



**NSW Legislative Council's Portfolio Committee No. 1 –
Premier and Finance in relation to an inquiry into the
Alcohol Beverages Advertising Prohibition Bill 2015**

Response to questions on notice

The ABAC Scheme response to questions on notice

1. Request for ABAC decisions on marketing activity by social media influencers?

Mr JUSTIN FIELD: To add an even newer piece of territory, one of the most effective forms of online media at the moment is the use of social influencers. People may not even realise they are being targeted. Do you have any way of making judgements on how the alcohol industry may or may not be using social influencers to conduct peer to peer marketing? Do you have any reach into that type of marketing?

Professor The Hon. MICHAEL LAVARCH: We have, to date, made at least one or two decisions regarding influencers. One was earlier this year or late last year, with two online influencers. We took investigations as to the nature of how is it that the product was appearing on the influencer's site, what the relationship was of the influencer back to the marketing company, the particular brand owner. In those cases we made a determination that the code applied to this form of digital marketing. Even though you will not find the word "influencer" in the code definitions, there is the spirit and intent of what we think the code should be reaching. We said yes, if you market through an influencer, that work of the influencer has to be consistent with the standards in the code. As to how much that is occurring and how much money is going that way I do not know.

Mr JUSTIN FIELD: Would you be able to provide the Committee with the outcome and the details of those considerations?

Professor The Hon. MICHAEL LAVARCH: Absolutely. All of our decisions are published on our website and can be accessed there, but we are certainly happy to individually circulate that particular decision.

In Determination 133/16 (http://www.abac.org.au/wp-content/uploads/2017/01/133_16_Determination_Smirnoff_11_Jan_2017.pdf) the ABAC Panel considered a complaint about Instagram posts by two social media influencers that included Smirnoff products in their posts. The Panel decided that the posts by the social media influencers were alcohol marketing communications within the scope of the ABAC Code. The company had a level of control over the posts by pre campaign influencer recruitment and the post moderation of the content and so was accountable for the posts even though the actual content of the posts was devised by the influencers and not directly by the company.

2. Request for statistic on how many of the pre vetting requests in 2016 related to social or digital media?

Professor The Hon. MICHAEL LAVARCH: Yes.

The Hon. SCOTT FARLOW: You outlined that social media is pre vetted. How many of the 1,400 would be social or digital media?

Ms TAYLOR: We would have to take that on notice.

Professor The Hon. MICHAEL LAVARCH: I would have to take that on notice.

Pre vetting requests relate to material for use on one or more media. Of the 1,416 requests in 2016, 577 of the requests related to use, at least in part, on digital media.

Alan Ferguson
Chair, ABAC Management Committee
21/12/17