

The ABAC Scheme

The Alcohol Beverages Advertising Code (ABAC)
And Complaints Management Scheme

**An information brochure prepared
by the Principals of ABAC:**

Australian Associated Brewers Inc (AAB)
Distilled Spirits Industry Council of Australia Inc (DSICA)
Liquor Merchants Association of Australia Ltd (LMA)
Winemakers Federation of Australia Inc (WFA)

In association with:

Advertising Federation of Australia (AFA)

■ INTRODUCTION

The Alcohol Beverages Advertising Code (ABAC) and Complaints Management System is the self regulating advertising scheme of the Australian alcohol beverages industry.

The Code was first introduced in 1998 and updated in 2004 to take into account changes including the growing use of internet advertising and promotional events for alcohol beverages.

The ABAC scheme has been prepared in agreement with all major Australian alcohol beverages manufacturing and marketing industry associations and key advertising, media and consumer bodies. The Australian Consumers Association and the Australian Competition and Consumer Commission were consulted in the foundation of the Code and relevant Government Ministers, their advisors and departments were consulted through the work of the Ministerial Council on Drug Strategy for this update.

ABAC is operated by a Management Committee that includes representatives of each of the following associations, as well as a government representative:

Australian Associated Brewers Inc

Distilled Spirits Council of Australia Inc

Liquor Merchants Association of Australia Ltd.

Winemakers Federation of Australia Ltd.

Advertising Federation of Australia, plus

A government representative.

Members of these industry associations and other signatories have committed to abide by both the Code and the decisions of the ABAC Complaints Adjudication Panel.

■ ADVERTISING REGULATION

All advertising for alcohol beverages is required to comply with both the Australian Association of National Advertisers (AANA) Advertiser Code of Ethics, which applies to all forms of advertising, and the Alcohol Beverages Advertising Code (ABAC).

The AANA Advertiser Code of Ethics is administered by the Advertising Standards Bureau. The Bureau also administers the Advertising Standards Board (ASB) which is an independent panel which considers complaints about advertising involving issues of discrimination, vilification, violence, sex, sexuality, nudity, alarm and distress to children, language and health and safety.

The Alcohol Beverages Advertising Code complements the AANA Advertiser Code of Ethics and provides for more specific guidance in relation to the advertising of alcohol beverages.

ALCOHOL BEVERAGES ADVERTISING CODE

Preamble

Australian Associated Brewers Inc, the Distilled Spirits Industry Council of Australia Inc, the Winemakers Federation of Australia and the Liquor Merchants Association of Australia Ltd are committed to the goal of all advertisements for alcohol beverages, other than point of sale material, produced for publication or broadcast in Australia complying with the spirit and intent of this Code.

The Code is designed to ensure that alcohol advertising will be conducted in a manner which neither conflicts with nor detracts from the need for responsibility and moderation in liquor merchandising and consumption, and which does not encourage consumption by underage persons.

The conformity of an advertisement with this Code is to be assessed in terms of its probable impact upon a reasonable person within the class of persons to whom the advertisement is directed and other persons to whom the advertisement may be communicated, and taking its content as a whole.

Definitions

For the purpose of this Code –

adult means a person who is at least 18 years of age;

alcohol beverage includes any particular brand of alcohol beverage;

adolescent means a person aged 14-17 years inclusive;

Australian Alcohol Guidelines means the electronic document 'Guidelines for everyone (1-3)' published by the National Health & Medical Research Council (NHMRC) as at 1st January 2004.

child means a person under 14 years of age; and

low alcohol beverage means an alcohol beverage which contains less than 3.8% alcohol/volume.

