

EASTERN CREEK RETAIL CENTRE

LIQUOR – PLAN OF MANAGEMENT

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Plan of Management

Liquor, Eastern Creek

INTRODUCTION

1. The Operator¹ of the proposed retail liquor store at Eastern Creek Retail Centre (**the Premises**) seeks to ensure that the Premises is run at all times in a manner that is consistent with responsible management, in a manner that does not disturb the quiet and good order of the neighbourhood, and in a manner meeting all development consent conditions and the reasonable expectations of Blacktown Council (**the Council**) and the NSW Police.
2. Therefore the objectives of this Plan of Management (**the Plan**) are to ensure that:
 - a) The Premises is managed and operated in strict compliance with the Operator's policies and procedures (which have been developed over decades of trading in NSW) so as to ensure it operates in an atmosphere of safety and comfort at all times;
 - b) Alcohol is sold responsibly at all times, and that every possible effort is made to prevent sales to minors or secondary sales, and sales to other persons who have been drinking that day; and
 - c) The operation of the Premises does not impact detrimentally upon or detract from the amenity of the surrounding land uses and the neighbourhood in general.
3. Where there is any conflict between the provisions of this Plan and the objectives, the conflict will be resolved in such a way so as to best achieve the objectives.
4. The Plan demonstrates a strong commitment by the Operator to good management of the operation of the business, particularly in relation to managing potential impacts on adjoining and surrounding land uses and premises, as well as the public domain.
5. Access will be via the carpark accessible from New Access Road.
6. The Premises is **not** a late night trading premises. Nevertheless it has prepared this Plan to address operational and contextual aspects of operating a retail liquor store at the Premises.

PURPOSE OF THIS PLAN

7. This Plan establishes performance criteria for various aspects of the operation of the Premises having regard to the relevant matters under the *Liquor Act 2007*, *Liquor Regulation 2008* and the *Environmental Planning and Assessment Act 1979*.

¹ The Operator is Woolworths Limited through its appointed Licensee

8. The Plan aims to provide a clear, concise and practical framework for the management of the Premises. As such, this Plan provides the community, the Council and the NSW Police with a clear statement on the future use and operation of the Premises.

IMPLEMENTATION

9. All staff shall be made familiar with this Plan (see **Appendix 1**) and requested to abide with its terms.
10. If the Operator considers it is reasonable or desirable to modify any provisions of this Plan for the better management of the Premises, such modification may be made and will be available to the Council and the Police upon request.

HOURS OF OPERATION

11. It is intended that the hours of operation of the Premises will be:-
 - a) Monday to Saturday: 9.00am to 10.00pm; and
 - b) Sunday: 10.00am to 10.00pm.

AMENITY OF NEIGHBOURHOOD

12. The staff of the Premises shall consider any amenity issues raised by neighbours and act reasonably in taking measures to mitigate adverse impacts on the surrounding area.

CRIME PREVENTION

13. The Operator will work in cooperation with Council to implement any reasonable Crime Prevention Strategy adopted by the Council.
14. The operation of the Premises will include the following passive and active security measures:-
 - a) The Premises has been designed to allow for casual surveillance of customers within the store and when entering/exiting the store.
 - b) The Operator will design the cashier counter to reduce the opportunity for assault of staff and unauthorised access behind the counter areas.
 - c) The Operator will install a safe in accordance with Australian Standards.
 - d) The Operator will install a CCTV security system, with cameras strategically positioned to monitor customer movements.
 - e) CCTV footage will be monitored within the Premises and available for viewing by staff.
 - f) The CCTV system will record footage from the cameras 24 hours a day, 7 days a week.
 - g) CCTV footage shall be kept on site for a minimum period of 30 days before being re-utilised within the system, destroyed or deleted.

- h) CCTV footage will be provided to the Police within a reasonable time of a written request being made. The footage will be provided on a CD/DVD that allows the Police to view it on a computer.
- i) The Operator will install a back-to-base security alarm system. The security system will be monitored 24 hours a day, 7 days a week. A security patrol service will be on call after the closure of the store in the event that an alarm is activated.
- j) The Operator will install an internal distress/duress button around the cashier area within the Premises with a direct link to security monitoring services and, in turn, Police if required.
- k) The Operator will install bright lighting within the Premises to facilitate face recognition and deter shoplifting.
- l) The Operator will install lighting having an even distribution of light over the entry/exit point.

HARM MINIMISATION AND RESPONSIBLE SERVICE OF ALCOHOL

15. The following measures will be adopted:-

- a) The Operator will adopt a "House Policy" which is directed towards compliance with the Liquor Act and the Liquor Regulation, together with the Operator's Best Practice policies and procedures, which assist staff in identifying and preventing secondary sales to minors and in turn help to reduce or eliminate alcohol related harm in the community (copy provided at **Appendix 2**).
- b) The Operator will adopt a "School Uniform Policy" where students appearing in the Premises in a school uniform, a school sports uniform or any such part of a uniform are not served (copy provided at **Appendix 3**).
- c) The Operator will adopt a "Refusal of Service – Intoxication Policy" (copy provided at **Appendix 4**).
- d) The Operator shall provide its staff with comprehensive and ongoing training, supervision and reinforcement of harm minimisation and responsible service of alcohol policies and procedures.
- e) All staff will hold Responsible Service of Alcohol (**RSA**) certification.
- f) The Operator shall maintain a register containing copies of certificates showing satisfactory completion of Responsible Service of Alcohol courses undertaken by staff. The register shall be made available for inspection on request from the Police or an approved licensing inspector.
- g) The Operator commits to conducting RSA Refreshers, Reminders and / or Audits bi-annually.
- h) The Premises shall use and display all required "Responsible Service of Alcohol" and "Responsible Consumption of Alcohol" posters and other media.
- i) The Premises shall implement the "ID 25" and "Don't buy it for them" policies to assist in harm minimisation and responsible service of alcohol. The "ID 25" policy

requires employees to ask for identification when customers appear to be aged 25 years or younger. The "Don't buy it for them" campaign aims to raise community awareness of the dangers of secondary supply of alcohol to minors (see the "Secondary Supply Policy" and "ID Policy" at **Appendix 5 and 6**).

