



ABAC Best Practice for Responsible Digital Marketing

Introduction

The ABAC Responsible Alcohol Marketing Code (the ABAC Code) sets content and placement standards for alcohol and alcohol alternative marketing in Australia. The Code applies to all forms of digital marketing.

ABAC has developed this best practice guide in two parts:

Part 1 – to highlight the application of the ABAC Code standards to digital marketing; and

Part 2 - to assist companies in the responsible implementation and management of their digital marketing, in line with the objectives of the ABAC Scheme.

Definitions

Adult means a person who is 18 years of age or over and therefore legally permitted to purchase Alcohol in Australia.

Alcohol means a beverage or related product 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.

Digital Marketing means advertising through digital platforms, tools and technologies including Applications, AI content generation and targeting, Blogs, Brand Websites, Instant Messaging, Live casting, Microblogs, Mobile Communications and Messaging, Online/banner advertising, Online gaming, Photo sharing, Podcasts, Proximity marketing, QR Codes, Relationship marketing, RSS Feeds, Search engine marketing and optimisation, social channels (e.g. Instagram, Pinterest, Reddit, Facebook, Snapchat, TikTok), user generated content, video sharing (eg Periscope, YouTube, Vimeo), email marketing and Wikis.

Part 1 – Application of the ABAC Code to Alcohol and Alcohol Alternative Digital Marketing Communications

1. Alcohol and Alcohol Alternative digital marketing communications must comply with the content and placement standards in the ABAC Code, in addition to relevant National, State and Territory laws and industry codes. For Example, Australian Consumer Law protects consumers from unfair behaviour by businesses. Some of the protections relate to marketing, including false or misleading claims and undue harassment.
2. The ABAC Code is available in full [here](#) and includes a range of content and placement standards. The following guidance has been developed to assist marketers and agencies in interpreting the essential meaning and intent of the Code by providing clarification through definition, explanation or example. **Links have been included throughout the Guide to relevant Panel decisions or other resources wherever text is underlined.** The guidance is not intended to replace or extend the provisions of the Code itself.
3. The content standards in Part 3 of the ABAC Code are platform neutral and apply to all forms of marketing via any medium. Importantly, the standards ensure that marketing content does not have strong or evident appeal to minors or show irresponsible alcohol use. The ABAC Alcohol Marketing Content Compliance Checklist is available [here](#).
4. In addition to the content standards, the ABAC Code restricts where alcohol and alcohol alternative marketing can be placed. The Placement Standards in Part 4 apply to all digital marketing and require a range of reasonable steps to be taken to ensure marketing is directed to Adults who have not sought removal from the marketer's mailing list and is not placed with programs or content that are primarily aimed at under 18 year olds and media where under 18 year olds make up a significant proportion of the audience. The placement standards applicable to digital marketing are:
 - 4(b) Available Age Restriction Controls must be applied to exclude Minors from viewing Alcohol and Alcohol Alternative Marketing Communications.
 - 4(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 and 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 audience composition data, if such data is available).
 - 4(d) An Alcohol and Alcohol Alternative Marketing Communication must not be placed with programs or content primarily aimed at Minors.
 - 4(e) An Alcohol and Alcohol Alternative Marketing Communication must not be delivered directly to:
 - (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. Digital marketing can occur through a variety of mechanisms and platforms. The options available to an Alcohol or Alcohol Alternative marketer to exclude people aged under 18 from viewing a marketing communication will vary between mechanisms and platforms and can cover a range of measures including age affirmation, age targeting and age restriction. While the Code does not specify which options are to be used, given the constant change in technical capabilities, best practice is that the highest level of restriction reasonably available be used to minimise the opportunity for minors to access the marketing. These technologies rely on people registering with their correct date of birth and registered adults not sharing devices with minors. A decision by a person to register with an incorrect date of birth or

share devices is outside the control of a marketer, who cannot then be responsible for their consequent exposure of users under the legal purchase age to age restricted marketing. However, it is important to note that increasingly digital platforms use age verification mechanisms to identify when a user's recorded date of birth does not align with their online interests and behaviour, as an additional tool to reduce the risk of minors receiving advertising for regulated products, even when they provide an incorrect date of birth or share a device with an adult.

