



OMA Alcohol Advertising Guidelines

All members of the OMA are committed to responsible advertising, particularly concerning the advertising of alcohol products. As outlined in the OMA's *Code of Ethics*, our members only endorse alcohol advertising that complies with both the Australian Association of National Advertisers (AANA) *Code of Ethics* and the *ABAC Responsible Alcohol Marketing Code*.

Our members acknowledge public concern regarding the advertising of alcohol products and are committed to reducing the risk of alcohol advertisements inadvertently targeting young people who are not of a legal drinking age.

On 31 March 2009, the OMA introduced a policy which requires all members to **ensure alcohol advertising is not placed on fixed signs that are located within a 150 metre sight line of a primary or secondary school. This generally relates to any access gates to the school.**

There are some locations near schools where this policy does not apply, for example where the school is in the vicinity of a club, pub or bottle shop or any other venue that sells alcohol products. The policy does not apply to transit advertising on buses and taxis.

In addition to the above policy, OMA members will also **only accept copy for alcohol advertising that has been approved for display through the *Alcohol Advertising Pre-vetting System (AAPS)***. The primary function of the AAPS is to reinforce the effectiveness of the ABAC, by utilising independent adjudicators to evaluate advertisements for alcohol beverages against the Code at either the concept or story-board stage. The AAPS has been very successful in reducing the number of complaints made about alcohol advertising.

Alternatively, **OMA members may accept copy for advertising where the advertiser has provided written advice from a law firm stating that the advertisement complies with the ABAC.**

An exception to the requirement for AAPS approval of alcohol advertisements is Retail Price Advertisements. While Retail Price Advertisements must comply with the ABAC Code they are not required to be pre-vetted. Retail Price Advertisements contain no material relating to or concerning the attributes or virtues of alcohol beverages or the retail outlet except:

- i) the name of a retailer offering alcohol beverages for sale;
- ii) information about the price at which those beverages are for sale;
- iii) the brand name of alcohol beverages offered for sale;
- iv) the type and/or style of the alcohol beverages offered for sale;
- v) a photographic or other reproduction of any alcohol beverage packaging or containers (or part thereof, including label) for sale;
- vi) the location/times at which the alcohol beverages are for sale; and
- vii) such other matter as is reasonably necessary to enable potential purchasers to identify the retailer.

Outdoor Media Association

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Below are some example **Retail Price Advertisements**:



**2 FOR
\$86**

**SAVE
\$18**

An advertisement which includes any visuals or taglines promoting alcohol products or alcohol consumption is not considered a Retail Price Advertisement.

The OMA and its members support all decisions made by the Advertising Standards Board and the ABAC Adjudication Panel in regards to complaints made about alcohol advertisements and outdoor advertising in general.

In this Guideline, “alcohol advertising” includes **all marketing communications in Australia generated by or within the reasonable control of a producer, distributor or retailer of alcohol beverages**.

This includes anyone who sells alcohol, therefore it includes both off premise and on premise retailers, and events that serve alcohol.

An advertisement by an alcohol retailer will only fall within the scope of the ABAC Code if it relates to alcohol as a product either directly or by implication. An ad for a licensed restaurant promoting its food or location **should not** fall within the scope of the ABAC. However, the Panel found an advertisement for a licensed restaurant with no depiction of alcohol **was** alcohol advertising (and so within the scope of the ABAC) because of the message “Get Oktoberfested” and it being a self-described “bier café”.

The Code also applies to public relations activities associated with an advertisement that are “within the reasonable control of” the advertiser. This extends to posts on official social media pages. Last year, the Panel found a company was responsible for an unauthorised comment made by its digital agency on its official company Facebook page.

Below are some examples provided by ABAC on the ‘reasonable control’ test:

- An ad by Domino’s Pizza for pizza with Jim Beam sauce. If Domino’s Pizza chose to produce a Jim Beam sauce without the knowledge or consent of Jim Beam, and the product contained no alcohol it would **not** fall within the scope of ABAC. However, if Jim Beam agreed to the use of its brand on the ad it **is likely to** fall within the scope of the ABAC.
- A bank featuring a person drinking from a glass of wine. If the advertiser confirms that there was no involvement in the ad by an alcohol beverage producer, distributor or retailer, the ad would **not** fall within the scope of

the ABAC. However:

- If an alcohol company was involved with the ad or had knowledge of the use of their brand, it **is likely to** fall within the scope of the ABAC.
- If there was a branded bottle next to the person but the brand owner had no knowledge of the use of their brand, the ad would **not** fall within the scope of the ABAC.
- An ad for a music festival that includes a picture of a wine glass. If alcohol will be served or sold at the event or an alcohol beverage producer, distributor or retailer had some involvement with the ad it **is likely to** fall within the scope of the ABAC. If no alcohol will be served or sold at the event and no alcohol producer, distributor or retailer had any involvement in the ad it would **not** fall within the scope of the ABAC.

Checklist for members

Does the advertisement relate to alcohol either directly or by implication?

- a) If not, no need to pre-vet.
- b) If yes, did an alcohol producer, distributor or retailer either generate or have an involvement in the ad (this includes, knowledge of or the actual or implied use of the product or brand name in the ad).
 - i) If not, no need to pre-vet.
 - ii) If yes, pre-vet, unless it is a Retail Price Advertisement as described above.

If unsure, please contact the OMA Senior Policy Adviser.