- j) The Operator will display appropriate signs advertising the "ID 25" and "Don't buy it for them" policies. Refer to examples of the "ID 25" and "Don't buy it for them" signs in **Appendix 7** and **Appendix 8** respectively.
- k) The Operator will go beyond regulatory compliance and abide by a strict buying charter which ensures that products that appeal to minors, that encourage inappropriate drinking practices, or that make inappropriate associations are avoided and will not be stocked.
- l) Any alcoholic or alcohol branded product submitted for potential sale by any buyer to the Operator must first be benchmarked against a set of principles that aim, among other things, to prevent the sale of products that appeal to minors, encourage inappropriate drinking practices or make inappropriate associations. (Copy provided at **Appendix 9**).
- m) The Operator will be a willing participant in any self-exclusion arrangements that assist individuals dealing with alcohol dependency issues.
- n) The Operator will ensure, through regular staff patrols and monitoring systems, that liquor is not consumed on the site (including within the car parking areas) and that persons do not linger in the surrounding area.
- o) Staff will be trained to observe customers and potential customers inside and outside of the Premises with a view to preventing secondary supply. They will be trained to look for signs of secondary supply including but not limited to:-
 - A minor handling an adult's money for a purchase;
 - A minor approaching an adult in the vicinity of the store;
 - A minor and adult having a conversation about which products the minor wants;
 - Pooling of money by minors;
 - A group of minors (asking all minors in the group for identification, not just those making the purchase);
 - A minor selecting a product and handing money to an adult; and
 - After a minor has attempted to make a purchase, an adult trying to purchase the same product.
 - Staff will be given clear directions to adhere to the "Don't buy it for them" policy.

SITE MANAGEMENT / MAINTENANCE

- 16. The Operator will work to ensure that the local amenity is protected and an environment to assist with business success is maintained.

17. The Operator will ensure that the Premises and its immediate environs are well maintained, clean and tidy.
18. Any graffiti, damage to property or dumped rubbish immediately surrounding the Premises and outside of the Operator's leasing area shall be reported to the landowners as soon as possible.
19. Contractors will be engaged to regularly collect waste and recycling from the Premises. Cardboard packaging waste is to be stored within the Premises until it is collected.
20. Waste will be collected 2 to 3 times per week, or as required.
21. Deliveries to the Premises will occur during the permitted hours endorsed on the Development Consent and may comprise:-
 - a) stock delivered to the designated loading dock area for the Premises;
 - b) ice vendors delivering ice to the designated loading dock area for the Premises;
 - c) Armoured vehicles picking up and dropping off cash as required, but using normal car parking spaces; and
 - d) Stationery deliveries approximately once a fortnight, but using normal car parking spaces.

COMPLAINTS PROCEDURES

22. Local residents and businesses are invited to discuss any issues arising as a result of the operation of the Premises with its Licensee. The Incident Register will be used to record any complaints about the operation of the Premises, as well as to detail the steps taken to address the complaint.
23. The Incident Register will be kept on the Premises and will be made available to the Police upon request.
24. A contact name and number for the Licensee will be provided to a complainant upon request so that there is no uncertainty as to who to contact at the Premises.
25. The Licensee will undertake his/her best endeavours to address any reasonable concerns of the complainant and facilitate a meeting with any complainant where necessary to ensure and monitor the effectiveness of the Plan.

COMMUNITY PARTICIPATION

26. The licensee of the Premises (or his/her representative) will be a member of the Local Liquor Accord and adopt and support the responsible service of alcohol practices supported by that Accord.
27. The Operator will participate in relevant community education programs.
28. The Operator will take a proactive approach to addressing any real or perceived concerns directly attributed to alcohol related anti-social behaviour in the community.

APPENDIX 1



WOOLWORTHS LIQUOR GROUP

RESPONSIBILITIES

Responsibilities applicable to:

Licensees – New South Wales and Tasmania
Nominees – Victoria and Northern Territory
Approved Managers – Western Australia
Responsible Persons – South Australia
Defined Influential Persons - ACT

Woolworths Limited acknowledges that alcohol is not an ordinary product, and that the sale and consumption of alcoholic beverage products brings with it considerable responsibilities.

Many of these responsibilities are determined by legislation, which seeks to protect individuals and society from harm caused by excessive alcohol consumption. Although our legal responsibilities will vary by state, our aim is to operate our business to a standard that goes beyond legal compliance to a position of best practice self-regulation.

While we believe that alcohol consumption is ultimately an issue of individual responsibility, we need to manage our business in a way that ensures that we do not have a negative impact on the communities that we serve.

As a licensee/nominee/approved manager/responsible person/day to day person/Dan Murphy's/BWS store I undertake to;

1. Comply with all legislation governing the sale and supply of alcoholic beverages.
2. Comply with all Woolworth's policies and procedures governing the sale and supply of alcoholic beverages.
3. Ensure that anyone working in my store/liquor department is fully trained in the Responsible Service of Alcohol.
4. Remain aware of any alcohol-related issues that may have an affect on the community that we serve, or on the reputation of Woolworths Ltd.
5. Respond proactively by alerting senior management to community concerns relating to the operation of my store/liquor department.
6. Ensure that we actively engage with any local liquor accord.
7. Immediately notify Woolworths Licensing at Norwest of any issue which may result in prosecution or damage to Woolworth's reputation.



WOOLWORTHS LIQUOR GROUP

APPENDIX 2



LIQUOR STORE “HOUSE POLICY”

THE LIQUOR STORE “HOUSE POLICY” IS A REFLECTION OF THE COMMITMENT BY ALL STAFF TO PROVIDE RESPONSIBLE SERVICE OF ALCOHOL AND TO ENSURE THAT OUR LICENSED STORES ARE OPERATED IN A WAY THAT DOES NOT RESULT IN A NEGATIVE IMPACT ON THE COMMUNITIES THAT WE SERVE.

