

# Alcohol Advertising and Promotion Code

Effective 1 April 2021 for new ads

Effective 1 July 2021 for all ads

**Every ad a responsible ad**

**[www.asa.co.nz](http://www.asa.co.nz)**

## Advertising Standards Code

The Principles and Rules set out in the [Advertising Standards Code](#) apply to all advertising in all media. When applying the Advertising Standards Code to Alcohol Advertising and Promotion, and Alcohol Sponsorship Advertising and Promotion, a high standard of social responsibility is required.

## Alcohol Advertising and Promotion Code

In addition to the Advertising Standards Code, Principles 1 and 2 of the Alcohol Advertising and Promotion Code (the Code) apply to all Alcohol Advertising and Promotion, and Principle 3 applies to all Alcohol Sponsorship Advertising and Promotion. The purpose of the Code is to ensure that all facets of advertising and promotion are conducted in a manner that demonstrates a high standard of social responsibility.

The Code requires all Alcohol Advertising and Promotion and all Alcohol Sponsorship Advertising and Promotion to be socially responsible and not undermine the need for the prevention or minimisation of alcohol-related harm, with particular regard to protecting Minors and other vulnerable people.

The Code gives consideration to Alcohol products and brands, and the content, timing and placement of advertising and promotion and alignment of such with the [Low-risk alcohol drinking advice](#).

All Alcohol Advertising and Promotion and all Alcohol Sponsorship Advertising and Promotion must be legal, decent, honest and truthful, and respect the principles of fair competition. The Advertising Standards Authority (ASA) Codes are a part of the regulatory framework that applies to the advertising and promotion of alcohol. There

are a number of Acts that restrict advertising and promotion, and these are enforced by government agencies. Advertisers must observe the legal restrictions along with guidelines on alcohol promotion and low-risk drinking advice provided by the Health Promotion Agency (HPA).

Attention is drawn to:

- the [Sale and Supply of Alcohol Act 2012](#) (particularly [section 237 Irresponsible promotion of alcohol](#)); and
- the [Gambling Act 2003](#) (particularly [section 17 Regulations may restrict or prohibit prizes](#)); and
- the [Gambling \(Prohibited Property\) Regulations 2005](#) (particularly [section 4 Prohibited property for gambling](#)); and
- the [Australia New Zealand Food Standards Code](#) (particularly [2.7.1 Labelling of alcoholic beverages and food containing alcohol](#) and [1.27 Nutrition, health and related claims](#)); and
- the [National guidelines on alcohol promotions](#); and
- [Low-risk alcohol drinking advice](#).

## Application of the Alcohol Advertising and Promotion Code

The Code, along with the Advertising Standards Code, applies to all advertising and promotion of Alcohol placed in any media including, but not limited to: television (including on-demand television), radio, print, out of home (for example, billboards, bus shelters and buses), cinema, digital, email, websites, social media (including user-generated content), influencers, videos, apps, advergames, addressed and unaddressed mail, brochures and point-of-sale material. For the avoidance of doubt, the Code also applies to the naming, labelling and packaging of Alcohol.

Advertisements whose purpose is solely and clearly to educate people about alcohol-related harm are subject to the [Advertising Standards Code](#).

Ultimately, the responsibility to comply with all aspects of advertising regulation is shared between all the parties to an advertisement or promotion, including the advertiser, agencies and media organisations.

The Code is made up of three parts:

- Principles: the standards expected in advertising and promotion
- Rules: how the principles are to be interpreted and applied
- Guidelines: information and examples to explain a rule

## Interpreting the Alcohol Advertising and Promotion Code

Social responsibility is embodied in the Principles and Rules of the Code. In interpreting the Code, emphasis must be placed on compliance with both the spirit and intention of the Code.

It is possible for advertising or promotion to be in breach of one or more of the Principles in the Code without being in breach of a specific Rule.

In determining whether a Principle or Rule has been breached, the Complaints Board will have regard to all relevant matters, including:

- generally prevailing community standards;
- previous decisions;
- the consumer takeout from the advertising or promotion;
- the context, medium and intended audience; and
- the product or service.

