



ADVERTISING STANDARDS AUTHORITY

## CODE FOR ADVERTISING AND PROMOTION OF ALCOHOL

January 2013

### INTRODUCTION

All alcohol advertising and promotion shall adhere to the laws of New Zealand and the Principles and Guidelines set out in this Code. The ASA Code of Ethics and Codes on Comparative Advertising and People in Advertising should also be consulted, where relevant. This Code should also be read with its Guidance Notes – see [www.asa.co.nz](http://www.asa.co.nz).

Alcohol is a restricted product in New Zealand. Because of the health and social impacts of the misuse of alcohol, this Code requires specific restraints on advertising and promotion. There are also a number of restrictions in legislation and in industry-supported initiatives. People involved in marketing alcohol should be familiar with the Sale of Liquor Act, the Gambling Act (Sales Promotions Schemes), and the National Protocol on Alcohol Promotions supported by the Hospitality Association, the Alcohol Advisory Council, the New Zealand Police and Local Government New Zealand. Attention is also drawn to the Standard Drink Guidelines at <http://www.alac.org.nz/alcohol-you/whats-standard-drink>.

This Code is designed to ensure that alcohol advertising and promotion is consistent with the need for responsibility and moderation in merchandising and consumption, and does not encourage consumption by minors. Particular care is also required in the advertising and promotion of products likely to have strong appeal to young adults over the legal purchase age.

In interpreting the Code emphasis will be placed on compliance with both the principles and the spirit and intention of the code. The guidelines are merely examples, by no means exhaustive, of how the principles are to be interpreted and applied. It is possible for advertising or promotions to be in breach of the principle without being in breach of a specific guideline. Upon complaint, the ASCB is vested with discretion to ensure a common-sense outcome and have regard to all relevant matters, including the overall impression conveyed, context and target market and in the case of promotions, their duration, entry mechanism, location, if there is a prize how it is awarded, and application of the ALAC low risk drinking advice. It is important to note that the likely audience (including the media advertisements are broadcast, printed, or displayed in) is a key factor in determining code compliance.

### APPLICATION OF CODE

This Code covers advertising and promotion of all pre-packaged and bulk alcoholic drinks with an alcoholic strength above 1.15% abv, which are advertised and promoted for sale and consumption in New Zealand.

This Code applies to products promoted primarily as alcoholic 'drinks', even if they are classified as foodstuffs rather than drinks for the purposes of licensing or customs and excise legislation, or even if they appear to be gaseous, solid or heavily textured (or can be made to be, for example by freezing or shaking), rather than liquid.

For the avoidance of doubt, this Code does not apply to bona fide news, reviews, editorial and broadcast entertainment and sports programmes. This code also does not apply to any advertising materials or activities whose purpose is solely and clearly to educate people about the responsible use and / or misuse of alcohol.

This Code does not apply to activities and promotions (other than advertising) for licensed on-premise (including all on, club and special licences) businesses initiated by those businesses. These activities and promotions are already covered under the Hospitality Association of New Zealand National Protocol on Alcohol Promotions and Section 154A of the Sale of Liquor Act. Promotions that may appear on licensed premises but that are controlled by producers or distributors are covered by this Code.

It is the responsibility of all companies and enterprises connected with the alcoholic drinks industry in New Zealand (whether as producers, importers, wholesalers, distributors or retailers) to comply with this Code. This includes the provision of adequate and appropriate briefings to external agencies from whom the companies/enterprises may commission design or promotional work. Approval by the Liquor Advertising Pre-vetting System (LAPS) is strongly recommended. See [www.anza.co.nz/pre-vetting](http://www.anza.co.nz/pre-vetting).

