

**Annual Report**  
2011

# The **ABAC** Scheme

presented by the  
Management Committee of the **ABAC** Scheme

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# Report from the ABAC Management Committee

**Alcohol advertising and its regulation within Australia continued in 2011 to be the subject of scrutiny by many Australians concerned with the role that alcohol plays in Australian life. The ABAC Management Committee remained mindful and aware of the sensitive nature of these concerns, and continued to successfully balance competing demands in what is often a highly subjective debate.**

One of the ABAC Scheme's great strengths is its flexibility to adapt to new methods of advertising and marketing. 2011 saw a shift in focus towards online advertising and the use of social media, both by the Management Committee and in the source of complaints.

In 2011, 119 complaints were received by the ABAC Scheme, relating to 74 separate advertising campaigns, use of names, or packaging. This was a significant increase on the 87 complaints received during 2010. Of these 119 complaints, 63 raised issues within the ABAC Code. A small number of these 63 complaints were substantially identical to those raised in determinations in 2010, and the Adjudication Panel examined the remaining 53 substantially new complaints.

Two advertising campaigns attracted 19 complaints between them; however no other campaigns received more than seven complaints. Eleven complaints were outside the ABAC Scheme in that they were not for alcohol products, were public health announcements, were mock or unauthorised adverts, or were for an entertainment industry association.

Complaints about online advertising and social media sharply increased in 2010 from five to 14, while complaints about TV advertising reduced from 19 to 12, a 37 per cent decline. Two new types of marketing attracted complaints: a newsletter distributed via email, and a product placement in a music video produced in the United States.

The ABAC Adjudication Panel made 45 separate determinations on complaints arising in 2011. Of the 45 determinations, 15 resulted in at least part of one or more complaints being upheld.

Of the 45 determinations made in 2011, 24 related to advertising or packaging by non-signatories to the ABAC Scheme. In turn, of these 24 determinations 15 were for advertisements for retailers or licensed premises. Two-thirds (10 of 15) of upheld determinations related to non-signatories to the ABAC Scheme, and in none of these cases was the advertising or packaging pre-vetted. However, there was an overall good level of cooperation by non-signatories to the ABAC adjudication process. The ABAC Management Committee continued its efforts to increase the number of companies who are signatories to the ABAC Scheme.

I am very happy to note that all advertisers, including non-signatories, agreed to withdraw or modify the advertisements relating to all upheld complaints.

Notably, the ABAC Adjudication Panel made its first determinations about product material, three in total for the year. One determination was dismissed, one determination resulted in the company accepting the decision and agreeing to alter the packaging, and one company (a non-signatory to the scheme) has refused to accept the Adjudication Panel's decision.

The Australian Parliament scrutinised regulation of outdoor advertising through the House of Representatives Standing Committee on Social Policy and Legal Affairs' inquiry into the Regulation of Bill Board Advertising. The ABAC Management Committee made a written submission through the Advertising Standards Bureau and was granted a hearing to explain in detail the operation of the ABAC Scheme. The standing committee 'noted that the ABAC Scheme has cooperated with previous recommendations made to it, and commends its pre-vetting system'.

*Report from  
the ABAC  
Management  
Committee  
(continued)*

The membership of the Management Committee underwent substantial change in 2011. Daniel Leesong ceased representing the Communications Council in November, and the Management Committee welcomed Margaret Zabel as his replacement. The Committee also farewelled Stephen Swift, Executive Director of the Brewers Association of Australia and New Zealand, in December. The role of Australian Government representative was transferred from Simon Cotterell to Janette Dunn following Mr Cotterell's departure.

In February, the scheme held its first joint adjudicator/pre-vetter training session with the Chief Adjudicator Professor Michael Lavarch. This joint session was invaluable in reinforcing a joint understanding of the Code's interpretation and will improve consistency of decision-making.

A major development was the establishment of the Australian National Preventative Health Agency, which has been tasked to 'monitor the compliance of the alcohol industry with voluntary codes of practice and other commitments on responsible alcohol advertising'. The Chief Adjudicator had the opportunity of explaining the operation and code standards of the ABAC Scheme to the agency in September.

The ABAC Scheme has increased its level of communication with the Advertising Standards Bureau, leading to a faster referral of complaints and better management of any overlap between the two codes.

A further step forward in increasing the professionalism and administration of the ABAC Scheme was conducting the first formal performance reviews of the pre-vetters. This was made possible following administration and record keeping reforms in 2010, particularly the centralisation of recording and invoicing of pre-vetting services.

