



Effective alcohol marketing regulations

Policy report

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Introduction

Harmful alcohol use in Europe

Europe is the world's heaviest drinking region (1). In recent years there has been an increase among adolescents with earlier initiation and binge drinking in most EU Member States. Among 15-16 year olds one in six have been binge drinking during the previous month and one in eight have been drunk more than 20 times in their life. Alcohol is the third leading factor for ill-health and death in Europe and 55 million Europeans drink to dangerous limits. Approximately 25% of all male and 11% of all female deaths between 15 and 29 years old in Europe are caused by alcohol (4). The estimated total cost of alcohol to the EU was €125bn in 2003 (1.3% GDP).

Alcohol promotion and alcohol consumption

Alcohol marketing is a very well-funded, well-considered and persistent part of modern life (5). The alcohol beverage industry uses a broad range of marketing tools to which young people are exposed in everyday life. These tools result in a wide range of marketing practices that range from TV commercials to event sponsoring and from give-away promotional items to sponsoring and advertising in new media. Research showed that adolescents in Ireland are exposed to alcohol marketing by at least sixteen different communication channels (6).

Alcohol producers state their target groups are adolescents aged 21 to 24 (7). However, in practice large numbers of younger adolescents are exposed and appealed by alcohol marketing (8). With the introduction of inexpensive products such as alcopops, alcoholic energy drinks and pre-mixed cocktails, and with packaging and marketing that appeals young people, the alcohol industry intensified their focus on this group in recent years (9). Alcohol marketing targeting young people includes linking new developed products to youth lifestyle through music, fashion, use of animation and sports (9).

A systematic review of longitudinal studies concludes that exposure to alcohol marketing has a positive influence on the likelihood that young people will start drinking and that it increases the frequency and amount of drinking among those who already drink (10, 11). Furthermore, attractive alcohol marketing increases the likelihood of purchasing alcohol by adolescents and their consumption (12). Consequently, limiting amount of exposure to appealing alcohol advertisements can be an important factor in decreasing the harmful influences of alcohol marketing on young people's drinking.

The FASE project

In 2007, the European Commission co-financed the FASE project. In this project, a literature study on effective alcohol marketing regulations was conducted. A review of 190 papers resulted in an overview of criteria that are essential in effective alcohol marketing policy. Special attention was paid to the protection of young people against the harmful influence of alcohol marketing practices. Additionally, alcohol marketing regulations of 23 European countries were gathered and evaluated, and the alcohol marketing regulations of six European countries were evaluated in greater detail. The following report will present a summary of the project's findings and will provide information on effective alcohol marketing regulations and policy recommendations.

Facts and figures of the problem

Impact alcohol portrayal on drinking	
Adolescents drink 1% more alcoholic drinks for every additional alcohol advertisement they are exposed to (13).	Adolescents who watch 60% more alcohol advertisements on TV than average, are 44% less likely to have ever drunk beer, 34% more likely to have ever used wine and 26% more likely to have ever drunk three or more drinks on one occasion (14).
12-year-olds, who are overexposed to alcohol marketing (75 th percentile) are more likely (50%) to initiate drinking a year later, compared to lightly exposed peers (25 th percentile) (15).	Participants in an experiment assigned to conditions with substantial alcohol exposure in either movies or commercials, use 1,5 glasses with alcohol more than participants in the control condition within a period of 1 hour (16).
Effects of an alcohol adverting ban	Marketing expenditures
A 28% alcohol advertising reduction would decrease adolescents monthly drinking participation from 25% to between 24 and 21 % (17).	UK Government spending on alcohol information and education campaigns in 2009 and 2010 are 17.6 million pound (18) compared to the industry's spending of 800 million pound on alcohol advertising in 2004 (19).

Alcohol marketing regulations in Europe

A large variety of volume and content restrictions to regulated alcohol marketing exists throughout Europe. These regulations can be embedded by law (legislation or statutory regulations), by voluntary codes (self regulation or non statutory regulations), or by a combination of the two (co regulation) (20). In 2001, the European council and parliament formulated Council Recommendations (21) which state among other things that alcoholic beverages should not be designed or promoted to appeal to children and adolescents. The recommendations note several characteristics that are found to be specifically appealing to young people, for example the use of styles associated with youth culture. Almost every European Member State has adopted these recommendations in statutory regulations implemented at the national level (22). Also in self regulatory regulations, similar content restrictions are to be found.

