



SEVENTH COMPLIANCE REPORT

TO THE MINISTER FOR JUSTICE AND EQUALITY
MINISTER FRANCES FITZGERALD T.D.

In accordance with the Code of Practice
on the Display and Sale of Alcohol-Products
in Mixed Trading Premises
for the Year to End of September 2015

Padraic A. White, *Independent Chairperson*
Responsible Retailing of Alcohol in Ireland Ltd ("RRAI")
30th September 2015

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1. INTRODUCTION FROM THE RRAI'S INDEPENDENT CHAIRPERSON

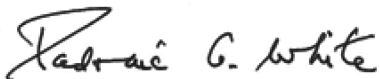
This is my seventh annual compliance-report to the Minister for Justice and Equality on the operation of the Code of Practice on the Display and Sale of Alcohol Products in Mixed Trading Premises in accordance with Section 7 of the Explanatory Guidelines of the Code.

Regarding the operations of the RRAI over the past twelve months, the key points to note (and which are set out in more detail in the body of this report) are as follows:

- The RRAI's Membership represents the overwhelming majority of mixed trade retailers in the Republic of Ireland. As noted in the fifth annual compliance report a significant increase in membership occurred in 2013 when the following five mixed trading retail-groups joined the RRAI, Applegreen, Checkout (under the umbrella of Gala), Daybreak (under the umbrella of Musgrave), and Fresh and XL (both under the umbrella of BWG Foods) brought the number of stores operating the Code in 2015 to 2,616, as compared to 2,315 in 2012.
- As in previous years, the RRAI has continued to implement and monitor its Code of Practice, primarily through the annual independent audit of compliance, and the continued operation of the RRAI's complaint-mechanisms, particularly the RRAI's telephone hotline. The percentage number of upheld complaints regarding breaches of the RRAI Code has once again fallen over the past twelve months when compared to previous years.
- To increase awareness of the Code and its operation of the 24 hour consumer complaints hotline, throughout the months of October and November 2014 the RRAI placed radio adverts on RTE Radio 1, Newstalk and across the 7 stations of the UTV National Radio Network reaching 1,398,000 consumers. In addition throughout the same period the RRAI placed print press adverts regarding the 24 hour hotline in the following five national daily titles, the Irish Times, the Irish Independent, the Irish Examiner, the Irish Daily Star and the Irish Daily Mail. This activity reached a further 339,384 consumers. This activity has trebled the number of contacts from members of the public year on year.
- In the great majority of complaints brought to my attention, the Members immediately acted to rectify the cause of the complaint, which is generally a one-off inadvertent breach at store-level. Some 82% of complaints received were processed with within 5 working days. The RRAI Board remain ready to apply the RRAI's sanctions-policy (see Annex 4) in case of persistent non-compliance by any Member.
- One of the most visible manifestations of the Code-restraints is the rule on newspaper-advertisements for Members, whereby a maximum of 25% of the core advertising-space can be allocated to alcohol-products within any single advertisement. There is now almost universal compliance by RRAI-members with this restriction.

- The RRAI continue to actively engage with the very small number of independent mixed traders who are not Members, with a view to these retailers joining the RRAI and/or complying with the RRAI Code of Practice, in the interests of adhering to good practice in the display, advertising and promotion of alcohol-products. I am pleased to report that since the last report the Donnybrook Fair group of stores, Morton's of Ranelagh, JC Savage Supermarket of Swords and Ardkeen Stores of Waterford have joined the RRAI as Associate Members. Discussions with the very few outstanding retailers are ongoing with a view to them joining the RRAI and complying with the Code of Practice.
- The anchor-point of the RRAI Code compliance-mechanism is the annual independent national audit carried out by a professional independent retail-audit company. Due to the increase in the number of Member-stores, the annual audit covered 400 stores in 2015, compared to 361 stores in 2012.
- **I am pleased to report that the results of this year's annual independent audit of compliance (as set out in Part 4 of this report) show an overall compliance-rate of 90.00%. This figure shows an increase of almost 4 percentage points versus the comparable audit in 2014. The multiple-supermarket sector had a compliance rate of 95.11% an improvement of 1.43 points versus the 93.68% level scored in 2014. The convenience-store sector compliance-rate saw a significant improvement of 6.4 points rising from 79.25% scored in 2014 to an 85.65% compliance level achieved in 2015. While there will be individual examples of stores at any one time which are not compliant with the Code, this independent and professional audit of 400 stores across the country deserves recognition as the benchmark of compliance by the mixed trade sector.**
- There are three core questions in the audit regarding the in-store physical display of alcohol-products. In this year's audit overall compliance-rate rose in each of these three questions with compliance scores ranging between from 95.75% to 99.75%.
- 2015 saw significant improvement in those variables relating to in-store documentation. Compliance to the proper in-store display of the A3 code-poster requires the easy visibility of the document itself and also for all details of the licence holder, complaints hotline and website details to be accurately presented on it. Compliance on this variable in 2015 was 96.75% versus compliance of 95.02% in 2014 and versus 93.75% in 2013. Compliance with the availability of the in-store briefing document for staff-members in 2015 was 96.50% versus compliance of 94.78% in 2014 versus 90% in 2013.
- In 03 February 2015, the Government published the General Scheme of the Public Health (Alcohol) Bill 2015. The RRAI participated on 25 March 2015 in the public hearing by the Oireachtas Committee on Health and Children on the Public Health Bill and conveyed its strong support for a Statutory Code on the display and sale of alcohol in mixed trade premises with an evaluation of its effectiveness after a 2 year implementation period. The Minister for Health Dr. Leo Varadkar TD in his contribution to the Committee hearings on 23 April stated that *"Section 9 as it is currently constituted could not be implemented with its requirements for separate tills and walls"* and that whatever provisions that would emerge *"should not be too onerous on retailers"* The Minister expressed a similar view in his appearance before the Seanad on 12 May.

- A decision not to implement Section 9 of the Intoxicating Liquor Act 2008 dealing with “structural separation” created a new situation for the RRAI since the organization and its activities came into being as an agreed alternative to the implementation of Section 9. At a meeting on 14 July last between RRAI representatives and the Minister for Justice and Equality Frances Fitzgerald TD, the Minister indicated that in the interests of a more coherent public health policy toward alcohol, responsibility for display and sale of these products in mixed trade premises would transfer to the Department of Health. This would involve a new provision in the Public Health (Alcohol) Bill 2015 and the likely repeal of Section 9 of the 2008 Act.
- The RRAI anticipates further engagement with both Ministers on the shape of the new regime for mixed trade premises.
- The RRAI are of the firm view that whatever regulations and oversight mechanism emerge needs to be clear and unambiguous and brings clarity, consistency and certainty to the process. It is for this reason that the RRAI stand ready to play an active role in the transition from the Voluntary Code model to an effective and efficient Regulation based model.



