



EXPERIENTIAL MARKETING CODE OF CONDUCT

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CONTENTS

Introduction	2
Preface	4
Checklist / summary points of the EMCC	7
Complaints	8
Scope of the code	10
Definitions	12
Key contributors	13
1. General principles	15
2. Location	16
3. Product considerations	19
4. Food and drink	20
5. Experiential Marketing promoting alcoholic drinks and products containing alcohol	23
6. Financial products	28
7. Gambling	30
8. Lotteries	33
9. Tobacco and electronic cigarettes	37
10. Experiential Marketing activity targeting or involving children and other age-related issues	39
11. Health and safety	43
12. Environmental impact and ethics	45
13. Insurance and indemnities	46
14. Staffing and Brand Ambassadors	47
15. Compliance with other laws and regulations	50
Appendix	52

Introduction

Experiential activity affords brands unrivalled access to consumers – driving awareness, behaviour change and ultimately driving sales.

Experiential activation must therefore be treated as any other marketing communications where direct access to consumers is involved; with care and due consideration.

Reflecting the core principles of the CAP Code, the EMCC sets the benchmark for excellence and best practice in every situation.

Use the checklist below to plan your campaigns and make sure you read the relevant sections of the EMCC to ensure you understand your obligations.

- ✓ Plan your campaign, understanding each section of your responsibilities under the EMCC
- ✓ Consider your location and proximity to sensitive audiences such as schools
- ✓ Think about the products you may be distributing and whether you need additional information
- ✓ Alcohol must be treated carefully and always think over 25
- ✓ Financial products should be aimed at appropriate audiences and ensure you have the correct information for consumers, aligned with current FCA regulations
- ✓ Gambling must be aimed at appropriate audiences and not glamourise gambling
- ✓ Tobacco must not be sampled. E-Cigarettes must only be aimed at patrons over 25 years
- ✓ Under CAP Code guidelines, the age of a child is considered 15 or under and you must consider any activity where children and families are involved carefully
- ✓ Health & Safety is paramount in any activity – please consult the section carefully
- ✓ Consider the environmental impact when you are carrying out activity
- ✓ Ensure you are fully covered with appropriate insurance with the right level of cover including public liability and professional indemnity
- ✓ The IPM supports equal opportunities and diversity – please consult the staffing section carefully to ensure you adhere to current employment guidelines

- ✓ Compliance with the CAP Code and local laws is essential to uphold industry best practice – CAP provides free, confidential Copy Advice on marketing material that falls within the scope of the Code. Note that the CAP Code changes, eg there are at the time of writing this edition consultations relating to data protection and e-cigarettes

The IPM team is on hand to support best practice across the industry, and our pledge to the industry is to uphold excellence at every step.



EXPERIENTIAL MARKETING CODE OF CONDUCT

The Experiential Marketing Code of Conduct

First Edition: 28 February 2012, amended July 25 2012

Amended edition 2.0: 2015

Amended edition 2.1: 2017 (CAP Code Change)

Amended edition 2.2 January 2019

Preface

In the UK, most non-broadcast marketing communications are governed by The UK Code of Non-broadcast Advertising and Direct & Promotional Marketing (the CAP Code), written and revised by the Committee of Advertising Practice (CAP) and independently administered by the Advertising Standards Authority (ASA).

However, there are certain elements of the marketing mix where the CAP Code does not apply, or where it may apply to some parts of a campaign but not others.

One area where this has become particularly apparent is Experiential Marketing. Some activities which may be included as part of an Experiential Marketing campaign are definitely covered by the CAP Code; others are not.

So, for example, the CAP Code applies to: leaflets which might be handed out during an Experiential Marketing campaign; to the suitability of promotional items; or to competitions or promotional offers communicated during Experiential Marketing activity. It also applies to content on marketer's own websites or on social media that supports experiential activity ie photos of an experiential event posted on Facebook. See <https://www.asa.org.uk/news/regulation-of-online-advertising.html>

However, the CAP Code does not apply to activities such as sampling or to face-to-face marketing, 'brand theatre' or similar live performances with a marketing purpose.

The IPM (The Institute of Promotional Marketing) has created a Code for the Experiential Endorsed by The Institute of Promotional Marketing and produced by the Experiential Council 2015 (now IPM Experiential Community), amended in 2018. Correct at time of publishing. The IPM and Experiential Community reserve the right to amend sections of the Code at any time. Next review: 2020.

marketing community to reflect and adopt similar principles to aid marketers in their pursuit of great campaigns.

By the beginning of 2011, the question of how Experiential Marketing should be regulated was being raised by industry bodies, major client companies and other interested parties, particularly when it comes to the marketing of HFSS (high fat, salt and sugar products), alcoholic drinks and marketing to children, particularly under the age of 12 or where immersive Experiential content is aimed at children under 7.

The IPM (The Institute of Promotional Marketing), which is one of the marketing industry trade bodies that is represented on CAP, was asked by a number of interested parties, including CAP and Coca-Cola Great Britain, to begin the process of drawing up a set of principles that would cover any areas that the CAP Code did not address. The EMCC has been in place since 2012 and has helped brands and their agencies to navigate the complexities arising from some forms of experiential marketing.

The IPM also hosts an industry Council; the Experiential Council, represented by key stakeholders in the industry and formed to concentrate on the areas of best practice, ROI delivery and measurement.

The Experiential Council acts as guardian for the EMCC, and is drawn from brand, agency and service agencies including staffing and logistics.

The original Code was compiled from base components of the CAP Code, including Section 8 and 15 in particular, suggestions from a wide range of regulatory bodies, trade bodies, companies which deliver experiential marketing service, client companies and legal experts.

Concerning the marketing of alcohol and how brands can promote via Experiential activity, the IPM seeks considerable advice from the Portman Group, the alcohol industry self-regulatory body, taking lead from the Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks which can be found at PortmanGroup.org.uk.

This latest updated Code takes into account all relevant and up to date guidance.

The industry bodies which have been consulted for the Experiential Marketing Code of Conduct include:

The Committee of Advertising Practice (CAP);

The Advertising Standards Authority (ASA);

The Advertising Association (AA);

The Incorporated Society of British Advertisers (ISBA);

The Direct Marketing Association (DMA);

The Portman Group;

The Marketing Agencies Association (MAA);

Eventia;

The British Council of Shopping Centres (BCSC)

Some of these bodies took an active role in the drafting of the Experiential Marketing Code, while others, such as CAP and the ASA, provided comment and advice.

The Experiential Marketing Code of Conduct, referred to hereafter as the EMCC, has been the complimentary adjunct to the CAP Code and continues to represent the requirements of a broad range of Experiential marketing activation.

CHECKLIST / SUMMARY POINTS OF THE EMCC

1. The EMCC supports **responsible marketing communications**, which do not offend or cause distress to consumers, and do not promote using a product to excess or to the detriment of health. They must clearly communicate a commercial activity and not coerce consumers by false methods.
2. The EMCC supports activity that takes **full and responsible consideration of the location** for the experience and avoids detrimental impact. Promoters must adhere to gaining proper approvals, licences & permits. Consideration should be given to the time, place and audience (schools, religious days, places of worship) and to the health and safety of both their staff and consumers that could be affected by this activity.
3. The EMCC highlights **strict codes and restrictions on the promotion of products aimed at children or promoting food and drink, alcohol, gambling and lotteries and financial services**. These considerations are vital to ensure the health & safety of the consumer and failure to follow certain guidelines may leave the promoter liable to prosecution.
4. In the delivery of any experiential marketing activity, **health & safety must be paramount**. All stands, rigs, display units, equipment, marketing materials, product samples and any other materials necessary for the Experiential Marketing activity, plus the activities themselves, must comply with health and safety regulations, both for staff delivering Experiential Marketing activity and for members of the public who are exposed to it.
5. Before any experiential marketing activity is commenced, a **Public Liability Insurance (PLI)** policy with a value that relates to the scale and type of the proposed activity and the profile of the individual business must be in place.
6. The EMCC recognises the importance of **well-trained, consumer facing staff** as the ambassadors to brand activation. All staff should be legally allowed to work in the UK and of legal age. They must be fully aware of all laws that are associated to the activity they promote and be able to represent a brand responsibly.
7. All Experiential Marketing activity **must be legal**. It should also comply with any other relevant rules and regulations, including those specifically governing financial services, gambling and lottery products, medicines and related products and services. Other marketing activities which are delivered alongside Experiential Marketing may be covered by the CAP Code: if so, then they must comply with the CAP Code.

