

The ABAC Scheme

Annual Report 2009

presented by the
Management Committee of The ABAC Scheme

Table of contents

Section 1	
Report from the ABAC Management Committee	i
Overview	2
2009—some numbers compared	4
Section 2	
Report from the Chief Adjudicator 2009	5
Introduction	5
Issues for consideration	6
Section 3	
Alcohol Beverages Advertising Code	10
Preamble	10
Definitions	10
Part 1	
Standard to be applied to advertisements for alcohol beverages	10
Internet advertisements	11
Retail advertisements	11
Promotion of alcohol at events	11
Third parties	12
Public education	12
Part 2	
Standards to be applied to the naming and packaging of alcohol beverages	13

Report from the ABAC Management Committee

2009 can be characterised as a year of significant reform and progress for the ABAC Scheme with a number of significant milestones reached and a range of new processes coming into effect during the year. It was also a year of change for the management committee. At the start of the year Simon Cotterell, Assistant Secretary of the Drug Strategy Branch in the Department of Health and Ageing, joined the committee as the government representative.

During 2009 the management committee was pleased to finalise the incorporation of the ABAC Scheme, permitting expansion of the scheme to cover the naming and packaging of alcohol products, which are now subject to a public complaints system. The provisions for naming and packaging apply the same standards as the ABAC Code but provide a slightly different complaints process. I encourage all alcohol producers and marketers to familiarise themselves with the new provisions. The expanded code and rules and procedures are available for download from the ABAC website www.abac.org.au.

Following a tender process in 2008 to provide expanded administrative services to the scheme, in 2009 the management committee welcomed Ms Jayne Taylor as Administrator of the ABAC Scheme. Ms Taylor brings substantial understanding of the ABAC Scheme and its operation and extensive professional experience to the role. The streamlining of ABAC administrative functions occurring during 2009 was in no small part due to Ms Taylor's hard work and dedication, and the management committee looks forward to working closely with Jayne over coming years.

The rules of the ABAC Scheme appoint pre-vetters, engaged under the Alcohol Advertising Pre-Vetting Service (AAPS), for a limited term, this necessitates the periodic turnover of pre-vetting personnel. 2009 saw changes to the AAPS with the departure of pre-vetter Ms Una Lawrence. Ms Lawrence provided a significant contribution to the effective operation of the Service during her time as pre-vetter, and takes with her the best wishes of the management committee and AAPS clients alike.

In late 2009 the management committee appointed Ms Kathryn Mellick as an AAPS pre-vetter. Ms Mellick has a strong background in consumer and legal affairs and will be a valuable addition to the pre-vetting team. Pre-vetting is an important resource for advertisers, and the management committee is committed to providing a valuable and highly regarded service that is responsive to user needs.

2009 was a very popular year for the Pre-Vetting Service, with advertisers using the service in record numbers. The management committee was very pleased to see that despite an almost 25 per cent increase in the numbers of advertisements pre-vetted this year, there was only a very slight increase (less than 2.6 per cent) in rejected advertisements. This suggests a heightened awareness of the provisions of the ABAC Code among advertisers, and we look forward to this trend continuing into 2010.

These annual reports are usually an occasion to record the outcomes of meetings of the management committee and the issues at the boundary of case

law within the Chief Adjudicator's report. This is as it should be. However, we should also pull back occasionally and look at the woods as well as the trees. ABAC is a robust, successful and professional regulatory system for alcohol advertising, with resourcing appropriate to the task. An active management committee oversees a system that enjoys wide stakeholder support, which, with the professional assistance of an administrator, three pre-vetters and four adjudicators, processes a consistently high volume of advice and adjudications to a high standard—year in and year out. 2009 was no exception.

So, finally, I would like to extend my personal thanks to the members of the ABAC Management Committee, adjudicators and AAPS pre-vetters for their efforts throughout the year. On behalf of the management committee I look forward to the ongoing success of the ABAC Scheme during 2010.

