



CITY POLICY

POLICY NUMBER: C559

REFERENCE:

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ADOPTED BY:

City Council
16 February 2011

SUPERSEDES:

New

PREPARED BY: Transportation Department

DATE: 08 February 2011

TITLE: **Liquor Advertising on Edmonton Transit System Equipment and Property**

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Policy Statement:

Liquor advertising shall be permitted on Edmonton Transit System equipment and property in accordance with the [policy guidelines](#) outlined by the Alberta Gaming and Liquor Commission A.G.L.C.

The purpose of this policy is to:

Provide guidelines for liquor advertising on Edmonton Transit System equipment and property.

POLICY GUIDELINES

**LIQUOR ADVERTISING
FOR LIQUOR SUPPLIERS, LIQUOR AGENCIES
AND LICENSEES**

Revised May 1, 2004



A. INTRODUCTION

1. Advertising refers to the use of media (e.g., newspapers, magazines, radio, internet, including E-Mail messaging, signage) to communicate a message to a wider audience. Advertising also refers to the wording and/or depictions on all forms of liquor packaging. It does not refer to menus, displays, posters, or other forms of product promotion within the licensed premises; these are covered under the policy guidelines "Product Promotions in Licensed Premises."
2. The purpose of these guidelines is to provide policy parameters under which legitimate advertising activities take place in accordance with the legislative authority provided the Board under Section 67(1) of the Gaming and Liquor Act.
3. For the purposes of this policy, references to:
 - a) a liquor supplier includes liquor agency and liquor representative; and
 - b) licensed premises include all Class A, B, C, D and Duty Free licensed premises unless a specific type of licensed premises is referred to.
4. The policies established by these guidelines shall be considered conditions applying to liquor suppliers, liquor agencies, liquor representatives and licensees.
5. In this policy:
 - a) a Class A licence refers to licensed premises open to the public (e.g., lounge, restaurant, tavern).
 - b) a Class B licence refers to licensed premises which require a fee or ticket to gain admission (e.g., recreation facility, race track, convention centre, theatre);
 - c) a Class C licence refers to private licensed premises (e.g., clubs);
 - d) a Class D licence refers to retail liquor stores, general merchandise liquor stores, general off sales (hotel), manufacturer off sales, delivery service licensees and commercial caterers. Duty free stores must adhere to the same legislation as all other Class D licensees;
 - e) a Class E licence refers to liquor manufacturers licensed in Alberta;
 - f) a licensee includes the owner, operator/manager and employees of the licensee;
 - g) "liquor" refers to all categories of beverage alcohol including spirits, beer, wine, liqueurs, and coolers
6. Unless specifically covered or referred to in these guidelines, advertising is not permitted without the prior approval of the AGLC Regulatory Division.
7. Liquor suppliers and licensees are responsible for ensuring that their advertising is in compliance with these policy guidelines, including any advertising conducted by a third party, e.g., promotion company or media.

B. BASIC PRINCIPLES

1. Advertising must be within the limits of good taste and propriety.
2. It is the licensee's responsibility to ensure that all advertising is accurate and verifiable.
3. Advertising should encourage the legal, moderate and safe consumption of liquor and discourage abusive drinking patterns.
4. Advertising must not encourage non-drinkers to consume.
5. Advertising may not:
 - a) encourage or promote the irresponsible use, consumption or service of liquor;
 - b) depict excessive or prolonged consumption of liquor;
 - c) promote the consumption of liquor as being beneficial to health or personal well being; or
 - d) convey the impression that the consumption of liquor will improve an individual's status or standing.
6. Advertising must not be targeted at minors.
7. Advertising may not be used to disparage another company, business or product.
8. Except as specifically prohibited by these policy guidelines, advertising in any medium will be permitted (including television, radio, Internet, newspapers, magazines, flyers, billboards, transit shelters, inflatables, commercial vehicles or corporate vehicles).
9. Advertising must comply with the requirements of the Canadian Radio-Television and Telecommunications Commission (C.R.T.C.) and any other regulatory body having related jurisdiction.
10. Subject to B.9., the advertiser has discretion over the size and frequency of print advertisements and the length and frequency of television and radio commercials.
11. Advertising may refer to price unless otherwise stated elsewhere in these guidelines.
12. Brand advertising may only be undertaken by a liquor supplier, or a manufacturer's off-sale licensee. References to brand advertising are not applicable to special event licensees.
13. Advertising campaigns which promote the "responsible use" of liquor are highly recommended and supported by the AGLC.
14. Public service or community advertising which uses corporate or brand identification is permitted.
15. Cooperative advertising between a liquor supplier or liquor agency and a licensee is not permitted.
16. A liquor supplier or liquor agency is not permitted to pay any of the advertising costs incurred by a licensee, either directly or indirectly.

