

Australian Capital Territory

Liquor (Responsible Promotion of Liquor) Guidelines 2012 (No 1)

Notifiable instrument NI2012 –127

made under the

Liquor Act 2010, s 223 (Liquor Guidelines)

1 Name of instrument

This instrument is the *Liquor (Responsible Promotion of Liquor) Guidelines 2012 (No 1)*.

2 Commencement

This instrument commences on the day after it is notified.

3 Notification

I make the Responsible Promotion of Liquor Guidelines set out in Schedule 1.

4 Revocation

This instrument revokes NI2011-197.

Brett Phillips
Commissioner for Fair Trading

29 February 2012

RESPONSIBLE PROMOTION OF LIQUOR GUIDELINES

Under section 223 of the *Liquor Act 2010* (the Act), the Commissioner for Fair Trading (the Commissioner) may make liquor guidelines consistent with the objects of the Act and the principles of harm minimisation and community safety. These guidelines are published by the Commissioner to assist those involved in advertising liquor to understand what is appropriate in relation to the promotion of liquor.

In reading these guidelines, consideration must also be given to the underpinning objectives of the Act; which are to regulate the sale, supply and promotion of liquor:

- To minimise the harm associated with the consumption of liquor;
- To facilitate the responsible development of the liquor and hospitality industries in a way that takes into account community safety; and
- To encourage and support liquor consumers to take responsibility for their consumption and their behaviour if it is affected by the consumption of liquor.

What are my responsibilities?

As part of the harm minimisation and community safety principles, section 10(a) of the Act states that advertising and promotion of liquor should encourage “responsible attitudes and practices towards the sale, supply, promotion and consumption of liquor”. For example, a licensee or permit-holder could:

- Prominently locate and clearly signpost free drinking water.
- Advertise discounts and promotions for low alcohol drinks.
- Advertise the availability of food for purchase with liquor (where applicable)

It is an offence for a liquor licensee or permit-holder to allow a prohibited promotional activity to occur at licensed or permitted premises.

How do I know what is acceptable?

Section 29 of the *Liquor Regulation 2010* (the Regulation) prescribes a number of particular advertising and promotional practices that are prohibited. Consistent with the harm minimisation and community safety principles of the Act, the following provides guidance on what constitutes unacceptable advertising or promotional activity by licensees or permit-holders. In all instances, liquor advertising and promotions must emphasize that responsible service of alcohol will be followed, and that intoxicated people will not be served alcohol at the premises.

Principle	Examples of unacceptable practices
<p>The advertising or promotion of liquor must not encourage the consumption of liquor in excess of quantity and/or speed, or reward such drinking behaviour</p>	<ul style="list-style-type: none"> • Drinking games such as “boat races” or other challenges or dares that involve rapid consumption of liquor. • Offering free products with purchases of liquor to encourage greater volume of purchases (stockpiling) and/or consumption. • Awarding prizes in the form of large amounts of liquor, that the winner is expected to consume on the day. • Promotions that reward the purchase of bulk amounts of liquor in a single transaction. • All you can drink for a set price without emphasising the service of food or responsible service of alcohol responsibilities.
<p>Advertisements or promotions involving discounted or free alcoholic beverages must not go beyond reasonable limits</p>	<ul style="list-style-type: none"> • Discounts of 50% or more. • Excessive periods of free drinks for a cover charge. • “Happy hour” periods of longer than 2 hours or that extend beyond midnight.
<p>The advertising or promotion of liquor must not employ the use of non-standard measures of liquor</p>	<ul style="list-style-type: none"> • Yard glasses, giant martini glasses etc. • Pouring alcoholic beverages directly into patrons’ mouths.
<p>The advertising or promotion of liquor may not be offered exclusively to a specific sex or group. Promotions may be focussed on or targeted at a specific group, but patrons not part of these groups may not be excluded as a result.</p>	<ul style="list-style-type: none"> • Discounted drinks for members, where membership is not available to all patrons • Mothers’ Day champagne that may only be purchased at a reduced rate by mothers (discounted champagne for all patrons on Mothers’ Day is permitted)

<p>The advertising or promotion of liquor must not depict activities that are violent, risky or dangerous</p>	<ul style="list-style-type: none"> • Creating or suggesting a positive association between liquor and any form of violence or reckless behaviour.
<p>The advertising or promotion of liquor must not include imagery that is directly or indirectly sexual, sexually degrading or sexually discriminatory</p>	<ul style="list-style-type: none"> • Suggestions that the consumption of an alcoholic beverage will lead to greater sexual success or desirability. • Wet T-shirt contests, prizes for engaging in challenges, contests or activities of a sexually suggestive, degrading, discriminatory or explicit nature.
<p>The advertising or promotion of liquor must not depict people younger than 18 years who are not clearly depicted as adults, unless there is absolutely no suggestion of them consuming liquor at any time</p>	<ul style="list-style-type: none"> • People in situations that are typical of minors, such as schools or youth-oriented activities.
<p>Liquor in any area where children are likely to be present must not be displayed in a manner which can be reasonably expected to appeal to minors</p>	<ul style="list-style-type: none"> • Displaying alcoholic beverages together with confectionery or snack food. • Displaying alcoholic beverages in more than one area of an off licensed premises that is also a supermarket. • Advertising liquor with cartoon characters that would appeal to children.
<p>The advertising or promotion of liquor must not in any way encourage or accept breaking any territory or federal law</p>	<ul style="list-style-type: none"> • Encouraging driving under the influence of liquor. • Any association with, or allusion to, engagement in the use of a controlled substance. • Consumption of liquor while not of legal drinking age.

Third party promoters

All organisations promoting or advertising liquor on behalf of a licensee or permit-holder are advised to ensure that any advertising or promotional material, in print or online, (e.g. posters, flyers, vouchers/coupons) complies with the requirements of the Act, the Regulation and these Guidelines.

Where promotions are advertised online, the person/organisation responsible for the creation of this information, and the licensee/permit-holder of the premises to which the promotion relates, are responsible for ensuring that the promotion complies with these Guidelines, regardless of who hosts the website. Licensees and permit-holders will be held responsible and subjected to compliance action for any advertisement that breaches the Act or the Regulation.