COMPLAINTS

Complaints about possible infringements of the Experiential Marketing Code of Conduct will be dealt with by the most relevant trade association. In cases where the infringement is severe, or where a company repeatedly infringes the Experiential Marketing Code, sanctions may include expulsion from IPM membership.

It should be noted that many larger client companies require that any marketing agencies or service providers are members of a recognised trade body and/or adhere to recognised industry codes of conduct before they are allowed to work for them.

Other major client companies have also adopted their own marketing charters, and the IPM is striving to make the Experiential Marketing Code of Conduct represent the ultimate in best practice, taking action when the Code is breached.

Where a complaint concerns a company, agency or other body which is not a member of one of the trade associations that is backing the Code, then attempts will be made to engage with them and explain to them the reasons for the Code, and why they should follow it in the future.

If these discussions do not succeed in gaining a commitment to follow the Experiential Marketing Code in the future, then those trade associations which have adopted and/or are supporting the Code will take steps to inform their members of the issue.

If, while investigating a complaint under the Experiential Marketing Code of Conduct, it is determined that the CAP Code has been breached as well, then details of the case will be handed over to the ASA, who will be invited to determine if they wish to launch their own investigation.

Conversely, if an ASA investigation upholds a complaint against one or more elements of an Experiential Marketing campaign which fall within the scope of the CAP Code (as explained above), then that campaign, as a whole, will automatically be considered to have broken the Experiential Marketing Code of Conduct as well.

The purpose of the Experiential Marketing Code of Conduct is – like that of the CAP Code, which it is intended to support – to ensure that marketing communications are legal, decent, honest and truthful, and that consumer confidence is maintained.

The core principle of the Experiential Marketing Code of Conduct, as with the CAP Code, is that marketers should deal with consumers fairly.

By creating and following self-imposed principles, the marketing community produces marketing communications that are welcomed and trusted. By practicing self-regulation, it ensures the integrity of advertising, promotions and direct marketing.

The value of self-regulation as an alternative to statutory control is recognised in EU Directives, including those on misleading and comparative advertising (Directives 2005/29/EC and 2006/114/EC). Self-regulation is accepted by the Department for Business, Energy & Industrial Strategy and the Competition and Markets Authority as a first line of control in protecting consumers and the industry.

As the UK prepares to exit the EU, reference to statutory control will be updated.

SCOPE OF THE CODE

Introduction

This is the fourth edition of the Experiential Marketing Code of Conduct. It was first published on 29 February, 2012, revised in November 2015 and during 2017 and 2018.

As well as this Experiential Marketing Code of Conduct, Experiential Marketing activities are subject to relevant European and UK legislation in force at the time of publication.

Furthermore, the devolved authorities in Scotland, Northern Ireland and Wales may impose further legal restrictions.

Finally, individual local authorities may have their own rules and regulations which impact on Experiential Marketing activities. All efforts to ensure local rules are observed should be pursued whenever possible.

Marketers have primary responsibility for ensuring that their marketing communications are legal and that they comply with the relevant industry codes, including the CAP Code. Marketing communications should comply with the law and should not incite anyone to break it.

Any activities which are explicitly covered by the CAP Code fall outside the scope of the Experiential Marketing Code of Conduct. The Experiential Marketing Code is intended to complement and support the CAP Code, not in any way to replace it.

However, given the nature of most experiential marketing campaigns, and the fact that they can include a wide range of different individual activities, it may require an initial investigation to establish whether a campaign should be judged by the CAP Code, the Experiential Marketing Code of Conduct or, possibly, both.

Scope of the CAP Code

The following is a non-exhaustive list of marketing activities which the CAP Code DOES cover and which may form part of an Experiential Marketing campaign:

- Digital communications including social media promotion of marketing material, blogs and vlogs supporting any aspect of the experiential activity
- Advertisements in newspapers, magazines, brochures, leaflets, circulars, mailings, e-mails, text transmissions (including SMS and MMS), catalogues, and other electronic or printed material
- Posters and other promotional media in public places, including moving images,

- digital billboards
- Cinema, video, DVD and Blu-ray advertisements
- Advertisements in non-broadcast electronic media.
- Advertisements or any NFC or similar communications transmitted by Bluetooth
- Marketing databases containing consumers' personal information (please see note regarding personal data and GDPR coming into force in 2018)
- Promotional Marketing in non-broadcast media.

The full version of this list can be found in the CAP Code section of the CAP website (www.cap.org.uk).

Scope of the Experiential Marketing Code of Conduct

Any marketing communications activity which is delivered as part of an Experiential Marketing campaign and which is NOT explicitly covered by the CAP Code, as listed above, will be covered by the Experiential Marketing Code of Conduct.

However, because of the nature of Experiential Marketing, it often involves marketing activities which are unusual, innovative and perhaps even unique. As a result, it is difficult to draw up a full list of marketing activities which would fall under the scope of the Experiential Marketing Code of Conduct.

Examples of activities which it does apply to would include:

- Experience led activation of brand campaigns including immersive content, 3D, interactive or similar activities
- The distribution of samples by a Brand Ambassador to consumers.
- The distribution of other promotional materials by a Brand Ambassador to consumers.
- Live events or other live activities specifically designed to communicate marketing messages on behalf of a brand or service.
- 'Oral' marketing communications, when delivered as part of an Experiential Marketing campaign.

One point that should be stressed is that the Experiential Marketing Code of Conduct is intended to cover marketing communications which are delivered by representatives of a brand (Brand Ambassadors) directly to consumers.

This Code is not intended to cover pure face-to-face selling or product demonstrations where the Consumer Rights Act 2015 and associated consumer protection legislation and local licensing of activity would apply, although if such activities are combined with Experiential Marketing activities, then the Code will apply to the Experiential Marketing elements.

DEFINITIONS

These definitions apply to the Experiential Marketing Code of Conduct:

- When the term 'brand' or 'product' is used throughout this Code, it encompasses goods, services, ideas, causes, opportunities, prizes or gifts.
- A consumer is anyone who is likely to see a given marketing communication, whether in the course of business or not. So the Experiential Marketing Code of Conduct applies to both consumer-facing activities and also business-to-business activities.
- A marketer includes an advertiser, promoter or direct marketer.
- The United Kingdom covers the Isle of Man and the Channel Islands.
- A claim can be implied or direct, written, spoken or visual; the name of a product can constitute a claim.
- A Brand Ambassador, for the purpose of the Experiential Marketing Code of Conduct, is an individual who is employed by a brand-owning company or one of its agents and whose primary purpose, at the time that Experiential Marketing activity is taking place, is the face-to-face communication of marketing messages to consumers on behalf of a brand or product.
- A personality, such as a sports person or entertainer who has been signed up as an endorser of a brand, product or service, would not be classed as a Brand Ambassador for the purpose of this Code. Their primary purpose is, from the brand owner's point of view, to act as a brand spokesperson, for example by appearing in advertising. They are not being employed by a brand to deliver experiential marketing activity or hand out samples, leaflets or other below-the-line marketing messages.
- Similarly, a consumer who has been recruited to promote a brand or product to his or her family or peer group (what some people describe as 'peer-to-peer' or 'word-of-mouth' marketing) is considered to be doing so as an add-on to his or her normal relationship with those people, not as the primary purpose of it.
- A child is anyone aged 15 and under according to the definition agreed by the CAP Code.
- Experiential Marketing, for the purposes of this Code, is marketing communications which are delivered face-to-face by someone who has been employed with that express purpose and who is representing the client company, brand or service.
- Face-to-face means that items should be handed to consumers by a Brand Ambassador, to maximise brand engagement and the control of brand messaging.

KEY CONTRIBUTORS

A number of organisations have contributed to the development of the Experiential Marketing Code of Conduct.

