Alcohol Point-Of-Sale: What are the rules?

POS Promotions in Venues (Pubs and Clubs)

Liquor Industry Code of Practice

At the state level there is the New South Wales Liquor Industry Code of Practice for Responsible Promotion of Liquor Products, which provides ‘a framework of practices which are considered acceptable and reasonable’ (see Fact Sheet POS-5) which applies to licensed and registered premises. The Licensing Court of NSW ‘imposes the Code of Practice as a standard liquor harm minimisation condition on liquor licences and certificates of registration.’

The Office of Liquor, Gaming and Racing (OLGR) monitors advertised promotions and the Director of the OLGR can take action against promotions which breach the Code of Practice.

The Liquor Laws and Regulations

In 2007 the Government undertook wide ranging reforms to the NSW liquor laws and regulatory framework, which were passed by the NSW Parliament on 5 December 2007. These new laws came into force from 1 July 2008.

As part of the revision, the Office of Liquor, Gaming and Racing has issued guidelines banning certain types of promotions, and venues offering these promotions will be prosecuted. This includes bans on: any activity, competition, or promotion likely to cause people to drink excessively (eg: ‘Happy-hours’ and similar time-based activities that last more than two hours), and undercover ‘stealth’ marketing where patrons do not realise they are being marketed to (e.g. persons engaged to talk-up an alcoholic beverage to patrons they befriend).

Alcohol Beverages Advertising Code

The revised ABAC Code (see Fact Sheet Adv-6) includes a protocol regarding promotion of alcohol at events and requires that:

- staff and patrons must be of legal drinking age;
- promotional staff must not misstate the nature or alcohol content of a product;
- promotional materials given away at events must not target underage audiences; and
- promotional materials must not link the consumption of alcohol with sexual, sporting, financial, professional or personal success, or encourage consumption patterns that are inconsistent with responsible consumption.

POS Promotions in Bottleshops and Liquor Stores

Alcohol Beverages Advertising Code

The ABAC Code covers retailer advertisements (i.e., those that contain information about the products offered for sale and their prices etc) and states that these “must comply with the spirit and intent of the Code but are not subject to any process of prior clearance”.

However, there is currently no code of practice or specific regulations relating to point-of-sale promotions in off-premise establishments (e.g. bottle shops).

Key Points

- POS-promotions in pubs and clubs are governed by: the Liquor Industry Code of Practice, liquor laws, and the Alcohol Beverages Advertising Code (ABAC)
- POS-promotions in bottleshops are only governed by the ABAC code. This code states that promotions must comply with the spirit and intent of the Code but are not subject to any process of prior clearance

What Can I Do?

- Make a complaint! If you see a POS promotion at a licensed venue or at a bottle shop that you think breaks any of these codes or that encourages excessive alcohol consumption, lodge a complaint with The Office of Liquor, Gaming and Racing or The Advertising Standards Board (see fact sheet POS-4)
- Educate your teenagers about responsible alcohol intake

Other Fact Sheets in this Series

- POS1: Alcohol Point-Of-Sale: Alcohol Point-Of-Sale Summary
- POS2: Alcohol Point-Of-Sale: What are the issues?
- POS3: Alcohol Point-Of-Sale: What is the code?
- POS4: Alcohol Point-Of-Sale: How do I complain?
- POS5: Alcohol Point-Of-Sale: The Liquor Industry Code of Practice
- POS7: Alcohol Point-Of-Sale: Further Reading