Stephen Swift
ABAC Chair 2009

Management Committee, The ABAC Scheme



Stephen Swift
Australian Associated Brewers Inc
(ABAC Chair 2009)



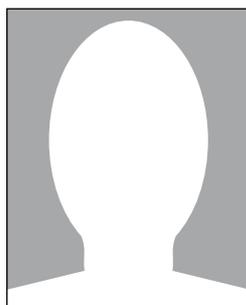
Gordon Broderick
Distilled Spirits Industry
Council of Australia Inc



Mark Champion
Advertising Federation of
Australia



Virginia Hart
Australian Government
Department of Health & Ageing
(until April 2009)



Simon Cotterell
Australian Government
Department of Health & Ageing
(from April 2009)



Stephen Strachan
Winemakers' Federation
of Australia Inc

Overview

Australia has a quasi-regulatory system for alcohol advertising—guidelines for advertising have been negotiated with government, consumer complaints are handled independently, but all costs are borne by industry.

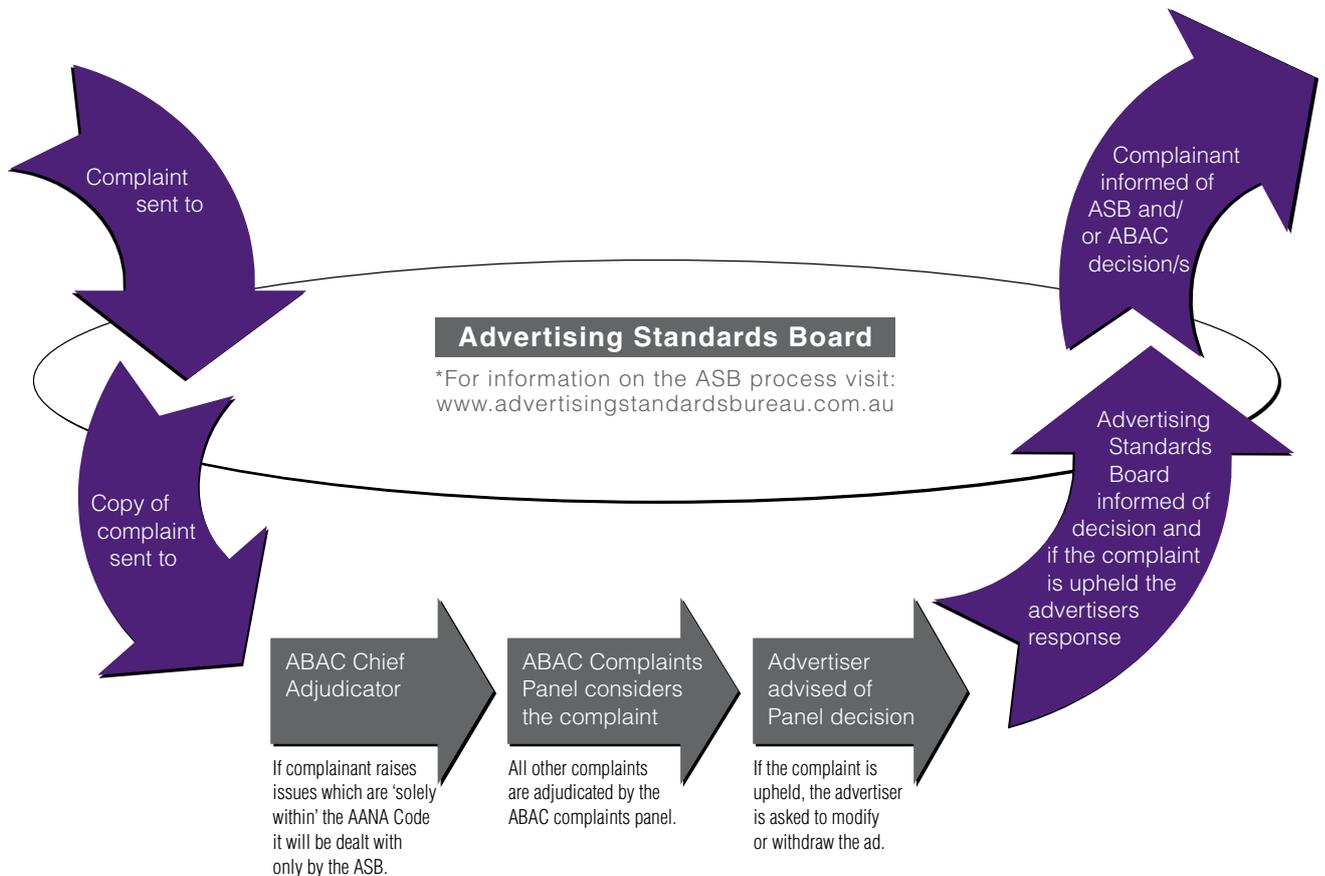
The ABAC Scheme is the centrepiece of Australia’s quasi-regulatory system and is administered by a management committee which includes industry, advertising and government representatives.

