



## Best Practice for Responsible Alcohol Sponsorship

### Introduction

The ABAC Responsible Alcohol Marketing Code (the ABAC Code) sets content and placement standards for marketing in Australia. The ABAC Code applies to all marketing communications, including advertising that references or flows from an Alcohol or Alcohol Alternative sponsorship agreement. For example, brand advertising that references the sponsorship in any medium, branded merchandise, and brand advertising at the event (beyond solely logo and name) is covered by the ABAC Code. This ensures that Alcohol and Alcohol Alternative advertising both relating to and at an event meets applicable ABAC Code standards.

Sponsorship Agreements are contracts that directly impact third parties that are not within ABAC Code's jurisdiction, such as sporting bodies, individual clubs or groups, media bodies or individual athletes and performers. Accordingly, the ABAC Code does not apply to a Sponsorship Agreement itself.

ABAC has developed this best practice guide in two parts:

Part 1 - to highlight the ABAC Code standards that apply to Alcohol and Alcohol Alternative marketing arising from a sponsorship arrangement; and

Part 2 - to assist companies to assess the suitability of a proposed sponsorship agreement and its implementation, in line with the objectives of the ABAC Scheme.

### Definitions

**Adult** means a person who is 18 years of age or over and therefore legally permitted to purchase Alcohol in Australia.

**Alcohol** means a beverage or related product containing more than 0.5% alcohol by volume.

**Alcohol Alternative** means a beverage that is at or less than 0.5% alcohol by volume that:

- Has an appearance and style commonly associated with Alcohol; and
- Uses a brand or descriptors commonly associated with Alcohol, such as, beer, wine, spirit or other; and
- Is not a beverage commonly understood as non-alcoholic, such as fruit juice, soft drink, flavoured milk or other which fall outside the Code remit.

**Sampling** means an offer of a free alcoholic drink, to members of the public in a public place.

**Sponsorship Agreement** means any agreement or part of an agreement involving payment or other consideration in lieu of payment by a producer, distributor or retailer of Alcohol or an Alcohol Alternative to support a sporting or cultural property, event or activity, in return for which the sponsored party agrees to be associated with or promote the sponsor's product or outlet. Sponsorship also includes naming rights of events or teams and the inclusion of a brand name and/or logo at an event venue or on uniforms of participants (excluding branded merchandise).

## Part 1 - Application of the ABAC Code to Alcohol and Alcohol Alternative Sponsorship Activity

1. Alcohol and Alcohol Alternative marketing communications, including packaging, arising from a Sponsorship Agreement must comply with the applicable content and placement standards in the ABAC Code, in addition to relevant National State and Territory laws and industry codes.
2. The ABAC Code is available in full [here](#) and includes a range of content and placement standards. Checklists to be adhered to when developing alcohol marketing communications are available as follows:
  - Alcohol Marketing Content Checklist available [here](#)
  - Paid Alcohol Marketing Placement Checklist available [here](#)
  - Organic Alcohol Marketing Placement Checklist available [here](#)
3. Examples of the type of sponsorship activity the ABAC Adjudication Panel has found to be covered by the ABAC Code and which must meet ABAC Code standards includes (*each example is linked to the relevant Panel determination*):
  - [An Instagram post by a sponsor \(regional alcohol rugby league club\) that promoted and tagged the sponsored product](#)
  - [An Instagram post by an alcohol producer that featured a member of a sponsored professional racing team](#)
  - [An Instagram post by an alcohol producer that arose from its co-sponsorship of a surfboard competition](#)
  - [An in-stadium activation for an alcohol brand on the cricket scoreboard at the SCG, that was also viewed during the broadcast of the event via Kayo Sport and free to air television](#)
  - [Product placement of an alcohol product during a sponsored third party video segment on Facebook Live](#)
  - [Product placement of an alcohol product during a sponsored television segment on Channel 7](#)
  - [Social media posts independently created by and posted to social media accounts of a sponsored amateur downhill cycling racing team](#)
  - [A projection promoting an alcohol retailer on a playing field during the broadcast of a national rugby league match](#)
  - [An in-stadium crowd catch promotion by an alcohol sponsor](#)
  - [An in-stadium competition by an alcohol sponsor involving the Shazam app](#)
  - [A television ad that promoted an alcohol company's sponsorship of grassroots local AFL clubs](#)
  - [Packaging arising from an alcohol company's sponsorship of the NSW Rugby League Team](#)
  - [A radio segment by personalities, Hamish & Andy, that was sponsored by an alcohol retailer](#)
  - [A television advertisement by an alcohol producer promoting their sponsorship of RSL and Legacy](#)
  - [An in-stadium announcement by an alcohol sponsor promoting its brand](#)

4. A Company should include, as a term of all Sponsorship Agreements, a requirement for a sponsored individual, group or event to either meet ABAC Code standards or to seek the Company's approval in relation to their marketing communications, including packaging, that involve the promotion of an Alcohol or Alcohol Alternative producer, distributor and retailer that arise from the Sponsorship Agreement. In particular,
- the placement of the marketing communication must meet all [ABAC Code](#) placement standards, for example:
    - compliance with relevant media industry codes (ie no placement within 150m of a school);
    - where available, the marketing communication must apply age restriction controls or an age gate to individual posts promoting the brand;
    - only placed where the audience is reasonably expected to comprise >80% adults;
    - not placed with programs or content primarily aimed at minors;
    - not handed to a minor;
    - only sent by electronic direct mail to recipients who have provided age information to verify that they are over 18 and where they have not opted out of the marketer's mailing list.
  - the content of the marketing communication, including packaging, must be submitted to the Company prior to publication to ensure that it meets applicable [ABAC Code](#) standards; and
  - a requirement that the sponsored party remove any content the ABAC Adjudication Panel finds breaches the ABAC Code.

