

# National guidance on alcohol promotions

# *On-licensed premises*

*The Sale and Supply of Alcohol Act 2012 creates offences and penalties for certain 'irresponsible' alcohol promotions or activities. Irresponsible promotions can result in fines and licence suspensions, increase alcohol-related harm, and also damage the reputation and prospects of a business.*

This guidance is intended to aid understanding of the advertising, promotions, activities and events that are likely to be considered acceptable or unacceptable.

The determination of an unacceptable promotion or event will always be decided on an individual basis.

## **The Sale and Supply of Alcohol Act 2012**

New measures to regulate irresponsible alcohol promotions came into force on 18 December 2013. Under the Act it is an offence to do any of the following:

- Encourage excessive consumption of alcohol. This applies anywhere – not just on licensed premises.
- Promote or advertise discounts on alcohol of 25% or more, anywhere that can be seen or heard from outside the licensed premises.
  - It is not an offence to promote or have a discount on licensed premises of 25% or more if it cannot be seen or heard from outside the premises.
  - It is not an offence to promote or have a discount that can be seen from outside the premises if it is less than 25%.
- Promote or advertise free alcohol.
  - This does not apply to promotions inside licensed premises if they cannot be seen or heard from outside the premises and providing excessive consumption is not encouraged.

- Offer goods, services or prizes on condition that alcohol is purchased.
  - However, this does not apply to offers made only on licensed premises relating to the buying of alcohol.
  - Loyalty programmes where rewards or discounts are not primarily applied to the purchase of alcohol are allowed.
- Promote alcohol in a way that is aimed at or likely to have special appeal to minors.

## **Other relevant legislation**

### **Gambling Act 2003**

Under the Gambling (Prohibited Property) Regulations 2005 it is an offence to offer or use alcohol as a prize for gambling activities, for example raffle prizes.

### **Fair Trading Act 1986**

False or misleading representations about goods or services are a breach of the Fair Trading Act.



## EXAMPLES OF PROMOTIONS THAT CAN BE SEEN OR HEARD FROM OUTSIDE ON-LICENSED PREMISES.

Acceptable	Unacceptable
Promotion of a particular brand of alcohol that provides incentives to purchase that brand, as long as the promotion does not encourage the consumption of alcohol to an excessive extent.	Any promotion that encourages the excessive consumption of alcohol.
Promotion of discounts of less than 25%.	Promotion of alcohol at a discount that leads people, or is likely to lead people, to believe the price is 25% or more below the price at which the alcohol is ordinarily sold.
Promotion of a single price that does not lead people to believe it is a discount of 25% or more.	Promotions that do not mention a discount but that customers are likely to believe will involve discounts of 25% or more because of the use of words describing discounts (eg, promotions that use words such as 'crazy prices' or 'massive discounts').
Promotions involving competitions that do not require alcohol to be purchased.	Promotions involving competitions that require alcohol to be purchased.
Promotion and advertising of loyalty programmes that provide rewards or discounts, as long as the rewards or discounts are not primarily redeemed for alcohol.	Promotion of discounts that lead people, or are likely to lead people, to believe the price is 25% or more below the price at which the alcohol is ordinarily sold, in, but not limited to, print, broadcast and social media, including Facebook.
Promotion of a wine and food match.	Promotion of alcohol as a prize for a competition or reward for purchasing a certain amount of alcohol.
	Promotions that are aimed at or have special appeal to minors.
	Promotion of free alcohol.
	Promotion of the complimentary sampling of alcohol in on-licensed premises.

## EXAMPLES OF PROMOTIONS THAT CAN BE SEEN OR HEARD FROM INSIDE ON-LICENSED PREMISES.

Acceptable	Unacceptable
Any promotion that is acceptable outside the premises.	Any promotion, signage or activity that encourages the excessive consumption of alcohol or encourages faster than normal drinking.
Promotion of discounts of up to and greater than 25%.	Promotions involving large quantities of free alcoholic drinks (eg, free drinks for women all night).
Promotion of the complimentary sampling of alcohol in on-licensed premises.	Promotions along the lines of 'all you can drink for \$x'.
Promotions such as a 'happy hour', providing they do not encourage the consumption of alcohol to an excessive extent.	Promotions that are aimed at or have special appeal to minors.
Promotions involving free alcohol, providing they do not encourage the consumption of alcohol to an excessive extent.	Time-related promotions that may lead to excessive or rapid alcohol consumption (eg, 'free drinks until the first try').
Promotions that have alcohol as a prize for a competition, providing they do not encourage the consumption of alcohol to an excessive extent.	
Promotions that offer a prize to people who buy more than a certain quantity of alcohol, providing they do not encourage the consumption of alcohol to an excessive extent.	

ACCEPTABLE PROMOTIONS must still be suitably monitored, managed and controlled to ensure excessive consumption of alcohol is not encouraged.

#### Disclaimer

*The information contained in this resource is intended as a general guide. All reasonable measures have been taken to ensure that the information is current and accurate. It is not intended to constitute legal advice and you should not rely on this guidance when taking legal or other actions. The Signatories will not accept liability for any action taken in reliance on this document.*

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