These include:

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www.cap.org.uk/

The Advertising Standards Authority (ASA)
Mid City Place
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Tel: 020 7492 2222
<http://www.asa.org.uk/>

The Advertising Association (AA)
7th Floor North, Artillery House
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London SW1P 1RT
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1.0	<i>General principles</i>
1.1	Marketing communications (including Experiential Marketing and Sampling) must be identifiable as such and must make clear their commercial intent, if that is not obvious from the content.
1.2	Nobody, during the course of Experiential Marketing activity, should pretend to be a consumer (unless they are clearly acting out the role of a consumer in a performance). Falsely claiming to be a consumer could constitute an offence under the Consumer Protection from Unfair Trading Regulations 2008.
1.3	Experiential Marketers must respect the general public and not, for example, force a message or a sample upon them, or use inappropriate language. People should not be made to feel inadequate or potentially a social outcast by Experiential Marketing activity or by those delivering it.
1.4	All marketing communications, including Experiential Marketing, must be prepared with a sense of responsibility to consumers and to society.
1.5	Experiential Marketing activity should not encourage the public to use or consume a product or service to excess.
1.6	Experiential Marketing activity should not condone or encourage attitudes associated with poor diet.
1.7	Experiential Marketing activity should not suggest that an inactive or sedentary lifestyle is preferable to a physically active lifestyle.
1.8	In addition to respecting the rights of the general public when conducting Experiential Marketing activity, marketers must also be aware of any likely impact on other retailers, businesses, organisations and groups in the immediate area of any activity and take steps to limit potential problems.

2.0	<i>Location</i>
2.1	If Experiential Marketing is to be conducted on private property, prior written permission, licences or permits must be received from land or building owners or their authorised representatives and from any other relevant parties.
2.2	If Experiential Marketing is to be conducted in public spaces, appropriate permissions and/or licences must be obtained from relevant local authorities.
	<i>Appropriate permissions and licences for the above principles will include any clearances required for the use of copyrighted materials in performances (e.g. from PRS for Music), for the use of potentially dangerous items or creatures (e.g. a Performing Animals Certificate of Registration under the Performing Animals (Regulation) Act 1925) or similar permissions.</i>
2.3	Any location/s where Experiential Marketing activity takes place should be left clean and tidy once the activity has finished and has been cleared up.
2.4	Items (e.g. leaflets, coupons, promotional merchandise or product samples) should NEVER be left behind after any Experiential Marketing activity finishes for the public to take for themselves.
	<i>A fundamental principle of Experiential Marketing, as defined for the purposes of this Code, is that it is delivered face-to-face by someone representing the client company, brand or service. Items should ideally be handed to people, not left for them to pick up without a Brand Ambassador being present, to maximise brand engagement and the control of brand messaging. Furthermore, leaving promotional items behind could constitute littering.</i>
	<i>If significant amounts of waste are likely to be generated by experiential activity, then the organisers of that activity should provide temporary waste bins/receptacles including recycling bins where appropriate for the</i>

	<i>audience to dispose of unwanted items, and should arrange for the collection and disposal of any such waste. Some activities (e.g. certain beauty and personal grooming products, such as razors) may generate hazardous waste which will require special treatment.</i>
2.5	Certain locations require very careful consideration when planning activity, either experiential marketing in general or for particular kinds of products or services. Locations may be problematic because of physical issues (e.g. access, crowd control) or because of socio-demographic variances.
2.6	During the planning phase, when locations for activities are being selected, marketers must take reasonable steps to ensure that they take into account any particular local conditions or issues that could, if ignored, lead to offence being caused.
2.7	Such planning should highlight areas where ethnic or religious makeup (including specific religious festivals/holy days), age and income profile and/or recent events may mean that care should be taken.
	<i>Religious and/or ethnic considerations should be taken into account during the planning stage when sampling food and drink products in particular areas and/or at particular times. For example, non-Kosher or non-Halal food samples should not be distributed in areas with significant Jewish or Muslim populations. Food products, even if Halal, should not be sampled during Ramadan during the day in an area with a significant Muslim population.</i>
2.8	Discussions should be held with relevant authorities, site owners and/or interested parties to explore any potential problems and work out solutions acceptable to all.
2.9	Locations which should be given careful consideration during the planning of any experiential activity include:
2.9.1	a) The immediate vicinity of a London Underground or other station.
	<i>This is because Brand Ambassadors will not usually be able to pass the ticket barriers to litter pick within the station confines and ensure that materials (e.g. leaflets, coupons, promotional merchandise or product</i>

	<i>samples) are collected and disposed of correctly.</i>
	<i>Some experiential campaigns, however, may be welcomed and indeed encouraged within the vicinity of or even inside a station (e.g. the handing out of free drinks to commuters during a heat wave). In such cases, how litter is dealt with is likely to be dealt with during the process of gaining permission to conduct activity in these locations.</i>
2.9.2	b) The immediate vicinity of a school.
	<i>In part, as with London Underground and similar locations, this is because Brand Ambassadors will not be able to litter pick and ensure that materials (e.g. leaflets, coupons, promotional merchandise or product samples) are collected and disposed of correctly.</i>
	<i>It is also in recognition of increased concerns over how marketers communicate with children.</i>
	<i>However, certain experiential campaigns may be welcomed and indeed encouraged within the vicinity of a school or even on school premises. These might include campaigns promoting road safety, public health issues or literacy. In such cases, marketers must ensure that they take precautions to reduce the impact on the location, in terms of litter etc.</i>
2.9.3	c) The immediate vicinity of a place of worship.
	<i>Again, as with London Underground and similar locations, this is because Brand Ambassadors will not be able to litter pick and ensure that materials (e.g. leaflets, coupons, promotional merchandise or product samples) are collected and disposed of correctly. However, it is also an acknowledgement that marketers should be respectful of religious sensibilities and the fact that, for example, highly sexualised imagery may offend.</i>

3.0	<i>Product considerations</i>
3.1	Certain products or services being promoted via Experiential Marketing may require special consideration and may impose restrictions on which consumers can or should be engaged with, or may affect the location(s) in which activity should take place.
3.2	The following product/service categories have their own separate sections:
3.2.1	Food and drink.
3.2.2	Alcohol;
3.2.2.1	Marketers should also be aware of the Portman Group, the UK alcohol industry's self-regulatory body, and should read and follow the Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks and related Help Notes and Best Practice Guidelines.
3.2.3	Gambling and lotteries.
3.2.4	Financial services.
3.2.5	Additionally, there is a separate section with specific principles that apply when Experiential Marketing activity targets, or is likely to involve children. – see also advice online on children

4.0	<i>Food and drink</i>
	The CAP Code was reviewed significantly in 2017 to adopt rules prohibiting the marketing of HFSS (High Fat, Salt and Sugar) products in children's media. These can be found on CAP.org.uk.
	<i>The following principles apply to all Experiential Marketing activities promoting food and drink. If the product is an alcoholic drink, or contains alcohol, then this section should be read in conjunction with the special section on Alcohol.</i>
4.1	During the planning stage for any Experiential Marketing activity which involves the distribution of food and drink, issues such as the potential for allergic reactions, the potential effects of unpasteurised milk products on pregnant women and the potential effects of products containing high levels of ingredients such as caffeine on pregnant women and the young should be assessed.
	<i>Some brand owners will have their own policies in place which may be stricter than this principle. Anyone planning activity should check with the brand owner about any such policies.</i>
4.2	Similarly, during the planning stage for any Experiential Marketing activity which is likely to involve the distribution of food and drink, religious sensibilities and other strongly held beliefs (e.g. vegetarianism and veganism) must be taken into account.
4.3	People with allergies, or who do not wish to consume particular food or drink products for ethical, moral or religious reasons, should be able to find out easily what the ingredients of food and drink samples are. Sampling teams should have access to a complete list of ingredients for any products they are handing out, so they can answer consumers' questions.
4.4	If a food or drink sample is dispensed in packaged form, then potential allergens must be clearly identified on the packaging, if physically possible.