From the consumer’s perspective

Australia has one of the most accessible complaints systems in the world, accepting complaints via email, letter or fax with no costs to the consumer.

There is just one ‘doorway’ for complaints—through the Advertising Standards Bureau (ASB)—which triggers two independent but parallel processes. Complaints received from the ASB are all assessed by the chief adjudicator under the ABAC Scheme. In turn, complaints are referred on to the full Alcohol Beverages Advertising Adjudication Panel unless they relate solely to the Australian Association of National Advertisers (AANA) Code of Ethics. Complainants are informed of the referral or otherwise and sent a copy of the final determination. Complainants who request confidentiality will be granted it and members of the alcohol beverage industry are barred from adjudicating and submitting complaints.

Figure 1: ABAC Complaint Management System



From the companies' perspective

There are four potential decision points for alcohol beverage producers undertaking advertising, as outlined in Figure 2 below.

These include internal company checks, independent pre-vetting of advertisements, assessment of any complaints under the ABAC Scheme and, if complaints are upheld, modification or withdrawal of advertisements.

The ABAC Scheme is not the only set of rules affecting advertising in Australia.

Alcohol beverage advertising must also be consistent with other applicable laws and codes, for example:

- the Trade Practices Act and state fair trading legislation
- the Australian Association of National Advertisers Code of Ethics
- the Commercial Television Industry Code of Practice
- the Commercial Radio Codes of Practice
- the Outdoor Media Association Code of Ethics.

Figure 2: Four decision points for companies

1 st decision point	2 nd decision point	3 rd decision point	4 th decision point
Checked by company and advertising agency staff against the code	Pre-vetted by non-company assessors using the AAPS service	Any complaints are referred (via the ASB) to the ABAC Chief Adjudicator	Where a complaint is upheld, company asked to withdraw or modify an advert within five business days

2009—some numbers compared

Pre-vetting		2007	2008	2009
Number of alcohol advertisements pre-vetted		1267	1110	1369
	Number that were accepted	913	849	1046
Of the advertisements pre-vetted:	Number that were accepted subject to conditions	61	29	85
	Number that were rejected	293	232	238

Complaints		2007	2008	2009
Number of complaints received:		87	162	117
Number of advertisements these complaints referred to:		38	44	42
Number of complaints considered by the Alcohol Beverages Advertising Adjudication Panel*: (i.e. complaints that fell within the code—all others fell solely within the Australian Association of National Advertisers Code of Ethics covering general advertising issues. See www.advertisingstandardsbureau.com.au for further information)		25	49	47
Number of determinations from complaints received that year		22	36	39
Number of complaints upheld:		8	12	12
Number of determinations upholding complaints		8	7	10

Observations

- Two advertising campaigns attracted 45 of the 117 complaints (38 per cent) received in 2009, all other campaigns received no more than seven complaints.
- Complaints resulting in a determination took, on average, 22.5 business days to be completed (last year 19.8).
- 91 per cent of determinations were completed within 30 business days.
- Four determinations were completed in excess of 30 business days—one of which was due to the Christmas period (this complaint was dismissed), three of which were delayed due to their complexity, delays in responses by the advertiser (non-signatory) and the decision to combine three complaints received more than six weeks apart but which raised similar issues. The first two of these complaints resulted in the ad being withdrawn shortly after the advertiser was notified of the complaint and all three complaints were upheld.
- Upheld complaints were dealt with, on average, within 31 business days.

Report from the Chief Adjudicator

Introduction

In 2009 there were significant reforms for the ABAC Scheme with the commencement of the complaints system for naming and packaging of alcohol beverages in particular having potentially important implications for the Adjudication Panel in coming years.

The Naming and Packaging extension commenced on 31 October 2009 and allows for the panel to consider public complaints about not only the way in which a product is advertised, but how it is presented and branded.

