



COMMERCIAL WHITE PAPER

- 1. CONSTITUTION**
- 2. CODE OF COMMERCIAL CONDUCT & COMMUNICATION**
- 3. COMPLAINTS HANDLING PROCEDURE**

INTERPRETATION:

The Constitution as set out in this document will simultaneously represent the Articles of Association or vis-a-versa of the Self-Regulating Alcohol Industry Forum abbreviated and hereinafter referred to as SAIF.

Whenever the word “person” or “persons” occurs in this document it shall include persons, firms or companies.

The words he/she; him/her etc. make no particular reference to any gender.

PREAMBLE

The Self-Regulating Alcohol Industry Forum (SAIF) has been established by the major producers and distributors of alcoholic beverages in Namibia, in order to co-ordinate and direct activities which counter and reduce the abuse of their products.

The members believe that a healthy alcohol industry is dependent on a healthy society. Alcohol, used responsibly, can make a positive contribution to the quality of life of those who choose to use it. Alcohol can harm those who abuse it, and can result in undesirable consequences for society.

SAIF aims to make a substantial contribution to the development of responsible norms in society with the provision of preventative and educational programmes that can improve the average consumer's decision-making skills.

The great majority of people globally including Namibia, who drink alcohol beverages, do so moderately without damaging consequences. SAIF aims to ensure that this trend is encouraged.

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1 CONSTITUTION

1.1 Name

The name shall be **Self-Regulating Alcohol Industry Forum**, abbreviated as **SAIF**, representing a voluntary membership organization established countrywide for the prevention of the negative consequences of alcohol abuse.

1.2 Purpose

SAIF intends to change the reputation of alcohol in society by promoting responsible conduct in the Alcohol Industry.

1.2.1 Mission

The SAIF **Mission** is to reduce alcohol-related harm through combating the misuse and abuse of alcohol beverages and promoting only their responsible use.

The primary targets for its interventions are young people and adults who are vulnerable and most at risk of suffering the negative consequences of alcohol abuse and misuse. Other self-regulatory measures are a ban on any claims of beneficial effects, a bold statement on all advertising that products are not for sale to persons under the age of 18 years and general principles guiding advertisements.

Most of its interventions are in partnership with other stakeholders who share similar objectives. SAIF retains strong links with the government of the Republic of Namibia, Non Governmental Organizations and International Organizations working in the same field. SAIF collaborates closely with the International Centre on Alcohol Policies (ICAP) and other international organisations, through its links with Brandhouse, Diageo, SABMiller, ARA and Distell.

1.2.2 Aims and Objectives

The overall objects of SAIF shall be to promote the self-regulation of the alcohol industry within the production and marketing of alcoholic beverage products, and to minimise alcohol abuse by advocating responsible consumption.

In regard thereto without in any way limiting the generality of the above objects, SAIF shall have the following special objects:-

1.2.3 Interest Representation

To defend and promote the interest related to its scope and mandate of all its members and interested parties, in particular:

- i) To promote and foster the responsible use of alcohol in the mutual interest of all members or parties engaged in related activities.
- ii) To promote, support or make representation in relation to legislative or other measures affecting the interest of members by appropriately representing the common interests of its members in interactions with Government and relevant stakeholders.
- iii) To arrange, hold and/or participate in local and international symposia, lectures and advertising campaigns, at such places as may be advisable with a view to promote the responsible use of alcohol.
- iv) To formulate voluntary codes of conduct and encourage member companies to adopt policies guiding responsible conduct in all their marketing and communication activities and enhance the freedom of its members to market alcoholic beverages in a spirit of self-regulation as opposed to legislation.

1.2.4 Services

To create awareness throughout the Alcohol Industry sector and the community at large of the existence, purpose of, and services available from SAIF and in particular:

- i) To inform all members on social, political, technological and economic matters of interest as it relates to the scope and mandate of SAIF.
- ii) To collect, classify and disseminate statistical and other information of relevance and interest to the responsible use of alcohol.
- iii) To facilitate the gathering and exchange of information and the debating of issues relating to the use and abuse of alcoholic beverages.
- iv) To undertake research in order to enable SAIF to formulate appropriate strategies for resolving perceived challenges.
- v) To provide SAIF members with an advisory service such as they may require within the scope of the mandate of SAIF.
- vi) To organize and run training courses and seminars for the benefit of its members and other stakeholder groups.
- vii) To produce and distribute, relative information to its members and the community at large so as to keep stakeholders aware of current conditions and impending legislation.

1.2.4.1 Networking and Partnership

To establish and maintain global networks and partnerships with private sector, public sector nongovernmental organisations, and in particular:

- i) To establish and maintain contacts with various institutions, with similar objectives, throughout the world in an endeavour to cooperate with them, and derive benefits from such cooperation.
- ii) To promote 'Smart Partnership' concepts as a means to maximise development efforts, avoid overlap and duplication and make maximum use of resources, and in particular promote the cooperation between Government and the Private Sector.

1.2.4.2 Complaints Handling

An independent Complaints Committee per complaint will be instituted by the SAIF Management Committee, where the Chairperson will be appointed by the SAIF Management Committee and all other members will be appointed by the Complaints Committee Chairperson with the approval of the Management Committee. The Complaints Committee will be subject to the rules and regulations as set out in the Complaints Handling Procedure set out in this document.

1.2.4.3 Development

To actively promote and support the development of responsible alcohol use, and in particular:

- i) To promote responsible conduct in the Shebeen sector so that implications for the liquor trade, resulting from negative reports and perceptions about this sector, are minimized.
- ii) To actively promote and participate in national efforts and strategies to overcome the misuse and abuse of Alcohol, such as under age drinking and drinking and driving campaigns.
- iii) To fund or enable members to run jointly funded projects in research, education, advertising and publicity. Such projects seek to understand and focus on patterns of drinking, and to promote education and self-regulation, as the best policy approach to the minimization of alcohol abuse related problems in society.