Padraic A. White

Independent Chairperson

Responsible Retailing of Alcohol in Ireland Limited (“RRAI”)

30 September 2015

2. BACKGROUND SUMMARY OF THE RRAI AND ITS APPARATUS

The RRAI and its Code of Practice were established as an alternative to Section 9 of the Intoxicating Liquor Act 2008, which has not been commenced. Section 9 provides for the structural separation of alcohol-products from other retail-items in mixed trading premises.

In essence, mixed trading premises are supermarkets, convenience stores, service-stations, newsagents and grocery stores that sell intoxicating liquor.

The RRAI Code comprises the following two elements, which taken together, form the full official Code:

- i) the Code of Practice document, which is to be conspicuously displayed in all participating mixed trading stores; and
- ii) Explanatory Guidelines, which elaborate on the contents of the publicly displayed Code, and which contain additional provisions such as restrictions on the advertising of alcohol-products in the print and broadcast media by RRAI-members.

The RRAI Code of Practice and the Explanatory Guidelines to the Code are both contained in Annex 1 to this Report. **The Department of Justice and the Department of Health were both parties to the agreement on the Code.**

The RRAI Code has also been strengthened since its introduction, in particular through an expansion of the RRAI's advertising rules. The RRAI Board took the initiative of extending the scope of the advertising rules to ensure compliance with the spirit of the Code. The extended advertising rules are set out in Annex 2 to this Report.

It is important to note that the organizational apparatus of the RRAI is more transparent and more accountable than normal self-regulation or voluntary codes, in the following ways:

- (1) The Code is subject to independent monitoring. An annual independent audit of compliance is carried out nationwide by recognised experts in retail-auditing.
- (2) The operation of the Code is formally subject to Ministerial review on an annual basis, in that I **submit an independent annual compliance-report to the Minister for Justice and Equality on foot of the annual audit.** The Minister can then decide if the degree of compliance warrants continuance of the Code of Practice.



- (3) The annual compliance-report is independent and is not subject to approval by the Board of the RRAI. This is in keeping with the Memorandum of Association of the RRAI, which states that one of the Chairman’s principal responsibilities is to generate the annual compliance-report, “the content of which is at the discretion of the independent Chairman”; and**
- (4) Based on his assessment of compliance with the Code, and taking into account the annual compliance-report submitted to him, the Minister can decide to commence Section 9 or not as she sees fit.**

Further information on the RRAI can be seen on its website, www.rrai.ie.

3. MEMBERSHIP OF THE RRAI

3.1 LIST OF MEMBERS:

During 2013, five retail-chains joined the RRAI as new Members. These new Members accounted for approximately 300 mixed trading stores, bringing the total number of RRAI-affiliated stores to 2,616 in 2015. These new Members were:

- Applegreen;
- Checkout (under the umbrella of Gala);
- Daybreak (under the umbrella of Musgrave);
- Fresh (under the umbrella of BWG Foods);
- XL (under the umbrella of BWG Foods).

These new Members represented an important step in the evolution of the RRAI. It illustrated that the RRAI Code had gained further traction and credibility within the mixed trading sector, whereby the overwhelming majority of mixed traders across all retail formats were now signed up to the RRAI Code of Practice.

A full list of participating Members in the RRAI, and their approximate number of licensed stores, is set out in Table 1 below. Due to various factors, such as store-closures and store-openings, the precise number of stores in each Member-Group may fluctuate during the course of the year.

The 13 full Members of the RRAI comprise 21 retail-groups. All 21 of these retail-groups were included in the 2015 independent audit of compliance. Between them, the 21 groups account for approximately 2,616 mixed trading stores, which represent the overwhelming majority of the mixed trading stores in Ireland.

The RRAI's Members fund the operation of the company, including the cost of the annual independent audit and the telephone hotline, by way of by contributions agreed by the RRAI Board.

Table 1: RRAI-Members and their approximate number of licensed stores

Member	Full off-licences*	Wine-only off-licences	Total No. of licensed stores
ADM Londis	86	64	150
Aldi	117	0	117
Applegreen	12	48	60
BWG Foods (Eurospar, Fresh, Mace, Spar, and XL)	274	395	669
Costcutter	40	52	92
Dunnes Stores	93	8	101
Esso	30	5	35
Gala (Gala and Checkout)	19	139	158
Lidl	135	0	135
Marks & Spencer	7	10	17
Musgrave (Centra, SuperValu Superquinn, Daybreak)	582	245	827
Tesco	145	4	149
Topaz	14	92	106
TOTAL	1,554	1,062	2,616

*A full off-licence is a licence for the sale of beers, spirits and wines for consumption off the premises. A very small number of RRAI-stores hold a wine-licence and a wholesale beer-licence - for the purposes of this table, such stores are included under the heading of "Full off-licences".

3.2 ASSOCIATE-MEMBERSHIP OF THE RRAI:

The RRAI has 20 associate-members, which are independent mixed trading stores that have signed up to the RRAI Code of Practice. The associate-members are currently as follows:

- Joyce Group, which operate five stores in the Galway region at Headford, Tuam, Knocknacarra, Athenry & Inverin;
- Tempside Limited, which operates five stores in the Polonez retail-group, as follows - Athlone, Co. Westmeath; Sligo Town, Co. Sligo; Dundrum, Dublin; Mary Street, Dublin; and Moore Street, Dublin;
- Donnybrook Fair Group who operate five stores in the south Dublin and north Wicklow region in Morehampton Road, Stillorgan, Baggot Street, Grand Canal Square & Greystones
- Morton's of Ranelagh who operate two stores in Dublin City in Ranelagh & Hatch Street
- JC Savage Supermarket in Swords, County Dublin
- Letterfrack Country Shop, Connemara, Co Galway
- Ardkeen Stores in Dunmore Road, County Waterford

Several existing associate members ceased trading or subsequently aligned with symbol groups already members of RRAI.

Whilst the vast bulk of mixed traders in Ireland are now signed up to the RRAI Code, a very small number of independent mixed traders are not members of RRAI. The RRAI continue to actively engage with this small number of independent mixed traders who are not Members, with a view to these retailers joining the RRAI and/or complying with the RRAI Code of Practice, in the interests of adhering to good practice in the display, advertising and promotion of alcohol-products. Discussions with these last remaining retailers are ongoing.

4. SEVENTH ANNUAL INDEPENDENT AUDIT OF COMPLIANCE

The seventh annual independent audit of compliance was carried out between 13 July to 24 July 2015.

4.1 AUDIT METHODOLOGY:

In part 2 of the Explanatory Guidelines of the Code, it is clearly stated 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.” This emphasis is fully reflected in the design and implementation of the annual independent audit.

The audit was carried out each by Field Marketing Ireland Ltd., who are specialists in surveys of the retail-trade.

The FMI auditors are independent in any judgments they make as auditors. However, in any case where a dispute arises between the auditors and a retailer concerning the result of a store in the audit of compliance, I make an independent and objective assessment based on the specific facts of the case.

