaint Process

- 1. Filing a Complaint.** Complaints should be made in writing through ACSA's website at [File Complaint \(google.com\)](https://www.google.com).
 - i)** The complaint should contain the following information: i. The complainant's name and contact information. (This information will remain confidential and not be disclosed in the review process.)
 - ii)** The name of the ACSA member and its product at issue.
 - iii)** The reasons why the complainant believes the ACSA member's conduct violates the Code.
 - iv)** A copy of the advertising, although the ACSA realizes that electronic advertising may be more difficult to capture.
- 2. Initial Review.** Upon receipt of a written complaint, the Chairman of the Ethics Committee will review the complaint. If the complaint is missing essential information set forth above, it will be returned to the complainant with an offer to provide assistance if needed.
- 3. Member Notification and Response.** The complaint will be forwarded to the ACSA member responsible for the complained of conduct. The name of the complainant remains confidential and will not be shared as part of the complaint. The ACSA member will have twenty-one (21) calendar days to respond in writing to the ACSA.
- 4. Complaint Evaluation.** Simultaneous with forwarding the complaint to the ACSA member, the ACSA will convene its CRP. The CRP will review the complaint and the ACSA member's written response, deliberate, and render a decision within seven (7) calendar days as to whether the member violated the Code.
- 5. Code Review Panel Decision.** The ACSA member will be informed of the CRP's decision, and if a violation is found, the member will be asked to revise or withdraw the advertising. The ACSA member may respond in writing to the decision.
- 6. Member Refusal.** If the ACSA member refuses to comply with the CRP's request, the member's membership in the ACSA will be revoked.

C. Voluntary Self-Reporting and Compliance

- 1.** If more than thirty (30) days prior the ACSA's receipt of a written complaint, an ACSA member notifies the Chairman of the Ethics Committee that it permanently discontinued the conduct or the dissemination of the advertising or marketing material at issue and the ACSA member has taken all reasonable efforts to withdraw the material from the marketplace, the CRP will notify the complainant that the matter is considered resolved without the need for further CRP review.

D. Other Code Guidance Guidelines

- 1.** To provide further guidance on complying with the Code tenets and provisions outlined above, the ACSA also has published Responsible Digital Marketing Guidelines and two Tasting Room Best Practices. These guidelines are incorporated within this Code and set forth below as appendices. They are

also separately available on the ACSA website.

Appendix A

AMERICAN CRAFT SPIRITS ASSOCIATION RESPONSIBLE DIGITAL MARKETING GUIDELINES

2021

Introduction

These Guidelines for responsible digital marketing communications are an integral part of the ACSA's Code of Responsible Practices for Craft Spirits Advertising and Marketing and should be read in conjunction with its provisions.

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

Digital marketing activities are in a stage of evolutionary development, where new trends are likely to 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) of ACSA members, including communications on the ACSA members' websites, such as social network sites and blogs, as well as mobile communications and applications.

Basic Principles

1. Digital marketing communications are intended for consumers of legal purchase age.
2. Digital marketing communications should be placed only in media where at least 71.6% 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 adults.
3. **Direct interaction** by the ACSA member 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 ACSA member must be monitored and moderated on a regular basis. When content is determined to be inappropriate, the inappropriate material should be removed promptly.
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.

Definitions and Guidance to Implement Principles

1. **Direct Interaction** is a two-way communication between the user and the ACSA member on a digital platform controlled by the ACSA member. It occurs when the ACSA member directly interacts with a user, such as responding to a direct communication from the user.
2. **Age Affirmation** is a process or a mechanism by which users affirm they are of legal purchase age at their place of residence.
3. **User-Generated Content (USG)** is material (including text, pictures, audios, and videos) that has not been created by the ACSA member, but by a user. USG that appears on a digital medium controlled by the ACSA member should be monitored as often as possible. When content is determined to be inappropriate, the inappropriate materials should be removed promptly. A disclaimer should appear saying that all inappropriate content generated by users will be removed from any digital medium controlled by the ACSA member.
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:
 - a. **Collection and Use Notice.** Clear information must be provided about collection and use of personal data.
 - b. **Legal Age Users Only.** Prior to the collection of any information, the ACSA member will require that individual to affirm that they are of legal purchase age, and user information can be collected only from those individuals who are of the legal purchase age.
 - c. **Privacy Statement.** Users should be encouraged to read the privacy statement before submitting their information.
 - d. **Opt-In and Opt-Out.** The ACSA member 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.
 - e. **Data Security.** Measures should be taken to keep user information secure and protected from loss or theft.

