



To: Dermot Ahern TD
Minister for Justice, Equality and Law Reform

30th September 2009

I hereby submit the first Annual Compliance Report to you on the operation of the Voluntary Code of Practice on the Display and Sale of Alcohol Products in Mixed Trading Premises in accordance with Section 7 of the Explanatory Guidelines of the Code.

On the occasion of the public launch of the Voluntary Code on 12th May 2009, you indicated your intention of giving legislative backing to the Code under new legislation.

The members of Responsible Retailing of Alcohol in Ireland Ltd request you to seek passage of the appropriate legislation to achieve this objective at an early date.

Padraic A White
Independent Chairperson
RRAI Ltd.

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FIRST COMPLIANCE REPORT

**TO THE MINISTER FOR JUSTICE, EQUALITY & LAW REFORM
DERMOT AHERN, TD**

**In accordance with the Code of Practice
on the Display and Sale of Alcohol
in Mixed Trading Premises**

Padraic White, *Independent Chairperson*
Responsible Retailing of Alcohol in Ireland Ltd
30th September 2009

1. BACKGROUND

This first Compliance Report is being made to the Minister for Justice, Equality and Law Reform in accordance with Section 7 of the Explanatory Memorandum section of the Voluntary Code on the Display and Sale of Alcohol in Mixed Trading Premises.

The Voluntary Code was negotiated in the second half of 2008 by members of the mixed trade sector represented by Retail Ireland, the Convenience Stores and Newsagents Association [CSNA] and RGDATA with the Department of Justice, Equality and Law Reform and the Department of Health & Children. The Code comprises two elements which taken together form the full Code: a summary of the Code to be displayed in a conspicuous place in the premises of a participating outlet; Explanatory Guidelines which elaborate on the contents of the publicly displayed Code and contain additional aspects such as limits on advertisements of alcoholic products in the print or broadcast media.

The full Code is contained in the Annex to this Report.

The Voluntary Code emerged as a result of proposals put to the Minister for Justice, Equality and Law Reform in June 2008 by representatives of the mixed trade sector, who made the case that the provisions in the Intoxicating Liquor Bill 2008 requiring "structural separation" of alcohol products in mixed trade premises were unduly burdensome in capital and operating costs and that the same policy objectives could be achieved on a voluntary basis.

The Intoxicating Liquor Act 2008 contains in Section 9 the "structural separation" provisions but they have not been activated by the Minister. The approach of the Minister was set out clearly by him at the public launch of the Code on 12 May 2009 when he stated:

"During the passage of the Intoxicating Liquor Bill 2008, I agreed to allow the mixed trading sector to implement the concept of structural separation on a voluntary basis. If sector-wide compliance to this Code can be demonstrated, I will not commence Section 9 of the Act.

However, I will have no hesitation in taking this step if the Code's standards are not met. I look forward to receiving the first report assessing the sector-wide implementation of this Code in September 2009."

As the Code itself states, its credibility "depends on the effectiveness of the independent audit and verification system set up to oversee its implementation". This Compliance report will make an assessment of the independent audit and verification system.

2. DEVELOPMENTS SINCE NEGOTIATION OF THE CODE

2.1 The Code formally came into effect on 1 December 2008 and was rolled out in the participating stores in subsequent months. The first national audit in accordance with the Code was carried out in the second half of July 2009.

2.2 RESPONSIBLE RETAILING OF ALCOHOL IN IRELAND LTD

Retail Ireland, which is affiliated to IBEC, co-ordinated the negotiations on the Voluntary Code on behalf of the major supermarket groups and convenience store symbol groups. They constituted an informal grouping entitled Responsible Retailing of Alcohol in Ireland [RRAI]. In the last week in February as part of the roll-out of the Code, the RRAI secretariat supplied members with laminated copies of the Code intended for display in their stores, an in-store Briefing Document to brief staff on the Code and a CD with the RRAI logo and branding material.

The Group decided to establish a company so as to function effectively and discharge their functions under the Code. Accordingly, a company limited by guarantee was registered in July 2009, Responsible Retailing of Alcohol in Ireland Ltd, [Registration number 472535] and with the participating members each nominating a Director and alternate Director.