Eleven questions are measured in the audit of compliance. Question 1 contains four elements, all relating to the in-store display of the A3 Code-poster. A store must pass all of Questions 1 to 7, and at least two out of the remaining four (Questions 8 to 11), in order to pass the audit. If a store fails any single element of Question 1, or any single question among Questions 2 to 7, it automatically fails the audit.

For ease of reference, the audit-form used by FMI in the 2015 audit, and which sets out the eleven variables measured, is illustrated in the Table 2 overleaf.

Table 2: Audit-form used by the auditors in the annual independent audit of compliance, 2015

Call Information		
Client Ref:	FMIACOP _ _ _ _	
Store Name and Address:	_____	

Store Contact Name:		
Store Contact Position:		
Date of Visit:		
Time of Visit:		
Tick appropriate size of store before commencing audit:		
Net retail area of over 4,000 Sq Feet / 372 Sq Metres	<input type="checkbox"/>	
Net retail area of up to 4,000 Sq Feet / 372 Sq Metres	<input type="checkbox"/>	
7 Redline Areas for Immediate Pass/Fail		
Q1	(a) Is the Code of Practice document on conspicuous display within the store in A3-size?;	Yes <input type="checkbox"/> No <input type="checkbox"/>
	(b) If the store has a net retail area of over 4,000 square feet / 372 square metres, is there more than one A3 copy of the Code on display?;	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	(c) Does each copy of the Code display the name and address of the licence-holder?; and	Yes <input type="checkbox"/> No <input type="checkbox"/>
	(d) Does each copy of the Code display the RRAI telephone hotline information? <i>(Parts (a), (c), and (d) must all be scored positively for a store to pass Question 1, along with part (b) where applicable.)</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Q2	Is the in-store advertising of alcohol products confined to the area in which alcohol-products are displayed, and not in windows or at other locations where it is intended to be seen from outside the premises?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Q3	Is the display of alcohol products confined to one part of the premises whereby there is only one alcohol display-area in the premises? <i>(In addition to the main alcohol display-area, alcohol can also be displayed behind the counter for security reasons, but not in a shop-window.)</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>

Q4 Is the **position of alcohol products on display**, as far as possible, only in a part of the premises which customers do not **have** to pass through or by, in order to obtain access to other beverages and food products? Yes No

Please tick one of the following options that best describes where the alcohol products are displayed within the store: (for explanatory purposes)

- 1. At the entrance to the store
- 2. Directly opposite or facing food or beverage products primarily consumed by children
- 3. Directly opposite or facing fresh food or beverage products (fruit/veg, dairy, meat) or preserved/packaged/frozen food or beverage products
- 4. Towards the middle of the premises
- 5. On a perimeter wall and late in the customer's journey through the store
- 6. At the rear of the premises

Q5 As far as possible, are **alcohol products separated** from other beverages and food products? Yes No

Q6 Is a copy of the **in-store briefing document for staff-members** held in-store? Yes No

Q7 Have all staff-members engaged in the sale and display of alcohol been **briefed on the Code of Practice**? Yes No

Remaining 4 Retail Audit Questions

2 of these 4 questions Must be answered Yes to pass overall audit

Q8 Can you confirm that alcohol-related advertising materials produced by the retailer and displayed in-store are **not** aimed at minors, do **not** in any way glamorise the consumption of alcohol, and do **not** encourage the excessive consumption of alcohol? Yes No

Q9 Are alcohol products only sold at clearly designated check-out points? Yes No

Q10 Are these check-out points or the alcohol display-area monitored by CCTV? Yes No

Q11 Is the purchase of alcohol products at unsupervised self-service checkouts **not** permitted? (*Tick "yes" if the purchase of alcohol at unsupervised self-service check-outs is **not** permitted.*) Yes No

Photographs and Comments

R Did you take a photograph of any non-compliance? Yes No

Audit Comments: _____

4.2 AUDIT SAMPLE AND SIZE:

The national sample of audited stores was proportionately allocated to reflect regional, store-category and Member weightings. Within these parameters, FMI selected the stores to be visited at random from their national database of stores.

The practice in the annual audit in recent years has been to audit approximately 15% of the RRAI's overall number of stores. Given the addition of new Members in 2013, and to maintain this coverage-rate of approximately 15%, a national audit universe of 400 stores was selected in 2015, increased from 361 stores in the 2012 audit. The audit of 400 stores represents 15.29% of the RRAI's total universe of 2,616 stores. The audit sample has increased by 10.75% since 2010.

Of the 400 stores included in the 2015 audit, **184 were multiple-supermarkets (representing 23.52% of Member-stores in that sector), and 216 were convenience-stores (representing 11.77% of Member-stores in that sector).**

4.3 OUTCOMES OF THE 2015 INDEPENDENT AUDIT OF COMPLIANCE:

The top-line result of the 2015 audit is that 360 stores passed the audit out of 400 and 40 failed, resulting in an overall compliance-rate of 90.00%. In the multiple-supermarket sector, 175 stores passed out of 184, and 9 failed, giving a compliance-rate of 95.11% in that sector. In the convenience-store sector, 185 stores passed out of 216, and 31 failed, giving a compliance-rate of 85.65% in that sector.

The 2015 overall compliance-rate of 90.00% is 3.93 points higher than the rate of 86.07% scored in 2014, ahead of 83.50% scored in 2013, behind the rates of 90.30% scored in 2012 and above the 85.56% scored in 2011.

Table 3: Overall results in the Annual Independent Audit of Compliance, 2015

Mixed Trading Sector	No. of Licensed stores of RRAI-Members	No. of stores audited	No. of stores passed	No. of stores failed	Compliance-rate
Multiple-supermarkets	782	184	175	9	95.11%
Convenience-Stores	1,834	216	185	31	85.65%
OVERALL TOTALS	2,616	400	360	40	90.00%

Table 4: Overall Annual Independent Audit Compliance levels since 2009

Variable	2009	2010*	2011	2012	2013*	2014	2015
Overall	90.39%	84.30%	85.56%	90.30%	83.50%	86.07%	90.00%
Multiple-Supermarket	91.74%	91.45%	94.84%	96.51%	95.08%	93.68%	95.11%
Convenience-Stores	89.62%	79.15%	78.54%	84.66%	73.73%	79.25%	85.65%

*Increase in pass-fail audit variables from 4 to 7 in 2010 &

*Increase in audit sample size from 360 to 400 in 2013 (to reflect increase in convenience stores members).

4.4 COMMENTARY ON 2015 AUDIT RESULTS:

In the multiple-supermarket sector, those scoring 100% compliance were Aldi, Lidl, Marks & Spencer and Fresh. In the convenience-store sector, where management-control can be less direct, particularly good compliance-rates were achieved by Applegreen and XL with 100%, Centra with 92.45%, Daybreak with 88.24 and Gala with 88.23%.