	<p>Where the food packaging or container's largest surface area is less than 10cm² (e.g. a single portion sachet of sauce), the ingredients list can be omitted, provided that the ingredients information is provided by other means or made available at the consumer's request. In such cases, the presence of Annex II, ingredients in the food must be indicated by the word 'contains...' followed by the name of substance or product (e.g. Contains: celery, fish). The minimum font size rules also apply to other mandatory information as listed in Article 9 (1) of EU FIC.</p>
4.5	<p>If it is not physically possible to list potential allergens on sample packaging, or if samples are distributed in an unpackaged form, then a list of ingredients should be easily available, for example on a leaflet available at the point of sampling.</p>
	<p><i>It is possible that samples may be taken away and passed on to others, which is why potential allergens should be identified on packaging or listed on leaflets. For similar reasons, ingredients which may be objectionable to some people on moral or religious grounds should be identified on packaging (if possible) or on leaflets.</i></p>
4.6	<p>When distributing food and drink samples, health and hygiene rules and regulations must be adhered to at all times.</p>
	<p><i>Care should be taken when handing out samples of food and/or drinks products (particularly where multipacks may be broken up and distributed individually) to ensure that all products are well within their sell by and use by dates.</i></p>
4.7	<p>When handing out food or drink products that require cooking or other preparation, Brand Ambassadors must have had training in food preparation and hygiene. This training must be recent, relevant and from a recognised body.</p>
4.8	<p>When dealing with any food or drink products, samples must be stored, transported and served under the appropriate conditions (e.g. chiller cabinet or refrigerated transport).</p>
4.9	<p>Experiential Marketing should not encourage people to consume food or drink in excessive amounts or under inappropriate circumstances or</p>

	in inappropriate places.
4.10	Before handing out any food or drink samples to anyone who appears to be under the age of 16, Brand Ambassadors must ask for and get permission, either from a parent or from another responsible adult. If no responsible adult is available, food and drink of any kind cannot be distributed. See also the specific section in this Code dealing with activity involving minors.
	<i>Brand owners and venue owners may have different minimum age requirements. Some soft drinks manufacturers, for example, have policies banning sampling of energy drinks to anyone aged under 16. If in doubt, instigate an 'under 16 to be refused' policy.</i>
4.11	No food or drink samples should ever be distributed to children who appear to be under 16, unless express permission has been granted by a parent/responsible adult.
4.12	Even with permission, food or drink samples should never be handed directly to children under 16: they should be given to a parent/responsible adult who is present to pass to the child only if the product is outside of the new HFSS restrictions. See also the specific section in this Code dealing with activity involving minors.

5.0	<i>Experiential Marketing promoting alcoholic drinks and products containing alcohol</i>
	<i>The following principles should be read in conjunction with and as an extension of the above principles on food and drink.</i>
	<i>These principles should also be read in conjunction with the section of the CAP Code which specifically deals with alcohol, with the Portman Group's Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks and with related guidance and help notes from both bodies.</i>
5.1	Experiential Marketing activity must be socially responsible and must contain nothing that is likely to lead people to adopt styles of drinking that are unwise, illegal, irresponsible or immoderate. For example, they should not encourage drink-driving, excessive drinking, binge-drinking or drunkenness. Care should be taken not to exploit the young, the immature or those who are mentally or socially vulnerable.
5.2	Experiential Marketing activity must not claim or imply that alcohol can enhance confidence, popularity or sexual success.
5.3	Experiential Marketing activity should not involve any kind of challenge or competitive element directly linked to the amount of alcohol consumed or the speed of consumption. Experiential Marketing activity must neither show, imply, encourage nor refer to aggression or unruly, irresponsible or anti-social behaviour, nor link alcohol with brave, tough or daring people or behaviour.
5.4	Experiential Marketing activity must not link alcohol with seduction, sexual activity or sexual success nor imply that alcohol can enhance attractiveness.
	<i>Brand Ambassadors or Staff delivering Experiential Marketing activity for alcohol should not be dressed in sexually suggestive clothing, nor should they engage in close physical interaction with consumers in a way that might suggest an association with sexual success. Staff should not be</i>

	<p><i>selected on the basis of their age or physical attractiveness.</i></p> <p><i>When selecting images from social media including live images (Facebook Live or similar), the rules regarding responsible drinking must be adhered to and no person involved should neither be nor appear to be under the age of 25. It is the responsibility of the brand and agency to monitor and moderate all content before it is live on social or brand sites. Moderation should always contain a 2-step process to ensure that inappropriate content is reviewed and deleted prior to site content being issued.</i></p> <p><i>Marketers should take care, when selecting photographs or video of Experiential Marketing activity for use in other media directly under the control of the brand, to avoid showing close physical contact involving promotional staff and/or consumers (e.g. kissing each other, sitting on each other's laps). Similarly, images which show staff /consumers making sexually-suggestive facial expressions or gestures should be avoided.</i></p>
5.5	<p>Experiential marketing activity intended to promote alcoholic drinks or products containing alcohol must not be likely to appeal particularly to people aged under 25, especially by reflecting or being associated with youth culture. Activities which form part of an experiential campaign should not feature or portray real or fictitious characters that are likely to appeal particularly to those aged under 18 in a way that might encourage the consumption of alcohol by those who are under legal drinking age.</p>
	<p><i>While staff aged 21 can legally work on Experiential Marketing activity for alcohol brands, marketers should take care to avoid suggestions that staff have been chosen purely to appeal to an under 25 demographic.</i></p>
5.6	<p>No samples of alcohol should be given to anyone who is under 21. In doubt, Brand Ambassadors should ask for proof of age. If a consumer cannot produce proof of age, then Brand Ambassadors should not give them a sample. Brand Ambassadors should also avoid giving samples of alcohol to anyone they have reason to believe will pass them on to someone aged under 21.</p>
5.7	<p>Experiential Marketing which involves alcohol sampling should, wherever possible, be conducted according to the requirements of a recognised age verification scheme, such as the Retail of Alcohol Standards Group's Challenge 21 and Challenge 25 schemes.</p>

	<p><i>In Scotland, it is the law that anyone selling alcohol must get age verification if the purchaser appears under 25. For Experiential Marketing activity, then, samples must only be handed to people who can prove they are of legal drinking age.</i></p> <p><i>Local authorities in Scotland have differing rules of experiential engagement and must be checked before any activity is booked. Please note that certain price promotions involving alcohol in Scotland are now illegal.</i></p>
5.8	<p>Adherence to the relevant age verification scheme should be made clear. If possible, this should be done via posters and/or other marketing materials at the point of delivery of the Experiential Marketing activity, while all Brand Ambassadors should wear lanyards or badges clearly showing the scheme's logo.</p>
5.9	<p>Staff delivering Experiential Marketing, including alcohol sampling, must, by law, be aged 18 or over. However, it is strongly recommended that the minimum age of any Brand Ambassadors and sampling staff for activity involving alcohol should be 25, unless an older minimum age is specified by the site owners, local authorities, the brand for which the activity is being conducted or other relevant party.</p>
	<p><i>Many clients and site owners already specify that the minimum age of staff conducting experiential work involving alcohol should be 25. Some retailers are also specifying that staff must be aged minimum 21 or 25 to be allowed to dispense or sell alcohol. Experiential agencies are advised to ensure that they, and any staffing providers working for them, are aware of and adhere to any such requirements. Agencies and staffing providers should also take care not to employ people who, even though they are over the required minimum age, look under 25.</i></p>
	<p><i>If staff who are aged between 18 and 24 do act as Brand Ambassadors or sampling staff as part of Experiential Marketing activity for an alcoholic drink or product containing alcohol, then images of these staff MUST NOT appear in any advertisements or marketing communications for the drink/product (for example, in magazine/newspaper advertising, on a brand's website or in any social media which is under the brand's control, such as a brand's Facebook page.) This would constitute a breach of the CAP Code, which states that images of people who are or who appear to be under the age of 25 MUST NOT be shown consuming alcohol or</i></p>

	<i>playing a significant role in the promotion of alcohol in any advertising or marketing communications for alcoholic drinks. It would also be a breach of the Portman Group Code (paragraph 3.2i) to feature images of under-25-year-old promotional staff in promotional material.</i>
5.10	<p>The alcoholic nature and strength of an alcoholic drink which is being sampled should be clearly communicated in a factual way. This should be via its packaging if there is packaging, or on posters and/or leaflets at the point of delivery of the Experiential Marketing activity. Statements may be made regarding factual alcohol strength comparisons with another product, but only when the comparison is with a higher-strength product of a similar beverage.</p> <p>Experiential activity and associated marketing must not imply that a drink may be preferred because of its alcohol content or intoxicating effect.</p> <p>There is an exception for low-alcohol drinks, which may be presented as preferable because of their low alcoholic strength.</p> <p>In the case of a drink with relatively high alcoholic strength in relation to its category, the factual information should not be given undue emphasis.</p>
5.11	Alcohol products should be sampled in ‘taster’ sized servings only UNLESS the activity is taking place in a controlled location, such as licensed premises or at an event, where a larger serve can be used.
	<i>The Portman Group, in its Product Sampling Guidelines, suggests that individual sample sizes of a maximum of 0.5 units of alcohol are appropriate for use outside licensed premises. In the on-trade, it suggests individual sample sizes of no more than 1.5 units.</i>
5.12	Only one sample of a particular alcoholic drink should be given to any one individual at one time. If more than one alcoholic drink is being sampled (for example, a range of different wines), then multiple samples can be given to a single individual, but care should be taken not to give one person too much at once. Sensible drinking guidelines should be observed; current government advice is that one person should not be given more than 3 units of alcohol (if female) or 4 (if male) in one visit.