The Council Recommendations are not legally binding and the content restrictions are open to interpretation. The singular binding regulation at the European level is the Audio Visual Media Services Directive (23). This directive regulates different types of television marketing of which the content of promotion of alcoholic beverages on television. It prohibits televised alcohol advertising specifically aimed at minors or depicting minors consuming alcohol and suggestions that the consumption of alcohol will lead to social or sexual success. Volume restrictions or restrictions addressed alcohol advertising other than televised advertising are not included in European law.

In Europe, alcohol marketing is mostly regulated at the national level. A recent inventory of alcohol marketing regulations in 23 European countries shows a total of 71 regulations (20). Of these regulations, 45 were (partly) statutory and 26 were self regulation codes (20). Existing regulations show a large variety of both content and volume restrictions. The current report provides criteria that are essential to implement when aiming to protect harmful effects of youth exposure to alcohol marketing.

Effective alcohol marketing regulations

In order to protect vulnerable groups and especially young people against harmful exposure to alcohol marketing, it is important that regulations meet a multi-dimensional framework, which is presented below and consists of criteria concerning volume and/or content restrictions as well as requirements for the regulatory system.

Effective alcohol marketing regulations – volume restrictions

Volume restrictions can be an important tool in protecting young people against the cumulative effects of exposure to large volumes of alcohol marketing (24) on drinking behaviour of young people. Marketing volume restrictions are expected to decrease the total volume of alcohol advertisements where young people are exposed to, and are consequently expected to decrease the total alcohol consumption of adolescents.

Volume restrictions are therefore expected to decrease the total alcohol consumption of adolescents, only when decreasing the volume of alcohol advertisements where youngsters are exposed to. This will likely be the case when:

The bans proposed are not merely symbolic policies but contribute substantially to the total reduction of the volume of alcohol advertising to which adolescents are exposed;

No significant substitution effects arise.

The bans proposed are not merely symbolic policies but contribute substantially to the total volume of alcohol advertising to which adolescents are exposed;

No significant substitution effects arise. Such as price drops which can stimulate alcohol consumption or marketing shifts to other media.

In practices, many types of volume restrictions are found in European countries:

- A comprehensive ban of all alcohol marketing practices like in Norway;
- Restricting marketing of certain types of alcoholic beverages (25) like the prohibition of wine and spirits advertising in Poland;
- Restricting marketing in certain media; for example banning alcohol marketing on television, radio and cinema in France;

Comprehensive volume restriction: Norway

In Norway, alcohol marketing is not allowed.

The alcohol act chapter 9 stipulates:

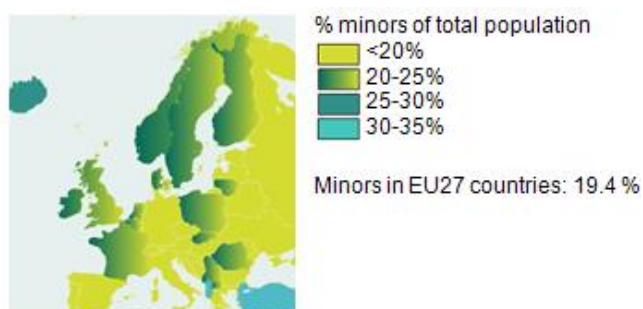
“Advertising of alcoholic beverages shall be prohibited. (...) Alcohol advertisement means any form of mass communication for the purpose of marketing, including advertisements in printed matter, films, radio, television, telephone networks, data networks, illuminated advertisements, hoardings, signboards and similar devices, depictions, exhibitions and the like, distribution of printed matter, trade samples etc.”

Whilst alcohol advertising from Norway is banned, TV channels transmitting from abroad can still broadcast their commercials on the Norwegian market, even in the Norwegian languages (3). Furthermore, it is difficult for the government to see and proof whether a website is directed at the Norwegian public and prevent consumer generated marketing. Also editorials are still possible, as long as the written pieces is not initiated by the alcohol producer/advertiser (3).

Nevertheless, this comprehensive volume restriction leads to a great decrease in alcohol marketing practices where youngsters can be exposed to.