1.3 PROFILE

1.3.1 Organisation

SAIF shall have representation located at a place determined by its Management Committee (referred to as MC) as they deem fit. The function of SAIF shall be performed and its business shall be managed by the Management Committee which may exercise all the powers of SAIF not expressly reserved by its Constitution for the Annual General Meeting (AGM). The Management Committee shall appoint (a) staff member(s), full time or part time, to facilitate the business and affairs of SAIF.

1.3.2 Membership

SAIF is a voluntary member association comprising of major manufacturers, distributors and retailers of alcohol beverages in Namibia. SAIF membership is open to any organization interested in achieving its mission (upon approval by the MC).

The founding members are:

- Namibia Breweries Limited (NBL)
- Distell Namibia LTD (Distell)
- Commercial Investment Corporation (PTY) Ltd (CIC)
- SMC Brands Namibia (PTY) Ltd (SMC)
- Castle Brewing Namibia (PTY) Ltd (CBN)
- The House of Wines (HoW)
- United Liquor Agencies (ULA)

SAIF membership shall consist at a minimum of; and will be subject to; the following principles:

- i) Founding Members
- ii) Associate Members
- iii) Such other persons who are elected as members with the approval of the Management Committee.
- iv) It is expressly provided that full power is vested in the Management Committee to elect or refuse to elect any person as a member on reasonable grounds which must be disclosed to that person.
- v) Subject to (iv) above, membership of SAIF will be open to any organization interested in achieving the SAIF objects and who is duly constituted in terms of the laws of Namibia.
- vi) Each Member shall be represented at General Meetings by one authorised representative.
- vii) Immediately upon the approval of a Member, notice thereof shall be given to him, and he shall be furnished with a copy of the Constitution and Codes and a request to remit to the Chairperson within twenty one (21) days from the date of such request, an undertaking to be bound by the Codes of SAIF.
- viii) Upon receipt of this undertaking he shall become a member of SAIF and be bound by its Codes. If such undertaking is not furnished within twenty one (21) days from the date of such request as aforesaid, the election of such member shall be void, unless that Member shall satisfy the Management Committee that the delay in furnishing such undertaking was due to absence or other sufficient cause.

1.3.2.1 Membership Fees

- i) Membership Fees shall be paid by the following membership categories:
 - National (NBL)
 - Corporate (Distell; CBN)
 - Small (CIC; HOW; ULA; SMC)

- ii) Membership fees of Members shall be on a sliding scale, adopted annually at the Annual General Meeting.
- iii) All annual fees shall be due and payable to the SAIF within 30 (thirty) days after acceptance or renewal date of membership.
- iv) Payment of the annual fees will be a condition of membership and failure to pay such fees within 30 (thirty) days of due date, will deprive a member of his right to vote at any meeting and
- v) Failure to pay annual fees within 90 (ninety) days of due date will result in the member losing its membership.
- vi) Membership fees can be paid monthly on approval of the Management Committee

1.3.2.2 Membership Termination

Termination of membership may occur in the following manner:

- i) By declaration of a member to terminate membership which shall be in writing to the Chairperson of the Management Committee of SAIF.
- ii) Through failure to pay the membership fees.
- iii) Expulsion from membership of SAIF may be done by the Management Committee if such member is found to wilfully having brought the SAIF into disrepute.
- iv) In case of iii) above the Management Committee will adopt the same procedure as for the complaints handling procedure of SAIF with the Management Committee Chairperson acting as Chairperson and at least three Management Committee members being part of the expulsion committee.

1.3.3 Management Committee

The SAIF Management Committee is the highest policy and decision-making body of SAIF.

- i) The Management Committee shall consist at a minimum of one nominated representative of the founding members:
 - (a) Namibia Breweries Limited (NBL)
 - (b) Distell Namibia LTD (Distell)
 - (c) Commercial Investment Corporation (PTY) LTD (CIC)
 - (d) SMC Brands Namibia (PTY) Ltd (SMC)
 - (e) Castle Brewing Namibia (PTY) LTD
 - (f) The House of Wines (HoW)
 - (g) United Liquor Agencies (ULA)
- ii) The Management Committee shall elect a Chairperson who need not be a member of SAIF. In the case of a Chairperson not being a member of SAIF the members must agree to such an appointment.
- iii) The Management Committee shall elect a Vice-Chairperson, Treasurer and Secretary from its members at the end of the first meeting subsequently to their appointment at the Annual General Meeting.

- iv) The Chairperson; Vice-Chairperson, Treasurer and Secretary, will be known as the ‘Office Bearers’ of SAIF.
- v) The Management Committee shall appoint a Chairperson for the Complaints Committee. This Chairperson shall not be a person directly associated with the distribution or production of alcoholic beverages in Namibia.
- vi) The Management Committee shall approve nominations for additional members of the Complaints Committee done by the Complaints Committee Chairperson.
- vii) The Management Committee shall have the SAIF books of account audited annually by an auditor appointed by the general meeting. Such accounts will be subject to approval by the Annual General Meeting.
- viii) All property, whether movable or immovable and of whatsoever nature or kind of SAIF, shall vest with the Management Committee, subject to the provisions of this Constitution.
- ix) Any vacancy occurring within the Management Committee at any time for any reason shall be filled through the appointment of a new delegate from the relevant organization represented by the previous delegate who caused such vacancy to occur.
- x) The Chairperson, in consultation with the Management Committee may bestow permanent and/or temporary guest status to any individual, organisation, association, government authority and NGO.
- xi) Guests have no voting rights and do not have to pay fees or subscriptions.
- xii) All founding member representatives and Additional Members shall be appointed for a two-year term.
- xiii) Office Bearers may only be elected for three, two year terms of office in the same positions.
- xiv) Management Committee members may be re-appointed for any number of two year terms.
- xv) The Office Bearers may be appointed as normal Management Committee members for as many terms as they are available.