Traditionally the most prominent reasons for stores failing the annual audit relate to in-store Code-documentation. The 2015 audit showed significant improvement on both questions relating to this variable versus the 2014 audit.

- (a) Failure to properly display a copy of the A3 in-store code poster. The reasons for non-compliance on this variable include, incomplete details of the relevant licence holder, failure to have relevant complaint hotline details included & not having the poster itself easily visible for all consumers. 13 stores out of 400 (i.e. 3.25%) failed to display the in-store A3 Code-poster variable versus the 4.98% non-compliance in 2014 and 6.25% non-compliance in 2013,
- (b) Failure to produce a copy of the A3 in-store briefing document for staff-members. 14 stores out of total of 400 (i.e. 3.50%) were non-compliant versus the 5.22% noncompliance in 2014 and 10% noncompliance level in 2013.

The provisions that govern the physical display of alcohol-products in-store remain the cornerstone of the RRAI Code. There are three separate but inter-related Code-provisions that govern the physical in-store display of alcohol-products, as follows. All three physical display variables measured in 2015 demonstrated improvement versus the 2014 audit:

- (a) Alcohol-products will be confined to one part of the premises, whereby there can only be one alcohol display-area on the shop-floor (although alcohol-products can also be displayed behind the counter for security reasons, but not in a shop-window). This variable is measured by Q.3 of the annual audit, and 99.75% of the audited stores passed this question. This was a slight improvement on the 99.25% compliance level scored in 2014;

- (b) Alcohol-products will, as far as possible, be displayed only in a part of the premises which customers do not have to pass through or by in order to obtain access to other beverages and food-products. This variable is measured by Q.4 of the annual audit, and 96.75% of the audited stores passed this question. This was an improvement of almost 2 points on the 94.78% scored in 2014;
- (c) Alcohol-products will, as far as possible, be separated from other beverages and food-products. This variable is measured by Q.5 of the annual audit, and 95.75% of the audited stores passed this question. This was a slight improvement on the 95.52% compliance level scored in 2014.

Table 5: Results re. The physical in-store display of alcohol-products - Questions 3 to 5 of the Annual Independent Audit of Compliance, 2015

Audit-question	No. of stores passed	No. of stores failed	Compliance-rate
Q3 Is the display of alcohol-products confined to one part of the premises whereby there is only one alcohol display-area in the premises? (In addition to the main alcohol display-area, alcohol can also be displayed behind the counter for security reasons, but not in a shop-window.)	399 out of 400	1 out of 400	99.75%
Q4 Is the position of alcohol-products on display , as far as possible, only in a part of the premises which customers do not have to pass through or by, in order to obtain access to other beverages and food products?	387 out of 400	13 out of 400	96.75%
Q5 As far as possible, are alcohol-products separated from other beverages and food products?	383 out of 400	17 out of 400	95.75%

More detailed outcomes of the annual independent audit of compliance are shown in Annex 3 for each of the eleven variables in respect of (a) the multiple-supermarket sector and (b) the convenience-store sector.

5. OTHER ASPECTS OF THE IMPLEMENTATION OF THE RRAI CODE OF PRACTICE

5.1 COMPLAINTS RECEIVED DURING 12 MONTH PERIOD FROM OCTOBER 2014 TO SEPTEMBER 2015:

During the period the subject of this compliance-report, 132 complaints were processed by the RRAI. Just over half of the processed complaints came from RRAI-members or internal RRAI-sources, and the remainder from external sources.

Of the 132 complaints processed, 60 related to alleged breaches of the Code relating to the display of alcohol (merchandising). The remaining 64 complaints received referred to alleged breaches of the in store advertising elements of the Code and the additional commitments made by members of the RRAI above and beyond the requirements of the Code relating to advertising and marketing of alcohol. In addition 8 queries were processed related to licensing law issues, namely proof of age, the permitted trading hours for the sale of alcohol, and the alleged sale of alcohol without a licence. Complaints regarding licensing law issues were handled by the RRAI Executive. It is important to stress that in the case of any complaint alleging a licensing law offence, the RRAI Executive informed the complainant that this is a legal matter which falls outside the RRAI's remit, and that the appropriate authority to investigate any such alleged incident is An Garda Síochána.

The 124 Code-related complaints were considered by me and in the vast majority of instances, the Member involved swiftly agreed to rectify the relevant breach of the Code and/or to prevent a recurrence. Following examination of the relevant facts, 48 of the 124 Code-related complaints were not upheld.

It is worth noting that the number of complaints made (both internal and external) has risen significantly over the past twelve months compared with previous twelve-month period. This is primarily a result of an extensive communications activity carried out by the RRAI to highlight public awareness of the 24 hour complaints hotline in the fourth quarter of 2014. Throughout the months of October and November 2014 the RRAI placed 30 second radio adverts from 07.00am to 23.00pm reaching 1,398,000 consumers on RTE Radio 1, Newstalk and across the 7 stations of the UTV National Radio Network. In addition throughout the same period the RRAI placed print press adverts regarding the 24 hour hotline in the following five national daily titles, the Irish Times, the Irish Independent, the Irish Examiner, the Irish Daily Star and the Irish Daily Mail. This activity reached a further 339,384 consumers.

Some 82% of the 132 consumer queries received were dealt with within 5 working days.

It is also worth noting that the number of complaints not upheld has decreased in percentage terms from 42% of all Code related complaints received in 2014 to 39% of all Code related complaints received in 2015.

Further details on the complaints that were processed can be seen in tables 6 and 7 below.

Table 6: Statistics on complaints against RRAI-members, broken down by source of complaint

Source of Complaint	No. of complaints / Oct. '09 to Sept. '10	No. of complaints / Oct. '10 to Sept. '11	No. of complaints / Oct. '11 to Sept. '12	No. of complaints / Oct. '12 to Sept. '13	No. of complaints / Oct. '13 to Sept. '14	No. of complaints / Oct. '14 to Sept. '15
External	28	36	35	22	19	53
Internal (from within the RRAI)	30	91	57	28	21	79
Total	58	127	92	50	40	132

Footnote: The total number of complaints received over the last 12 Months increased from 40 to 132, primarily due to public awareness communication carried out by RRAI in October & November 2014. The total number of exclusively Code related complaints was 124 so 8 consumer contacts relate to other queries not covered by the Code.

Table 7: Statistics on complaints against RRAI-members, broken down by nature of complaint

Nature of Complaint	No. of complaints / Oct. '09 to Sept. '10	No. of complaints / Oct. '10 to Sept. '11	No. of complaints / Oct. '11 to Sept. '12	No. of complaints / Oct. '12 to Sept. '13	No. of complaints / Oct. '13 to Sept. '14	No. of complaints / Oct. '14 to Sept. '15
Merchandising (i.e. in-store display of alcohol)	27	83	59	30	24	60
Advertising/marketing of alcohol	32	37	28	17	16	64
Total Code-related Complaints	58	120	87	47	40	124
Other Complaints	-	7	5	3	12	8
TOTAL	58	127	92	50	52	132

Footnote: The total number of exclusively Code related complaints received, (124) that have not been upheld have decreased in percentage terms from 42% in 2014 to 39% in 2015.

