

ABAC RESPONSIBLE ALCOHOL MARKETING CODE

1 PREAMBLE

The aim of the ABAC Responsible Alcohol Marketing Code is marketing consistent with the objectives of the National Alcohol Strategy for the reduction of harm from adult alcohol consumption and, specifically, does not encourage minors to consume alcohol. The Code consists of a comprehensive set of good practice standards for the content and placement of marketing communications.

The Code complements National, State and Territory laws applying to alcohol marketing and other industry codes relating to the content and placement of marketing, such as, the Australian Association of National Advertisers Code of Ethics.

Signatories to the Code are committed to their marketing complying with the terms of the Code's content and placement standards as well as the spirit and policy intent of the Code.

Public complaints in relation to an Alcohol or Alcohol Alternative Marketing Communication may be lodged [here](#). The [ABAC Rules & Procedures](#) outline the process in relation to the adjudication of complaints.

From time to time, the ABAC Scheme may publish best practice advice to industry. That advice does not form part of the Code but complements it by assisting industry to achieve high levels of responsibility in the management of its marketing.

2 APPLICATION

(a) Parts 3 and 4 of the Code APPLY to all Alcohol Marketing Communications.

Part 5 of the Code APPLIES to all Alcohol Alternative Marketing Communications.

Examples of marketing communications and media the Code applies to include, but are not limited to:

- (i) product names and packaging;
- (ii) brand advertising (including alcohol retailer advertising, Influencer marketing, user generated content, marketing arising from a Sponsorship Agreement and trade advertising);
- (iii) product placement;
- (iv) Marketing Collateral;
- (v) competitions and other brand activations;
- (vi) cross category brand promotion;
- (vii) advertorials; and
- (viii) any medium whatsoever, including without limitation cinema, internet, outdoor, print, radio, television, telecommunications, digital or other direct-to-consumer media including new and emerging technologies.

(b) Notwithstanding Part 2(a), the Code does NOT apply to:

- (i) materials or activities whose sole purpose is to educate about misuse or abuse of Alcohol and which do not include a company's product branding;
- (ii) information in company annual reports, corporate public affairs messages or internal company communications;
- (iii) the name or packaging of a product, including the use of a trademark on a product, which a 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 Australia prior to 1 August 2023 for an Alcohol Alternative (excluding products that have an Alcohol variant) and prior to 31 October 2009 for Alcohol;
- (iv) Point of Sale Marketing initiated by Alcohol retailers (as these are regulated by liquor licensing legislation), provided that a producer or distributor of Alcohol has no reasonable control over the Point of Sale Marketing;
- (v) Sponsorship Agreement.

3 CONTENT STANDARDS TO BE APPLIED

(a) Responsible and moderate portrayal of Alcohol

An Alcohol Marketing Communication must NOT:

- (i) show (visibly, audibly or by direct implication), encourage, or treat as amusing, consumption inconsistent with the Australian Guidelines to Reduce Health Risks from Drinking Alcohol, such as:
 - (A) excessive Alcohol consumption (more than 10 standard drinks per week or more than 4 standard drinks on any one day); or
 - (B) Alcohol consumption while pregnant or breastfeeding;
- (ii) show (visibly, audibly or by direct implication), encourage, or treat as amusing, rapid Alcohol consumption, misuse or abuse of Alcohol or other irresponsible or offensive behaviour that is related to the consumption or presence of Alcohol;
- (iii) challenge or dare people to consume Alcohol or portray the refusal of Alcohol or choice of abstinence in a negative light; or
- (iv) encourage the choice of a particular Alcohol product by emphasising its alcohol strength (unless emphasis is placed on the Alcohol product's low alcohol strength relative to the typical strength for similar products) or the intoxicating effect of Alcohol.

(b) Responsibility toward Minors

An Alcohol Marketing Communication must NOT:

- (i) have Strong or Evident Appeal to Minors, in particular;
 - (A) specifically target Minors;
 - (B) have a particular attractiveness for a Minor beyond the general attractiveness it has for an Adult;
 - (C) use imagery, designs, motifs, language, activities, interactive games, animations or cartoon characters that are likely to appeal strongly to Minors;
 - (D) create confusion with confectionery, soft drinks or other similar products, such that the marketing communication is likely to appeal strongly to Minors; or
 - (E) use brand identification, including logos, on clothing, toys or other merchandise for use primarily by Minors
- (ii) depict a person who is or appears to be a Minor unless they are shown in an incidental role and there is no implication they will consume or serve Alcohol; or
- (iii) depict in a visually prominent manner:
 - (A) paid models, actors or Influencers that are and appear to be Adult but are under 25 years of age; or
 - (B) other people that are and appear to be Adult but are under 25 years of age UNLESS the depiction has been placed within an Age Restricted Environment.

(c) Responsible depiction of the effects of Alcohol

An Alcohol Marketing Communication must NOT:

- (i) suggest that the consumption or presence of Alcohol may cause or contribute to an improvement in mood or environment;
- (ii) show (visibly, audibly or by direct implication) the consumption or presence of Alcohol as a cause of or contributing to the achievement of personal, business, social, sporting, sexual or other success;
- (iii) suggest that the success of a social occasion depends on the presence or consumption of Alcohol; or
- (iv) suggest that the consumption of Alcohol offers any therapeutic or health (including mental health) benefit, is needed to relax, or helps overcome problems or adversity.

(d) Alcohol and Safety

An Alcohol Marketing Communication must NOT show (visibly, audibly or by direct implication) the consumption of Alcohol before or during any activity that, for safety reasons, requires a high degree of alertness or physical co-ordination, such as the control of a motor vehicle, boat or machinery or swimming.