The company has established a web-site www.rrai.ie where the text of the Code is available, members of RRAI are listed and an email facility for conveying complaints of non-compliance to the Chairperson is provided.

2.3 INDEPENDENT CHAIRPERSON

The Code requires that the results of the independent monitoring of implementation of the Code be reported to:

"a Director appointed by the [mixed trading] sector with the agreement of the Minister for Justice, Equality and Law Reform". [Section 7 of Explanatory Memorandum]

I agreed in January 2009 to a request from the members of Responsible Retailing in Ireland to become an Independent Chairperson of the Group and this appointment received the agreement of the Minister for Justice, Equality and Law Reform, Dermot Ahern TD.

When the company was subsequently formed, my position as independent Chairperson was incorporated in the Articles & Memorandum of Association and my independence in determining the content of the Annual Compliance Report to the Minister was clearly established.

I am a Director and the Chairman of Responsible Retailing of Alcohol in Ireland Ltd.

I wish to acknowledge the assistance I received from Torlach Denihan, Director Retail Ireland and Jerome White who provided the executive support to the RRAI Board.

2.4 PARTICIPATING MEMBERS IN RRAI LTD

By mid February, the following 10 mixed trading groups who had been involved in the negotiation of the Code formally confirmed in writing their support for the Code and for the mechanisms it contained:

ADM Londis plc
Aldi Stores (Ireland) Limited
BWG Group (Spar and Mace)
Esso Ireland Limited
Lidl Ireland GmbH
Marks and Spencer (Ireland) Limited
Musgrave Group (Centra, SuperValu and Daybreak)
Superquinn Group
Tesco Ireland Ltd
Topaz Group Limited

These 10 Groups account for over 2,300 store licences and an estimated 78% of the volume of alcohol sold in mixed trade premises and were the subject of the first independent audit in July 2009. The members fund the operation of the company, including the cost of the independent audit, by levies agreed annually by the company and related to their business scale.

In September 2009, the Dunne's Stores group (91 Licenses) who had participated in the original negotiations of the Voluntary Code formally signed up to the Code and its implementation.

Also in September 2009, the Gala Group (206 Licenses) and Costcutter Group (226 Licenses) applied for and were accepted as members of RRAI and are now adherents to the Code.

These additions increase the number of store licences within RRAI membership from some 2,300 to over 2,800 and increases the RRAI members estimated share of alcohol volume sold in mixed trade premises from 78% to 95%.

Accordingly, the 13 members of RRAI as of September 2009 account for the overwhelming share of alcohol volume – of the order of 95% – sold in mixed trade premises.

It is intended to progressively roll the RRAI code out to stores accounting for the remaining 5% of the market. Individual stores and small traders will be offered associate membership of RRAI and valuable work has been done on briefing this sector on the code by the CSNA.

3. FIRST INDEPENDENT AUDIT OF COMPLIANCE

The Code states clearly that the:

“display provisions are the cornerstone of the Code and for this reason the independent audit and verification system will focus in particular on whether or not the licence holder is complying with them. A failure to implement and abide by these standards may result in activation of section 9 of the 2008 Act”.

[Paragraph 2 of the Explanatory Memorandum]

This emphasis is fully reflected in the design and implementation of the independent audit.

3.1 RETAIL AUDIT PROVIDER SELECTION

Six independent retail audit companies were approached in March 2009 as to their interest in tendering for the RRAI national retail audit contract. General guidelines were circulated to each of them on the 24/03/09 and each company was then asked to tender a preliminary submission. On the basis of replies received, four firms were asked to finally compete for the contract by formal presentation on Friday 01/05/09. The specific criteria upon which each firm were to be measured and judged was agreed by the Board of RRAI on 02/04/09 and circulated to the candidate companies in advance of 01/05/09.

Following the presentations, the successful company was FMI Ltd, a long established and highly respected retail audit provider. In addition FMI is an ISO accredited firm with a national footprint and a client base which includes companies in the telecommunications, motoring and financial services sector, as well as in the mixed grocery trade. This selection was approved by the Board of RRAI and following a pilot audit in May to test the methodology of the planned approach, the time frame of the national audit was set for the fortnight commencing 20 July.