The second significant reform introduced during the year involved the incorporation of the ABAC Scheme Limited. While this reform does not impact on the decision-making processes of the panel as such, it does provide an improved governance model for the scheme as a whole, including the adjudication process. The Scheme's Management Committee kindly gave me the opportunity to comment on the provisions in the company constitution impacting on the adjudication process and suggested changes were included in the company's foundation document.

Complaints

In operational terms, the complaints system performed well in 2009, with only four complaints failing to be determined within the target timeframe of 30 business days from receipt of a complaint from the ASB. The meeting of this timeframe in the vast majority of cases is due, in large measure, to the efficient management of the panel's workflow by its Administration Officer, Ms Jayne Taylor. The four cases of delay arose in one instance due to the Christmas–New Year period and in the other three cases as a result of the complexity of the matters raised by the complaint and the associated need to undertake extensive enquiries, research and the settling of ongoing policy positions. Some of these matters are described in greater detail in the 'Issues for Consideration' section of this report.

During 2009, some 117 complaints were referred to the ABAC Scheme by the advertising Standards Board (ASB). These complaints related to 42 separate advertising campaigns and saw the panel make 39 new determinations. Of these determinations, 10 resulted in complaints being upheld in whole or part.

In analysing the determinations, it is possible to make some observations including:

- television was considered in the largest number of determinations— 16
- print advertising was considered in nine (9) determinations, while eight (8) related to websites
- Section (a) of the ABAC was the provision most commonly canvassed in complaints
- the year saw a large number of complaints concerned about the potential appeal of alcohol advertising to children and adolescents. In contrast, the number of complaints raising the issue of alcohol advertising suggesting that its presence or use was a cause or contributor to success is somewhat lower than the experience of previous years.

Report from the Chief Adjudicator (continued)

The table below compares the results from the last three years in terms of a section of the ABAC dealt with in determinations.

Basis of complaint	2007	2008	2009
Maturity and balance	12%	41%	23%
Excessive consumption	28%	18%	26%
Underage drinking	28%	27%	46%
Offensive behaviour and misuse	32%	51%	26%
Irresponsible consumption	12%	2%	0%
Appeal to children and/or adolescents	32%	29%	53%
Alcohol cause of success	20%	22%	13%
Alcohol cause of celebration	8%	0%	3%
Therapeutic benefit	8%	4%	5%
Motor vehicle use or sport	20%	16%	15%
Daring a person to drink	4%	0%	0%
Inconsistent with NHMRC Guidelines	0%	0%	3%
Bringing ABAC into disrepute	0%	0%	3%

It is important to understand that, while the comparison from year-to-year is of interest, the results can easily be distorted by a particular advertising campaign in an individual year attracting a large of complaints. Accordingly, there should be considerable caution in assuming that the figures reveal a particular trend, either in terms of the style of advertising employed by alcohol companies or in the nature of public concerns.

Issues for consideration

The genesis of the ABAC can be traced back to the 1980s, with the current scheme coming into operation in 1998.

The code has been subject to review and revision in the subsequent 11 years, with a significant review conducted under the auspices of the Ministerial Council for Drug Strategy in 2003 and code changes implemented from 2004.

While the changes to the scheme have been important, such as its extension to the Internet in 2004 and the Naming and Packaging extension introduced in late 2009, it would be fair to say that the underlying model of the scheme has not altered since its commencement in 1998. This basic model makes certain assumptions about the type and style of alcohol beverage advertising to which the code is directed, such as:

- that specific alcohol beverages are being directly advertised
- that this advertising is in the form of a single execution, albeit that the execution might be part of a wider and comprehensive marketing campaign
- that the advertisement is transmitted by a 'traditional' medium of television, radio, print, billboard or via the Internet through a dedicated product website or a banner advertisement on a third party website
- that the advertisement is placed by a member of one of the peak industry associations which sponsor the ABAC Scheme.

The experience of the panel in 2009 is that these assumptions hold true in the significant majority of matters which come before the panel, but that there have been some complaints which have brought into play issues which test the ability of the ABAC model to deal with the style or approach of particular alcohol marketing. Invariably issues of this kind raise policy matters which cannot adequately be settled by the panel and require the consideration of the ABAC Management Committee and/or Australian governments.

