

Keeping up appearances:

Comparing evidence based evaluations with monitoring exercises of the industry

FASE workshop

June 22, 4th European Alcohol Conference Brussels

Avalon de Bruijn

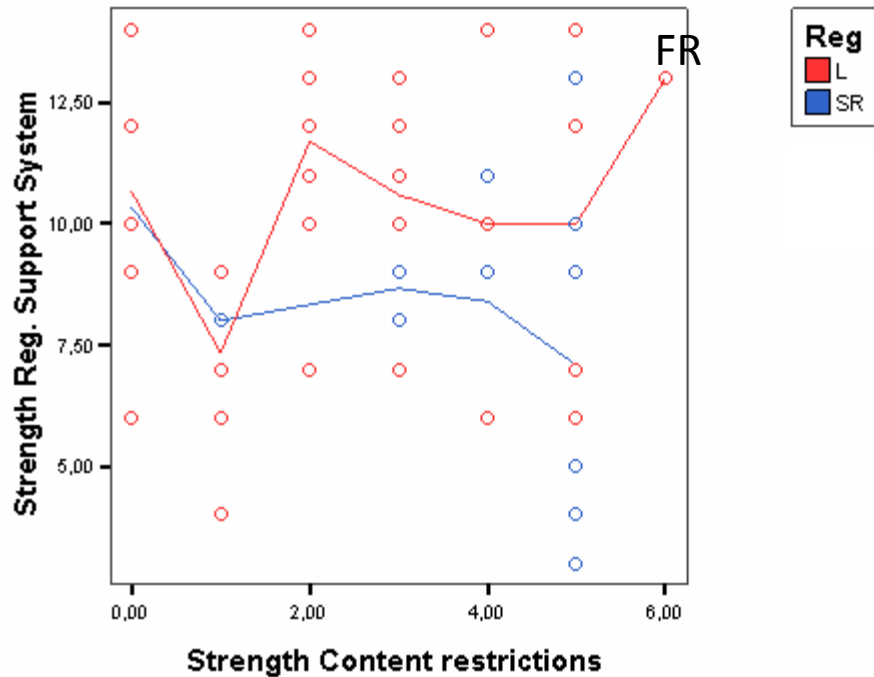
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FASE project delivered Evidence based criteria to evaluate alcohol marketing regulations:

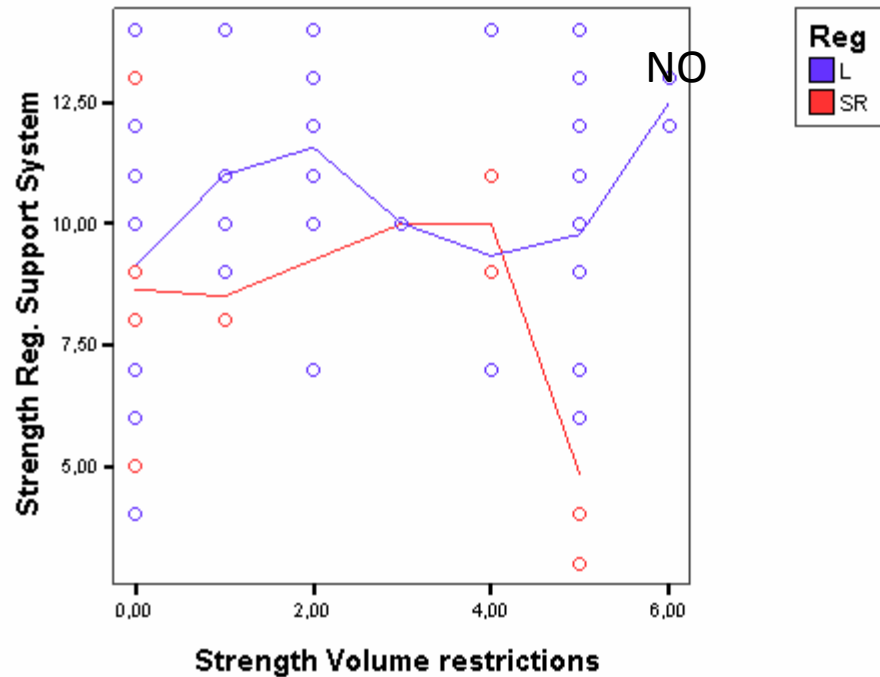
The code of the regulation	
	Evidence-based criteria
Code (general)	Distinguished in volume and content restrictions (see below)
Size volume restrictions	contribute substantially to the total volume of alcohol advertising no significant substitution effects
Size content restrictions	Address all elements
Participation youth in content regulations	Limit advertisements that are appealing to youngsters Evaluated according to young peoples' perception