3.2 AUDIT METHODOLOGY

It was agreed that a national audit universe of 333 stores would be selected. This equated to over 14.5% of the total RRAI store membership and therefore resulted in a very robust sample size. It included approximately 20% of supermarket outlets and 10% of convenience stores. This national sample was then statistically stratified to reflect regional, store format and ownership weightings. Within these parameters, FMI selected the stores to be visited at random from their national database of stores.

It was agreed that 11 Code compliance variables drawn from the provisions of the Voluntary Code would be measured. In order to pass the retail audit, all four of the first 4 questions (1-4), which includes the core alcoholic products display provision, had to be scored positively and at least 4 of the remaining 7 questions (5-11) had also to be scored positively.

3.3 CODE COMPLIANCE AUDIT JULY 2009

Of the 333 stores visited, 301 were found to be compliant with the voluntary Code of practice, resulting in a percentage compliance rate of 90.39%. The results for all questions are set out in the following three tables.

TABLE 1: TOP LINE AUDIT RESULTS

VARIABLE	TOTAL UNIVERSE	COMPLIANT	NON COMPLIANT	% COMPLIANCE
Total Audit	333	301	32	90.39%
Immediate Fail (Questions 1-4)	333	301	32	90.39%
Variable Fail (4/7) (Questions 5-11)	333	333	0	100%

TABLE 2: IMMEDIATE FAIL VARIABLES

VARIABLE	TOTAL UNIVERSE	COMPLIANT	NON COMPLIANT	% COMPLIANCE
Q1. Code of practice document on conspicuous display within the store	333	308	25	92.49%
Q2. Alcohol advertising materials confined to the one area in which alcohol products are on display	333	329	4	98.80%
Q3. Display of alcohol products confined to one part of the premises only	333	331	2	99.40%
Q4. Position of alcohol products on display only in part of premises through which customers do not have to pass through in order to obtain access to other beverages & food products	333	329	4	98.80%

TABLE 3: REMAINING SEVEN VARIABLES

VARIABLE	TOTAL UNIVERSE	COMPLIANT	NON COMPLIANT	% COMPLIANCE
Q5. Alcohol products as far as possible separated from other beverages & food products	333	308	25	92.49%
Q6. In store advertising materials produced by retailer are not aimed at minors or glamorize alcohol consumption	333	332	1	99.70%
Q7. Alcohol products only sold at clearly designated check-out points	333	312	21	93.69%
Q8. Check-out points or the alcohol display area monitored by cctv	333	332	1	99.70%
Q9. Purchase of alcohol at unsupervised self service check-outs not permitted	333	333	0	100.00%
Q10. Copy of code of practice briefing document held in store	333	305	28	91.59%
Q11. Relevant staff engaged in sale & display of alcohol, briefed on code of practice	333	327	6	98.20%

The results for the members overall show a 90.39% compliance level. On the key display questions, 99.40% met the test of displaying alcohol in one part of the premises and not having satellite displays [Q3] while 98.80% were judged to have complied with the requirement of displaying alcohol in a part of the premises which customers do not have to pass through in order to get to other beverages and food products. The main reason that stores failed the audit accounting for just over 7% points of the 9% failure was the non display of the Code in the premises. This is a simple omission to rectify and if the actual copy of the Code had been displayed the compliance rate would have risen to some 97%.

Stores were asked to rectify any deficiencies revealed by the audit.

In relation to the remaining seven variables [Questions 5-11 inclusive], and where compliance required satisfying at least four of the seven questions, there was no instance of failing the audit on this group of questions.

3.4 COMPLIANCE WITH ADVERTISING LIMITS IN THE CODE

The Code provides for limits on in-store advertising and media advertising [Section 3 of the Explanatory Memorandum].

The in-store advertising requirements are monitored by the independent audit and there was a compliance rate of over 98% on the two advertising questions [Questions 2 & 6].

In relation to media advertising, the Code requires that advertisements in newspapers or magazines by the mixed trade sector must devote at least 75% by space of such advertisements to products other than alcohol. In other words, the alcohol related share of such advertisements should not exceed 25% by space.

In addition, there is a prohibition on alcohol-only radio or TV advertising.

