

# MEAS Code of Practice

## Fourth Report



**ENCOURAGING  
RESPONSIBLE MARKETING**



# MEAS (Mature Enjoyment of Alcohol in Society Limited)

MEAS (Mature Enjoyment of Alcohol in Society Limited)

MEAS, the Irish word for respect, encapsulates a core value of our organisation – we must respect alcohol and when we consume it we must respect ourselves and respect others.

MEAS, a registered charity, was established in 2002 by the principal companies and trade organisations in the Drinks Industry to promote social responsibility within the industry and moderate consumption by those who choose to drink, in order to reduce alcohol abuse and related harm. MEAS is committed to the promotion of the highest ethical standards within the Drinks Industry, and does not condone any misuse or abuse of alcohol. Operationally independent from Drinks Industry companies, MEAS has no economic purpose.

MEAS's member companies and organisations are:

- C&C Group plc
- Diageo Ireland
- Drinks Industry Group of Ireland
- Edward Dillon & Co. Ltd
- Heineken Ireland
- InBev Ireland\*
- Irish Distillers Ltd.
- Licensed Vintners Association
- Vintners' Federation of Ireland

If you would like to know more about MEAS, please visit [www.meas.ie](http://www.meas.ie)

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\* InBev Ireland became part of C&C Group plc. in September, 2009.

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## FOREWORD

2009 was a very challenging year for the Irish economy and for the Irish drinks industry. Lower excise duty, lower VAT, aggressive alcohol promotions in Northern Ireland and a favourable Euro/Sterling price differential resulted in a strong consumer movement towards cross-border shopping, with alcohol a key driver of this trade.

High profile operators in the hospitality and retail alcohol sectors encountering serious trading difficulties were frequently reported in the media in 2009 and it is estimated that some 1,500 licensed premises, urban and rural, have closed in recent years.

The shift from drinking in the on-trade i.e. in the pub, hotel or restaurant, to drinking at home accelerated in 2009. The alcohol purchased for home consumption was bought in the off-trade i.e. in supermarkets, convenience stores, off-licenses or garage forecourts in this country, or in Northern Ireland. By the end of 2009 in excess of 50 per cent of alcohol consumed in Ireland was purchased in the off-trade for home drinking. This shift from the on-trade to the off-trade is a permanent shift and likely to reach a point in the near future whereby close to two-thirds of alcohol will be consumed in the home setting.

Per capita alcohol consumption declined significantly in 2008, to levels obtaining in the mid '90s and preliminary figures suggest that trend continued in 2009 bringing our per capita alcohol consumption closer to the European average.

This changing situation creates challenges for those operating in the hospitality and drinks industries in Ireland and in relation to the regulation of these industries. There were a number of significant developments in this regard in 2009; these included the implementation of the Responsible Retailing of Alcohol in Ireland (RRAI) Code, a voluntary code agreed between the retail sector and the Department of Justice, Equality and Law Reform and the Department of Health and Children and subscribed to by the majority of companies selling alcohol in the mixed trade off-licence sector in Ireland. The Independent Chairperson appointed to monitor the implementation of this code recently stated "The last 12 months have seen significant and tangible change in how alcohol is sold and displayed in RRAI members stores who account for almost 95% of all alcohol sold in the mixed trade sector. In addition, there has been a striking change in the way alcoholic products are advertised by RRAI members: they are now restricted to at most 25% of advertisements in newspapers or magazines."

The new codes concerning the placement of alcohol advertising and alcohol company sponsorship agreed with Government in 2008 became effective on 1 October, 2008. These codes introduced a 75 per cent audience profile for commercial alcohol communications for all media, including print, electronic and cinema. A review of the operation of these codes and of adherence to them was undertaken by the Monitoring Body appointed by the Minister for Health and Children in June, 2009. The implementation of this suite of codes virtually eliminated complaints about the content of alcohol advertising, and issues concerning placement were found to have been dealt with in a speedy and responsive manner.

I am pleased to note that compliance with the decisions of the Independent Complaints Panel under the MEAS Code has been high in 2009. No complaints were received in relation to alcoholic drinks products indicating that alcohol producers and brand owners are adhering very fully to the provisions of the Code.

The Criminal Justice (Miscellaneous Provisions) Bill, 2009 proposes to provide an element of statutory backing for codes of practice in relation to licensing matters with a view to promoting compliance by licensees with them. The proposed provision will enhance the status of such codes as approved by the Minister for Justice, Equality and Law Reform and make the failure to comply with their provisions a ground on which an objection may be lodged to the renewal of the licence. This is a welcome development that will, I expect, embrace the MEAS Code and strengthen the sanctions available under the Code.

Lidl (Ireland) GmbH and Richmond Marketing committed to subscribe to the MEAS Code in 2009. At this point the majority of companies operating in the on and off-trade in Ireland subscribe to the Code.

I would like to thank Dr. Holmes and his Panel for their very diligent approach to decision making in 2009 and my colleagues who supported me so ably in the administration of the Code.



Fionnuala Sheehan  
Chief Executive, MEAS

# THE INDEPENDENT COMPLAINTS PANEL

## CHAIRMAN'S REPORT

I am pleased to present this report which covers the activities of the Complaints Panel in the year 2009. It is the fourth report to be presented since the Panel commenced its operations in mid 2004. To appreciate the work being done by the Panel it is necessary to understand the workings of MEAS itself as an organisation.

Effectively MEAS is an organisation dedicated to the mature and, therefore, the sensible consumption of alcohol and in that way to limit, so far as is possible, conduct or behaviour which might be caused by excess consumption. To achieve this objective MEAS has set up a Code of Practice to which all its members must subscribe. The Code of Practice is varied from time to time but it is a blue print for the behaviour of all of those who market in any way alcohol in this jurisdiction. The Code of Practice has been drawn up carefully and subjected to the scrutiny of many independent persons and is specifically designed to fulfil the objectives of the MEAS organisation which are to promote responsible marketing and sale of alcohol and reduce alcohol related harm.

Companies and organisations who have committed to the MEAS Code are drawn from all of those responsible for the sale of alcohol in this country. They include major organisations which govern the licensed trade, members of the off-licence trade, and also include (with two glaring exceptions) all the large supermarket chains. They also include the manufacturers, brewers, distillers, distributors etc. of all the licensed products that are available in Ireland. The fact that all of these companies and organisations subscribe to the MEAS Code of Practice is a source of comfort for the public at large and for those responsible for ensuring the moderate consumption of alcohol in this country.

MEAS is fully funded by the drinks industry but I must emphasise that there has been no interference whatever by the industry in the work done by the Independent Complaints Panel. Certain cynics in the media have suggested that the industry merely pays lip service to all organisations dedicated to control the manner in which alcohol is marketed and sold by retail in the country. It is my experience as Chairman of the Complaints Panel and it is the experience of the Panel members that the Code of Practice is tightly drawn and that all bone fide complaints are properly and speedily dealt with. Their independence is, therefore, assured and the Drinks Industry have not made any attempt to alter this.

The trend in the complaints mix, to which I drew attention in earlier reports shows that the main source of complaints is promotional activity by named licensed premises or promoters as opposed to brand specific marketing activity and this, unfortunately, continued through 2009. It is true to say that no brand specific complaints were made in the year under review which suggests that the companies marketing brands of alcohol in Ireland are mindful of their responsibilities under the MEAS Code and take the necessary steps to comply with it.

The same applies almost entirely to the specific members of the two retail organisations and of the off-licences and the supermarkets which subscribe to the MEAS Code. They are all conscious of their responsibilities and take the greatest care that advertising and other marketing activities are carried out in accordance with the Code.

This report deals with a total of fifteen complaints of which twelve relate to alcohol promotions undertaken by named and identified on licensed outlets and of the remaining complaints, two concerned merchandising/advertising by multiples and the final complaint raised issues about a specialist off-licence promotion.

A practice to which I drew attention in last year's report concerned the use of Bebo website to advertise drinks promotions in licensed premises and I considered this objectionable as a very significant number of subscribers to this site are under the legal drinking age. The Panel's concern in this regard continues, particularly, as even in this report the use of the Bebo website arises yet again.

The Panel are pleased to note that the development of a comprehensive code for digital media in the context of the revised Alcohol Marketing, Communications and Sponsorship Codes agreed by the Department of Health and Children, the Drinks Industry Group of Ireland, the Alcohol Beverage Federation of Ireland, Association of Advertisers in Ireland and the Institute of Advertising Practitioners in Ireland is being progressed and we look forward to its finalisation.

