
Responsible Retailing of Alcohol: Guidance for the Off-Trade



Produced by:

Association of Convenience Stores



British Retail Consortium

BRITISH RETAIL CONSORTIUM



Wine and Spirit Association

THE WINE AND SPIRIT ASSOCIATION

Supported by:

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National Federation of Retail Newsagents



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Key

These symbols are used throughout the guide.



Legal requirement



Good practice tip

1 Overview

An alcohol licence not only brings opportunities; it also brings responsibilities. What follows is a guide for new and existing licence holders on the responsible retailing of alcohol.

The guide covers the important areas of underage purchases, promotions and advertising, staff training and siting of alcohol in store. Of course, circumstances differ enormously between large supermarkets and small shops and no guide can try to give one rule for everyone. However, we have tried to bring together the best practice for all sides although we recognise that not every example of best practice will apply in every case (e.g. the tips to prevent youths from congregating outside a small shop may not apply to a supermarket and rules regarding the siting of alcohol might not be appropriate for off-licences).

This guide is prepared for the benefit of the retailer. However, all premises selling alcohol must abide by the Licensing Act and it is retailer's responsibility to ensure this. The legislation currently in place is the Licensing Act 1964 which covers England and Wales, the Licensing (Scotland) Act 1976 covering Scotland, and the Licensing (Northern Ireland) Order 1996 covering Northern Ireland. A general overview of the requirements of the Licensing Acts is given in Annex 1.

Retailers should be advised that, with the forthcoming changes to the various licensing structures, retailing activities and promotions will be given closer scrutiny, especially with the concerns raised in recent reports such as the *Alcohol Harm Reduction Strategy for England* and the Nicholson Committee in Scotland.

2 Preventing Underage Purchases

It is against the law to sell alcohol to persons under the age of 18. It is also against the law to sell liqueur chocolates to persons under the age of 16.

It is a disturbing fact that more young people are consuming alcohol. A recent study shows that 16 year olds are drinking twice as much as 16 year olds 10 years ago; also that young people are sampling drink at younger ages.¹ As a retailer you have a responsibility to play your part by preventing young people from obtaining alcohol by purchasing it in your store.

It is a challenge to tell how old someone is, but add any number of the following factors and the job becomes even more difficult:

- Adult dress
- Deception tactics
- Busy store
- Intimidating attitudes
- Large groups
- Threatening behaviour

These are all factors that you and your staff will be subjected to as a retailer of alcohol. However, you can protect your staff and yourself and uphold the law by following simple and steadfast policies on this issue.

Tip

The 'No Proof No Sale' Policy

- **Be Cautious** – it is very hard to tell a young person's age, so ensure that staff are checking even those that look older than 18. Challenge the existing perceptions of you and your staff about how old people look and check people that look older just in case – some retailers call this 'challenge 21'. If they look 21 or under then check for proof.
- **Be Consistent** – always check, even if you think you've served the customer before or you are pretty certain they are of the right age.
- **Be Clear** – use signage to inform customers that they will be checked.
- **Be Courteous** – if you have to refuse a sale try to have application forms on hand to offer the customer so they can obtain a proof of age card, or be able to refer the customer to where to obtain one.
- **Be Conscientious** – in certain circumstances it may be useful to ensure that you and your staff record all refusals including date, time, appearance of the customer, items refused and staff name for every refusal.
- **Be Careful** – there is evidence that retail staff can often fail to challenge underage purchasers if they feel afraid of the consequences, abuse and violence. Make sure you and your staff feel safe when serving and confident to challenge the customer. The Portman Group offers a free booklet, "Saying no to underage drinkers", which gives helpful advice on how to refuse service in a non-confrontational way.