1.3.3.1 Powers of the Management Committee

The Management Committee:

- i) shall have the power to appoint, from time to time, sub-committees or individuals as it may deem desirable to deal with particular matters as it may specially delegate to any such Sub-Committees or individuals;
- ii) may frame such regulations for the conduct of its affairs or for that of any Sub-Committee appointed by it as may be necessary;
- iii) shall be entitled to utilise the funds of SAIF for the purpose of carrying out the objectives of SAIF and/or for any of the purposes of SAIF;
- iv) shall, for the purpose of carrying out and achieving the SAIF objectives, have all such powers as are necessary for the proper attainment thereof;
- v) shall have the power to employ staff and/or to appoint officials and officers including attorneys as may be necessary or desirable;
- vi) will represent SAIF at any authority, person or body on matters of general policy affecting its members and objects;

- vii) will provide by means of Codes of Conduct a standard of conduct to be observed by its members and to make the necessary provisions to ensure its observance;
- viii) may open bank accounts with registered banks and to invest funds with any registered financial institution as they deem fit;
- ix) will invest or deposit any moneys not immediately required for any of its objects in such a manner as may from time to time be determined, provided that the interest, increment or profit deriving from such investment shall be applied to the furtherance of its objectives;
- x) will pay all rates and taxes and other expenses by SAIF;
- xi) will administer donations subject to the terms and conditions laid down by donors or testators, provided that such conditions are not inconsistent with the terms and objectives of the SAIF;
- xvi) will fix, collect from and enforce the payment by members of subscriptions, annual or otherwise;
- xvii) members will consider appropriate discipline to be applied to any SAIF members who by undesirable actions bring disfavour upon the SAIF. If a member is found to be a discredit to the community, the member will be dropped from the members roll;
- xviii) will supervise the general administration of the affairs of the SAIF;
- xix) will implement / execute the decisions taken by the members;

1.3.3.2 Management Committee Chairperson

The Management Committee Chairperson shall represent SAIF and use his/her best endeavour to further the influence and standing of the SAIF.

The Chairperson in his/her absence shall be deputised by the Vice Chairperson or in his/her absence by the Treasurer.

The duties of the Chairperson shall be:

- i) to preside over all General Meetings of members and all Management Committee meetings and be responsible for the conduct of business at such meetings;
- ii) to put any motion or resolution from members to the vote and declare the result;
- iii) to submit to the Annual General Meetings, his/her chairperson report on the work of the SAIF during the preceding financial year;
- iv) to constitute the appointment of the Management Committee at the AGM;
- v) to select and appoint the Chairpersons of Special Committees;

1.3.4 Special Committees

Special Committees are instruments of the Management Committee, through which the opportunity is provided for members and in special cases, non members to enhance the policy and direction of the SAIF on matters which affect the functioning of SAIF.

No resolution of any Special Committee likely to affect or to diverge from the general policies of SAIF shall be binding upon the latter unless confirmed by the members at a Management Committee Meeting.

1.3.4.1 Constituting and dissolving a Committee

- i) The Management Committee and General Meetings may appoint Special Committees as they may deem necessary.
- ii) Special Committees may be set up for a specified period of time, will be guided by "Terms of Reference" and, report directly to the Management Committee before taking any action on the issue at hand.
- iii) The Management Committee and/or General Meeting may, by resolution of the members dissolve or (in such manner as they may think fit) reconstitute any Special Committee.
- iv) The Management Committee and/or General Meeting may appoint on such Committees any person or persons, whether members of SAIF or not, whom they may think desirable, with full power to speak.
- v) No person, whether a member of SAIF or not, shall be appointed on more than two Special Committees.
- vi) The Chairpersons of Special Committees are selected and appointed by the Management Committee.
- vii) The Chairperson of a Special Committee will automatically be co-opted as a member of the Management Committee without voting right, if he/she is not already a Management Committee member, and will report on his/her Committee to the Management Committee
- viii) The Chairperson of a Special Committee may bring any matter related to his/her sector of activity to the special attention of the Management Committee at any scheduled meeting.

1.3.5 Meetings

A set of standard rules apply to all meetings conducted under the banner of SAIF whether it is a Management Committee Meeting, Special Committee Meeting or General Meeting.

- i) No member shall be entitled to vote at any meeting unless all moneys, fees, and/or subscriptions presently payable by him/her to SAIF have been paid.
- ii) Every member shall have one vote.
- iii) At any meeting a resolution put to the meeting shall be decided on a show of hands.
- iv) A declaration by the Chairperson that a resolution has on a show of hands been carried or lost and an entry to that effect in the minutes of proceedings of SAIF shall be conclusive evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against such resolution.
- v) In the cases of equality of votes, the Chairperson of the meeting shall be entitled to a second or casting vote.
- vi) A meeting quorum shall be 25% of those entitled to attend such a meeting.