In the period to end May 2009, two breaches of the print advertising restrictions were brought to my attention. The members involved indicated that these were due to oversight in the early stage of the Code's implementation and undertook to avoid such breaches in future.

I am not aware of any breaches by any member since then of the print advertising restriction.

One breach of the prohibition on alcohol-only broadcast advertisements was brought to my attention and on raising this breach with the member involved, they acknowledged that it had "slipped through the net" and the advertisement was immediately pulled from the planned broadcasting schedule.

I am not aware of any breach of the broadcasting advertisement restriction since then.

3.5 COMPLAINTS

An essential element of the Code is the putting in place of a mechanism through which members of the public can complain where it appears that the Codes provisions are not being implemented. [Section 8 of the Explanatory Memorandum].

The copy of the Code which is to be displayed by member stores contains the name and address of the licence holder. The displayed Code indicates that complaints may be made to the Store Manager or the licence holder or forwarded to the Chairperson of the RRAI at the specified email address.

Under this mechanism I received four complaints: their origin, nature and status are summarised below. One complaint was from a member of the public concerning the prominent display of alcohol in the store of a non-member of the RRAI. The fact that the store did not belong to an RRAI member was explained to the complainant.

The remaining three complaints were received from or on behalf of persons in the off-licence sector. Two of the complaints referred to a display of alcohol in two stores of an RRAI member which were said to be non-compliant. This was adjudged to be the case and the non-compliance was raised directly with the member who rectified the display and is now compliant.

The third complaint referred to non-compliance by a store which was not a member and to claims of non-compliance by member stores in the same urban area. I discussed the claimed non-compliance of RRAI members a number of times with the complainant and came to the view that he may have a different interpretation of the Code's provisions. Consequently, I arranged for the RRAI Executive Officer to meet the complainant, convey the RRAI interpretation of the Code and visit a number of the member stores in question with him in the interests of in-store clarification of the Code's implementation.

I am satisfied that all complaints have been dealt with in a fair and equitable manner.

4. OVERALL JUDGMENT ON COMPLIANCE

The Minister's decision on whether to continue to defer or activate Section 9, depends under the code, on his judgment on the success or otherwise of the voluntary measures. This first Annual Compliance Report will be taken into account by him in making his judgement.

The Act as passed only enables Section 9 to be fully implemented or deferred and does not permit differentiation between individual compliant mixed trade premises and those which are non compliant. It follows that the Minister's decision on the degree of sector-wide compliance is likely to be significantly influenced by his judgement on the degree of compliance of RRAI members as an overall grouping of mixed trade outlets.

The independent audit results in this Compliance Report accordingly refer to the participating members as a totality.

My conclusion is that the key components of the Code have been implemented and the overall compliance rate of 90% and in excess of 98% in the key display provisions is highly satisfactory. Indeed, it is an impressive outcome for the members to have achieved in less than a year of operation of the Code. The response to complaints of breaches of the Code concerning displays and advertising is also considered satisfactory.

5. OBSERVATIONS ON RELATED MATTERS

5.1 AMENDING THE LAW

The members have put forward the case to the Department of Justice, Equality and Law Reform for an urgent amendment to the law to provide that non-compliance with an agreed Code of Practice would be a basis for objection to the renewal or issue of a new licence to a company. Without such an amendment, and in a situation where the great majority of mixed traders are compliant, there is no effective or proportionate mechanism for penalising individual outlets of non RRAI members who are clearly – and possibly blatantly – in breach of the best practice inherent in the Code. To penalise one non-compliant outlet, the Minister by invoking Section 9 of the 2008 Act would penalise the compliant majority as well.

On the occasion of the formal launch of the Code on 12 May 2009, Minister Dermot Ahern signalled his intention to give legislative backing to the Code in future legislation in the following terms:

"While non-compliance by a retailer with the Code's provisions will not be an offence under new legislation, non-compliance will constitute a ground on which objection may be made in the District Court to renewal of the retailers licence to sell alcohol".

The members continue to press for early and effective legislative amendment.