The increased performance of the ABAC Scheme contributed to the 53 advertising complaints that went to a determination taking an average of 25.2 business days to be completed.

I would like to thank all those who worked to make 2011 another successful year for the ABAC Scheme. The adjudication panellists, my fellow members of the Management Committee and the pre-vetters all gave their very best. In particular, I would like to thank Jayne Taylor, the scheme's executive officer for her outstanding professionalism.

I would also like to thank the wider alcohol industry for its ongoing support and cooperation with the ABAC Scheme, which—I believe—demonstrates a broad acceptance that the industry clearly has responsibilities to the community in how and where it advertises, and that with those responsibilities comes some necessary restrictions.

**Gordon Broderick**

ABAC Chair 2011

**The ABAC Scheme  
Management Committee**



**Gordon Broderick**  
Distilled Spirits  
Industry Council  
of Australia Inc  
ABAC Chair 2011



**Stephen Strachan**  
Winemakers'  
Federation of  
Australia Inc



**Janette Dunn**  
Australian Government  
Department of Health  
and Ageing (replaced  
Simon Cotterell from  
6 April 2011)



**Daniel Leesong**  
Communications  
Council (until  
4 November 2011)



**Margaret Zabel**  
Communications  
Council (from 7  
November 2011)



**Stephen Swift**  
Brewers Association  
of Australia & NZ

## Overview

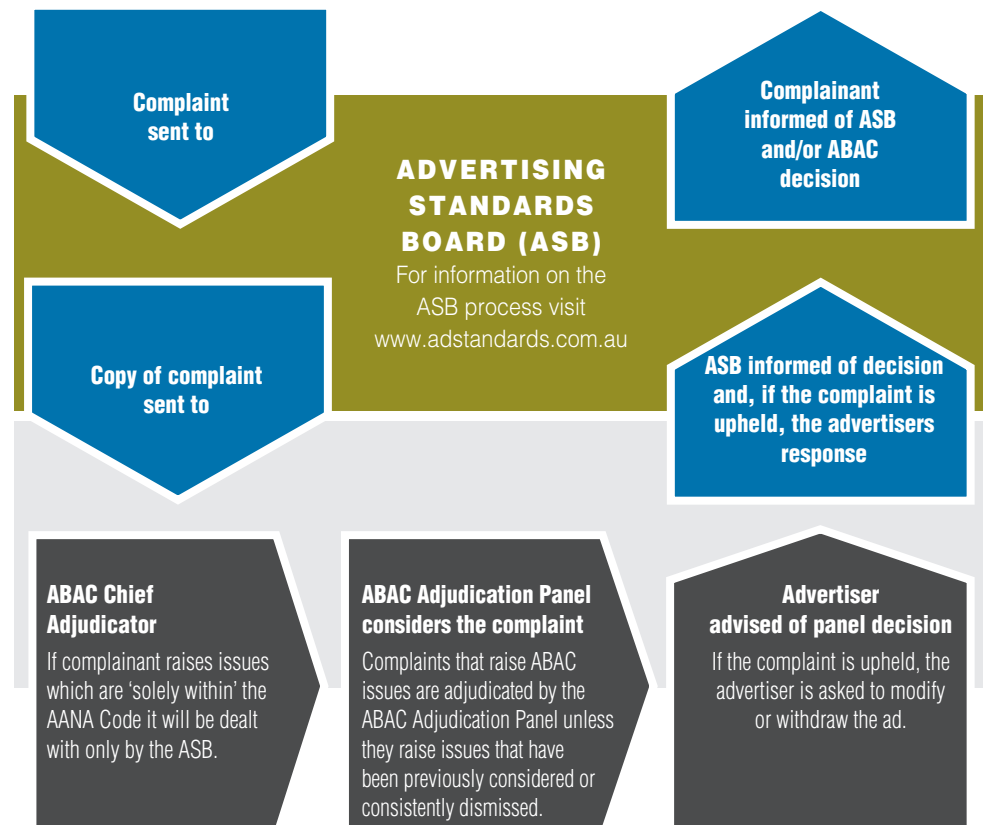
Australia has a quasi-regulatory system for alcohol advertising: Guidelines for advertising have been negotiated with government, consumer complaints are handled independently, but all costs are borne by industry. The ABAC Scheme is the centrepiece of Australia's quasi-regulatory system and is administered by a Management Committee which includes industry, advertising and government representatives.