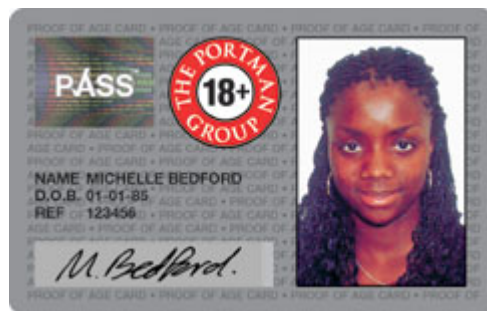
¹ Strategy Unit Alcohol Harm Reduction Project – Interim Analytical Report page 17-18

Proof of Age Cards

A great deal of debate centres on the availability of proof of age to young people. Today there are a number of legitimate sources of ID that young people can get to prove their age.

ONLY ACCEPT CREDIBLE PHOTO PROOF OF AGE – this includes:

- A photo driving licence
- A passport
- Proof of age card schemes carrying a PASS logo.



The Proof of Age Standards Scheme (PASS)

There are a several legitimate proof of age schemes across the country, some local and some national. It is also very easy to obtain fake proof of age cards on the internet. However, with the new PASS scheme being rolled out, it is easy to spot a genuine card – it will carry the PASS hologram. Nearly all legitimate schemes are adopting this logo and by the end of the year about one million such cards will have been issued. The schemes involved include:

- Citizencard
- Connexions
- Portman Group
- Young Scot
- Validate (to join shortly)
- a number of local authority schemes

The PASS scheme, which is a voluntary industry initiative supported by the retail and hospitality industries, is endorsed by the UK Government since the Home Office only recognises schemes accredited to PASS. The Trading Standards Institute advises retailers only to accept cards from the issuers who are signed up to PASS – or a passport or photo driving licence – so staff should be trained to look out for the PASS hologram.



Tip

Spotting Fakes

There are a number of people willing to make, supply and use fake proof of age. The most likely form of fake ID will be a card with which you are not familiar.

Falsifying official documents is a serious offence and is extremely difficult to do. Therefore passports and driving licences are reliable forms of ID. However be aware that they can be doctored.

It is also possible, although rare, that accepted proof of age cards have been falsified. These schemes invest heavily in security and fakes should be identifiable.

Photos on these cards are thermally-imaged, not laminated onto the card. Run your thumb and forefinger over the photo. If the photo is raised from the face of the card then it is far less likely to be genuine.

The PASS hologram is already appearing on proof of age cards. Any card with the PASS logo is acceptable. This hologram is a security measure and a quality control for commercial proof of age schemes. However, there may still be other legitimate proof of age cards available although you should not accept these unless you are absolutely sure about their genuineness and reliability.



IF YOU ARE IN ANY DOUBT, REMEMBER THAT YOU ARE PERFECTLY WITHIN YOUR RIGHTS TO REFUSE A SALE EVEN IF SOMEONE HAS SHOWN ID.

Youths Congregating Outside Retail Premises

The problem of youths congregating outside stores, especially in the evening, is familiar to retailers. Such meeting points are often considered to be a flash point for anti-social behaviour. It is also clear that retailers suffer from this problem, with young people causing litter, deterring customers and possibly intimidating staff.

There are some things that you can consider as a means of tackling this problem:



Tip

You can make the outside of your store less attractive as a place to congregate. If appropriate some measures you can consider include:

- Removing any low level walls from outside your premises
- Removing any directly adjoining canopies that provide shelter from the rain
- Consider the lighting outside your store. It may be that really well-lit areas will deter youths from congregating

Anti-social gangs are a community problem and you may be able to work with other local people, businesses and agencies to tackle serious problems. Key to this is involvement in local crime partnerships, which can co-ordinate gathering of intelligence and target ring leaders and troublemakers. Measures available to crime partnerships include Anti-Social Behaviour Orders and action against parents.

There are ways in which you can get involved in crime reduction initiatives locally. Contact your local police and speak to your community support officer or ring your local authority and speak to the crime reduction team. For general information on crime reduction and anti-social behaviour initiatives go to the Home Office website www.crimereduction.gov.uk.

Industry Responsibility



Tip

We encourage retailers of alcohol, wherever possible, to work with local police to examine ways of minimising alcohol-related crime and disorder in the neighbourhood.

3 Siting of Alcohol in Store

When the liquor licence is granted, often the whole store is licensed. However, the licensing authorities could require that alcohol is sold from an agreed position only.

