



Promoting good health from childhood

Reducing the impact of alcohol
marketing on children in Scotland

A report by the virtual expert network on alcohol marketing

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Foreword

Over the past few decades, Scotland has experienced a growing burden of health and social problems due to increased alcohol consumption.

Although rates of consumption and harm have stabilised in recent years, they remain at historically high levels. Today, alcohol-related deaths are 50 percent higher than they were thirty years ago and hospitalisations are more than 300 percent higher.¹

High rates of alcohol-related harm are not an inevitable part of Scottish drinking culture but a predictable consequence of the marked increase in affordability, availability and promotion of alcoholic beverages over recent decades. Consumption and harm has risen in Scotland, as it has elsewhere, as alcohol has become cheaper, sold in a growing number of outlets, and more aggressively marketed. Achieving long-term reductions in alcohol-related harm will require sustained political action to reverse this situation.

In 2009, the Scottish Government's framework for action on alcohol put forward a wide range of measures aimed at changing Scotland's relationship with alcohol. The plan included proposals for addressing attitudes and culture, treatment provision, as well as the availability and affordability of alcohol. In legislating for a minimum unit price for alcohol in 2012, the Scottish Government and Parliament rightly recognised that the political, regulatory and economic environments in which people live exert a considerable influence on the extent to which they are able to live healthy lives. Consequently, the state has a vital role to play in protecting and improving population health, especially of children.

Moving forward with the next phase of Scotland's alcohol strategy, politicians from all political parties agree that consideration should be given to the regulation of alcohol advertising

and sponsorship.² It is widely acknowledged that more needs to be done to protect children from exposure to alcohol marketing, a view shared by global health experts. Enforcing bans on alcohol advertising is one of the World Health Organization's (WHO) three 'best buy' policies to reduce alcohol harm. Addressing alcohol marketing is one of the key areas for national action recommended in the global strategy to reduce the harmful use of alcohol, adopted at the World Health Assembly in 2010.³

There is growing global concern on this issue. While France's Loi Evin is one of the broadest frameworks for controlling alcohol advertising, increased alcohol marketing restrictions have recently been introduced in Russia and Finland, and action has been proposed in Ireland, Estonia and South Africa, for example.

A broad consensus exists in support of action on alcohol marketing in Scotland. The Scottish Government has identified advertising as one of the key areas for tackling alcohol-related harm, to be considered in the next phase of Scotland's alcohol strategy.⁴ A majority of MSPs, including all opposition party leaders, as well as national children's charities and public health bodies, have supported the pledge, developed by AFS and partners, "I believe alcohol marketing has no place in childhood". All children should play, learn and socialise in places that are healthy and safe, protected from exposure to alcohol advertising and sponsorship (see Appendix Two.)

There is also evidence of public support in Scotland for increased alcohol marketing restrictions, particularly restricting alcohol adverts in cinemas to 18-certificate films; banning

TV alcohol advertising before 9pm; and restricting alcohol companies from sponsoring sporting events.⁵ Results from the British Social Attitudes survey reveal similarly high levels of support for banning alcohol adverts during programmes watched by young people.⁶ In addition, the Scottish Youth Commission on Alcohol recommended that steps be taken to reduce the amount of advertising young people are exposed to, including stricter regulation of digital promotion, and to ensure that the public sector leads regulation of alcohol promotion in Scotland.⁷

Scotland has been at the forefront of progressive public health policies in the UK. Notwithstanding limits on the powers of the Scottish Parliament, the country has taken the lead in the introduction of bold measures to reduce smoking rates, as well as legislating for a minimum unit price for alcohol to tackle high rates of alcohol harm. Acting to restrict alcohol marketing will continue this strong tradition of championing public health, and ensure we protect our children's health now and in the future.

Professor Gerard Hastings, Emeritus Professor, Institute of Social Marketing, Stirling University, and member of the Virtual Expert Network on Alcohol Marketing



Executive Summary

About this report

This report has been developed by a virtual expert group on alcohol marketing, established following discussions at the Global Alcohol Policy Conference held in Edinburgh in October 2015. The group was tasked by the then Minister for Public Health, Maureen Watt MSP, to consider the top policy options for a range of areas within advertising and sponsorship, taking into account how such policies might be implemented in Scotland.

Network members have expertise in alcohol marketing research, policy and legislation, as it relates to the protection of public health and the reduction of health and social harm caused by alcohol. In developing this report and its recommendations, the virtual network adopted the following approach:

- a) it focused on where the evidence of the effects of alcohol marketing is strongest, which is predominantly in relation to mass media advertising.
- b) it prioritised policy options to protect children and young people, responding to current concerns about children being exposed to large volumes of marketing for health-harming products.

Nature and extent of adolescent drinking in Scotland

An alcohol-free childhood is the healthiest and best option for children. However, nearly a third of children in Scotland have drunk alcohol by the age of 13, and two-thirds by age 15.⁸ Although consumption among children has fallen in recent years, alcohol is still the most widely used addictive substance by young teenagers, and levels and patterns of consumption among some

adolescents are a particular cause for concern; compared to other countries, Scottish teenagers appear more likely to engage in riskier drinking practices following the initiation of alcohol use in early adolescence.⁹

Adolescent drinking has a range of adverse health and social consequences, particularly for teenagers who drink regularly and experience drunkenness. Adolescents are more susceptible to the intoxicating effects of alcohol due to their physical immaturity and lower tolerance levels. Drinking during adolescence also poses risks to long-term health and wellbeing, both by affecting important developmental processes,^{10,11,12} and by establishing drinking patterns that are continued in to adulthood.¹³ Risky and frequent drinking in adolescence is a predictive factor of harmful drinking in middle-age.¹⁴ Therefore reducing the prevalence, frequency and quantity of teenage drinking in Scotland will improve the health of young people and their health prospects as adults, and yield social and economic benefits beyond improved health outcomes.

Nature, extent and reach of contemporary alcohol marketing

It is estimated that the alcohol industry's annual spend on marketing its products in the UK is £800m.¹⁵ Alcohol advertising is extensive and pervasive, innovating beyond traditional advertising methods such as television, radio, magazines, cinemas and billboards, to target consumers through multiple marketing channels and techniques, making particular use of digital technology. Marketing communications focus on creating positive attitudes to brands and instilling the idea that alcohol consumption improves the experiences of life. It is seen as a key way to recruit new consumers, with some brands specifically targeting the youngest demographics of legal drinkers.¹⁶

An increased reliance on marketing activity to drive alcohol sales and profits, together with a growing number of marketing channels, has implications for children in terms of their overall exposure to marketing messages, as well as the particular appeal of more interactive forms of marketing such as digital media marketing.

The influence of alcohol marketing on children and young people

The alcohol industry maintains that their alcohol advertising practices are aimed at adults and do not target children and young people. However, the pervasive nature of advertising means children in the UK are regularly exposed to alcohol messages, despite the existence of regulatory codes designed to restrict exposure of under-18s to alcohol marketing. Children can also demonstrate high levels of awareness and familiarity with alcohol brands; a survey of Scottish primary schools found 10 and 11 year olds were more familiar with certain beer brands than leading brands of biscuits, crisps and ice cream.¹⁷

Research from a growing number of studies and reviews, including from Scotland and the UK, concludes that alcohol marketing has an impact on children and young people:

- **Children find alcohol marketing messages appealing.**¹⁸
- **Alcohol marketing influences children's attitudes.**^{19,20}
- **Alcohol marketing encourages children's drinking;** exposure to alcohol marketing reduces the age at which young people start to drink, increases the likelihood that they will drink and increases the amount of alcohol they will consume once they have started to drink.^{21,22,23}
- **The more alcohol marketing children see, the greater the impact,** as being aware of more marketing channels increases the odds of being a drinker.^{24,25}

- **Different marketing channels influence children's attitudes and behavior.**
- **More engaging forms of alcohol marketing are more influential.** For example, owning merchandise and downloading screensavers are found to be stronger predictors of drinking among young people than just being aware of marketing.²⁶

Failure of self-regulation of alcohol marketing

Alcohol marketing in the UK is governed by a complicated regulatory system of self- or co-regulation, with different industry-developed codes of practice applying to different media and different bodies overseeing compliance. Common across all industry codes of practice is that they focus mainly on the content of marketing messages, rather than placing limits on the amount of alcohol marketing. They also all contain rules prohibiting the targeting of under-18s by using content that is 'particularly' appealing to children, or through the selection or context in which the advert appears.

Research from various countries suggests that industry self-regulatory advertising codes are subject to under-interpretation and under-enforcement.^{27,28,29} In the UK, high levels of awareness of alcohol brands and marketing among children of all ages shows that the current system of voluntary regulation is not working. Existing advertising codes can be seen to be inadequate in a number of respects:

- **Inadequate restrictions on content:** Attempts so far to control the content of marketing messages to decrease their appeal to children have had limited impact. Children in the UK see a lot of alcohol marketing and they find the content appealing.
- **Inadequate restrictions on exposure:** The current rules on the placement of alcohol adverts to avoid targeting children have not been effective in reducing children's exposure,

and in fact, between 2009 and 2011, the number of alcohol adverts seen by children increased.³⁰ The limited effect of the codes in preventing children's exposure to alcohol marketing is in part due to the way the rules are constructed.

- **Inadequate enforcement:** The current system of regulatory oversight relies primarily on public complaints. With the exception of television adverts, regulatory controls apply retrospectively, after advertisements have already been shown. This can result in large numbers of children seeing inappropriate advertising before action is taken. There is also a lack of statutory powers of enforcement, meaning there is little deterrent from misapplying the codes.