C. ELEMENTS OF ADVERTISING

Drinking Scenes (Applicable to brand advertising by liquor suppliers)

1. A legal drinking situation must be clearly presented according to relevant federal, provincial and local legislation.
2. Liquor product may be shown in a setting where consumption is not permitted if it is clearly a beauty shot and no people are shown, which would suggest prior or imminent consumption.
3. Liquor product may not exceed one drink per person in a social setting.
4. The activities shown in a commercial using licensed premise as a setting must be within the normal bounds of those which are permitted in the province.
5. The inclusion of food is encouraged.
6. Advertising may not show persons with liquor before or while operating a vehicle (motorized or other) or while engaging in any activity which requires care or involves elements of physical danger. The advertising must clearly show that the activity has been completed before the product is introduced.

Minors

1. Advertising must not appeal to minors or be placed in any medium that is targeted specifically to minors.
2. Minors or persons who may reasonably be mistaken for minors may not be depicted in liquor advertisements.
3. The use or imitation of children's fairy tales, jingles, nursery rhymes, children's songs, musical themes, or children's fictional characters is not permitted.

Personal Endorsement

1. No well-known personality (for example, an athlete or a youth-oriented musical group) or look-alike with strong appeal to minors may be used in liquor advertising.
2. The age of personalities and their current standing in the public eye should be taken into account when assessing appeal to minors.
3. Product endorsement by a well-known personality or look-alike should not imply that the consumption of liquor has contributed to the individual's success.

Third Party Advertising

1. Joint advertising between a licensee and a manufacturer of non-liquor products may be undertaken only if the advertising conforms to these policy guidelines.

D. ADVERTISING BY CLASS D LICENSEES AND DUTY FREE STORES

1. A Class D licensed premises may be advertised by indicating:
 - a) name of licensed premises;
 - b) location;
 - c) hours of operation;
 - d) products available, including sizes; and
 - e) product price (discount prices may be advertised).
2. Comparative price advertising is permitted subject to the requirements of B.7.
3. A Class D licensee may advertise brands of liquor providing the advertisement includes a price list and a featured product. Use of a liquor supplier's logo, typeset or trademark is permissible providing the owner/controller of the logo, typeset or trademark has given their prior permission. The following conditions must be met:
 - a) none of the advertising expenses of the licensee may be paid either directly or indirectly by a liquor supplier; and
 - b) the licensee is prohibited from receiving or requesting from a liquor supplier any consideration, benefit or inducement whatsoever for advertising a liquor supplier's brands.
4. Class D licensees may not redeem a liquor supplier's coupons for money off the price of liquor. A liquor supplier may, however, offer refund coupons whereby the consumer must mail the coupon to the manufacturer to receive a refund.
5. The common owner/operator who holds a Class D licence and another business or company may not conduct joint advertising of any kind, or participate in cross-market advertising or promotions between the Class D licensee and the other business or company.

- NOTES:**
- "Commonly owned" refers to those situations in which a retail liquor store and another business or company are owned or controlled in whole or in part by the same person.
 - These restrictions also apply to any retail liquor store that is using the trademark name of another business or company that is not commonly owned.
 - The following related activities are also prohibited under Section 50 Gaming and Liquor Regulation:
 - a) offer discounts on purchases in one business based on purchases in the other business;
 - b) operate a customer loyalty program in one business which recognizes purchases made in the other business; or
 - c) sell trademark or brand name products of the other business in the retail liquor store unless these products are also available for wholesale purchase by other licensees and are not referred to by the other business' name.

6. A liquor delivery service approved by the AGLC Regulatory Division may be advertised.
7. A hotel with a separate off-sales room approved by the Board and operated under the authority of a Class D licence may refer to that room as a "store".