5.2 MAXIMISING THE USE OF EXISTING LAW TO DEAL WITH NON-COMPLIANCE

Pending the enactment of new legislation, the RRAI members wish to see existing laws used to the maximum extent to encourage compliance with the best practice inherent in the Code. In accordance with this objective, I wrote on behalf of RRAI members in July 2009 to the Commissioner of an Garda Síochána and the Director of the Courts Services drawing their attention to the Code as a best practice reference which could be taken into account in the Courts during the renewal of existing licences and the issue of new licences. Subsequently, very useful meetings on the Code and its process were held with Assistant Commissioner Noirín O'Sullivan and Chief Superintendent Gerry Blake of the Garda Síochána, with John Coyle, Director of the Courts Service and with the President of the District Court Miriam Malone and Judge Mary Collins, the licensing judge for the Dublin Metropolitan area, the latter meeting in conjunction with Dr Gordon Holmes, Chairman of the Independent Complaints Panel of MEAS through whose good offices it was arranged.

It is encouraging to learn that in the Dublin District Court, recent applicants for new licences have been questioned as to their degree of compliance as a company with the best practice as represented in the Voluntary Code of Practice for the Display and Sale of Alcohol Products.

5.3 DIALOGUE WITH MEAS

MEAS is the organisation established in 2002 by the principal companies and trade organisations in the Drinks Industry and which stands for the Mature Enjoyment of Alcohol in Society. The Chairman of the Independent Complaints Panel of MEAS Dr. Gordon Holmes initiated a dialogue with myself as Chairperson of RRAI and Torlach Denihan, Director Retail Ireland and himself and Fionnuala Sheehan, Chief Executive of MEAS. For example, the MEAS Code of Practice includes provisions on the promotion and merchandising of alcoholic drinks and harmonisation of the RRAI Code with the MEAS Code in these common areas is worth pursuing.

5.4 ISSUE OF PROMOTION AND MERCHANDISING OF ALCOHOL PRODUCTS BY STAND ALONE OFF-LICENCES

The RRAI members regard the exclusion of off-licences from compliance with an agreed Code as an increasingly apparent anomaly. They point to the fact that while the Voluntary Code prohibits the display or merchandising of alcoholic products in the windows of mixed trader's premises, there is no such restriction on off-licence stores. In some cases, the off-licence may be close to the location of a compliant RRAI on the same street and, in the view of RRAI members, the off-licence gains a commercial advantage which is also undesirable on health and public policy grounds. They also point out that such retailers have not moderated their advertising. Members point to the fact that off-licences generally sell a range of food [crisps, confectionary etc.] and are in fact frequently mixed traders.

While the mixed traders Voluntary Code were being developed, it was understood by RRAI members that the Department of Health and Children was to negotiate a Voluntary Code with the stand alone off-licences.

This planned Code has not advanced and the RRAI members request that it now be advanced as a matter of urgency by the relevant Government Departments.

Padraic White
Independent Chairperson
RRAI Ltd
30 September 2009

ANNEX

TEXT OF VOLUNTARY CODE AND EXPLANATORY GUIDELINES

CODE OF PRACTICE ON THE DISPLAY AND SALE OF ALCOHOL PRODUCTS IN MIXED TRADING PREMISES

This Code will be displayed in a conspicuous place in the premises

Name and address of license holder:

DISPLAY OF ALCOHOL

- Alcohol products will, as far as possible, be displayed only in a part of the premises through which customers do not have to pass in order to obtain access to other beverages and food products (except where, for security reasons, such products are displayed behind the counter but not in the window).
- Alcohol products will be confined to that one part of the premises and will, as far as possible, be separated from other beverages and food products.

ADVERTISING

- In-store advertising of alcohol products is confined to the area in which they are displayed and will not be placed in windows or at internal locations where it is intended to be seen from outside the premises.
- Advertising materials produced by retailers will not be aimed at minors and will not seek to glamorize alcohol consumption or encourage excessive consumption;

SALE OF ALCOHOL

- The sale of alcohol products is permitted only between 10.30 a.m. and 10.00 p.m. on weekdays and between 12.30 p.m. and 10.00 p.m. on any Sunday or St Patrick's Day (sales are not permitted on Christmas Day and Good Friday).
- Alcohol products will be sold only at clearly designated check-out points by persons over the age of 18 years.

