

**Submission
No 8**

**INQUIRY INTO ALCOHOLIC BEVERAGES ADVERTISING
PROHIBITION BILL 2015**

Organisation: Distilled Spirits Industry Council of Australia Inc
Date received: 10 November 2017



10 November 2017

Portfolio Committee No. 1 – Premier and Finance
Parliament House, Macquarie Street
Sydney NSW 2000

Re: Inquiry on the Alcohol Advertising Prohibition Bill 2015

Thank you for the opportunity to make a submission to the inquiry on the Alcohol Advertising Prohibition Bill 2015. The Distilled Spirits Industry Council of Australia (DSICA) is the peak body representing the spirits industry in Australia and as a member of Alcohol Beverages Australia (ABA) I am writing to endorse ABA's written submission to the inquiry.

I would also like to draw the Committee's attention to that attached "DSICA Statement of Responsible Practices for Alcohol Advertising and Marketing" which was agreed in 2010 and demonstrates the spirits industry's commitment to lead the way in responsibility. This statement is in addition to our ongoing commitment to the Alcohol Beverages Advertising Code (ABAC) scheme which is fully described in the ABA submission.

As outlined by ABA's submission the key indicators related to alcohol consumption in Australia have been continuing on a positive trajectory for well over a decade. Australian's are drinking less frequently and when they do drink are doing so in moderation. There has also been consistent improvement in key indicators when it comes to young people and alcohol consumption in Australia. The evidence shows that Australia has established a significant shift in attitudes when it comes to alcohol.

DSICA supports the evidence based approaches suggested by ABA to address alcohol related harm. We urge the NSW government to consider the targeted measures recommended by ABA that seek to address the root causes of alcohol related harm and are proportionate to the issues at hand.

DSICA, working with other industry and community groups, welcomes the opportunity to partner with the NSW government to continue the great progress being made in reducing alcohol related harm in NSW.

Yours sincerely

Alec Wagstaff
CEO
Distilled Spirits Industry Council of Australia Inc



Distilled Spirits Industry Council of Australia Inc

STATEMENT OF RESPONSIBLE
PRACTICES

FOR

ALCOHOL ADVERTISING AND MARKETING

March 2010

1. Preamble

- 1.1. The Distilled Spirits Industry Council of Australia Inc. (DSICA) is the national trade association representing producers and marketers of distilled spirits sold in Australia.
- 1.2. We recognise that alcohol is enjoyed by the great majority of Australians, and that its consumption adds to their quality of life as a pleasurable and social experience. As producers of distilled spirits, we recognise that alcohol can be both used responsibly and misused, and that our responsibility is to market and promote our products in a responsible manner.
- 1.3. DSICA members have developed this Statement of the responsible practices for advertising and marketing to provide guidance to all those involved in the promotion of their respective brands.
- 1.4. DSICA members are committed to the responsible placement and content of their brand communications. The overriding principle is to market our products to adults in a responsible and appropriate manner.
- 1.5. To this end, advertising and marketing will not primarily appeal to people under the legal purchase age, in that it will not have a special attractiveness to such persons beyond the general attractiveness it has for persons of legal purchase age.
- 1.6. DSICA members pledge voluntarily to conduct their advertising and marketing practices in accordance with this Statement.
- 1.7. The consumption of alcohol products has played an accepted and important role in the cultural and social traditions of both ancient and modern society. DSICA members take special pride in their products and their commitment to promoting responsible drinking by those adults who choose to drink.
- 1.8. DSICA members encourage responsible decision-making regarding drinking, or not drinking, by adults, and discourage abusive consumption of their products. DSICA members urge that adults who choose to drink, do so responsibly. Nevertheless, it is the obligation of each consumer who chooses to drink to enjoy alcohol products in a responsible manner.
- 1.9. DSICA members actively support responsible drinking through several initiatives:
 - financial support for the social marketing organisation DrinkWise Australia;
 - consistent support for progressive volumetric taxation of all forms of alcohol, including favourable taxation of low strength products and progressively higher taxation on high strength products;
 - voluntary adoption on labels of the health question *Is your drinking harming yourself or others?*;
 - development and voluntary adoption of the standard drinks logo;

- the voluntary adoption of an upper limit of two standard drinks per single serve container;
- voluntarily limiting the caffeine or caffeine-equivalent content of energy beverages to no higher than that in conventional cola soft drinks available in the market. DSICA members will not use Taurine in their products.

