

National Protocol on Alcohol Promotions

Promotions are a marketing tool for enhancing product awareness, providing a special offer to customers and/or boosting trade during quiet periods. However, price discounting and other promotions can effectively increase the availability of alcohol and thereby encourage excessive drinking. Under the provisions of Section 154A of the Sale of Liquor Act 1989, any promotions or activities must not be seen as intended or *likely to encourage* persons to consume alcohol to an excessive extent.

SALE OF LIQUOR ACT 1989

Part 8 – Offences and enforcement

Excessive consumption of alcohol

154A. Promotion of excessive consumption of alcohol—

Every person commits an offence and is liable to a fine not exceeding \$5,000 who, being a licensee or manager of licensed premises, does anything in the promotion of the business conducted on the premises, or in the promotion of any event or activity held or conducted on the premises, that is intended or likely to encourage persons on the licensed premises to consume alcohol to an excessive extent.

The responsibility of organising and holding promotions rests with both duty managers and licensees to ensure the responsible service of alcohol. Promotions in breach of Section 154A of the Act can result in suspension or cancellation of a licence and/or of a Manager's Certificate by the Liquor Licensing Authority, or prosecution in the District Court. Irresponsible promotions can also damage the reputation and prospects of a business. Furthermore, intoxication does not have to be proven for the promotion to be in breach of the Act, but merely as *likely to occur*.

Licensees are encouraged to establish a clear written policy which details how any promotion of alcohol is to be managed, setting out responsible service of alcohol practices to be followed during promotions. A Promotions Policy could form part of the premises' Host Responsibility (HR) Policy and is required by the licensing authorities for new applications and renewal of existing licences. The HR *Implementation Plan* then details how the HR Policy including any promotions is to be enacted.

This Protocol was developed by The Alcohol Advisory Council of New Zealand (ALAC), the Hospitality Association of New Zealand (HANZ), New Zealand Police and Local Government New Zealand. It is intended to assist District Licensing Agencies (DLAs), Police, Public Health Services, Licensees and all bar staff to understand the type of promotions and events which are likely to be considered acceptable and unacceptable under the provisions of the Act. All promotions must also comply with the Advertising Standards Authority's (ASA) *Code for Advertising Liquor*.

This Protocol is, however, a guideline and the determination of an acceptable promotion or event will always be decided on an individual case by case basis.

***If you are unsure and require guidance on any promotional activities
you should contact your local DLA in the first instance.***



Local Government New Zealand
te pūtahi matakokiri

ACCEPTABLE PROMOTIONS

- ✓ Happy Hour as long as it is of no more than 2 hours duration and occurs only once in any 24 hour period Normally before 10pm.
- ✓ Promotions which offer price discounts of up to but no more than 50% of the normal retail price and for a reasonable duration so as not to encourage faster than normal drinking.
- ✓ A complimentary standard drink upon arrival.
- ✓ A promotion of a particular brand of alcohol that provides incentives to purchase that brand, as long as price promotional material does not encourage excessive or faster than normal drinking.
- ✓ Providing complimentary food with promotions.
- ✓ Promotions that involve competitions with prizes of food and other prizes consistent with good host responsibility.
- ✓ Promotions that promote meal and drink combos.

UNACCEPTABLE PROMOTIONS

- ✗ Any promotion that encourages the excessive consumption of alcohol or is of a limited duration that encourages faster than normal drinking.
- ✗ Discounted promotions that serve alcohol in non-standard measures, such as 'shooters', 'slammers' 'shakers' and 'teapots'.
- ✗ Games, challenges or other activities that encourage excessive or rapid alcohol consumption.
- ✗ Drinks cards where multiple free drinks are offered, and are of a discount of more than 50% of the normal retail price, and are valid for a limited duration that encourages faster than normal drinking.
- ✗ Marketing of promotions such as inappropriate signage that may promote excessive or rapid alcohol consumption.
- ✗ Promotions that involve large quantities of free alcoholic drinks, e.g. *free drinks for women all night*.
- ✗ Time-related promotions that may lead to excessive or rapid alcohol consumption, e.g. *free drinks until the first try*.

ACCEPTABLE PROMOTIONS

must still be suitably monitored, managed and controlled so as to ensure alcohol is not consumed to an excessive extent.

SUITABLE AND ADEQUATE FOOD AS WELL AS LOW AND NON-ALCOHOLIC DRINKS MUST BE PROMOTED AND AVAILABLE AT ALL TIMES