THE POLICY SHOULD BE A CONSTANT REMINDER TO ALL STAFF OF THEIR OBLIGATIONS AND THEY MUST ALWAYS:

- Ensure that persons under 18 years of age do not purchase liquor or have liquor purchased on their behalf.
- Assess all customer's ages by taking account of their height, weight, demeanour, confidence, facial hair, clothes, makeup, voice, wrinkles, hairstyle.
- Be aware of the “ID 25” policy. Always ask yourself before serving: “Could this person be under 25 years of age? – If yes ask for I.D.!!
- Ensure that liquor is not consumed on licensed premises except during an authorised and supervised tasting.
- Ensure that liquor is not sold or displayed outside the licensed premises.
- Ensure that a range of low alcohol and non-alcoholic products are available for purchase.
- Ensure that the required regulatory signage are prominently displayed at all times.
- Ensure that all staff who work in the Liquor Store are properly trained in responsible service of alcohol, with particular regard to
 - Holding their RSA certificates in the Training register on the premises
 - Knowing when and how to ask for Proof of Age identification
 - Knowing what approved forms of identification are acceptable (ie Current Photo current Driver's Licence, NSW Photo Card, and Passport).
 - Knowing what features to check when presented with Proof of Age identification to ensure the person is 18 years of age or over and that it is genuine and has not been tampered with.
 - Knowing that if upon request a person cannot produce an approved form of Proof of Age identification then the sale must not be made;
 - **REMEMBER: NO PROOF NO PURCHASE!!!**
- Ensure that only persons 18 years of age or over sell or supply liquor.
- Be conscious of Secondary Purchase situations and be alert to groups of young persons both inside and (where possible) outside the licensed premises, for the purpose of preventing the supply of liquor to underage persons by older persons.
- Ensure that liquor is not sold or supplied to a person who is in a state of intoxication. In assessing whether a person may be intoxicated, as a guideline the following should be considered;
 - whether their speech is slurred or slow
 - whether their breath smells of alcohol
 - whether they have difficulty walking, standing, with their co-ordination or moving
 - whether they have difficulty understanding you, answering questions or asking for their intended purchase.
- Ensure that potential problems are identified and steps taken to avoid serious situations.
- Ensure that the store's RSA incident register is maintained

Updated June 2010

Woolworths' Best Practice Policies and Interventions.

Woolworths Limited ("Woolworths") chooses to implement a *best practice* set of interventions at all its licensed premises to reduce any alcohol related harms in the local communities in which it operates. Woolworths' *best practice* policies and interventions have the following objectives:-

- to promote proper and efficient management practices in all of its licensed premises;
- to ensure each licensed premises implements and rigorously enforces our *House Policy*;
- to ensure each licensed premises implements a *RSA Incident Register*;
- to ensure all employees involved in the sale and/or supply of liquor receive proper training, support and guidance as to the harmful effects of alcohol, such as:-
 - ❖ anti-social behaviour
 - ❖ intoxication
 - ❖ underage drinking
 - ❖ alcohol related crime
 - ❖ harm to oneself or others;
- to reduce negative consumer behaviour associated with the sale or supply of alcohol;
- to prevent promotions that encourage misuse or abuse of liquor;
- to ensure staff are able to detect intoxication using the *Intoxication Guidelines* issued by the Office of Liquor Gaming and Racing;
- to provide a clear set of criteria for detecting underage persons in its licensed premises and ways of identifying fake or tampered *proof of age* identification; and
- to provide a clear set of warning signs where there is possibly a risk of secondary sales, such as:-
 - ❖ Minors accompanying an adult when the purchase is made
 - ❖ Minors suggesting the purchase of liquor to the adult
 - ❖ Minors congregating outside or adjacent to the Premises
 - ❖ Possible evidence of pooling of money by minors and handing the money to an adult before the liquor is purchased
 - ❖ Minors refused service and within a short time an adult enters the Premises to buy the same type of liquor that the minor attempted to purchase.

All employees working within its licensed premises are required to hold a current Responsible Service of Alcohol certificate. Additionally, Woolworths provides every new employee, to be engaged within its licensed premises, with an intense induction session. This provides the staff member with an overview of our current policies and procedures and what is expected of them when they serve or supply alcohol within our licensed premises.

Woolworths has developed internal policies and procedures to ensure compliance with its best practice policies and interventions. It has implemented a liquor store checklist audit system where the licensees are continually reminded of their obligations, as well as the expectations of

Woolworths. Additionally, Woolworths is committed to ensuring all of its liquor serving staff receive on-going training. For instance, in all *BWS – Beer Wine Spirits* stores a program called "**Liquor Basics**" is provided where common concerns are addressed through additional training. A similar program operates for Dan Murphy's stores. Woolworths arranges for all staff within its licensed premises to participate in this on-going training.

The level of success of Woolworths' *best practice* policies and interventions is evident by its good record with the former Licensing Court of NSW, the former Board and now the Authority. Taking into account the significant number of licensed venues that Woolworths operates (and the millions of transactions that occur) it is rare for a licensed venue operated by Woolworths to be the subject of any breach of the licensing laws.

APPENDIX 3



School Uniform Policy



WOOLWORTHS LIQUOR GROUP WANTS TO ENSURE THAT NO HARM COMES TO YOUNG PEOPLE AS A RESULT OF ALCOHOL SOLD FROM OUR LIQUOR STORES.

Public perception of the way we operate our liquor business is also important to us.

Recently, we have had issues regarding the sale of alcohol to young persons in school uniform.

We have had to deal with a complaint through Liquor Licensing where a customer watched a group in uniform walk into our store, select product and have one of them purchase the product while the rest of the group waited outside the store. This customer believed that we were serving under age persons.

Serving young persons in school uniform gives the store and the school a poor community image. We also have no way of knowing if the alcohol will be passed on to other students who may be minors.

If there is a high school near your store, you should contact the school principal and ask for their cooperation in enforcing this policy. Let the principal know that we would appreciate it if they would let all their students know that regardless of whether they are 18 years old, the store will not serve them alcohol if they are wearing school uniform.

If you have young customers in school uniform come into your store to purchase alcohol, even if they are over the age of 18, you must inform them that you will not be serving them alcohol. Please explain to them that it is company policy and you will be happy to serve them if they come back in normal street wear and can produce approved form of identification to prove they are over the age of 18.

Q&A

What if the young person is in a sports uniform?

We still will not serve a young person in a sports uniform even over the age of 18. Please repeat the statement above regarding normal street wear.

What if the young person comes into the store on the weekend in school uniform?

This policy is effective during all hours the store trades.

What if the young person gets upset at the refusal of service and believes we are discriminating against them?

Explain again that you will be happy to serve them if they come back in normal street wear. It may also assist you to ask the young person for the school principal's phone number, who you will ring while they are in the store to ask if they are happy for you to serve the young person wearing the school's uniform. If they want to take the issue further please take down their contact details and forward them to the Norwest Licensing team. We will contact the customer and explain our policy.

What about adults accompanied by children in school uniform?

Our secondary supply guideline still applies, we should not refuse service to an adult if accompanied by their children.