	<p><i>The purpose of sampling should be to give a consumer the opportunity to experience taste and quality; there must be a sensible limit on the amount of alcohol an individual is allowed to imbibe at any one time. If a range of drinks is being sampled, then organisers should consider using smaller quantities for each sample. Many client companies will have their own guidelines which specify sample sizes and how many samples are to be provided to single individuals.</i></p> <p><i>This also applies to duty free sampling where no encouragement should be given to consumers to buy alcohol in this environment.</i></p>
5.12	<p>Government guidelines on sensible drinking, and special advice for groups such as pregnant women, should be carried on packaging and/or communicated via posters or leaflets. Promotional materials, packaging and posters should reference the dangers of excessive drinking and should include the contact details for Drinkaware.co.uk, the online source for advice on sensible drinking.</p>
5.13	<p>No alcoholic drinks samples are to be given to anyone who is or who appears to be drunk or under the influence of drugs.</p>

6.0	<i>Financial products</i>
	<i>The marketing of many financial products or services is subject to restrictions under Section 21 of the Financial Services and Markets Act 2000 and in the Financial Services and Markets Act 2000 (Financial Promotion) Order 2005 (as amended), as reflected in the rules and guidance issued and enforced by the Financial Conduct Authority (FCA).</i>
	<i>The scope of that legislation, rules and guidance extends to marketing communications for: investments and investment advice; deposit taking (e.g. banking); home finance transactions (regulated mortgages, home purchase plans and home finance plans); general insurance and pure protection policies (e.g. term assurance). The FCA is responsible for the regulation of first-charge mortgage lending and selling, as well as certain secured loans and the activities of insurance intermediaries.</i>
	<i>The FCA regulates other consumer loans under the Consumer Credit Act 1974 (as amended) and the Consumer Credit (Advertisements) Regulations 2004 (as amended). Debt management companies must ensure they comply with the financial promotions' requirements imposed by FSMA and the FCA's rules set out in Chapter 3 of CONC. Always check for updated guidance with the IPM or FCA as rule changes are updated regularly.</i>
	<i>The principles that follow apply to the use of Experiential Marketing to promote financial products and/or services that are not regulated by the FCA and to Experiential Marketing for debt advice. They are based on the CAP Code.</i>
	<i>Obviously, any Experiential Marketing activity for financial products must also adhere to the general principles of this Experiential Marketing Code.</i>
6.1	Information about financial products must be provided in a way that allows them to be understood easily by the audience being addressed. Marketers must ensure that they do not take advantage of consumers' inexperience or credulity.

6.2	Experiential Marketing should, if possible, state the nature of the contract being offered, any limitation, expense, penalty or charge and the terms of withdrawal. It is unlikely, however, that all of this information can be communicated within the confines of pure Experiential Marketing. In that case, free material explaining the offer must be made readily available to consumers before any binding contract is entered into. Such material would almost certainly fall within the scope of the CAP Code.
6.3	The basis used to calculate any rate of interest, forecast or projection which is quoted, referenced or communicated during Experiential Marketing activity must be apparent immediately.
6.4	Marketing communications must make clear that the value of investments is variable and, unless guaranteed, can go down as well as up. If the value of the investment is guaranteed, the marketing communication must explain the guarantee.
6.5	Marketing communications should make clear that past performance or experience does not necessarily give a guide for the future; if they are used in marketing communications, examples of past performance or experience should not be unrepresentative.

7.0	Gambling
	<p><i>The Gambling Commission, which was set up under the Gambling Act 2005, regulates commercial gambling in Great Britain. The Gambling Act 2005 came fully into force on 1 September 2007. The Gambling Commission Code of Practice covers advertising and marketing of gambling, and can be found on the Gambling Commission website, www.gamblingcommission.gov.uk.</i></p>
	<p><i>In addition, the CAP Code has a section that deals with gambling. The principles that follow apply to the use of Experiential Marketing to promote gambling (not including spread betting, which is covered by the Financial Services section above, or Lotteries, covered below). They are based on the CAP Code.</i></p>
7.1	All marketing communications, including any use of Experiential Marketing, for gambling products must be socially responsible, with particular regard to the need to protect children, young persons under 18 and other vulnerable persons from being harmed or exploited by advertising that features or promotes gambling.
7.2	The spirit, as well as the letter, of the principles in this section apply, whether or not a gambling product is shown or referred to.
7.3	Experiential Marketing activity, whether through imagery, or through written or oral communications between Brand Ambassadors and consumers, must not:
7.3.1	portray, condone or encourage gambling behaviour that is socially irresponsible or could lead to financial, social or emotional harm;
7.3.2	exploit the susceptibilities, aspirations, credulity, inexperience or lack of

	knowledge of children, young persons or other vulnerable persons;
7.3.3	suggest that gambling can provide an escape from personal, professional or educational problems such as loneliness or depression;
7.3.4	suggest that gambling can be a solution to financial concerns, an alternative to employment or a way to achieve financial security;
7.3.5	portray gambling as indispensable or as taking priority in life; for example, over family, friends or professional or educational commitments
7.3.6	suggest that gambling can enhance personal qualities, for example, that it can improve self-image or self-esteem, or is a way to gain control, superiority, recognition or admiration
7.3.7	suggest peer pressure to gamble nor disparage abstention
7.3.8	link gambling to seduction, sexual success or enhanced attractiveness
7.3.9	portray gambling in a context of toughness or link it to resilience or recklessness
7.3.10	suggest gambling is a rite of passage
7.3.11	suggest that solitary gambling is preferable to social gambling
7.3.12	be likely to be of particular appeal to children or young persons, especially by reflecting or being associated with youth culture
7.3.13	be directed at those aged below 18 years (or 16 years for football pools, equal-chance gaming [under a prize gaming permit or at a licensed family entertainment centre], prize gaming (at a non-licensed family entertainment centre or at a travelling fair) or Category D gaming machines) through the selection of media or context in which they appear
7.3.14	include a child or a young person. No-one may behave in an adolescent, juvenile or loutish way
	<i>It is strongly recommended that the minimum age of any Brand Ambassadors and sampling staff for activity involving gambling should be</i>

	<i>21, unless an older minimum age is specified by the site owners, local authorities, the brand for which the activity is being conducted or other relevant party.</i>
	<i>Experiential agencies are advised to ensure that they, and any staffing providers working for them, are aware of and adhere to any such requirements. Agencies and staffing providers should also take care not to employ people who, even though they are over the required minimum age, look under 18. Brand Ambassadors involved in delivering experiential activity for gambling should not be chosen deliberately because they look young.</i>
	<i>If staff who are aged between 18 and 24 do act as Brand Ambassadors or sampling staff as part of Experiential Marketing activity for gambling, then images of these staff MUST NOT appear in any advertisements or marketing communications for the product or brand (for example, in magazine/newspaper advertising, on a brand's website or in any social media which is under the brand's control, such as a brand's Facebook page.) This would constitute a breach of the CAP Code, which states that images of people who are or who seem to be under the age of 25 MUST NOT be shown gambling or playing a significant role in the promotion of gambling in any advertising or marketing communications for gambling.</i>
7.3.15	exploit cultural beliefs or traditions about gambling or luck
7.3.16	condone or encourage criminal or anti-social behaviour
7.3.17	condone or feature gambling in a working environment. An exception exists for licensed gambling premises.
7.4	Experiential Marketing for family entertainment centres, travelling fairs, horse racecourses and dog race tracks, and for non-gambling leisure facilities that incidentally refer to separate gambling facilities (e.g. as part of a list of facilities on a cruise ship) may include children or young persons, provided they are accompanied by an adult and are socialising responsibly in areas that the Gambling Act 2005 does not restrict by age.
7.5	Experiential Marketing for events or facilities that can be accessed only by entering gambling premises must make that condition clear.