Advertisements for alcohol beverages must –

- a) present a mature, balanced and responsible approach to the consumption of alcohol beverages and, accordingly –
 - i) must not encourage excessive consumption or abuse of alcohol;
 - ii) must not encourage under-age drinking;
 - iii) must not promote offensive behaviour, or the excessive consumption, misuse or abuse of alcohol beverages;
 - iv) must only depict the responsible and moderate consumption of alcohol beverages;
- b) not have a strong or evident appeal to children or adolescents and, accordingly –
 - i) adults appearing in advertisements must be over 25 years of age and be clearly depicted as adults;
 - ii) children and adolescents may only appear in advertisements in natural situations (eg family barbecue, licensed family restaurant) and where there is no implication that the depicted children and adolescents will consume or serve alcohol beverages; and
 - iii) adults under the age of 25 years may only appear as part of a natural crowd or background scene;
- c) not suggest that the consumption or presence of alcohol beverages may create or contribute to a significant change in mood or environment and, accordingly –
 - i) must not depict the consumption or presence of alcohol beverages as a cause of or contributing to the achievement of personal, business, social, sporting, sexual or other success;
 - ii) if alcohol beverages are depicted as part of a celebration, must not imply or suggest that the beverage was a cause of or contributed to success or achievement; and
 - iii) must not suggest that the consumption of alcohol beverages offers any therapeutic benefit or is a necessary aid to relaxation;
- d) not depict any direct association between the consumption of alcohol beverages, other than low alcohol beverages, and the operation of a motor vehicle, boat or aircraft or the engagement in any sport (including swimming and water sports) or potentially hazardous activity and, accordingly –
 - i) any depiction of the consumption of alcohol beverages in connection with the above activities must not be represented as having taken place before or during engagement of the activity in question and must in all cases portray safe practices; and
 - ii) any claim concerning safe consumption of low alcohol beverages must be demonstrably accurate;
- e) not challenge or dare people to drink or sample a particular alcohol beverage, other than low alcohol beverages, and must not contain any inducement to prefer an alcohol beverage because of its higher alcohol content; and
- f) comply with the Advertiser Code of Ethics adopted by the Australian Association of National Advertisers.
- g) not encourage consumption that is in excess of, or inconsistent with the Australian Alcohol Guidelines issued by the NHMRC.

Internet advertisements

The required standard for advertisements outlined in (a) to (g) above applies to internet sites primarily intended for advertising developed by or for producers or importers of alcohol products available in Australia or that are reasonably expected to be made available in Australia, and to banner advertising of such products on third party sites.

Retail Advertisements

Advertisements which contain the name of a retailer or retailers offering alcohol beverages for sale, contain information about the price or prices at which those beverages are offered for sale, and which contain no other material relating to or concerning the attributes or virtues of alcohol beverages except –

- i) the brand name or names of alcohol beverages offered for sale;
- ii) the type and/or style of the alcohol beverages offered for sale;
- iii) a photographic or other reproduction of any container or containers (or part thereof, including any label) in which the alcohol beverages offered for sale are packaged;
- iv) the location and/or times at which the alcohol beverages are offered for sale; and
- v) such other matter as is reasonably necessary to enable potential purchasers to identify the retailer or retailers on whose behalf the advertisement is published, must comply with the spirit and intent of the Code but are not subject to any process of prior clearance.

Promotion of alcohol at events

Alcohol beverage companies play a valuable role in supporting many community events and activities. It is acknowledged that they have the right to promote their products at events together with the right to promote their association with events and event participation. However, combined with these rights comes a range of responsibilities. Alcohol beverage companies do not seek to promote their products at events which are designed to clearly target people under the legal drinking age.

This protocol commits participating alcohol beverage companies to endeavour to ensure that:

- All promotional advertising in support of events does not clearly target underage persons and as such is consistent with the ABAC standard; and
- Alcohol beverages served at such events are served in keeping with guidelines, and where applicable legal requirements, for responsible serving of alcohol (which

preclude the serving of alcohol to underage persons); and

- Promotional staff at events do not promote consumption patterns that are inconsistent with responsible consumption, as defined in the NHMRC Guidelines; and
- Promotional staff do not misstate the nature or alcohol content of a product; and
- Promotional staff at events are of legal drinking age; and
- Promotional materials distributed at events do not clearly target underage persons; and
- Promotional materials given away at or in association with events do not connect the consumption of alcohol with the achievement of sexual success; and
- Promotional materials given away at or in association with events do not link the consumption of alcohol with sporting, financial, professional or personal success; and
- Promotional materials given away at events do not encourage consumption patterns that are inconsistent with responsible consumption, as defined in the NHMRC Guidelines; and
- A condition of entry into giveaways promoted by alcohol companies at or in association with events is that participants must be over the legal drinking age; and prizes given away in promotions associated with alcohol beverage companies will only be awarded to winners who are over the legal drinking age.