Increasingly, licensing authorities will take the view that additional displays can be made, but where this takes place notifiable authorities expect proper controls to be made to ensure that those under 18 do not attempt to select items. **If your alcohol licence restricts your alcohol sales area you must comply with those restrictions.**

Alcohol is a key target for shop thieves. You should consider carefully the siting of alcohol in your store. It is best not to place alcoholic beverages within the first few metres near the door as this allows thieves to “grab and run”.

Good Practice for Areas Displaying Alcoholic Products

- The retailer should be satisfied that extra displays would not worsen existing problems.
- Staff should be encouraged to check around the extra alcohol displays when passing and make themselves visible. Anybody hanging around should be offered help in the usual way to deter thefts or underage purchasing.
- It is recommended that legal point of sale material is displayed at each alcohol display area stating that you must be 18 to purchase alcohol.
- It may be helpful for any extra displays outside the main alcohol area, where your Premises Licence allows this, to be covered by CCTV where possible.
- If you have a security tagging system, it may be helpful to apply it to any items considered a specific target for theft, particularly alcoholic drinks over a certain price level (e.g. £10).



4 Promotions of Alcohol

Whilst the majority of people who consume alcohol do so sensibly, there is a significant growth in alcohol-related problems, binge drinking and sustained excessive drinking.

It is clear that promotional activity in a retail outlet is different from on-licence promotions. The customer cannot consume alcohol on the premises, it can be stored for a significant period of time before consumption and therefore there is no limited period in which the alcohol must be consumed. Nonetheless, as a retailer you form part of the alcohol industry and therefore have a part to play in ensuring that the way alcohol is promoted is done responsibly.

Awareness

If you are unsure about point of sale or promotional activity recommended by your manufacturer or supplier then clarify whether they are complying with the *British Code on Advertising and Sales Promotion* (BCASP) and/or The Portman Group's *Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks*. Point of sale material relating to a sales promotion (e.g. a competition) is subject to BCASP, while all other producer-generated point of sale material for alcohol is subject to The Portman Group's Code. These Codes are designed to prevent the targeting of young people in alcohol marketing, the depiction of intoxication as desirable or therapeutic, or the encouragement of excessive consumption.

For copies of the British Code on Advertising and Sales Promotion go to the website of the Committee of Advertising Practice www.cap.org.uk or the Advertising Standards Authority www.asa.org.uk. The Portman Group Code is available at www.portman-group.org.uk (relevant extracts from these Codes are appended at Annexes 2 and 3.) If in doubt, you should always speak to your supplier first. If you are unable to receive satisfactory answers from them, contact the Advertising Standards Authority on 020 7580 5555 or The Portman Group on 020 7907 3700 for further advice.

The Role of Promotions and Advertising in Store

You may choose to advertise your alcohol in store. Point of sale promotions on alcohol are held for a variety of reasons:

- To showcase a new brand/product
- To increase customer awareness of a product
- To introduce new customers to a particular product
- To provide a special offer to customers for a limited period on a popular or established product

Promotions on price, such as discounts on quantity or linked discounts, are legitimate promotions and an important part of your business.

However, you must make sure that the point of sale material you use does not encourage or promote irresponsible consumption. The manufacturer will supply much of your point of sale and this should comply with either the Advertising Standards Authority's or The Portman Group's Codes cited above, but any signage created by you for your store, whilst not formally subject to the Codes, should

nonetheless be checked against the principles of The Portman Group Code.

You should be aware that irresponsible promotions undermine the status of a responsible retailer.

Retailer Alert Bulletins

Retailer Alert Bulletins (RABs) are issued by The Portman Group and give up-to-date information about products whose naming, packaging or presentation have been held to infringe The Portman Group's *Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks*, together with timetables for action. RABs are aimed chiefly at licensees and are published in selected trade journals. They are also sent to interested parties such as Code signatories, Government departments, trade bodies, police licensing officers, trading standards officers, magistrates and licensing boards. These RABs ask retailers not to stock the products in question until they have been amended to comply with the Code.

