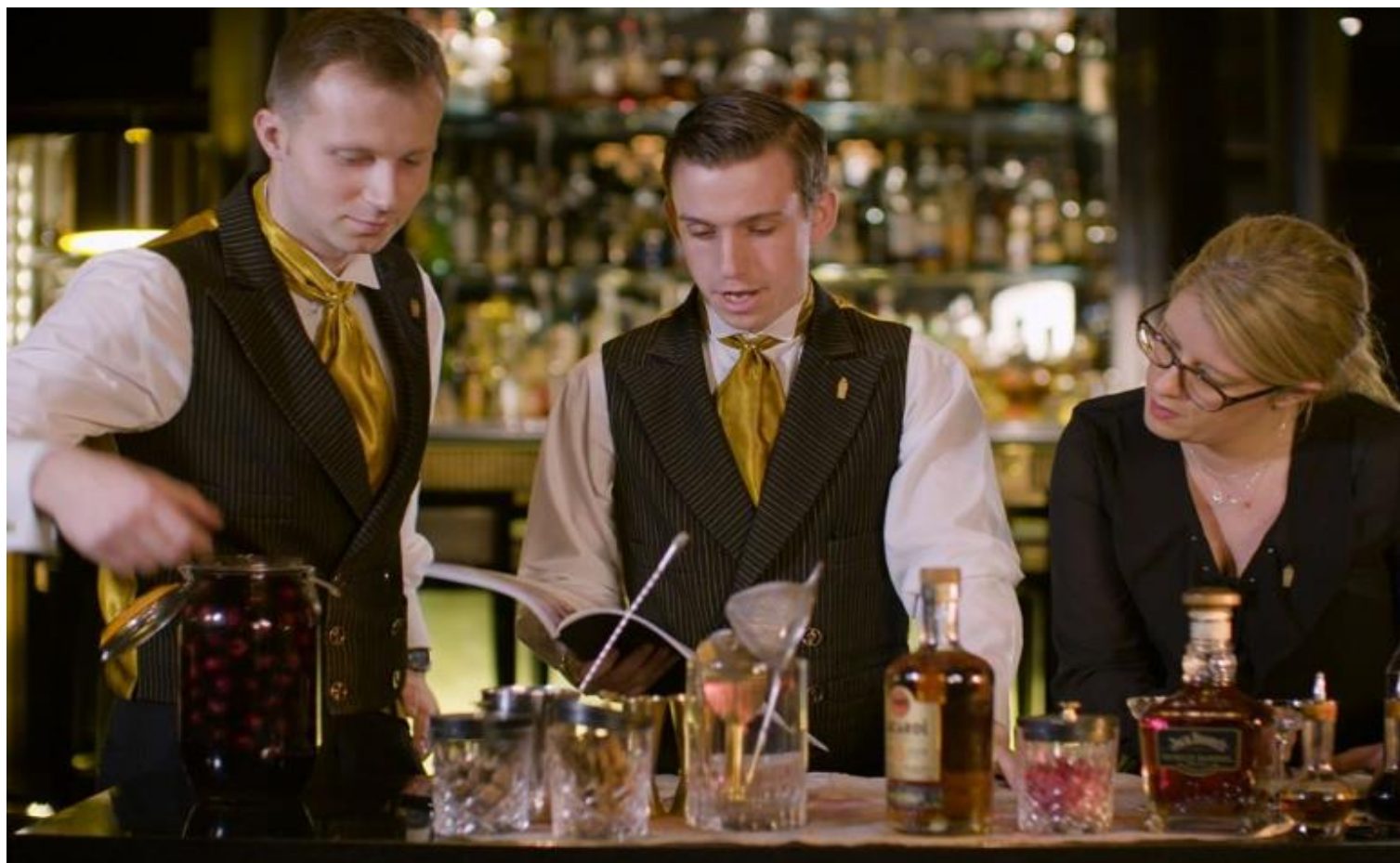


Code of Practice for the Responsible Advertising and Promotion of Liquor

October 2020



Document title	Code of Practice for the Responsible Advertising and Promotion of Liquor
Contact details	Liquor.commission@nt.gov.au
Approved by	Northern Territory Liquor Commission – Section 20 <i>Liquor Act 2019</i>
Date approved	21 October 2020
Document review	Annually
TRM number	

Version	Date	Author	Changes made
1.0	17 August 2020	Tania Chin	First version
2.0	21 October 2020	Carolyn Parsell	Final version

Acronyms	Full form
ABAC	Alcohol beverages advertising code
AANA	Australian Association of National Advertisers
NT	Northern Territory
“the Act”	<i>Liquor Act 2019</i>

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1. Scope

This Code applies to anyone who is authorised by a licence or other authority to sell, serve or supply liquor in or to the Northern Territory (NT). It covers the promotion and advertising of liquor sold by interstate retailers and licensed premises (whether for consumption on or away from the premises), the premises itself and all mediums used by the licensee (or authorised person) to promote liquor.

