

REPUBLIC OF SOUTH AFRICA

LIQUOR AMENDMENT BILL

*(As introduced in the National Assembly (proposed section 76); explanatory summary of
Bill and prior notice of its introduction published in Government Gazette No. 41957
of 4 October 2018)*
(The English text is the official text of the Bill)

(Ms VN MENTE, MP)

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

BILL

To amend the Liquor Act, 2003, so as to insert certain definitions; to prohibit the advertising, promotion or product placement of liquor, in all forms of media; to prohibit the use of a manufacturer's name or any brand element to promote liquor or the consumption of liquor; to prohibit the organising, promoting of, or the making of a financial contribution to, an organised event by a registered person; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 59 of 2003, as amended by section 1 of Act 8 of 2021

1. Section 1 of the Liquor Act, 2003 (Act No. 59 of 2003), (hereinafter referred to as the “principal Act”), is hereby amended—

(a) by the insertion after the definition of “bottle” of the following definition:

“**brand element**” in relation to a brand of liquor, means the brand name, trade mark, trade name, distinguishing appearance, logo, graphics, design, slogan, symbol, motto, selling message, print, typeface, recognisable colour or pattern of colours, or any other symbol of product identification or association, that—

(a) is likely to be associated with that brand of liquor; and

(b) is designed to promote consumption of that brand of liquor;”;

(b) by the insertion after the definition of “minor” of the following definition:

“**organised activity**”—

(a) means any activity or event—

- (i) which a member of the public may attend or participate in;
- (ii) which is organised for the purpose of entertainment, sport or recreation or for educational or cultural purposes; and

(iii) where liquor, a brand element, or company name which is usually associated with liquor or a brand element, is used in the name, description or advertising of the activity or event, to promote liquor consumption; and

(b) excludes any activity or event arranged by a registered person where the only attendees are—

- (i) shareholders;

- (ii) partners;
 - (iii) stakeholders;
 - (iv) employees;
 - (v) existing business clientele upon direct and specific invitation;
 - (vi) suppliers or service providers; or
 - (vii) spouses or partners of any of the persons in subparagraphs (i) to (vi);”;
- (c) by the insertion after the definition of “private collection” of the following definitions:
- “**‘product placement’** means the depiction of, or reference to, liquor or a brand element in a broadcast programme, film, video recording, telecast, social media or other electronic medium for which the producer of, or any other person associated with, the broadcast programme, film, video recording, telecast, social media or other electronic medium, receives consideration in cash, kind or otherwise;
- ‘promotion’**, unless the context indicates otherwise, means any activity that supports the sale of liquor, or that encourages the use of liquor;”.

Amendment of section 9 of Act 59 of 2003

2. Section 9 of the principal Act is hereby amended: 20

- (a) by the substitution for the heading of the following heading:

“Advertising and sale restrictions

- (b) by the substitution for subsections (1) and (2) of the following subsections, respectively:

9. (1) A person must not advertise— 25

- (a) **[any liquor or]** methylated spirits—

- (i) in a false or misleading manner; or
- (ii) in a manner intended to target or attract minors; or

- (b) any substance that is prohibited in terms of this Act.

- (2) A person must not advertise any substance as **[liquor or]** methylated spirits if that substance is not **[liquor or]** methylated spirits **[, respectively, as defined in this Act]**. 30

- (c) by the addition of the following subsection:

(3) A person may not—

- (a) use advertisement as defined in the Liquor Products Act, 1989 (Act No. 60 of 1989), read with the necessary amendment to promote liquor or the consumption of liquor or cause a person to use advertisement for such purposes; 35

- (b) promote or effect product placement, or cause a person to use promotion or product placement, to promote liquor or the consumption of liquor; or 40

- (c) use a manufacturer’s name or any brand element through direct or indirect means to promote liquor or the consumption of liquor.

(4) A registered person may not—

- (a) organise or promote any organised activity that is to take place in whole or in part, in the Republic; 45

- (b) make any financial contribution to any organised activity that is to take place, or is taking place or has taken place in whole or in part, in the Republic.”. 50

Transitional provisions

3. Any agreement for the—

- (a) advertisement, promotion or product placement, to promote liquor or the consumption of liquor;

- (b) use of a manufacturer's name or any brand element through direct or indirect means to promote liquor or the consumption of liquor; or
- (c) organising or promoting of, or for the making of a financial contribution to, an organised activity contemplated in section 9(4),

entered into before the commencement of the Liquor Amendment Act, 2025, remains 5
valid and enforceable, is not subject to that Act and may be executed after the
commencement of that Act.

Short title and commencement

4. This Act is called the Liquor Amendment Act, 2025 and comes into operation on a 10
date determined by the President by proclamation in the *Gazette*.

MEMORANDUM ON THE OBJECTS OF THE LIQUOR AMENDMENT BILL, 2025

1. INTRODUCTION

The prevalence of increased liquor consumption and alcohol-induced dangers to society is increasing, and many communities suffer because of alcohol abuse. We live in a society where young people are socialised into accepting alcohol abuse and increased or uncontrolled liquor consumption as an integral part of their lifestyle. While not seeking to be a “nanny state”, there should be deliberate attempts by the State to counter the normalisation of alcohol and liquor usage. The Liquor Amendment Bill, 2025 (“the Bill”) seeks to provide a legislative mechanism through which the State can prevent the advertisement of liquor.

2. OBJECTS OF THE BILL

The purpose of the Bill is to amend the Liquor Act, 2003 (Act No. 59 of 2003), so as to *inter alia*, prohibit the advertisement, promotion or product placement of liquor to promote liquor or the consumption of liquor. The Bill amends the definitions section and section 9 of the Liquor Act, 2003 (Act No. 59 of 2003) (hereinafter referred to as the “principal Act”), to provide for the prohibition of advertisement, promotion or product placement of liquor.

3. CONTENTS OF THE BILL

- 3.1 Clause 1 inserts new definitions into section 1 of the principal Act.
- 3.2 Clause 2 substitutes section 9 of the principal Act. This clause now provides for the outright ban on the advertising, promotion or product placement of liquor to promote liquor or the consumption of liquor. It also prevents a manufacturer, distributor, or retail seller from organising an activity that promotes the consumption of liquor.
- 3.3 Clause 3 provides for transitional arrangements.
- 3.4 Clause 4 provides for the short title and commencement of the Bill.

4. FINANCIAL IMPLICATIONS FOR THE STATE

The Bill could result in additional costs to the State with regards to enforcement. However, this was also the case with the ban on advertising of tobacco products and costs could be limited by learning from the experience gained then.

5. DEPARTMENTS, BODIES OR PERSONS CONSULTED

The following stakeholders were consulted—

- National Economic Development and Labour Council.

6. PARLIAMENTARY PROCEDURE

- 6.1 The Member proposes that the Bill must be dealt with in accordance with the procedure established by section 76 of the Constitution as its provisions in a substantial measure falls within a Schedule 4 competency, namely “trade” and “consumer protection”.
- 6.2 The Member proposes that the Bill must not be referred to the National House of Traditional and Khoi-San Leaders in terms of section 39(1)(a) of the Traditional and Khoi-San Leadership Act, 2019 (Act No. 3 of 2019), as it does not contain provisions directly affecting traditional or Khoi-San communities or may contain provisions pertaining to customary law or customs of traditional or Khoi-San communities.

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