

# Drinks Promotions: Don't Lose Your Bottle

COVID-19 has increased the impetus for the drinks industry (and many others) to identify new and inventive ways to promote and sell their products. Care, however, needs to be taken to make sure that any promotions do not fall foul of any relevant legislation in Scotland. We are on hand to help guide you through this and, in the event we feel a campaign would be in breach, we will work with you to help you find a workaround.

There are two key legislative restrictions to be aware of:

## Irresponsible Drinks Promotions

The Licensing (Scotland) Act 2005 prohibits *"Irresponsible Drinks Promotions"*.

Drinks promotions are *"in relation to any premises, any activity which promotes, or seeks to promote, the buying or consumption of any alcohol on the premises"*.

A drinks promotion is irresponsible if it:

- *"involves the supply of an alcoholic drink free of charge or at a reduced price on the purchase of one or more drinks (whether or not alcoholic drinks)."*
- *"encourages, or seeks to encourage, a person to buy or consume a larger measure of alcohol than the person had otherwise intended to buy or consume."*

## Minimum Pricing

The Alcohol (Minimum Pricing) (Scotland) Act 2012 introduced a minimum cost per unit of alcohol in Scotland. Care needs to be taken to ensure that any promotion would not result in a cost per unit of alcohol going below the legislative minimum price.

## AWARDS

- Commercial Litigation Team of the Year at the Legal Business Awards 2020
- Dentons' UK Litigation team is also shortlisted for Litigation Team of the Year at the Scottish Legal Awards scheduled to take place in November 2020.



## KEY CONTACTS



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