Note - The ABAC Code only applies to content by, for or within the reasonable control of an alcohol producer, distributor or retailer, as reflected in ABAC Adjudication Panel determinations.

5. The ABAC Pre-vetting Service is available to provide advice to companies about the compliance of a sponsorship activity with the ABAC Code standards. Refer [here](#).

## Part 2 - Best Practice Guide for Responsible Alcohol and Alcohol Alternative Sponsorship Agreements

While the ABAC Code applies to Alcohol and Alcohol Alternative marketing communications arising from a Sponsorship Agreement, it includes a limited exception to Code coverage for a Sponsorship Agreement which is defined in the Code as:

*any agreement or part of an agreement involving payment or other consideration in lieu of payment by a producer, distributor or retailer of Alcohol or an Alcohol Alternative to support a sporting or cultural property, event or activity, in return for which the sponsored party agrees to be associated with or promote the sponsor's product or outlet. Sponsorship also includes naming rights of events or teams and the inclusion of a brand name and/or logo at an event venue or on uniforms of participants (excluding branded merchandise).*

The following best practice guidance is provided to assist Alcohol and Alcohol Alternative producers, distributors and retailers to proactively ensure that their decision to engage in a Sponsorship Agreement with a particular individual, group or event is socially responsible. This best practice guidance does not:

- replace or extend the provisions of the Code nor be the basis for finding a Code breach by the ABAC Adjudication Panel;
- relate to informal support for local community organisations and events;
- does not relate to agreements for the supply or service of alcohol at an event which is a Liquor Licensing matter; and
- does not represent a commitment by the sponsored individuals, groups or events as they are not alcohol industry participants and therefore outside the scope of ABAC.

### **When deciding whether to enter into a Sponsorship Agreement for the promotion of an Alcohol or Alcohol Alternative brand or retailer:**

1. A Company should only sponsor an individual who is an Adult.

*Example - A 17 year old sportsperson or music artist is not suitable for Alcohol or Alcohol Alternative sponsorship.*

*Note - Part 3(b) of the ABAC Code includes restrictions on the use of images of under 25 year olds in marketing communications, including those arising from a sponsorship – refer Part 1*

2. A Company should only sponsor a group of two or more (such as a sporting team, music band or dance company) where that group comprises at least 80% Adults.

*Example - An under 18 year old sporting team is not suitable for Alcohol or Alcohol Alternative sponsorship.*

*Note - Part 3(b) of the ABAC Code includes restrictions on the use of images of under 25 year olds in marketing communications including those arising from a sponsorship – refer Part 1*

3. A Company should not sponsor an individual or group that primarily appeals to minors. Consideration should be given to available information, such as:

- the age of the fan base of the individual or group;
- the age of the social media following of the individual or group;
- the level of appeal of their profession, skills or the activities they pursue to different age groups;
- their language, methods of expression, persona and style of humour; and

- their other defining characteristics.

*Example 1 - A singer or group that produces music that is clearly for children will not be suitable for Alcohol or Alcohol Alternative sponsorship, even as its original fan base ages, due to its style of music having enduring appeal for new generations of minors.*

*Example 2 - A young singer or group that primarily appeals to a teenage audience initially, will not be suitable for Alcohol or Alcohol Alternative sponsorship at that point in time, however, as the singer or group and their fan base ages and their musical style develops, they may at a future time primarily appeal to Adults.*

4. A Company should not sponsor an event that is primarily aimed at minors. Consideration should be given to:

- the age of participants in the event;
- the age of the expected audience for the event (noting that demographics of audiences at events are often not available, and therefore broadcast audience or other data may be considered);
- the relatability of popular personalities associated with the event to different age groups;
- the relatability of the activities and the environment that characterises the event to different age groups;
- the appeal of promotional elements for the event to different age groups, including colour, themes, imagery, language, style of humour and methods of expression; and
- the events other defining characteristics.

*Example – An event that is more popular with minors than Adults is not suitable for Alcohol or Alcohol Alternative sponsorship.*

5. Sampling at events must comply with State and Territory Liquor Licensing Laws, such as Responsible Service of Alcohol requirements.

**When deciding whether to enter into a Sponsorship Agreement for the promotion of an Alcohol brand or retailer:**

6. A Company should not sponsor an individual, group or event that promotes:

- excessive or rapid alcohol consumption;
- misuse or abuse of alcohol;
- irresponsible behaviour related to alcohol use; or
- alcohol consumption while pregnant or breastfeeding.

*Example 1 – An individual that is well known for current alcohol abuse behaviours is not suitable for Alcohol sponsorship.*

*Example 2 - An event that promotes rapid consumption of alcohol, such as a sculling race, is not suitable for Alcohol sponsorship.*

*Example 3 – A pregnancy or breastfeeding expo is not suitable for Alcohol sponsorship.*

7. A Sponsorship Agreement should include a commitment to responsibility messaging at and in relation to the event that is reasonable given the size and nature of the event. Assistance can be sought from the Australian Government or Drinkwise.