5.2 STATISTICS ON GENERAL ENQUIRES RECIEVED THROUGH THE TELEPHONE HOTLINE:

The RRAI telephone hotline is also used to receive general enquiries both from members of the public and from RRAI-affiliated retailers, and it has proven to be a useful tool in that regard. In the 12-month period the subject of this report, as well as receiving a number of complaints through its hotline (which are incorporated within the aforementioned complaints-statistics), the RRAI also received and processed 57 hotline-queries, an increase of 16% versus 2014.

5.3 INTERNAL RRAI SANCTIONS-POLICY:

The RRAI Board have put additional mechanisms in place, to provide for effective and proportionate sanctions against any individual Member-Stores or Member-Groups that repeatedly breach the best practice inherent in both the spirit as well as the letter of the Code.

The potential sanctions include the expulsion of a Member-Group or an individual store from the RRAI, objections to the renewal of a liquor licence or to the granting of a new licence using the legal mechanisms currently available, and the public naming and shaming of those deemed culpable of persistent, repeated, or systemic serious breaches of the RRAI Code.

The RRAI's sanctions-policy has been made available to the public and can be seen in full on the RRAI's website at http://www.rrai.ie/RRAI_Sanctionspolicy/Default.120.html. It is also included herein as Annex 4 to this Report.

5.4 OBJECTING TO LICENCE-RENEWALS:

The RRAI has continued to seek to engage with independent mixed traders who are not Members, with a view to such retailers joining the RRAI and/or complying with the RRAI Code of Practice.

In the absence of a statutory Code for the time being, the RRAI Board has considered what action it can take under the existing legal framework, in circumstances where non-affiliated retailers decline to engage with the RRAI and persistently commit serious breaches of good practice in the display and promotion of alcohol-products.

In one particular case in September 2013, due to the seriousness of the matter, the RRAI Board issued a notice of objection to the renewal of the liquor licences attaching to an independent mixed trading store that was not affiliated to the RRAI.

6. OVERALL JUDGEMENT ON COMPLIANCE

The overall compliance-rate in 2015 as measured by the independent audit of 90.00% represents an impressive degree of compliance. It's a significant improvement on the rate of 86.07% achieved in 2014. In 2015 the multiple-supermarket sector had a compliance rate of 95.11%, and the convenience-store sector achieved 85.65%. Of particular significance in this improvement in compliance has been the 6.4 point improvement in compliance in the convenience store sector which account for over 70% of RRAI member stores and where management control can be less direct.

Table 4: Overall Annual Independent Audit Compliance levels since 2009

Variable	2009	2010*	2011	2012	2013*	2014	2015
Overall	90.39%	84.30%	85.56%	90.30%	83.50%	86.07%	90.00%
Multiple-Supermarket	91.74%	91.45%	94.84%	96.51%	95.08%	93.68%	95.11%
Convenience-Stores	89.62%	79.15%	78.54%	84.66%	73.73%	79.25%	85.65%

Traditionally one of the most prominent causes of failure in the annual compliance audit related to in-store Code-documentation, particularly in the convenience-store sector. It is worth noting that compliance levels in both the variables relating to in-store documentation showed strong growth in 2015 versus the comparable audit in 2014.

Whilst the RRAI Code of Practice has many different components, the provisions on the physical display of alcohol-products form the cornerstone of the Code. In the 2015 audit, the compliance-rates for those provisions were extremely high in both the multiple-supermarket and convenience-store sectors. The audit contains three key questions on the physical display of alcohol-products, and in this year's audit, the overall compliance-rate for each of these three questions ranged from 94.78% to 99.25%. Compliance levels of each one of these variables showed positive growth in 2015 versus the comparable audit in 2014.

As a whole, the complaint-mechanisms operated effectively during the past year. In most cases, where issues were raised regarding specific stores or advertisements, the relevant RRAI-member responded promptly and in a positive manner. As alluded to earlier, it is also noteworthy that the number of complaints made (both internal and external) and upheld have continued to fall in percentage terms versus previous years.



In addition, it is worth noting that one of the most visible manifestations of the Code-restraints is the rule on newspaper-advertisements for Members, whereby a maximum of 25% of the core advertising-space can be allocated to alcohol-products within any single advertisement. There is now almost universal compliance by RRAI-members with this restriction.

Following the extensive communications activity by the RRAI in October 2014 the RRAI's telephone hotline also continued to provide a useful channel of communication for members of the public and retailers alike, both for lodging complaints and for submitting enquiries about the Code. As previously noted communication on Code compliance in 2015 with members of the public trebled since 2014.

My assessment as Independent Chairperson is that the overall compliance-rate of 90.00% in this year's audit is very impressive and that overall, the RRAI's Members continue to be firmly committed to the Code.

7. OBSERVATIONS ON OTHER POLICY RELATED MATTERS

7.1 REGULATION FOR THE STAND-ALONE OFF-LICENCE SECTOR:

In its Report published in February 2012, the Steering Group on a National Substance Misuse Strategy recommended that a statutory Code of Practice on the sale of alcohol be introduced in the off-licence sector (i.e. specialist or stand-alone off-licences). The Group recommended that the Department of Health should have responsibility for implementing such a Code.

Over the past number of years, the RRAI has received a number of queries from members of the public about alcohol-advertising by stand-alone off-licences. As stand-alone off-licences are not Members of the RRAI, they are not subject to the RRAI Code. For example, whilst the RRAI Code prohibits the advertising of alcohol-products in shop-windows or internal locations intended to be seen from outside the premises, there is currently no such restriction placed on stand-alone off-licences.

In September 2014, the RRAI wrote formally to the Minister for Health, Dr. Leo Varadkar TD making the case for the Department of Health to introduce an appropriate Code on the sale, display and advertising of alcohol products in the stand-alone off-licence sector. An acknowledgement was received in October 2014 that the letter was “receiving attention” but disappointingly no action appears to have been taken.

7.2 PROOF OF AGE:

As highlighted in previous compliance-reports, a Garda Age Card is the only identification accepted in law as a defence where a licence-holder is prosecuted for the sale of alcohol to a person under the age of 18 years.

The RRAI Board remains concerned that a statutory anomaly continues to exist, whereby other forms of identification are acceptable under licensing law as proof of age in one instance (i.e. where 18-21 year-olds need to prove their age when in the bar of a licensed premises after 9.00pm), yet they are not acceptable in law as proof of age regarding the purchase of alcohol.