- Restricting the time period or place of marketing (26); usually found as statutory watersheds of alcohol advertising on television or radio within certain times. Or found in self regulations codes as a restriction on marketing near or in the view of schools.
- Restricting the placement of alcohol marketing in media that reaches particularly adolescents. In many self regulation codes a 25% or 30% threshold of exposed adolescents is used as a benchmark. If more than 25% or 30% of the audience is expected to be under aged, alcohol marketing may not be placed.

The latter restriction does not protect young people against a possible overexposure to alcohol marketing since in Europe 19,4% of the youngsters is under 18 years old.



Source: Eurostat 2008

Partly bans that are described above are mostly established to protect young people from being exposed to alcohol advertising in measured media such as TV, print and radio. Further regulations are needed to provide a factual basis for other promotional tools such as sponsorships, product placements, clothing with logos, point-of-purchase promotions, marketing in new media, viral marketing and other forms of non broadcasted and non printed marketing.

Partly bans could provoke an increase of alcohol marketing practices that are not (yet) restricted. Consequently, policy makers should be aware of a potential shift to new unregulated types of alcohol marketing as we have seen with tobacco advertising. One way in which legislators try to cover more types of alcohol marketing tools and to circumvent potential substitution effects is by implementing an overall ban on alcohol advertisement. In term, alcohol advertising bans have the potential danger of increasing the importance of price as a marketing tool with lowering the prices of alcoholic beverages as a result. Consequently, an effective alcohol marketing regulation should be

Italy: time restriction

According to the Italian 'self-regulation code on television and minors' (4.4) *"Specific protection applies to those broadcasting times in which presumably minors are not supported by adults during TV shows (between 4 p.m. and 7 p.m., and within shows specifically targeting children). In this time range, it has to be **avoided** advertising of all alcoholic beverages within programmes specifically targeting minors and during commercial breaks immediately before and after the programmes themselves"*. The fact that the advertising should be *avoided* during these hours leaves room for discussion and interpretation. Additionally, *"Radio and television advertisement of spirits is forbidden between 4 p.m. and 7 p.m."* according to the Law on alcohol and alcohol related problems.

Poland: beverage ban

Poland has an advertising ban for wine and spirits, based on the higher content of those beverages: *"advertisement and promotion in the territory of the country of any alcoholic beverage shall be prohibited, except for beer"*. Therefore, only the promotion of beer is allowed on TV and radio, in cinemas, outdoor, in magazines and newspapers and by sponsoring. Additionally, beer advertising is not allowed between 6 am till 8 pm on TV, radio and in cinemas, except for sponsor messages. Alcohol advertising on the internet and other new media, direct marketing, promotions from selling points (bars and restaurants) or catering industry and magazines are not covered by this code (2). The Polish spirit industry endorses a voluntary code which stipulates *"concerning the protection of minors, that alcohol advertisements can only target persons who have the legal drinking age (with some other additional restrictions)"*.

imbedded in a comprehensive alcohol policy in which the physical availability and affordability of alcohol is addressed (27).

Effective alcohol marketing regulations – content restrictions

Although content restriction cannot protect consumers for the cumulative effects of marketing, that reach them via different kinds of media (24) when alcohol marketing is permitted, content restrictions can protect against misleading, suggestive, deceptive and appealing alcohol advertisements.

In order to be effective in protecting adolescents against the harmful inferences of appealing alcohol marketing, content restrictions should limit all elements that young people find appealing. Therefore, content restrictions should address all elements that have shown to be appealing to young people and not only state that alcohol marketing cannot be specifically aimed at minors; lifestyle images and youth culture elements (language, games, music, colours), humour, celebrities, cartoons and sexual contents (9, 24, 28, 29).

At the moment the content restrictions in most European alcohol marketing regulations use a vague definition when restricting the content of alcohol marketing, which says that “it may not be aimed specifically at minors” as required by the Audio Visual Media Services Directive (23). Critics believe that most of the existing content guidelines are too vague to be useful and generally ineffective (24).

Content restrictions in France and Sweden differ from most other content restrictions by stating which elements are allowed to be used in alcohol advertisements instead of what is not permitted. In media in which alcohol advertising is allowed, only product information can be shown. Alcohol advertisers in these countries are no longer allowed to include elements that have found to be attractive to young people (30).