- vii) If within thirty (30) minutes from the time appointed for the meeting a quorum is not present, the meeting shall stand adjourned to the same day in the next week, at the same time and place, or, if that day be a Public Holiday, to the next succeeding working day.
- viii) If at such adjourned meeting a quorum is not present within thirty (30) minutes from the time appointed for the meeting, the number of members present at such meeting shall be a quorum.
- ix) Meeting participants shall exercise reasonable endeavours to reach consensus on all issues, and shall only vote on issues when such consensus cannot be reached.
- x) The Minutes of Proceedings of all meetings shall be signed by the Chairperson, or, in his/her absence by the acting Chairperson, and one additional member present at the meeting.
- xi) A copy of such Minutes duly signed shall be distributed to all members as conclusive evidence of all the matters therein contained.
- xii) The Minutes of Proceedings of Meetings shall be confirmed at the next subsequent meeting.
- xiii) The Chairperson may, with the consent of any meeting at which a quorum is present, adjourn the meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.
- xiv) When a meeting is adjourned for thirty days or more, notice of the adjourned meeting shall be given as in the case of an original meeting. Save as aforesaid it shall not be necessary to give any notice of an adjournment or of the business to be transacted at an adjourned meeting.

1.3.5.1 Specific Rules for Management and Special Committee Meetings

- i) The Management Committee shall meet at a minimum four times per annum not less than every third month.
- ii) The appointed members shall hold office up to the conclusion of the Annual General Meeting at which time they shall retire or keep their seat if they have been re-appointed.
- iii) Management Committee members agree to attend all official meetings when properly announced or give reason why they cannot attend at least 48 hours before the meeting is to convene.
- iv) If any member is absent without apology for three consecutive meetings it will be taken as an automatic resignation. The person's name will be removed from the roll and the name of his replacement will be requested of the respective organization.
- v) If no replacement name is forthcoming by the next meeting, the seat will be filled by popular vote at that meeting and the selection of the replacement will be limited to be from the organization previously represented.

1.3.5.2 Specific Rules for General Meetings

- i) All business transacted at general meetings including the annual general meeting shall be deemed special, with the exception of:
 - the consideration of the accounts, balance sheets,
 - the reports of the Chairperson and auditors,
 - the appointment of Management Committee members
 - the appointment of auditors.
- ii) General Meetings shall be held not less than twice a year whereof at least one shall be the Annual General Meeting held within six months after the previous financial year end. The second general meeting shall be held during the next six months and shall approve among others the budget and work plan for the ensuing year.
- iii) General meetings shall be convened at any time by the Chairperson of the Management Committee on instructions of the Management Committee.
- iv) The Chairperson of the Management Committee shall convene a general meeting upon receipt of a written request to that effect, from at least one-third of the total number of members and the meeting shall be held within twenty one (21) days of such request.
- v) Any motion presented by members may be discussed at a General Meeting or an Annual General Meeting. The text of all motions shall be addressed, by Post, E-Mail or Fax with proof of receipt, to the Chairperson of the Management Committee at least ten (10) days before the date fixed for the General Meeting.
- vi) The Management Committee may submit at any General Meeting a resolution which may legally be proposed and debated at the said meeting, provided that the text of the proposed resolution shall be delivered in writing to the Chairperson three normal working days before the meeting.
- vii) A notice or agenda that states the business to be considered at a General Meeting will be circulated to each member a minimum of two weeks before the meeting will take place.
- viii) Additional General Meetings of SAIF shall be held when required by the Management Committee.
- ix) All notices sent to the last known address of a Members' office shall be deemed to have been duly served and delivered.

1.3.5.3 Specific Rules for Annual General Meeting

- i) Annual General Meetings of the SAIF shall be held every year not later than six months after the end of the financial year on such date and at such time as the Management Committee may decide.
- ii) The agenda of an Annual General Meeting shall specify matters required in terms of the Companies Act.
- iii) The minimum matters to be considered will include:
 - a) the approval of the duly audited annual financial statements of SAIF prepared in conformity with generally accepted accounting principles
 - b) the Chairperson and Auditors report
 - c) the appointment of the members of the Management Committee
 - d) the appointment of Auditors

1.4 SAIF Offices

For the purpose of conducting the business and administration of the SAIF, the Management Committee shall set up SAIF Offices or representation, as decided from time to time at any General Meeting.

1.5 Funds

The income and property of SAIF from wherever derived shall be applied solely towards the promotion of its main objects and no portion thereof shall be paid or transferred, directly or indirectly, by way of dividend, bonus or otherwise howsoever, to the members of SAIF; provided that nothing herein contained shall prevent the payment in good faith of reasonable remuneration to any Officer of the SAIF or to any member thereof in return for any services actually rendered to the SAIF.

1.5.1.1 Funding of Projects

While funds raised through members contributions will be used to fund projects, the MC may by unanimous decision only agree to fund additional projects through raising additional funding from the members. Such additional projects approved by the members and implemented by the Management Committee will be funded in the following proportions:

Namibia Breweries Limited (NBL)	-	20 %
Distell Namibia LTD (Distell)	-	20 %
Castle Brewing Namibia (PTY) LTD	-	20 %
Commercial Investment Corporation (PTY) LTD (CIC)	-	10 %
SMC Brands Namibia (PTY) Ltd (SMC)	-	10 %
The House of Wines (HoW)	-	10%
United Liquor Agencies	-	10%

1.6 Powers of SAIF

SAIF shall have the right and power to do all such other things in furtherance of its objects as may be determined by the Members in a General Meeting. SAIF has no power to distribute any of its profits or gains to any of its members. Its funds are to be utilized solely for the furtherance of the objectives for which it was established.

SAIF shall further have the powers:

- i) To purchase, alienate and sell movable and immovable property of whatsoever description and where so-ever situate;
- ii) To expend the SAIF's funds on maintenance, construction, improvement, alteration or demolition of buildings on land belonging to SAIF.
- iii) To borrow money and if necessary mortgage the immovable property or pledge the leasehold or movable property of the SAIF as security thereof;
- iv) To let and hire property;
- v) To allow any person to occupy any building belonging to SAIF free of charge or at a rental;
- vi) To appoint an agent or agents to represent SAIF;
- vii) To take action in a Court of Law or to compel fulfilment of obligations in its favour, and also to defend any proceedings that may be instituted against SAIF;
- viii) To accept and receive donations from any person or body corporate and to work for and obtain sufficient capital for the purpose of carrying out and promoting the objects and aims of SAIF.