Sensible Drinking Levels

The Government has issued advice on sensible drinking for UK adults:

Men

Most men can drink up to three to four units of alcohol a day without significant risks to their health.

Women

Most women can drink up to two to three units of alcohol a day without significant risk to their health. Women who are trying to conceive or who are pregnant should avoid getting drunk and are advised to consume no more than one to two units of alcohol once or twice a week.

The number of units in any quantity of drink can be worked out as follows: *Amount of liquid in millilitres x % abv x .001 = number of units*. One unit contains 8mg of ethanol and is found in:

- Half a pint of ordinary strength lager/beer/cider (3.5% abv)
- **A 25ml pub measure of spirits (40% abv)**
- **A small glass of table wine (9% abv)**



Tip

It is a good idea to display information at point of sale regarding sensible drinking levels and sensible drinking messages.

Instore Tastings

Free tastings are permitted under the law, but the following guidelines should be followed:

- The sample size must be appropriate (e.g. 5ml) and care must be taken to ensure that customers do not return for further tastings and run the risk of becoming intoxicated. You may also find it helpful to display point of sale material stating the law.
- Do not provide alcohol to anyone under 18. Parents should not be allowed to give their children a taste, "just to see what it is like".
- It is illegal to provide alcohol to anyone who is drunk.
- Alcohol should not be left unattended in the demonstration area.



5 Staff Training

Alcohol and Health

As you will be well aware, it is the alcohol in a drink that makes it intoxicating. Alcohol is classed as a drug because when a person consumes it their physical, mental and emotional state is altered. Misuse can, in the short term, affect the ability to concentrate, cause drowsiness and lead to bad behaviour. In the long term, it can cause damage to health. It is for these reasons that there is so much concern among licensing authorities over the control of the sale of alcohol, therefore, as the owner or manager of a store you should educate your staff about the law and the responsibilities of alcohol retailing.

- Advise all staff of the law before they are allowed to serve alcohol and check their understanding.
- Give your company's training/reference manual on the retailing of alcohol to colleagues to read, and ensure they have done so before you authorise them to sell alcohol.
- Consider formal qualifications for your staff, either to Personal Licence level or to another appropriate standard.
- Keep records on staff training up-to-date.

Staff Training: Legal Requirements

Make sure your staff are aware of the following legal requirements. The legislation to which this section refers, unless otherwise stated, is the Licensing Act 2003. This Act applies to England and Wales²:

- Sales to persons under 18



The law states: "A person commits an offence if he sells alcohol to an individual aged under 18" (Section 144(1)). This is quite clear - under no circumstances can the licence holder permit alcohol to be sold to a person under 18. Breaking this law renders the individual liable to a fine of up to £1,000 and potentially the loss of their licence. If there is any doubt about a person being over 18, a member of management or a supervisor should be called to make a decision on the sale.

If there is still any doubt, refuse the sale.

If an individual is charged with this offence the only defence is he believed that the individual was aged 18 or over, and, either he had taken all reasonable steps to establish the individual's age, or nobody could reasonably have suspected from the individual's appearance that he was aged under 18 (Section 144(4)).

It is important to note the experience of recent prosecutions against licensees and individual retail employees who have made sales to under 18s. The only way to ensure that an individual has a strong defence against prosecution is if the purchaser concerned was challenged to produce proof of age. If the challenge was not made there is little chance of a successful defence.

² For Scotland see Licensing (Scotland) Act 1976 or for Northern Ireland see Licensing (Northern Ireland) Order 1996.

The law states: "A person commits an offence if he buys or attempts to buy alcohol on behalf of an individual aged under 18" (Section 147(3)). Not only, therefore, is it illegal for a person under 18 to purchase alcohol, it is also illegal for a person to buy alcohol on behalf of a person aged under 18.

- Sales by staff under 18



The law states: "A responsible person commits an offence if on any relevant premises he knowingly allows an individual aged under 18 to make on the premises ... any sale of alcohol, or unless the sale or supply has been specifically approved by that or another responsible person" (Section 152(1)). This means that no person under 18 may sell alcohol without being authorised at the time of sale by a person over 18 and approved to do so by the licence holder.