We will always find in our midst individuals who try to exploit for financial gain the indiscriminate sale of alcohol but our response to this has been firm and single minded.

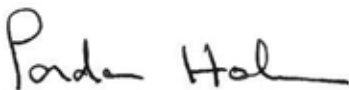
The Panel has given very careful consideration to every complaint made and in this report we present a comprehensive outline of each complaint and detailed explanations for our findings. Sometimes it is difficult to determine where the boundaries of a marketing or promotional campaign fall into the realms of breaches of the Code but we have done our best to be impartial and fair in our determination of these issues. We hope and trust that this information may be a useful guide to all those involved in the Industry and particularly those in the retail sector. We also hope that this report will to some degree allay public disquiet in the matter and will make the public realise that the Industry is quite determined to encourage moderation to benefit society generally.

The Panel membership is fully and totally independent and brings a broad and varied range of experience to our deliberations. The identity of each member of the Panel is contained in this report.

One member of the Panel, Mr Francis Linden resigned during the year and Ms Aine Lynch joined the Panel recently and is a most welcome new member. We thank Mr Linden for his contribution to our work.

Once again, I am very grateful to my fellow Panel members for their input and their assistance and, above all, for their commitment to the MEAS Code of Practice. I thank them also for their wise counsel from time to time.

To the MEAS Secretariat for their essential support go my thanks and that of the entire Panel. I trust that this report will explain to the public the work we are endeavouring to do and will also explain to the public the response which the Industry has shown through our efforts.

A handwritten signature in black ink, appearing to read "Gordon Holmes". The signature is written in a cursive, flowing style.

Dr Gordon Holmes  
Chairman  
Independent Complaints Panel

# INDEPENDENT COMPLAINTS PANEL DECISIONS

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## The Weighbridge Inn – Alcohol Promotion

The Square, Portarlington, Co. Laois

Final Decision: 29 January, 2009

### COMPLAINT SUMMARY

The complainant alleged that the drinks promotions undertaken on 19 September, 2008 and 21 September, 2008 at the Weighbridge Inn encouraged illegal or irresponsible drinking. A copy of a newspaper advertisement in the 17 September, 2008 edition of the Leinster Express states the following:

*“Fri 19th Sept – Live Music  
Any 2 pints, bottles or spirits €6 Between 9pm - 11pm*

*Sun 21st Sept – Live Music  
Best Promotion in Town:  
All drinks €2.50 between 1.00 - 5.00pm.”*

### COMPLAINANT

Member of the public.

### DECISION

Under Code paragraph 3.2 (f): **Upheld.**

The Panel noted MEAS Code paragraph 3.2 (f) which states:

*“3.2 A drink, its packaging and any promotional material or activity (as defined in section 2 and Annex 1) must not in any direct or indirect way:*

*(f) encourage illegal, irresponsible or immoderate consumption, such as binge-drinking, drunkenness or drink-driving;”*

The Panel also noted that the MEAS Guidance Notes on Point of Sale Promotions and Materials and Serving of Multiple Drinks state that:

*“promotions... identified and agreed to be those that should not be run as they are either unlawful, or entail a disproportionate risk that they will lead directly to alcohol misuse and anti-social behaviour” include*

*“Promotions that involve free drinks or reduced price drinks for a limited period of a day – e. g. Free vodka between 8pm and 10pm” and*

*“Promotions that encourage or reward the purchase or drinking of large quantities of alcohol in a single session.”*

The Panel reviewed the newspaper advertisement in the 17th September, 2008 edition of the Leinster Express and noted that on Friday, 19th September “any 2 pints, bottles or spirits” were advertised as being available for “€6 between 9pm and 11pm.” The Panel further noted that on Sunday, 21st September all drinks were advertised as being available for “€2.50 between 1pm and 5pm.”

The Panel noted that there had been no response from the proprietor of the Weighbridge Inn to the correspondence from the Code Secretariat concerning the complaint.

The Panel concluded that the alcoholic drink promotions were advertised as being available for a limited period of the trading day, for a two hour period on Friday, 19th September, and for a four hour period on Sunday, 21st September and as such fell within the category of promotions identified in the MEAS Guidance Notes and agreed to be those that should not be run as they entail a disproportionate risk that they will lead directly to alcohol misuse and anti – social behaviour. The promotions therefore breached MEAS Code paragraph 3.2 (f).



## Tesco, Roselawn – Alcohol Promotion

Blanchardstown, Dublin 15

Final Decision: 29 January, 2009

### COMPLAINT SUMMARY

The complainant alleged that the advertising and promotion of a 'wine festival', and the display of wine bottles in close proximity to shelves displaying party balloons, paper plates, candles and party treats is irresponsible. The complainant stated the following:

'After a wine festival early in the summer 08 when I as a childminder prepared for a birthday party I took 5 children aged 2-8 years to Tesco. We wanted party balloons, paper plates, candles and party treats. Unfortunately in the same aisle '6' Tesco were promoting a 'wine festival' with a banner and many bottles of wine opposite the party items.'

### COMPLAINANT

Member of the public.

### DECISION

Under Code paragraph 4.2: **Upheld.**

The Panel noted MEAS Code paragraph 4.2 which states:

*"4.2 In the off-licence, the retailer must ensure that alcoholic products are clearly merchandised as such in the appropriate section."*

The MEAS Guidance Notes on Point of Sale Promotions and Materials and Serving of Multiple Drinks state that:

*"promotions... identified and agreed to be those that should not be run as they are either unlawful, or entail a disproportionate risk that they will lead directly to alcohol misuse and anti-social behaviour"* include

*"Promotions that are linked to or positioned near to products that appeal to children."*

The Panel reviewed the correspondence dated 10 October, 2008 and 23 November, 2008 from the complainant. The Panel also reviewed the correspondence dated 24 October, 2008 from the representative of Tesco Ireland.

The Panel noted the statement from the complainant that she contacted the relevant Tesco Ireland in-store management about her concerns relating to promotion of a Summer Wine Festival in the same aisle (aisle 6) as children's party products, but was advised that the decision regarding the positioning of the display was made in Tesco Ireland headquarters. She was unable to make contact with the relevant personnel in Tesco Ireland headquarters about her concerns. A similar Wine Festival was promoted on the premises, again in aisle 6, in the Autumn. 'The wine was positioned in aisle 6 opposite children's party toys, children's bracelets, plastic parachutes (not adults), Winnie the Poo and Barbie plates and candles and balloons.' The Panel noted that it is in relation to the (Autumn) promotion that the current complaint under the MEAS Code was made. The Panel also noted the statement from the complainant that Tesco has a dedicated aisle for alcoholic products, i.e. aisle 3.

The Panel noted the following statement from the Tesco Ireland representative: "There was an 8 feet display and [it] was supported by advertising banners across the aisle, which are no longer in use and were disposed of following the event. In fact for the same reason none of the promotional material used at this event has been retained. The 'party' products also on display in this aisle include such things as paper plates, candles and other items that might be used for an assortment of purposes, including barbeques or garden parties etc. It would never be our intention to blatantly merchandise alcohol alongside products exclusively for children. This store is open 24 hours and seven days a week and trades similarly to other Tesco stores in relation to the sale of alcohol. The design of the store and the layout of the aisles allows for a dedicated aisle for the sale of alcoholic products such as wines, beers and spirits."

Having considered the points made in the correspondence concerning the complaint the Panel reflected on the MEAS Code provision, which requires that "the retailer must ensure that alcoholic products are clearly merchandised as such in the appropriate section." The Panel considered that the appropriate section in this case was aisle 3. However, wine products were merchandised in aisle 6 in close proximity to products exclusively produced for children. The Panel therefore concluded that the promotion breached MEAS Code paragraph 4.2.



## Earth Nightclub, Drogheda – Alcohol Promotion

C/O Westcourt Hotel, West Street, Drogheda, Co. Louth

Final Decision: 29 January, 2009

### COMPLAINT SUMMARY

The complainant alleged that the drinks promotion advertised in the 6 August, 2008 edition of the Drogheda Independent as taking place at Earth Nightclub breaches the MEAS Code of Practice.