6. Marketers should use the following placement checklists to periodically self-audit their digital marketing against the ABAC Code placement standards:
 - Paid Alcohol Marketing Placement Checklist available [here](#)
 - Organic Alcohol Marketing Placement Checklist available [here](#)
7. A marketer should include, as a term of all arrangements with a partner that promotes their brand via social media (e.g. agency, influencer, brand spokesperson) a requirement for the partner to meet ABAC Code standards in relation to those marketing communications. In particular,
 - where reasonably available, the marketing communication must apply age restriction controls or an age gate to the posts or content promoting an alcohol brand;
 - the content of the marketing communication must meet all [ABAC Code](#) standards;
 - any [user generated comment](#) arising from the promotional activity that is within the reasonable control of that partner to be regularly moderated to ensure it meets ABAC Code standards; and
 - a requirement that the partner remove any content the ABAC Adjudication Panel determines breaches the ABAC Code.
8. Examples of digital marketing activity the ABAC Adjudication Panel has found must meet ABAC Code standards includes (*each example is linked to a relevant Panel determination*):
 - Marketer created, paid or owned marketing via [Snapchat](#), [Youtube](#), [Facebook](#), [Instagram](#), [Spotify](#), [Shazam](#), [X formerly known as Twitter](#), [TikTok](#), [Twitch](#), [digital radio](#), [digital television](#), [digital streaming](#), [digital outdoor](#), [podcast](#), [in-flight entertainment](#), [online game](#), [digital catalogue](#), [owned websites](#), [third party websites](#), [email marketing](#), [telephone marketing and text message marketing](#).
 - [User generated comments](#) on an account controlled by the marketer.
 - A marketer [reposting third party material](#).
 - Content created promoting a product and posted by a social media influencer [formally engaged and paid](#) or [provided with free product](#).
 - [Product placement](#) in a digital (Facebook Live) segment.
 - [AI generated marketing](#).
9. The ABAC Pre-vetting Service is available to provide advice to companies about the compliance of a marketing communication with the ABAC Code standards. Refer [here](#).

Part 2 – Best Practice Guide for Responsible Alcohol and Alcohol Alternative Digital Marketing

Digital media is complex and rapidly evolving. It can be difficult for industry participants to keep pace with changes and understand all of the options that are available to them to make socially responsible choices in the management of their digital marketing.

The following best practice guidance is provided to educate Alcohol and Alcohol Alternative producers, distributors and retailers on the options available, assisting them to proactively ensure that their digital marketing is socially responsible. This best practice guidance is non-binding, does not replace or extend the provisions of the Code and is not subject to the ABAC Adjudication Panel process.

It is recognised that digital marketing is evolving rapidly and therefore the best practice guide will be reviewed on a regular basis and updated where necessary.

Responsibility Messaging

1. All websites and social media pages controlled by alcohol marketers should include responsibility messaging.

Download Advice and Forwarding Notices

2. Where possible, Download Advice and Forwarding Notices should be included on all digital marketing communications that are intended to be shared, such as with a 'share', 'download' or 'email' option.

Download Advice and Forwarding Notices are instructions to individuals forwarding or downloading the content that they should not forward the material to individuals below the legal purchase age.

Proximity Marketing

3. Proximity Marketing should only be used in situations where people will be of legal purchase age or over, for example, in age restricted venues such as nightclubs or when directed to people who are of legal purchase age or over.

Proximity marketing is a digital communication directed to recipients in a particular proximity via SMS or MMS.

Pre-bid Audience Verification Tools

4. Pre-bid Audience Verification Tools that specify an adult audience should be used when placing digital marketing communications.

Pre-bid Audience Verification Tools are real time monitoring to verify that a URL is safe for a marketing communication according to a defined and individually specified criteria and to ensure the marketing communication is consistently only displayed in a suitable environment.

Targeting tools

5. It is an ABAC Code requirement to apply available age restriction controls to all alcohol and alcohol alternative marketing (Refer Part 1). However, there are occasions where minors may enter an incorrect date of birth or device share with an adult and while digital platforms are developing age

verification tools to identify users falsely declaring their age and device sharing, there are additional steps that can be taken to direct marketing away from minors.