The way forward: putting children first

The evidence of harm caused to children and young people through exposure to alcohol marketing, and the failure of the current regulatory regime to adequately protect children from such exposure, clearly points to the need to improve the regulatory approach. There is broad support within the general population for increased alcohol marketing restrictions.^{31,32}

Analysis of regulatory regimes in other countries has identified several key components of effective alcohol marketing regulation with respect to children, which include:

- restrictions on the volume and content of alcohol marketing;
- monitoring and enforcement systems that avoid conflicts of interest.³³

Effective regulation depends on having clear and appropriate policy objectives, and a robust, evidence-informed policy approach. If regulation is to work to protect children then it must be directed towards reducing children's exposure to alcohol marketing and reducing the appeal of alcohol marketing to children. There are several ways in which the current regulatory model should be improved:

- **Regulation should act in the best interests of children**, with particular reference to the fact that children's exposure to alcohol marketing impacts negatively on their rights.
- **Regulation should ensure equal consideration for all children**, addressing the in-built inequality of the current system whereby some children can be exposed to alcohol marketing, providing a certain threshold hasn't been crossed.
- **Regulation should take a comprehensive approach to protecting children**, in recognition that such an approach has the highest potential to reduce the impact of alcohol marketing on children, as well as being the most straightforward system to enforce.
- **Regulation should be put on a statutory footing**, in light of evidence from different countries that voluntary and self-regulation of alcohol marketing is not sufficiently protective of children. Adequate regulation requires a credible threat of enforcement.
- **Regulation should include young people's views.**
- **Regulation should be independent of the alcohol and advertising industries**, to ensure its effectiveness and to avoid conflicts of interest.

Legal powers to restrict alcohol marketing to protect public health

Under domestic and European law, commercial operators have a legal right to promote their goods and services through marketing communications. However, even though these rights are protected in the UK, they are not absolute and can be restricted on public health grounds, provided that the restrictions imposed are proportionate.³⁴ When assessing the proportionality of marketing restrictions, both UK courts and the Court of Justice of the European Union (CJEU) have clearly stated that the EU and Member States have a

broad margin of discretion in how they decide to protect public health, including through the imposition of extensive marketing restrictions.

The case for regulation is particularly compelling when children are at stake. Scottish Ministers have a duty under the Children and Young People (Scotland) Act 2014 to keep under consideration whether there are any steps that they could take that might give further effect in Scotland to the UN Convention on the Rights of the Child. Taking action on alcohol marketing has been specifically cited as a legitimate approach for States to take to protect children's right to health.

Competence to restrict alcohol marketing in Scotland

Within the UK, competence to act to restrict alcohol marketing is shared between the Scottish and UK parliaments. With regard to regulation of alcohol marketing, matters that are reserved to Westminster are broadcasting, consumer protection and internet services. Regulation of the press, printed adverts, billboards, outdoor displays, point of sale displays, adverts or hoardings at sporting events, and sponsorship of events, is within the competence of the Scottish Parliament. In addition, there is a view that internet services, which is a reserved matter, relates to infrastructure of internet provision, rather than the content of websites, and therefore, there maybe scope to regulate website content within Scotland.³⁵

Recommendations

The virtual expert network is of the clear view that the most protective environment possible would be of most benefit to children and young people. While the Scottish Parliament does not have legislative competence to regulate across the full range of marketing activities, it does have powers over a number of key areas of regulation that would increase the protection afforded to children, and many adults. It also remains open to the Scottish Government to lobby the UK Government

on matters of reserved competence, thus enabling it to pursue a comprehensive approach within its powers.

In making the following recommendations, the virtual expert network has had regard to matters of legislative competence, and has framed the recommendations in line with the extent of the Scottish Government's powers:

Recommendation 1: The Scottish Government should make clear that a key policy objective of alcohol marketing regulation should be to reduce the impact of alcohol marketing on children. This should form the basis of any discussions between the Scottish Government and UK Government on reserved matters.

Recommendation 2: The Scottish Government should prohibit outdoor alcohol advertising and advertising in public spaces. This includes advertising in streets, parks, on public transport, and in sports grounds.

Recommendation 3: The Scottish Government should set out a timetable for ending alcohol sponsorship of sports events, music and cultural events.

Recommendation 4: The Scottish Government should restrict alcohol advertising in newspapers and magazines to publications aimed at adults. This restriction should be limited to business-to-consumer (B2C) publications, not business-to-business (B2B).

Recommendation 5: The Scottish Government should press the UK Government to introduce restrictions on alcohol advertising on television between 6am and 11pm. The impact of such a change on children's exposure to alcohol marketing on television should, however, be monitored, and if it leads to unintended consequences, an outright ban should be pursued.

Recommendation 6: The Scottish Government should call on the UK Government to restrict alcohol advertising in cinemas to 18-certificate films.

Recommendation 7: The Scottish Government should consider its competence to legislate to restrict alcohol marketing on social media within Scotland. It should adopt measures deemed within scope. If there are steps to restrict digital alcohol marketing that are not within competence, it should lobby the UK Government to take steps to introduce such restrictions.

Recommendation 8: The Scottish Government should restrict all alcohol advertising content in Scotland, where still permitted, to promoting factual information, such as composition, origin and means of production. The Scottish Government should also call on the UK Government to take similar action at UK level for reserved matters.

Recommendation 9: The Scottish Government should immediately set up an independent taskforce to oversee development and implementation of alcohol marketing restrictions in Scotland.

Recommendation 10: The independent taskforce should explore the options for establishing an independent regulator for alcohol marketing in Scotland, which should be backed up by statutory powers of enforcement/sanction.

Recommendation 11: The independent taskforce should explore how an alcohol marketing regulator could require provision of marketing data to be provided to it.

Recommendation 12: The Scottish Government should commission a monitoring and evaluation programme to measure the effectiveness of regulatory changes in Scotland.

Recommendation 13: The Scottish Government should commission research to build the evidence base on alcohol marketing.



1. Introduction

Background to the virtual expert network on alcohol marketing

During the Global Alcohol Policy Conference 2015, held in Edinburgh from 5-7 October, a group of social scientists, legal experts and policy advocates met with representatives of the Scottish Government to consider the scope for action on alcohol marketing in Scotland to reduce levels of alcohol-related harm.

Following the meeting, it was agreed to set up a virtual expert network to continue the discussions on alcohol marketing policy, with a view to informing the development of the next phase of Scotland's alcohol strategy. The then Minister for Public Health, Maureen Watt MSP, asked the network to consider the top policy options for a range of areas within advertising and sponsorship, taking into account how such policies might be implemented in Scotland.

Since February 2016, Alcohol Focus Scotland has been coordinating the work of this network, which involves 20 experts from 8 different countries (see Appendix One). The views and contributions of the experts have been sought principally through electronic correspondence, and a teleconference was held to discuss and agree the final report and recommendations.

Membership of the virtual expert network

Network members have expertise in alcohol marketing research, policy and legislation, as it relates to the protection of public health and the reduction of health and social harm caused by alcohol. The alcohol and advertising industries have marketing expertise, but industry representatives were not invited to join the network to avoid conflicts of interest. In line with the position endorsed in the *Global strategy on the reduction of harmful*

alcohol use, and reiterated by the World Health Organization,³⁶ the virtual expert group takes the view that public policies and interventions aimed at reducing and preventing alcohol-related harm should be developed by public health interests alone. Economic operators have no role in the formulation of alcohol policies, which must be protected from distortion by commercial or vested interests.

Approach of the virtual network

Alcohol marketing takes many forms, from traditional advertisements in print and broadcast media, to what is known as 'below-the-line' promotional activity, such as sponsorship and social media engagement. It also includes consumer marketing strategies on price, product design and distribution. (see diagram 1 below)

(a) Focus on advertising and sponsorship

In its deliberations, the virtual network focused on where the evidence of the effects of alcohol marketing is strongest, which is predominantly in relation to mass media advertising. Newer research findings illustrating the impact of alcohol sponsorship activities and social media marketing were also taken into account. **However, in the formulation of policies to restrict marketing activity, the virtual network believes that consideration should be given to wider forms of alcohol marketing as the evidence clearly indicates that marketing communications as a whole have a cumulative impact on individuals, as well as fostering excessively pro-drinking social norms within society.**

(b) Focus on children and young people

The virtual network prioritised policy options to protect children and young people, responding to current concerns about children being exposed to large volumes of marketing for health-harming products. There were a number of reasons for this:

1. The focus on children reflects the fact that the bulk of evidence to date on the influence of alcohol marketing on attitudes and drinking behaviour relates to children and young people.
2. Children and young people are recognised as having particular developmental vulnerabilities that make them more susceptible to the persuasive power of alcohol marketing, as well as to the harmful effects of alcohol consumption. Policy options to prevent children's exposure to alcohol marketing, to the extent that they work to reduce the likelihood and prevalence of teenage drinking, will improve adolescent health. They can also benefit population health, as many adult alcohol problems are rooted in the drinking experiences of adolescence.
3. The UN Convention on the Rights of the Child (UNCRC), to which the UK is a signatory, recognises that children are a vulnerable group of society requiring special protection, not least from commercial exploitation. Article 17(e) of the UNCRC encourages the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being. In line with Article 17, state parties are urged to regulate or prohibit information on and marketing of substances such as alcohol and tobacco. The Children and Young People (Scotland) Act 2014 obliges Scottish Ministers to keep under consideration whether there are any steps that they could take that might secure better, or further effect in Scotland, the UNCRC requirements. Action to restrict alcohol marketing to better protect children and young people, therefore, fits within these obligations.

The virtual network believes, however, that measures to reduce children's and young people's exposure to alcohol marketing should be considered as a first step to wider marketing restrictions. The group has a broader interest in the impact of marketing on adult drinking behaviour, and in line with the WHO 'best buys' believes that measures

to restrict alcohol marketing will have benefits across the entire population. The most comprehensive approach possible to alcohol marketing restrictions will provide the best protection to children, as well as other vulnerable groups, such as drinkers with alcohol dependency and people in recovery, and to society as a whole.