8.0	Lotteries
	<i>The rules in this section are designed to ensure that Experiential Marketing communications for lotteries are socially responsible, with particular regard to the need to protect children, young persons under 18 and other vulnerable persons from being harmed or exploited by advertising that features or promotes lotteries.</i>
	<i>This section applies to marketing communications for lottery products that are licensed and regulated by the Gambling Commission, the National Lottery Commission, or in the case of small society lotteries, registered with local authorities in England and Wales or licensing boards in Scotland.</i>
	<i>The UK National Lottery may be advertised under The National Lottery etc Act 1993 and The National Lottery Regulations 1994 (as amended). Marketing communications for the UK National Lottery are also subject to the National Lottery Advertising and Sales Promotion Code of Practice, approved by the National Lottery Commission.</i>
	<i>In addition, the CAP Code has a section that deals with Lotteries. The principles that follow apply to the use of Experiential Marketing to promote Lotteries. They are based on the CAP Code.</i>
	<i>Any Experiential Marketing activity for financial products must also adhere to the general principles of this Experiential Marketing Code.</i>
8.1	All marketing communications, including any use of Experiential Marketing, for lottery products must be socially responsible, with particular regard to the need to protect children, young persons under 18 and other vulnerable persons from being harmed or exploited by advertising that features or promotes gambling.
8.2	Experiential Marketing must not portray, condone or encourage gambling behaviour that is socially irresponsible or could lead to financial, social or emotional harm.

8.3	Experiential Marketing must not suggest that participating in a lottery can provide an escape from personal, professional or educational problems such as loneliness or depression.
8.4	Experiential Marketing must not suggest that participating in a lottery can be a solution to financial concerns, an alternative to employment or a way to achieve financial security. Advertisers may, however, refer to other benefits of winning a prize.
8.5	Experiential Marketing must not portray participating in a lottery as indispensable or as taking priority in life; for example, over family, friends or professional or educational commitments.
8.6	Experiential Marketing must neither suggest peer pressure to participate nor disparage abstention.
8.7	Experiential Marketing must not suggest that participating in a lottery can enhance personal qualities, for example, that it can improve self-image or self-esteem, or is a way to gain control, superiority, recognition or admiration
8.8	Experiential Marketing must not link participating in a lottery to seduction, sexual success or enhanced attractiveness
8.9	Marketing communications must not portray participation in a context of toughness or link it to resilience or recklessness
8.10	Experiential Marketing must not suggest participation is a rite of passage.
8.11	Experiential Marketing must not suggest that solitary gambling is preferable to social gambling.
8.12	Experiential Marketing for lotteries that can be participated in only by entering gambling premises must make that condition clear.
8.13	Experiential Marketing for lotteries must not exploit the susceptibilities, aspirations, credulity, inexperience or lack of knowledge of children, young persons or other vulnerable persons.
8.14	Experiential Marketing for lotteries must not be likely to be of particular appeal to children or young persons, especially by reflecting or being

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	associated with youth culture.
8.15	Experiential Marketing for lotteries should not be directed at those aged under 16 years through the selection of media or context in which they appear.
8.16	Experiential Marketing for a lottery product may include children or young persons. No-one who is, or seems to be, under 25 years old may be shown in advertising or marketing materials either participating in a lottery or playing a significant role.
	<i>It is strongly recommended that the minimum age of any Brand Ambassadors and sampling staff for activity promoting lotteries should be 21, unless an older minimum age is specified by the site owners, local authorities, the brand for which the activity is being conducted or other relevant party.</i>
	<i>Experiential agencies are advised to ensure that they, and any staffing providers working for them, are aware of and adhere to any such requirements. Agencies and staffing providers should also take care not to employ people who, even though they are over the required minimum age, look under 18. Brand Ambassadors involved in delivering experiential activity for lotteries should not be chosen deliberately because they look young.</i>
	<i>If staff who are aged between 18 and 24 do act as Brand Ambassadors or sampling staff as part of Experiential Marketing activity for lotteries, then images of these staff MUST NOT appear in any advertisements or marketing communications for the product or brand (for example, in magazine/newspaper advertising, on a brand's website or in any social media which is under the brand's control, such as a brand's Facebook page.) This would constitute a breach of the CAP Code, which states that images of people who are or who seem to be under the age of 25 MUST NOT be shown participating in lotteries or playing a significant role in the promotion of lotteries in any advertising or marketing communications for lotteries.</i>
8.17	Experiential Marketing that exclusively features the good causes that benefit from a lottery and that includes no explicit encouragement to buy a lottery product may include children or young persons in a significant

	role.
8.18	Experiential Marketing for lotteries must not exploit cultural beliefs or traditions about gambling or luck.
8.19	Experiential Marketing for lotteries must not condone or encourage criminal or antisocial behaviour.
8.20	Experiential Marketing for lotteries must not condone or feature gambling in a working environment (an exception exists for workplace lottery syndicates and gambling premises).

9.0	<i>Tobacco and electronic cigarettes</i>
	<i>The Tobacco Advertising and Promotion Act 2002 outlaws the free distribution of tobacco products and coupons and bans tobacco retailer ads targeted at the public.</i>
	<i>In addition, the CAP Code has a section that deals with tobacco products. The principles that follow apply to the use of Experiential Marketing to promote tobacco products. They are based on the CAP Code. Updates to Codes and rules are anticipated in 2017/2018. Please check with the IPM for any factors that may affect your campaign.</i>
9.1.1	Tobacco products may not be advertised or distributed to the public.
9.1.2	<p>Marketers should not distribute promotional items that are likely to be seen as encouraging smoking or suggesting that smoking is safe, popular, glamorous or aspirational.</p> <p>No activity involving consumers who are, or appear to be under 25 can be activated.</p>
	<i>The Tobacco and Related Products Regulations 2016 became law in the UK in May 2016. The Regulations prohibit the advertising of nicotine-containing electronic cigarettes (e-cigarettes) which are not licensed as medicines, but only in some media channels. These include newspapers and magazine (except trade press) and internet display, email and text message advertising. Other materials such as outdoor posters and leaflets are still permitted.</i>
	<i>In addition, the CAP Code has a section that deals with electronic cigarettes. The principles that follow apply to the use of Experiential Marketing to promote electronic cigarettes. They are based on the CAP Code.</i>
9.2.1	Marketing communications, including experiential campaigns, for e-cigarettes must be socially responsible.

9.2.2	<p>Experiential marketers must not make health or medicinal claims for a product unless it is authorised for those purposes by the MHRA. E-cigarettes <i>may</i> be presented as an alternative to tobacco but marketers must not undermine the message that quitting tobacco use is the best option for health.</p> <p>No activity involving consumers who are, or appear to be under 25 can be activated.</p>
	<p><i>The e-cigarette market continues to innovate rapidly, creating new products, and regulation surrounding these products is likely to be updated and modified regularly.</i></p> <p><i>Marketers seeking to promote these products through experiential marketing are strongly recommended to seek legal advice or contact the IPM.</i></p>

10.0	<i>Experiential Marketing activity targeting or involving children and other age-related issues</i>
	<i>As part of this Code of Conduct, companies, agencies and service providers are required to sign up to the UK Advertising Association’s Brand Ambassador Pledge agreeing not to employ anyone aged under 16 as a Brand Ambassador or Peer-to-Peer marketing agent. There are some exceptions, e.g. for young performers or sports stars: the purpose of the Pledge is to stop companies from commercialising young people’s peer-group relationships. The Pledge is reproduced in full in Appendix A.</i>
	<i>This section of the Experiential Code of Conduct sets out principles for Experiential Marketing activity where children are likely to be the main audience or a significant proportion of the audience (e.g. activity in a family-friendly location).</i>
	<i>This section of the Experiential Code of Conduct includes some principles which apply where a consumer is aged under 16, and others which are stricter and which apply where a consumer is aged under 12.</i>
	<i>Legally, there may be other age restrictions which apply (e.g. if the activity involves promoting a film, DVD or computer game which has an age rating).</i>
10.1.1	Brand Ambassadors involved in any Experiential Marketing activity which includes close contact with children (including, but not limited to, running sporting activities, demonstrating computer games, running crèches, etc) and who will be on their own with children must be DBS checked.
10.1.2	Brand Ambassadors involved in any Experiential Marketing activity where children 12 and under may be left in their charge must get names and contact details, including where possible mobile phone numbers, of parents or responsible adults before accepting responsibility for the child/children.
10.1.3	Some Experiential Marketing activities, promotional materials or products being sampled may be inappropriate for children aged under 16 or under