NOTE: Approval of Alcohol Advertising and Promotion by the Liquor Advertising and Promotion Pre-vetting Service (LAPPS) is strongly recommended. LAPPS is a user-pays service available to all Alcohol Advertisers and Promoters to help minimise the risk of breaching the ASA Codes as well as other industry codes and relevant legislation. Information about LAPPS is available at <http://www.anza.co.nz>

## Definitions for the purposes of this Code

**Alcohol** means a consumable product as defined in the Sale and Supply of Alcohol Act 2012, Section 5, [Interpretation](#).

In addition, a consumable product which contains less than 1.15% of ethanol by volume will be considered as 'Alcohol' for the purpose of the Code if marketed as a non-alcoholic variant or brand extension that resembles, e.g. in look and/or taste, a product that contains 1.15% or more ethanol by volume.

### Alcohol Advertising and Promotion

means any message, including naming, labelling and packaging, the content of which is controlled directly or indirectly by the Alcohol Advertiser, expressed in any language and communicated in any medium with the intent to influence the choice, opinion or behaviour of those to whom it is addressed and is for the purpose of promoting Alcohol:

- products or brands, including the use of the colour scheme, aural, visual or linguistic device or motif associated with the product or brand; or
- producers, importers, distributors, wholesalers, licensing trusts, licensed clubs, retailers or premises.

For the avoidance of doubt, this definition:

- applies to an advertisement that includes a reference to licensed premises only when the intent of the advertisement is to promote the consumption of Alcohol;
- does not apply to Alcohol Sponsorship Advertising and Promotion;
- does not apply to an advertisement in which reference to or the depiction of Alcohol or Alcohol packaging or an Alcohol outlet is incidental to its purpose.

**Alcohol Advertiser** means any person or entity that markets, promotes or sells Alcohol or the consumption of Alcohol.

This may include, but is not limited to, all producers, importers, distributors, wholesalers and retailers, licensing trusts, licensed clubs and other entities such as influencers when they are marketing, promoting or selling Alcohol or the consumption of Alcohol.

### Alcohol Sponsorship Advertising and Promotion

means any message the content of which is controlled directly or indirectly by the Alcohol Advertiser, expressed in any language and communicated in any medium with the purpose of promoting the Sponsored Party.

**Alcohol Sponsorship Agreement** means any agreement or part of an agreement involving payment, or other consideration in lieu of payment, by an Alcohol Advertiser to support the Sponsored Party. In return, the Sponsored Party agrees to be associated with and/or promote the Alcohol Advertiser's brand, products or outlet. The Code applies to any advertising or promotional material bearing the Alcohol Advertiser's logo or trademark in the context of the Alcohol Sponsorship Agreement. 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 Alcohol Sponsorship Agreement.

**Sponsored Party** examples include, but are not limited to:

- Individuals, groups of people or teams
- Competitions
- Events

**Minors** means people who are under the age of 18 years.

**Adults** means people who are of or over the legal age to purchase Alcohol (18 years of age or over).

# Principle 1

## **Social Responsibility**

**Alcohol Advertising and Promotion must be prepared and placed with a high standard of social responsibility to consumers and society.**

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## Rule 1 (a)

### Targeting Adults – Timing and placement

### The timing and placement of Alcohol Advertising and Promotion must target Adult audiences.

## Guidelines

1. The extent to which Alcohol Advertising and Promotion targets Adults is determined by a combination of the timing, placement (Rule 1 (a)) and content (Rule 1 (b)).
2. Advertisers must be able to demonstrate they have used appropriate tools and/or have taken care in evaluating audience composition to select and target Adult audiences prior to the placement of Alcohol Advertising and Promotion in any media.
3. Age-restricted media

Alcohol Advertising and Promotion may be placed in age-restricted media only when appropriate tools are used to select Adult audiences and/or access is restricted to Adults only.