## DEFINITIONS

**“Alcohol advertising and promotion”** means an advertisement, packaging, point of sale or other promotions, activities and materials (including dispenser units) generated by an alcohol producer, distributor or retailer that promotes alcohol by product, brand or outlet. This includes media releases, branded merchandise, competitions, word of mouth marketing, advergames, product displays and sampling, but does not include a sponsorship advertisement or an advertisement in which reference to or the depiction of alcohol or alcohol packaging or an alcohol outlet is incidental to its purpose. An advertisement including a reference to licensed premises is not automatically an alcohol advertisement - the intent of the advertisement must be to promote the consumption of alcohol.

**“Alcohol advertiser”** means an advertiser that markets or sells alcohol and uses its name or any identifying feature to promote the sale of alcohol in any way.

**“Branded merchandise”** means products available in New Zealand bearing liquor or outlet branding which have been produced by, on behalf of, or with the permission of, a liquor producer, distributor or retailer.

**“Heroes and/or heroines of the young”** means a person or character (and includes groups / teams) whose example is likely to be followed by minors or who has strong appeal to minors (see Guidance Notes, [www.asa.co.nz](http://www.asa.co.nz)).

**“Light (or lite) alcohol”** means liquor containing a maximum of 2.5% alcohol by volume.

**“Minors”** are people who are under the age at which they are legally entitled to purchase liquor.

**“Sponsorship”** means any agreement or part of an agreement involving payment or other consideration in lieu of payment by a liquor producer, distributor or retailer 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 drink(s) or outlet. The Code applies to the overall sponsorship agreement, including any material bearing the sponsor's logo or trademark. It does not apply to any use to which that material might subsequently be put, or to the behaviour or activities of sponsored parties, if that is not required or specifically permitted by the sponsorship agreement.

**“Sponsorship advertisement”** means an advertisement which clearly indicates that the advertiser is sponsoring a person, competition, activity or event. Any advertisement referring

to a sponsorship that does not comply with Guidelines 4(a) to 4(e) of Principle 4 is deemed to be an alcohol advertisement.

**“Websites”** means a website, or part of a website, managed by or on behalf of a liquor producer, distributor or retailer for the promotion of their brand(s) or outlets primarily to the New Zealand market. Producers, distributors and retailers are responsible for any part of the website over which they have editorial control.

**“User Generated Content”** means content on websites or emails where the public contributes to the content, such as the YouTube and Facebook websites and viral emails. The Code applies to promotions on such websites and emails where the producer, distributor or retailer provides a platform for, or distributes the user-generated content or endorses the user-generated content.

## **Principle 1**

**Alcohol advertising and promotions shall observe a high standard of social responsibility.**

### **Guidelines**

1(a) Alcohol advertising and promotions shall not link alcohol with daring, aggressive, unruly, irresponsible or antisocial behaviour nor suggest any association with, acceptance of, or allusion to, tobacco, illicit drugs or volatile substances such as glue and petrol; explosives and weaponry.

1(b) While alcohol advertising and promotions may depict the consumption of alcohol as incidental to a friendly and happy social environment, it shall not promote drinking alcohol as a better or more attractive lifestyle choice nor imply that the success of a social occasion depends on the presence or consumption of alcohol.

1(c) Alcohol advertising and promotions shall not suggest that alcohol can lead to sexual, social, sporting or business success or popularity or is necessary to achieve social status with peers.

1(d) Alcohol advertising and promotions shall not depict alcohol as a necessity, nor required for relaxation nor suggest it offers any therapeutic benefit.

1(e) Alcohol advertising and promotions shall not actively link alcohol with the use of potentially dangerous machinery or driving or any other hazardous or unsafe practices. Alcohol advertising and promotions may include sporting or other physical activities but shall not imply that those activities have been undertaken after the consumption of alcohol.

1(f) Where it is necessary to purchase alcohol as a condition of entry, alcohol advertising and promotions shall not offer any potentially hazardous prizes in any competition. Examples include motor vehicles, boats or any other potentially dangerous machinery.

1(g) Alcohol advertising and promotions shall not cause widespread or serious offence, taking into account prevailing community standards, context, audience, medium and product.

