

Advertising and promotion of liquor

Licensees and permit holders must advertise and promote liquor in a way that supports responsible service and consumption principles.

The object of the *Liquor Licensing Act 1990* includes regulating the promotion and consumption of liquor to minimise harm caused by its misuse. One way to do this is by **restricting undesirable liquor promotion and advertising**.

2A Object of Act

- (1) The object of this Act is to regulate the sale, supply, promotion and consumption of liquor so as to –
 - (a) **minimise harm arising from the misuse of liquor by –**
 - (i) ensuring that the supply of liquor is carried out in a way that is in the best interests of the community and does not, as far as practicable, detract from public amenity; and
 - (ii) **restricting undesirable liquor promotion and advertising** and the supply of certain liquor products; and
 - (iii) encouraging a culture of responsible consumption of liquor; and
 - (b) facilitate the responsible development of the liquor and hospitality industries in a way that is consistent with the best interests of the community.
- (2) It is the obligation of any person on whom a function is imposed or a power is conferred under this Act to perform the function or exercise the power in such a manner as to further the object set out in subsection (1).

Liquor Licensing Act 1990

Section 68 of the Liquor Licensing Act enables the Commissioner to prohibit or restrict the advertising or promotion (or the proposed advertising or promotion) if they are likely to encourage irresponsible consumption of liquor, or if it is otherwise in the public interest to do so.

To prohibit or restrict advertising or promotion, the Commissioner will serve a written notice on a licensee or permit holder.

It is an offence for a licensee or permit holder not to comply with the notice. The penalty may be up to 20 penalty units.

68. Prohibited or restricted advertising or promotion

- (1) The Commissioner may serve a notice on a licensee or permit holder that prohibits or restricts the advertising or promotion of the sale of liquor by the licensee or permit holder if, in the opinion of the Commissioner –
 - (a) the advertising or promotion, or the proposed advertising or promotion, is likely to encourage irresponsible consumption of liquor; or
 - (b) it is otherwise in the public interest to do so.
- (2) A licensee or permit holder on whom a notice under subsection (1) is served must comply with the notice.
Penalty: Fine not exceeding 20 penalty units.

Liquor Licensing Act 1990

What types of advertising and promotion are covered?

Advertising and promotion covers all mediums (hard copy and digital) used to advertise and promote liquor sales in Tasmania. Examples include, but are not limited to:

- television
- radio
- signage (eg banners, sandwich boards)
- print (eg newspapers, shopper docketts)
- Internet (eg websites, social media)
- mobile phones (eg via SMS)

What could be considered undesirable advertising or promotion?

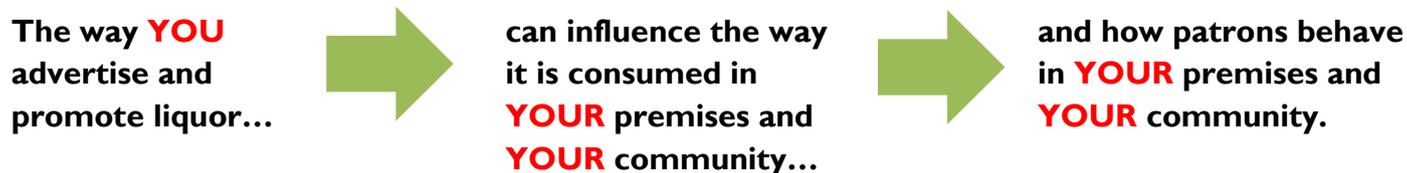
Advertising or promotions that have the following attributes may be considered to be undesirable and may result in a notice being issued to the licensee or permit holder by the Commissioner. Most of the following examples apply whether liquor is sold for consumption on or off the premises.

Appeal to minors	<ul style="list-style-type: none">• Using characters, imagery, designs, motifs, interactive games, merchandise or media that is likely to appeal to minors.• Using a name or packaging that could be confused with confectionery or a non-alcoholic drink.• Using models in settings primarily used by minors or who are, or who appear to look, under 18 years of age.
Indecent or offensive	<ul style="list-style-type: none">• Using insulting or offensive language.• Using sexual, degrading, sexist or gratuitously offensive images, symbols, figures and innuendo.
Non-standard measures	<ul style="list-style-type: none">• Serving liquor in yard glasses, test-tubes or bowls, pouring liquor straight into a patron's mouth, slammers, blusters, bombs etc.• Encouraging the consumption of multiple shooters or shots by an individual, or encouraging an individual to purchase and consume on their own an alcoholic drink intended to be shared.
Extreme discounts <i>(50 per cent or more off the full price is an extreme discount and is of concern where rapid or excessive consumption is also encouraged)</i>	<ul style="list-style-type: none">• Providing free drinks or \$1 shots of spirits for consumption on and/or off the premises.• Discount offers, such as:<ul style="list-style-type: none">○ drink cards, promotional cards or vouchers that encourage stockpiling drinks or consumption over a short period of time; or○ bulk purchases that result in a liquor product being sold for less than one dollar per standard drink (such as 2 for 1 spirits all night).• Happy hours or other promotions on the premises involving extreme discounts that extend for more than two hours.
Rapid or excessive consumption <i>(Be wary of events or games of short duration that may encourage irresponsible consumption)</i>	<ul style="list-style-type: none">• Events associated with rapid or excessive consumption and/or binge drinking (such as, end of sporting season celebrations like "Mad Monday" or end of school year celebrations like "Schoolies Week" or "after parties").• Games, competitions or challenges such as skolling games, boat races and "toss the boss".• Use of non-standard measures such as yard glasses, test-tubes or bowls.
Public interest	<ul style="list-style-type: none">• Promotions that use images or messages that could be associated with anti-social behaviour, illicit drugs or illegal activities.• Promotions that associate liquor consumption with risk taking or with dangerous, aggressive or violent behaviour.• Discriminatory promotion, such as, women drink free.

Minimising the risk of harm from liquor advertising and promotion in your premises

Advertising and promotion are commonly used by licensees and permit holders to attract patrons. However you should always assess the risks before you go ahead.

Remember:



In many cases the risk that is raised by one element, can be offset or reduced by adjusting another element of the promotion. If you are in doubt contact the Liquor and Gaming Branch.

Elements to consider are:

- Offer lower strength liquor products rather than products with a high alcohol content. For example, limiting the number of shots added to cocktails.
- When providing free sampling, consider limiting the number of samples and providing an offset by limiting the discount of liquor during a promotion, ensuring that reduction in price is not extreme and likely to encourage rapid or excessive consumption.
- Place reasonable limits on the duration of the promotion, for example a happy hour should not extend for more than two hours. Be aware that time limits can also encourage rapid or excessive consumption.
- Limit the number of drinks that can be purchased by a single person in a single transaction during the promotion. For example, two drinks per person per transaction during happy hour.
- Avoid games, dares, challenges and competitions that may create an incentive for patrons to drink more.
- Consider limiting the number of promotions that are held during a single trading period.
- Check that the proposed advertisement is not in conflict with the standards for alcohol marketing set out in the *ABAC Responsible Alcohol Marketing Code*. All advertisements for alcohol beverages are required to comply with this Code and any complaints alleging breaches are formally examined by the ABAC Adjudication Panel. Further information is available at www.abac.org.au.

Penalty unit information can be found at:-

https://www.justice.tas.gov.au/about/legislation/value_of_indexed_units_in_legislation

For further information contact the Liquor and Gaming Branch.

Phone: (03) 6166 4040 (Hobart) or (03) 6777 2777 (Launceston)

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