4. PLACEMENT STANDARDS TO BE APPLIED

- (a) An Alcohol Marketing Communication must comply with code provisions regulating the placement of Alcohol marketing and an Alcohol Alternative Marketing Communication must comply with code provisions regulating the placement of Alcohol Alternative marketing that have been published by Australian media industry bodies (for example, Commercial Television Industry Code of Practice and Outdoor Media Association Placement Policy).
- (b) Available Age Restriction Controls must be applied to exclude Minors from viewing an Alcohol Marketing Communication and an Alcohol Alternative Marketing Communication.
- (c) If a digital, television, radio, cinema or broadcast print media platform does not have age restriction controls available that are capable of excluding Minors from the audience, an Alcohol Marketing Communication and an Alcohol Alternative Marketing Communication may only be placed where the audience is reasonably expected to comprise at least 80% Adults (based on reliable, up-to-date Australian audience composition or social media follower data, if such data is available).
- (d) An Alcohol Marketing Communication and an Alcohol Alternative Marketing Communication must not be placed with programs or content primarily aimed at Minors.
- (e) An Alcohol Marketing Communication and an Alcohol Alternative Marketing Communication must not be delivered directly to:
 - (i) a Minor by hand (except where the communication primarily relates to a matter unrelated to alcohol, for example, a shop receipt or a dining voucher);
 - (ii) a Minor by electronic direct mail (except where the mail is sent to a Minor due to a Minor providing an incorrect date of birth or age); or
 - (iii) any person that has sought removal from the marketer's mailing list.

5. ALCOHOL ALTERNATIVE STANDARDS TO BE APPLIED

- (a) An Alcohol Alternative Marketing Communication must comply with Parts 3 (b) and 4 of the Code.
- (b) An Alcohol Alternative Marketing Communication must also comply with Parts 3 (a), (c) and (d) of the Code if it:
 - (i) fails to clearly and prominently identify the product as an Alcohol Alternative; or
 - (ii) also promotes an Alcohol product (beyond a common brand name) or Alcohol use.

6. NO FAULT BREACH

A breach of this Code that is reasonably unforeseeable by or outside the reasonable control of a marketer or their agency will be classified as a no fault breach.

7. INTERPRETATION

Compliance of a marketing communication with the Code is to be assessed in terms of the probable understanding of the marketing communication by a reasonable person to whom the material is likely to be communicated and taking its content as a whole.

Capitalised terms have the meanings set out in Part 8 below.

Headings do not expand the Code.

8. DEFINITIONS

In this Code:

Adjudication Panel means the panel convened to adjudicate a complaint received by the ABAC Scheme.

Adult means a person who is of legal purchase age in Australia.

Age-Restricted Environment means:

- licensed premises that do not permit entry by Minors; or
- age-restricted account or post within a social media platform which:
 - requires users to register and login to use the platform, including the provision of their full date of birth; and
 - is able to hide the existence of any alcohol-related pages, sites and content such that they are not visible other than to a user who has registered on the platform as being an Adult.

Alcohol means a beverage or related consumable product (ice block, vapour etc) containing more than 0.5% alcohol by volume.

Alcohol Alternative means a beverage that is at or less than 0.5% alcohol by volume that:

- has an appearance and style commonly associated with Alcohol; and
- uses a brand or descriptors commonly associated with Alcohol, such as, beer, wine, spirit or other; and
- is not a beverage commonly understood as non-alcoholic, such as fruit juice, soft drink, flavoured milk or other which fall outside the Code remit.

Alcohol Alternative Marketing Communication means a marketing communication for an Alcohol Alternative, in any media, generated by, for, or within the reasonable control of an Alcohol Alternative producer, distributor or retailer, that has a discernible and direct link to Australia, apart from the exceptions listed in Part 2(b).

Alcohol Marketing Communication means a marketing communication for Alcohol, in any media, generated by, for, or within the reasonable control of an Alcohol producer, distributor or retailer, that has a discernible and direct link to Australia, apart from the exceptions listed in Part 2(b).

Australian Guidelines to Reduce Health Risks from Drinking Alcohol means the guidelines published by the National Health & Medical Research Council in 2020.

Available Age Restriction Controls means age restriction, targeting or affirmation technologies available to restrict a Marketing Communication to Adults, but this does not require a platform, website or account that is not primarily related to alcohol to be age restricted in its entirety before it can be used to place a Marketing Communication.

Code means this ABAC Responsible Alcohol Marketing Code.

Influencer means a third party endorser who shapes audience attitudes through a variety of methods, including, blogs, posts, the use of social media, and other streaming platforms.

Marketing Collateral means material to promote a brand and support the sales and marketing of Alcohol or an Alcohol Alternative, including but not limited to, Point of Sale Marketing, gifts with purchase, competition prizes and branded merchandise.

Minor means a person who is under 18 years of age and therefore not legally permitted to purchase Alcohol in Australia.

Point of Sale Marketing means promotional material located within retail premises, which is directed at and visible only to customers within the premises. It does not include promotional material positioned so that it is visible to people outside the retail premises.

Sponsorship Agreement means any agreement or part of an agreement involving payment or other consideration in lieu of payment by a producer, distributor or retailer of Alcohol or an Alcohol Alternative to support a sporting or cultural property, event or activity, in return for which the sponsored party agrees to be associated with or promote the sponsor's product or outlet. Sponsorship Agreement also includes naming rights of events or teams and the inclusion of a brand name and/or logo at an event venue or on uniforms of participants (excluding branded merchandise).