- Check-out points at which alcohol products are sold, or alternatively the display area, will be monitored by CCTV.
- The sale of alcohol products by unsupervised self-service means is not permitted.
- The sale of alcohol products on a 'pay-on-delivery' basis is not permitted.

PROOF OF AGE

- Production of a proof-of-age document will be demanded in all cases where the customer appears to be under the age of 21 years or otherwise where there is a doubt about his or her age.
- The Garda age card is the preferred proof-of-age document.

STAFF TRAINING

- License holders will ensure adequate training of staff members engaged in the sale of alcohol products and, in particular, that such staff members have an adequate knowledge and understanding of relevant areas of licensing law.

INDEPENDENT AUDIT

- Compliance with this Code of Practice is subject to independent audit and verification on an annual basis. The Code will be up-dated from time to time.

COMPLAINTS PROCEDURE

Complaints regarding implementation of this Code may in the first instance be made to the license holder or forwarded to the following addresses:

Responsible Retailing of Alcohol in Ireland Ltd
84-86 Lower Baggot Street, Dublin 2
executive@rrai.ie

CODE OF PRACTICE ON THE DISPLAY AND SALE OF ALCOHOL PRODUCTS IN MIXED TRADING PREMISES

Explanatory Guidelines

BACKGROUND

Section 9 of the Intoxicating Liquor Act 2008 provides for the structural separation of alcohol products from other beverages and food products in premises which are engaged in mixed trading, such as supermarkets, convenience stores and petrol stations. This Code of Practice for the display and sale of alcohol products in mixed trading premises is intended to achieve the policy objectives of section 9 of the 2008 Act on a voluntary basis. The Code provides for an independent audit and verification mechanism to oversee compliance and the provision of an annual report on its implementation to the Minister for Justice, Equality and Law Reform.

This Code of Practice has been drawn up by Retail Ireland, the Convenience Stores and Newsagents Association (CSNA) and RGDATA representing the mixed trading sector and the Departments of Justice, Equality and Law Reform, and Health and Children. It represents a commitment by the mixed trading sector to adhere on a voluntary basis to the standards and procedures set out in the Code.

The credibility of the Code depends on the effectiveness of the independent audit and verification system set up to oversee its implementation. If the audit and verification process reveals that implementation of the Code is achieving the goal of structural separation, it may not be necessary to bring section 9 of the 2008 Act into operation. However, if voluntary measures are not successful, the Minister for Justice, Equality and Law Reform has stated that the statutory provisions will be activated.

The basic principle underpinning this Code of Practice is that alcohol is not an ordinary household product despite being sold in many supermarkets, convenience stores and petrol stations. The sale of alcohol products requires a District Court certificate and a license issued by the Revenue Commissioners. Renewal of the license is also subject to District Court supervision. Moreover, the conditions of sale and consumption of alcohol is governed by extensive statutory provisions set out in the Licensing Acts 1833 to 2008.

CONTENTS OF THE CODE

1. DISPLAY OF CODE

All mixed trading premises involved in the display and sale of alcohol must display a laminated copy of the Code in a conspicuous place in the premises. It must contain the name and address of the license holder of the premises concerned. Display of the Code represents the commitment of the license holder to implement and abide by its provisions. It also alerts customers to the standards which they are entitled to expect.

2. DISPLAY OF ALCOHOL

Under the Code, license holders commit to displaying alcohol products, (including spirits and spirit based beverages; beer; cider; wine and wine based products), separately from other beverages and food products in one part of the premises. The part of the premises chosen for the display of alcohol should, as far as possible, be such that customers do not have to pass through or by it unless they intend purchasing alcohol products. Ideally, it should be at the rear of the premises. Separate display need not, of necessity, involve a physical wall or other such physical barrier. Cross-merchandising of alcohol with other food products is precluded.

However, while the Code provides that alcohol products must be located in a separate area away from other beverages and food products, it is recognized that certain mixed trading premises specialize exclusively in beverages and food products. For this reason the words 'as far as possible' have been included; in such cases, the license holder is expected to comply as far as possible with the display provisions. It is also recognized that separation of alcohol products from other beverages and food products may present insuperable difficulties for small premises. Here also, the commitment of the license holder is to ensure compliance as far as possible with the separation provisions.