A "responsible person" means the holder of a Premises Licence, or the Designated Premises Supervisor, or any individual aged 18 or over who is authorised by either the Premises Licence Holder or Supervisor.

- Other persons not to be served with alcohol



- A person suffering from the effects of alcohol (drunk) (Section 139)
- Police Officers in uniform (on duty) (until the Licensing Act 2003 becomes operational)

- Staff responsibilities

- To prevent the sale of alcohol to those under 18
- If the cashier is under 18, not to sell alcohol without authorisation
- To prevent the sale of alcohol to persons listed on page 13
- To be on the alert for shoplifters
- To be aware of your hours for the sale of alcohol

6 Useful Contacts

A number of organisations have worked together to produce this Guide. If you would like any further information on any of the issues raised, contact the appropriate organisation listed below:

Association of Convenience Stores

www.thelocalshop.com 01252 515001

British Retail Consortium

www.brc.org.uk 020 7854 8900

Wine and Spirit Association

www.wsa.org.uk 020 7248 5377

Additionally, the following organisations may be of use:

Advertising Standards Authority

www.asa.org.uk 020 7580 5555

The Portman Group

www.portman-group.org.uk 020 7907 3700

Annex 1: Licensing Acts

You need a licence to sell alcohol within the UK, though the specific licensing rules will vary in different parts of the country. The exact conditions of your licence will depend on the local authorities in your area. For more information regarding the specific requirements of the Licensing Act, contact your local licensing authority.

The legislation relating to the licensing of premises to sell alcohol currently in place is:

- The Licensing Act 1964 which covers England and Wales;
- The Licensing (Scotland) Act 1976 covering Scotland; and
- The Licensing (Northern Ireland) Order 1996 covering Northern Ireland.

In England and Wales, the Licensing Act 2003 will replace the Licensing Act 1964 for the purpose of alcohol licensing. The transition timetable is not confirmed but estimates are that the new licensing regime will come into force in July 2005. In Scotland there are plans for new legislation following the report of the Nicholson Committee Review into Licensing Law in Scotland.

Obtaining an Alcohol Licence

A great deal of discretion is afforded to local licensing authorities. The way in which alcohol licences are considered, granted and enforced varies according to the licensing authority charged with responsibility for your licence. However, there are general guidelines that you can consider as a means of getting and maintaining your licence.

Risk Areas

- Certain risk areas can influence a licensing authority's decision to submit an application to review a licence or not:

1 Drinking on the premises

Selling alcohol for consumption on the premises is an offence unless otherwise stipulated in your licence. Wine tastings which do not involve exchange of monies are not licensable activities and are not covered by the Licensing Act.

2 Hours of consumption

The sale of alcohol outside of the hours as stipulated in your licence is prohibited.

3 Selling to anyone under the influence of alcohol

It is prohibited to sell alcohol to any person who is drunk. Members of management should escort him or her off the premises if causing disorderly conduct.

4 Shoplifting

Authorities are very conscious of the "temptation" that supermarkets offer to would-be thieves and therefore it is vital to maintain full vigilance against shoplifters.

The rules for selling alcohol

To stay within the law and avoid prosecution, stick to the rules:

- Do not sell to young people under 18
- Do not allow anyone under 18 to sell alcohol unless authorised by an approved person at the time of sale
- Do not sell to anyone who is drunk
- Do not sell alcohol outside the hours as stipulated in your licence
- Do not allow drinking on the premises unless stipulated in your licence



Annex 2: British Code of Advertising, Sales Promotion and Direct Marketing

These rules apply to point of sale advertising related to a sales promotion (e.g. a competition).