Appendix B

TASTING ROOM BEST PRACTICES

Each ACSA member distillery, including its owner/founder/distiller/employees, are ambassadors for both our trade organization and the entire craft distilling industry. The responsible consumption of alcohol is vitally important to creating positive and memorable brand experiences. ACSA members must demonstrate a commitment to alcohol responsibility in their TTB and state compliant visitor

centers/tasting rooms by respecting both drinkers and non-drinkers and proactively helping to prevent overconsumption, underage drinking, and drunk driving. The below general guidelines are the ACSA's suggested best practices for responsible alcohol consumption and sales at your distillery premises. Our Code of Responsible Practice and Digital Media Guidelines provides further guidance for members and complements these best practices.

ONLINE TICKETING

- Check ID at distillery if the purchaser appears to be under 30. Helpful information available at [We Don't Serve Teens](#).
- Clearly identify any underage persons to prevent participation in tastings.
- Include a moderation statement, as well as local transportation options, in confirmation emails for online ticketing purchases.

FREE SAMPLING

- Always measure pours and limit the total free samples amount to your state-mandated maximum or 2 oz. if no state limit is in place.
- Provide access to water and non-alcoholic beverage options to underage guests and guests choosing not to drink alcohol.
- Provide access to food options, if legal.
- Display proofs/ABVs for each spirit provided for tasting.

VISITORS CENTER

- Post “warning to minors” and “legal drinking age” signs in the gift shop, Consider posting signs in multiple languages as needed.
- Provide free educational materials on responsible consumption, underage drinking, and drunk driving. Materials are available from sources such as the Foundation for Advancing Alcohol Responsibility: www.responsibility.org and most state government websites.

DESIGNATED DRIVERS

- Provide recognition for designated drivers.
- Don't serve alcohol to bus drivers.
- Try to ensure all guests have options for a safe ride home. Consider providing discounts or marketing arrangements with taxis, Uber, Lyft, etc.
- Provide information about local safe ride organizations—online and in the visitor center.
- Partner with tour companies to facilitate driver-visitor center communication about intoxicated guests.

EMPLOYEE TRAINING

- Ensure all employees serving and selling alcohol have training on the responsible serving and sales of alcohol. An online resource is available at [Learn2Serve Online Training](#). This site offers a wide selection of certification courses that cover selling and serving alcohol.
- Have an intoxicated guest policy in place and incorporated into your employee training.
- Incorporate your brand's responsibility position in your Employee Handbook and training materials.
- Have the visitor center manager maintain an incident log to record customer incidents with over consumption, fights, underage attempts to purchase, etc.

COMMUNICATION

- Incorporate responsibility talking points in your tour script.
- Prominently place brand moderation statements on signs, table tents, recipe cards, napkins, coasters, receipts, gift shop bags, and other items visitors see during the tour and in the tasting room and gift shop.
- Encourage visitors to explore your website for more information about your brand's social responsibility, environmental sustainability, and community engagement efforts after they leave.

Appendix C

TASTING ROOM BEST PRACTICES

FOR TO-GO OR CURBSIDE BOTTLE, COCKTAIL, FOOD, OR MIXER SERVICES

Be sure to consult your local and state health departments for additional guidelines and expectations.

EMPLOYEE BEST PRACTICES

- Wash hands frequently, for at least 20 seconds. Remember to wash after touching your face, coughing or sneezing, handling money or credit cards, and touching the POS and telephone.
- Use gloves when touching ready to eat/drink products and during prep. Change gloves every time you have an interruption that causes you to touch something else like the phone, a credit card, the POS, etc.
- Maintain 6 ft distance from other people.
- Stay home if you are feeling sick in any way.

FACILITY BEST PRACTICES

- Sanitize high-touch points more frequently including, all handles, knobs, all refrigerators/freezers, ice machines, menus, restrooms, etc.
- Sanitize prep areas more frequently.
- Stock gloves and sanitizer next to the ice machine; advise staff to use a glove to handle the ice scoop; disinfect the scoop frequently.

TAKE OUT BEST PRACTICES

- Encourage patrons to stay in their cars for curbside pick up
- Maintain distance during hand off by having both parties use outstretched arms
- Do not require credit card signatures in order to avoid close proximity
- Reduce cash handling whenever possible (use Google pay, Venmo, Apple pay, take payment over the phone, etc.)
- Label all items to prevent potential allergic reactions
- Monitor food to ensure time/temperature guidelines are followed
- Use pre-wrapped utensils if supplying them