2. Scope

- 2.1. This Statement applies to all activities undertaken to advertise and market distilled spirits. These activities include brand advertising, consumer communications, promotional events, packaging, labels, and distribution and sales materials.
- 2.2. The Statement applies to every type of print and electronic media, including the internet and any other on-line communications, used to advertise or market alcohol. The Statement also applies to every type of promotional or marketing activity or event, including all product placements (e.g., movies, television programs, music videos, video games) and sponsorships. Sponsorships are commercial, contractual agreements between an alcohol company (the sponsor) and a sponsored party or sponsorship property establishing an association between the sponsor's brands or products and the sponsored party or sponsorship property in return for rights to promote this association.
- 2.3. DSICA members recognise that it is not possible to cover every eventuality and, therefore, agree to observe the spirit, as well as the letter, of this Statement.

3. Responsible Placement

Adult Audiences and Underage Persons

- 3.1. Alcohol advertising and marketing materials are intended for adults of legal purchase age who choose to drink.
- 3.2. Alcohol products should not be advertised or marketed in any manner directed or primarily appealing to persons below the legal purchase age. Advertising or marketing material is considered to primarily appeal to persons below the legal purchase age if it has special attractiveness to such persons beyond the general attractiveness it has for persons of legal purchase age.
- 3.3. Alcohol advertising and marketing should be placed in broadcast, cable, radio, print, and internet/digital communications only where at least 70 percent of the audience is reasonably expected to be above the legal purchase age (determined by using reliable, up-to-date audience or readership data).

- 3.4. To facilitate these responsible placement commitments, recognised electronic audience and print readership data should be reviewed on a regular basis (at least annually) in order to ensure that the audience composition data are current and appropriate.
- 3.5. Internal, semi-annual after-the-fact audits of a random portion of past placements should be undertaken by members to verify that such past placements were in compliance with this Statement and to take appropriate, corrective action for future placements.
- 3.6. Appropriate measures and best efforts should be taken so that alcohol advertising and marketing are not specifically aimed at events unless at least 70 percent of the audience is reasonably expected to be above the legal purchase age.
- 3.7. Alcohol advertising should not be placed on any outdoor stationary location within 150 metres of a primary or secondary school, except on a licensed premise.

Product placements

- 3.8. Movies, television programs, music videos, and video games frequently may portray the consumption of alcohol products and related signage in their productions. For those DSICA members who seek placement opportunities, product placements will be guided by the following principles:
- 3.9. Case-by-case assessment: DSICA members should approve or reject a product placement on a case-by-case basis based upon the information about the movie, television program, music video, or video game available at the time provided by the project's producers.
- 3.10. Portrayal of drinking and driving: Driving while intoxicated is against the law and alcohol advertising and marketing materials should not portray, encourage or condone driving any motor vehicle while intoxicated. DSICA members should not approve a product placement where the characters engage in illegal or irresponsible consumption of their products in connection with driving.
- 3.11. Underage drinking: DSICA members strongly oppose underage drinking. DSICA members should not approve a product placement which portrays the purchase or consumption of their products by persons who are below the legal purchase age.
- 3.12. Primary appeal to persons below the legal purchase age: DSICA members should not approve a product placement where the primary theme(s), because of its content or presentation, is especially attractive to persons below the legal purchase age beyond the general attractiveness such theme(s) has for persons of the legal purchase age.

- 3.13. Portraying alcoholism/alcohol abuse: DSICA members should not approve a product placement where characters use their products irresponsibly or abusively or where alcoholism is portrayed, unless the depiction supports a responsible consumption message or encourages abusive drinkers to seek treatment.
- 3.14. Measured media: DSICA members should not request or approve a product placement in any measured media unless the placement is consistent with the responsible placement provisions of the Statement.