WOOLWORTHS LIQUOR GROUP

APPENDIX 4



Refusal of service – Intoxication



**IF YOU BELIEVE A CUSTOMER IS INTOXICATED,
POLITELY BUT FIRMLY REFUSE SERVICE.**

Whilst on most occasions it is easy to tell if a customer is intoxicated, sometimes you might be a bit unsure.

Here are some key signs to look out FOR when assessing intoxication:

- Speech is slurred or slow
- Breath smells of alcohol
- Difficulty walking, standing, moving around objects
- Fumbling with change
- Difficulty understanding you or answering questions
- Becoming loud and boisterous
- Aggressive behaviour
- Glassy eyes, lack of focus, loss of eye contact
- Making irrational or nonsensical statements

If you are unsure, you should find out more.

Approach the customer, ask if they would like your help, engage in conversation, judge their response and movements, and if you believe they are intoxicated refuse service.

Always remember to enter all refusal of service incidents in the RSA incident Register!



WOOLWORTHS LIQUOR GROUP

APPENDIX 5



SECONDARY SUPPLY POLICY

**REMEMBER SECONDARY SUPPLY IS ABOUT
WHAT YOU KNOW NOT WHAT YOU THINK.**

ONE OF THE MOST DIFFICULT SITUATIONS THAT WE ARE ASKED TO MANAGE IS THAT OF SECONDARY SUPPLY. SECONDARY SUPPLY IS WHEN SOMEONE WHO IS LEGALLY ENTITLED TO BUY ALCOHOL PASSES THAT ALCOHOL ON TO A MINOR OR TO AN INTOXICATED PERSON.

We want to do everything we can to prevent secondary supply, but just being in the company of a minor is not sufficient reason to refuse service to an adult. You must have a reasonable suspicion that the adult is going to supply the alcohol to the minor. If you don't hear or see anything that would suggest the purchase is for a minor, then you can proceed to serve the customer. You can ask the customer if the purchase is for them or for the minor. Use your common sense and evaluate each situation on its merits.

There are some circumstances where you **MUST** refuse service:

- If you overhear a conversation between an adult and a minor that suggests the purchase is for the minor, e.g. where the minor is asking the adult for the type of liquor he/she likes to drink, and/or
- You witness actions between an adult and a minor that suggest the purchase is for the minor e.g. where the minor picks out the type of liquor he/she wants and takes it to the counter or gives the adult the money to purchase the liquor he/she has picked out.
- If a group of young people enters the store you should request ID from all of them - not just those making a purchase. If one or more of the group cannot produce ID you must refuse service.

It's not possible to forecast every scenario where this may occur so it's important to exercise your judgement and if you are in doubt talk to your manager, area manager or the licensing team.

Obviously if you have to refuse service then this should be done as discreetly as possible. If you have more than one staff member at the counter you should take the customer aside and explain that you are unable to serve them, indicating the 'don't buy it for them' signage that should be displayed in your store.

Always remember to enter all refusal of service incidents including secondary supply situations in the RSA incident Register!



WOOLWORTHS LIQUOR GROUP

APPENDIX 6



IF YOU BELIEVE A CUSTOMER LOOKS UNDER THE AGE OF 25, YOU MUST ASK FOR IDENTIFICATION

The "ID 25" program was introduced to assist you in screening a wider range of people because some minors look older than they really are. It is also about educating our customers that they will be asked for identification if you think they are under 25.

OUR ID 25 POLICY IS:

If you believe a customer looks under the age of 25, you **must** ask for identification.

To help you make that assessment you **must**:

- Acknowledge and GREET the customer – this is your first chance to assess their age.
- Make prolonged EYE CONTACT with the customer - Ask yourself - Does this person look under 25?
- ENGAGE the customer in conversation and offer assistance.
- Try and make your assessment before the customer gets to the counter.
- Are they nervous? Ask yourself - Does this person look under 25?
- When the customer does approach the counter maintain EYE CONTACT. Be in the moment - focus on the customer and not on the POS. Don't be distracted by phone calls, conversations with other team members, etc.
- Ask yourself - Does this person look under 25?
- Be confident - Ask the customer for identification.

Points to look out for:

- Are they nervous - do they look like they are trying to get out of the store in a hurry?
- Are they paying with cash or cards without showing their wallet?

They can still be underage even if they don't exhibit these signs. Make the call and back your judgement.

When a customer provides you with identification you must also:

- Check the date of birth to make sure the person is 18 years of age or over
- Check the photo clearly resembles the person presenting it
- Check the identification is authentic and not fraudulent
- Check the identification is current.



REMEMBER: if a customer cannot provide you with acceptable identification to prove they are of age, you must refuse to serve them.....No ID, No Purchase.

Always remember to enter all refusal of service incidents in the RSA Incident Register.



WOOLWORTHS LIQUOR GROUP



IF YOU BELIEVE A CUSTOMER LOOKS UNDER THE AGE OF 25, YOU MUST ASK FOR IDENTIFICATION

Guideline for Disciplinary Matters regarding Responsible Service of Alcohol:

- WLG has numerous obligations to ensure and facilitate the RSA. There may be serious personal and business repercussions for non-compliance with RSA legislation and internal processes.
- This is a guideline to assist managers in applying a consistent and reasonable approach to determining appropriate penalties in response to non-compliance with WLG RSA principles.
- This guideline is not an absolute rule and managers must exercise discretion by weighing up the relevant circumstances and selecting the appropriate penalty where there have been issues of non-compliance.
 - Generally speaking, WLG may consider the following penalties:
 - First Offence:
 - May warrant a warning, training and/or first and final depending on the relevant circumstances. (Note – a warning for a breach should always confirm that a further breach may result in further disciplinary action including termination of employment)
 - Subsequent offence:
 - May warrant a further warning and/or training
 - In instances of serious contraventions or incidents of a similar nature, it may be warranted to consider termination of employment



REMEMBER: if a customer cannot provide you with acceptable identification to prove they are of age, you must refuse to serve them.....No ID, No Purchase.

Always remember to enter all refusal of service incidents in the RSA Incident Register.



WOOLWORTHS LIQUOR GROUP

APPENDIX 7



APPENDIX 8



APPENDIX 9

Woolworths Liquor Group

RESPONSIBLE BUYING CHARTER

Woolworths Limited fully acknowledges that the sale and consumption of alcoholic beverage products brings with it considerable responsibilities.

Many of these responsibilities are determined by legislation, which seeks to protect individuals and society from harm caused by excessive alcohol consumption.