The drinking behaviours of children and adults, and consequently the alcohol-related harms they experience, are closely interrelated. Children are influenced by their parents' drinking habits, as well as the culture of alcohol use in the wider society in which they live.^{37,38,39} In turn, adolescent drinking practices shape adult drinking behaviour. Similarly, alcohol marketing has a direct effect on children and young people, but is also likely to inform adult attitudes to alcohol, which in turn influence children. Although under-researched, the impact of alcohol marketing on dependent drinkers and those recovering from alcohol dependence is a cause for concern,⁴⁰ and protection against unhealthy cues and prompts to drink should be afforded to this vulnerable group.

Report and recommendations

This report outlines the recommendations of the network. In addition to the direct contributions from members of the network, the report and its recommendations have been informed by:

- A review of published evidence on the impact of alcohol marketing and effective policy interventions;
- A review of legislative competence of the Scottish Parliament in relation to alcohol marketing interventions;
- Identification of alcohol marketing interventions in other countries.

While the virtual network is of the clear view that the most comprehensive approach possible to alcohol marketing restrictions will provide the best protection to children, it recognises that the Scottish Government and

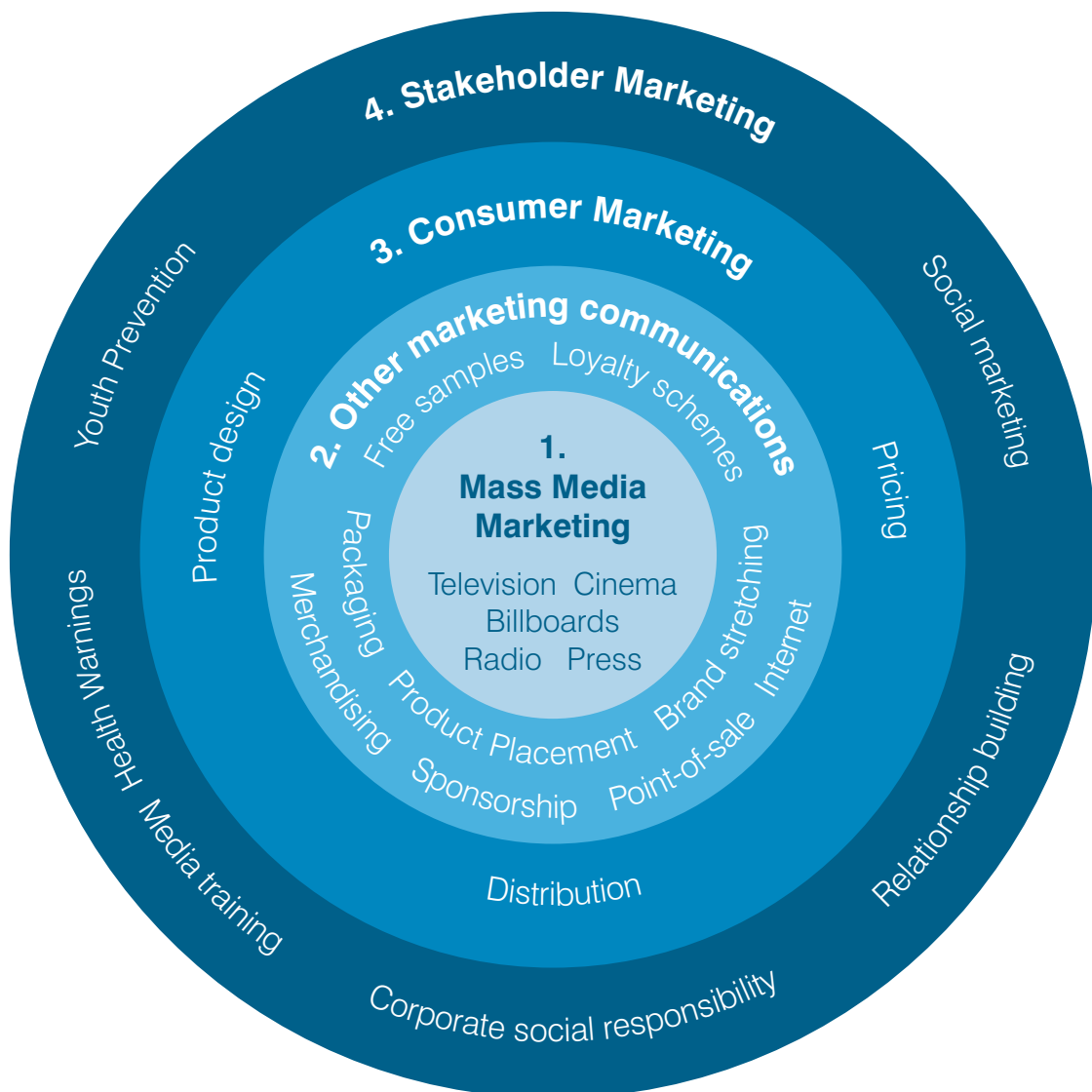
Parliament do not have policy and legislative competence in relation to the full range of mass media marketing techniques discussed in the report. The network's recommendations are therefore framed in relation to steps that the Scottish Government can take, taking account of reserved and devolved competence, to provide the most protective environment to children possible.

Definitions

For the purposes of this report, **alcohol marketing** is defined as any form of commercial communication or message that is designed to increase, or has the effect of increasing, the recognition, appeal, and/or consumption of alcohol products.

'Children and young people' and 'adolescents' refers to individuals under the age of 18.

Diagram 1



Taken from *Under the Influence: the damaging effect of alcohol marketing on young people*. British Medical Association, 2009⁴¹

2. Promoting good health from childhood



Key points

- An alcohol-free childhood is the healthiest and best option for children. Yet nearly a third of 13-year-olds and two thirds of 15-year-olds in Scotland have drunk alcohol.
- Children and adolescents are more vulnerable than adults to the acute and intoxicating effects of alcohol, but drinking during adolescence can also have longer-term repercussions; risky and frequent teenage drinking is a predictive factor of harmful drinking later in life.
- The wider environment in which young people live and grow up influences their drinking behaviour. Children are especially susceptible to external influences, including alcohol industry marketing activity.
- Every child should have every opportunity to live a healthy life. Reducing the prevalence, frequency and quantity of teenage drinking in Scotland will improve the health of young people and their health prospects as adults. It will also deliver social and economic benefits beyond improved health outcomes.

Nature and extent of adolescent drinking in Scotland

Drinking in Scotland, as in other countries, is often initiated in adolescence. Nearly a third of Scottish children have drunk alcohol by age 13 and two thirds by age 15. Although consumption among children has fallen in recent years, alcohol is still the most widely used addictive substance by young teenagers, and levels and patterns of consumption among some adolescents are a particular cause for concern. According to Scotland's most recent national school survey, most teenagers drink infrequently. However, those who drink regularly are more likely to drink in hazardous ways. Nearly six out of ten (57%) fifteen year olds who reported consuming alcohol in the previous week had also been drunk in the previous week.⁴² In the 2013 survey,⁴³ 40% percent of boys and 32% of girls who had been drunk in the previous week reported exceeding the then recommended weekly drinking limits for adults.⁴⁴

There are also gender differences in the consumption habits of young people. While 13 year old boys were slightly more likely than the same aged girls to have ever had a drink, the reverse was true of 15 year olds. Fifteen year old girls were also slightly more likely than boys to have drunk alcohol in the previous week. Across both age groups, girls were more likely than boys to have ever been drunk and to have been drunk in the last week.⁴⁵

Compared to other countries, Scottish teenagers appear more likely to engage in riskier drinking practices following the initiation of alcohol use in early adolescence. Fifteen year olds in Scotland rank sixth highest out of 41 countries in experiencing first drunkenness at age 13 or younger, and fifth highest in being drunk on two or more occasions.⁴⁶ In the UK as whole, students (age 15 and 16) are found to hold more favourable attitudes to alcohol than in other countries, anticipating more positive and fewer negative consequences of their own drinking.⁴⁷

Impact of alcohol on children and young people

- On average, 45 young people under the age of 24 are admitted to hospital each week because of alcohol.⁴⁸
- In 2013/2014, the Scottish Ambulance Service dealt with around 1000 alcohol-related incidents involving under-18s.⁴⁹
- Alcohol-related hospitalisations among 15-24 year olds have increased by 228% since the early 1980s.⁵⁰
- Hospitalisations for alcoholic liver disease in 25-34 year olds have increased by 70% over the past 20 years, indicative of more people drinking more heavily earlier in life.⁵¹
- Children with poorer mental health and wellbeing are more likely to have drunk alcohol in the past week than those with better mental health and wellbeing⁵²
- Children who have drunk in the past week are more likely to report truancy and being excluded from school than those who have not.⁵³
- In 2015, there were 54 suicides among 15-24 year olds in Scotland. Evidence shows strong links between alcohol use, thoughts of suicide and completed suicides among young people under the age of 24.⁵⁴
- Six in ten young offenders report being drunk at the time of their offence.⁵⁵

Immediate harm from drinking in adolescence

Adolescent drinking has a range of adverse health and social consequences, particularly for teenagers who drink regularly and experience drunkenness. Children and adolescents are more susceptible to the intoxicating effects of alcohol

due to their physical immaturity and lower levels of tolerance, especially when combined with the increased impulsivity and greater propensity for risk-taking behaviour associated with adolescence and early adulthood. Teenagers who drink are more likely to be involved in accidents and in violent and offending behaviour.⁵⁶ Alcohol is a leading risk factor for death and disability in young people. Fifteen per cent of all deaths among 16 to 24 year olds in Scotland are attributable to alcohol, with assaults, road traffic accidents and intentional self-harm among the top causes.⁵⁷

Longer-term consequences of drinking

Drinking during adolescence also poses risks to long-term health and wellbeing. After infancy, adolescence is the period of greatest and most rapid physical and emotional change.⁵⁸ Emerging evidence suggests that alcohol intake at this stage of life may have an adverse effect on important developmental processes. Advances in neuroscience have recently revealed a course of continued brain development throughout adolescence and early adulthood, which imaging studies suggest can be disrupted by alcohol use.⁵⁹ The fact that adolescence is a critical period in brain maturation may account for why it is also the peak age of onset of life-time mental health disorders. Alcohol consumption during adolescence may have a heightened effect on mental wellbeing. Alcohol has been identified as a risk factor for self-harming during the transition from adolescence to adulthood and adolescents who drink while feeling sad or depressed have an increased risk of attempting suicide.^{60,61} Risky and heavy drinking has long been associated with a range of psychiatric symptoms in adults, so its use during adolescence may well serve to exacerbate existing feelings of anxiety.