4. Responsible Content

Appeal to Adult Audiences

- 4.1. Alcohol advertising and marketing materials are intended for adults of legal purchase age who choose to drink. Alcohol advertising and marketing materials must comply with all aspects of the Statement regardless of where these materials are placed; for example, the nature or subject matter of a particular publication is not relevant.
- 4.2. The content of alcohol advertising and marketing materials should not primarily appeal to individuals below the legal purchase age.
- 4.3. Alcohol advertising and marketing materials should not depict children or portray objects, images or cartoon figures that primarily appeal to persons below the legal purchase age.
- 4.4. Alcohol advertising and marketing materials should not contain the name of or depict Santa Claus, Easter Bunny, or any other culturally significant figure or character likely to primarily appeal to persons below the legal purchase age.
- 4.5. Alcohol products should not be advertised or marketed on the comic and youth pages of newspapers, magazines or other publications, or the comic and youth pages of their supplements.
- 4.6. Alcohol products should not be advertised or marketed in a manner associated with the attainment of adulthood or the 'rite of passage' to adulthood.
- 4.7. Alcohol products should not be advertised or promoted by any person who is below the legal purchase age or who is made to appear to be below the legal purchase age. To help ensure that individuals in alcohol advertising are, and appear to be, above the legal purchase age, models and actors employed should be a minimum of 25 years old, substantiated by proper identification and should reasonably appear to be 21 years of age and older.
- 4.8. No brand identification, including logos, trademarks or names, should be used or licensed for use on clothing, toys, games, or game equipment, or other items intended for use primarily by persons below the legal purchase age.

- 4.9. DSICA members should license the manufacture of brand logoed apparel (and the licensing of member company trademarks used in connection with the sale of brand logoed apparel) to adult sizes only.

Social Responsibility

- 4.10. Alcohol advertising and marketing materials should portray alcohol products and drinkers in a responsible manner. Alcohol products and drinkers may be portrayed as part of responsible personal and social experiences and activities, such as the depiction of persons in a social or romantic setting, persons who appear to be attractive or affluent, and persons who appear to be relaxing or in an enjoyable setting.
- 4.11. Alcohol advertising and marketing materials should not depict situations where alcohol is being consumed excessively or in an irresponsible manner. These materials should not portray persons in a state of intoxication or in any way suggest that intoxication is socially acceptable conduct, and they should not promote the intoxicating effects of alcohol consumption.
- 4.12. Alcohol advertising and marketing materials should not contain any curative or therapeutic claim.
- 4.13. Alcohol advertising and marketing materials should contain no claims or representations that individuals can attain social, professional, educational, or athletic success or status as a result of alcohol consumption.
- 4.14. Alcohol products should not be advertised or marketed in any manner associated with abusive or violent relationships or situations.
- 4.15. Alcohol advertising and marketing materials should not imply or portray criminal activity of any kind.
- 4.16. Alcohol advertising and marketing materials should not portray alcohol being consumed by a person who is engaged in, or is immediately about to engage in, any activity that requires a high degree of alertness or physical coordination.
- 4.17. Alcohol advertising and marketing materials should not portray alcohol consumption leading to anti-social or dangerous behaviour.
- 4.18. Driving while intoxicated is against the law. Alcohol advertising and marketing materials should not portray, encourage or condone driving any motor vehicle while intoxicated or after having consumed alcohol.

Social Responsibility Statements

- 4.19. All paid media advertising and point of sale materials should contain a responsibility message in a manner and location that a reasonable person would be aware of its presence.

Good Taste

- 4.20. Alcohol advertising and marketing materials should reflect generally accepted contemporary standards of good taste.
- 4.21. Alcohol advertising and marketing materials should not degrade the image, form, or status of women, men, or of any ethnic, minority, sexually-oriented, religious, or other group.
- 4.22. Alcohol advertising and marketing materials should not contain any lewd or indecent images or language.
- 4.23. Alcohol advertising and marketing materials should not employ religion or religious themes.

Sexual Prowess and Sexual Success

- 4.24. Alcohol advertising and marketing materials may depict affection or other amorous gestures or other attributes associated with sociability and friendship. While a brand preference may be portrayed as a mark of good taste and discernment, alcohol advertising and marketing materials should not rely upon sexual prowess or sexual success as an attribute for the brand.

Accordingly, advertising and marketing materials should not contain or depict:

- 4.24.1. graphic or gratuitous nudity;
- 4.24.2. overt sexual activity;
- 4.24.3. promiscuity;
- 4.24.4. or sexually lewd or indecent images or language.

Alcohol and Energy Content

- 4.25. Alcohol advertising and marketing materials should not refer to the alcohol content of an alcohol product except in a straightforward and factual manner, or refer to the alcohol content in a manner that promotes the potency of an alcohol product.
- 4.26. In the case of beverages containing ingredients with functional energy benefits, no energy claims will be made in the marketing/advertising of those products. Further, the caffeine or caffeine-equivalent content of such beverages will be no higher than that in conventional cola soft drinks available in the market. DSICA members will not use Taurine in their products.

