

Restrictions on Liquor Promotion: the broadcasting standard

Background

Under section 21(1)(e)(v) of the Broadcasting Act 1989, the BSA is required to encourage the development and observance by broadcasters of codes of broadcasting practice in relation to restrictions on liquor promotion.

Under the three current primary Codes of Broadcasting Practice for free-to-air television (Standard 11), radio (Principle 8) and pay television (Standard P10), broadcasters must observe restrictions on the promotion of liquor. For example, Standard 11 of the Free-to-Air Television Code of Broadcasting Practice reads:

Standard 11 Liquor

In the preparation and presentation of programmes, broadcasters must observe restrictions on the promotion of liquor appropriate to the programme genre being broadcast. Liquor Promotion should be socially responsible and must not encourage consumption by people who are under the legal age to purchase liquor.

Definition

Liquor Promotion comprises:

- promotion of a liquor product, brand or outlet (~~promotion~~)
- liquor sponsorship of a programme (~~sponsorship~~)
- advocacy of liquor consumption (~~advocacy~~)

There are seven guidelines relating to this standard, which, as well as the above Definition, are identical in all three Codes. The full Codes are on this [website](#).

The purpose of this Practice Note is to provide guidance to complainants and broadcasters about the usual way this standard is interpreted by the BSA.

BSA Decisions

Since the introduction of the current Codes, and the abolition of the BSA's Programme Code on the Promotion of Liquor in 2004, the BSA has determined only three complaints about liquor promotion . two under the Free-to-Air code and one under the Radio code.

The BSA applied a two-stage test in assessing whether the standard had been breached:

- First, the BSA considered whether the broadcast amounted to liquor promotion, which may be in the form of ~~promotion~~ ~~sponsorship~~ or ~~advocacy~~ as defined in the standard.
- Second, if the BSA determined that the broadcast had met the definition of liquor promotion, it then considered whether the liquor promotion was socially responsible.

First Stage: Liquor Promotion

The BSA considered all three complaints with reference to the third definition of liquor promotion: advocacy of liquor consumption. One complaint was also considered with reference to the definition of promotion of a liquor product.

In Decision No. 2007-030, the complaint concerned a breakfast radio broadcast which featured a presenter drinking a yard glass of beer in honour of his 21st birthday. The inclusion of the item in the programme, and the way the radio hosts treated it as humorous and cool, was sufficient to satisfy the BSA that the broadcast implicitly condoned the behaviour and presented it as positive. The BSA considered that this amounted to advocacy of liquor consumption.

In Decision No. 2007-063, the complainant argued that the programme *Studentville*, which showed students at various levels of intoxication at the Uni Games, imparted the message 'have fun by binge drinking'. Given that the programme portrayed drinking as an integral part of the event while very little attention was paid to the sports games, the BSA considered that the broadcast not only implicitly condoned the consumption of liquor, but presented it in a positive light and as a necessary part of attending the Uni Games. The BSA considered that this amounted to advocacy of liquor consumption.

The BSA held that the broadcast complained about in Decision No. 2006-003 did not amount to liquor promotion. *Close Up* had interviewed a woman who witnessed a brutal stabbing. At the end of the item, the presenter commented 'that woman told us she was off home now to have a stiff brandy. as you would do. Have two'. The BSA accepted that the presenter's reference to having a stiff brandy was a colloquial reference to a remedy for shock, rather than advocacy of liquor consumption or the promotion of a liquor product.

In summary, the BSA has found that a broadcast amounted to liquor promotion if it:

- presented liquor consumption in a positive light, particularly excessive liquor consumption
- portrayed liquor consumption as a necessary part of an event or activity.

Liquor promotion in the form of promotion or sponsorship is yet to be considered by the BSA under the current Codes.

Second Stage: Socially Responsible Liquor Promotion

Once the BSA has established that a broadcast contained liquor promotion, it will then consider whether the liquor promotion was socially responsible.

In Decision No. 2007-030, the BSA identified two factors which led to its conclusion that the liquor promotion in the broadcast was socially irresponsible. The first was that consuming two litres of beer by drinking a yard glass was clearly excessive and likely to have negative consequences. The second was that the broadcast treated the consumption as humorous and desirable behaviour. This was aggravated by the fact that the person drinking the alcohol was a young male host of a popular breakfast radio show that targeted an 18- to 34-year-old audience.

In Decision No. 2007-063, the BSA acknowledged that binge drinking occurs, but said that its task was to assess whether the broadcast of that activity amounted to a breach of the liquor standard. It concluded that *Studentville* advocated the consumption of liquor in a manner that was not socially responsible. The excessive consumption of alcohol was portrayed as enjoyable and acceptable, and the BSA considered that this was particularly inappropriate given that the target audience of the programme was young people aged 15 to 29, who are seen to be at risk from binge drinking. It noted that many of the serious negative effects of binge drinking were not shown in the programme . only an enjoyable common experience of a hangover.

These two decisions suggest that liquor promotion will be considered by the BSA to be socially irresponsible if:

- the broadcast portrays excessive liquor consumption as positive and desirable, and fails to acknowledge the negative effects of liquor consumption
- the broadcast involves excessive liquor consumption by young people.

The summary above explains the BSA's approach in the three decisions released between 2006 and 2007. It is intended only as a guide, especially given the infrequency of complaints under the liquor standard and the importance of each factual situation.

April 2008

Disclaimer: Nothing in this Practice Note binds the BSA in determining the outcome of any future complaint. Each complaint is determined on the particular facts surrounding a broadcast.