

INFORMATION SHEET

Producing a TVC promoting or including reference to Alcohol

The following points need to be considered when producing a television commercial which either promotes or includes reference to alcohol, or which includes themes that have some connection with alcohol:

The alcohol beverages industry has agreed to abide by a voluntary advertising code called the ABAC Responsible Alcohol Marketing Code (ABAC Code). The ABAC Code outlines the standards for alcohol advertising in Australia. The Commercial Television Industry Code of Practice (the Code of Practice) states that advertisers are expected to comply with the ABAC Code. A copy of the ABAC Code is available from the website – www.abac.org.au/publications/thecode

- The Alcohol Advertising Pre-vetting Service (AAPS) is available to pre-vet alcohol commercials for compliance with the ABAC Code. An AAPS application can be lodged online at www.abac.org.au/for-advertisers. Please note any revisions made to a commercial that has received AAPS approval may need to be resubmitted for further AAPS approval.

- In addition to the ABAC Code/AAPS requirements, the Code of Practice and the Children's Television Standards 2009 set out certain restrictions in relation to the scheduling of alcohol commercials. These are set out in CTS 36 and Clause 6.2 and Section 8 of the Code of Practice.

- CTS 36 provides:

Advertisements for alcoholic drinks may not be broadcast during C periods.

No advertisement or sponsorship announcement during C periods may identify or refer to a company, person, or organisation whose principal activity is the manufacture, distribution or sale of alcoholic drinks. This is in addition to the requirements of the Commercial Television Industry Code of Practice.

- Clause 6.2 of the Code of Practice sets out further scheduling restrictions that apply to a 'Commercial for Alcoholic Drinks'. The term 'Commercial for Alcoholic Drinks' is defined in Section 8 of the Code. Commercials falling within this definition are given an 'L' placement code by CAD.

A Commercial for Alcoholic Drinks may be broadcast at any of the following times:

- a) in the M and MA15+ classification zones set out in Section 2 (except between 5.00 am and 6.00 am, and 7.30 pm and 8.30 pm); and
- b) as an accompaniment to a Sports Program on a Weekend or a Public Holiday; and

- c) as an accompaniment to the broadcast of a Live Sporting Event broadcast simultaneously across more than one licence area, if one of subclauses (a) or (b) is satisfied for:
 - i. the licence area in which the Live Sporting Event being broadcast is held, for an event taking place in Australia;
 - ii. the majority of metropolitan licence areas in which the Live Sporting Event is shown, for an event taking place overseas.
- One of the main issues that arise for consideration under the Code of Practice restrictions is whether or not a commercial is a 'Commercial for Alcoholic Drinks'. Some of the questions that will often be relevant to consider are:
 - does the commercial contain visuals of alcohol?
 - does the commercial contain references to alcohol?
 - does the commercial contain branding/trademarks associated with alcohol?
 - is the commercial encouraging people to purchase/drink alcohol?
 - is the commercial promoting the purchase/use of alcohol?
- It is not only when dealing with obvious commercials that clause 6.2 of the Code of Practice should be brought to mind, for example a commercial promoting a particular brand of beer. They should also be considered in relation to commercials promoting pubs/clubs, food and wine festivals, sporting/entertainment events with alcohol sponsors, and other similar commercials. Please refer to the definition of "Commercial for Alcoholic Drinks" at Section 8 of the Code of Practice for more information.
- Additionally, the NSW Director of Liquor and Gaming, under section 102 of the *Liquor Act 2007* has published the *Liquor Promotion Guidelines* for the responsible promotion of liquor. The guide describes the circumstances upon which the Director may restrict or prohibit a licensee carrying on, or being involved in, activities or promotions involving the sale or supply of liquor. A copy of the guidelines is available from the NSW Office of Liquor, Gaming and Racing website www.olgr.nsw.gov.au. Advertisers should consult the relevant state or territory liquor licence authority and legislation for similar guidelines on liquor promotion.

For further information please contact CAD on 02 8968 7200 or email us at cad@freetv.com.au