The advertisement for Earth Nightclub states:

*“West Streets Thursday Night Fourplay  
All drink €3 all night & €3 ADM with Fourplay concession  
after 1am. Fourplay concessions available.”*

### COMPLAINANT

Alcohol Beverage Federation of Ireland (ABFI)

### DECISION

Under Code paragraph 3.2 (d): **Upheld.**

The Panel noted MEAS Code provision 3.2(d) which states:

*“3.2 A drink, its packaging and any promotional material or activity (as defined in section 2 and Annex 1) must not in any direct or indirect way:*

*(d) suggest any association with sexual success or prowess;”*

The Panel also noted that the MEAS Guidance Notes on Point of Sale Promotions and Materials and Serving of Multiple Drinks state that:

*“promotions... identified and agreed to be those that should not be run as they are either unlawful, or entail a disproportionate risk that they will lead directly to alcohol misuse and anti-social behaviour” include*

*“Promotional material that is linked to sexual imagery implying sexual success or prowess” and*

*“Promotions that encourage either an excessive drinking session or a pub crawl.”*

The Panel reviewed a copy of the advertisement printed in the 6 August, 2008 edition of the Drogheda Independent and the letter dated 1 October, 2008 from the General Manager of the Westcourt Hotel, Drogheda.

The Panel noted the image of a bikini clad woman in a suggestive pose on the right side of the advertisement. This advertisement was one of four advertisements placed side by side under the banner “West Streets Thursday Night Fourplay”. All four advertisements included an image of a woman, some scantily clad and posing suggestively.

The Panel considered the point made by the General Manager of the Westcourt Hotel that “the thought behind the four play promotion came about by the fact there [were] four venues partaking in this particular promotion in an effort to advertise together and therefore share the advertising cost. The four play terminology was not ever thought of by us or the other pubs/club in a sexual context.”

The Panel concluded that the combining of the word “Fourplay” with the image of the scantily clad woman posing suggestively in an advertisement promoting alcoholic drink resulted in a breach of MEAS Code paragraph 3.2(d).



## Storm Nightclub, Drogheda – Alcohol Promotion

79a West Street, Drogheda, Co. Louth

Final Decision: 29 January, 2009

### COMPLAINT SUMMARY

The complainant alleged that the drinks promotion advertised in the 6 August, 2008 edition of the Drogheda Independent as taking place at Storm Nightclub breaches the MEAS Code of Practice. The advertisement for Storm Nightclub states:

*“West Streets Thursday Night Fourplay  
STORM Nightclub - All Drinks €3, Adm €3 With the  
Thursday Night Fourplay pass.”*

### COMPLAINANT

Alcohol Beverage Federation of Ireland (ABFI)

### DECISION

Under Code paragraph 3.2 (d): **Upheld.**

The Panel noted MEAS Code provision 3.2(d) which states:

*“3.2 A drink, its packaging and any promotional material or activity (as defined in section 2 and Annex 1) must not in any direct or indirect way:*

*(d) suggest any association with sexual success or prowess;”*

The Panel also noted that the MEAS Guidance Notes on Point of Sale Promotions and Materials and Serving of Multiple Drinks state that:

*“ promotions... identified and agreed to be those that should not be run as they are either unlawful, or entail a disproportionate risk that they will lead directly to alcohol misuse and anti-social behaviour” include*

*“Promotional material that is linked to sexual imagery implying sexual success or prowess” and*

*“Promotions that encourage either an excessive drinking session or a pub crawl.”*

The Panel reviewed a copy of the advertisement printed in the 6 August, 2008 edition of the Drogheda Independent.

The Panel noted the image of a woman in a suggestive pose on the right side of the advertisement. This advertisement was one of four advertisements placed side by side under the banner “West Streets Thursday Night Fourplay”. All four advertisements included an image of a woman, some scantily clad and posing suggestively.

The Panel concluded that the combining of the word “Fourplay” with the image of the woman posing suggestively in an advertisement promoting alcoholic drink resulted in a breach of Code paragraph 3.2(d).



## Redz Vodka Bar, Drogheda – Alcohol Promotion

79a West Street, Drogheda, Co. Louth

Final Decision: 29 January, 2009

### COMPLAINT SUMMARY

The complainant alleged that the drinks promotion advertised in the 6 August, 2008 edition of the Drogheda Independent as taking place at Redz Vodka Bar breaches the MEAS Code of Practice. The advertisement for REDZ Bar states:

*“West Streets Thursday Night Fourplay  
REDZ Vodka Bar – 2FOR1 cocktails all night. Fourplay  
concessions available here.”*

### COMPLAINANT

Alcohol Beverage Federation of Ireland (ABFI)

### DECISION

Under Code paragraph 3.2 (d): **Upheld.**

Under Code paragraph 3.2 (f): **Upheld.**

The Panel noted MEAS Code provisions 3.2(d) and 3.2(f) which state:

*“3.2 A drink, its packaging and any promotional material or activity (as defined in section 2 and Annex 1) must not in any direct or indirect way:*

*(d) suggest any association with sexual success or prowess;*

*(f) encourage illegal, irresponsible or immoderate consumption, such as binge-drinking, drunkenness or drink-driving.”*

The Panel also noted that the MEAS Guidance Notes on Point of Sale Promotions and Materials and Serving of Multiple Drinks state that:

*“promotions... identified and agreed to be those that should not be run as they are either unlawful, or entail a disproportionate risk that they will lead directly to alcohol misuse and anti-social behaviour” include*

*“Promotional material that is linked to sexual imagery implying sexual success or prowess” and*

*“Promotions that encourage either an excessive drinking session or a pub crawl;”*

*“Promotions that involve buying an alcoholic product to get another free or promotions offering two alcoholic products for the price of one.”*

The Panel reviewed a copy of the advertisement printed in the 6 August, 2008 edition of the Drogheda Independent.

The Panel noted the image of a scantily clad woman on the right side of the advertisement. This advertisement was one of four advertisements placed side by side under the banner “West Streets Thursday Night Fourplay.” All four advertisements included an image of a woman, some scantily clad and posing suggestively.

The Panel concluded that the combining of the word “Fourplay” with the image of the scantily clad woman in an advertisement promoting alcoholic drink resulted in a breach of MEAS Code paragraph 3.2(d).

The Panel considered the promotion of “2 for 1 cocktails all night!” in the Redz Bar advertisement and concluded that the promotion clearly fell within the category of promotions identified in the MEAS Guidance Notes and agreed to be those that should not be run as they entail a disproportionate risk that they will lead directly to alcohol misuse and anti – social behaviour. The promotion therefore breached MEAS Code paragraph 3.2 (f).



## Home Nightclub, Balbriggan – Alcohol Promotion

The Harbour, Balbriggan, Co. Dublin

Final Decision: 29 January, 2009

### COMPLAINT SUMMARY

The complainant alleged that the drinks promotions undertaken at Home Nightclub, Balbriggan encourage illegal or irresponsible drinking. The complainant stated that the large banner advertising the promotions, which can be seen hanging outside Home Nightclub, is ‘not in the best of taste’. The banner shows a picture of two women drinking; one of the women poses for the photographers surrounding her. The following text is printed on the poster:

*“F\*\*\* ME, I’M FAMOUS  
EVERY SATURDAY.  
From Saturday 23rd August  
to Saturday 29th November  
Special Drinks Promotions  
Every Night!  
www.bebo.com/HomeDublin”*

### COMPLAINANT

Member of the public.

### DECISION

Under Code paragraph 3.2 (e): **Upheld.**

Under Code paragraph 3.2 (f): **Upheld.**

Under Code paragraph 3.4: **Upheld.**

The Panel noted MEAS Code paragraphs 3.2(d), 3.2(f) and 3.4 which state:

*“3.2 A drink, its packaging and any promotional material or activity (as defined in section 2 and Annex 1) must not in any direct or indirect way:*

*(e) suggest that consumption of the drink can lead to social, sporting or business success or popularity;*

*(f) encourage illegal, irresponsible or immoderate consumption, such as binge-drinking, drunkenness or drink-driving;”*

*“3.4 Multiple servings of products must not be served in a single glass container.”*

The Panel also noted that the MEAS Guidance Notes on Point of Sale Promotions and Materials and Serving of Multiple Drinks state that:

*“promotions... identified and agreed to be those that should not be run as they are either unlawful, or entail a disproportionate risk that they will lead directly to alcohol misuse and anti-social behaviour” include*

*“Promotions that are not respectful of contemporary, prevailing standards of taste and decency and are degrading or gratuitously offensive through images, symbols, figures and innuendoes;”*

*“Promotions that involve buying an alcoholic product to get another free or promotions offering two alcoholic products for the price of one;”*

*“Serving more than two full standard servings of an alcoholic product(s) in a single container to a customer is likely to lead to rapid and immoderate consumption;”*

*“Thus, the sale of triple servings should not take place, like the so-called ‘Fat Frog’.”*

*“Serving a pitcher of alcohol to a customer in circumstances where it cannot be clearly established that it is to be shared by an appropriate number of customers, i.e. assuming no one customer will be drinking more than two standard servings, must be precluded.”*

The Panel reviewed the correspondence from Glencrae Cottage Industries representing Home Nightclub, the banner advertising the promotion and the content of the [www.bebo.com/HomeDublin](http://www.bebo.com/HomeDublin) website. The Panel noted that the banner had been removed following contact from the MEAS Code Secretariat. The Panel considered the banner advertisement and in particular the words “F\*\*\* ME I’M FAMOUS above the image of the woman drinking while posing for the photographers surrounding her. The Panel concluded that a clear association was made in the banner between drinking alcohol, the ‘special drinks promotions’ advertised and social success. The promotion therefore breached MEAS Code paragraph 3.2(e).