1 Alcohol beverages and alcohol retailers

The creation of the ABAC Scheme in 1998 was the initiative of four peak alcohol industry associations, one of which was the Liquor Merchants Association of Australia (LMAA). The LMAA withdrew from the scheme in 2006 due to a change in the LMAA's activities. It was considered at the time that this departure would not narrow the industry coverage of the ABAC Scheme, due to the overlapping membership of the LMAA with the remaining sponsoring industry associations.

In practice, this belief has been confirmed and the panel has not encountered liquor merchants who have failed to cooperate with the panel's processes when a complaint concerning the advertising of a retail outlet has been before it. The ABAC model, however, does assume that alcohol advertising will be for a specific brand of alcohol beverage and, to some extent, the code sits uneasily with complaints about advertising which is promoting an alcohol retail outlet rather than a specific type of beverage. Examples of this encountered in 2009 were Determinations 6/09, 48/09 and 55/09.

An issue for the scheme's management committee is whether the scope of the ABAC should or could be widened to specifically include advertising by retail outlets that sell alcohol beverages which does not feature the promotion of a specific alcohol beverage brand.

2 Surrogate marketing

Possibly the most difficult issue confronted by the Panel in 2009 was several complaints which raise promotion of an alcohol beverage brand by means of so-called surrogate marketing. The panel adopted a meaning of surrogate marketing in Determination 7/09 as "the indirect promotion of a product through the marketing of an associated product". Determination 7/09 concerned a TV advertisement for Domino's pizza featuring Jim Beam sauce.

While the complaint was dismissed, the panel was obliged to consider if the ABAC standards on the advertising of specific alcohol beverages could be applied to an advertisement for an alcohol named but non-alcohol beverage product e.g. a pizza. The Determination explains the circumstances where the ABAC could apply to such advertising. In reaching this conclusion, the panel noted that it was making decisions which the scheme's management committee, and potentially Australian governments, should review.

Surrogate marketing of alcohol brands through the branding of non-alcohol products does not appear to be extensive in Australia; however, complaints have come to the panel about certain foodstuffs such as pizza and potato chips being branded with well-known alcohol company names. To date the concerns about this practice have been in essence that the promotion of alcohol brands in this way "normalises" alcohol use. The complaints have not particularly raised concerns about the way in which the advertising of the non-alcohol product has taken place. This is an issue, however, which warrants close monitoring.

3 Sponsorship

A related issue to surrogate marketing is the sponsorship of various events or sports teams by alcohol companies. In 2009 the panel considered complaints about individual advertisements which flowed from wider sponsorship arrangements. As mentioned, the underlying model of the ABAC assumes direct advertising of a physical alcohol product and invariably complaints about alcohol company sponsorship test the ABAC framework. As with surrogate marketing, the policy issues raised by sponsorship are matters for the ABAC Management Committee and government to determine if either the ABAC Scheme requires some adjustment or some other policy response is called for.

4 New media

The ABAC is structured to be media-neutral. This means that it contains standards of good practice that govern the form and style of individual alcohol advertisements which are applicable, irrespective of the particular medium through which the advertisement is placed. During the year the panel, in Determination 38/09, considered a complaint which related to alcohol promotion on a Facebook fan site. The threshold issue for the panel was whether the fan site was 'alcohol beverage advertising' for the purposes of the ABAC.

The panel concluded that promotional material for the alcohol product on the site was advertising and a decision on the substantive question of the consistency of the promotional material and the ABAC standards was made. In the Determination, the panel noted that it had made a policy decision about the application of the code to social networking media and that the policy issues involved should be considered by the management committee.

5 *Drink Responsibly* messages and Age Verification steps

It has become increasingly common for alcohol beverage advertisements to contain a 'drink responsibly' message within the body of the advertisement. In Determination 43/09, the panel considered an argument raised by a complainant that a failure to contain such a message amounted to a breach of the ABAC. The panel concluded that there was no express provision within the ABAC requiring the inclusion of a responsibility message and that a failure to contain such a message did not constitute a breach of the code.

A second issue raised in Determination 110/09 questioned if access to an alcohol promotion website should require a visitor to provide age verification. The ABAC contains no such requirement and the Panel found that the general code standards could not be interpreted to require an age verification procedure.

The management committee may care to consider whether, in a subsequent review of the code, a positive requirement to contain a 'drink responsibly' message and age verification for website access might become code requirements.