	12. In cases where such products or services are being promoted through Experiential Marketing, the permission of a parent or guardian who is present should be sought before engaging with children.
10.1.4	It may not always be clear how old someone is. If a Brand Ambassador is uncertain of the age of a consumer and is involved in delivering Experiential Marketing activity where age is relevant, then they should ask for proof of age before engaging with that consumer. If proof is not provided, then they should not engage with that consumer.
10.1.5	Proof of age can be in the form of a document or card (such as the Home Office-approved PASS scheme); or Brand Ambassadors can ask for a parent/carer or responsible adult who is present to vouch for someone's age.
10.1.6	Any refusal to engage with a consumer on the grounds of age should be explained politely and respectfully, with reference to the Experiential Code of Conduct.
10.2	The following principles apply to anyone under the age of 16.
10.2.1	Children should not be shown hazardous situations or dangerous behaviour which they may be tempted to recreate at home.
10.2.2	Children should not be made to feel inferior or unpopular for not trying/buying/liking a product.
10.2.3	Children must not be made to feel that they lack courage, duty or loyalty if they do not buy or do not encourage others to buy the product.
10.2.4	Dependent upon the environment which has been set up to facilitate engagement via Experiential Marketing activity, Brand Ambassadors must ensure that children can easily judge the characteristics and performance of products and distinguish between real-life situations and fantasy.
10.2.5	Experiential Marketing activity must not exploit children's receptiveness to charitable appeals and must clearly explain the extent to which their participation will help in any charity-linked promotions.

10.2.6	Experiential Marketing activity must not encourage children to make a nuisance of themselves to parents or others and must not undermine parental authority.
10.2.7	Experiential Marketing activity must not be designed or delivered in such a way as to deliberately incite 'pester power'. This is a legal requirement: commercial activity designed to incite pester power is banned under the Consumer Protection from Unfair Trading Regulations 2008.
10.2.8	Experiential Marketing activity should not encourage children to use or consume a product or service to excess.
10.2.9	Experiential Marketing activity should not encourage children to consume a food or drink product at or near bedtime.
10.2.10	Experiential Marketing activity involving children should not, either deliberately or accidentally, promote poor diet.
10.2.11	Experiential Marketing activity involving children should not suggest that an inactive or sedentary lifestyle is preferable to physical activity.
10.2.12	When sampling to children, Experiential Marketing activity must not exaggerate what is attainable by an ordinary child using the product.
10.3	The following principles apply to anyone under the age of 16.
10.3.1	Where pre-schoolers or primary school children under the age of 16 are being directly targeted, nutrition or health claims should not be included in any Experiential Marketing activity.
10.3.2	No food or drink samples should ever be distributed to children under 16 unless express permission has been granted by a parent or a responsible adult.
10.3.3	Even with permission, food or drink samples should never be handed to children under 16. They should be given to a parent or a responsible adult to pass to the child.

The CAP Code was updated on 1st July 2017 to particularly address marketing to children and families as part of the Government's pledge to reduce childhood obesity.

Children are recognised as anyone under the age of 16 and particular attention must be paid to products that are considered 'HFSS' – high fat, salt and sugar. There are further ongoing developments in relation to HFSS foods.

11.0	<i>Health & Safety</i>
11.1	All stands, rigs, display units, equipment, marketing materials, product samples and any other materials necessary for Experiential Marketing activity, plus the activities themselves, must comply with health and safety regulations, both for staff delivering Experiential Marketing activity and for members of the public who are exposed to it.
11.2	A risk assessment must be carried out with regards to all locations where Experiential Marketing activity is to be delivered. A copy of this risk assessment should be available for inspection by relevant parties.
	<i>Relevant parties will usually include the client, services suppliers, site owners and local authorities.</i>
11.3	No activities, stands, rigs, display units, marketing materials, product samples, equipment or any other materials necessary for delivering experiential activities, should be positioned in such a way as to block fire exits.
11.4	Wherever feasible, all materials should be fire-proof.
11.5	Any vehicles which are to be used in the course of setting up or delivering Experiential Marketing activity must be regularly checked by qualified engineers.
11.6	If any vehicles are to be used in the course of setting up or delivering Experiential Marketing activity, then all staff involved in using these vehicles must produce evidence that they hold relevant, valid driving licenses before being allowed to operate the vehicles. Where applicable, drivers or operators must also be able to prove that they are complying with DFT and DVLA rules and regulations and with the Working Time Directive.
11.7	If any heavy equipment is to be used in the course of setting up or delivering Experiential Marketing activity, then all staff involved in using this equipment must produce evidence that they have been properly trained in its use.

11.8	It is the responsibility of whoever is organising Experiential Marketing activity that Brand Ambassadors and/or other staff using such heavy equipment in the course of any Experiential Marketing activity are asked to produce the relevant valid documentation regarding training.
11.9	Any electrical equipment or other heavy equipment which is to be used in the course of setting up or delivering Experiential Marketing activity must have been checked prior to use. Electrical equipment should have undergone Portable Appliance Testing to ensure its safety.
11.10	Accountability and accident/emergency procedures must be drawn up prior to any use of vehicles or heavy equipment and fully communicated to all staff, not just to drivers or operators.

12.0	<i>Environmental impact and ethics</i>
12.1	All activity must be designed so as to avoid any detrimental impact to the environment in general, or to individual locations in particular.
12.2	Steps must be put in place to dispose of all litter during and after any Experiential Marketing activity. If litter is likely to be generated by the activity, rubbish bins or bags should be provided and consumers should be encouraged to use them to dispose of their litter responsibly. Alternatively, consumers should be encouraged to take litter with them.
12.3	Wherever possible, materials used in experiential activities should be sourced responsibly, made from recycled materials and/or recyclable post activity.
	<i>There is a British Standard for sustainable events, BS8901, which may be useful for organisers of large-scale experiential activity.</i>
12.5	Any and all litter directly associated with any Experiential Marketing activity must be collected post event, within a reasonable radius of where the activity took place (usually 200 metres).
12.6	Any rubbish generated by Experiential Marketing activity, once collected, must be disposed of in a responsible and legal fashion. Wherever possible, materials should be reused or recycled.
	<i>Some activities (e.g. the demonstration of certain beauty and personal grooming products, such as razors) may generate hazardous waste which will require special treatment.</i>

13.0	<i>Insurance and Indemnities</i>
13.1	Before any experiential marketing activity is commenced, a Public Liability Insurance (PLI) policy with a value which relates to the scale and type of the proposed activity and the profile of the individual business must be in place.
	<i>Client companies and site owners may set minimum values for any such PLI policies. It is advisable to check with them regarding any such requirements.</i>
13.2	All Experiential Marketing activity which is planned as part of a campaign must come under the terms of this PLI and all parties must agree to and abide by all terms of the policy accordingly.
13.3	The details of this PLI policy must be shared with all parties with a significant involvement in delivering the experiential activity, including agencies, the client, service suppliers, venue owners and relevant authorities.