While we believe that alcohol consumption is ultimately an issue of individual responsibility, as a responsible retailer of alcoholic beverages, Woolworths Limited abides by a strict buying charter which governs all aspects of our liquor operations. Our aim is to lead the industry beyond legal compliance to a position of best practice self-regulation and to ensure that our business adds value to communities rather than adding harm.

Any alcoholic or alcohol branded product (e.g. branded chocolate, chips or soft drinks) submitted for ranging by any buyer within the Woolworths Liquor Group, must first be benchmarked against the following checklist. This must be done prior to any ranging decision. The attached guidelines will help you to understand the principles of the charter and the documentation process.

If you have any doubts about whether a product is compliant, the decision should be referred to your senior business manager or the GM Woolworths Liquor.

Principle 1:	The product should not have the potential to appeal to minors.	<input type="checkbox"/>
Principle 2:	The product should not have an appearance that could potentially lead to confusion with confectionary or soft drinks	<input type="checkbox"/>
Principle 3:	The product should not have an appearance which may lead to confusion about its alcoholic nature or strength.	<input type="checkbox"/>
Principle 4:	The products should not draw any association with drug culture, narcotics or other illicit drugs or drug paraphernalia.	<input type="checkbox"/>
Principle 5:	The product should not encourage illegal or immoderate consumption such as binge drinking, drunkenness or drink-driving.	<input type="checkbox"/>
Principle 6:	The product should not suggest any association with dangerous, violent, aggressive, or anti-social behaviour.	<input type="checkbox"/>
Principle 7:	The product should not suggest that consumption can lead to social, sporting or sexual success or popularity.	<input type="checkbox"/>
Principle 8:	The product should not feature imagery or language that could be deemed offensive on cultural, religious, ethnic or gender grounds	<input type="checkbox"/>
Principle 9:	The product should not suggest that any physical or mental health benefit can be obtained by consumption.	<input type="checkbox"/>
Principle 10:	Ready to Drink (RTD) products containing more than 2 standard drinks per single serve container will not be ranged by WLG	<input type="checkbox"/>

Responsible Buying Charter: Guidelines

1.1. How to use the Buying Charter

To ensure that our purchasing and ranging decision making processes embrace and support our buying charter we benchmark every new product submission against the charter.

In principle, if you believe that the product being evaluated would constitute a major breach of any of these guidelines it should not be ranged in Woolworth's stores. However, we do appreciate that many areas can be interpreted subjectively which is why this charter is designed to guide common sense decision-making rather than serve as a definitive rulebook.

When a product is submitted for ranging you need to evaluate it against the charter. Take a close look at the branding, colours, fonts, packaging, marketing collateral and ingredients. If you have any doubts about whether a product is compliant, the decision should be referred to your senior business manager or the GM Woolworths Liquor.

The final arbiter of any decision will be the Liquor Buying Support Group.

It is important that you do not use precedents of products currently or previously ranged in order to make your decision. This charter will be applied retrospectively to all products currently ranged in our business, which may result in some products being delisted if they are deemed to breach the guidelines.

1.2. Administrative Process

It is increasingly important for us to have a clear, traceable and documented process for any decision based on ethical assumptions.

Business teams should ensure that all product submissions are checked against the charter. The Mandatory Paperwork Checklist now contains a section to certify that all liquor products meet these principles. This must be completed before forwarding new line paperwork to merchandise admin.

Any new line submissions rejected as a result of the charter need to be logged and included in the quarterly compliance report.

1.3. How the Buying Charter was developed

The Woolworths Liquor Group Responsible Buying Charter is based on best practice buying guidelines for retailers and drinks manufacturers around the world. It closely mirrors the principles set down by The Portman Group in the UK (www.portmangroup.co.uk) and has also had input from Drinkwise in Australia. Both organisations exist to promote responsible consumption of alcohol.

We consider this document to be a work in progress that will change and adapt in order to reflect ongoing best practice and public opinion. If you feel that something needs to be added or changed, please see the GM Liquor

1.4. Examples

In the following guidelines, we have taken some examples from The Portman Group to illustrate how products might breach one or more of the Charter principles. All the examples used in the checklist can be found at www.portmangroup.co.uk and were deemed to be in breach of one or more aspects of the Portman Group's code.

Whilst we have used the Portman Group as an example for reference purposes, it is an industry-wide code of conduct for the UK. Woolworths' own guidelines are purely voluntary, developed for our own liquor businesses. The benchmarking of products against other, non-Woolworths codes of conduct should not be used as a determinant in your decision making.

Principle 1:
The product should not have the potential to appeal to minors.

Considerations:

- Does it use cartoon characters?
- Does it use child-related names?
- Does the packaging feature childish fonts or design motifs?
- Does it use bright colours?
- Does it feature real or fictional people often associated with children?

Example: Zulu 42



Date: 02/08/2000

Company: Imported by Spirit 2000

Breach: Yes

Complaint Summary:

"The product does not, by means of its labelling and the shape of the container, sufficiently communicate its alcoholic nature and strength. The drink's packaging could encourage irresponsible consumption. The packaging is designed to appeal to under 18s."

Complainant: East Sussex Trading Standards

The Panel decided that the alcoholic strength and nature of the product were sufficiently clearly communicated to comply with the Code, but noted that this information could have been more clearly communicated having regard to the shape of the container. Hence, the Panel DID NOT UPHOLD the complaint under paragraph 3.1(a) of the Code.

The Panel considered that the gimmicky nature of the product's packaging and, in particular, the spray delivery mechanism could encourage irresponsible consumption. The Panel noted that there was a link between aerosols and solvent abuse, whether or not the companies who had responded to the complaint had considered that link prior to the complaint being made. For those reasons the Panel UPHELD the complaint under paragraph 3.1(f) of the Code.

The Panel considered that the comic style of the lemons with smiley faces depicted on the container contravened the Code in that they were characters which alluded to under 18s culture and were more likely to appeal to under 18s than adults. In addition, the Panel considered that the size and shape of the container were more likely to appeal to under 18s given the popularity of aerosol toiletry products with young teenagers. The bright colours used on the packaging were also more likely to appeal to under 18s than to adults. Further, the novelty of this alcoholic aerosol product was more likely to appeal to under 18s than to adults.

Finally, in considering the promotional poster featuring a display case, the Panel decided that the person depicted thereon appeared to be under 25 years of age. For those reasons, the Panel UPHELD the complaint under paragraph 3.1(h) of the Code.

