



Industry Guideline - responsible promotion of liquor for consumption on premises and for take-away packaged liquor

[as amended 28 July 2009]

Disclaimer

This Guideline is designed to provide information in regard to the subject matter covered, and with the understanding that the Director of Liquor Licensing is not passing legal opinion or interpretation or other professional advice. The information is provided on the understanding that all persons undertake responsibility for assessing the relevance and accuracy of its contents.

The *Liquor Control Act 1988* ('the Act') places an obligation on licensees to sell and supply liquor in a responsible manner.

One of the primary objects of the Act is to minimise harm or ill-health caused to people, or any group of people, due to the use of liquor.

Section 64(3) of the Act empowers the licensing authority to impose conditions on a licence to prohibit promotional activity in which drinks are offered free or at reduced prices or to prohibit any practice that encourages the irresponsible consumption of alcohol.

This document provides the industry with a framework of practices which are considered unacceptable in order to prevent the intoxication and antisocial behaviour of patrons and, in all other respects, to ensure that the premises are being properly managed. The framework highlights those practices which are discouraged and are not in the public interest.

The use of "gimmick" promotions of cheap or discounted liquor that are likely to encourage the irresponsible consumption of alcohol are not acceptable. An activity by design or other use is not to create an incentive for patrons to consume liquor more rapidly and/or in greater amounts than they otherwise might.

Attached is a list of practices that are considered inappropriate for promoting alcohol in licensed premises for on site or off site (i.e. take-away packaged liquor) consumption.

In assessing whether a promotion not covered in the attached list is acceptable or not, a licensee should consider the aim of the guideline and ask a simple question... "***Does my promotion involve cheap or discounted drinks as an enticement to attract people to my premises, or is it likely to encourage the irresponsible consumption of liquor?***" If the answer is **YES**, it is likely that the promotion is not in accordance with this guideline.

All licensees have an obligation and responsibility to manage their premises in accordance with the requirements of the Act and ensure that any liquor promotion is consistent with the primary object of minimising alcohol related harm.

Employees Consuming Liquor on Licensed Premises

Section 112(1)(d)(iii) of the Act provides that licensees may supply liquor to employees outside of the permitted trading hours but only subject to the following provisions:

- liquor must be provided at the expense of the licensee or approved manager;
- employees may only be supplied with liquor if they are employed at the licensed premises where consumption is taking place;
- liquor may not be provided to any other person, ie. no partners, friends etc; and
- liquor may not be provided to be consumed off the licensed premises ie. no take-away packaged liquor.

Licensees should use their discretion when allowing employees to consume liquor outside of the permitted trading hours and should ensure, where possible, that this activity does not take place in public view.

DIRECTOR OF LIQUOR LICENSING

Effective date: 28 July 2009

Reviewed: 28 July 2009, 31 January 2009, 10 December 2008

Consumption on Licensed Premises

It is not acceptable for licensees to:

1. Externally advertise a complimentary drink upon arrival, unless the drink is provided ancillary to another service such as accommodation or food.
2. Promote or sell drinks that offer alcohol:
 - in non standard measures (unless lesser amount); and/or
 - by virtue of their emotive titles such as – “laybacks”, “shooters”, “slammers”, “test tubes”, “blasters”
3. Offer or provide drink or loyalty cards that provide:
 - a multiple of free drinks;
 - extreme discounts such as two for price of one;
 - discounts of limited duration on a given day or night; and/or
 - the capacity for drinks to be readily stockpiled by patrons or transferred to other patrons.

In other words, the drink/loyalty card must not, by design or potential misuse, create an incentive for patrons to consume liquor more rapidly, and/or in greater amounts than they otherwise might.

4. Offer, provide or distribute promotional cards, vouchers or incentives, away from the licensed premises, that provide free or discounted drinks.
5. Undertake promotions of discounted alcohol for a limited duration, in which discounted alcohol is the enticement for people to attend the premises and which may encourage the irresponsible consumption of liquor, however:
 - a) it is an acceptable practice to conduct two "*traditional happy hour*" (i.e. of 60 minutes duration) during or immediately following normal day-time working hours, provided there is at least four hours separation between each happy hour and happy hour has ceased by 7.00 pm;
 - b) it is an acceptable practice to undertake promotions involving low alcohol products where it is clear from the promotional material that it is a low alcohol product promotion; and
 - c) it is an acceptable practice to undertake promotions of particular brands of liquor that provide incentives to purchase the brand by virtue of a consistent discounted price across the entire trading hours of the premises on a given day or night or to offer a prize or merchandise etc, and does not provide an incentive to consume the product rapidly and to excess nor promote a drinking culture inconsistent with recommended guidelines for responsible consumption of liquor, and does not have the capacity to be readily stockpiled by patrons or transferred to other patrons.
6. Refuse to serve half measures of spirits on request or provide reasonably priced non-alcoholic drinks.
7. Undertake any promotion that encourages a patron to consume liquor excessively for example: “all you can drink”, “free drinks for women”, “free drinks for women all night” and “two for one” offers – and/or to consume liquor in an unreasonable time period.
8. Engage staff or agents to “talk up” alcoholic beverages (i.e. promote beverage due to its higher alcohol content) to patrons, or to sell the promotional drinks from a drink belt; backpack or other gimmick devices.

Take-Away Packaged Liquor

It is not acceptable for take away packaged liquor outlets to:

1. Promote and advertise alcoholic drinks that suggest irresponsible or excessive consumption of liquor with emotive titles such as – “laybacks”, “shooters”, “slammers”, “test tubes”, “blasters”.
2. Promote and advertise alcoholic drinks that by virtue of their design or packaging encourages irresponsible drinking behavior and are likely to result in rapid intoxication (for example pre-packaged shooters or tooth paste style tubes containing alcohol).
3. Challenge or dare people to sample a particular alcoholic drink because of its higher alcohol content.
4. Display or use promotional or branding material in promoting and advertising alcoholic drinks that by virtue of the design or packaging have a strong appeal to children or adolescents (e.g. naming of the product and/or design is using cartoon-like colouring and images, alcoholic energy drinks or “alcopops”)
5. Display or use promotional, advertising or branding material, which contains children or adults under the age of 25.
6. Display or use advertising material that suggests the consumption or presence of alcoholic drinks may create or contribute to a significant change in mood or environment and accordingly must not depict the consumption or presence of alcoholic drinks as a cause of or contributing to the achievement of personal, business, social, sporting, sexual or other success.
7. Display or use advertising material that depicts any direct association between the consumption of alcoholic drinks 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 any depiction of the consumption of alcoholic drinks 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.