Primarily, however, adolescent drinking is seen to impact on long-term health through the continuation of drinking patterns established in adolescence.⁶² It matters when in life experiences with alcohol occur and what those experiences

are. Evidence indicates that drinking behaviours adopted in the formative teenage years track strongly into adult life. Longitudinal studies conducted over decades identify risky and frequent drinking in adolescence as a predictive factor of harmful drinking in middle-age,⁶³ with knock-on effects for health and wellbeing.

If people start drinking as children and adolescents and continue into adulthood they will be exposed to the toxic effects of alcohol for a longer period of time than if they started as adults. Long-term alcohol consumption raises the risk of a range of chronic diseases such as cancer, liver cirrhosis, heart disease and stroke. Development of these conditions is linked to current and past alcohol consumption, and with certain types of cancer, such as breast cancer, risk increases with any amount of alcohol consumed on a regular basis.⁶⁴ Early age drinking also increases the likelihood of experiencing chronic health harms at a younger age.

In addition, drinking patterns established in adolescence may influence health inequalities in later life. Alcohol is a key contributor to health inequalities in Scotland. Those living in more deprived communities in Scotland experience a disproportionately high level of alcohol-attributable harm. There is a strong social gradient to alcohol-related morbidity and mortality in Scotland and adults in the lowest income decile are eight times more likely to die an alcohol-related death than those in the highest income decile.⁶⁵ The reasons why alcohol has a more harmful effect on people living in deprived communities are complex, however, risky and harmful alcohol use is both a product and a driver of social deprivation and marginalisation. If adolescent drinking shapes adult drinking behaviour, then reducing the prevalence of teenage drinking, particularly through population measures such as restricting marketing, may be a means to prevent long-term health inequalities in Scotland.

Promoting health, reducing risk

The value of a life-course approach is increasingly recognised in the development of health policy today.⁶⁶ Many adult illnesses are seen to be rooted in earlier stages of life, with a substantial burden of chronic disease linked to health-related behaviours – drinking, smoking, and a lack of exercise – first adopted in adolescence. The influence of adolescent drinking on current and future health, and the significance of first drinking experiences in shaping adult drinking behaviour, make childhood and adolescence an important and opportune time for preventative interventions. Reducing the prevalence, frequency and quantity of teenage drinking in Scotland will improve the health of young people and their health prospects as adults, as well as yielding social and economic benefits beyond improved health outcomes.

Alcohol consumption during any stage of childhood can harm a child's development, so an alcohol-free childhood is the healthiest and best option for children.⁶⁷ A number of factors are associated with an increased likelihood of teenage drinking, including personality traits and demographic characteristics, as well as peer and family influences. Young people express greater intentions to drink if they believe that others consider it okay to do so, or if they have friends or family members who drink.⁶⁸ However, adolescent health behaviours are also strongly enabled or constrained by the wider environment in which they live. Children especially are susceptible to external influences, which includes alcohol industry marketing activity. Providing children with the opportunity to grow and develop in an environment that fosters and encourages healthy choices, means tackling unhealthy influences on their behaviour.

3. Nature, extent and reach of contemporary alcohol marketing



Key points

- Alcohol advertising is extensive. It is also an innovating industry, moving beyond traditional advertising methods to target consumers through multiple marketing channels and techniques.
- Digital technology in particular has extended opportunities for alcohol brand marketing, allowing two-way interaction between consumers and brands. This means promotional messages about alcohol are becoming increasingly embedded in daily communications and relationships.
- The growth in marketing channels and more interactive marketing techniques has implications for children. While young children recognise brand names and advertising from an early age, they are less adept at recognising more innovative forms of alcohol promotion as 'marketing.'

The evolution of alcohol marketing

Alcohol marketing has changed substantially in recent decades. Traditional advertising through television, radio, magazines, cinema and billboards has been supplemented and transformed by digital media and the development of a wider array of promotional techniques, including: sponsorship of sporting and cultural events; celebrity endorsement; new product designs; innovative packaging; point-of-sales displays; merchandising; social media activity, viral marketing and apps. Multiple channels and techniques are used in integrated marketing campaigns aimed at targeting potential consumers repeatedly across the media landscape.⁶⁹

Marketing communications focus on creating positive attitudes to brands and instilling the idea that alcohol consumption improves the experiences of life. The language, style, tone and imagery of campaigns are carefully designed to promote sociability and social success, appeal to masculinity and femininity, and to tap into youth culture.⁷⁰ Brands are deliberately associated with key social occasions, with stardom and celebrity, sporting performance and achievement, or with

traits such as humour, adventure and quirkiness, to appeal to target consumers. Marketing is seen as a key way to recruit new consumers, with some brands specifically targeting the youngest demographics of legal drinkers.⁷¹

The success of marketing messages in priming consumers to identify alcohol brands with particular values and attributes is illustrated by recent research in Scotland. In focus group discussions with 14 to 17 year olds, young people's perceptions of alcohol brands were found to correspond exactly with the officially projected brand image: Budweiser was associated with watching football; Malibu with holidays; and Bulmers cider with drinking outdoors and barbecues.⁷² The views and attitudes of young people are especially important to alcohol marketers as they represent the next generation of drinkers. Ensuring early brand recognition is seen to be particularly advantageous in the drive to establish brand loyalty.⁷³

The growth of digital technology in the past decade has extended opportunities for alcohol brand marketing. An increasing array of online and mobile media platforms provide new routes to consumers, and in contrast with traditional advertising, allow



two-way interaction. Alongside display adverts, pop-ups and banners on websites, alcohol marketing online employs a variety of approaches to encourage user engagement, including notices of events, parties, and competitions; free downloads of music, pictures and messaging accessories; free downloadable apps for entertainment, games, and local retailer locations.⁷⁴

Alcohol brands are active on social networking sites where they seek to stimulate conversations with users and encourage sharing of brand content. As brand messages are 'liked' and commented on, users in effect become co-creators and distributors of alcohol marketing content, resulting in a blurring of the boundaries between official marketing content and user interactions.^{75,76}

“ What we're trying to be is part of people's regular everyday lives, that's the social fabric through our marketing. ”

Diageo's global managing director of reserve brands, James Thompson.⁷⁷

The rising tide of alcohol marketing

Globally, alcohol marketing is increasingly pervasive. While technological innovation has expanded the possibilities for brand marketing, the main impetus for more alcohol marketing is the companies selling alcohol. Globalisation and industry consolidation has resulted in fewer and bigger multinational corporations manufacturing a greater proportion of alcohol consumed worldwide. Today the global market, particularly for beer and spirits, is dominated by a handful of large producers.⁷⁸ The merger in 2016 of the two biggest brewers – AB InBev and SABMiller – was expected to result in a combined firm responsible for one in three beers drunk worldwide.⁷⁹ Economies of scale achieved through the creation of these mega-corporations has enabled them to direct more resources towards the creation, development and promotion of alcohol brands. For global alcohol corporations, marketing activity is the principal means of building brand identity and awareness. Successful brands drive sales and profits.



Alcohol adverts are regularly shown before screenings of 12A and 15 certificate films.

The scope of alcohol marketing in the UK

Alcohol marketing in the UK is extensive. In 2013 around £177m was spent on alcohol advertising in measured media, which includes television, radio, outdoor, press, cinema and the internet.⁸⁰ However, when wider promotional activity is taken into account, such as sponsorship, merchandising and social media engagement, alcohol marketing expenditure is much greater. Marketing on measured media is considered to be an underestimation of the marketing effort by a factor of two to four.⁸¹ In 2003, it was estimated that the UK alcohol industry's annual spend on mass media advertising expands to £800m for marketing communications as a whole.⁸²

Television: About half of alcohol advertising expenditure on measured media goes on TV advertising.⁸³ TV is a relatively expensive medium for advertising, but peak spots can attract large audiences. Around 650,000 alcohol adverts are shown on UK TV each year, with almost half broadcast before 9pm, during peak viewing hours for children and young people.⁸⁴

Cinema: Around £16m is spent annually on alcohol adverts in cinemas.⁸⁵ Alcohol adverts can make up to 40% of the commercials shown before feature films. Alcohol companies apportion a greater share of their marketing budgets to cinema advertising than is the case for other product categories,⁸⁶ as they seek to establish the

connection between alcohol brands and leisure activity. Research carried out in the North East of England in 2013 found that during five popular family films (four rated 12A and one 15 certificate) shown throughout the summer, one in four adverts were for alcohol.⁸⁷

Outdoor: Outdoor advertising companies operate across the UK, offering hundreds of fixed advertising sites as well as mobile advertising. Alcohol advertising in public spaces takes increasingly different forms, with blimps, advans, and taxis used along with billboards and bus shelters. Recent innovations have included a Carlsberg billboard which dispensed free beer, using the slogan 'Probably the best poster in the world.'

Digital: Over the past five years online marketing has reportedly become the UK's largest marketing channel.⁸⁸ Alcohol industry promotion using online and mobile media has increased significantly. Alcohol marketers seek to stimulate discussion about alcohol brands online but also strive to convert online discussion into offline alcohol consumption. A prominent technique used to achieve this objective is 'real-world tie-ins,'^{89,90} involving the promotion of real-life events.



Bus shelter advert for a Guinness lager.



Carling being advertised beside pumps at petrol station.



Guinness is a prominent brand at Scotland's national rugby stadium, Murrayfield.