Supporting regulatory system	
Regulation embedded in regulatory context	no conflicting regulations on the supra-national or national level Availability legal back stop
Commitment stakeholders	Commitment of all stakeholders (Policymakers + civil society + industry related stakeholders)
Transparency	Available provisions of information to the public at every stage of the regulation process
Pre-screening system	Obligatory Pre-screening system for all marketing types
Complaint system	Effective complaint system (Easy access + support from the public)
Composition advertising committee	Independent jury
Sanctions	Substantial sanctions (act as deterrent)
Monitoring	Monitoring Independent from commercial interests Monitoring Routinely & Systematically Include also “unmeasured” types Availability Marketing data to third parties
Coverage	Code covers entire range of alcohol marketing practices
Flexibility	Code should be updated regularly

Content restrictions in Europe:



Volume restrictions in Europe:



- We know which elements are essential to include in alcohol advertising regulations, but to which extent do we evaluate existing alcohol marketing regulations within this framework?

Existing attempts to monitor alcohol marketing regulations

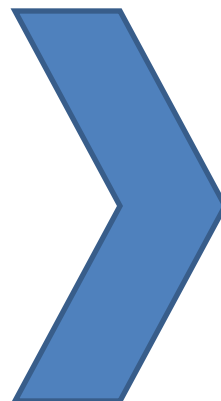
- Not much alcohol marketing regulations are systematically evaluated, especially not European wide. Two exceptions:
 - Alcohol industry (brewers);
 - Advertising industry (EASA)



The Brewers of Europe

7 standards of the Brewers:

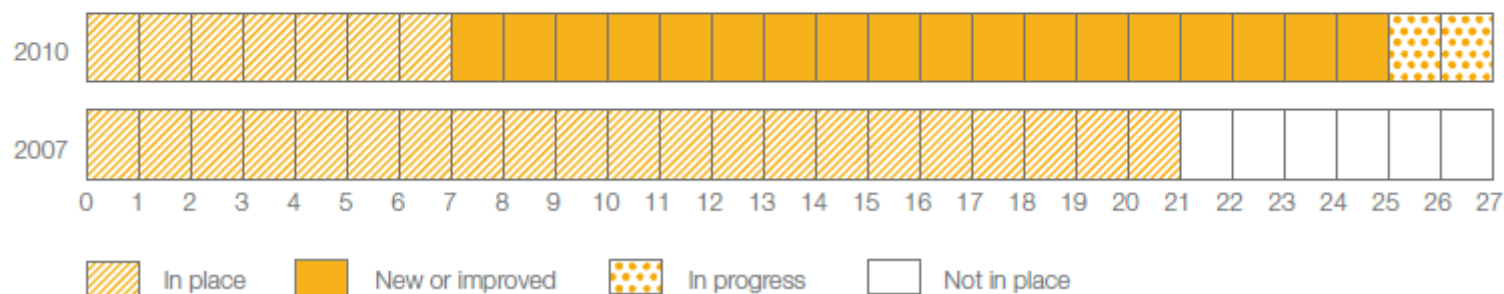
1. Code Coverage
2. Code Compliance
3. Complaints Handling
4. Speed of decision
5. Sanction
6. Consumer awareness
7. Own Initiatives monitoring



Not on content of the code!

01 | Code Coverage

Between 2007 and 2010, 18 of 27 countries revised the content or the remits of their code. Two are currently in the process of doing so. Full implementation in the EU-27 should be in place as of May 2010.



Criteria by the Advertising sector on alcohol marketing regulations:



Content of the code (Volume and or Content restrictions)

- Existence code (no criteria on content of the code)

Supporting regulatory system:

- Commitment stakeholders:
 1. Existence self-regulatory body
 - 2 Broad consultation in code drafting (stakeholders not mentioned)
 3. Stakeholder involvement (stakeholders not mentioned)
- Criteria on consumer awareness of complaint system and jury decisions are included, but no other criteria on transparency.
- Availability Copy Advice (non obligatory)
- Free handling of consumer complaints
- Availability appeals procedure
- Consumer awareness: Online complaints facility
- Publication of jury decisions
- Promotional activity
- website
- Remit includes Digital Media Communications
- Independent element in jury
- Own-initiative monitoring