## Operations

The ABAC Scheme is responsible for:

- The Alcohol Beverages Advertising (and Packaging) Code (the Code)—first introduced in 1998 and substantially updated in 2004—regulates the content of alcohol advertising and packaging in Australia, and alcohol promotion at events. Subject to regular reviews, the Code reflects community expectations and changes in the media and advertising industries.
- The Alcohol Advertising Pre-vetting Service (AAPS) which provides confidential advice to advertisers on whether proposed alcohol advertisements comply with the Code. This service is offered on a 'user pays' basis.
- The ABAC Adjudication Panel (the Panel), headed by Chief Adjudicator Professor Michael Lavarch, considers public complaints about alcohol advertisements and packaging that fall within the ambit of the Code. The Panel reports its decisions to the ASB, the ABAC Management Committee, the advertiser and the complainant. Its decisions are also made publicly available through the website. The Panel and its deliberations are independent of the Management Committee and the broader alcohol and advertising industry.

**Figure 1**  
ABAC Complaint  
Management System



## 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 that raise ABAC Code issues are referred on to the full Alcohol Beverages Advertising Adjudication Panel unless they raise issues that have been previously considered or consistently dismissed. 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.

## 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 Federal Competition and Consumer 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 and Alcohol Guidelines.

**Figure 2**  
**Four decision points**  
**for companies**

1 <sup>st</sup> decision point	2 <sup>nd</sup> decision point	3 <sup>rd</sup> decision point	4 <sup>th</sup> 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

## 2011 — some numbers compared

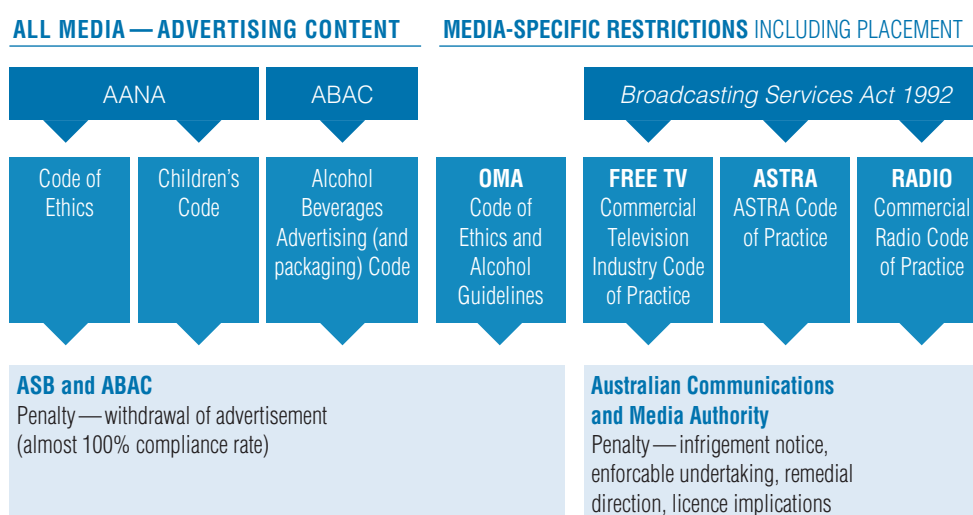
Pre-vetting	2009	2010	2011
Number of advertisements, names and packaging pre-vetted	1369	1050	1059
Of the advertisements pre-vetted: Number that were accepted	1046	929	938
Number that were accepted subject to conditions	85	44	39
Number that were rejected	238	77	82

Complaints	2009	2010	2011
Number of complaints received	117	87	119
Number of advertisements and packaging these complaints referred to	42	38	74
Number of complaints considered by the Alcohol Beverages Advertising Adjudication Panel (i.e. complaints that fell within the Code)	47	41	63
Number of determinations from complaints received that year	39	31	45
Number of complaints upheld (at least in part)	12	15	20
Number of determinations upholding complaints	10	11	15

### Observations

- Complaints resulting in a determination took, on average, 25 business days to be completed (last year 27).

### Alcohol Advertising Regulation in Australia



Source: Australian Association of National Advertisers

# Report from the Chief Adjudicator

## Introduction

This has been both a busy and challenging year for the ABAC Adjudication Panel. The Panel made a record 45 determinations that saw the Panel considering email newsletters and product placement for the first time. The Panel also made its first substantive naming and packaging decisions in relation to three separate alcohol beverages.