Recent years have also seen brand associations, particularly those on social media, moving away from domains such as traditional leisure activities (e.g. watching football), and diversifying to include sponsorship and reference to new sporting/physical activities and challenges, as well as comedy, television shows, and even health campaigns. However, research on some of these campaigns found that none of the brands made any reference to how alcohol consumption can hinder fitness, and there were no associations made between alcohol use and some health issues, including those forming part of the health campaigns. Thus, these brands actively associated with popular cultural activities and trends regardless of inherent contradictions.⁹¹

Sponsorship: Alcohol brands are high profile sponsors of major sporting and cultural events, such as EURO 2016 and the Rio Olympics, which are viewed by millions and attract adults and children alike. People watching England and Wales' games in the group stages of EURO 2016 will have seen alcohol marketing almost once a minute during play, as pitch-side adverts for the tournament's alcohol sponsor Carlsberg appeared 392 times. Based on previous tournaments, up to 14% of the audience will have been under 18 years of age.⁹² The brand circumvented France's prohibition on alcohol advertising associated with sporting events, by using its advertising slogan, not brand name, on its pitchside adverts.

In 2009, there were 43 sponsorship deals with alcohol companies in Scotland with a value of £5000 or more. Almost half of these activities related to sports events, clubs, or teams and a third related to music events or other cultural activities, including book, comedy and film festivals.⁹³

Packaging: Packaging is an important marketing lever for alcohol brands, with colour, images and font all contributing to a desired brand image and differentiating the product from others on the shelf. Packaging can also be designed to facilitate immediate or quick consumption, as in the case of 'shots'. New pack technologies enhance product packaging as an advertising channel. Augmented reality advertising allows consumers to interact with the physical product using smartphones or tablets.⁹⁴ An example is Budweiser's sponsorship of the 2013 FA Cup, which enabled consumers to scan Budweiser products after purchase, using a special app, to find out whether they had won VIP tickets to the FA Cup Final, or a range of other prizes.⁹⁵



Tennent's are the principal sponsors of Scotland's biggest music festival.

The marketing mix: The different types of marketing communication are rarely used independently, but combined in integrated marketing campaigns for maximum effect. Carlsberg's efforts to exploit the marketing potential of EURO 2016 extended far beyond sponsorship of the tournament. Its campaign involved television commercials, online activity, competitions, giveaways,⁹⁶ as well as a strategy to lift pub sales. Ten thousand point-of-sales kits, including fixture posters, planners, flags and wigs, were reportedly sent to pubs throughout England, Wales and Scotland serving Carlsberg, to help 'engage existing consumers and draw new ones in'.⁹⁷

Implications of alcohol marketing developments for children

An increased reliance on marketing activity to drive alcohol sales and profits, together with a growing number of marketing channels, has implications for children in terms of their overall exposure to marketing messages, as well as the particular appeal of more interactive forms of marketing. Electronic media communication has become a central component of young people's lives and how they communicate with one another.⁹⁸ Whereas social networking sites were originally created to connect friends, they are increasingly being used by brands to connect to, and create, consumers.⁹⁹ Over 60% of the UK population access social networking sites like Facebook, where alcohol brand pages have one of the highest engagement rates.¹⁰⁰ Teenagers are

far more likely to be active on social networking sites than older adults. A significant proportion of UK teens aged 12-15 have used YouTube (81%), Facebook (72%), Instagram (55%), Snapchat (53%) and WhatsApp (48%).¹⁰¹ In 2014, 87% of 10-15 year olds reported using social media in the previous month, despite many social media and apps having age restrictions.¹⁰²

The interactive nature of digital media marketing and the adoption of a broader range of marketing techniques means that promotional messages about alcohol are no longer cordoned off into a separate category called "advertising"; but are embedded in daily communications and relationships.¹⁰³

These developments have particular significance for children's identification and understanding of marketing techniques. While research shows young children recognise brand names and advertising from an early age, a full appreciation of the persuasive intent of advertising is not reached until 7 or 8 years of age.¹⁰⁴ However, with non-traditional forms of marketing, this understanding may not be acquired until later. Research has found that children aged 10 to 12 years cannot always identify advertisements in a web page design.¹⁰⁵ In a survey of young people (average age 14.5) in England, it was found that they did not consistently recognise alcohol marketing when channelled through sponsorship, product merchandise, or via official brand pages on social networking sites. Almost half of the young people questioned did not consider alcohol promotion through such media as 'marketing'.¹⁰⁶



4. The influence of alcohol marketing on children and young people



Key points

- Alcohol marketing is making an impression on children. Despite the existence of codes to prevent the targeting of under-18s, children in the UK are consuming large volumes of alcohol marketing through a range of marketing channels.
- In Scotland, children as young as 10 can readily identify alcohol brands, logos and characters from alcohol advertising.
- Evidence demonstrates that alcohol marketing influences children's attitudes to alcohol and their drinking behaviour.
- Exposure to alcohol marketing reduces the age at which young people start to drink, increases the likelihood that they will drink, and increases the amount of alcohol they consume if they already drink.

Children's awareness of alcohol marketing

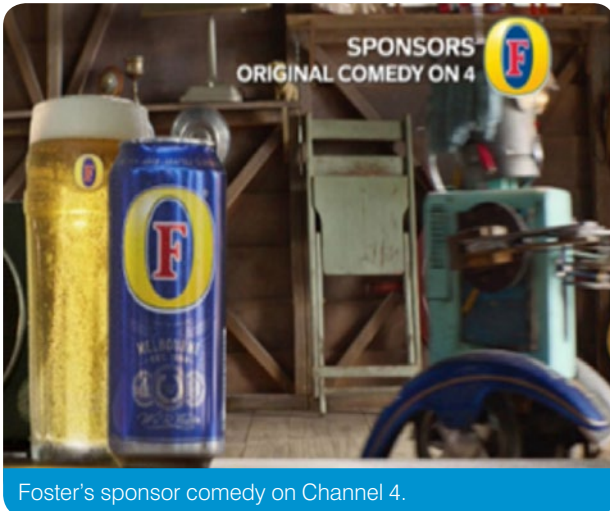
The alcohol industry maintains that their advertising practices are aimed at adults and do not target children and young people. Indeed, the advertising codes regulating their activity (see section 4) are designed to restrict under-18s' exposure to alcohol marketing. However, despite the existence of such codes, the pervasive nature of alcohol advertising means children in the UK are regularly exposed to alcohol messaging and can demonstrate high levels of awareness and familiarity with alcohol brands. A 2014 survey of



Heineken hoardings are a regular feature at football matches.

Scottish primary schools found that children as young as 10 could readily identify alcohol brands, logos, and characters from alcohol advertising on TV. Nine out of ten children recognised the beer brand 'Foster's', a higher recognition rate than for leading brands of crisps, biscuits and ice-cream. Recognition of other alcohol brands was also high, with 66% identifying WKD as an alcohol product and 79% Smirnoff. Almost half of all children (47%), and 60% of boys, made the connection between Carling beer and the Scottish national football team. Boys in particular appeared to be aware from a young age of the association between football and beer brands, created by sponsorship deals.¹⁰⁷

Alcohol marketing awareness was similarly high among 12-14-year-olds in an earlier study carried out the west of Scotland.¹⁰⁸ Almost all (97%) of participants were aware of at least one form of alcohol marketing, with five being the average number. Awareness was highest for TV/cinema advertising (77%), branded clothing (67%), sports sponsorship (63%), price promotions (59%) and signs or posters in-store (58%).



Foster's sponsor comedy on Channel 4.

On social media, young people in Scotland report seeing large volumes of alcohol brand marketing.¹⁰⁹ Participants in focus group discussions (14 to 17 years) stated that they regularly saw examples of friends having 'liked' or 're-tweeted' a post from an alcohol brand and that this led to advertisements for alcohol appearing on their home pages.¹¹⁰ While some young people express indifference to alcohol marketing on social networking sites, they are at the same time highly knowledgeable about alcohol brands, choosing to engage with marketing content if they feel they have something to gain, like a winning brand competition prizes or getting information on nightlife events or offers.¹¹¹

Evidence of the effects of alcohol marketing on children

Evidence from a growing number of studies and reviews, including from Scotland and the UK, concludes that alcohol marketing has an impact on children and young people. Research finds that alcohol marketing exerts an influence on children's attitudes, expectancies, intentions to drink, and drinking behaviour:

Children find alcohol marketing messages appealing

Common features of alcohol adverts that children find attractive include humour, music, cartoons or animation, people and animal characters, special technological effects, people behaving in a childish fashion, fantasy settings and celebrities. Features of adverts that young people find unappealing are product-focused aspects.¹¹²

Alcohol marketing influences children's attitudes

Children repeatedly seeing and hearing positive messages about drinking alcohol in the media and through marketing, influences their perceptions and attitudes to alcohol.^{113,114} Research suggests that children move through different stages of receptivity to alcohol marketing, starting with liking alcohol





Promotion for a tequila beer in a Glasgow underground station.

adverts, followed by the development of positive expectancies about drinking alcohol, with individuals progressively internalising marketing messages and employing them in eventual decisions about behavioural choices.¹¹⁵ Greater awareness and better liking of alcohol advertisements and promotions (including adverts on TV, in the cinema, newspapers or magazines, posters/billboards, signs in shops and special price offers) was found to be significantly associated with stronger intentions to drink in the following year among Scottish teenagers.¹¹⁶

Alcohol marketing encourages children's drinking

Research repeatedly and consistently finds that alcohol marketing has an influence on the onset and continuation of drinking by adolescents and on the amount drunk. This is the conclusion of two reviews of 13 longitudinal studies carried out in 2008 and 2009,¹¹⁷ and a subsequent review published in 2016,¹¹⁸ which identifies a further 12 longitudinal studies that have measured the impact of a broader range of alcohol marketing media on children and young people. They demonstrate that exposure to alcohol marketing reduces the age at which young people start to drink, increases the likelihood that they will drink and increases the amount of alcohol they will consume once they have started to drink.