EASA Charter Commitment Summary 2009

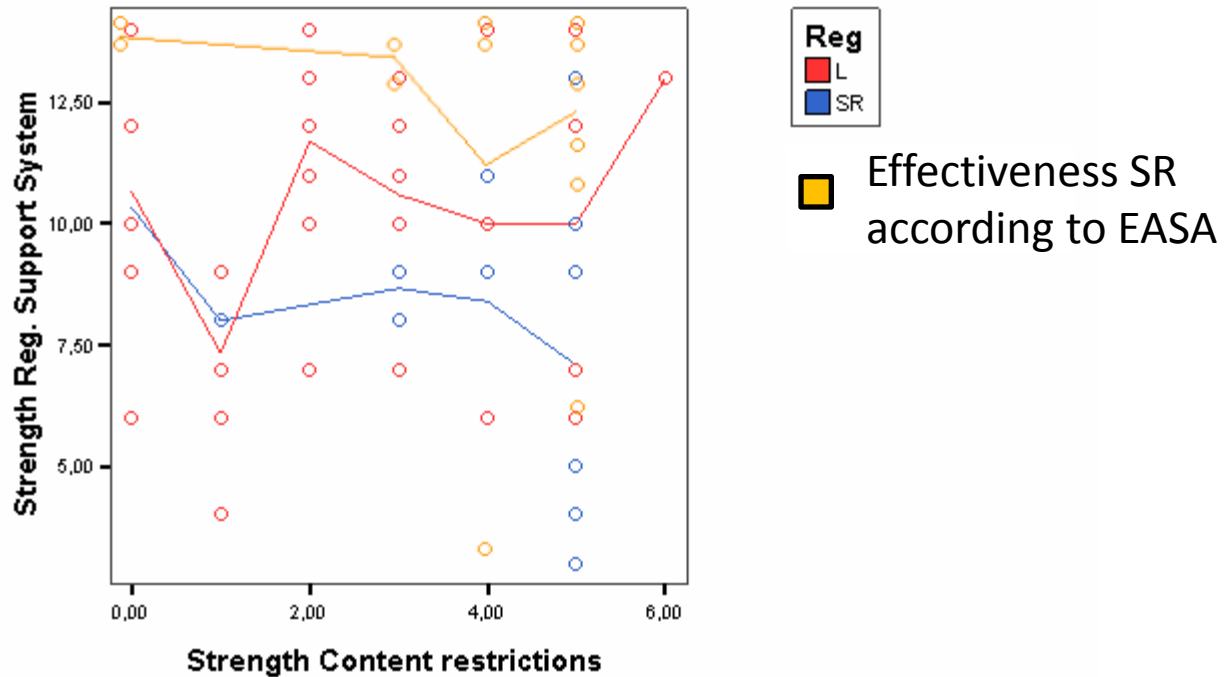
This summary sheet offers a simplified overview of national self-regulatory bodies' implementation of the commitments set out in EASA's 2004 Self-Regulatory Charter. It should be read with the understanding that it does not fully reflect the particularities of existing effective SR systems in the EU, notably in Germany and Scandinavian countries.

For more detailed information on the commitments, please see the EASA publication: Advertising self-regulation in Europe - the Blue Book 5th edition (2007).