14.0	<i>Staffing and Brand Ambassadors</i>
	<p>The IPM supports equal employment and diversity in the workplace. As such we recommend you ensure the diversity of your audience is reflected in your choices of staff and brand ambassadors.</p> <p>If you would like further guidance about how this can be achieved or require advice on sensitive issues surrounding race or gender, please contact the IPM for further guidance. For further reading, please refer to the CIPD guidance on diversity in the workplace.</p>
14.1	<p>No-one under the age of 16 should be employed as a Brand Ambassador for any Experiential Marketing work, in line with the UK Advertising Association’s Brand Ambassador Pledge agreeing not to employ anyone aged under 16 as a Brand Ambassador or Peer-to-Peer marketing agent (see Appendix A).</p> <p>There are some exceptions, e.g. for young performers or sports stars: the purpose of the Pledge is to stop companies from commercialising young people’s peer-group relationships. Also, for certain types of product or service (e.g. alcohol, gambling and financial services) there may be restrictions on the age (or apparent age) of Brand Ambassadors delivering Experiential Marketing activity. See the relevant Sections of this Experiential Marketing Code of Conduct.</p>
	<i>Some brand owners may have their own policies on the minimum age of Brand Ambassadors, which may also vary depending on the brand, product or service being promoted. Agencies and staffing partners should make sure that they have checked with the client whether they have such a policy, and adhere to it.</i>
14.2	It is the responsibility of the agency organising Experiential Marketing activity to ensure that Brand Ambassadors are fully informed about the Experiential Marketing Code of Conduct and any other relevant industry Codes which they are expected to follow. It must be made clear to them that any breaches of these Codes are serious matters.
	<i>In the experiential marketing industry, Brand Ambassadors are usually provided by staffing agencies. It is highly recommended that these</i>

	<i>staffing agencies ensure that the Brand Ambassadors who they have on their books understand the purpose and scope of the Experiential Marketing Code of Conduct. Best practice for staffing agencies would be to require Brand Ambassadors to indicate that they have read and understood the Experiential Marketing Code of Conduct, or remove them from their databases.</i>
14.3	Under the Asylum and Immigration Act 1996 (as amended on 1 May 2004), any Brand Ambassadors who are not from the UK must have the necessary work visas. It is the responsibility of whoever is organising any Experiential Marketing activity and/or of whoever is in charge of recruiting/supplying staff to ensure that anyone employed as a Brand Ambassador or to support the delivery of the activity has the appropriate documentation.
14.4	At the start of any project or activity, all staff involved in the delivery of an Experiential Marketing, including Brand Ambassadors and support personnel, should receive a brief, setting out the basic details of the promotion, including brand guidelines, key objectives, clearly defined roles and responsibilities and 'rules of engagement'. They should be required to read this information and confirm that they understand it in writing.
14.5	Brand Ambassadors must agree to keep all information regarding the brand and activity confidential prior to activity live date. This also applies to commercially-sensitive information (e.g. market research data, consumer data) which may be collected as part of any Experiential Marketing activity.
14.6	All Brand Ambassadors should be given relevant training (if necessary) prior to each project. This training should be directly related to the brief.
14.7	Brand Ambassadors must be provided with the necessary tools, equipment and supplies to carry out their roles as defined by the brief.
14.8	Any experiential project or activity must have a clear line management structure (e.g. Brand Ambassadors/Team Leaders/Event Managers) which can be explained to Brand Ambassadors, clients and consumers.

14.9	Brand Ambassadors should be paid the appropriate hourly rate, dependent on their age, location, skillset, requirements of the brief (e.g. to cover required training) and all other legal and government requirements.
14.10	Experiential Marketing teams must be able to provide contact details for whoever is responsible for the activity, if asked. Any leaflets, packaging or other materials designed to be handed out to consumers should have contact details for the brand (e.g. address and customer care line number) as a matter of course. If no such material is being used as part of the activity, then it should be available in a printed form (e.g. leaflets or business cards) which can be handed out.
	<i>The CAP Code says that marketing communications should be identifiable as such, and marketers should not “materially mislead” by omitting the identity of the client company. The nature of Experiential Marketing activity can make this difficult, so it is advisable to ensure that something tangible which consumers can take away with them has the client company’s contact details on. Some clients will also demand that staff delivering Experiential Marketing activity should identify themselves as working for the client company if asked, rather than naming the experiential agency or staffing agency.</i>
14.11	Wherever possible, questions or concerns raised by consumers or other interested parties should be answered/resolved before the relevant Experiential Marketing activity finishes. There should be mechanisms in place to take note of questions or concerns raised by consumers or other interested parties and feed them back to the agency and/or client, whichever is relevant. If an issue cannot be resolved while the activity is ongoing, then the name and contact details of the person raising it should be recorded and a suitable response should be delivered within a reasonable time frame.

15.0	<i>Compliance with other laws and regulations</i>
15.1	All Experiential Marketing activity must be legal. It should also comply with any other relevant rules and regulations, including those specifically governing financial services, gambling and lottery products, medicines and related products and services. Other marketing activities which are delivered alongside Experiential Marketing may be covered by the CAP Code: if so, then they must comply with the CAP Code.
15.2	Any data capture carried out as part of Experiential Marketing activity must conform to all applicable privacy laws.
15.3	Before any personal data is collected, consumers must be told what purposes it is being collected for.
15.4	Consumers must be clearly asked for their consent (opt-in) for any use of their data for marketing purposes by the company on behalf of which the Experiential Marketing activity is being conducted.
15.5	Separately, consumers must also be clearly asked for their consent (opt-in) for the use of their data for marketing purposes by companies other than the one which the Experiential Marketing activity is being conducted for (whether this involves the sale or sharing of said data).
	<i>Officially, SMS or e-mail requires prior consent (opt-in) from consumers before they can be used for marketing purposes, while address and phone number data can be used until consumers indicate they want marketing communications to stop (opt-out). For Business-to-Business marketing, the issue is more complex. Furthermore, the nature of experiential marketing may make the process of explaining what data is going to be used for difficult. For these reasons, it has been decided to require that Brand Ambassadors should get consumers to opt-in when providing their personal data.</i>
15.6	Data capture mechanisms must include information on privacy policies and legally-checked terms and conditions, including information on how

	consumers can ask to be removed from databases.
15.7	Any personal data collected during the course of or as a result of experiential activities must be stored, transported and used responsibly. If data is collected in electronic form, then devices used to store it (laptops, mobiles, memory sticks etc) and/or the files themselves must be encrypted and password protected.
15.8	The CAP Code states that marketers must first obtain the consent of the child's parent or guardian before knowingly collecting personal information for marketing purposes from children under 12.
15.9	The CAP Code also states that marketers must not knowingly collect personal information about other people from children under 16, UNLESS that information is the minimum required to make a recommendation for a product, is not used for a significantly different purpose from that originally consented to, and the marketer can demonstrate that the collection of that information was suitable for the age group targeted.
	<p><i>We are aware that many marketers will wish to run campaigns across multiple territories. Experiential activation across other countries must also adhere to local laws and regulations in place in that location. For any activity carrying a promotional, data collection or social media element, you must ensure you have thoroughly investigated the markets involved. The relevant laws in each market will take precedence.</i></p> <p><i>We recommend that local sensitivities are observed, particularly religious or societal influences where alcohol is concerned.</i></p>

Appendix

Best Practice Principle on the Use of Under 16s in Brand Ambassador and Peer-To-Peer Marketing

Purpose

To ensure that marketing to children and involving children continues to be conducted responsibly and to address recommendation 8 in the Bailey Report “Letting Children be Children” regarding the employment of children for marketing purposes.

The Principle

Young people under the age of 16 should not be employed and directly or indirectly paid or paid-in-kind to actively promote brands, products, goods, services, causes or ideas to their peers, associates or friends.

Exceptions

CHILD PERFORMERS:

In accordance with EU and UK law, under-16s may be employed to appear in advertisements with local authority permission. You must be able to produce the relevant permissions and licenses when required. Appropriate insurance must also be in place.

SPONSORSHIP:

Exceptionally talented and high-profile young people in sports and entertainment may be contracted by companies to use the companies’ brands, products, goods and services. In those unusual circumstances, direct presentation or promotion to their peers, friends or associates by the young person should not be required or expected.

Application

Endorsed by The Institute of Promotional Marketing and produced by the Experiential Council 2015 (now IPM Experiential Community), amended in 2018. Correct at time of publishing. The IPM and Experiential Community reserve the right to amend sections of the Code at any time. Next review: 2020.

The principle is not intended to apply to every instance in which a child is involved in promotional or presentational marketing activity. It applies only to marketing activity which commercialises a child's relationships with peers, associates or friends through employment involving payment or payment-in-kind in exchange for active promotion of a brand, product, good, service, cause or idea.

“Payment or payment-in-kind” is any reward with a commercial value, including money, goods or services.

All marketing communications must also comply with the Advertising Codes and with relevant EU and UK law.

Consent

In any circumstance where a person under 16 is employed to promote a brand, product, good, service, cause or idea, the consent of a responsible adult is required.

Source: www.adassoc.org.uk/Archived-News-2010/Advertising-industry-pledges-action-on-children. This list will be updated in 2018.