Principle 2:

The product should not have an appearance that could potentially lead to confusion with confectionary or soft drinks

Considerations:

- Does it feature images of fruit or lollies?
- Does it leverage branding traditionally associated with confectionary?
- Does it use confectionary or soft drink intellectual property for packaging e.g. replicate the Coke bottle shape?

Example: Tesco Tequila Shot & Jelly Worms



Date: 13/03/2002

Company: Tesco Stores Limited

Breach: Yes

Complaint Summary:

"The product is more likely to appeal to under 18s than adults. Jelly worms are predominantly associated with children rather than adults. These are clearly visible through the packaging and could encourage underage sale and purchase in breach of Code paragraph 3.1(g)."

Complainant:

Kingston-Upon-Thames Trading Standards

The Panel considered that jelly worms were predominantly associated with children rather than adults. In the Panel's view, the jelly worms, which were clearly visible through the transparent external packaging, and the name 'Tesco Tequila shot and jelly worms', made the product more likely to appeal to under 18s than to adults and likely also to encourage underage sale and purchase. Hence, the Panel found the product in breach of Code paragraphs 3.1(g) and 3.1 (h).

The Panel considered that there was unlikely to be confusion with drinks popular with under 18s as the alcoholic nature and content of the product was clearly communicated. Hence, the Panel did not find the product in breach of Code paragraph 3.3.

Example: Wee Beastie, Big Beastie & www.weebeastie.co.uk



Date: 27/02/2006

Company: Inver House Distillers Ltd

Breach: Yes

Complaint Summary:

"We believe that Wee Beastie and Big Beastie contravene TPG code, particularly in terms of packaging and the content and style of the website. They use childish images of dancing and laughing spiders and we feel it is designed to have specific appeal to under 18s."

Complainant:

The Wine & Spirit Trade Association

The producers said that the brand had been on the market for five years without complaint and that they understood that the original brand owners had liaised with The Portman Group Advisory Service on the final design. They said that the product was never designed to appeal to under 18s and that 95% of stocks were sold only through large, responsible off-trade retailers. The producers pointed out that they had recently decided to take down the brand website due to the low number of hits it received.

The Panel firstly noted that the Advisory Service had no record of having given advice on the brand design. The Panel was concerned that the grinning spider imagery, which featured prominently on the packaging of both products and on the website, was both cartoon-like and childlike. It was also concerned that the prominent warning on the front of both products 'Strictly for over 18s ADULTS ONLY Strictly for over 18s' was likely to attract the attention of under 18s in particular and make the products attractive to them. The Panel concluded that the combination of the garish pink and yellow colours, the cartoon- style grinning spider and

the 'Adults Only' warning meant that overall, both products and the brand website were likely to have a particular appeal to under 18s in breach of Code paragraph 3.2(g).

Principle 3:

The product should not have an appearance which may lead to confusion about its alcoholic nature or strength.

Considerations:

- Is it immediately obvious that it contains alcohol?
- Does it clearly use the words, 'beer', 'wine' or relevant spirit name?
- Does it imply that it is less intoxicating than other similar products?

Example: Love Potion



Date: 30/04/2004

Company: Marks and Spencer plc

Breach: Yes

Complaint Summary:
'I believe that the term 'Love Potion' may indicate an association with sexual success.'

Complainant:
Corporation of London Trading Standards

The Panel first considered whether the alcoholic nature of the product was communicated with absolute clarity on its packaging. The Panel noted the producer's arguments that the label tied to the bottle clearly highlighted the product's alcoholic nature and that this was reinforced by references to alcohol on the display box and in-store shelf-edge tickets and by a coded till prompt that reminded staff that the customer should be aged 18 or over. The Panel considered that the heart-shaped bottle together with its pink contents strongly resembled a perfume bottle and was likely to cause confusion without clear labelling. The Panel was concerned that no information was printed on the bottle and that details of the alcoholic nature of the product were printed mainly in the inside of the information label which was loosely tied with a ribbon that could easily become detached. The Panel concluded that the alcoholic nature of the product had not been communicated with absolute clarity on the product's packaging and hence found it in breach of Code paragraph 3.1.

The Panel then considered whether the name of the product suggested an association with sexual success. The Panel noted the producer's arguments that the product, which was in a heart-shaped bottle, was sold only in the six weeks up to and including St Valentine's Day, was based on the notion of romantic love not sexual success and was promoted as a romantic Valentine's gift. The Panel noted the frequent and prominent use of the word 'love' on the tied label and display box and accepted the producer's arguments. It considered the product was clearly associated with romantic love rather than sexual success and concluded that neither the product name nor any aspect of its packaging alluded to sex or sexual success. Hence, the Panel found that the product did not breach Code paragraph 3.2(d).

Principle 4:

The products should not draw any association with drug culture, narcotics or other illicit drugs or drug paraphernalia.

Considerations:

- Does it imply a drug association through name, packaging or use of imagery?
- Does it mimic containers or shapes associated with drugs e.g. needles and syringes?
- Does it trade off drug related cultural references e.g. slang names for drugs

Example: Iganoff Cannabis-Flavoured Vodka

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Date: 19/10/2007

Company: Beveland SA, Spain (Imported by Ultimate Brands Ltd)

Breach: Yes

Complaint Summary:

This product is surely in clear breach of the code with, I feel, irresponsible and obvious illegal drug references

Complainant: Publican, Bristol

The producer maintained that the product was marketed in accordance with the law. The Panel, however, was concerned that the word "cannabis", along with a visual of what appeared to be a cannabis leaf, featured prominently on the label. The Panel considered that this caused the product to have an association with illicit drugs and therefore found the packaging in breach of 3.2(c) of the Code.

Example: Crack Ice



Date: 16/08/2002

Company: Soho Drinks Limited

Breach: Yes

Complaint Summary:

All complainants believed that the name 'Crack Ice' suggested an association with the illicit drug, crack cocaine.

In the view of two complainants, this association was reinforced by the word 'buzz' on the front label.

Complainant:

Two members of the public, London. One member of the public, Bristol.

The Panel decided that the word 'crack', taken together with the words 'buzz' and 'illicit', which appeared on the front and rear of the product, suggested an association, whether or not such an association was intended, with the illegal drug crack cocaine in contravention of Code paragraph 3.1(d).

Principle 5:

The product should not encourage illegal or immoderate consumption such as binge drinking, drunkenness or drink-driving.