The RRAI’s Members re-iterate that this continues to cause them difficulties in-store, particularly when foreign tourists seek to buy alcohol, that the current law is discriminatory towards foreign tourists, that there is inconsistency within the current law on proof of age, and that this needs to be addressed as a matter of urgency.

ANNEX 1: THE VOLUNTARY CODE AND EXPLANATORY GUIDELINES

RRAI CODE OF PRACTICE:

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 a 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 10.30am and 10.00pm on weekdays & Saturdays and between 12.30pm and 10.00pm 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

Licence 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 should, in the first instance be made to the licence holder named below, or to the Store Manager and if this does not result in a successful resolution, then to:

The Chairman

Responsible Retailing of Alcohol in Ireland (RRAI)

84-86 Lower Baggot Street, Dublin 2

or by email to: chairman@rrai.ie

or call the RRAI's 24-hour telephone hotline on **free-phone 1800 84 80 80**.

Name and address of licence holder: _____

EXPLANATORY GUIDELINES OF THE RRAI CODE OF PRACTICE:**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 licence issued by the Revenue Commissioners. Renewal of the licence 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 licence holder of the premises concerned. Display of the Code represents the commitment of the licence 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, licence 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 licence holder is expected to comply as far as possible with the display provisions. It is also recognised that separation of alcohol products from other beverages and food products may present insuperable difficulties for small premises. Here also, the commitment of the licence 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 endeavor 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 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.

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 retailer's 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 under 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 under 18 years of age.

The inclusion of these provisions regarding the sale and delivery of alcohol are intended to assist licence 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 licence 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 licence 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 licence holder or be submitted to the Director. For this reason, the copy of the Code on display must contain contact details of the licence 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-licences 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.

ANNEX 2: CONSOLIDATED VERSION OF THE RRAI'S EXTENDED ADVERTISING RULES

RRAI ADVERTISING RULES

1. EXTRACT FROM THE RRAI CODE OF PRACTICE:

"**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 glamorise alcohol consumption or encourage excessive consumption."

2. EXTRACT FROM THE EXPLANATORY GUIDELINES OF THE RRAI CODE OF PRACTICE:

"**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 glamorise 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 retailer's own publications or to trade magazines. In addition, the sector undertakes not to commission any alcohol-only radio or television advertising."

3. MEMBERS' DECISIONS TO TOUGHEN CODE-PROVISIONS ON ADVERTISING AND MARKETING:

(As set out on pages 16 and 17 of the RRAI Independent Chairperson's Third Annual Compliance Report, 30 September 2011).

Over time, in the course of implementing the Code, and as certain practical queries on compliance arose, the RRAI Board took a series of decisions to toughen its advertising rules. These decisions were taken in the interests of consistency with the letter and spirit of the original Code, as follows:

(a) Revised Print-Advertising Commitments:

In respect of advertisements which members place in newspapers and magazines, the Code commits members to devoting at least 75% of any such advertising space to products other than alcohol.

Alternatively, alcohol products should not constitute over 25% of any such advertisement.

(This can be summarised as the "25% alcohol/75% non-alcohol" advertising rule.)

Over time, certain ambiguities emerged in the practical application of these provisions. As a result, the RRAI's members decided to adopt a more detailed formulation in respect of print advertising in the interests of uniform compliance. The detailed formulation is as follows:

“Any advertisement published in newspapers and magazines must devote at least 75% of any such core advertising space, exclusive of corporate borders, to products other than alcohol, with no more than 25% of such relevant core advertising space exclusive of corporate borders, being allocated to alcohol products. In any spacing calculation, products have to be allocated their full and proper proportion of space.”

The Code specifically excludes retailers' own publications or trade magazines from this restriction. The Code also prohibits mixed trading retailers from commissioning any alcohol-only radio or TV advertising. As mentioned in my Second Compliance-Report in 2010, the Board of the RRAI took the initiative of extending the scope of these advertising restrictions in the interest of enhancing the effectiveness and credibility of the Code. The RRAI Board decided to extend the “25% alcohol/75% non-alcohol” advertising rule to other media such as newspaper inserts, outdoor advertising billboards, bus advertisements and bus shelter advertising, as set out below.

(b) Newspaper Inserts, Supplements, Flyers and Mail-Shots:

The RRAI agreed that all inserts and supplements should allocate no more than 25% of space to alcohol products and that at least 75% of space be devoted to products other than alcohol. These spacing provisions apply to the entirety of the insert or supplement. The RRAI also agreed that all flyers and mail-shots produced by members should allocate no more than 25% of space to alcohol products and that at least 75% of space be devoted to products other than alcohol. These spacing provisions apply to the entirety of the flyer or mail-shot.

(c) Outdoor Advertising:

The RRAI agreed the following commitments regarding outdoor advertising:

- Any advertisement on billboards, buses or in bus shelters must devote at least 75% of any such core advertising space, exclusive of corporate borders, to products other than alcohol, with no more than 25% of such relevant core advertising space, exclusive of corporate borders, being allocated to alcohol products. In any spacing calculation products have to be allocated their full and proper proportion of space.
- No billboard or bus shelter advertising featuring alcohol will be placed within 100 metres of a primary or secondary school or a premises that is on the list of designated youth sites drawn up by the Department of Health & Children. This is consistent with agreements made between the outdoor media association and the Department of Health & Children and is the current practice of providers used by the RRAI's member-groups.

(d) Broadcast-Advertising:

The Code stipulates that the RRAI's members undertake not to commission any alcohol-only radio or television advertising. To avoid ambiguity, the RRAI Board agreed that any advertisements featuring alcohol products commissioned by its members and broadcast on radio or television would apply the following principles:

- Exclusive of corporate introductions, the alcohol products should not exceed 25% of the net time available for products featured. It was also agreed that 75% of the net time available for featured products would feature product(s) other than alcohol.
- For example, in a standard 20 second radio advertising slot where 5 seconds was used at the beginning or end of the advert for corporate content leaving 15 seconds net time available for product advertising, the time allocated to alcohol products should not exceed 25% of that 15 second period, equivalent to a maximum duration of 3.75 seconds.
- As the minimum practical advertising slot for alcohol within an advert is three seconds, the timing restrictions do not apply below this three-second threshold.
- In 2011, in consultation with the Alcohol Marketing Communications Monitoring Body, the RRAI Board agreed that alcohol-related advertising for RRAI-members should not be broadcast during "family breakfast time", which runs from 6:00am to 10:00am daily. This mirrors the existing broadcasting industry codes, which already prohibit the broadcast-advertising of alcohol during family breakfast time. As RRAI-members do not have direct control over broadcasters' advertising schedules, the onus is on the broadcasters themselves to ensure that this rule is adhered to, but RRAI-members nonetheless support the principle that alcohol-related advertising should not be broadcast during family breakfast time.