- i. Tools to select Adult audiences may include, but are not limited to:
  - a) selecting Adults using the registered age or date of birth of the device owner and/or the logged-in user;
  - b) platforms with terms and conditions that require Alcohol Advertising and Promotion to be restricted to Adults;
  - c) selecting nominated sites or pages based on content or audience data that demonstrates viewing by Adult audiences or exclusion of Minors.
- ii. Tools that create a barrier to entry for Minors may include, but are not limited to:
  - a) age-gated access to online Alcohol Advertising and Promotion on brand websites, brand social media pages or apps where visitors are required to enter a date of birth before accessing Alcohol Advertising and Promotion;
  - b) age verification for entry to online Alcohol retail sites to confirm visitors are 18 years of age or over;
  - c) age verification required for entry into R18+ events and cinema movies classified R18.

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#### 4. Audience composition

Where tools are not available to select Adult audiences and/or restrict access to Adults only, Alcohol Advertising and Promotion may be placed in other media only when recognised industry-standard audience composition data are available and 80% or more of the expected average audience are Adults. These may include, but are not limited to:

- i. viewing, reading or listening audience composition data;
- ii. physical premises where entry to a designated supervised area which Minors are permitted to enter, providing they are accompanied by a parent or guardian.

#### 5. Saturation

The media must avoid, where possible, the impression that Alcohol Advertising and Promotion dominates their medium taking into account the context. Examples include, but are not limited to:

- i. no more than six minutes per hour of the viewing or listening period; and
- ii. no more than two advertisements per commercial break.

#### 6. Out of home

Alcohol Advertising and Promotion may be placed in locations only when available tools and/or audience data (Guidelines 3 or 4 above) are used to target Adults. In addition, Advertisers must not place Alcohol Advertising and Promotion on fixed sites within a 300-metre sightline of the main entrance to a primary, intermediate or secondary school.

#### 7. Television

In addition to Guidelines 3, 4, 5 and 6 above, Alcohol Advertising and Promotion during real-time scheduled television content must not be broadcast between 6:00 am and 8:30 pm.



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## Rule 1 (b)

### Targeting Adults – Content

#### The content of Alcohol Advertising and Promotion must target Adults.

## Guidelines

1. As outlined above in Rule 1 (a), the extent to which an advertisement or promotion is targeted to Adults is determined by a combination of the timing, placement (Rule 1 (a)) and content (Rule 1 (b)).
2. Advertisers must be able to demonstrate that they have taken care in the development of the content of Alcohol Advertising and Promotion to only target Adults. Advertisers must exercise particular caution with the timing and placement of Alcohol Advertising and Promotion when the presentation and content could appeal to a wide age range (see Rule 1 (a)).
3. The theme, images, wording, music and language used in Alcohol Advertising and Promotion must only target Adults. Advertisers must take care when Alcohol Advertising or Promotion content may have appeal to Minors, including, but not limited to, the following examples:
  - i. content that creates confusion with confectionery, soft drinks or other non-alcoholic products; or
  - ii. use of names similar to those that primarily appeal to Minors; or
  - iii. animation, bright colours, toys, music, animals, cartoons, play scenes/playgrounds, juvenile or adolescent behaviour; or
  - iv. designs, motifs, items, colloquial words and phrases or activities primarily connected to youth culture; or
  - v. use of real or fictitious characters.
4. Individuals, groups or teams, including, but not limited to: cultural and sporting heroes or icons, celebrities and social media influencers that are currently popular\* with Minors, and/or have particular appeal to\* Minors, may only be used in Alcohol Advertising and Promotion that is:
  - i. placed in media where appropriate tools are used to select Adult audiences and/or access to the advertising and promotion is restricted to Adults only (Rule 1 (a) Guideline 3);

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- ii. placed inside premises whose primary purpose is to sell Alcohol, e.g. on-premise Alcohol outlets, cellar doors and single-permitted Alcohol areas in supermarkets and grocery stores, and provided:
    - a) the advertising and promotion is only visible after entry into the premises or single-permitted Alcohol area and it is not visible to passers-by, for example, through a window, entrance or end-aisle displays; and
    - b) people in the premises or single-permitted Alcohol area are likely to be 80% or more Adults.