5. Websites and emerging media

- 5.1. Age notice mechanisms, utilising month, day and year, should be employed for DSICA member-controlled alcohol advertising and marketing websites. They also should contain a reminder of the Australian legal purchase age.
- 5.2. DSICA members recognise the crucial role parents play in educating their children about the legal and responsible consumption of alcohol. To enable parents who choose to prevent their children from accessing internet websites without their supervision, DSICA will provide the manufacturers of parental control software upon request the website address of each member company so that the manufacturer can use this information to block access.
- 5.3. Gateway pages will contain Nanny tags that accurately describe the website contents in a format the parental control software can detect.
- 5.4. Each DSICA member-controlled website with advertising or marketing materials should provide a link to a responsible decision-making site.
- 5.5. DSICA member-controlled websites that contain down-loadable advertising or marketing content should include instructions to individuals downloading the content that they should not forward these materials to individuals below the legal purchase age and also should include on the downloadable content a responsible drinking statement where practicable.
- 5.6. Mobile device communications, eCards, 'send to a friend', and other relationship marketing tools must include appropriate age notifications.
- 5.7. Emails and other relationship marketing outreach must not be sent to any individual under the legal purchasing age.
- 5.8. Those forums established by DSICA members to engage with consumers will encourage and promote mature and responsible conversation. The online forums will be monitored on a regular basis to ensure that the conversation is within the spirit of this Statement.
- 5.9. Where text can be placed on a DSICA-member controlled website by users, an automated screening process will vet wording, and if required block that text, before its placement on the website. The screening will block offensive and degrading language, words linked with or implying alcohol abuse, or other words or phrases as relevant.
- 5.10. To further ensure compliance, all content will be moderated on a regular basis for compliance with this Statement and the ABAC Scheme by the DSICA member or an appropriate partner agency.

- 5.11. DSICA member generated visual and text content – including photos, videos, audio and artwork – will be scanned and approved by an appropriately trained person against the standards of this Statement and the ABAC Scheme before placement on DSICA member-controlled websites.
- 5.12. User generated visual content – photos, videos, audio and artwork – will be scanned and approved by an appropriately trained person against the standards of this Statement and the ABAC Scheme before placement on any DSICA member –controlled website.
- 5.13. Where non-member controlled websites or fan sites exist that are not controlled or managed by the brand owner, members will use their best endeavours to influence information on these forums and to encourage the removal of irresponsible content.

6. Promotional Events

- 6.1. On-premise promotions funded or controlled by DSICA members should encourage responsible consumption by those adults who choose to drink, and not support or condone activities that allow or encourage abuse or irresponsible consumption, for example drinking games, games of chance such as ‘toss the boss’, or time limited ‘happy hour’ deals that reward or encourage excessive or abusive consumption. On-premise promotions that use competitions or games of chance should not use as a prize alcoholic products available for consumption on that occasion.
- 6.2. Where supplier sampling is permitted, DSICA members should ensure that appropriate measures are employed to safeguard against underage drinking, including ensuring that individuals conducting the sampling on behalf of the supplier are of legal purchase age. The total alcohol supplied by a member through sampling to an individual in a given sampling exercise should not exceed two standard drinks.
- 6.3. DSICA members should not promote or encourage any drinking in conjunction with reckless and/or irresponsible behaviour at an on-premise promotion sponsored by the DSICA member.
- 6.4. Alcohol advertising and marketing materials should not use the term “schoolies” or sponsor events or activities that use the term “schoolies” except if those events or activities are located on licensed premises.

7. Internal compliance procedures

- 7.1. DSICA members should establish internal processes to ensure compliance with the DSICA Statement of responsible practice, and the ABAC scheme. To the extent possible given a company's size and organisational structure, this process should include a separate review of advertising and marketing materials by a company employee who is not in the marketing department or who was not involved in the development of the advertising or marketing materials.
- 7.2. DSICA members should establish and conduct a training program for employees involved in the advertising or marketing of a member company's brands, including appropriate initial and recurrent training.
- 7.3. DSICA members should provide a copy of the DSICA Statement to advertising agencies, media buyers and other external consultants involved in a member's advertising or marketing activities.
- 7.4. Subject to the rules of Section 7 of the DSICA Constitution, the DSICA Executive may by resolution:
 - 7.4.1. expel a member from the Council;
 - 7.4.2. suspend a member from membership for a specified period
 - 7.4.3. fine a member in accordance with the regulations,if the Executive is of the opinion that the member;
 - has refused or neglected to comply with these rules; or
 - has been guilty of conduct unbecoming a member or prejudicial to the interest of the Council.