Pursuant to section 86 of the [Liquor Act 2019](#) ("the Act"), a licensee must abide by any code of practice established by the Commission under section 20, including this Code. This code applies to licensees who holds a licence. A licence means a licence as defined under section the Act including an interstate retailer's licence.

The Code relies on the auspices of the [Alcohol Beverages Advertising Code \(ABAC\) responsible alcohol marketing code](#) and you should familiarise yourself with its content. If an advertisement or promotion meets the requirements of the ABAC, then it will meet the similar requirements of this Code.

The ABAC references the [Australian Association of National Advertisers Code of Ethics and the Advertising Code for Children \(AANA\)](#), which is a broader code covering food and beverage advertising, including advertising for children of food and beverage products, and is used as a self-regulating tool by the food and beverage industries.

2. Object

The object of this Code is to ensure the responsible promotion and advertising of liquor products. This in turn helps to:

- prevent alcohol-related anti-social behaviours;
- minimise the appeal of liquor products to children;
- improve the social amenity and harmony in and around licensed premises;
- ensure the safety of patrons and staff in and around licensed premises; and
- discourage irresponsible behaviour through rapid and/or excessive consumption of liquor.

3. Compliance

Pursuant to section 103 of the Act, a licensee must not publish, or cause to be published, in any media, an advertisement that could be construed as inducing irresponsible or excessive consumption of liquor on or in licensed premises contrary to a guideline of the Liquor Commission made under section 316 of the Act.

Section 20 of the Act requires that it is a condition of a licence that the licensee comply with any code of practice established and published by the Commission, including any code of practice to regulate the advertising and promotion of liquor by licensees.

There are types of advertisements and promotions outlined in the Code, and accompanying Guidance Note, that the Commission have deemed to be unacceptable however it should be noted that this is not an exhaustive list.

While the Commission's powers only provide for action to be taken for a breach of this Code, it should be noted that a proven breach of the ABAC will automatically be deemed a breach of this Code.

In acknowledging the national advertising, marketing and promotional campaigns that can sometimes occur, of which the Northern Territory licensee or authorised person may have no direct control over, a proven breach of this Code may not always result in a penalty against the licensee or authorised person.

Proven breaches of this Code may however result in the Commission taking disciplinary action pursuant to the Act, which may include a direction to remove or alter the advert/promotion/campaign.

It is recommended that, where any doubt exists about a proposed advert/promotion/campaign, especially where it is directly controlled by a Northern Territory licensee or authorised person, guidance is sought from the Commission or a Licensing NT compliance officer.

4. Interpretation

For the purposes of the Code, the terms marketing, advertising and promotional activities, or any derivative of these words, are used to describe alcohol advertising and include advertising carried out visibly, audibly or by direct implication through any medium.

Alcohol advertising is considered to be any message communicated, generated by, or within the reasonable control of the, licensee or authorised person, to Territorians, with the intent to influence their choice, opinion and behaviour with respect to alcohol. Packaging, naming and labelling of alcoholic beverages are considered alcohol advertisements. This may include, but is not limited to, the use of print and social media, signage, display, electronic, digital, clothing, television and radio.

In the Code, the following terms are defined:

- child means a person under the legal drinking age in the Northern Territory, which is currently 18 years of age;
- young person/people means a person between the ages of 18 and 25 inclusive
- For the purposes of the Code, the word liquor is interchangeable with the word alcohol, and is used to describe an alcoholic beverage, which is a beverage that contains more than 1.15% by volume of ethyl alcohol.

Any expression or interpretation as identified in the Act has the same meaning in this Code.

5. Promotions/advertising

A licensee must ensure that any advertising and promotional activity undertaken is in line with this Code, the ABAC and the AANA. An advertisement or promotion that breaches the ABAC or AANA will be considered a breach of this Code.

Where physical external advertising formats are used, e.g. A-frames, bill boards etc, licensees must also comply with any relevant laws, including local council by-laws, guidelines or codes.

6. Principles

6.1. Promotions/advertising and young people and children

There is a strong association between exposure to alcohol advertising and young people's drinking habits and licensees and authorised persons should be mindful of this when developing advertising campaigns, especially through mediums that are attractive to or easily accessed by children and young people e.g. internet advertising and social media.