Considerations:

- Does it promote itself as a 'party' drink?
- Does it reference drinking games?
- Does it trade on its intoxicating effect?
- Does it suggest that it's safer for drivers?
- Does it encourage repeat consumption?
- Is it an 'all in one go' product?

Example: Hot Shotz & Absinthe

Date: 24/06/2005



Company: Pioneer International Drinks Ltd
Breach: Yes

Complaint Summary:

"We would like to complain about the test tube drinks known as Hot Shotz:

1. The alcoholic nature should be communicated with absolute clarity. We do not believe this is the case
2. The promotional material for 'Absinthe' has a dominant theme promoting an intoxicating effect
3. The whole theme alludes to sexual success: 'Love Juice', 'G Spot', 'Sixty Niner', 'Horny Devil', 'Double Vision', 'Sex on the Beach', 'Stiff One', 'Threesome', '4 Play', 'Sticky Lips' and 'Multiple Orgasm' (should not) encourage illegal, irresponsible or immoderate consumption (3.2f) - clearly the promotional material for the 50% 'Absinthe' product alludes to this
5. The product does have an appeal to under 18s
6. The promotional material shows images of people who look under twenty-five."

Complainant: Shooters UK (Ltd)

The Panel first considered whether the alcoholic nature of the products was communicated on their packaging with absolute clarity. It noted the producer's assertion that the font size and prominence of the 'alcohol by volume' (abv) information was in line with industry standards and stated even more clearly on the point of sale material. The Panel also noted, however, that the Code did not contain set guidelines on the size and prominence of abv information because each product must be considered on its own merits. The Panel was satisfied that the alcoholic nature of the 'Absinthe' product was clearly conveyed by the '50%' references at the top of the container. The Panel was concerned, however, that the size of the abv references on the labels of the 'Hot Shotz' range was too small to be read easily and that this could cause confusion about the alcoholic nature of the product given its unusual and gimmicky test tube packaging. The Panel concluded that the alcoholic nature of the 'Hot Shotz' range was not clearly communicated on its packaging, in breach of Code paragraph 3.1.

The Panel next considered whether the promotional material for 'Absinthe', featuring a devil character holding the product, and the phrases 'These test tubes are made in HELL...', 'Don't just drink it for the hell of it!' and 'Be warned...it's the devil's work' had a dominant theme promoting an intoxicating effect. The Panel concluded that material did not have the intoxicating effect as a dominant theme and therefore did not breach Code paragraph 3.2(a).

The Panel then considered whether the flavour names in the 'Hot Shotz' range alluded to sexual success. It noted the producers' argument that the themed phraseology used in their flavour names was replicated in the names of cocktails made in bars and nightclubs nationwide. The Panel appreciated the producers' argument but reminded them that the scope of the Code did not extend to cocktails mixed in licensed premises. The Panel considered that in view of alcohol's potential to impair judgement and affect behaviour, it was undesirable to link alcohol and sexual activity in a drink's name because it might encourage and/or trivialise excessive consumption and potentially harmful attitudes and behaviour. It considered that Code paragraph 3.2(d) was designed to prevent such marketing approaches and concluded that the flavour names 'Love Juice', 'G Spot', 'Sixty Niner', 'Horny Devil', 'Sex on the Beach', 'Stiff One', 'Threesome', '4 Play', 'Sticky Lips' and 'Multiple Orgasm' contained either a direct or an indirect association with sexual success in breach of this paragraph.

The Panel then considered the 'Absinthe' promotional material under Code paragraph 3.2(f). It concluded that the material would not encourage illegal, irresponsible or immoderate

consumption and therefore was not in breach of Code paragraph 3.2(f). The Panel was concerned, however, that the 'Hot Shotz' variant 'Double Vision' could be seen as a reference to the effects of excessive consumption of alcohol and was likely to encourage irresponsible or immoderate consumption such as binge-drinking and drunkenness and was therefore in breach of paragraph 3.2(f).

The Panel next considered whether the products had a particular appeal to under 18s. The producers argued that the products were sold only in licensed premises and that cocktails were virtually without exception brightly coloured. The Panel noted that the products were sold in licensed on-trade premises and were not intended for sale through the off-trade but considered that once they had been sold to a third party the producers could not guarantee this. Furthermore, the Panel considered that even if the products were available only through the on-trade, they could still be seen by, and appeal to, under 18s. It concluded that the both the 'Hot Shotz' range and the 'Absinthe' product had a particular appeal to under 18s because of the unusual and gimmicky nature of the test tube packaging combined with the bright colours of the products which were visible through the transparent containers. It therefore found both the 'Hot Shotz' range and the 'Absinthe' product in breach of Code paragraph 3.2(g).

Finally, the Panel considered whether the promotional material showed images of people who looked under 25. It concluded that it did not and that the material was therefore not in breach of Code paragraph 3.2(h).

Principle 6:

The product should not suggest any association with dangerous, violent, aggressive, or anti-social behaviour.

Considerations:

- Does it use imagery or names associated with the military, explosives or weaponry
- Does it use cultural references associated with violence or gang culture?
- Does it encourage, either through names or language the suggestion of challenging, bravado or daring behaviour?

Example: Kalashnikov Vodka & www.kalashnikovvodka.com

Date: 21/01/2005

Company: The Kalashnikov Joint Stock Vodka Co. (1947) plc

Breach: Yes

Complaint Summary:

'Alcohol Focus Scotland would like to complain about this drink in relation to clause 3.2(b) of the Code. The brand name 'Kalashnikov' is entirely inappropriate for an alcoholic drink as the general public would immediately associate the name with the world famous weapon, the AK-47, which has become a global symbol for terror and violence.

The product's website describes the product as having 'military strength' and says the 'Kalashnikov' stirs up the same emotions for Russians as the Spitfire does for the British.'

Complainant: Alcohol Focus Scotland



The producers said that the brand name was specifically associated with the Russian General Kalashnikov who was a professional engineer and had twice been awarded the honour of

'Military Hero' in Russia. They pointed out that the image used on the product's labelling and packaging depicted him in civilian dress, not as a soldier on active service. They argued that the brand name did not associate itself with any piece of military equipment and that the automatic rifle invented by General Kalashnikov, the 'AK-47', did not appear on any part of the labelling, packaging or website.