ANNEX 3: RESULTS OF THE RRAI ANNUAL INDEPENDENT AUDIT OF COMPLIANCE 2015 BY MULTIPLE-SUPERMARKET AND CONVENIENCE-STORE SECTOR

Table 8: 2015 audit results by question & by store format

Retail Audit Question/Variable Measured	Multiple-supermarket Compliance	Convenience-store Compliance
<p>Q1 (a) Is the Code of Practice document on conspicuous display within the store (in A3 size)?</p> <p>(b) If the store has a net retail area of over 4,000 sq feet, is there more than one A3 copy of the Code on display?</p> <p>(c) Does each copy of the Code display the name and address of the licence-holder?</p> <p>(d) Does each copy of the Code display the RRAI telephone hotline information?</p>	<p>100%</p> <p>98.37%</p> <p>100%</p> <p>100%</p>	<p>96.30%</p> <p>99.54%</p> <p>96.76%</p> <p>96.30%</p>
<p>Q2 Is the in-store advertising of alcohol products confined to the area in which alcohol products are displayed, and not in windows or at other locations where it is intended to be seen from outside the premises?</p>	100%	100%
<p>Q3 Is the display of alcohol-products confined to one part of the premises whereby there is only one alcohol display-area in the premises? <i>(In addition to the main alcohol display-area, alcohol can also be displayed behind the counter for security reasons, but not in a shop-window.)</i></p>	100%	99.54%
<p>Q4 Is the position of alcohol products on display, as far as possible, only in a part of the premises which customers do not have to pass through or by, in order to obtain access to other beverages and food products?</p>	96.74%	96.76%
<p>Q5 As far as possible, are alcohol products separated from other beverages and food products?</p>	98.37%	93.52%
<p>Q6 Is a copy of the in-store briefing document for staff-members held in-store?</p>	100%	93.52%
<p>Q7 Have all staff-members engaged in the sale and display of alcohol been briefed on the Code of Practice?</p>	100%	98.61%

Retail Audit Question/Variable Measured <i>- continued</i>	Multiple- supermarket Compliance	Convenience- store Compliance
Q8 Can you confirm that alcohol-related advertising materials produced by the retailer and displayed in-store are not aimed at minors, do not in any way glamorise the consumption of alcohol, and do not encourage the excessive consumption of alcohol?	97.83%	100%
Q9 Are alcohol-products only sold at clearly designated check-out points?	89%	75%
Q10 Are these check-out points or the alcohol display-area monitored by CCTV?	100%	100%
Q11 Is the purchase of alcohol-products at unsupervised self-service checkouts not permitted? <i>(Tick "yes" if the purchase of alcohol at unsupervised self-service check-outs is not permitted).</i>	96.74%	100%

If a member-store failed any part of Question 1, or any of Questions 2 to 7, the store failed the audit.

In relation to the remaining four variables [Questions 8-11 inclusive], where compliance required satisfying at least two of the four questions, there was no instance of failing the audit on these four questions.

ANNEX 4: RRAI SANCTIONS-POLICY

SANCTIONS-POLICY AGAINST MEMBER GROUPS OR MEMBER-STORES THAT ARE IN BREACH OF THE RRAI CODE OF PRACTICE

1. DEFINITIONS:

In this document:

The term “**Code of Practice**” shall encompass the RRAI code of practice and its explanatory guidelines, and the RRAI’s advertising rules (which extend beyond the literal wording of the code and its explanatory guidelines); and

The term “**serious breach**” is restricted to breaches relating to:

- (a) the in-store merchandising or display of alcohol-products, and
- (b) the advertising of alcohol-products,

and excludes breaches relating to in-store code-documentation.

Examples of what constitutes a “**serious breach**” include but are not limited to the following:

- (a) having more than one display-area for alcohol-products on the shop-floor (although alcohol-products can in addition be displayed behind the shop-counter, for security reasons, but not in a shop-window);
- (b) displaying alcohol-products directly opposite or facing other beverages or food-products, whereby customers cannot get access to those other beverages or food-products without passing through or by alcohol-products (*although the “as far as possible” qualification may apply in limited circumstances*);
- (c) displaying alcohol-products directly adjacent to other beverages or food-products (*again, the “as far as possible” qualification may apply in limited circumstances. In addition, the display of alcohol-products back-to-back with other beverages or food-products, or at ninety degrees to other beverages or food-products, can be acceptable*);
- (d) in larger stores with a net retail area of over 4,000 square feet / 372 square metres, displaying alcohol-products within 0.8m of other beverages or food products along a wall, aisle, or row of shelving (*once again, the “as far as possible” qualification may apply in limited circumstances, and the display of alcohol-products back-to-back with other beverages or food-products, or at ninety degrees to other beverages or food-products, can be acceptable*);

- (e) the cross-merchandising of alcohol-products with other beverages or with food-products;
- (f) displaying an advertisement for any alcohol-products in the shop-window or at an internal location whereby it is intended to be seen from outside the store;
- (g) placing an advertisement in a newspaper, where the amount of space allocated to alcohol-products represents more than twenty-five per cent of the total core-advertising space allocated to products within that advertisement - e.g. placing an alcohol-only advertisement in a newspaper; and
- (h) placing an advertisement on radio or television, where the amount of time allocated to alcohol-products represents more than twenty-five per cent of the net time available for products featured within that advertisement - e.g. placing an alcohol-only advertisement with a radio station. As the minimum practical advertising slot for alcohol-products within a broadcast-advertisement is three seconds, the timing restrictions will not apply below this three-second threshold.

2. UPON WHOM MAY SANCTIONS BE IMPOSED, AND IN WHAT CIRCUMSTANCES?

2.1 DISTINCTION BETWEEN DIFFERENT TYPES OF MEMBER:

A distinction is to be drawn between:

- (a) Member Groups with direct managerial control over their mixed trading stores; and
- (b) Member Groups made up of independently-operated mixed trading stores, where the Member Groups in question do not have direct managerial control over the stores concerned.

2.2 MEMBER GROUPS WITH DIRECT MANAGERIAL CONTROL OVER THEIR MIXED TRADING STORES:

The policy is to impose sanctions against any Member Group with direct managerial control over their mixed trading stores in any of the following cases:

- (a) Where a Member Group (or any of its stores) commits persistent and/or repeated serious breaches of the Code of Practice over a period of time. The bona fides of the Member Group or store(s) in question will be taken into account; or
- (b) Where a Member Group engages in a systemic serious breach of the Code of Practice across a significant number of its stores in a concentrated period, typically during a holiday-weekend or holiday-period; or
- (c) Where a Member Group fails to pay its subscription due to the RRAI in full by the absolute cut-off date agreed by the Board in any given year.

2.3 MEMBER GROUPS MADE UP OF INDEPENDENTLY OPERATED MIXED TRADING STORES:

2.3.1 Sanctions against an individual mixed trading store

Where an independently-operated mixed trading store (within a Member Group) commits persistent and/or repeated serious breaches of the Code of Practice over a period of time, the policy is to impose sanctions against the store itself. The bona fides of the store in question will be taken into account.