In some circumstances, the Act allows children on or in parts of licensed premises and licensees need to be aware that children may be present when liquor is being promoted or advertised on the premises.

Under no circumstances are promotions or advertising to contain strong or evident appeal to children or promote underage drinking, including drinking by people who appear to be under the age of 18.

The issue of advertising to young people can be problematic for a licensee or authorised person. While young people are legally able to purchase and consume liquor, there is still some community concern about the consumption of liquor by this age group. This should be kept in mind when this age group is the intended target of the advertising or promotion.

6.1.1. Unacceptable promotions and advertising – young persons and children

Advertising or promotions that includes imagery that would normally be associated with children is unacceptable under any circumstances and in any medium.

Advertising and promotions which include images of children and young people, need to be carefully considered. While permitted under the Code, licensees should be mindful of the restrictions surrounding the images as outlined in the ABAC if using them in their adverts or promotions.

Further guidance about this principle is available in the Guidance Note that accompanies this Code.

6.2. Promotions/advertising and rapid or excessive liquor consumption

Discounting liquor can be used as a marketing tool for licensees to encourage people into the licensed premises, to remain on the premises, to try a new product or to run down stock of a particular product however, when running promotions of this nature, licensees need to consider whether the promotion will encourage people to drink faster, or more, than they usually would, which may result in drunk or antisocial behaviour. In particular, licensees should be careful when having a promotion involving free drinks.

6.2.1. Unacceptable practices

There are certain promotions or practices which have been used in the past, such as 2 for 1 drinks, excessive periods of free drinks etc, which encouraged the rapid consumption, or stockpiling of, alcoholic drinks, and these are no longer acceptable.

These promotions have been shown to lead to the misuse of alcohol which can impact on individuals, emergency service personnel and the wider community.

Licensees and authorised persons should ensure that promotions, especially those held for on premise consumption, cannot be used by patrons to consume more drinks than they would under normal circumstances including the provision of non-standard sized drinks as part of the promotion/advertisement.

Further guidance about this principle is available in the Guidance Note that accompanies this Code.

6.3. Promotions/advertising must not be indecent, offensive or discriminatory

Liquor advertising and promotions should use imagery and language that is considered acceptable by a reasonable member of the broader community. When designing marketing campaigns or advertisements, if there are any doubts as to whether the images or language could be considered offensive, indecent or discriminatory, it is recommended to err on the side of caution.

6.3.1. Unacceptable practices

The use of indecent or offensive images, including sexual or degrading depictions, in liquor promotions or advertising, is considered contrary to general community standards and is not acceptable in the Territory. Indecent and offensive promotions which include sexual stereotyping, sexual innuendo or provocation and/or the portrayal of women or men as sex objects, may be a catalyst for crime or violence. Gender inequality is found to be a cause of domestic and family violence.

Humour is not to be used as an excuse for the use of offensive imagery or language in advertising or promoting liquor or licensed premises.

Further guidance about this principle is available in the Guidance Note that accompanies this Code.

6.4. Promotions/advertising should depict responsible liquor consumption

Advertising and promotions should include images and language that depicts the responsible consumption of alcohol in settings, or involving actions, that are in line with general community standards.

6.4.1. Unacceptable practices

Imagery or language that displays or invokes criminal action, such as drink driving, street brawling etc must be avoided, including those that may encourage risk taking that would normally not be considered by a person who hasn't consumed alcohol.

Promotions or advertising should also be avoided where it would suggest that the consumption of alcohol can lead to success – whether that be business, sporting, social or sexual success.

Imagery that intimates that alcohol is required to celebrate an achievement, to relax or to change your mood, should also not be used.

Further guidance about this principle is available in the Guidance Note that accompanies the Code.

7. Reducing the risk of a non-compliant promotion or advert

There are a number of actions a licensee or authorised person can take to ensure that their promotion or advertising campaign meets the requirement of this Code.

- Type and strength of liquor – consider running promotions offering lower strength liquor products.
- Price – consider limiting the discounting of liquor during the promotion by ensuring the price reduction is not excessive (keeping in mind the minimum sale/floor/unit price legislation).
- Duration – licensees can still provide opportunities for increased sales by placing reasonable time limits on promotions which will help reduce the risk of irresponsible consumption.
- Timing – after 8pm, the risk of patrons becoming drunk increases and licensees are encouraged not to hold promotions at these times.

8. Minimum sale price

Following the introduction of the minimum sale price legislation, also known as the minimum floor price or minimum unit price, licensees will need to ensure that any advertisements, promotions or offers that include the provision of liquor products, does not offend the legislation.