1.7 Indemnity

Every member of SAIF shall be and is hereby indemnified by SAIF out of its funds against costs, charges, expenses, losses and liabilities incurred by him/her in the conduct of SAIF's business or in the discharge of his/her duties, and no such person shall be liable for the acts or omissions of any other such person by reason of his/her having joined in any receipt of money not received by him/her personally, or for the loss on account of defect in title to any property acquired by the SAIF or on account of the insufficiency of any security in or upon which any moneys of the SAIF shall be invested, or for any loss incurred upon any ground whatever other than his/her own wilful acts or defaults or gross negligence.

1.8 Financial Obligations

1.8.1 Financial Year

The financial year of the SAIF shall commence on the first day of April and shall terminate on the last day of March the next year.

The Chairperson of the Management Committee shall present duly audited financial statements and reports at the Annual General Meetings

1.8.2 Execution of Documents and signing of Cheques

All deeds, instruments, contracts and other documents as well as cheques drawn on any bank or banking account, and all negotiable and transferable instruments, postal orders and Government payable orders drawn or endorsed in the name of SAIF shall

be deemed to be duly executed by or on behalf of the SAIF if signed by the Chairperson, and an additional signature of the Vice Chairperson, Secretary or Treasurer.

All accounts and fixed deposits opened and operated in the name of SAIF shall be dealt with in the same manner.

1.9 Amendments to the Constitution

This Constitution may be amended at an Annual General Meeting, provided that at least two-thirds ($2/3$) of the members present at the meeting vote in favour of such amendment. Any proposed amendments shall be in writing and circulated to all members at least 3 weeks (21 days) before the meeting.

1.10 Dissolution

In the event of a four fifth ($4/5$) majority of the members voting at a General Meeting against the continued existence of SAIF, the SAIF shall be dissolved.

A Special Committee shall be elected by the members at such a meeting to wind up all the affairs of SAIF.

In the event of dissolution all remaining assets of SAIF, after the payment of all debts and liabilities, shall be donated to an organisation with purposes and objectives substantially the same as SAIF.

2 CODE OF COMMERCIAL COMMUNICATION & CONDUCT

2.1 Introduction

This Code represents a firm commitment by the members of the Self-Regulating Alcohol Industry Forum (SAIF) to high standards in all of their commercial communication activities. These activities include advertising, packaging, merchandising, consumer promotions and point of sale information. The Code incorporates mechanisms to deal effectively with transgressions. Members' commitment to the Code is meant to ensure that their aforementioned activities are, at all times, responsible, legal, decent, honest and truthful.

SAIF's approach to alcohol use and abuse is informed by evidence which demonstrates that alcoholic beverages, consumed responsibly, can make a positive contribution to the quality of life of those who choose to use it. There is also a growing body of scientific evidence to show that responsible consumption by those not at risk is compatible with a balanced and healthy lifestyle. At the same time, it cannot be denied that excessive or irresponsible consumption of alcohol may result in negative personal, social or health consequences.

While SAIF believes that advertising does not impact on overall consumption or misuse of alcoholic beverages, and is supported by international research in this regard, the association deems it necessary to follow a strict self-regulatory code:

Because its members wish to make absolutely clear that they do not encourage irresponsible drinking.

Adherence to the Code and compliance system is also a way to reassure society of SAIF members' objective – to responsibly market their products only to adult consumers not at risk, who have chosen to consume alcohol beverages. Effective self-regulation is essential to SAIF's partnership with government and to maintaining public's trust of the Namibian Nation at large.

2.2 Object of the Code

The object of the Code is to provide guidance for commercial communication on alcoholic beverages, and related activity, free of suggestion or encouragement for excessive or inappropriate consumption. As such, it is in addition to all regulatory requirements that already exist in Namibia. Commercial communication includes advertising in all media (including all digital channels), packaging, promotions, merchandising and sponsorship.

2.3 Basic Rules

Commercial communication must:

- i) be legal, decent, honest and truthful and conform to accepted principles of fair competition and good business practice
- ii) be prepared with a due sense of social responsibility
- iii) demonstrate sensitivity in regard to issues of culture, gender, race and religion
- iv) not be unethical or otherwise impugn human dignity or integrity
- v) not employ themes, images, symbols or figures which are likely to be considered offensive, derogatory or demeaning
- vi) comply with all regulatory requirements

Commercial communication may not:

- i) feature or encourage irresponsible, risky or excessive drinking.
- ii) present abstinence or moderate consumption in a negative light.
- iii) be directed at persons under the age of 18 years, and no one associated with the act of drinking in commercial communication may be younger than 25. Persons under the age of 18 may be depicted where it would be usual for them to appear, e.g. in family scenes or in background crowds, but it may not, in any way, be suggested that they have or are about to consume alcohol beverages.
- iv) employ images or icons that have unique appeal to children.
- v) imply that alcohol beverage consumption is essential to business and/or social success or acceptance or that refusal to consume is a sign of weakness.
- vi) be suggestive of sexual indulgence or permissiveness, portray nudity or present an improper portrayal of near nudity, present any situation derogatory to the virtue of either sex or claim or suggest that alcohol beverages can contribute directly to sexual success or seduction.
- vii) induce people in an improper manner to prefer a drink because of its higher alcohol content or intoxicating effect. Factual information on alcohol strength may be included for the guidance of consumers.
- viii) claim that alcohol has curative qualities, or offer it as a performance enhancer, stimulant, sedative or tranquilliser.
- ix) suggest the consumption of alcohol beverages under circumstances that are generally regarded as irresponsible, inadvisable, improper or illegal, e.g. preceding or during any operation requiring sobriety, skill or precision.
- x) depict or include pregnant women.
- xi) suggest any association with aggressive, violent or anti-social imagery or behaviour, illicit drugs or drug culture.

