



## Key Message Sheet

### ABAC meets community expectations

#### 1. The ABAC Scheme is aligned with community standards

- 1.1. Colmar Brunton Social Research undertook research in early 2013 to explore whether decisions made by the ABAC Complaints Panel are aligned with community expectations. The research included ten (10) face to face focus groups along with an on-line survey of 1261 people and tested 12 alcohol advertisements that had been considered by the Panel (with 7 upheld by the Panel and 5 dismissed).
- 1.2. Prior to being exposed to the Code only 2 of the 12 advertisements were considered unacceptable by the majority of the respondents.
- 1.3. It was found that the Complaints Panel had:
  - Dismissed 3 complaints about ads deemed acceptable by the community (Aligned)
  - Upheld complaints about 3 ads deemed unacceptable by the community (Aligned)
  - Upheld complaints about 3 ads deemed acceptable by the community (Panel more conservative)
  - Dismissed a complaint against 1 ad deemed unacceptable by the community showing the community to be more conservative – however – this was due to the fact that the Code at that time didn't cover marketing collateral, it now does. (Community more conservative)
  - Upheld 1 complaint and dismissed another about two ads on which community views were evenly split (Aligned)
- 1.4. The findings showed that overall the Complaints Panel takes a slightly stricter and more conservative approach to alcohol advertising than the community.
- 1.5. The research also disclosed that 66% of the general public had no concern about advertising standards in general and that 31% were not concerned about content of alcohol advertising, 35% were neither concerned nor unconcerned and 24% were concerned.

#### 2. The Community is aware of where and how to make a complaint about alcohol advertising

- 2.1. Colmar Brunton Social Research undertaken in early 2013 disclosed that knowledge of alcohol advertising regulation was low across all groups, but once prompted a majority (69%) were aware that they could complain to the Advertising Standards Bureau. Over 100 complaints are made about alcohol advertising each year.
- 2.2. We believe that awareness of the ABAC Code standards and the avenue for making complaints would have significantly improved since that research was undertaken due to the following ABAC initiatives:

- In 2013 the ABAC website was significantly upgraded in both function and form
- In 2014 ABAC developed and broadcast for a period of 12 months as a community service announcement a television commercial created to raise awareness of the ABAC standards and avenue for making complaints.

### **3. The community has confidence in the ABAC Scheme to resolve its concerns about particular alcohol advertisements**

- 3.1. In recent years between 98 and 182 complaints have been received by ABAC each year. From these complaints between 27 and 45 Panel decisions were made. The remaining complaints were either general concerns unrelated to alcohol ie sexuality or discrimination, multiple complaints about the same ad, matters that have been previously or consistently dismissed by the Panel or frivolous complaints that don't raise ABAC issues.
- 3.2. It is rare that feedback is provided once a complaint is dismissed, but where a response is provided it is more common for the complainant to appreciate that their complaint has been considered in a well reasoned manner than express dissatisfaction with the ABAC system.
- 3.3. Assertions have been made by AARB that the reason they receive more complaints is that the community does not have confidence in the ABAC Scheme. It is more likely that AARB self generates complaints and encourages complaints from researchers in this field and therefore the complaint numbers received by AARB are not necessarily reflective of levels of community concern.

### **ABAC is an effective regulator**

#### **4. The ABAC Responsible Alcohol Marketing Code regulates the content of alcohol marketing, promotion and packaging in Australia and keeps up with trends in marketing techniques and changes in community expectations**

- 4.1. The ABAC Management Committee continually monitors the Code and makes changes were required to ensure it remains relevant in light of changes in marketing techniques or community expectations.
- 4.2. In addition the Code is periodically subject to whole of Code consultative reviews. The last review occurred in 2014.
- 4.3. While the Code covers the content rather than placement of alcohol marketing, ABAC has developed best practice guidelines to assist companies ensure social responsibility in the management of their digital alcohol marketing. These guidelines were developed due to the absence of alcohol placement regulations within the digital media space.