The more alcohol marketing children see the greater the impact

Research finds that the amount and frequency of drinking by young people rises in line with the degree of exposure to alcohol marketing. Being

aware of more marketing channels increases the odds of being a drinker.^{119,120}

Different marketing channels influence children's attitudes and behaviour

The impact of alcohol marketing on children has been demonstrated across a range of channels: TV and other broadcast media, outdoor advertising, adverts in magazines and newspapers, sports sponsorship,^{121,122} digital marketing¹²³ and alcohol-branded merchandise. Sport sponsorship has been shown to have an impact on the drinking behaviour of those who participate in sport, as well as those who watch it. A study of adolescents (average age 14) in four European countries, found that seeing more alcohol-branded sponsorship increased the likelihood of adolescents starting to drink and increased the frequency of using alcohol.¹²⁴

More engaging forms of alcohol marketing are more influential

Measures of more active engagement with alcohol marketing, such as owning merchandise and downloading screensavers, are found to be stronger predictors of drinking among young people than just being aware of alcohol marketing.¹²⁵

Impact of alcohol marketing on wider cultural norms

The influence of alcohol marketing extends beyond its direct effects on children and young people. One recent tactic employed by the alcohol industry in many countries (specifically the UK but also in other English speaking countries) has been to argue that it is not marketing that is important in influencing youth consumption but rather peer influence.¹²⁶ But this ignores the extent to which peers are actively recruited (often subtly) by the alcohol industry as marketers within their own peer network. Social networking sites and branded smartphone apps all provide opportunities for commercial marketers to recruit young drinkers within their own peer networks.



Famous Grouse sponsored the Glasgow 2014 Commonwealth Games.

More generally, marketing and social norm perceptions are intimately linked. There is a vast body of literature suggesting that normative perceptions are amongst the most powerful drivers of human behaviour, especially when it comes to youth drinking.¹²⁷ These normative perceptions are shaped by the media in general^{128,129} and, more specifically, by marketing. Research indicates that higher levels of exposure to marketing is associated with permissive perceived norms about peer drinking, which in turn can influence children's attitudes to alcohol and drinking behaviour.¹³⁰

The money spent on marketing alcohol in the UK far exceeds expenditure on public awareness campaigns to highlight the risks of alcohol consumption. Consequently, in adults and children alike, there is a mismatch between perceptions about the negative effects of alcohol use and reality. Parents, who are a major influence on their children's drinking practices, have difficulty accepting that alcohol is a drug that can cause harm. There is a strong belief that harmful drugs would not be allowed to be branded and sold to the public without regulation by a pharmacist or doctor.¹³¹

5. Failure of self-regulation of alcohol marketing



Key points

- Children are highly familiar with alcohol marketing across different promotional channels, suggesting that the existing regulatory framework is failing to protect under-18s.
- Self-regulation is serving industry interests, not children's. The current restrictions are inadequate on content, exposure and enforcement.
- More effective controls are needed to ensure that alcohol marketing messages only reach adult audiences.

Current alcohol marketing regulation

Alcohol marketing in the UK is governed by a complicated regulatory system. Different industry-developed codes of practice apply to different media, with different bodies overseeing compliance. Common across all these forms of regulation, however, is a strong role for the advertising industry itself, with systems of self- or co-regulation being utilised, creating a conflict of interest:

- broadcast advertising (television and radio): co-regulated by Ofcom, a statutory body, in conjunction with the industry-funded Advertising Standards Authority (ASA). Radio and TV adverts have to be cleared before transmission to check compliance with the code of practice for broadcast media (BCAP).
- non-broadcast advertising (newspapers/magazines, outdoor, cinema): newspaper/magazine advertising and outdoor advertising are regulated by the ASA, and are covered by the code of advertising practice for non-broadcast media (CAP). Cinema advertising is covered by the CAP and overseen by the Cinema Advertising Association alongside the ASA.
- digital marketing: covered by the CAP code as well as the Portman Group Code of Practice on the Naming, Packaging and Promotion of

Alcoholic Drinks. The Portman Group is an industry membership body which has assumed the role of encouraging responsible marketing.

- sponsorship: subject to the Portman Group Code of Practice on Alcohol Sponsorship.

Common across all these codes of practice is that they focus mainly on the content of marketing messages, rather than placing limits on the amount of alcohol marketing. The codes all contain rules prohibiting the targeting of under-18s, by using content that is 'particularly' appealing to children, or through the selection of media or context in which the advert appears. More generally, the advertising rules proscribe linking alcohol with daring, toughness, sexual or social success, or implying that drinking can contribute to professional or sporting achievements – although, confusingly, alcohol sponsorship of sport is allowed.

Insufficient regulatory protection for children

The current rules to restrict alcohol marketing to children have been adopted in response to growing concerns among policy makers and the public about the impact of alcohol marketing messages on children. However, high levels of awareness of alcohol brands and marketing

among children of all ages shows that the current system of voluntary regulation is not working. Existing advertising codes can be seen to be inadequate in a number of respects:

- **Inadequate restrictions on content**

Attempts so far to control the content of marketing messages to decrease their appeal to children have had limited impact. Children in the UK see a lot of alcohol marketing and they find the content appealing. The codes' proscription of content that is 'particularly' appealing to children has little practical value. Many common features of alcohol marketing, such as the use of humour, are considered to have general appeal and are therefore not proscribed, but can act just as powerfully on children's perceptions and attitudes to alcohol.¹³²

- **Inadequate restrictions on exposure**

Current rules on the placement of alcohol adverts to avoid targeting children have not been effective in reducing children's exposure. On television, alcohol advertising restrictions around children's programmes have been in place for more than 15 years, yet OFCOM found that the number of alcohol adverts seen by children increased between 2007 and 2011.¹³³ The limited effect of the codes in preventing children's exposure to alcohol marketing is in part due to the way the rules are constructed. For non-broadcast media, sponsorship and other marketing promotions, the codes stipulate that no medium should be used to advertise alcoholic drinks if more than 25% of its audience is under 18. However, up to 25% of an audience can translate into large numbers of children. In effect, the codes therefore enshrine unequal treatment of children; in some contexts they are deemed worthy of protection from alcohol advertising, and in others they are not.

- **Inadequate enforcement**

Compliance with alcohol marketing codes of practice is overseen by the Advertising Standard's Authority (ASA) and the Portman



Photograph of Valentine's offers from Asda Magazine

Group, an alcohol industry body. The ASA is funded by a levy on advertising, but payment of the levy is voluntary. This system of oversight has several weaknesses, with implications for the protection of children:

(a) **Reliance on public complaints**

Investigations of potential breaches of alcohol marketing rules are primarily instigated on receipt of a complaint from a member of the public. This is of limited effectiveness as the majority of the public will be unfamiliar with advertising rules, or know where to complain.¹³⁴

(b) **Retrospective and slow**

With the exception of television adverts, which are pre-vetted, regulatory controls regarding compliance with the codes apply retrospectively, after advertisements have already been shown. In August 2016, the ASA found an advert for Captain Morgan's rum in breach of advertising rules for implying that drinking alcohol can increase confidence; three months after the advert had been launched.¹³⁵ Reactive and slow

regulation can result in large numbers of children seeing inappropriate advertising before action is taken. In relation to social media, the problem is even more acute, as alcohol marketing content can appear and disappear rapidly, reducing the time frame in which content can be assessed and regulated.¹³⁶

(c) Lack of sanctions

Neither the ASA nor the Portman Group has any statutory powers of enforcement. The lack of meaningful penalties or deterrents means there is little to fear from misapplying the codes of practice.

(d) Regulator out of step with public opinion

The way the codes are written leaves a lot of room for interpretation, and with regard to enforcement there appears to be stark differences of view between the ASA and the general public over what constitutes proscribed content. In a study assessing the extent to which members of the UK general public perceived television alcohol adverts to comply with the regulatory code, 75% of participants rated the adverts as breaching at least one rule.¹³⁷ Numerous instances of alcohol adverts making strong associations with themes such as social success, sexual activity and increased confidence have also been found by the Youth Alcohol Advertising Council (YAAC), a group of young people coordinated by Alcohol Concern in England. Between 2011 and 2013, the group made 13 complaints to the ASA, of which 3 were upheld.¹³⁸ In its response to YAAC complaints the ASA appeared to take a very narrow interpretation of the rules. For example, some complaints were rejected in part on the basis that characters were not seen consuming alcohol, even though they were

portrayed as holding a bottle of alcohol. In contrast to the views of young people and the general public, results from the ASA's own surveys show remarkably high levels of compliance for alcohol adverts. A 2009 survey of alcohol adverts by the ASA found an overall compliance rate of 99.7%¹³⁹ and an online advertising survey in 2012 concluded that 95% of websites and 97.8% of web pages did not contain obvious breaches of the rules.¹⁴⁰

Self-regulation serving industry interests, not children

Industry codes of practice can be seen to work primarily to preserve the ability of alcohol producers and distributors to market their products, rather than protecting children from inappropriate marketing. Research from a variety of countries suggests that industry self-regulatory advertising codes are subject to under-interpretation and under-enforcement. Reviews of the operation of industry codes in multiple countries find high levels of code violations.^{141,142,143}

In the UK, weak content restrictions are easily circumvented by alcohol marketers; analysis of internal industry advertising documents has shown sophisticated communication techniques and subtle associations make proper analysis of content difficult, and that the industry can exploit ambiguities in the codes to push the boundaries of what is acceptable.¹⁴⁴ More fundamentally, however, placement and scheduling restrictions to avoid 'targeting' children fail to address the wider issue of children's exposure to alcohol marketing, regardless of whether that is deliberate or not. Overall, industry voluntary self-regulation codes of practice appear to be ineffective in limiting exposure of young people to alcohol marketing, as well as failing to prevent inappropriate content from being aired.

6. The way forward: Putting children first



Key points

- Children should be able to play, learn and socialise in places that are free from alcohol marketing.
- There is a strong case for reviewing alcohol marketing regulation in Scotland and the UK to make the system more coherent and to ensure that it is tailored to provide the best protection for children.
- Within the UK, competence to restrict alcohol marketing is shared between the Scottish and UK parliaments. However, Scotland has powers to strengthen regulations in a way that could make a meaningful difference to the amount of alcohol marketing children are exposed to.