Third Parties

At many events alcohol companies limit their promotional commitments to specified activities. This protocol only applies to such conduct, activities or materials associated with events that are also associated with alcohol beverage companies.

Alcohol beverage companies will use every reasonable endeavour to ensure that where other parties control and/or undertake events, including activities surrounding those events, they comply with this protocol. However non-compliance by third parties will not place alcohol beverage companies in breach of this protocol.

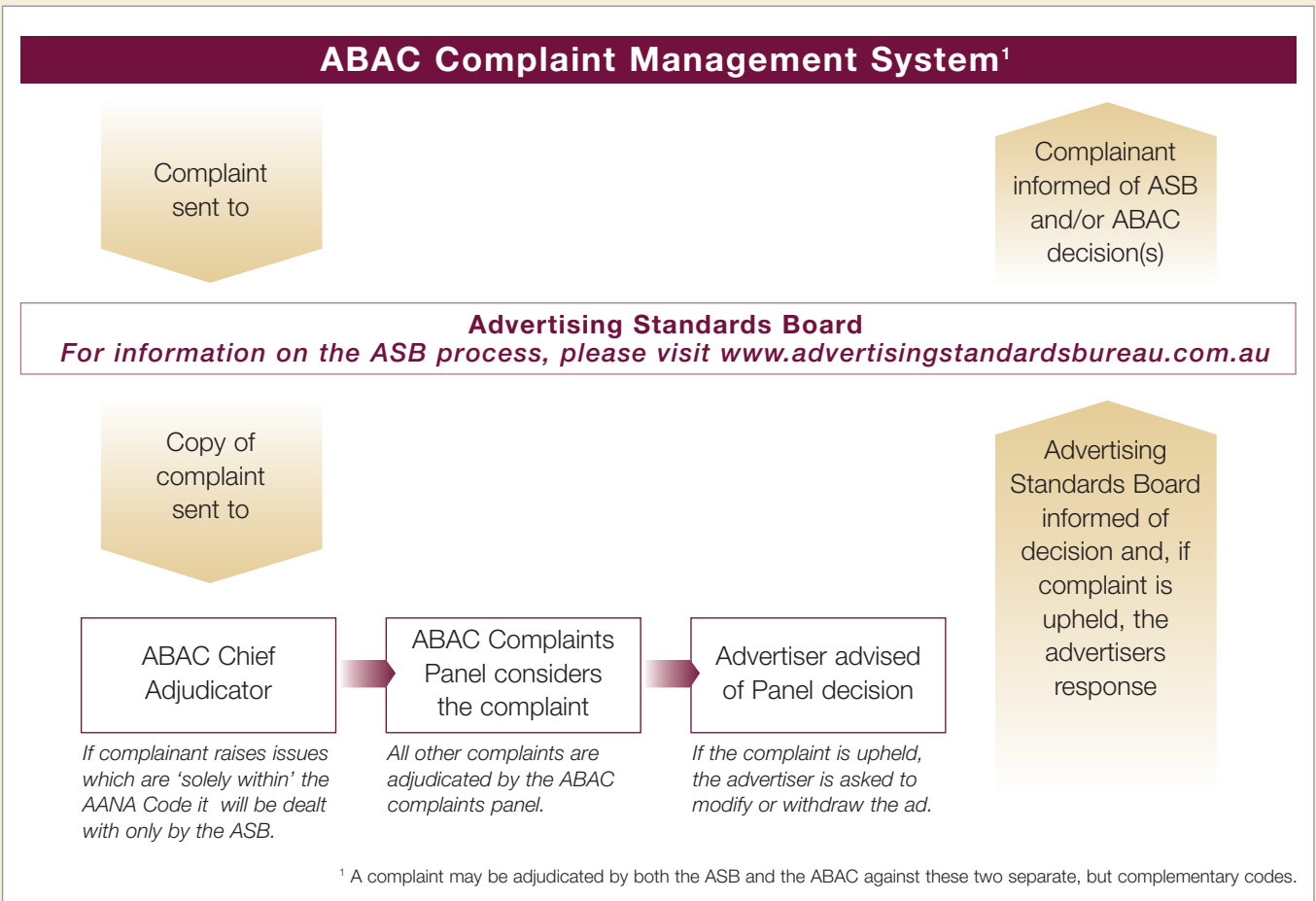
Public Education

This protocol does not apply to or seek to restrict alcohol beverage companies from being associated with conduct, activity or materials that educate the public, including underage persons, about the consequences of alcohol consumption and the possible consequences of excessive or underage consumption.

THE COMPLAINT MANAGEMENT SYSTEM

All complaints about advertising are channelled through the **Advertising Standards Board**, which provides a single point of contact for consumers.

If the complaint is about an advertisement for an alcohol beverage, a copy of it is referred immediately to the Chief Adjudicator of the ABAC Complaints Panel. The Chief Adjudicator must refer the complaint to the ABAC Complaints Panel, unless it raises issues which fall solely within the province of the separate AANA Code of Ethics. A complaint may be considered against both the AANA and ABAC codes.



Dealing with Complaints

Under the ABAC scheme, all complaints referred to the Complaints Adjudication Panel will be assessed to ensure unbiased interpretation of the Code and independent adjudication on complaints about alcohol beverages advertising.

To ensure consistent and effective decision-making, a panel of three members will be available to consider complaints. One member of the panel will be a health expert appointed in consultation with government.

Consistent with the expectations of the broader community, all panel members represent broad, mainstream values. They are independent of the alcohol industry and do not represent any particular interest group.

Reporting the Panel's decisions