#### **5. ABAC regulates digital and social media, including user generated content**

- 5.1. ABAC was the first alcohol regulatory scheme to apply its Code to new forms of digital and social media when it received its first "Facebook" complaint in 2009. Since that time the Code has been amended to make it very clear that the Code applies to all digital and social alcohol marketing (including UGC) within the reasonable control of an alcohol marketer.
- 5.2. In addition, in 2013 ABAC developed best practice guidelines to assist companies ensure social responsibility in the management of their digital alcohol marketing. These guidelines were developed due to the absence of alcohol placement regulations within the digital media space.

**6. ABAC precludes inappropriate material from reaching the marketplace through its effective alcohol marketing pre-vetting service**

6.1. ABAC pre-vetters check marketing material submitted by alcohol producers, distributors and retailers for compliance with the ABAC Code standards before it reaches the marketplace.

6.2. In 2014 over 1,500 marketing communications were pre-vetted with over 200 rejected and almost 60 accepted subject to conditions.

**7. The ABAC Adjudication Panel operates efficiently. In 2014 complaints took less than 20 business days from receipt of the complaint to decision.**

**8. ABAC has an almost 100% compliance rate with its decisions due to the respect within the alcohol industry for the ABAC Scheme and its processes and standing.**

**9. ABAC may not impose fines but it imposes very powerful and costly sanctions:**

9.1. Removal of a marketing campaign within 5 business days of decision. *Television commercials that cost millions of dollars to produce have been removed following decisions of the ABAC Complaints Panel.*

9.2. Cease further orders for production of product names, packaging or marketing collateral immediately. *The loss of intellectual property and design fees associated with this action is substantial.*

9.3. Publication of a list of breaches of the Code during the past twelve months both on the ABAC website and within its Annual Report which is circulated to relevant politicians and media bodies. *Brand and company reputation implications.*

**10. The companies that are committed to the ABAC Scheme comprise the majority of alcohol marketing in Australia via both member and direct signatories**

10.1. ABAC member signatories include all members of the three largest alcohol industry associations in Australia (Brewers Association of Australia & New Zealand, Distilled Spirits Industry Council of Australia and Winemakers Federation of Australia).

10.2. Other alcohol producers, distributors and retailers may join ABAC as direct signatories. Currently direct signatories include Coles Liquor, Woolworths Liquor, Campari Australia and Lion Cider.

10.3. In most cases non-signatories abide by the ABAC Code and many use the ABAC pre-vetting service.

10.4. ABAC provides annual education on the Code standards and the systems to the alcohol and advertising industries (both to signatories and non-signatories).

**11. ABAC is committed to continual improvement**

11.1. In 2014 an operational and governance review of the scheme was conducted by a third party consultant, Directors Australia. They made a number of recommendations, the majority of which have been implemented by the Scheme.

11.2. Periodically, ABAC undertakes community standards research and undertakes a consultative review of its Code standards.

11.3. The ABAC Management committee considers issues arising at a complaints, pre-vetting, policy and community level. It has responded to new issues such as the use of social media in alcohol marketing well before those issues were raised in the public health sector.

## **ABAC is transparent and balanced**

### **12. ABAC is quasi-regulatory which means it receives input and involvement from Government**

12.1. The ABAC Scheme is fully funded by the alcohol industry but its Management Committee includes a representative of Australian Governments (from the drug strategy branch of the Cth Department of Health) and has an independent Chair (the Hon Alan Ferguson).

### **13. The ABAC Adjudication Panel is operated independently by its Chief Adjudicator, Professor Michael Lavarch and for each hearing also comprises a member with marketing or media expertise and a member with public health expertise recommended by Government.**

### **14. ABAC is transparent. All its documentation, procedures and decisions are included on the ABAC website and a comprehensive report on the previous years operations is included in an Annual report that is widely circulated among Governments and is published on its website.**