6 National Health and Medical Research Council (NHMRC) Guidelines

Section (g) of the ABAC provides that an advertisement is not to encourage consumption that is in excess of or inconsistent with the Australian Alcohol Guidelines issued by the National Health and Medical Research Council (NHMRC). The code definition section states that “Australian Alcohol Guidelines” means the electronic document “Guidelines for Everyone” (1–3) published by the NHMRC as at 1 January 2004.

In Determination 75/09 the panel considered a complaint that went directly to this part of the ABAC. Upon enquiry, it was discovered that the NHMRC Guidelines had been superseded with new guidelines which came into effect in February 2009. The panel concluded, relying on the spirit and intent of the ABAC, that it should consider the new guidelines in making its decision, rather than the superseded guidelines.

It is recommended that the management committee recognise the change in the status of the NHMRC Guidelines and amend the code definition provision to make reference to the Australian Alcohol Guidelines in force from time-to-time.

7 Application of other alcohol advertising codes

Alcohol advertising is subject to a number of codes which are the responsibility of a variety of different organisations. The system for the consideration of public complaints about alcohol advertising allows for complaints to be considered either by the ABAC Adjudication Panel or the Advertising Standards Board when a complaint is solely raising matters under the AANA Code of Ethics.

The procedures applying to the panel’s operation in essence allow the panel to act as a ‘safety net’ so that all public complaints about alcohol advertising are considered. Given that there is no separate complaint mechanism in relation to the Outdoor Media Association’s alcohol advertising guidelines, nor the alcohol provisions contained within the Commercial Television Industry Code of Practice, the panel has adopted a position of making determinations when issues under these two codes are raised.

The panel has not encountered any difficulties in fulfilling an adjudicative role for these two codes. The management committee, however, may wish to assess whether it remains satisfied with the ABAC Adjudication Panel as opposed to say the ASB considering complaints raising matters under codes other than the ABAC.

Alcohol Beverages Advertising Code

Preamble

Brewers Association of Australia and New Zealand Inc, the Distilled Spirits Industry Council of Australia Inc and the Winemakers Federation of Australia 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 and Medical Research Council (NHMRC) as at 1 January 2004

child means a person under 14 years of age

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

Part 1—Standards to be applied to advertisements for alcohol beverages

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 underage 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 (e.g. family barbecue, licensed family restaurant) and where there is no implication that the depicted children and adolescents will consume or serve alcohol beverages
 - 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

- 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
- 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.
- h) Not refer to the ABAC Scheme, in whole or in part, in a manner which may bring the scheme into disrepute.

Internet advertisements

The required standard for advertisements outlined in (1)(a) to (h) 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
- 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)

- promotional staff at events do not promote consumption patterns that are inconsistent with responsible consumption, as defined in the NHMRC Guidelines
- promotional staff do not misstate the nature or alcohol content of a product
- promotional staff at events are of legal drinking age
- promotional materials distributed at events do not clearly target underage persons
- promotional materials given away at or in association with events do not connect the consumption of alcohol with the achievement of sexual success
- promotional materials given away at or in association with events do not link the consumption of alcohol with sporting, financial, professional or personal success
- promotional materials given away at events do not encourage consumption patterns that are inconsistent with responsible consumption, as defined in the NHMRC Guidelines
- 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.

Part 2—Standards to be applied to the naming and packaging of alcohol beverages

1 The naming or packaging of alcohol beverages (which is also referred to within these standards as “product material”) 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 product material must be over 25 years of age and be clearly depicted as adults
 - ii) children and adolescents may only appear in product material in natural situations (e.g. family barbecue, licensed family restaurant) and where there is no implication that the depicted children and adolescents will consume or serve alcohol beverages
 - 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
 - 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
 - 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
- f) not encourage consumption that is in excess of, or inconsistent with the Australian Alcohol Guidelines issued by the NHMRC.
- g) not refer to the ABAC Scheme, in whole or in part, in a manner which may bring the scheme into disrepute.

2 These standards, (Part 2 (1) (a)–(g)), apply to the naming and packaging of all alcohol beverages supplied in Australia, with the exception of the name of any product or a trademark which the supplier can demonstrate, to the satisfaction of the Adjudication Panel, had been supplied for bona fide retail sale in the ordinary course of business in a state or territory of Australia prior to 31 October 2009.