2.4 Section Specific Additional Rules

2.4.1 Promotions

- i) Events and competitions directed primarily at persons under the age of 18 may not be linked to any alcohol beverage brand or product through sponsorship. It should be stated specifically that persons under the age of 18 are ineligible to participate in events and competitions aimed at promoting a brand or product.
- ii) Product launches and promotions may not include activities which encourage excessive or irresponsible consumption such as “boat races” or “down-downs”.
- iii) Consumers who attend promotions must be encouraged to assume personal responsibility for their decision to drink or not to drink.
- iv) Extended promotions and tastings may not be confined to the consumption of alcohol beverages alone. Appropriate snacks or meals should be available.
- v) On-campus promotions will be arranged in a manner which meets with the approval of the university authorities and care must be taken to prevent serving alcohol beverages to under-age consumers.
- vi) Members may not run promotions which encourage increased consumption over a limited period of time, such as “two for the price of one” promotions. Price, however, may be used in on-premise promotional activity provided that it is directly linked to the trial of a specific brand or product.
- vii) During life promotions consumers must be reminded at least every thirty minutes of the negatives associated with irresponsible alcohol consumption, such as; Don’t drink and drive; Appoint a dedicated driver; Not for sale for persons under the age of 18; etc.

2.4.2 Packaging

- i) In order to promote the responsible use of alcohol beverages, packaging of the highest practical quality that leaves absolutely no doubt as to the fact that the product contains alcohol, must be used.
- ii) Packaging which improves the convenience of storage, transport and serving is acceptable, provided that it does not encourage the impression that alcohol is a bulk commodity.
- iii) Labels, which tend to degrade alcohol beverages by using colloquial names such as dop, booze, kaalgat, tombo and grog may not be used.
- iv) The alcohol strength of a product may not be used as the principal subject of a label. Legislation requires that the alcohol strength be provided for the guidance of the consumer.
- v) Labels may not convey sexual innuendo.
- vi) The packaging of alcohol beverages may not be directed at persons under the age of 18 and may not have unique appeal to children.

2.4.3 Media

Regardless of any regulations which may already be applied by media owners, SAIF members subscribe to the following:

- i) Advertisements may not be transmitted in the commercial breaks immediately before, during or immediately after children's programmes on television or radio.
- ii) Advertisements will not be placed in any medium aimed specifically at children.

2.4.3.1 Television

In addition to i) and ii) above, the following rules apply to advertisements in the television medium.

- i) Programmes with a verifiable 30% or more viewership of persons under the age of 18 may not contain alcohol beverage advertisements. (the so-called 70/30 rule)
- ii) Alcohol beverage advertisements may not be broadcasted between 14h00 and 17h00 on Monday to Friday.
- iii) Alcohol beverage advertisements may not be broadcasted before 12h00 on Saturday and Sunday.
- iv) In the case of sporting events where the main sponsor is an alcohol beverage company, the 70/30 rule outlined in I above will still apply for the broadcasting of alcohol beverage advertisements.
- v) All alcohol beverage advertisements on television will contain the message: "Not for sale to persons under the age of 18". The minimum specifications for this message are:
 - (a) The message must be at a minimum 10% of the screen image
 - (b) The message to run between 3 – 5 seconds at the end of the advertisement
 - (c) The message must be visible and legible and placed at the bottom of the advertisement
 - (d) The colour of the message should contrast with the screen image and be a mix of upper and lower case.

2.4.3.2 Radio

In addition to i) and ii) above, the following rules apply to advertisements in the radio medium.

- i) As the current measurement of listenership only profiles an audience of 16 years and above, SAIF will assume that such a profile serves as a proxy for those under 16 years of age.
- ii) For liquor advertisements on radio, the 70/30 rule will apply for audiences of 20 years and above, and an 80/20 rule would be applied in the case of audiences between 16 years and 20.

- iii) No liquor advertisements will be broadcast before 08h00 and between 14h00 and 17h00 Mondays to Fridays and before 12h00 on weekends.
- iv) In addition to the rules above, airings must take into account the programme's appeal to youth based on verifiable profile data, the programme presenter's profile and the profile of the audience call-ins.
- v) All advertisements on radio will contain the message: "Not for sale to persons under the age of 18". The minimum specifications for this message are:
 - vi) The message to be 3 – 5 seconds at the end of the advertisement
 - vii) The message can either be separate or part of the creative execution as long as the creative execution does not detract from the message
 - viii) The voice for the message should preferably be different from that employed in the advertisement
 - ix) The message should be translated into the vernacular where relevant.

2.4.3.3 Cinema

In addition to i) and ii) above, the following rules apply to advertisements in the cinema medium.

- i) The 70/30 rule will apply and SAIF members will ensure that compliance with this rule is achieved through contractual arrangements between members and cinema owners.
- ii) Cinema advertisement selling companies will be required to submit film titles to SAIF with a qualitative assessment of the audience profile in terms of the 70/30 rule.
- iii) All alcohol beverage advertisements in the cinema will contain the message: "Not for sale to persons under the age of 18". The minimum specifications for this message are the same as for Television

2.4.3.4 Print

In addition to i) and ii) above, the following rules apply to advertisements in the print medium.

- i) The 70/30 rule will apply.
- ii) The proxy for the age profile will be the same as used for the radio medium.
- iii) All advertisements in print will contain the message:

"Not for sale to persons under the age of 18".