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The Panel then reviewed the following text on the Home Nightclub Bebo website:

*“F\*\*\* me, I’m Famous  
Home Dublin – Come out and play*

*Tantrum Thursday  
2 Vodka, 1 Redbull €10  
2 Vodka & Splash €10*

*F\*\*k Detox Fridays  
€3 Drinks e.s.d. – All bottles, all shots, all spirits, all night so  
forget the detox, the diet and the New Years resolutions –  
burn those calories on the dance floor instead.*

*The Saturday Sale  
2 for one admission before midnight  
2 for 1 selected shots all night  
Sunday Nights  
€3 Drinks e.s.d. and Pitchers of Vodka Redbull and Fatfrog  
only €10”*

The Panel noted the promotion of “Pitchers of Vodka Redbull and Fatfrog only €10” on the Bebo website and the response from the representative of the licence holder, that “There is no vodka used to fill the €10 pitchers. The drinks that are in the pitchers are (VK blue, VK ice and VK orange) which are pre-mix beer based drinks. These are served in a heavy pitcher topped with ice and serve two people.” The Panel considered that the Bebo advertisement misrepresented the product being promoted. The quantity of alcohol (in standard drink terms) available in a pitcher was not clear. The Panel concluded that this promotion breached MEAS Code paragraph 3.4.

The Panel then considered the advertisement of “2 for 1 selected shots all night” as advertised on the Bebo website. The Panel noted the point made by the representative of the licence holder that “the two for one selected shots were run for a two week period in January, ’08, these two shots were the equivalent of one and a half Irish measures of alcohol as they are based on the American size of one sixth of a gill whereas the measure of an Irish measure is one quarter of a gill.”

The Panel expressed the view that the advertisement misrepresented the promotion and may be contrary to the Intoxicating Liquor Acts. The Panel concluded that the practice of advertising 2 for 1 shots clearly fell within the category of promotions identified in the MEAS Guidance Notes and agreed to be those that should not be run as they entail a disproportionate risk that they will lead directly to alcohol misuse and anti – social behaviour. The promotion therefore breached MEAS Code paragraph 3.2 (f).

When concluding its consideration of the complaint the Panel expressed concern that the Bebo website which has a relatively high proportion of under 18 subscribers, was used to promote alcohol. The Panel was, however, pleased to note that a comprehensive code for digital media is being developed in the context of the revised Alcohol Marketing, Communications and Sponsorship Codes agreed by the Department of Health and Children, the Drinks Industry Group of Ireland, Alcohol Beverage Federation of Ireland, Association of Advertisers in Ireland and the Institute of Advertising Practitioners in Ireland.



## O'Shea's Bar, Drogheda – Alcohol Promotion

Narrow West Street, Drogheda, Co. Louth

Final Decision: 4 March, 2009

### COMPLAINT SUMMARY

The complainant alleged that the drinks promotion advertised in the 6 August, 2008 edition of the Drogheda Independent as taking place at O'Shea's Bar breaches the MEAS Code of Practice. The advertisement for O'Shea's Bar is positioned alongside advertisements for three additional licensed premises.

The O'Shea's Bar advertising includes the following text:

*"West Streets Thursday Night Fourplay  
All drinks €3, Late Bar until 2am! Fourplay concessions  
available here.*

*Going Out - Price Check*

<i>4 drinks @ O'Shea's.....€12</i>	<i>TOTAL: €35</i>
<i>Admission into Nightclub..... €3</i>	<i>DON'T SEE A GOOD</i>
<i>4 Drinks in Nightclub.....€12</i>	<i>NIGHT WASTED</i>
<i>Taxi Home..... Approx €8</i>	<i>ANYWHERE ELSE"</i>

### COMPLAINANT

Alcohol Beverage Federation of Ireland (ABFI)

### DECISION

Under Code paragraph 3.2 (f): **Upheld.**

The Panel noted MEAS Code provision 3.2(f) which states:

*"3.2 A drink, its packaging and any promotional material or activity (as defined in section 2 and Annex 1) must not in any direct or indirect way:*

*(f) encourage illegal, irresponsible or immoderate consumption, such as binge-drinking, drunkenness or drink-driving;"*

The MEAS Guidance Notes on Point of Sale Promotions and Materials and Serving of Multiple Drinks state that:

*"promotions... identified and agreed to be those that should not be run as they are either unlawful, or entail a disproportionate risk that they will lead directly to alcohol misuse and anti-social behaviour" include*

*"Promotions that encourage either an excessive drinking session or a pub crawl."*

The Panel reviewed a copy of the advertisement in the 6 August, 2008 edition of the Drogheda Independent.

The Panel noted that all drinks in O'Shea's Bar were advertised as costing €3 and that the '4 drinks @ O'Sheas for €12' did not represent any saving per unit of alcohol purchased. The Panel noted the point made by the representative of O'Shea's Bar that "We do not promote excessive drinking and the four drinks advertised in our promotion have been taken as being the average number of drinks purchased by any one person per night over the past 5 years. Taking it that the average person enters the pub at 9.30pm and leaves at 12.30am, spending, on average, 3 hours to drink 4 pints.....We try to [make sure] that any person leaving our premises does not partake in anti-social behaviour. Any person found to be a trouble maker is automatically barred from all four premises.....it is only one pub and one club [that is ] advertised in the €35 price check which also includes approx. €8 taxi home to avoid drink driving."

The Panel considered the advertisement and the points made by the representative of O'Shea's Bar. It was clear that there was no price incentive to purchase four drinks in O'Shea's Bar, or four drinks in the Nightclub, as the cost of four drinks was simply four times the cost of one.

The Panel noted that the part of the advertisement under the header "Going Out - Price Check" advertised a 'going out' package costing €35. The €35 package assumed consumption of eight drinks. A drink could constitute a pint of beer or lager or stout, or a pub measure of spirits. The phrase "Don't see a good night wasted anywhere else" suggested in the context of the advertisement that one should drink eight pints (or a similar quantity of alcohol) in order to benefit from the promotion. The Panel considered that the advertising of such a large quantity of alcohol in this manner could encourage irresponsible or immoderate consumption and concluded that the promotion breached MEAS Code paragraph 3.2(f).



## Gogarty's Back Lounge Bar – Alcohol Promotion

Main Street, Portarlinton, Co. Laois

Final Decision: 4 March, 2009

### COMPLAINT SUMMARY

The complainant alleged that the drinks promotions undertaken on 31 October, 2008 at Gogarty's Back Lounge Bar, Portarlinton encouraged illegal or irresponsible drinking. A copy of a poster advertising a Halloween Fancy Dress in Gogarty's Back Lounge Bar states the following:

*"Gogarty[']s, Back Lounge, Portarlinton  
Halloween Fancy Dress  
Friday 31st at 9pm  
Live Entertainment  
Prizes for best Dressed  
1st Prize: Weekend Away for 2 With spending money...  
Free Cocktails for ladies before 10 pm  
All Welcome!! (fully transformed club)."*

### COMPLAINANT

Member of the public.