ALCOHOLIC DRINKS

- 46.1 For the purposes of the Code, alcoholic drinks are those that exceed 1.2% alcohol by volume.
- 46.2 The drinks industry and the advertising business accept responsibility for ensuring that marketing communications contain nothing that is likely to lead people to adopt styles of drinking that are unwise. The consumption of alcohol may be portrayed as sociable and thirst-quenching. Marketing communications may be humorous but must still conform with the intention of the rules.
- 46.3 Marketing communications should be socially responsible and should neither encourage excessive drinking nor suggest that drinking can overcome boredom, loneliness or other problems. Care should be taken not to exploit the young, the immature or those who are mentally or socially vulnerable.
- 46.4 Marketing communications should not be directed at people under 18 through the selection of media, style of presentation, content or context in which they appear. No medium should be used to advertise alcoholic drinks if more than 25% of its audience is under 18 years of age.
- 46.5 People shown drinking should not be, nor should they look, under 25. Younger models may be shown in marketing communications, for example in the context of family celebrations, but it should be obvious that they are not drinking.
- 46.6 Marketing communications should not feature or portray real or fictitious characters who are likely to appeal particularly to people under 18 in a way that might encourage them to drink.
- 46.7 Marketing communications should not suggest that any alcoholic drink has therapeutic qualities or can enhance mental, physical or sexual capabilities, popularity, attractiveness, masculinity, femininity or sporting achievements.
- 46.8 Marketing communications may give factual information about the alcoholic strength of a drink or its relatively high alcohol content but this should not be the dominant theme of any marketing communication. Alcoholic drinks should not be presented as preferable because of their high alcohol content or intoxicating effect
- 46.9 Marketing communications should not portray drinking alcohol as the main reason for the success of any personal relationship or social event. A brand preference may be

promoted as a mark of the drinker's good taste and discernment.

- 46.10 Drinking alcohol should not be portrayed as a challenge, nor should it be suggested that people who drink are brave, tough or daring for doing so.
- 46.11 Particular care should be taken to ensure that marketing communications for sales promotions requiring multiple purchases do not actively encourage excessive consumption.
- 46.12 Marketing communications should not depict activities or locations where drinking alcohol would be unsafe or unwise. In particular, marketing communications should not associate the consumption of alcohol with operating machinery, driving, any activity relating to water or heights, or any other occupation that requires concentration in order to be done safely.

Low alcohol drinks

- 46.13 Low alcohol drinks are those that contain between 0.5% - 1.2% alcohol by volume. Marketers should ensure that low alcohol drinks are not promoted in a way that encourages their inappropriate consumption and should not depict activities that require complete sobriety.

The Committee of Advertising Practice (CAP) is the self-regulatory body that creates, revises and enforces the Code. CAP's members include organisations that represent the advertising, sales promotion, direct marketing and media businesses.

The Advertising Standards Authority (ASA) is the independent body that endorses and administers the Code, ensuring that the self-regulatory system works in the public interest. The ASA's activities include investigating and adjudicating on complaints and conducting research.

For more details about the codes you can visit the websites of either the Advertising Standards Authority at www.asa.org.uk or the Committee on Advertising Practice www.cap.org.uk

You can contact the ASA at 2 Torrington Place, London WC1E 7HW
phone: 020 7580 5555

Annex 3: Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks

These rules apply to producer-generated point of sale material that does not relate to a sales promotion.

3. Naming, packaging and promotional material

- 3.1 The alcoholic nature of a drink should be communicated on its packaging with absolute clarity.
- 3.2 A drink, its packaging and any promotional material or activity (as defined in section 2 and Annex I) should not in any direct or indirect way:
 - (a) have the alcoholic strength, relatively high alcohol content, or the intoxicating effect, as a dominant theme;
 - (b) suggest any association with bravado, or with violent, aggressive, dangerous or anti-social behaviour;
 - (c) suggest any association with, acceptance of, or allusion to, illicit drugs;
 - (d) suggest any association with sexual success;
 - (e) suggest that consumption of the drink can lead to social success or popularity;
 - (f) encourage illegal, irresponsible or immoderate consumption, such as binge-drinking, drunkenness or drink-driving;
 - (g) have a particular appeal to under 18s;
 - (h) incorporate images of people who are, or look as if they are, under twenty-five years of age, unless there is no suggestion that they have just consumed, are consuming or are about to consume alcohol;
 - (i) suggest that the product can enhance mental or physical capabilities.



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