E. ADVERTISING BY CLASS A, B AND C LICENSEES

1. A licensee may advertise the name of the premises and the services that are offered according to the type of licence(s) held.
2. A licensee may advertise brands of liquor providing the advertisement includes a price list and a featured product. Use of a liquor supplier's logo, typeset or trademark is permissible providing the owner/controller of the logo, typeset or trademark has given their prior approval. The following conditions must be met:
 - a) none of the advertising expenses of the licensee may be paid for either directly or indirectly by a liquor supplier; and
 - b) the licensee is prohibited from receiving or requesting from a liquor supplier any consideration, benefit or inducement whatsoever for advertising a liquor supplier's brand, except as permitted in accordance with policy guidelines.
3. A licensee may advertise liquor at reduced or discounted prices except as noted in E.4 below.
4. Free liquor specials, multiple drink specials (e.g., "2 for 1"), pour size specials (e.g., "doubles for the price of singles"), or "all you can drink" for a fixed cost promotions are not permitted and may not be advertised. "Buckets of Beer" may be advertised providing the actual price for a single beer product is posted and the purchase or ordering of a bucket of beer (regardless of the number of beer within a bucket) does not constitute a "special".
5. Happy hours may be advertised. There are no restrictions as to the duration of this activity.
6. A licensee may advertise feature drinks during named nights or days (e.g., Tequila Monday, shooter night, draught night, etc.). Reduced or discounted prices may be mentioned in the advertising.
7. A licensee may advertise an all-inclusive package which includes liquor in the price (e.g., "champagne brunch", Mother's Day special, New Year's Eve special). The amount of liquor to be provided must be specified.
8. A licensee may have a "radio remote unit" broadcast live music from the premises. The broadcaster may say on air the name and location of the premises or of any specific room within the premises in accordance with Section B – Basic Principles.
9. A licensee may have a "television remote unit" broadcast live entertainment from their licensed premises, if the patrons are aware they may be televised. The coverage should focus on the entertainment, although shots including portions of the audience are acceptable. Any advertising must be in accordance with Section B – Basic Principles.
10. A club (Class C licensee) may advertise a function for its members and bona fide invited guests if the restricted admittance is clearly indicated in the advertisement.

F. ADVERTISING BY SPECIAL EVENT LICENSEES

Public Resale Licence

1. Licensee guidelines (Section E.) apply to the advertising for special event functions.

Private Non-sale and Private Resale Licences

1. Advertising of the function may be undertaken if it is directed to members and bona fide invited guests only and not to the public at large. "Members and guests only" must be clearly shown in all advertising.
2. The licensee may display posters on community billboards.
3. The licensee may place an advertisement in the community news section of the local paper or on the TV cable community news channel.
4. A community league with its own hall may advertise a function on a sign including a free-standing illuminated sign located on community league property.

G. SPONSORSHIPS

1. The sponsorship or co-sponsorship of an event, activity or team which does not involve minors or is not otherwise geared towards minors may be undertaken using the corporate or brand name. A Class A, B, C or D licensee may sponsor an event involving minors if the references to the establishment do not mention liquor in any way.
2. A sponsorship may be supported by an unconditional donation, or by the provision of a trophy or prize.
3. Exclusive sponsorship is permitted, however, exclusivity of a specific brand of product in a Class A, B, or C premises is only permitted with Board approval.
4. Off site support advertising before and during the event, and on site signs during the event, are permitted if they follow these policy guidelines.
5. Where a licensed area is operated with a sponsored event, approved promotional material may be displayed in the licensed area. (See "Policy Guidelines - Product Promotions in Licensed Premises").
6. Sponsorships conducted on campus must have the prior approval of the institution's administration.
7. Corporate or brand identified items, other than liquor, may be given to charitable organizations which hold a Revenue Canada registered charities number, for their use as prizes, raffle items, etc. Liquor may be donated to a non-profit or charitable organization for auction purposes in conjunction with an auction authorized under the authority of a Special Event Licence - Private Resale.
8. Owning a sports franchise is permitted.
9. In sponsorship advertising, the ad should focus on the event or activity being sponsored, not on liquor or liquor suppliers.

H. CORPORATE VEHICLE

1. Corporate or brand name and logo may be displayed on a corporate vehicle.
2. A corporate vehicle may appear at the site of a sponsored event.

I. ARENA SIGNS

1. Corporate or brand identified signs (for example, scoreboard panels, rinkboards) may be rented in an arena or stadium used primarily for structured sporting or entertainment events.
2. Temporary signs (for example, banners) may be displayed in a community arena only during a sponsored event.
3. Signs which advertise liquor may not be used at events involving minors (for example, minor hockey week).

J. CONTESTS

1. Sponsorship or co-sponsorship of a publicly advertised contest may be undertaken.
2. A contest sponsored by a liquor supplier must be directed towards persons of legal drinking age.
3. An individual must not be required to purchase or consume liquor to participate in or qualify for a contest or draw.
4. If any portion of a contest is conducted on licensed premises, the activity must follow "Policy Guidelines - Product Promotions in Licensed Premises".
5. All applicable provincial and federal regulations must be followed.

