

INFORMATION SHEET

Producing a TVC promoting or including reference to alcohol

The following points need to be considered when producing a television advertisement 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 Alcohol Beverages Advertising Code (ABAC). The Code covers all advertising for alcohol. A copy of the Alcohol Beverages Advertising Code is available from CAD or from the AFA's website www.afa.org.au
- The Alcohol Advertising Pre-vetting System (AAPS) has been established to pre-vet all alcohol advertisements for compliance with the Code. A copy of the AAPS application form is available from [http://abac.org.au/uploads/File/AAPS%20Form%2019-8-10\(2\).pdf](http://abac.org.au/uploads/File/AAPS%20Form%2019-8-10(2).pdf) for by contacting the AAPS Adjudicator on (08) 8411 2158.
- In addition to the ABAC/AAPS requirements, the Commercial Television Industry Code of Practice (the Code of Practice) and the Children's Television Standard set out certain restrictions in relation to the scheduling of alcohol advertisements. These are set out in CTS 23 and Clauses 6.7 – 6.13 of the Code of Practice.
- CTS 23 provides:
 - (1) Advertisements for alcoholic drinks may not be broadcast during C programs.
 - (2) No advertisement or sponsorship announcement during C programs 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 section 6.6 of the Commercial Television Industry Code of Practice.
- Clauses 6.7 – 6.13 of the Code of Practice set out further scheduling restrictions that apply to 'direct advertisements for alcoholic drinks'. The term 'direct advertisement for alcoholic drinks' is defined in clause 6.11 of the Code. Advertisements falling within this definition are classified 'L' by CAD and may only be broadcast during the following periods:
 - between 8.30pm and 5.00am on any day
 - between 12.00 noon and 3.00 pm on school days (but see clause 2.10.3 for time zone difference adjustment)
 - on weekends and public holidays as an accompaniment to the live broadcast of a sporting event: "live" defined in clause 6.12 (note that a sporting broadcast 'delayed against the gate' for contractual reasons, is now to be counted as 'live')
 - during the live broadcast of a sporting event, where the event is simulcast to a number of licence areas and a direct advertisement for alcohol is permitted in the area where the event is held (if the event is held outside Australia and advertisements are permitted in a

majority of metropolitan licence areas, then advertisements are permitted in all broadcast areas).

- One of the main issues that arise for consideration under the Code of Practice restrictions is whether or not an advertisement is a 'direct advertisement for alcoholic drinks'. Some of the questions that will often be relevant to consider are:
 - does the advertisement contain visuals of alcohol
 - does the advertisement contain references to alcohol
 - does the advertisement contain branding/trade marks associated with alcohol
 - is the advertisement encouraging people to purchase/drink alcohol
 - is the advertisement promoting the purchase/use of alcohol.
- It is not only when dealing with obvious advertisements that clauses 6.7 – 6.13 of the Code of Practice should be brought to mind, for example an advertisement promoting a particular brand of beer. They should also be considered in relation to advertisements promoting pubs/clubs, food and wine festivals, sporting/entertainment events with alcohol sponsors, and other similar ads.
- 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 <http://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