1(h) Alcohol advertising and promotion shall not contain any statement or visual presentation or create an overall impression which directly or by implication, omission, ambiguity or exaggerated claim is misleading or deceptive or is likely to deceive or mislead the consumer. Obvious hyperbole, identifiable as such, is not considered to be misleading.

## **Principle 2**

**Alcohol advertising and promotions shall be consistent with the need for responsibility and moderation in alcohol consumption.**

### **Guidelines**

2(a) Alcohol advertising and promotions shall not emphasise a product's alcoholic strength, except where the product is a light (or lite) alcohol product but can include factual information about the alcoholic strength.

2(b) Alcohol advertising and promotions shall not feature, imply, condone or encourage irresponsible or immoderate drinking. That applies to both the amount of drink and the way drinking is portrayed.

2(c) Where the prize in an alcohol promotion is a large quantity of alcohol, it should not be supplied in one delivery and any such prize should be consistent with the Alcohol Advisory Council's standard drink guidelines.

## **Principle 3**

**Alcohol advertising and promotions shall be directed at adult audiences. Alcohol advertising and promotions shall not be directed at minors nor have strong or evident appeal to minors in particular. This applies to both content and placement.**

3(a) Alcohol advertising and promotions in non-restricted areas shall not use or refer to identifiable heroes or heroines of the young. See Guidance Notes at [www.asa.co.nz](http://www.asa.co.nz).

3(b) Alcohol advertising and promotions shall not use designs, motifs, or cartoon characters that have strong or evident appeal to minors or that create confusion with confectionary or soft drinks.

3(c) Anyone visually prominent in alcohol advertising and promotions depicting alcohol being consumed shall be, and shall appear to be, at least 25 years of age with their behaviour and appearance clearly appropriate for people of that age or older. Minors may appear in alcohol advertising and promotions only in situations where they would naturally be found, for example in a family barbecue, provided that there is no direct or implied suggestion that they will serve or consume alcohol.

3(d) Alcohol Advertisements shall not be shown on television between 6.00 am and 8.30 pm.

3(e) Broadcasters shall avoid the impression that alcohol promotion is dominating the viewing or listening period when broadcasting alcohol advertisements, including alcohol sponsorship advertisements taking into account the context of the programme.

3(f) Television alcohol advertising shall not exceed six minutes per hour, and there shall be no more than two advertisements for alcohol in a single commercial break.

3(g) Alcohol branded merchandise, point of sale materials and other promotions for alcohol must not be available in unrestricted areas at events or activities where more than 25 per cent of the expected audience is minors.

3(h) Websites that provide online retail sale of alcohol products shall require purchasers to certify that they are 18 years of age or over.

3(i) Websites that primarily promote an alcohol brand and contain games, competitions or other interactive activities shall have an Age Verification Page at entry. Verification shall be by way of input of the visitor's date of birth.

#### **Principle 4**

**Sponsorship advertisements shall clearly and primarily promote the sponsored activity, team or individual. The sponsor, the sponsorship and items incidental to them, may be featured only in a subordinate manner.**

#### **Guidelines for sponsorship advertisements**

4(a) Shall not contain a sales message.

4(b) Shall not show a product or product packaging.

4(c) Shall not imitate or use any parts of product advertisements from any media.

4(d) Shall not portray consumption of alcohol

4(e) Shall only briefly and in a subordinate way mention or portray the sponsor's name and/or brand name and/or logo orally and/or visually.

4(f) May be broadcast at any time except during programmes intended particularly for minors.

#### **Guidelines for sponsorship**

4(g) Alcohol producers, distributors or retailers should not engage in sponsorship where those under 18 years of age are likely to comprise more than 25% of the participants, or spectators.

4(h) Sponsors shall not require or permit sponsored parties to feature alcohol branding on children's size replica sports kit or on any promotional material distributed to minors.