This year I had the opportunity to lead the first annual pre-vetter/panelist training session for the ABAC Scheme. The session provided the decision makers of the scheme with an opportunity to meet and discuss difficult issues of code interpretation. The decisions which the Panel and pre-vetters are called on to make often involve judgment calls on which reasonable people might well disagree; and it is very useful for panel members and pre-vetters to discuss different cases dealt with over the previous months. I commend the Management Committee's decision to implement this training initiative, which I believe will create better consistency of decision making and a greater understanding of the ABAC Code and its interpretation.

## Issues for consideration

Each quarter I have the opportunity to report to the ABAC Management Committee on the Panel's processes and recent decisions and to identify any ABAC Scheme policy issues that have arisen. This assists the Management Committee to provide effective governance of the scheme and to monitor and support the Adjudication Panel and also assess whether changes are required to the scheme from time-to-time.

From time-to-time policy issues arise where a complaint raises issues or concerns a marketing activity that falls outside from the type and style of alcohol beverage advertising to which the Code was originally directed, namely:

- 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.

On the whole, the scheme has coped well with the issues that have arisen during 2011 but a number of issues have been referred to the Management Committee for their consideration.



## **1 Alcohol advertising by alcohol retailers**

The trend of the Panel making an increasing number of determinations relating to advertising by alcohol retailers has continued in 2011. This year one-third of determinations related to alcohol retailers and over one half related to non-code signatories generally. This shows that involvement as a signatory of the ABAC Scheme leads to an increased awareness of the Code and more responsible advertising and packaging practices. The Panel continues to receive generally good cooperation from most retailers in its processes; however, it would be highly desirable for retailers as a group to be covered by the scheme and hence to run major advertising campaigns through the pre-vetting process.

## **2 Marketing v Advertising**

The ABAC Scheme does not purport to apply to all forms of marketing activity undertaken by alcohol beverage producers and suppliers, but rather only extends to advertising. This means that marketing activity to promote an alcohol company or product brands is subject to the ABAC standards when this activity results in an 'alcohol beverage advertisement'; but the ABAC will not capture activity which cannot be fairly said to be "advertising".

Over recent years, and again in 2011, the Panel has received complaints about wider marketing activity by alcohol companies. While the Panel adopts a 'spirit and intent' approach to its interpretation of the ABAC Code and the scheme more broadly, it cannot unilaterally extend the reach of the scheme into areas which it is plainly evident that the scheme was not intended to capture.

In 2011 the issue of sponsorship was again raised in several complaints. Alcohol companies are major sponsors of various activities such as sports competitions and individual teams, as well as community and cultural events. Public complaints sometimes question if it is appropriate for alcohol as a product to be associated with sports and community/cultural events via named and branded sponsorship arrangements.

The Panel believes it is a very legitimate question of public policy if sponsorship activity by alcohol companies should be permitted and, if it is to be permitted, then whether there should be applicable standards of good practice to govern the form and type of sponsorship. These questions are for industry, health advocates and the Australian community, through their elected governments, to debate and resolve.

The year also saw the Panel asked to consider the issue of 'product placement'. Product placement is the marketing practice that involves a commercial relationship between the owner of a brand or promoter of a brand through which the brand is promoted within the context of a broadcast or published work developed by a third party. In a case considered by the Panel, the alcohol product Midori was placed within a music film clip of an American pop band.

The Panel concluded that product placement was not an 'ad' within the meaning of the ABAC Scheme and hence the Panel could not make a substantive decision as to whether the clip's portrayal of the use of the alcohol product was consistent with ABAC Standards. The practice of product placement is worthy of serious consideration as to whether a regulatory approach should be adopted to control the practice in Australia.

Finally, the marketing technique of providing gifts and giveaways with the sale of particular alcohol products was raised in 2011. Again, the actual practice of the giveaway is not an 'ad' as such and does not fall within the ABAC Scheme. Often the promotion of the giveaway will be 'advertised' and this ad does fall within the scheme, but not the actual giveaway.

The Panel believes the practice of gifts or giveaways should be considered by the Management Committee for inclusion in the ABAC Scheme or for some other form of review.

### **3 Direct marketing**

The Panel received its first complaints about email newsletters that contained alcohol beverage advertisements. The Panel considered the specific advertisements contained within the newsletters but the complainant's concerns extended to the availability of alcohol to minors via internet based sellers. The Panel referred to the Management Committee the policy question of whether direct marketing of alcohol via the internet should be subject to any further form of regulation to ensure that this method cannot be utilised to facilitate underage drinking.