### DECISION

Under Code paragraph 3.2 (f): **Upheld.**

The Panel noted MEAS Code paragraph 3.2(f) which states:

*"3.2 A drink, its packaging and any promotional material or activity (as defined in section 2 and Annex 1) must not in any direct or indirect way:*

*(f) encourage illegal, irresponsible or immoderate consumption, such as binge-drinking, drunkenness or drink-driving."*

The Panel also noted that the MEAS Guidance Notes on Point of Sale Promotions and Materials and Serving of Multiple Drinks state that:

*"promotions... identified and agreed to be those that should not be run as they are either unlawful, or entail a disproportionate risk that they will lead directly to alcohol misuse and anti-social behaviour"* include

*"Promotions that involve free drinks or reduced price drinks for a limited period of a day."*

The Panel reviewed the content of the advertisement for the Halloween Fancy Dress Party in Gogarty's Back Lounge. It noted the reference to 'Free Cocktails for ladies before 10 pm.' The Panel also noted that Gogarty's Back Lounge Halloween event commenced at 9.00 p.m., and that free cocktails for ladies were available for a limited period of one hour, between 9.00 p.m. and 10.00 p.m.

The Panel reviewed correspondence from the proprietor of Gogarty's Back Lounge. In a letter dated 8th February 2009 the proprietor stated that there was a typographical error in the advertisement; that "cocktails" should have read "cocktail" and that one cocktail only was given to each lady.

The Panel considered the points made by the proprietor of Gogarty's Back Lounge. The advertisement of a promotion offering free cocktails, as occurred in this case, was clearly in breach of MEAS Code paragraph 3.2 (f). If the promotion 'on the ground' was limited to a single cocktail, the advertisement nevertheless constituted a technical breach of the MEAS Code. The Panel therefore concluded that the promotion as advertised breached MEAS Code paragraph 3.2 (f).



## The Living Room Bar – Alcohol Promotion

The Ritz Hotel, Carlow, Co. Carlow

Final Decision: 26 May, 2009

### COMPLAINT SUMMARY

The complainant alleged that the drinks promotions advertised on leaflets distributed by the Ritz Hotel encouraged illegal or irresponsible drinking. The leaflet contains the following advertisement:

*“The Living Room Bar @ The Ritz Hotel  
Live D.J Friday & Saturday  
Top D.J Chart Music  
Free Shot With Every Drink.”*

### COMPLAINANT

Member of the public

### DECISION

Under Code paragraph 3.2 (f): **Upheld.**

The Panel noted MEAS Code provision 3.2(f) which states:

*“3.2 A drink, its packaging and any promotional material or activity (as defined in section 2 and Annex 1) must not in any direct or indirect way:*

*(f) encourage illegal, irresponsible or immoderate consumption, such as binge-drinking, drunkenness or drink-driving;”*

The Panel noted that the MEAS Guidance Notes on Point of Sale Promotions and Materials and Serving of Multiple Drinks state that:

*“promotions... identified and agreed to be those that should not be run as they are either unlawful, or entail a disproportionate risk that they will lead directly to alcohol misuse and anti-social behaviour” include*

*“Promotions that involve buying an alcoholic product to get another free or promotions offering two alcoholic products for the price of one;”*

The Panel reviewed a copy of the flyer advertising the promotion and considered the reference to a “Free shot with every drink.”

The Panel noted there was no response from Living Room Bar’s representatives to the correspondence from the Code Secretariat concerning the complaint. The Panel also noted that Cosmo Browns/The Ritz Hotel is not a subscriber to the MEAS Code.

The Panel considered the promotion of a free shot with every drink purchased on the premises. ‘Drink’ could mean an alcoholic drink or a non-alcoholic drink. It would be reasonable for the purchaser of an alcoholic drink or a non alcoholic drink to expect to be provided with a free alcoholic drink, in the form of a shot, with each purchase. A patron purchasing two alcoholic drinks would expect to get another two alcoholic drinks free. A patron purchasing three alcoholic drinks, or three non alcoholic drinks would expect to be given three alcoholic drinks free, etc.

The Panel concluded the promotion was clearly in breach of MEAS Code provision 3.2 (f) as it fell within the category of promotions agreed as entailing a disproportionate risk that they will lead directly to alcohol misuse and anti-social behaviour.

## The Portobello Bar – Alcohol Promotion

33 Richmond Street South, Portobello, Dublin 8

Final Decision: 14 July, 2009

### COMPLAINT SUMMARY

The complainant alleged that a drinks promotion advertised by the Portobello Bar encourages illegal or irresponsible drinking. A copy of the poster advertisement states the following:

*“The Portobello  
€4 All Pints  
Every Day  
3pm – 7pm.”*

### COMPLAINANT

Member of the public

### DECISION

Under Code paragraph 3.2 (f): **Upheld.**

The Panel noted MEAS Code provision 3.2(f) which states:

*“3.2 A drink, its packaging and any promotional material or activity (as defined in section 2 and Annex 1) must not in any direct or indirect way:*

*(f) encourage illegal, irresponsible or immoderate consumption, such as binge-drinking, drunkenness or drink-driving.”*

The Panel noted that the MEAS Guidance Notes on Point of Sale Promotions and Materials and Serving of Multiple Drinks state that:

*“promotions... identified and agreed to be those that should not be run as they are either unlawful, or entail a disproportionate risk that they will lead directly to alcohol misuse and anti-social behaviour”* include

*“Promotions that involve free drinks or reduced price drinks for a limited period of a day.”*

The Panel reviewed a photograph of the poster advertising the promotion and considered the reference to ‘€4 all pints, every day between 3pm and 7pm.’

The Panel also reviewed correspondence from the General Manager of The Portobello Bar. In this correspondence the General Manager pointed out that in the relatively quiet period after lunch and before the nightclub business commences The Portobello was providing an afternoon service for old age pensioners in the locality; the carvery menu was reduced by 50% and all pints of beer were reduced to €4.00.

The Panel noted that in a telephone conversation between a MEAS Code Secretariat representative and the General Manager of The Portobello Bar, the General Manager confirmed that pints of Guinness and Smithwicks are priced at €4.55, Lager at €5.00 and Cider at €5.05 before 3.00pm and after 7.00pm.

The Panel also noted the points made by the Portobello Bar representative concerning the dangers of alcohol abuse and the priority placed by management on the responsible and supervised consumption of alcohol.

The Panel concluded that the promotion was available for a limited period of the trading day and as such constituted a ‘Happy Hour’ promotion; while possibly due to inadvertence the promotion was nonetheless in breach of the MEAS Code.



## Burn Beach Club – Alcohol Promotion

Blake's Corner, Stillorgan, Co. Dublin

Final Decision: 14 July, 2009

### COMPLAINT SUMMARY

The complainant alleged that the drinks promotion advertised by Burn Beach Club breaches the MEAS Code in a number of ways;

1. The price promotion is limited to a certain night each week and thus encourages excessive and irresponsible drinking.
2. The image used in the attached poster suggests sexual prowess will be enhanced through the consumption of alcohol.
3. There is no enjoy alcohol responsibly message.”

A copy of the poster advertising the promotion includes the following text:

“2 IS HOT.  
All €2 Drinks  
Every Sat in May.”

### COMPLAINANT

Member of the public

### DECISION

Under Code paragraph 3.2 (d): **Not Upheld.**

Under Code paragraph 3.2 (f): **Not Upheld.**

The Panel noted MEAS Code provisions 3.2(d) and 3.2 (f) which state:

“3.2 A drink, its packaging and any promotional material or activity (as defined in section 2 and Annex 1) must not in any direct or indirect way:

(d) suggest any association with sexual success or prowess;

(f) encourage illegal, irresponsible or immoderate consumption, such as binge-drinking, drunkenness or drink-driving.”

The Panel noted that the MEAS Guidance Notes on Point of Sale Promotions and Materials and Serving of Multiple Drinks state that:

“promotions... identified and agreed to be those that should not be run as they are either unlawful, or entail a disproportionate risk that they will lead directly to alcohol misuse and anti-social behaviour” include

“Promotions that encourage or reward the purchase or drinking of large quantities of alcohol in a single session” and

“Promotional material that is linked to sexual imagery implying sexual success or prowess.”

The Panel reviewed a copy of the advertising poster. Images of two girls occupied a substantial part of the poster. The text “€2 ALL DRINKS EVERY SAT IN MAY” was placed across the images of the two girls. The text “2 IS HOT” was placed over this image.

The Panel noted that it could not take issue with the price at which alcohol was being promoted as there is no legal limitation on the price at which alcohol can be sold following the repeal of the Groceries Order. Also, there was no legal prohibition on the charging of a different price for alcohol on one particular day provided it was not done in a manner that would breach the legislation outlawing so called ‘Happy Hours’. The advertising of all drinks for €2 for the entire period of trading on one day in the week, i.e. Saturday in this case, did not breach the Intoxicating Liquor laws, and for the same reason did not breach paragraph 3.2 (f) of the MEAS Code.