Strengthening alcohol marketing regulation to better protect children

Alcohol marketing regulation in the UK has developed piecemeal, with industry actors often taking the lead in drawing up and amending codes of practice, likely in an attempt to stave off the threat of statutory measures.¹⁴⁵ The resulting voluntary system is fragmented, contradictory in places, and has had limited impact on reducing the amount of alcohol marketing children see, or its appeal. There is a strong case for reviewing alcohol marketing regulation in Scotland and the UK to make the system more coherent and to ensure that it is tailored to provide the best protection for children.

Public consultation and opinion polls consistently indicate broad support within the general population for increased alcohol marketing restrictions. Eighty-one percent of Scots believe that alcohol adverts in cinemas should be restricted to 18-certificate films; 75% support a ban on TV alcohol advertising before 9pm; and 67% support restrictions on alcohol companies sponsoring sporting events.¹⁴⁶ Results from the British Social Attitudes survey reveal a similarly high level of support (76%) for banning alcohol adverts during programmes watched by young people.¹⁴⁷ In 2015,

participants in discussions on how to create a healthier Scotland called for an increased focus on preventing illness rather than just curing it, and in that regard recognised the need to change Scottish alcohol culture, with suggestions including increased pricing, reduced marketing and greater community involvement in licensing decisions.¹⁴⁸

There is also evidence of support for action on alcohol marketing from young people themselves. The Scottish Youth Commission on Alcohol, commissioned by the Scottish Government as part of its 2009 Alcohol Strategy and supported by Young Scot, recommended that steps be taken to reduce the amount of advertising young people are exposed to, including stricter regulation of digital promotion. The Youth Commission also recommended that the public sector lead the regulation of alcohol promotion in Scotland.¹⁴⁹

A revised regulatory framework

The evidence of harm caused to children and young people through exposure to alcohol marketing, and the failure of the current regulatory regime to adequately protect children from such exposure, clearly points to the need to improve the regulatory approach.

“ We need to question whether, 20 or 30 years into the future, we will still find the situation acceptable, or whether we will think that we should have acted earlier on issues such as football players in our country running round with alcohol advertising on their shirts; the advertising of alcohol right outside the school gates; and the continuing sponsorship of cultural events by alcohol companies. ”

Jenny Marra MSP¹⁵⁰

Analysis of regulatory regimes in other countries has identified several key components of effective alcohol marketing regulation with respect to children, which include:

- restrictions on the volume and content of alcohol marketing,
- monitoring and enforcement systems that avoid conflicts of interest.¹⁵¹

Effective regulation depends on having clear and appropriate policy objectives, and a robust, evidence-informed policy approach. There are several ways in which the current regulatory model should be improved:

Review the policy objectives of regulation

Current UK voluntary regulation states that alcohol marketing must not be ‘targeted’ at children, nor should it ‘particularly’ appeal to children. However, evidence consistently demonstrates that children see alcohol advertising, even if is not specifically aimed at them, and they are influenced by it. If regulation is to work to protect children, then it must be directed towards:

- reducing children’s exposure to alcohol marketing; and
- reducing the appeal of alcohol marketing to children.

The effectiveness of marketing regulation should be measured in relation to its ability to achieve these overall policy aims.

Construct an evidence-informed, rights-based approach to achieving policy objectives

Act in the best interests of children

Children’s exposure to the marketing of alcoholic beverages impacts negatively on children’s rights. A guiding principle of the UN Convention on the Rights of the Child (UNCRC), to which the UK is a signatory, is that the best interests of children must be a primary consideration in making decisions that may affect them. The Children and Young People (Scotland) Act 2014 is specifically intended to recognise the rights of the child as being of paramount importance to achieving the vision of improving life chances for all children and young people. It obliges Scottish Ministers to keep under consideration whether there are any steps that they could take that might secure better, or further effect in Scotland, the UNCRC requirements.

The obligation resting on Scotland to comply with the UNCRC’s provisions provides a compelling rationale for the imposition of alcohol marketing restrictions. Article 24 of the UNCRC requires signatories to recognise the right of the child to the enjoyment of the highest attainable standard of health.¹⁵² The WHO defines the concept of health very broadly; in particular it does not confine it to the right to health care,¹⁵³ but also to the prevention of diseases, including non-communicable diseases which can only be effectively prevented if living environments are durably changed through health-promoting population-level interventions.¹⁵⁴ This supports the argument that marketing practices promoting the consumption of alcohol should be restricted to effectively reduce children’s exposure to such marketing (see also discussion below on legal powers to restrict alcohol marketing).

Ensure equal consideration for all children

Every child should have every opportunity to live a healthy life. Current voluntary advertising codes sanction alcohol marketing to children in situations where under-18s constitute up to a quarter of the

audience. The effect of this is to create inequality in the regulatory system; providing the relevant threshold has not been crossed, it is acceptable for some children to be exposed to alcohol marketing, despite the evidence of the associated harm. Regulation that acts in the best interests of children, and is consistent with the provisions of the UNCRC, will aim to ensure equal consideration for all children.

Consider the most comprehensive approach to protecting children

A comprehensive approach to restrictions on alcohol marketing has the highest potential to reduce the impact of alcohol marketing on children, as well as being the most straightforward system to enforce. If impediments exist to the implementation of a comprehensive approach, then the best interests of children will be served by devising a framework that provides the fullest protection possible. A stepwise approach to marketing restrictions can be consistent with a policy objective of reducing children's exposure to, and the appeal of, alcohol marketing, and is supported by the evidence. A number of countries have adopted such a stepwise approach, with measures in place to restrict alcohol marketing to children while allowing promotion in some media that adults use. In France, alcohol sponsorship of sporting and cultural events is not permitted, and is limited on television and in cinemas. The content of alcohol advertisements is also limited to product characteristics. In Sweden the obtrusiveness of a media channel is taken into account in whether or not to allow alcohol advertising, so outdoor advertising is not permitted, but advertising in newspapers and periodicals is for products below 15% alcohol by volume (abv). In Ireland, draft legislation proposes, among other things, that alcohol should not be advertised on the front or back cover of a publication, or any wrapper covering a publication.

Provide a statutory basis for regulation

Evidence reviews consistently show that voluntary and self-regulation of alcohol marketing in different countries is not sufficiently protective of children. There is no statutory offence attached to breaches of advertising codes in the UK, which are too open to interpretation. An important component of ensuring self-regulation provides

adequate protection and maximum effectiveness against required standards is a credible threat of enforcement by statutory regulators.¹⁵⁵ A preference for the regulatory frameworks for alcohol marketing to be supported by legislation was outlined in WHO's *Global strategy to reduce the harmful effects of alcohol*. A stronger legislative footing is therefore necessary.

Include young people's views

Mechanisms of consultation should be established so that the views of young people are systematically fed into alcohol promotion regulatory decision-making. Children and young people will know best what aspects of alcohol marketing content appeal to them, and in some instances they may be the only ones aware of particular advertisements and promotions. Participation of children and adolescents is crucial to the successful development and implementation of regulation and is mandated by Article 12 of the UNCRC.¹⁵⁶

Establish an independent body to oversee policy implementation

Regulation of alcohol marketing should be independent of the alcohol and advertising industries to ensure its effectiveness and to avoid conflicts of interest. Different models of independent regulation exist. In Sweden, a government-run consumer agency is responsible for monitoring compliance and complaints can be made to this authority. In Norway, the law on alcohol advertising is administered by the Ministry of Health and Care Services. In France, complaints about illegal alcohol adverts can be brought before the courts. There are significant penalties for infringements.

Legal powers to restrict alcohol marketing to protect public health

Under domestic and European law, commercial operators have a legal right to promote their goods and services through marketing communications. Industry operators have argued, when challenging policies restricting advertising, that such policies infringe their fundamental rights. They have specifically invoked the freedom of (commercial)

expression and information; the freedom to choose an occupation and the right to engage in work; the freedom to conduct a business and the right to property – which includes intellectual property. However, even though these rights are protected in the UK, they are not absolute and can be restricted on public health grounds, provided that the restrictions imposed are proportionate.¹⁵⁷

When assessing the proportionality of marketing restrictions, both UK courts and the Court of Justice of the European Union (CJEU) have clearly stated that the EU and States have a broad margin of discretion in how they decide to protect public health, including through the imposition of extensive marketing restrictions. In particular, the CJEU upheld the validity of the French Loi Evin containing extensive advertising restrictions for alcoholic beverages.¹⁵⁸ The court also declared that it was within the discretion of member states to decide on the degree of protection they wished to afford public health and how that protection was achieved. The fact that one member state imposed less strict rules than another did not mean that the latter's rules were disproportionate.¹⁵⁹

More recently, the CJEU rejected the claim put forward by tobacco manufacturers that the regulation of tobacco packaging infringed any of their fundamental rights. It confirmed that the EU's duty to ensure a high level of public health protection in the development and implementation of all its policies justified that 'the protection of human health ha[d] considerably greater importance in the value system under EU law than such essentially economic interests,¹⁶⁰ with the result that health protection may justify even substantial negative economic consequences for certain economic operators'.¹⁶¹ Similarly, the British High Court upheld the validity of the UK Standardised Packaging of Tobacco Products Regulations 2015 on the ground, among others, that when a balance is struck between the fundamental public health rights reflected in the Regulations and the private predominately financial interest of the tobacco industry, that balance comes down overwhelmingly in favour of the Regulations.¹⁶²

The case for regulation is even more compelling when children are at stake. Signatories to the UNCRC must ensure that 'in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration'.¹⁶³ Not only does the best interest principle have a broad scope, in that it relates to 'all actions concerning children', but in its assessment of the best interest principle as 'a primary consideration', the Committee on the Rights of the Child also ascribes an elevated position to such a consideration: 'the child's best interests may not be considered on the same level as all other considerations'.¹⁶⁴

