

# LGA guide

## Liquor Advertising and Marketing Practices

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Together, the LGA and licensees have a responsibility to ensure that liquor advertising and marketing practices in Manitoba promote moderate, safe and legal consumption. The LGA believes that self-monitoring by licensees is an effective way to manage advertising and marketing within a modern regulatory framework. This is a major change for licensees, who have long sought less restrictive and prescriptive rules for advertising and marketing.

The new liquor laws level the field for all service, retail and manufacturing licensees to develop and launch their advertising and marketing activities in keeping with the standards that currently govern advertising in Canada. The LGA has developed this guide to assist Manitoba businesses to meet these standards when advertising and marketing their products and services.



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[www.LGManitoba.ca](http://www.LGManitoba.ca)

## Advertising

The old rules prohibiting and restricting liquor advertising have been replaced with three subsections in the Liquor and Gaming Regulation:

### *Advertising requirements*

*31(1) Every advertisement prepared by or on behalf of a regulated person must comply with the Canadian Code of Advertising Standards established by Advertising Standards Canada.*

*31(2) Unless exempted by the executive director, every advertisement prepared by or on behalf of a regulated person must contain a social responsibility message approved by the executive director.*

*31(3) In this section, “advertisement” means anything prepared by or on behalf of a regulated person that is intended to promote liquor sales or participation in a lottery scheme that is*

- a) Broadcast on television or radio;*
- b) Published in a newspaper or magazine, on the Internet or on any other electronic medium;*
- c) Displayed on a billboard, sign, poster, banner or handbill.*

## Canadian Code of Advertising Standards

Liquor licensees must adhere to the letter and spirit of the Canadian Code of Advertising Standards (the Code), which sets the principles for acceptable advertising in our country.

The Code defines advertising broadly to include “any message expressed in any language and communicated in any medium to Canadians with the intent to influence their choice, opinion or behaviour.” This means that these standards apply to marketing and promotional activities as well as advertisements themselves, whether indoor or outdoor, and whether in-store/on-premises or off.

The Code applies to all licensees, including service licensees, retail licensees (beer vendors, liquor vendors, wine stores and Liquor Marts) and manufacturers. Licensees must also continue to comply with federal regulations that govern advertising.

## Best Practices Guide

The LGA has identified best practices based on key themes in the Code, recommendations by researchers and practical experience in other jurisdictions. Licensees are responsible to follow all standards described in the Code. In response to industry requests for guidance, these best practices may help licensees develop and deliver socially responsible and acceptable advertising and marketing programs.

### Safety

Advertisements must not depict or promote illegal, unsafe, risky or dangerous behaviour including over-consumption or over-service.



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### Advertising to minors is prohibited

Preventing underage drinking is an important responsibility for the LGA and an obligation for all licensees.

Advertisements must not be designed, branded or promoted to appeal to minors or advertised through a medium targeted to minors.

People depicted in advertisements must clearly appear to be of legal age. Licensees should be aware that best practices suggest that advertisements should emphasize people appearing to be 25 years and older.

### Superstitions or fears

Advertisements must not play upon superstitions or fears to mislead consumers.

### Unacceptable depictions and portrayals

Advertisements must respect standards of public decency.

Advertisements must not demean or denigrate any person or group of people, and must not exploit or encourage bullying, violence or daring behavior.

Advertisements must not suggest that drinking or gambling is a rite of passage or improves self-image.

### Disguised advertising techniques

The commercial intent of advertisements must be clearly presented to consumers

## Social Responsibility Message – *‘Please drink responsibly’*

Liquor licensees must include a message about responsible alcohol consumption in all liquor advertising. Representatives from Manitoba’s hospitality industry and Mothers Against Drunk Driving (MADD) attended the LGA’s focus testing research to determine an optimum advertising tagline.

Several taglines were proposed by the LGA and discussed by Manitobans 18 years of age and over. Based on this research, the LGA has designated the tagline ‘Please drink responsibly’ as the best reminder for personal responsibility and to avoid over-consumption. The focus testing research showed that participants were familiar with this tagline and had an accurate and consistent understanding of its meaning.

This tagline must be clearly visible or clearly audible to the audience. All marketing and promotional activities must also incorporate this tagline within the program’s materials. An alternative tagline may be proposed to the LGA if a business case warrants.

## Marketing Practices

Marketing practices, formerly called inducements, have also been modernized to permit licensees to conduct marketing and promotional activities. As with advertising, these activities must be developed and offered in keeping with the Canadian Code of Advertising Standards. This new approach to marketing practices is a major modernization provision long sought by the hospitality industry.



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### Promotional agreements

The old rules prohibiting promotional agreements have been replaced with four subsections in the Miscellaneous Liquor Provisions Regulation that now permit licensees to enter into such agreements with liquor manufacturers and distributors:

#### *Promotional agreements with liquor manufacturers and distributors*

*5(1) All promotional agreements must be in writing.*

*5(2) The holder of a liquor service licence or retail liquor licence must, on request, provide the authority (LGA) with a copy of any promotional agreement that the holder has entered into with another person.*

*5(3) The holder of a liquor service licence must not enter into any promotional agreement under which any benefit provided to the holder under the agreement is based on the amount of liquor purchased or sold.*

*5(4) If a promotional agreement provides free items or items at a discount to the holder of a liquor service licence, the items must be provided for patrons or be provided for the principal benefit of patrons.*

Promotional agreements may include product exclusivity, high-impact shelf space and promotional items like hats, t-shirts, umbrellas or glassware.

*Please Note, retail licensees who sell beer are required to comply with the conditions established in the [Retail Beer Promotions Guide](#), including the prohibition on charging for high-impact shelf space.*

### Promotional contests

Licensees may offer true promotional contests. This means that they must be 'no purchase necessary'; patrons must not be required to pay in any way, including not having to purchase any products or services. *The Criminal Code (Canada)* prohibits contests in which the winner is determined by chance when participants are required to pay to enter. The Criminal Code (Canada) also prohibits contests in which the winner is determined by chance unless an element of skill is introduced; this is why many contest involve skill-testing questions.

### Minimum uniform pricing

Uniform pricing is maintained at \$2.25 as an important responsible service and consumption measure for liquor service licensees. Licensees may not give or serve free liquor.

### Loyalty programs

Licensees may offer customer loyalty programs. Licensees may not give or serve free liquor, but may offer gift cards and/or promotional items.

## Compliance and Enforcement

Advertising and marketing practices are business decisions and the LGA does not intend to review and/or approve advertising and marketing activities or programs. Licensees are responsible for monitoring their own adherence to the Code.

The LGA will become involved in response to complaints that regulations and/or the Code have been breached. The LGA will investigate all complaints about advertising and marketing and will work with licensees to address and remedy problems and concerns. Cases in which this approach does not lead to compliance with regulations and the Code will be handled through the LGA's escalating remedial processes.

## Questions

Please email our Liquor Licence Department at [liquorlicence@LGAmanitoba.ca](mailto:liquorlicence@LGAmanitoba.ca) or contact us at 204-474-5619 or toll-free at 1-888-898-6522 with any questions about liquor advertising.



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