*\* Consumer research by Alcohol Advertisers may be appropriate to determine who or what is 'currently popular' or has 'particular appeal'.*

- 5. Minors must not appear in Alcohol Advertising or Promotion.
- 6. Women who are visibly pregnant or seen breastfeeding must not appear in Alcohol Advertising or Promotion.
- 7. Adults in Alcohol Advertising and Promotion
  - i. Adults who are visually prominent in Alcohol Advertising and Promotion must:
    - a) be at least 25 years of age; and
    - b) appear to be at least 25 years of age with their behaviour and appearance clearly appropriate for people of that age or older.
  - ii. The following exceptions apply where Adults who are 18 to 24 years of age may be visually prominent in Alcohol Advertising and Promotion:
    - a) they are not a paid model or actor and are real people in real situations; or
    - b) they are employed by the Alcohol Advertiser or its agent for the purposes of serving, sampling or merchandising Alcohol; or
    - c) they are part of a crowd scene from an R18+ event with behaviour and appearance appropriate for people of that age and older.

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iii. The extent to which an Adult who is visually prominent in Alcohol Advertising or Promotion does or does not demonstrate behaviour and appearance clearly appropriate for people of that age or older is determined by having regard to an assessment of the following criteria:

- a) The Alcohol Advertiser
- b) The Alcohol brand or product
- c) The setting
- d) The overall presentation of the advertisement
- e) Time and placement

#### 8. Influencers

Influencers with Alcohol Advertising and Promotion content must be at least 25 years of age and appear to be at least 25 years of age with their behaviour and appearance clearly appropriate for people of that age or older. Placement of Alcohol Advertising and Promotion with influencers is only permitted if Rule 1 (a) Guidelines 3 or 4 can be met.

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## Rule 1 (c)

### Alcohol consumption

**Alcohol Advertising and Promotion must demonstrate responsibility and low-risk Alcohol consumption.**

## Guidelines

1. Alcohol Advertising and Promotion must not portray or represent irresponsible, harmful or excessive consumption of Alcohol, for example, but not limited to:
  - i. Rapid, heavy or frequent consumption
  - ii. Peer pressure to consume
  - iii. Refusal of Alcohol is portrayed negatively as a weakness
  - iv. Drinking games
  - v. Serving sizes greater than the recommended standard serving size guidelines
  - vi. Daily consumption or regular consumption that is portrayed as healthy or safe

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## Rule 1 (d)

### Alcohol effects

**Alcohol Advertising and Promotion must not portray or suggest that the effects of consuming Alcohol can improve or enhance a situation or any personal attributes.**

### Guidelines

1. Alcohol must not be portrayed or represented:
  - i. As indispensable or that it should take priority in life.
  - ii. In a way that suggests it enhances confidence, popularity, attractiveness, sexual success, performance, physical ability, the ability to resolve conflict, or any other desirable social or personal quality or benefit.
  - iii. As necessary for the enjoyment of an activity by participants or spectators.
  - iv. As necessary post-activity to enhance enjoyment by participants and supporters.
2. Alcohol Advertising and Promotion must not portray those who are not consuming Alcohol as not fully participating or 'missing out'.
3. Consumption of Alcohol may be portrayed as incidental to a social environment where the responsible serving of Alcohol would not be unexpected by the intended audience.

# Advertising Standards Code

## Additional Guidelines for Alcohol Advertising and Promotion

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### Rule 1 (e)

#### Safety

**Alcohol Advertising and Promotion must not, unless justifiable on educational or social grounds, encourage or condone dangerous, illegal or unsafe practices, or portray situations which encourage or condone a disregard for safety.**

#### Guidelines

See full Guidelines for this Rule in the [Advertising Standards Code](#).

#### In addition

1. Alcohol Advertising and Promotion must not:
  - i. Link Alcohol consumption with hazardous or unsafe practices or behaviour that is risky, for example, but not limited to:
    - a) the use of potentially dangerous machinery, equipment or when driving;
    - b) swimming and other water sports which would be unsafe when combined with Alcohol consumption.
  - ii. Associate, allude to or portray Alcohol with tobacco, vaping, drugs or volatile substances such as glue, petrol, explosives and weaponry.
2. Sporting or other physical activities may be represented in Alcohol Advertising and Promotion, providing there is no implication that Alcohol will be consumed before or during the activity, or after endurance events or injury.