The specifications for this message are:

- The message line must be centred at the bottom of the advertisement and placed horizontally (not right or left justified or vertical)
- The message line must be in a block covering at least 10% of the advertisement with a White Background written in Arial Bold Black or

a Black Background written in Arial Bold White thus the writing must always be in contrast with the background so that it is clearly visible

- A combination of upper and lower case to be used
- For A4 print advertisements, the font and size must be Arial bold black 11 on a white background or Arial bold white on a black background.
- For A5 and A6 print advertisements, the font and size must be Arial bold black 9.
- For all other advertisements in print the size must be proportionally increased or decreased as the case demands

2.4.3.5 Outdoor

As viewership age profiles are not available for this medium, the following rules will apply to achieve the objectives of SAIF commercial communication rules.

- i) No billboards advertising an alcohol beverage brand or product will be placed within 200 meters of schools, community centres and churches.
- ii) In the case of building wraps and billboards larger than Super 96 size, no alcohol beverage advertisement will be placed within 500 meters of schools, community centres and churches.
- iii) All alcohol beverage advertisements in the outdoor media will contain the message:

“Not for sale to persons under the age of 18”.

The minimum specifications for this message are:

- For landscape sites – 12% of 96 sheet (3m x 12m) or larger billboard space should carry the message, and 6% of 48 sheet (3m x 6m) and 16 sheet (1,5m x 1,5m) or smaller should carry the message
- For portrait billboards – 8% of 6 x 9m or 9 x 6 m billboard space should carry the message, and 6% of any portrait size smaller than 6 x 9 should carry the message e.g. street poles
- The message line must be in a block with a White Background written in Arial Bold Black or a Black Background written in Arial Bold White thus the writing must always be in contrast with the background so that it is clearly visible
- A combination of upper and lower case to be used

2.4.3.6 Advertorials:

All advertorials to carry the age line as specified for print.

2.5 Monitoring and Compliance

Members of SAIF undertake to have in place within their organization a programme to monitor compliance with the Code by their organisation. Such a programme would include procedures to make all employees aware of the Code, its contents and purpose, and the requirements in regard to compliance. Management takes responsibility for all aspects of the programme, required training and implementation within their organization.

Compliance with the Code must be secured as a pre-requisite when awarding business to:

- advertising agencies
- market research companies
- media buyers and other external consultants
- event management companies.

Each member will be required to sign an annual Certificate of Compliance confirming the extent of their compliance or non-compliance with the Code and the remedial action taken in the case of the latter. A copy of the Certificate will be submitted to the National Liquor Authority and a copy to SAIF for purposes of record.

2.6 Supply, Sale and Consumption of Alcoholic Beverages

The producers, distributors and all other traders in alcoholic beverages undertake to abide by the following practices:

Minors (Persons under the age of 18 years):

- i) Minors will not be supplied with alcoholic beverages.
- ii) If uncertain, traders will request evidence of age.

Promoting a responsible attitude to the consumption of alcoholic beverages:

- i) The rapid and / or excessive consumption of alcoholic beverages will be discouraged and promotions with this objective will not be allowed.
- ii) Where practical, information about taxi and public transport services will be displayed.
- iii) Food and non-alcoholic drinks should be available.

Intoxication and disorderly behaviour:

- i) A trader will guard against the supply of alcoholic beverages to intoxicated persons.
- ii) Disorderly, offensive or criminal behaviour on the part of customers will not be tolerated.
- iii) A trader will ensure that activities on the premises will not result in undue offence, annoyance, disturbance, noise or inconvenience to people who reside, work or worship in the vicinity of the premises.

Promoting responsible attitude to advertising and promotion:

- i) Traders will subscribe to the Advertising, Packaging and Promotions Code of the Industry Association for Responsible Alcohol Use or the Code of the Advertising Standards Authority.

The purchase of illicit and stolen alcohol beverage products:

- i) Traders will not purchase or supply illicit or stolen alcoholic beverages.

2.7 Purchase, Distribution and/or sale of Alcoholic Beverages

Promoting responsible attitude to advertising and promotion of alcoholic beverages:

- i) Manufacturers and Distributors will subscribe to the Advertising, Packaging and Promotions Code of the Industry Association for Responsible Alcohol use or the Code of the Advertising Standards Authority.

Purchase, sale or distribution of alcoholic beverages:

- i) Manufacturers and Distributors will not purchase alcoholic beverages from any supplier who has been convicted of the offence of supplying alcoholic beverages as an inducement to employment or in lieu of wages or remuneration (“dop-system”).
- ii) Manufacturers and distributors will not sell or distribute alcoholic beverages to a retail seller who has been convicted of the offence of selling alcoholic beverages to a minor.
- iii) Manufacturers and Distributors will not sell or supply alcoholic beverages to any unlicensed outlet.
- iv) Manufacturers and Distributors will not purchase or distribute or sell illicit or stolen alcoholic beverages.
- v) Manufacturers and Distributors will not sell or supply alcoholic beverages to a retail seller who has been convicted of the offence of selling alcoholic beverages to an intoxicated person.
- vi) Manufacturers and Distributors will not sell or supply alcoholic beverages to a retail seller who has been convicted of the offence of employing a person who has not yet reached the age of 18.

Retail Sellers:

- i) Manufacturers and distributors will not sell any products too unregistered retail sellers, however they will encourage them to register.
- ii) Manufacturers and distributors will encourage retail sellers to undergo a licensee training course.
- iii) Manufacturers and distributors will encourage retail sellers to participate actively in the activities of SAIF in order to promote the responsible use of alcohol and to discourage the abuse of alcohol.