Where a price is included in the advertisement or promotion, it must meet the minimum sale price of \$1.30 per standard drink when broken down.

9. Examples of acceptable and unacceptable practices or promotions

Section 20 and 316 of the Act the Liquor Commission may from time to time issue codes of practices to assist with guidelines inclusive of examples of what is considered acceptable and unacceptable practices or promotions.

Tabled below are examples of what can be considered as acceptable or unacceptable practices with promotions and advertising:

Code of Practice	Acceptable	Unacceptable
Extreme Discounts	<ul style="list-style-type: none"> • 'Happy hours' are acceptable as long as they are conducted in line with traditional 'happy hour' normal daytime working hours. 'Happy hour' traditionally commenced from 4pm and must cease by 8.00pm. (Note: Time of happy hour may be advertised however only a starting or finishing may be advertised – not both); • Promotions of particular brands of liquor that provide incentives to purchase that brand by virtue of a consistent discounted price, offer of a price etc, but does not provide any particular incentive to consume that product more rapidly than a patron's normal drinking habit. 	<ul style="list-style-type: none"> • Providing free drinks or \$1 shots of spirits for consumption on and/off the premises; • Selling drinks below the minimum floor price; • Discount offers, such as: <ul style="list-style-type: none"> - Drink cards, promotional cards or vouchers that encourage stockpiling drinks or consumption over a short period of time; or - Bulk purchases that result in liquor products being sold for less than minimum drink pricing.
Rapid / Excessive Liquor Consumption	<ul style="list-style-type: none"> • Supply of a complimentary standard drink upon arrival; • Offer low alcohol beer / drinks where it is clear from the advertising and promotional material that it is a low alcohol beer / drink promotion; • Advertising of a consistent price of a particular type or brand of liquor across the entire trading hours of a premises on a given day or night, providing the price is not so low that it will, in itself, encourage the excessive consumption of alcohol and intoxication. 	<ul style="list-style-type: none"> • No jugs, cocktails or multiple measures as complimentary drinks; • It is unacceptable for any labelling or titling of promotions that may encourage patrons to consume liquor irresponsibly and excessively to an intoxicated state; • It is unacceptable to refuse to serve half measure of spirits on request or provide reasonably priced non-alcoholic drinks. (Note: 15ml measures must be available on request even though dispenser measure 30ml nips); • It is unacceptable for any promotion that encourages a patron to consume liquor excessively, for example 'all you can drink offers' 'free drinks for women', 'two for one' and to

		<p>consume it in an unreasonable time period;</p> <ul style="list-style-type: none"> • It is not acceptable to use indecent or offensive language, images, symbols, figures and innuendo.
Non-Standard Measures	<ul style="list-style-type: none"> • Supplying alcohol in standardised quantities that can be recognised by patrons is acceptable: <ul style="list-style-type: none"> - Serving spirits in standard or half measure nips upon request; - Serving alcohol in glasses marked with standard drinks measured quantities; - Supplying liquor in pre-packaged containers labelled with measured quantities. 	<ul style="list-style-type: none"> • It is unacceptable to supply and serve drinks that offer alcohol in non-standard measures and / or by virtue of their emotive titles, such as 'laybacks', 'shooters', 'slammers', 'test tubes', 'blasters' and their method of consumption which encourages irresponsible drinking habits that are likely to result in rapid intoxication;
Marketing / Advertising and Promotions	<ul style="list-style-type: none"> • Event nights for the venue with prizes of food, meal deals or other non-liquor prizes are acceptable; • Consider limiting the number of drinks that can be purchased by a single person in a single transaction during the promotion (i.e: 2 drinks per person per transaction during a happy hour); • Consider limiting the number of promotions that are held during a single trading period; • Consider ensuring that proposed marketing / advertising is not in conflict with the standards for <i>ABAC Responsible Alcohol Marketing Code</i>. 	<ul style="list-style-type: none"> • It is unacceptable to promote drink deals such as such as 2 for 1 drinks; • Drinking competitions that encourage excessive or rapid consumption of liquor are not acceptable, such as: <ul style="list-style-type: none"> - Skolling games; - 'laybacks' - labelling or titling of promotions such as "beat the clock" or "drink like a fish" • It is unacceptable to use advertising or promotions inclusive of images of persons that appear to look under 18; • Advertising and promotions of liquor must not encourage under-age drinking.

10. Related information

[Image](#)

Liquor Act 2019

Australian advertising codes and regulations

Licensing NT compliance and enforcement framework

Licensing NT contact information

National Drug Strategy 2017 – 2026