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## Rule 1 (f)

### **Violence and anti-social behaviour**

**Alcohol Advertising and Promotion must not, unless justifiable on educational or social grounds, contain anything that condones, or is likely to show, violent or anti-social behaviour or damage to property.**

## Guidelines

See full Guidelines for this Rule in the [Advertising Standards Code](#).

### **In addition**

1. Alcohol Advertising and Promotion must not promote Alcohol or Alcohol consumption in a manner that supports violent or anti-social behaviour. Examples include, but are not limited to, aggressive, unruly or bravado behaviour.

## Principle 2

# Truthful Presentation

**Alcohol Advertising  
and Promotion must be  
truthful, balanced, and  
must not be misleading.**



# Advertising Standards Code

## Additional Guidelines for Alcohol Advertising and Promotion

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### Rule 2 (b)

#### Truthful presentation

Alcohol Advertising and Promotion must not mislead or be likely to mislead, deceive or confuse consumers, abuse their trust or exploit their lack of knowledge. Misleading may be by implication, inaccuracy, ambiguity, exaggeration, unrealistic claim, omission, false representation or otherwise.

Obvious hyperbole identifiable as such is not considered to be misleading.

### Guidelines

See full Guidelines for this Rule in the [Advertising Standards Code](#).

#### In addition

1. Generally, hyperbole describes representations that are exaggerations which are so obvious that they are unlikely to mislead anyone.  
  
Whether representations can be considered obvious hyperbole will depend on their context.
2. Alcohol Advertising and Promotion must not state or imply therapeutic, health benefit, mental or physical enhancement or weight claims. Examples are claims that Alcohol:
  - i. Is necessary or required for relaxation.
  - ii. Positively changes mood, physical condition or behaviour.
  - iii. Enhances mental or physical capabilities, such as contributing to professional or sporting achievements.
3. Factual information about the alcohol content may be included providing it can be substantiated.

## Principle 3

# **Alcohol Sponsorship Advertising and Promotion**

**Alcohol Sponsorship  
Advertising and Promotion  
must target Adults and  
primarily promote the  
Sponsored Party.**

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## Rule 3 (a)

### Targeting Adults

#### Alcohol Sponsorship Advertising and Promotion must target Adult audiences.

## Guidelines

1. Sponsored Parties who are also individuals, groups or teams, including, but not limited to, cultural and sporting heroes or icons, celebrities and social media influencers that are currently popular\* with Minors and/or have particular appeal to\* Minors, may be used in Alcohol Sponsorship Advertising and Promotion providing all the requirements set out in Rules 3 (a) and (b) of this Code are met.

*\* Consumer research by Alcohol Advertisers may be appropriate to determine who or what is 'currently popular' or has 'particular appeal'.*

2. To ensure Alcohol Sponsorship Advertising and Promotion targets Adults, Alcohol Advertisers should not engage in Sponsorship Agreements unless Adults are at least 80% or more of the estimated participants or spectators.
3. Alcohol Advertisers may only permit Sponsored Parties to feature Alcohol branding on adult-size clothing and accessories.
4. Alcohol Advertisers must not feature Alcohol branding on any promotional material that is primarily appealing to, or is likely to be distributed to, Minors.
5. Placement

Advertisers must be able to demonstrate they have used appropriate tools and/or have taken care in evaluating audience composition to select and target Adult audiences prior to the placement of Alcohol Sponsorship Advertising and Promotion.

Alcohol Sponsorship Advertising and Promotion may be placed in:

- i. age-restricted media when appropriate tools are used to select Adult audiences and/or access is restricted to Adults only; or
- ii. any media only when recognised industry standard audience composition data are available and 80% or more of the expected average audience are Adults; or
- iii. places/premises only when the expected average audience are or are likely to be 80% or more Adults.

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## 6. Out of home

In addition to Guideline 5 above, Advertisers must not place Alcohol Sponsorship Advertising and Promotion on fixed sites within a 300-metre sightline of the main entrance to a primary, intermediate or secondary school.