The producers argued that there had never been any association between General Kalashnikov himself and 'terror and violence' and said that the General had consistently explained that he had invented the AK-47 for the defence of his Motherland Russia. They further argued that the rear label actively promoted friendship, goodwill and socially responsible drinking. They said that the term 'Military Strength' was used on the back label and the website in its technical sense.

The Panel considered carefully the producers' submissions, including letters from General Kalashnikov, The Russo-British Chamber of Commerce, the Moscow International Higher Business School and Michael Portillo MP. The Panel considered that the packaging and website had tried to focus on the Russian heritage of the General rather than the assault rifle that he had invented; it noted the fact that the AK-47 rifle was not depicted on either the bottle or the website. It did not object to the technical reference 'military strength' on the back of the label and which was explained on the website.

The Panel acknowledged the status of General Kalashnikov as a hero in Russia and that he desired to promote peace and friendship. The Panel considered, however, that whatever the intentions of the producers and of the General, first and foremost, UK consumers would associate the name 'Kalashnikov' with a gun and that many would associate it specifically with the assault rifle invented by the General (the 'AK-47', which the Panel noted stands for 'automatic Kalashnikov 1947'). The Panel also noted that that this view appeared to be echoed by magazine articles on the website and links to other articles about the product which also referred to the rifle and which used the name 'Kalashnikov' as well as 'AK-47' to describe it.

The Panel considered that, regardless of the cause for which they were used, guns were by nature dangerous and associated with violence even when used lawfully in combat, law enforcement or other lawful purposes. Having considered the product as whole, including its packaging and overall presentation, the Panel concluded that a name that primarily evoked an image of a contemporary gun, namely the AK-47 which was one of if not the most widely used firearm in the world, was an unacceptable choice of brand name for an alcoholic drink because it indirectly suggested an association with violent and dangerous behaviour. The Panel therefore found that the product name was in breach of paragraph 3.2(b) of the Code.

Principle 7:

The product should not suggest that consumption can lead to social, sporting or sexual success or popularity.

Considerations:

- Does it imply that consumption might improve social status?
- Does it trade off an ingredient that has an association with sexual or sporting performance?
- Does it feature sporting or sexual images?

Example: Vodka Mudshake & Vodka Twistee Shots condoms



Date: 03/12/2005

Company: Independent Distillers (UK) Ltd

Breach: Yes

Complaint Summary:

"I was in a bar recently and was given these [Vodka Mudshake & Vodka Twistee Shots branded condoms]. I feel concerned that this may encourage drunken sex."

Complainant:
Member of the public, Chesterfield

The producers said that they were responsible for the manufacture of merchandise bearing their brands but that they did not take responsibility for how that branded merchandise might subsequently be used by retailers or wholesalers. The producers felt that neither the branded condoms nor the consumption of their products in combination with the use of the branded condoms suggested that the user would achieve greater sexual success. They argued that the provision of condoms was socially responsible and that given the potentially dangerous consequences of not using the branded condoms, the benefit of providing them outweighed any perceived association with irresponsible sex.

The Panel carefully considered the producer's arguments. It acknowledged the importance of the safe sex message and supported the work of health agencies in encouraging people to use condoms in order to reduce the risk of Sexually Transmitted Infections (STIs) and unwanted pregnancies. The Panel pointed out, however, that alcohol was a potentially dangerous substance that had the potential to impair judgement, affect behaviour and contribute to unplanned sexual encounters. Because of this, the Code did not permit the use of any association with sexual success to sell an alcoholic product.

The Panel considered that Code paragraph 3.2(d) did not make exceptions for merchandise such as condoms that might be intended to promote safe sex because any perceived link between alcohol and sexual activity, safe or otherwise, might encourage and/or trivialise and potentially dangerous behaviour and attitudes to drinking and sex.

The Panel considered that the branded condoms directly associated the featured products with sexual success and therefore breached Code paragraph 3.2(d).

Principle 8:

The product should not feature imagery or language that could be deemed offensive on cultural, religious, ethnic or gender grounds

Considerations:

- Does it show images that play to a stereotyped perception?
- Does it show or use images that could be considered demeaning to women or minority groups?

No examples found

Principle 9:

The product should not suggest that any physical or mental health benefit can be obtained by consumption.

Considerations:

- Does it make claims in relation to certain ingredients?
- Does it contain stimulants?
- Does it contain herbal ingredients?
- Consider statements of fact vs. promotion of claims
- What proof is provided for any claims made?

Examples: V



Date: 27/02/2004

Company: The Magic Bru Company

Breach: Yes

Complaint Summary:

3.2(a)

The drink claims to contain a blend of Super Energy Extract and 2 shots of vodka. The alcoholic strength is used on the bottle as a key selling point.

3.2(d)

The brand name of the drink is 'SEX' which is a wholly inappropriate name for an alcoholic drink; and highly suggestive of sexual success.

3.2(i)

The drink claims to offer you energy; suggesting enhance (sic) physical capabilities.

Complainant: Alcohol Focus Scotland

The Panel first considered whether the alcoholic strength of the product was the dominant theme of its packaging. It agreed with the producers' arguments that although the product label informed consumers that it was 5% abv and contained two shots of vodka, the packaging did not make the product's alcoholic strength the dominant theme. Hence, the Panel found that the product did not breach Code paragraph 3.2(a). The Panel then considered whether the brand name suggested an association with sexual success. It noted the producers' clarification that the product was called 'V', not 'SEX V2' as the complainants believed. The Panel also noted the producers' argument that the letters SEX on the neck of the bottle were short for Super Energy Extract, a caffeine and taurine based drink that they had mixed with vodka to create 'V'.

The Panel considered that in view of alcohol's potential to impair judgement and affect behaviour, to link alcohol and sexual activity in a drink's name was undesirable because it might encourage excessive consumption as well as encourage and/or trivialise potentially harmful attitudes and behaviour. It considered that Code paragraph 3.2(d) was designed to prevent such marketing approaches. The Panel concluded that the letters SEX on the bottle neck and highlighted in the full reference on the side of the bottle suggested an association with sexual success. Hence, the Panel found the product in breach of Code paragraph 3.2(d).

Finally, the Panel noted the producers' arguments that the product did not claim that to offer consumers energy and that 'Super Energy Extract' was merely a reference to the separately branded product containing caffeine and taurine that was part of V. The Panel nevertheless considered that the word 'energy' suggested that the product could enhance the mental and/or physical capabilities of the consumer. Hence, the Panel upheld the complaint under paragraph 3.2(i) of the Code.