The Chief Adjudicator of the ABAC Complaints Adjudication Panel will preside over the complaints adjudication process and will advise the Advertising Standards Board, the Advertiser and the ABAC Management committee in writing of the outcome of the Panel's decisions. The Advertising Standards Board will then advise the complainant of the outcome of their complaint.

At the end of each year, the ABAC Management Committee will publish a report on the ABAC scheme for that year. It will be circulated to relevant State and Federal Ministers and Departments and to appropriate advertising and media industry bodies, including the Advertising Standards Bureau. The report will also be available to the public through ABAC members' websites.

■ ALCOHOL ADVERTISING PRE-VETTING SYSTEM (AAPS)

Underpinning the ABAC is the Alcohol Advertising Pre-vetting System (AAPS) which is also managed by the Australian Associated Brewers (AAB), the Distilled Spirits Industry Council of Australia (DSICA), and the Winemakers Federation of Australia (WFA) for their members.

The primary function of AAPS is to re-inforce the effectiveness of the ABAC Code, by utilising independent adjudicators to evaluate advertisements for alcohol beverages against the Code at the concept or story-board stage.

AAPS has proven to be an effective self-regulatory filter applied before an advertisement goes into final production and is broadcast or published.

An application form for AAPS approval can be downloaded from www.afa.org.au under Advertising Regulations.

■ INTERNATIONAL BEST PRACTICE IN ADVERTISING SELF-REGULATION

The AAPS and the ABAC Code represent international Best Practice in advertising self-regulation. Both schemes are outstanding examples of the alcohol beverage industry working together to satisfy the community's concern about alcohol advertising and promotion. Our system is also ground-breaking internationally, with several countries adopting the model or developing systems based on it.

The **ABAC**
Scheme

How to make a complaint about an alcohol advertisement:

If you wish to complain about an advertisement for an alcohol beverage product, you should make your complaint in writing and send it to:

The Advertising Standards Board

Level 2
97 Northbourne Avenue
TURNER ACT 2612

Fax:

(02) 6262 9833

Online:

www.advertisingstandardsbureau.com.au