3 COMPLAINTS HANDLING PROCEDURE

No self-regulatory system can operate effectively without a proper and impartial process for handling complaints about practices in offence of the Code of Conduct abided too by its members.

3.1 Complaints Committee

- i) The complaints committee will consist of members not directly associated with the manufacturing or distribution of alcoholic beverages in Namibia.
- ii) The Chairperson of the Complaints Committee is appointed by the SAIF Management Committee.
- iii) The Chairperson, with the approval of the SAIF Management Committee, appoints other committee members.
- iv) Various committee members will be identified and approved annually. For each complaint a committee will be constituted of these approved members.
- v) The Complaints Committee shall not include any SAIF member companies.
- vi) SAIF secretariat members are eligible to serve on the Complaints Committee.
- vii) The committee shall at a minimum consist of the Chairperson plus two members which simultaneously constitute a quorum. Decisions are made by majority voting.
- viii) In the case of a tied vote, the Chair shall have a casting vote. Committee members must declare any interest in a case before considering it, whereupon the Chair will decide if it is appropriate for that member to consider that complaint.

3.2 Making Complaints

- i) Complaints should be sent in writing to:
The Chairperson
SAIF Complaints Committee
P.O. Box 32129
Windhoek
Email: heim@mweb.com.na
Fax: + 264 (0)61 22 3759
- ii) Written complaints can be hand delivered, to any member of SAIF, in a sealed envelope addressed to the Chairperson of the Complaints Committee or to the premises of SAIF.
- iii) If possible, evidence to support the complaint should be enclosed, such as a product sample or details of the outlet or activities involved.
- iv) The Complaints Committee will keep on the premises of SAIF, confidential records of names of members of the public who make complaints, except in exceptional circumstances when permission will first be sought from the complainant.

- v) Complaints from competitors are dealt with on a named basis. SAIF may itself be a complainant, in which case it will be named.

3.3 Complaints Handling Procedure

- i) The Chairperson of the Complaints Committee through the SAIF secretariat informs the company which appears to be responsible of the complaint. This will normally be the producer or distributor but, in the case of a drink being sold in combination with other products within an enclosed package, may be the third party responsible for that overall package. In which case both, the distributor and/or manufacturer, as well as the third party will be informed.
- ii) The SAIF secretariat will highlight the Code section under which the particular complaint appears to fall. The SAIF secretariat may also highlight any other Code section which may be relevant. Pending on the severity of the complaint the company is given 14 working days to respond in writing.
- iii) The SAIF Secretariat prepares a ‘dossier’ of information for and against the complaint. This is sent to both the company and the complainant, who both have up to seven working days in making any additional comments. If the complainant raises any further points, the dossier is amended to include them. The company is given an opportunity to respond and any response is incorporated into the dossier. The final version of the dossier is then sent to the complainant, the company and members of the Complaints Committee.
- iv) The Complaints Committee will meet within seven days of receiving the final dossier, to consider the complaint, after having an opportunity to study the dossier. The Complaints Committee is not bound to restrict its consideration to the narrow terms of the complaint but may consider any section of the Code that it considers relevant, regardless of whether this section relates to the specific complaint or has been highlighted in the dossier by the SAIF secretariat or otherwise.
- v) The Complaints Committee can call any or all of the concerned parties to provide verbal clarity on issues concerned with the complaint.
- vi) In reaching its decisions, the Complaints Committee shall not be bound by the views expressed or advice given by SAIF.
- vii) The Complaints Committee may seek expert assistance at any stage. Should this be required, the name of the expert and details of his opinion are made available to the company, which will be given fourteen days to respond in writing.
- viii) If the Complaints Committee does not find a breach of the Code, the decision is final, and both the complainant and the company will be notified of its decision. In cases where the Complaints Committee decides that there has not been a breach of the Code, the Committee may consider other complaints which may be made in the future, provided that they are based on different grounds or relate to amended or new packaging or promotional material or activity.
- ix) If the Complaints Committee decides for a breach of the Code, the decision is provisional. The company is advised of the provisional decision and, if it wishes to contest the provisional decision, it can do so by submitting further written representations to support its case within fourteen working days of notification of

the provisional decision. If a company does not challenge a provisional decision, that decision will become final.

- x) The Complaints Committee will consider any additional representations from the company and will make a final decision. The complainant and the company will be informed of the final decision. When the Complaints Committee has reached a final decision it will not consider further representations from the company unless the company presents fresh information which became available to it after the final decision.
- xi) All complaint decisions will be published to SAIF members via email and a press release shortly after decisions have been made final. Complaints will be featured in the SAIF annual report which is submitted to anybody that who requests it and the SAIF Annual General Meeting.
- xii) The time limits set out above may be extended or shortened at the discretion of the Complaints Committee pending on the severity of the offence.
- xiii) Subject to the above points, the Complaints Committee will determine its own procedures, having regard to the principles of natural justice.
- xiv) The Complaints Committee will not be bound by any enactment or rule of law relating to the admissibility of evidence in legal proceedings.
- xv) The ultimate penalty for non-compliance will be a public announcement that the guilty party has had its membership of SAIF terminated, with reasons for the termination. A copy of the announcement will be submitted to the Director within the Division of the Namibian Ministry of Trade and Industry.

This version of the SAIF Commercial White Paper consisting of the:

- 1. Constitution**
- 2. Code of Commercial Conduct and Communication**
- 3. Complaints Handling Procedure**

Has been approved in Windhoek, at the General Meeting held on 23 July 2009.

Signed on behalf of all its members by the SAIF Management Committee Chairperson and either the Vice Chairperson, Secretary or Treasurer as additional signature:

Chairperson **Print Name:**

Cell Nr: **Date:**

Additional Signature: **Print Name:**

Cell Nr: **Date:**