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### Rule 3 (b)

#### Content

**Alcohol Sponsorship Advertising and Promotion must only feature the Alcohol Advertiser and the sponsorship in a subordinate manner.**

#### Guidelines

1. Alcohol Sponsorship Advertising and Promotion must not:
  - i. contain a direct or implied sales message;
  - ii. show Alcohol or the product label or packaging;
  - iii. imitate or use any parts of Alcohol Advertising or Promotion from any media;
  - iv. portray consumption of Alcohol;
  - v. state or imply therapeutic, health benefit, mental or physical enhancement or weight claims;
  - vi. include Minors;
  - vii. include women who are visibly pregnant or seen breastfeeding.
2. Alcohol Sponsorship Advertising and Promotion must:
  - i. only mention or portray the Alcohol Advertiser's name and/or brand name and/or logo, orally and/or visually, briefly and in a subordinate manner and, as a guide, 15% of the space/time available. It may not always be possible to apply the 15% guide, and consideration will be given to the overall look and feel of the advertising.
  - ii. focus on the clear association between the Alcohol Advertiser and the Sponsored Party. Examples of words that may appear in Alcohol Sponsorship Advertising and Promotion that indicate an Alcohol Sponsorship Agreement include, but are not limited to:
    - a) proud sponsors/supporters of
    - b) official sponsor/supporter of
    - c) official partner of
3. For the avoidance of doubt, Alcohol Sponsorship Advertising and Promotion that does not comply with Rule 3 (b) will be deemed to be Alcohol Advertising and Promotion. Principles 1 and 2 of this Code, and the accompanying Rules and Guidelines will therefore apply.



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## **About the Advertising Standards Authority (ASA)**

The ASA is the organisation that sets the standards (Advertising Codes) for responsible advertising in New Zealand. The ASA also runs the advertising complaints processes. The ASA is funded by the advertising industry and has 14 member organisations representing advertisers, agencies and the media.

### **Making a complaint**

Anyone can complain about any advertisement.

All complaints must be received using our online complaints form, via email or via post. Our process requires that we deal with the consumer's concerns in their own words. Our online complaint form is available at [www.asa.co.nz](http://www.asa.co.nz). Complaints can be emailed to [asa@asa.co.nz](mailto:asa@asa.co.nz) or posted to PO Box 10675, Wellington 6143.

### **Competitor complaints**

Competitor complaints are dealt with via a user-pays process with adjudication hearings. Costs for a hearing range from \$10,000 to \$15,000 excluding GST. The process aims to give fast and thorough consideration to conflicts between competitors.

## **Responding to a complaint**

All parties associated with an advertisement are expected to respond to the ASA following a complaint. This includes the advertiser and may also include the agency and the media where the advertisement was placed. The ASA website [www.asa.co.nz](http://www.asa.co.nz) provides guidance on how to respond to a complaint.

### **Decisions**

The Advertising Standards Complaints Board makes decisions about complaints following responses from parties. Decisions may be appealed and if there are grounds for an appeal, the Appeal Board will re-consider the complaint. The ASA membership has no involvement in the work of the Complaints and Appeal Boards.

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**Decision outcomes have the following meanings:**

**No Grounds to Proceed:** This means the Chair of the Complaints Board has reviewed the complaint and has ruled a Code has not been breached, and there are no grounds for the complaint to proceed. This outcome may occur when a complaint is based on an extreme interpretation or is trivial or vexatious, or if there is a precedent decision that relates to the same or similar advertising.

**Upheld:** This means the Complaints Board agreed with the issues raised by the complainant and the advertiser is asked to amend or remove the advertisement.

**Settled:** When an advertiser either withdraws an advertisement or makes immediate changes (that the Chair considers satisfactory) to address the issues raised by the complainant the complaint can be settled by the Chair. A settled decision achieves the same outcome as an upheld decision – removal or amendment of the advertisement.

**Not Upheld:** This means the Complaints Board does not find the advertisement in breach of the Advertising Codes in relation to the complainant's concerns.

**No Jurisdiction:** Sometimes a complaint is outside the jurisdiction of the ASA. The ASA deals with complaints about any advertisement that is targeted at NZ audiences. Matters of law or complaints about advertisements from outside of NZ, which are not targeting NZ consumers, are outside the ASA's jurisdiction.



**All ads, all media**