The Panel noted that there was no legislative requirement on licensees to incorporate an enjoy alcohol responsibly message on promotional advertisements.

The Panel reviewed the letter dated 30 June, 2009 from the representative of Burn Beach Club, and considered, in particular, the following point made by the Burn Beach Club representative: “The promotion is based on the number 2, we are charging €2 for all drinks on

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offer and there are 2 good looking girls on the material, as you can see there is no sexual content, they are both fully clothed and not engaging in any type of sexual act! The images are legally bought from iStock Photo and approved for use in advertising.”

It was unclear to the Panel what message was being conveyed by the placing of the text “2 IS HOT” over the image of the two girls. Having considered this and the points made by the Burn Beach Club representative the Panel concluded that, while the overall communication was distasteful, it did not breach paragraph 3.2 (d) of the MEAS Code.



## UCD Students' Union - Alcohol Promotion

Belfield, Dublin 4

Final Decision: 1 October, 2009

### COMPLAINT SUMMARY

The complainant alleged that the promotion advertised by the UCD Students' Union Ents Office encourages illegal or irresponsible drinking. The Email promotion states the following:

*"UCD Ents Presents Black Week...*

*Monday 7th Sept. – Black Monday*

*UCD Ents suggests...*

*BREAKFAST – Couch, (Can of dutch/bottle of buckfast)*

*LUNCH – Student Bar, UCD (Fosters)*

*DINNER (Pint of guinness/bottle of vodka)*

*Club XXI*

*Freshers Overflow,*

*3 euro All drinks, All night*

*or*

*D/TWO*

*Over 19s*

*Special Black Shot Deals*

*Drink Promos and BBQ all night*

*ROAR Gov id essential*

*DESSERT*

*Gig's Place, Abra, Harcourt Diner, McDonalds, Subway.*

*AFTERPARTY*

*Some shitty little place that sells booze after hours*

*Drink til you puke/pass out with your shoes on/get cocks drawn on face*

*His/hers/yours (for a tug)*

*Morning after*

*Regret/Hangover/Who the fuck is he/she*

*Tickets for all gigs available @ [www.ucdents.com](http://www.ucdents.com)*

*The UCD Freshers' Ball w/Simian Mobile Disco*

*The quintessential Freshers' first night out with one of the world's biggest DJ acts Simian Mobile Disco because "We are your friends"!! Also featuring Meteor winners Fight Like Apes, The Flaws, Size2Shoes, Keywest, Morning Parade, Vic, The Dominican Affair, DJ Frank Jez, iRate Soundsystem, Ents DJ's & Electric Ents DJ's.*

*Tuesday 8th Sept. -*

*UCD ResidENTS presents. Speed Dating in The Student Bar from 6pm (Get to know your neighbour that little bit better!!) followed by.*

*Blue Moose @ the Student Bar (Ireland's Biggest Cover Band) - Free Gig*

*& Juicy Beats @ The Village (Tickets only 5 euro available online & in all SU shops)*

*Wednesday 9th Sept. -*

*The Official UCD Ents Junior Cert Results Party w/ Bodyrox @ The Student Bar (Yeah! Yeah!) - come and celebrate Junior Cert Results Night in the bar with more alcohol than you drank when you actually got your Junior Cert Results!! (Tickets 5 euro)*

*& UCD Ents presents Dirty Disco @ d|two (Over 19's) - Dublin's Favourite Student Night!! (Tickets 5 euro).*

*Thursday 10th Sept. -*

*The Blizzards supported by Evr 27 & The Eskies - First Late Student Bar Gig of the Year!! & The Launch of The Official UCD Ents Club Night - Thirsty Thursdays @ XXI w/ Ents Meal Deals*

*Friday 11th Sept. -*

*The beginning of First Class Fridays @ The Student Bar w/ Ents DJs all day & 3 euro all drinks!!*

*Sunday 13th Sept. -*

*residENTS presents - Centre Club Sundays - Drop the bags, down the pints - start your week as you mean to go on! Tickets for all gigs available @ [www.ucdents.com](http://www.ucdents.com)*

**REMEMBER YOU'RE HERE FOR A GOOD TIME - NOT A LONG TIME!"**

### COMPLAINANT

Member of the public

### DECISION

Under Code paragraph 3.2 (b): **Upheld.**

Under Code paragraph 3.2 (d): **Upheld.**

Under Code paragraph 3.2 (f): **Upheld.**

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The Panel noted MEAS Code paragraphs 3.2 (b), 3.2 (d) and 3.2 (f) which state:

*“3.2 A drink, its packaging and any promotional material or activity (as defined in section 2 and Annex 1) must not in any direct or indirect way:*

*(b) suggest any association with bravado, or with violent, aggressive, dangerous or anti-social behaviour;*

*(d) suggest any association with sexual success or prowess;*

*(f) encourage illegal, irresponsible or immoderate consumption, such as binge-drinking, drunkenness or drink-driving.”*

The MEAS Guidance Notes on Point of Sale Promotions and Materials and Serving of Multiple Drinks state:

*“ promotions... identified and agreed to be those that should not be run as they are either unlawful, or entail a disproportionate risk that they will lead directly to alcohol misuse and anti-social behaviour” include*

*“Drinking Games - these tend to encourage either rapid drinking or the drinking of large quantities of alcohol and therefore should not be run;”*

*“Promotions that encourage or reward the purchase or drinking of large quantities of alcohol in a single session;”*

*“Promotions that encourage either an excessive drinking session or a pub crawl.”*

The Panel reviewed a copy of the UCD Students' Union Email detailing the alcohol promotion complained of. The complainant stated that this Email had been sent to every student in UCD.

The Panel considered the content of the Email and noted the promotion which commenced on 7 September and ended on 13 September. The promotion, directed at students of University College Dublin, exhorted students of the college to participate in a series of extended drinking sessions over the course of

the week and ended with the message “Drop the bags, down the pints – start your week as you mean to go on!”

The Panel noted the overall tenor of the advertisement and the following specific aspects of the promotion:

“AFTERPARTY

Some shitty little place that sells booze after hours  
Drink til you puke/pass out with your shoes on/get  
cocks drawn on face  
His/hers/yours (for a tug)”

“The Official UCD Ents Junior Cert Results Party...  
come and celebrate Junior Cert Results Night in the bar  
with more alcohol than you drank when you actually got  
your Junior Cert Results!!”

The Panel considered that the advertisement encouraged students to engage in excessive alcohol consumption, not only in specific venues and on specific days, but right across the entire week and on an ongoing basis.

The Panel considered that the particular aspects of the promotion referred to above, i.e. the Afterparty and the Junior Cert Results Party, suggested an association with anti-social behaviour and sexual success.

The Panel was pleased to note the following statement from the UCD Student's Union President “Regarding the Email promotion distributed by UCD Students' Union, its content was inappropriate. The Email did not follow our standard communications procedures. We have reviewed our procedures and will ensure that this does not happen again.”

Having considered all aspects of the promotion the Panel concluded the promotion breached MEAS Code paragraphs 3.2(b), 3.2 (d) and 3.2(f).

### COMPLAINT SUMMARY

The complainant alleged that the 'Buy 1 Get 1 Free' drinks promotion advertised in the 11 December, 2008 edition of the Irish Independent encouraged illegal or irresponsible drinking. The advertisement stated the following:

*"Heineken  
BUY 1 GET 1 FREE!  
5 LTR KEG €19.99  
Equiv ltr €1.99 Best Before Date 31. 12. 08."*

### COMPLAINANT

Member of the public

### DECISION

Under Code paragraph 3.2 (f): **Upheld.**

The Panel noted MEAS Code provision 3.2(f) which states:

*"3.2 A drink, its packaging and any promotional material or activity (as defined in section 2 and Annex 1) must not in any direct or indirect way:*

*(f) encourage illegal, irresponsible or immoderate consumption, such as binge-drinking, drunkenness or drink-driving"*

The Panel reviewed a copy of the advertisement from the 11 December, 2008 edition of the Irish Independent and considered the structure of the promotion which required the consumer to purchase a 5 litre keg of Heineken in order to get another 5 litre keg free. The Panel also noted that the kegs had a "Best Before Date 31. 12. 08."