Poland, Italy and the Netherlands: following the AVMSD

Most European countries have implemented the AVMSD for all media when it comes to content restrictions:

The advertising for all kinds of alcoholic beverages must comply with the following requirements:

- *not to be directed to minors and underage persons or to be broadcast in programs for them;*
- *not to use minors and underage as performers or, in particular, present minors and underage using these beverages;*
- *the contents of the commercials must not be related to sport and physical achievements or driving vehicles;*
- *not to maintain that the alcoholic beverages possess therapeutic qualities, have stimulating or sedative effect or that they solve personal problems;*
- *not to encourage the excessive consumption of alcoholic beverages or present the abstention or the moderation in negative light;*
- *not to suggest that the high alcoholic contents contributes to the good quality of the alcoholic beverages.*
- *not to create impression that the using of alcohol contributes to a social or sexual success.*

In countries in which alcohol advertisement may not be specifically aimed at minors or may not be specifically attractive to young people, content restrictions are found to be ambiguous and open to interpretation (31). Especially, with these 'vague' content restrictions it is important to that alcohol advertisement should be evaluated in their context (32, 33). Evaluating according to young people's perspective and interpretation, and not according to the intention of the advertiser is essential here (34). In practice, the perspective of young people is not part of the adjudication system in any country (20).

France: comprehensive content restrictions

Instead of describing what cannot be shown in an alcohol advertisement, the French 'code of public health' stipulates what is allowed:

"The authorized advertising for alcoholic beverages is limited to the indication of the degree of alcohol by volume, origin and name of the product, name and address of manufacturer, agents and custodians and the method of production, terms of sale and consumption mode of the product".

Effective alcohol marketing regulations – supporting regulatory system

Volume and/or content restrictions can only be effective when adequately supported by a regulatory system (35).

An effective regulation system should to meet the following criteria:

1. The legal context must be supporting; there can not be any conflicting regulations on the national or international level that interfere with the alcohol marketing regulations (9). Like all regulations, self regulations in specific needs a clear legislative framework and enough incentives to function in an effective way (36). Therefore a legal backstop to support the enforcement of the restrictions should be taken into the regulatory system (24, 37). Like in the UK, a legal back stop makes it possible that when the code is offended (several times) a legal body is put in operation and to be able to sanction adequately.

The UK co regulation system

In practice, a co regulation system means that self regulations codes have a legal backstop when the voluntary code is violated. When the United Kingdom's advertising authority ASA adjudicates on an advertisement on TV or radio, the broadcasters have to comply directly to the statutory regulator Ofcom. Ofcom has the ability to inflict fines and to revoke licenses. In the UK, alcohol advertisement that is not broadcasted is only regulated by self regulation.

2. Commitment of all stakeholders to increase the support and adherence of the restrictions: In self regulations systems the committed stakeholders should reflect the total value chain; from producers to retailers (38). If there is a supporting legal context and an effective complaint and sanction procedure, the support of the civil society and industry related stakeholders is less relevant.

3. Available provisions of information to the public at every stage of the regulation process.

4. A transparent pre-screening system to prevent exposure to advertisements that are non compliant with the restrictions. A pre-launch advise can increase the compliance to regulations, as it limits the chance of non-compliant advertising ever being published or broadcasted (24). In order to be sure no

advertisement that is misleading or targeting young people is shown this pre-screening should be mandatory and binding.

5. An effective complaint system with easy access to and support from the public. To make sure the whole system of regulations, complaining and sanctions can be watched and monitored by third parties, the whole system should be transparent and information on these topics should be provided to the public on every stage of the process (39). From the evaluated regulations appears that not all Member State countries have a complaint system that is completely transparent (20).

6. Independent advertising committee: Evaluation by parties independent from commercial interests (not by advertising industry related or alcohol industry related) but by judges, public health advocates or consumer representatives. Self regulation system can only be effective when a third-party is consulted when evaluating possible breaches, else wise the code is created and abide by the same ones who monitor the compliance (25, 40). This committee should in the first place protection of the public health and therefore evaluate the advertisements following the interpretation of the general public (with special regard to vulnerable groups).

7. Sanctions that are expected to be most effective are withdraw broadcasting rights and substantial financial penalties. Sanctions that are expected to be less effective are bad publicity or voluntary action.

8. Monitoring should be performed by parties independent from commercial interests on a regular and systematic basis. The content and volume of alcohol marketing including also below-the-line promotions should be monitored (34). In order to provide governments with adequate information, it is desired that to alcohol companies should be obliged to disclose alcohol marketing expenditures to appropriate governments. This is already the case in the US, where the marketing expenditures of ten biggest alcohol producers are published by the Federal Trade Commission.