K. LIQUOR INDUSTRY TRADE SHOWS

1. Participation in a liquor trade show may be undertaken with a display or display and sampling booth.
2. Liquor suppliers are permitted to sell or provide samples of their liquor at a liquor related trade show subject to both the requirements for participation set by the trade show operator and these guidelines.
3. A trade show operator may request that a retail liquor store be permitted to sell liquor products for off premises consumption at the location of the trade show.
4. All categories of liquor may be sampled. Maximum sample sizes are as follows:

beer	-	112 ml	(4 oz.)
coolers	-	112 ml	(4 oz.)
wine	-	56 ml	(2 oz.)
spirits	-	14 ml	(1/2 oz.)
liqueurs	-	14 ml	(1/2 oz.)

5. Liquor samples may only be offered from a display booth.
6. The booth must always be staffed during the show when liquor is involved. Agents/Representatives shall not serve liquor products while under the influence of liquor. Adequate measures must be taken to secure liquor supplies when the show is closed.
7. Minors are not permitted to serve or handle liquor.
8. Liquor samples may only be served to persons of legal drinking age.
9. An exhibitor may participate in a cooking demonstration at the booth or a designated cooking area. The products on display or being sampled may be used. Tasting of the prepared dishes is permitted.
10. An exhibitor may decorate his booth with related support advertising, and staff may wear promotional clothing. Promotional or educational advertising material may be given away.
11. An exhibitor's participation in a show may be advertised.
12. A retail liquor store may be permitted to sell liquor for off premises consumption at a non-liquor industry trade show. Participation requires the approval of the AGLC and is subject to any conditions imposed as part of the approval.

L. CONSUMER MARKET RESEARCH

1. An independent group or organization may be appointed to conduct consumer market research.
2. The research may include a survey of members of a target group. Such a survey must not be a promotional scheme designed to obtain direct or indirect advertising for a product, nor may the results form part of a public advertising program.
3. The survey may not be used to impart potentially disparaging information about another company or product.
4. All participating respondents must be of legal drinking age if the survey is liquor related.
5. A survey limited to a one-on-one question and answer situation may be conducted by telephone, in a private area or in a public area (for example, shopping mall, on the street).
6. Respondents may be invited to a market research office, hotel meeting room, or other location closed to the general public and acceptable to the AGLC for a product audit (taste test).
7. The organization conducting a product audit or packaging audit must ensure any licensing requirements are met. A packaging audit conducted in a non-licensed area will require a private non-sale licence. The licence will include the words "Not for Consumption" on it. This licence authorizes transportation of the liquor to and from the site and possession of liquor at the site of the survey.
8. A product audit must be conducted blind, that is, no identification of the samples other than by number or letter.
9. A product audit may be conducted using a product not available for sale in the province.

10. Respondents participating in a product audit must not be permitted to consume samples to the point of intoxication.
11. The organization conducting the survey may compensate the respondents for participating in the survey.

M. HOSTING NO SALE FUNCTIONS

1. A no sale function may be hosted by liquor suppliers or licensees at which invited guests may sample liquor.
2. Attendance must be by invitation only. There may be no advertising of the event.
3. The host is responsible for ensuring the licensing requirements are met, i.e. a special event licence has been obtained for unlicensed locations.
4. A liquor supplier, other than a manufacturer must be in possession of a hospitality licence issued by the AGLC to host no sale functions at their office premises.

N. INTERPRETATION AND ENFORCEMENT

1. The interpretation and enforcement of these policy guidelines are the responsibility of the AGLC Regulatory Division.
2. The advertiser (liquor supplier and/or licensee) is responsible for ensuring that their advertising meets the requirements of these policy guidelines. Any concerns about interpretation should be reviewed with the AGLC Regulatory Division.
3. An advertiser may submit advertising and related material covered by these guidelines to the AGLC Regulatory Division for approval before undertaking the advertising or activities.
4. Advertising will be checked for the message conveyed by all aspects of the advertisement whether expressed or implied.
5. Failure to comply with the spirit and intent of these policy guidelines will result in sanctions by the Board. Sanctions include, but are not limited to:
 - a) warnings;
 - b) the requirement that the advertiser remove advertising or withdraw from an activity;
 - c) the requirement that all further advertising and other activities covered by these guidelines be submitted for approval;
 - d) suspension of liquor supplier in-store advertising privileges for specified periods;
 - e) suspension of advertising and promotional support privileges for specified periods, and
 - f) any other sanction as determined by the Board consistent with the Gaming and Liquor Act.