In short, it is expected that all mixed trading premises, irrespective of size or level of specialization, will endeavour as far as possible to implement the separation provisions.

The Code permits the display of alcohol products behind the counter in the interest of security. Alcohol products may not, however, be displayed in the windows of the premises.

The display provisions are the cornerstone of the Code and for this reason, the independent audit and verification system will focus in particular on whether or not the license holder is complying with them. A failure to implement and abide by these standards may result in activation of section 9 of the 2008 Act.

3. ADVERTISING

The Code provides that in-store advertising of alcohol products is confined to the area in which such products are displayed. Advertising materials should not, therefore, be placed in windows or at internal locations where they are intended to be seen from outside the premises. Moreover, advertising materials produced by retailers should not seek to glamorize alcohol or encourage excessive consumption, and should not be directed at minors.

As a complementary measure, the mixed trading sector has given a commitment that any advertisement published in newspapers or magazines must devote at least 75% of any such advertisement to products other than alcohol. This commitment does not apply to a retailers own publications or to trade magazines. In addition, the sector undertakes not to commission any alcohol-only radio or television advertising.

4. SALE OF ALCOHOL

The law specifies that off-sales of alcohol are permitted only between 10.30 a.m. and 10.00 p.m. from Monday to Saturday and between 12.30 p.m. and 10.00 p.m. on any Sunday or St Patrick's Day (such sales are not permitted at all on Christmas Day and Good Friday). These details are included in the Code for the information of the public and for the convenience of sales staff in dealing with customers. It is advisable to block alcohol sales at cash registers outside of these times.

Alcohol products may be sold only at clearly designated check-out points by persons over the age of 18 years. Check-out points at which alcohol products are sold, or the display area, will be monitored by CCTV as an aid to enforcement of the statutory provisions prohibiting the sale of alcohol to persons less than 18 years of age.

Unsupervised self-service purchases of alcohol are not to be permitted. In the case of 'on-line' purchases of alcohol products, it is a requirement that the customer pays for alcohol at the time of placing the order. Payment on delivery of alcohol products is an offence under licensing law. Moreover, the control systems in place for delivering alcohol products purchased and paid for in advance must include a verification mechanism to ensure that alcohol is not being sold and delivered to persons less than 18 years of age.

The inclusion of these provisions regarding the sale and delivery of alcohol are intended to assist license holders to comply with existing law.

5. PROOF OF AGE

It is an offence to sell or deliver alcohol to a person under 18 years of age. Where a customer appears to be under the age of 21 years, or where there is a doubt about his or her age, staff members should seek confirmation of the customer's age. The Garda Age Card is the preferred proof-of-age document for this purpose.

6. STAFF TRAINING

It is important that staff involved in the sale of alcohol products have an adequate knowledge and understanding of relevant areas of licensing law, particularly those relating to the sale and delivery of alcohol to persons under 18 years. The Code commits license holders to ensuring that staff members are adequately trained in these matters. A training manual has been prepared by the mixed trading sector to assist license holders in this regard. Compliance with the training commitments in the Code reflects good practice in the sector.

7. INDEPENDENT AUDIT

An independent body selected by the representative bodies of the mixed trading sector will monitor implementation of the Code and report to a Director appointed by the sector with the agreement of the Minister for Justice, Equality and Law Reform. The Director will submit an annual compliance report to the Minister.

8. COMPLAINTS MECHANISM

The Code contains provision for a complaints mechanism which will permit customers to lodge complaints where it appears that the Code's provisions are not being implemented. It is envisaged that complaints may be resolved locally in consultation with the license holder or be submitted to the Director. For this reason, the copy of the Code on display must contain contact details of the license holder and the body responsible for monitoring the implementation of the Code.

IMPLEMENTATION

The Code is effective 1 December 2008 and applies to all premises with off-licenses which are engaged in mixed trading. These guidelines expand on some of the standards which are set out in the Code and are intended to give practical guidance for their application. They should be read in conjunction with the Code of Practice for the Sale and Display of Alcohol Products in Mixed Trading Premises.



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