6. A minor who misreports their age may remain interested in content designed for their actual age and less interested in content designed for adults. Digital alcohol and alcohol alternative marketers may use available targeting and exclusion tools as a second layer of protection in addition to age restrictions to reduce the risk of exposure of minors to programmatically placed marketing. This can be achieved through:
 - Use of exclusion and/or inclusion lists to help direct marketing toward age appropriate media and away from media popular with minors. For example:
 - actively selecting interests or keywords that are weighted towards adults (e.g. insurance)
 - when selecting an interest that has broad age appeal (e.g. football), refine the audience so it doesn't include minors by adding an additional interest with primarily adult appeal (e.g. house buying)
 - actively excluding interests or keywords that primarily appeal to minors (e.g. children's entertainment, teenage literature).
 - Use the range of tools available (age, interest and behaviour) to direct marketing toward an adult audience and away from minors.
 - Where possible, place additional restrictions on the visibility of your marketing, such as only targeting logged in individuals.
 - Monitoring an ongoing campaign by reviewing available data and adjusting campaigns to improve targeting in reaching an audience of adults and not minors.
7. Care must be taken that the selection of programmatic targeting interests does not inadvertently target alcohol dependent consumers by avoiding interests that would reasonably indicate alcohol dependence, for example alcohol support services.

Targeting tools means options available to a Marketer to select or exclude age, interest based, or behavioural factors to influence the composition of the audience of a Marketing Communication or the content with which a marketing communication is placed. The exclusion option is widely available on digital platforms, for example:

- [Facebook](#)
- [Instagram](#)
- [Youtube](#)
- [Google ads](#)

Digital commercial television via a connected television

8. Increasingly commercial television network content (SBS, 7, 9 and 10 networks) is being viewed on a connected television device, which is a platform that invites co-viewing, as with terrestrial television broadcasts. The ABAC Code placement standards (refer Part 1) include three separate requirements that cumulatively reduce the likelihood of alcohol and alcohol alternative ads being placed when minors are viewing digital television content:
 - Available age restriction controls must be applied, restricting placement to 18+ logged in viewers, and when combined with programmatic 18+ age targeting, also excludes those who appear to be under 18 based on interests and behaviours of that viewer (refer paragraph 6);

- Placement is restricted to audiences reasonably expected to comprise at least 80% adults (i.e. content skewed toward an adult audience); and
 - Placement is prohibited with programs or content primarily aimed at minors.
9. In addition to the platform neutral placement requirements in the ABAC Code, when placing alcohol and alcohol alternative marketing with digital commercial television content via a connected tv, to further reduce the risk of alcohol ads appearing during family co-viewing when minors are present, alcohol marketing should not be placed:
- During any C or P classified content (to extend the restrictions in *Broadcasting Services (Australian Content and Children's Television) Standards 2020* to commercial television digital streaming);
 - During any G classified content (excluding the occasions set out in clauses 6.2.1(b) and (c) of the Commercial Television Industry Code of Practice, namely during a Sports Program on a Weekend or a Public Holiday, or a live Sporting event); or
 - Between 5am and midday.

User Generated Content

User generated content (UGC) is material that has not been created by or for a brand owner but by a person interacting on a digital platform.

10. UGC within digital platforms controlled by alcohol and alcohol alternative marketers (including UGC shared or endorsed by an alcohol marketer or a brand tag that results in a post appearing on the marketer's account) is within the scope of the ABAC Code (refer Part 1).
11. Where practicable, house rules should be accessible to registered individuals and clearly set out what is and isn't acceptable UGC. The [ABAC Code Content Compliance Checklist](#) may be used and adapted into the style / voice of the brand to encourage uptake.
12. **Moderation** of UGC within a digital platform controlled by an alcohol or alcohol alternative marketer, should be carried out preferably by pre-moderation or at least by regular post moderation.
- Pre-moderation is where UGC is approved before it appears on brand controlled digital platforms
 - Post-moderation is where UGC is checked by a marketer after it appears and is removed if considered to be in breach of the ABAC Code or other relevant laws or Codes. If post moderation is used the following measures should be taken.
 - Where reasonably practicable, automated software should be used to identify and remove inappropriate content.
 - The site should be moderated regularly having regard to the size of the business, number of followers and activity on the social media account.