9. Restrictions should cover the entire range of forms of marketing activities and should be updated regularly and be prepared to interact with future developments (32).

Policy recommendations

Research suggests that exposure to media and alcohol marketing is associated with the likelihood that adolescents will start drinking alcohol, and with increased drinking amongst drinkers. In order to protect vulnerable groups, and especially young people, against harmful exposure to alcohol marketing, an effective alcohol marketing regulation is crucial. This report has described different elements that are essential to implement in alcohol marketing regulation systems.

Content regulations could, if adequate, protect young people and adults against misleading or deceptive alcohol advertisements. When all relevant elements are addressed, content restrictions can protect young people against exposure to attractive alcohol advertising. However, to protect people against the exposure to large quantities of advertisements or marketing on specific locations that reach young people, volume restrictions of alcohol marketing are necessary. If regulation systems are solely concerned with regulating the content of individual marketing practices, no attention is given to the cumulative volume effects of marketing campaigns that often reach consumers by several media sources.

Alcohol advertisers always search for innovative ways to market their product. When introducing partial alcohol marketing bans, there is a danger that alcohol is advertised in media, on times or places which are not restricted. Substitution effects are limited by a comprehensive alcohol marketing ban that is integrated in an integral alcohol policy.

Volume and/or content restrictions in alcohol marketing regulations will only be effective when there is an adequate regulatory system that supports the restrictions. This regulatory system empowers the implementation of the restriction, its adherence and evaluation process.

Self regulation has been proven insufficient in Western countries as: Australia (41), the Netherlands (42); the United Kingdom (41, 43); and the United States (44). Self regulation codes are written by the alcohol industry and mainly rely on content restrictions that do not prevent young people from being exposed to large volumes of attractive alcohol advertising, promotion and sponsorship (20). These content restrictions are often ambiguous and open to interpretation. Especially with these 'vague' codes, an adjudication system independent from commercial interests with the possibility of using effective sanctions is essential.

More practical, the following recommendation to policy makers can be formulated:

1. Recognizing the effects of alcohol marketing exposure on drinking behaviour, decreasing the overall volume of alcohol marketing to which young people are exposed is desired.
2. To decrease the overall volume of alcohol marketing to which young people are exposed, a volume restriction on advertising, promotion and sponsorship is recommended.
3. In order to decrease substitution effects from restricted types of alcohol marketing to unrestricted types of alcohol marketing, a comprehensive ban is desired.

4. When alcohol marketing is allowed, alcohol marketing tools that are difficult to monitor (e.g. alcohol advertising on the internet) or reach many young people should be prohibited.
5. In media where alcohol marketing is allowed, content restrictions that address all attractive elements to young people are recommended.
6. To avoid ambiguous restrictions that are open to interpretation, content restrictions should address all aspects that are allowed to be used in alcohol advertisements instead of what is not permitted. An example is the French Loi Evin which only allows alcohol advertisements with product information.
7. Alcohol marketing regulations should be supported by a strong supporting system that guarantees effective implementation, evaluation and adherence of the evaluation process:
 - a) For the implementation of alcohol marketing regulations it is important that there are no conflicting regulations on the supra-national or national level and a legal backstop to support the enforcement of the restrictions.
 - b) The evaluation process of alcohol marketing regulations will be improved by an adjudication committee independent from economic interests from the sale of alcohol or advertisements.
 - c) The adherence to alcohol marketing regulations should be monitored regularly by the government or a board independent from economic interests of the sale of alcohol or advertisements. A mandatory pre-screening system, and a transparent complaint system and substantial financial penalties will increase the adherence to alcohol marketing regulations.
8. Since it is in the interest of public health, but not in the interest of the alcohol and advertising sector to restrict the volume of alcohol advertising substantially, alcohol marketing regulations embedded by law are necessary to protect vulnerable groups towards harmful exposure to alcohol marketing.
9. Due to the global alcohol marketing activities, harmonization of (statutory) alcohol marketing regulations at the European level is desired. This will decrease the possibilities of alcohol advertisers to reach young people by international channels.

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July 2010

Conducted as part of the Focus on Alcohol Safe Environments (FASE) project co financed by the European Commission.