### **4 Placement**

In 2011 the Panel saw an increase in complaints about the placement of alcohol advertisements on the internet. There are restrictions on the placement of alcohol advertising in some of the Codes which apply to particular advertising mediums. For instance, the Outdoor Media Association Code and Guidelines applying to billboards restricts alcohol ads appearing on an outdoor site within 150 metres sight line of any access gates to a primary and secondary school. There is no code that specifically restricts placement of alcohol advertisements on the internet. The ABAC applies across all forms of media and goes to the content of the ads and not to the placement of the ads. The issue of placement is indirectly raised by the ABAC's preamble in that the conformity of an ad with an ABAC standard is to be assessed with regard to 'the class of persons to whom the advertisement is directed'. This means that the ABAC does not prescribe the type of media within which an alcohol ad can be placed but, in assessing the standards as to the ad's content, the likely audience of a particular ad is relevant. The Panel has referred to the Management Committee the question of whether the ABAC should cover placement of alcohol advertisements on the internet.

### **5 *Drink Responsibly* messages**

Several complaints during 2011 raised concerns about an alcohol advertisement's failure to include a 'drink responsibly' message within the body of the advertisement. There is no express provision within the ABAC requiring the inclusion of a responsibility message and a failure to contain such a message does not of itself constitute a breach of the Code. This pattern of complaints has been referred to the ABAC Management Committee.

## Operation of the scheme

The operation of the complaints component of the ABAC Scheme proceeded smoothly in 2011. Complaints were generally processed in a timely manner. The critical working relationship with the ASB functioned well and we have seen an improvement in the past few years in the timeliness of referral of alcohol complaints to the ABAC Scheme. The overall governance of the scheme provided by the Management Committee in monitoring and supporting the Panel's operation continues to be respectful of the independence of the Panel's decision-making processes.

During the year the Panel considered 119 complaints referred to it by the ASB. These complaints related to 74 separate advertising campaigns and resulted in the Panel making 45 new determinations. This is a marked increase on the 31 determinations made in 2010. Of these determinations, 15 resulted in complaints being upheld in whole or in part. In line with the increase in determinations there has been a noticeable increase in complaints being received from public health advocates. The Panel made 12 determinations this year resulting from such complaints.

In 2011 I again noted that a high proportion of complaints that were upheld by the Panel related to advertising by companies that are not signatories to the ABAC Scheme and, as a result, use ads which have not been pre-vetted. Only two of the 15 upheld determinations related to advertisements that were pre-vetted. This demonstrates the value of pre-vetting in promoting consistency of advertising with ABAC Standards.

Substantive issues considered by the Panel ranged across the various standards contained in the ABAC. For the second year the Panel has seen a large number of determinations going to section (a) (ii) and (b) relating to the appeal of alcohol advertising to children and adolescents. It is difficult to detect any discernible pattern in the types of issues raised in complaints from one year to another, given that a particular advertising campaign might attract a large number of complaints and, as a result, somewhat askew figures for comparative purposes.

2011 saw a large increase in determinations relating to internet advertisements, including social media. The Management Committee has supported the application by the Panel of the ABAC Standards to advertisements appearing on the internet and in social media which has enabled the ABAC Code to remain relevant as advertising techniques evolve.

Finally, can I express my appreciation to both the Panelists of the ABAC Adjudication Panel and Ms Jayne Taylor, the executive officer for the ABAC Scheme.

**Professor the Honourable Michael Lavarch AO**

Chief Adjudicator, ABAC Adjudication Panel

# Alcohol Beverages Advertising (and Packaging) 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 that all advertisements for alcohol beverages produced for publication or broadcast in Australia other than point of sale material produced by alcohol beverage retailers, comply 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—

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

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**alcohol beverage** includes any particular brand of alcohol beverage;

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**adolescent** means a person aged 14–17 years inclusive;

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**Australian Alcohol Guidelines** means the electronic document *Australian Guidelines to Reduce Health Risks from Drinking Alcohol (1–2)* published by the National Health and Medical Research Council (NHMRC) as at 1 January 2010;

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**child** means a person under 14 years of age; and

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**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 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;
- 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; 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.

**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 (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** 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.**

[www.abac.org.au](http://www.abac.org.au)