Influencers/Content Creators

An **Influencer/Content Creator** 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.

13. Where a brand enters into an arrangement with an Influencer/Content Creator (direct or via a third party) in relation to the promotion of a brand, product, service or program (e.g. loyalty program) to

an Australian audience, the promotion is an alcohol marketing communication and must meet the standards in the Code (refer Part 1).

14. An Influencer/Content Creator promoting an alcohol brand must:

- Be 25 years of age or older (ABAC Code Part 3(b)(ii) and (iii)).
- Where available, apply age restriction controls or an age gate to individual posts or content promoting an alcohol or alcohol alternative brand (ABAC Code Part 4(b)).
- Have a social following with an audience demographic of at least 80% adults at the time of the promotion (where such data is available) (ABAC Code Part 4(c)).
- Conspicuously disclose that the content is a marketing communication (Consumer legislation & AANA Code of Ethics).

15. Before an influencer/Content Creator is engaged, a marketer should verify that they have:

- No publicly known history of alcohol abuse or irresponsible behaviour related to alcohol use.
- No known recent history of publishing content that would not meet ABAC Code standards.
- Agreed to meet ABAC Code content and placement standards when promoting an alcohol brand, ideally undertaking the free ABAC online training course.
- Agreed to remove content the ABAC Adjudication Panel finds breaches the ABAC Code.

16. Marketers should monitor Influencer/Content Creator activity promoting their brand, through:

- Pre-approval of content and activity; and
- Audits of activity for compliance with ABAC Code placement standards.

AI Content Generation & Targeting

17. The ABAC Code applies to content and placement generated by AI. What is important is the way in which the marketing is perceived or accessed by a reasonable person, regardless of how it is created or placed.

18. Marketing content generated by AI requires human oversight and it is not sufficient to rely upon the prompts that were provided to AI to generate the marketing communication. For example, if prompting AI to generate an image of a 25 year old, a human assessment is required on whether the image looks 25. In the case of a real person, their actual age is generally available, however in the case of an AI image, if a complaint is received, the Panel would need to assess whether a reasonable person would believe they look to be 25 or over. The intention for them to be 25 is not a defence in the event of a complaint.

19. When prompting AI to generate a marketing communication a Marketer should:

- incorporate ABAC standards into the prompts (refer the ABAC Content Checklist [here](#))
- avoid prompts that might generate material that resonates with minors or infringes other ABAC standards and be aware that themes generated may be subtle in order to avoid intellectual property infringement and therefore not immediately apparent;

- avoid prompts on the age the marketing communication is to appeal to, that are too close to that of a minor; and
- have systems for human oversight of all AI generated marketing communications and placement.

Consumer Self Exclusion Options

20. There are a variety of steps that people and in the case of minors, through parental supervision, can take to minimise minors and individuals vulnerable to alcohol related harm being exposed to alcohol marketing:

- Sign up to digital platforms with a correct date of birth (including parental supervision of minors when signing up to a platform);
- Adults not sharing devices with minors;
- When co-viewing, log into applications with the youngest viewer's date of birth;
- Opt out of receiving alcohol advertising:
 - Social media platforms - [Youtube - Facebook - Instagram - Snapchat](#);
 - Digital streaming services - [SBS On Demand](#)
 - Direct marketing (Email telephone text message applications etc) –
 - marketers must honour opt outs (ABAC Code Part 4(e))
 - marketers must present unsubscribe instructions clearly, not require additional personal information or to log in or create an account to unsubscribe, honour a request within 5 working days and opt out remain functional for at least 30 days (Spam Act 2003)
 - push notifications via applications or browsers can be disabled either when downloading the application or via mobile phone settings for notifications or via the browser settings
 - Retailer online sales & delivery platform marketing – Must not send direct or push marketing to consumers that self-excluded from sale/delivery of alcohol via the platform ([Retail Drinks Australia Online Alcohol Sale and Delivery Code of Conduct](#) Clause 4.1.7 & certain State/Territory Liquor legislation).

For more information access the ABAC website at www.abac.org.au or contact ABAC at info@abac.org.au