The Panel also reviewed correspondence from the Managing Director of O'Briens Off - Licences. The Managing Director of O'Briens stated that he apologises unequivocally if it is deemed that O'Briens has contravened the MEAS Code of Practice. "The activity in question was a limited promotion during the very challenging Christmas period and was perceived as

an innovative and rewarding activity to our customers of the premium Heineken brand, a format suitable for the parties that arise during this period." "...This 10 day promotion was designed to offer value to our customers on a premium brand and was not intended to encourage immoderate consumption." The O'Briens representative also stated that O'Briens strives to set the very best example in the market in all aspects of the responsible consumption of alcohol and operates very strict training policies throughout the branch network to achieve this. The representative of O'Briens added that he will ensure that their focus in this regard will not slip in any way and they will endeavour to set the very best example for the industry.

The Panel considered the points made by the representative of O'Briens and the promotion as advertised in the 11 December edition of the Irish Independent. The Panel noted that kegs are popular for use at parties and, once opened, the alcohol contained within the keg needed to be consumed relatively quickly. The promotion required customers to buy one five litre keg in order to get the second keg free and to consume the kegs by 31 December. The format of this promotion differed from the format used for the other alcoholic products promoted by O'Briens in the Irish Independent advertisement; the keg promotion was based on the buy 1 get 1 free promotional mechanic while the other promotions involved products in 30 CL bottles or ¾ litre bottles and a price reduction promotional mechanic.

The Panel accepted in full the explanation given by the representative of O'Briens and commended the responsible attitude towards alcohol sales, marketing and consumption communicated in his correspondence. The Panel concluded that the promotion represented an unintentional and technical breach of the MEAS Code.





## The Thirsty Bull - Alcohol Promotion

11 The Plaza, Tyrrelstown Town Centre, Dublin 15

Final Decision: 17 November, 2009

### COMPLAINT SUMMARY

The complainant alleged that the drinks promotion advertised by the Thirsty Bull encourages illegal or irresponsible drinking. An advertisement on [www.thirstybull.com](http://www.thirstybull.com) states the following:

*“Monday Madness! €2 per drink upstairs on Mondays. Just €7 on the door and no restrictions! The best value anywhere in Dublin.”*

### COMPLAINANT

Member of the public

### DECISION

Under Code paragraph 3.2 (f): **Upheld.**

The Panel noted MEAS Code provision 3.2(f) which states:

*“3.2 A drink, its packaging and any promotional material or activity (as defined in section 2 and Annex 1) must not in any direct or indirect way:*

*(f) encourage illegal, irresponsible or immoderate consumption, such as binge-drinking, drunkenness or drink-driving.”*

The MEAS Guidance Notes on Point of Sale Promotions and Materials and Serving of Multiple Drinks state:

*“promotions... identified and agreed to be those that should not be run as they are either unlawful, or entail a disproportionate risk that they will lead directly to alcohol misuse and anti-social behaviour” include*

*“Promotions that encourage or reward the purchase or drinking of large quantities of alcohol in a single session;”*

*“Promotions that involve free drinks or reduced price drinks for a limited period of a day – e.g. Free vodka between 8pm and 10pm.”*

The Panel reviewed the Thirsty Bull’s Facebook page containing the advertisement complained of. The advertisement states that the premises is open on Mondays from 11.00 a.m. to 11.30 p.m. and that the €2 drinks, Monday Madness promotion runs from 6.00 p.m. to 9.00 p.m.

The Panel reviewed correspondence from the Commercial Director of the Thirsty Bull and noted his statement that the promotion starts at 6pm and finishes at closing time every Monday. The Panel noted that this statement is at variance with the statement printed on the Facebook page.

The Panel also noted the statement from the Commercial Director that ‘the promotion is located in the function room upstairs, access is controlled to those over the age of 23 and there is a €7 cover charge payable for entry into the area where the promotion is conducted.’

The Panel noted that the promotion as advertised was running for a limited period of the trading day. The combination of an admission fee and reduced price alcohol for a limited period was, in the view of the Panel, likely to encourage excessive drinking as patrons might be motivated to recover the cost of the entry fee. Taking these aspects of the promotion into account as well as the legal position concerning ‘Happy Hours’ promotions the Panel concluded that the promotion breached MEAS Code paragraph 3.2 (f).



## Lidl Ireland GmbH - Cocktail shaker containing sugar coated fruit jellies

Great Connell Road, Newbridge, Co. Kildare

Final Decision: 17 November, 2009

### COMPLAINT SUMMARY

The complainant alleged that “The Product in question is a brightly coloured cocktail shaker filled with sugar coated jellies. I acknowledge that there is no mention of alcohol on the label however the term “cocktail” is synonymous with alcohol products. The bright colour and the sweet filled interior would also be appealing to those under 18.”

The promotional advertisement includes the following text:

*“Our Special Juices and Cocktails from 04.06. The following offers (and many more) can be found in our Lidl stores. Cocktails Shaker Filled with Fruit Jellies Available in assorted colours, Enjoy delicious sugar – coated jellies with a cocktail, 175g, €19.94 per kg.”*

### COMPLAINANT

Alcohol Beverage Federation of Ireland

### DECISION

Under Code paragraph 3.2 (f): **Upheld.**

Under Code paragraph 3.2 (g): **Upheld.**

The Panel noted MEAS Code provisions 3.2(f) and 3.2 (g) which state:

*“3.2 A drink, its packaging and any promotional material or activity (as defined in section 2 and Annex 1) must not in any direct or indirect way:*

*(f) encourage illegal, irresponsible or immoderate consumption, such as binge-drinking, drunkenness or drink-driving;*

*(g) have a particular appeal to under 18s by including, inter alia, the use of styles, such as characters (real or fictitious, including sporting heroes), motifs, or colours associated with youth culture.”*

The Panel reviewed a copy of Lidl’s Newsletter dated 23/2009 containing the advertisement promoting the product complained of.

The Panel also reviewed a letter from the Advertising Manager of Lidl Ireland GmbH. In this letter the Advertising Manager of Lidl Ireland states that ‘*This cocktail shaker is advertised in the context of a cocktail theme which was separated into three topics (pages).*

- a. *First topic (page) was non-alcoholic drinks and fruit juices as ingredients for cocktails including the cocktail shaker as a means to make a cocktail. This page was clearly addressed to over 18s with its overall design and content. Lidl did not intend to address under 18s with the products and the advertising. The make of the shaker might be colourful – but that is absolutely common for a designer cocktail shaker. And the jellies are meant as ‘bonus’, respectively treats for adults enjoying a cocktail. For under 18s we have a great selection of sweets and jellies at a much lower price in our permanent assortment instore.*
- b. *Second topic (page) was mixed alcoholic beverages/ alcoholic cocktails. On this page we advertise alcohol and we have clearly stated “Enjoy Alcohol Sensibly” and have incorporated the “drinkaware.ie” logo according to guidelines.*
- c. *Third topic (page) was three cocktail recipes. Two of which are non-alcoholic. This shows clearly that Lidl does not associate “cocktail” synonymous with alcohol products. As there was one alcoholic product advertised on this page we also clearly stated “Enjoy Alcohol Sensibly” and added the “drinkaware.ie” logo.’*

The Panel considered the strapline “*Splash Out for Less On Juices & Cocktails*” which was printed across the three pages advertising cocktail ingredients, cocktail recipes and the cocktail shaker. The page incorporating the image of the cocktail shaker contained advertisements for fruit juices (with one advertisement containing the text “not just for children”), ice tea, and flavoured syrups “perfect for mixing with cocktails and a dessert topping”. The page adjacent to this page was exclusively devoted to advertisements for alcoholic drinks. The final page, which was the back page of the promotions booklet, contained advertisements for alcoholic and non – alcoholic cocktails, fruit juices and an alcoholic drink.

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The Panel noted the points made by the Lidl Ireland representative and felt it was clear from the advertisements that the cocktail shaker was being promoted for use when making alcoholic and non-alcoholic cocktails.

The cocktail shakers' advertisement included vividly coloured cocktail shakers. The cocktail shakers' labels carried the word "SUGARLAND" and cartoon characters, and the shakers were filled with brightly coloured, sugar coated jellies. This resulted in the cocktail shakers' advertisement being particularly appealing to children.

The cocktail shakers' advertisement was effectively positioned adjacent to the page advertising alcoholic drinks. The Panel noted that when a promotion involves a product relevant for use with alcoholic and non-alcoholic drinks, particular care needs to be exercised to avoid any confusion in the messages being communicated; this care extended to the type of product(s) accompanying the primary product being promoted.

