



## CODE REVIEW BOARD

### i. Establishment of Code Review Board

There shall be established and maintained a Code Review Board which shall meet when necessary to consider complaints lodged by the TTBAA members or other interested parties, including members of the public.

### ii. Composition

The members of the Code Review Board will be appointed by the Board of Directors of the TTBAA and will comprise:

- The Chairperson of the TTBAA - **Dr. Patrick Antoine;**
- Representative of the Ministry of Health or other Government Agency - **Dr. RohitDoon;**
- A Retired member of the Judiciary - **Justice Roger Hamel-Smith;**
- Representative of the Advertising Agencies Association of Trinidad and Tobago Limited or Advertising Standards Authority - **Mr. Ronald Murray;**
- Representative of the Trinidad and Tobago Chamber of Industry and Commerce - **Axel KravatzyPh.D;**
- The Executive Secretary of the TTBAA (no voting privileges).

### iii. Powers

**It is agreed that:**

- The TTBAACode Review Board will act as the determining body for complaints about beverage alcohol marketing communication which fall under the TTBAA Advertising and Marketing Code of Conduct.
- The Board will have the power to sanction members who are found to be in breach of the Code.

**Three levels of sanctions shall apply:**

- The first is to notify the national body (the TTBAA) that the Company has breached the Code, and that the marketing and advertising material of that Company's brand that breached the Code will need to be withdrawn or modified. Depending on the severity of the violation, the Code Review Board will have the power to determine a stiffer sanction of up to six (6 months) pre-vetting.
- On the second offense, the name of the Company will be published with an indication that they are in violation of the Code.
- On the third violation the Company will be suspended from the TTBAA and a public statement issued informing of the suspension.

### **Modalities for Handling Complaints**

**Upon receiving a complaint, the Chief Adjudicator** (who will be appointed by members of the Code Review Board excluding the Chairman or Executive Secretary of the TTBAA):

- Shall transmit the complaint to all Members of the Code Review Board; and
- Shall assesses if the complaint raises matters within the framework of this Code;

### **Issues that fall outside the Code**

1. Where the Chief Adjudicator determines that the issues raised **fall outside** the scope of the Code, he shall advise, through the Secretary, the complainant, the Company and the Code Review Board of his findings.

### **Issues that fall within the Code**

2. Where the Chief Adjudicator determines that the issues raised **fall within** the scope of the Code, he shall invite the Member to engage in one of the two processes:
  - Mechanism A - Good Office of the Chief Adjudicator (Mediation); and
  - Mechanism B - Juridical Process

### **Mechanism A. Good Offices of the Chief Adjudicator (Mediation)**

The Chief Adjudicator:

- Shall invite comments from the Member on the complaint and the issues identified by the Code Review Board;
- Shall seeks the assistance of the Members of the TTBAA to identify and obtain copies of the advertisement complained of , and the contact details for the relevant Company or Advertising Agency;

The breaching party may use the mediation through the Good Office of the Chairperson to resolve the matter. However, no member can use mediation more than once a year and no more than twice in successive years.

Should the complaint remain unresolved two (2) working days after a determination is made, the process automatically moves to the next phase, i.e. Mechanism B. Juridical Process.

### **Mechanism B. Juridical Process**

On the basis of his/her preliminary assessment, the Chief Adjudicator shall:

1. Frame issues to be addressed by the Company.
2. Invite comments by the Company and/or Advertising Agency on the basis of the complaint and the issues formed.

Such comments shall be provided within five working days (inclusive of the two working days given for the Company and/or Advertising Agency to provide a response) and failure to provide these comments will be taken as a non-response. Non-response shall result in the proceedings moving forward, with the Chief Adjudicator through the Executive Secretary requesting the convening of the Code Review Board.

**The Board is required to meet within five (5) working days of notice from the Executive Secretary and shall determine the complaint in light of:**

- The TTBAA Code of Conduct;
- The Complaint;

- The response of the Company or Advertising Agency;
- The preliminary report by the Chief Adjudicator.

**At the expiration of eight (8) working days (inclusive of the 5 working days allowed for the Company's and/or Advertising Agency's response)** the Chief Adjudicator shall submit a Report to facilitate a decision by the Code Review Board.

The Code Review Board shall review said Report and communicate its decision to the Chairman and Board of the TTBA.

The Executive Secretary shall request the convening of a TTBA Board Meeting and communicate the final determination of said Board Meeting to the complainant.

The Complaint process - from the determination that the complaint raises issues within the competence of the TTBA to the communication of the final decision to the complainant should take no longer than **ten (10)** working days.

On a semiannual basis, the Code Review Board will issue a report summarizing all complaints, actions, decisions and the Company's or Advertising Agency's response.

The decisions of the Code Review Board shall be placed on the TTBA's website and shall be maintained for a period of two (2) years. Thereafter, a summary of the case shall be maintained without reference to the name of the Company.

The quorum for meetings of the Code Review Board shall be no less than **three (3)** voting members including the Chairperson.

Meetings of the Code Review Board can take place through electronic conferencing.