2.3.2 Sanctions against a Member Group

The policy is to impose sanctions against a Member Group made up of independently-operated mixed trading stores in any of the following cases:

- (a) Where the number of stores, within a Member Group, that commit persistent and/or repeated serious breaches of the Code of Practice over a period of time represents two per cent (2%) or more of that Member Group's total number of mixed trading stores. The bona fides of the Member Group in question will be taken into account; or
- (b) Where a systemic serious breach of the Code of Practice occurs across a significant number of a Member Group's mixed trading stores in a concentrated period, typically during a holiday-weekend or holiday-period; or
- (c) Where a Member Group fails to pay its subscription due to the RRAI in full by the absolute cut-off date agreed by the Board in any given year.

3. WHAT SANCTIONS MAY BE IMPOSED?

3.1 DEBT-RECOVERY PROCEEDINGS:

Where a Member Group fails to pay its due subscription in full by the absolute cut-off date agreed by the Board in any given year, the Chairperson may write a formal letter to that member indicating that legal proceedings will commence if full payment is not received by the RRAI within a certain time-frame.

Should the subscription or any portion thereof remain unpaid after the deadline set out in the Chairperson's letter, legal proceedings may be instigated against the Member Group concerned for the recovery of the lawful debt due to the RRAI.

The RRAI may also seek to recover its costs for any such legal proceedings from the Member Group against whom the proceedings are taken.

3.2 EXPULSION OF A NON-COMPLIANT MEMBER GROUP, AND REMOVAL OF THEIR REPRESENTATIVE(S) FROM THE BOARD OF DIRECTORS:

The RRAI Board may consider expelling any Member Group for serious breaches of the Code of Practice under headings 2.2 and 2.3.2 above.

Under Article 5 of the Articles of Association of RRAI Limited (“the Company”, and/or “the RRAI”), the membership of any Member may be terminated at the Directors’ discretion. Any decision to terminate a membership is subject to the voting requirements set out in Article 61 of the Articles of Association.

Article 61 sets out the Company’s internal rules on voting at board meetings, whereby any questions voted upon require a two-thirds majority in order to be passed.

In addition, Articles 50 and 55 provide the mechanisms for removing a Director of an expelled Member from office. Under Article 50.7, the office of Director shall be vacated if a Director is required in writing by all his co-Directors to resign. Under Article 55, the Company may remove a Director by way of ordinary resolution (provided extended notice of that resolution has been given). Any appointment of an alternate Director automatically comes to an end once the appointer ceases to be a Director.

3.3 OBJECTIONS TO THE RENEWAL OF THE LICENCES AND/OR TO THE LICENCE-APPLICATIONS OF NON-COMPLIANT MEMBERS:

Objections to the granting of new licences or to the renewal of existing licences are heard in the District Court.

The main objects clause in the Memorandum of Association of RRAI Limited (the “RRAI”) is to encourage, oversee, promote and verify compliance with the Code of Practice. In addition, there is a specific provision within the objects clause to permit, enable and empower the RRAI to formally object, either through the relevant department of Customs and Excise or the relevant Court, to the renewal and/or granting of any intoxicating liquor licence attaching to or to attach to any premises of any Member of the RRAI and/or of any non-member.

Furthermore, again under its objects clause, the RRAI may, at its discretion, involve, notify, co-operate with and/or assist the relevant Superintendent of An Garda Síochána (or such other competent authority) in any objections to the renewal or granting of any intoxicating liquor licence.

(a) Objection to the renewal of an existing off-licence of a non-compliant member -

Under the District Court Rules, an objection to the renewal of an off-licence must be made at the Annual Licensing Court for the Court area that the relevant off-licence is situated in. Annual Licensing Courts take place in September in District Courts nationwide.

The Civil Law (Miscellaneous Provisions) Act 2011 became law on 17 June 2011. Section 17 thereof provides for formal approval by the Minister for Justice and Equality of a code or codes of practice to regulate the display, sale, supply, advertising, promotion and marketing of alcohol. Any code of practice that is formally adopted can apply to a chosen class or classes of intoxicating liquor, class or classes of licensed premises, or type of licence. A licence-holder who is not compliant with an applicable approved code may face objections to the renewal of their liquor licence on the grounds of character. The RRAI is engaging with the Department of Justice and Equality on the inclusion of the key elements of its voluntary code within any formally approved code that would apply to mixed trading off-licences.

Under statute-law, including the Civil Law (Miscellaneous Provisions) Act 2011, the Superintendent of the Garda Síochána for the licensing area in which an off-licence is located is the only statutory objector to the renewal of that licence. The RRAI has engaged positively with the Gardaí in the past regarding objections on the grounds of character. It will renew its previous contacts at Commissioner-level, with a view to full co-operation by the Gardaí in any such objections-process.

The RRAI may also send a warning letter to any mixed trading store that persistently or repeatedly commits serious breaches of the Code of Practice. The warning letter will advise the store in question that unless it rectifies existing serious breaches and refrains from further serious breaches, the RRAI may formally recommend to the Gardaí that an objection to the renewal of the store's licence(s) be lodged in Court on the grounds of character.

(b) Objection to any application by a non-compliant Member for a new off-licence -

The grounds of objection will depend upon the statutory provision under which an application is made for a new off-licence.

In any application for a full new off-licence, objection can be made on the grounds of the character of the applicant and the suitability of the premises. Moreover, the vast majority of applications for new off-licences are made under section 18 of the Intoxicating Liquor Act 2000, where the grounds of objection are wider again, as follows - the character, misconduct or unfitness of the applicant; the unfitness or inconvenience of the premises; the unsuitability of the premises for the needs of persons residing in the neighbourhood; and/or the adequacy of the existing number of licensed premises of the same character in the neighbourhood.

Likewise, the list of competent objectors is wider in applications for a new off-licence than for the renewal of an existing licence. The following persons can object to an application for a new off-licence:

- Any resident or owner of property in the parish in which the proposed off-licence is located;
- The Garda Superintendent for the area in which the proposed off-licence is located; and
- Any person who would be affected by the decision to grant the licence - the RRAI would presumably fall under this category.

Where serious breaches of the Code of Practice are committed by a Member Group under headings 2.2 or 2.3.2 above, or by an individual store/retailer under heading 2.3.1 above, the RRAI may consider:

- (a) formally objecting to any Court-application for a new off-licence by the Member Group or individual retailer in question; and/or
- (b) formally recommending to the Gardaí that an objection to the renewal of the licence(s) attaching to the store in question be lodged in Court on the grounds of character.

3.4 “NAMING AND SHAMING”:

With a view to publicly "naming and shaming" any persistently non-compliant Members, the RRAI may:

- Publish details on its website of any finding made by the Board of persistent, repeated, or systemic serious breaches by any of the RRAI's Members; and
- Issue press releases to the same effect.



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