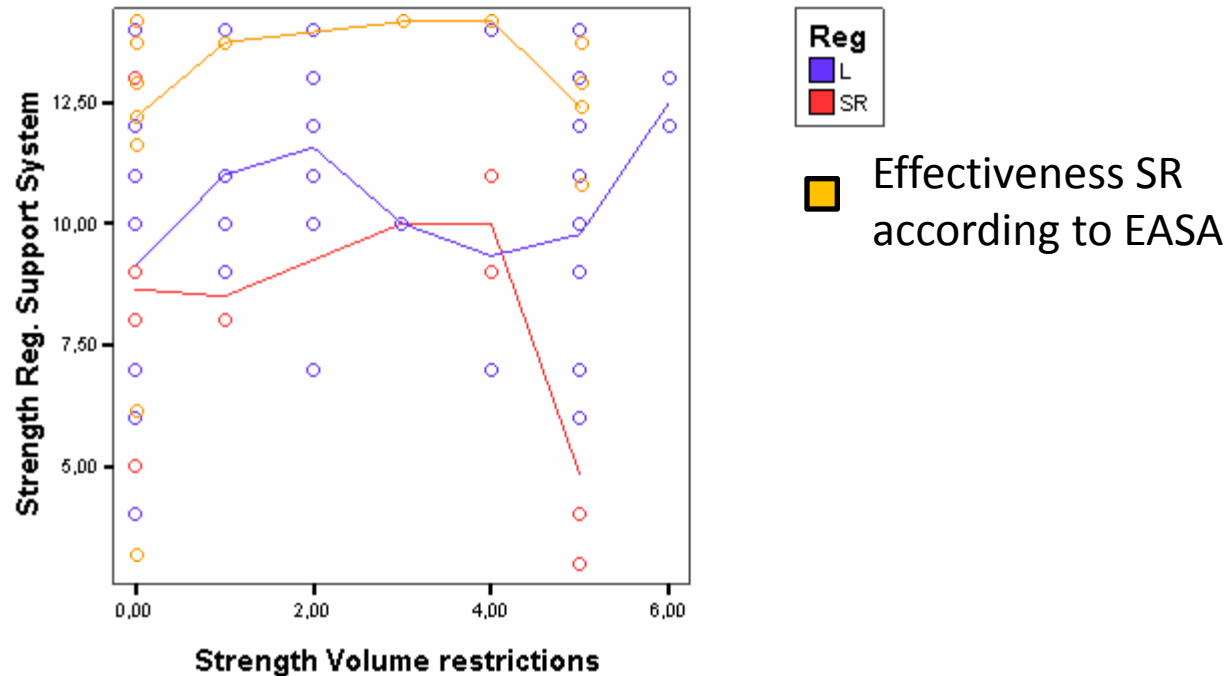
Self-regulatory feature	EU 27																									
	EU 15													EU 10												
	A	B	DK	FIN	F	DW	WBZ	GR	IRL	I	L	NL	P	E	S	UK	CY	CZ	EE	HU	LV	LT	MT	PL	SK	SL
Self-regulatory body	✓	✓	1	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	→	✓	→	✓	X	✓	X	✓	✓	✓
Code	✓	✓	✓	✓	✓	✓	n/a	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	→	✓	✓	✓	X	✓	✓	✓
Copy advice	✓	✓	X	✓	✓	✓	✓	✓	✓	X	→	✓	✓	X	✓	X	✓	X	✓	X	✓	X	✓	✓	✓	✓
Own-initiative monitoring	→	X	X	X	✓	✓	X	✓	✓	X	X	✓	✓	X	→	→	X	X	✓	X	X	X	✓	✓	✓	X
Free handling of consumer complaints	✓	✓	X	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	→	✓	→	✓	X	✓	X	✓	✓	✓	✓
Online complaints facility	✓	✓	X	X	✓	→	✓	✓	✓	→	✓	✓	✓	✓	✓	→	✓	X	✓	X	✓	X	✓	✓	→	→
Publication of decisions	✓	✓	X	✓	✓	✓	n/a	✓	✓	→	✓	✓	✓	✓	✓	→	✓	X	✓	X	✓	X	✓	✓	✓	✓
Appeals procedure	✓	✓	X	✓	✓	✓	n/a	✓	✓	X	✓	✓	✓	✓	✓	→	✓	X	✓	X	✓	X	✓	X	✓	✓
Stakeholder involvement*	✓	✓	2	2	✓	→	n/a	✓	✓	X	✓	✓	✓	2	✓	✓	✓	X	✓	X	✓	X	✓	✓	✓	✓
Promotional activity	✓	✓	X	✓	✓	✓	X	✓	✓	→	✓	✓	✓	✓	✓	→	→	X	✓	X	✓	X	✓	✓	✓	✓
Website	✓	✓	X	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	→	✓	X	✓	X	✓	X	✓	✓	✓	✓
Remit includes DMCs	✓	→	X	X	→	X	X	→	✓	✓	X	✓	→	→	→	X	→	X	→	X	X	X	→	→	→	X
*Stakeholder involvement:																										
a) Broad consultation in code drafting	→	✓	2	2	✓	→	n/a	✓	✓	→	X	✓	✓	✓	2	✓	✓	X	X	✓	X	✓	X	✓	✓	→
b) Independent element in jury	✓	✓	X	✓	✓	X	n/a	✓	✓	✓	X	✓	✓	✓	✓	→	✓	X	✓	X	✓	X	✓	✓	✓	✓

- Key:**
- ✓ In place
 - In development / Partially in place
 - X Not in place
 - 1 Aspects of advertising self-regulation are in place in Denmark for sectors but there is no general dedicated SRO
 - 2 In Scandinavian countries the ICC Code (on which there is no broad consultation) is directly translated and applied
 - n/a Not applicable - the SRO applies anti-competition law
- DW** Deutscher Werberat - deals with matters of taste and decency
WBZ Wettbewerbszentrale - applies unfair competition law

Self Regulation according to EASA:



Self Regulation according to EASA:



Conclusions:

- It is feasible to evaluate existing regulations with evidence-based criteria;
- There is a broad variety in strength of content/volume restrictions and strength of existing regulations in Europe;
- SR has more content restrictions; Legislation has more volume restrictions;

Conclusions (2):

- Most effective supporting systems were found in the strongest volume and content restrictions. These are best practices in Europe.
- Criteria used by economic operators do not cover the effectiveness of the content of the codes.
- These criteria only cover SR and evaluate SR much higher than criteria that are evidence-based.

Recommendations:

- Stimulating alcohol marketing regulations in line with evidence based criteria is desired;
- Evaluating/monitoring alcohol marketing regulations in line with evidence based criteria is desired. This should be conducted by independent parties.