Having taken all aspects of the 'Splash Out for Less On Juices & Cocktails' promotion into account the Panel concluded that there was a technical breach of the Code under paragraphs 3.2 (f) and 3.2 (g). The Panel commended the responsible attitude to alcohol sale and promotion communicated by the Lidl Ireland representative in his submissions to the Panel. The Panel was pleased to note the company's recent decision to subscribe to the MEAS Code, thus demonstrating Lidl Ireland's clear support for MEAS's primary objective of ensuring that alcohol is promoted in a socially responsible manner.

## MEMBERS OF THE INDEPENDENT COMPLAINTS PANEL

### Dr. Gordon Holmes (Chairman)

Gordon Holmes received his initial education from Crescent College, Limerick and Clongowes Wood College, Kildare. In 1957 Gordon graduated from UCD with honours, qualifying as a solicitor from Blackhall Place the following year.

After some years in private practice in Limerick, in 1969 Gordon was the first appointed State Solicitor for Limerick city and held that post for 11 years. In 1970, Gordon founded the firm of Holmes O'Malley Sexton, Limerick, where he was Managing Partner until 2000. Since 2000, Gordon has been Chairman of the practice.

Gordon was appointed solicitor to the Attorney General for eight years and has held many other Government posts. He is Chairman of the Garda Síochána Complaints Board, of the Parole Board and of the Betting Appeals Board. Gordon served for 24 years on the Rules Committee of the Superior Courts of Ireland being a Law Society delegate thereto. He was Chairman of the Commission appointed by the Government to advise on liquor licensing, presiding over four reports from that body until its Final Report in 2004. He was appointed by the Cabinet to Chair the Government Advisory Group on Alcohol which reported to the Minister for Justice, Equality and Law Reform on 31 March, 2008. In September, 2008 Gordon was appointed by Horse Sport Ireland to chair the Expert Group established to advise on the eradication of prohibited substances and practices in the Irish equestrian sector.

The University of Limerick awarded Gordon an honorary doctorate in 2005.

Dr. Holmes is a Director of the University of Limerick Foundation, the J.P. McManus Charitable Foundation and many others. He is also Director of a number of commercial companies including Director of the Irish companies run by the eminent Paris-based Reinsurer SCOR.

### Ms Ann Woods

Ann Woods is a Biochemistry graduate of Trinity College, Dublin. Subsequently qualifying as a solicitor, Ann went on to practise law for a number of years as a partner in a Dublin firm of solicitors.

For over 15 years Ann has been on the Council of the Consumers' Association of Ireland and is currently Honorary Secretary. Ann has also been the Vice-President of the Dublin University Women Graduates Association.

Ann currently sits on the board of CROlink (Companies Registration Office Users' Forum) as well as on the Consumer Foods Board, a subsidiary board of An Bord Bia.

## **Professor Mark Morgan**

Mark Morgan is Professor and Dean of Education at St Patrick's College of Education, Drumcondra, Dublin.

Focussing his research on substance misuse prevention and evaluation of schools programmes for prevention, Professor Morgan is regarded as one of the most authoritative and knowledgeable individuals on underage drinking in Ireland.

Professor Morgan is a member of the Research Institute for a Tobacco Free Society as well as being an editor and founding member of The European School Survey Project on Alcohol and Other Drugs (ESPAD). He is author of over 70 academic publications including reports for the Department of Education and Science, the Economic and Social Research Institute and the Higher Education Authority.

## **Mr. Michael Murphy**

Michael J. Murphy, whose professional discipline is marketing and sales, has held a number of board level positions in both national and international companies.

In September 2002 Michael retired as Home Trade Director with Irish Distillers Ltd. with whom he had been employed since 1984. Previously Michael was Deputy Chief Executive (Commercial Activities) with Mitchelstown Co. Op (1979 – 1984) and Assistant Managing Director with Williams Group Tullamore Ltd. (1969 – 79) which he joined from Unilever Ltd.

Michael was Chairman of the Drinks Industry Group of Ireland for seven years until December 2003 during which time he represented the Irish Drinks Industry both on a domestic and European level. Michael was also a member of the Commission on Liquor Licensing 2001 – 2003.

Michael is currently a member of the Employment Appeals Tribunal and is a partner in The Centre for Mediation. He also acts as a business mentor with a number of Regional Enterprise Boards.

## **Ms. Áine Lynch**

Aine Lynch started her career as a trainee accountant but then changed direction and qualified as a general and paediatric nurse. After a number of years in nursing she went back to full-time education where she completed an honours degree in Behavioural Sciences.

She moved to Ireland in 1996 and worked for two years in the area of child psychiatry in the Eastern Health Board following which she went on to work for the ISPCC as the Childline Manager. She finished her nine years with the ISPCC as the Director of Services and in August 2007, Aine was appointed CEO of the National Parents Council Primary.

## **MEAS CODE ADVISORY SERVICE**

As part of its responsibility in operating the Code of Practice, MEAS offers a free, fast and confidential Advisory Service. This enables any concerns about possible breaches of the Code to be discussed and dealt with at an early stage.

The service offers drink producers, distributors, marketers, retailers and importers an opportunity to seek advice, in advance, about the packaging, including naming and labelling, of any alcoholic drink that they are planning to launch or re-launch or any promotional material or activity or merchandising arrangements that they are intending to undertake that is covered by the Code.

Advice will normally be given within five working days of a request being received and will be confirmed in writing. All requests received and advice provided will be treated confidentially and will not be disclosed to any third party.

Companies wishing to seek advice under the Code should contact the Advisory Service Executive on 01 6114811 or by email to [info@meas.ie](mailto:info@meas.ie)

## HOW TO MAKE A COMPLAINT UNDER THE CODE

An outline of what the MEAS Code covers and details of the complaints procedure are given in our “A Guide to Making Complaints under the MEAS Code of Practice” leaflet available free of charge from MEAS; this leaflet can also be accessed on the MEAS website.

The MEAS Code of Practice seeks to ensure that drinks producers, distributors and licensees market and sell their products responsibly. A product might contravene the Code if its name, packaging, or marketing:

- Does not make it clear that it’s an alcoholic drink
- Appeals particularly to under 18’s
- Emphasises the alcoholic strength unduly
- Links the product with illicit drugs
- Associates the product with sexual success
- Suggests bravado, violence, aggressive, dangerous or anti-social behaviour
- Makes you think that drinking it will help you become popular or successful
- Encourages illegal or irresponsible drinking such as binge drinking or drink-driving
- Uses images of people under 25, or who look as if they are under 25
- Suggests it can improve your mental, sporting or physical performance
- Uses words that can cause confusion with popular drinks which are non-alcoholic

The Code applies to a drink’s naming and packaging, (including its brand name), to point-of-sale advertising, promotions, sponsorship materials and branded merchandise. It also applies to multiple servings of alcoholic products in a single container and requires that alcoholic drinks be clearly distinguished when on display.

If you want to make a complaint under the Code it’s simple, effective and it’s confidential.

Just send a letter to MEAS, either enclosing or describing the product or the promotional or sales activity in question and the Code Secretariat will take it from there. Alternatively you can log on to [www.meas.ie](http://www.meas.ie) and complete the simple on-line complaints form.

To contact the Complaints Officer for advice on making a complaint or to request a copy of “A Guide to Making Complaints”, call 01 6114811, e-mail: [info@meas.ie](mailto:info@meas.ie) or write to MEAS, Merrion House, 1-3 Fitzwilliam Street Lower, Dublin 2.

## CODE SIGNATORIES

- Beverage Council of Ireland
- BWG Foods
- C & C Group plc
- Cider Industry Council
- Diageo Ireland
- Drinks Industry Group of Ireland
- Edward Dillon & Co Ltd
- Heineken Ireland
- InBev Ireland\*
- Irish Distillers Group
- Irish Hotels Federation
- Irish Spirits Association
- Licensed Vintners Association
- National Off-Licence Association
- Restaurant Association of Ireland
- RGDATA
- Superquinn
- The Musgrave Group
- Tesco Ireland Limited
- Wine and Spirit Association
- Vintners' Federation of Ireland
- Lidl Ireland GmbH
- Richmond Marketing

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\* InBev Ireland became part of C&C Group plc. in September, 2009.











**Mature Enjoyment of Alcohol in Society Limited**

Merrion House, 1-3 Fitzwilliam Street Lower, Dublin 2.  
Tel: 01 611 4811 Email: [info@meas.ie](mailto:info@meas.ie) Web: [www.meas.ie](http://www.meas.ie)