Scottish Ministers have a duty under the Children and Young People (Scotland) Act 2014 to keep under consideration whether there are any steps that they could take that might give further effect in Scotland to the UNCRC requirements. Taking action on alcohol marketing has been specifically cited as a legitimate approach for States to take to protect children's right to health. In its General Comment on the right to health, the Committee on the Rights of the Child has noted, 'States should protect children from solvents, alcohol, tobacco and illicit substances, increase the collection of relevant evidence and take appropriate measures to reduce the use of such substances among children.' It called for the regulation of the advertising and sale of such substances and of the promotion of such items in places where children congregate, as well as in media channels and publications that are accessed by children'.¹⁶⁵

Furthermore, Article 6 of the UNCRC requires that signatories protect the child's right to life, survival and development, whilst Article 17 requires them to protect children from information that is harmful to their health and development. In interpreting these provisions, the Committee on the Rights of the Child has urged States to ensure that marketing and advertising do not impact adversely on children's rights' and called for the 'effective regulation and monitoring of advertising and

marketing industries and the environmental impact of business', referring specifically to tobacco, alcohol and high fat, salt or sugar (HFSS) food marketing.¹⁶⁶

Competence to restrict alcohol marketing in Scotland

Within the UK, competence to act to restrict alcohol marketing is shared between the Scottish and UK parliaments. Schedule 5 of the Scotland Act 1998 (amended by the Scotland Act 2012 and the Scotland Act 2016) lists matters that are reserved to the UK Parliament. If a matter is not mentioned as being reserved in this part of the Act, it is devolved to the Scottish Parliament, which has power to legislate in these areas. With regard to regulation of alcohol marketing, matters that are reserved to Westminster are broadcasting, consumer protection and internet services. By virtue of not being reserved, regulation of the press, printed adverts, billboards, outdoor displays, point of sale displays, adverts or hoardings at sporting events, and sponsorship of events, is within the competence of the Scottish Parliament. In addition, there is a view that internet services, which is a reserved matter, relates to infrastructure of internet provision, rather than the content of websites, and therefore there may be scope to regulate website content within Scotland.¹⁶⁷

Previous legislation passed by the Scottish Parliament indicates that it has the power to strengthen alcohol marketing regulation in Scotland to create a more protective environment for children. The recently-adopted Health (Tobacco, Nicotine etc., and Care) (Scotland) Act 2016 is one example. This legislation includes provisions to prohibit or restrict the advertising of nicotine vapour products (NVP), with the aim of preventing the take up of these products among children and young people under 18 and adult non-smokers.¹⁶⁸ The Act's explanatory notes state that the prohibition or restriction could apply to advertising on 'billboards, product displays, bus stops, posters, leaflets, banners, brochures and certain published material in Scotland.' It also includes 'electronic and audiovisual media'. The position adopted in relation



Heineken billboard in Central Station, Glasgow.



Kronenbourg billboard at Falkirk High train station.

to the advertising of e-cigarettes provides a road-map for more robust alcohol marketing regulation. As an Act of the Scottish Parliament is not law in so far as any provision of the Act is outside its legislative competence, then it also provides guidance on the competence to restrict alcohol marketing in Scotland.

The virtual network is of the clear view that the most protective environment possible would be of most benefit to children and young people. While the Scottish Parliament does not have legislative competence to regulate across the full range of marketing activities, it does have powers over a number of key areas of regulation that would increase the protection afforded to children, and many adults. As outlined above, adopting such a stepwise approach can still fulfil legitimate policy aims. However, it also remains open to the Scottish Government to lobby the UK Government on matters of reserved competence, thus enabling it to pursue a comprehensive approach within the parameters of its powers.

7. Recommendations

In making the following recommendations, designed to improve protection for children and young people from alcohol marketing, the virtual expert network has had regard to matters of devolved and reserved competence, and has framed the recommendations in line with the extent of the Scottish Government's powers. It should be noted that many of the recommendations will not only protect children and young people, but will offer protection across the entire population. Many of these measures are in place in other countries (see Appendix Three.)

1. Clarify the policy objective of alcohol marketing restrictions in relation to children

Evidence demonstrates that children are influenced by alcohol marketing: directly by the alcohol marketing they are exposed to, and indirectly through the influence that alcohol marketing has on the adults around them and on wider social norms about the place of alcohol in society. If marketing regulation is to work to promote children's wellbeing then its effectiveness must be measured firstly in relation to reducing children's exposure, and secondly in relation to reducing the extent of alcohol marketing in society as a whole.

Recommendation 1:

The Scottish Government should make clear that a key policy objective of alcohol marketing regulation should be to reduce the impact of alcohol marketing on children. This should form the basis of any discussions between the Scottish Government and UK Government on reserved matters.

Competence: Scotland/UK

2. Interventions to reduce children's exposure to alcohol marketing

To reduce children's exposure to alcohol marketing it is necessary to limit the channels of promotion – when, where and to whom marketing will or will not be permitted – and ensure that any placement or scheduling restrictions are broad enough to provide a meaningful level of protection for children.

(a) Out of home alcohol advertising

Out of home alcohol advertising is obtrusive. It is not possible to protect children from exposure to alcohol advertising in outdoor places like parks, or high streets; or in public spaces like stations, cinemas, and leisure centres. Voluntary rules restricting outdoor advertising around schools are inadequate. The space in which children live, play and grow up extends beyond a 100/200 metre radius of their schools.

Recommendation 2

The Scottish Government should prohibit outdoor alcohol advertising and advertising in public spaces. This includes advertising in streets, parks, on public transport, and in sports grounds.

Competence: Scotland

<p>(b) Sponsorship of sports and cultural events</p> <p>Sports events and competitions are popular with children and adults alike. Sport should be something that inspires good health and active participation. The use of sports sponsorship as a promotional vehicle for addictive and potentially health-harming products is inappropriate.</p> <p>Likewise, cultural and music events have a strong youth appeal. Alcohol sponsorship of these events helps to send the message that alcohol consumption is both normal and necessary to enjoy them.¹⁶⁹</p> <p>The phased removal of alcohol sponsorship of sport and cultural events in Scotland would give organisations time to secure replacement sponsors, as happened when tobacco sponsorship of sport ended completely in 2005. Governing bodies and event organisers should be assisted to source alternative funding. Hearts Football Club offers a different sponsorship model that is consistent with a sporting ethos and values, and Scottish Women's Football (SWF) also provides an example that others could follow.</p>	<p>Recommendation 3</p> <p>The Scottish Government should set out a timetable for ending alcohol sponsorship of sports events, music and cultural events.</p> <p>Competence: Scotland</p>
<p>(c) Newspapers/magazines</p> <p>Alcohol advertising in newspapers and magazines is less intrusive than other media channels. It is therefore more feasible to restrict alcohol advertising to publications aimed at adults. A similar approach could be adopted as is currently set out in draft legislation in Ireland.¹⁷⁰</p>	<p>Recommendation 4</p> <p>The Scottish Government should restrict alcohol advertising in newspapers and magazines to publications aimed at adults. This restriction should be limited to business-to-consumer (B2C) publications, not business-to-business (B2B).</p> <p>Competence: Scotland, for publications produced and distributed in Scotland.</p>
<p>(d) Television</p> <p>Television remains an important medium for alcohol advertisers to reach large audiences. There is public support for alcohol adverts to be prohibited before the 9pm watershed. At European level, public health campaigners are calling for European wide restrictions between 6am and 11pm.¹⁷¹ The introduction of such a restriction on alcohol advertising should reduce children's exposure. Importantly, such a restriction will create a more transparent system of regulation, providing certainty about the times when alcohol adverts can be shown. However, in light of some evidence that the introduction of timed restrictions rather than an outright ban could lead to increased alcohol advertising outwith the restricted hours, therefore potentially increasing exposure,¹⁷² the impact of the introduction of timed restrictions must be monitored for unintended consequences.</p>	<p>Recommendation 5</p> <p>The Scottish Government should press the UK Government to introduce restrictions on alcohol advertising on television between 6am and 11pm. The impact of such a change on children's exposure to alcohol marketing on television should, however, be monitored, and if it leads to unintended consequences, an outright ban should be pursued.</p> <p>Competence: UK</p>

<p>(e) Cinema</p> <p>Alcohol adverts shown in cinemas are intrusive. Current self-regulatory rules allow cinema alcohol advertising where not more than 25% of the audience is under 18. However, the procedure for determining the audience profile is not transparent so cinema-goers, including parents, do not know in advance whether a film will carry alcohol advertising. Prohibiting alcohol advertising in cinemas for all films without an 18 classification would prevent children under the age of 18 from being exposed to marketing messages.</p>	<p>Recommendation: 6</p> <p>The Scottish Government should call on the UK Government to restrict alcohol advertising in cinemas to 18-certificate films.</p> <p>Competence: UK</p>
<p>(f) Digital marketing</p> <p>Alcohol marketing using digital media takes more engaging and interactive forms, which evidence suggests are more appealing to children and young people than traditional advertising. Alcohol marketing on social networking sites should be restricted so that promotions soliciting user engagement are prohibited. Restricting particular types of digital alcohol marketing, such as gaming, user posts, photos, video clips and user-shared advertisements, will reduce the appeal of alcohol marketing to young people. A similar approach could be taken as in Finland, which extended regulations on alcohol advertising to social media in 2015.</p>	<p>Recommendation: 7</p> <p>The Scottish Government should consider its competence to legislate to restrict alcohol marketing on social media within Scotland. It should adopt measures deemed within scope. If there are steps to restrict digital alcohol marketing that are not within competence, it should lobby the UK Government to take steps to introduce such restrictions.</p> <p>Competence: Scotland/UK</p>
<p>4. Interventions to reduce the <u>appeal</u> of alcohol marketing to children</p>	
<p>Taking action to address the appeal of marketing to children should focus on restricting the use of techniques that have a particularly powerful effect.¹⁷³ Current alcohol advertising rules on acceptable content are open to interpretation and have not reduced the appeal of alcohol marketing to children. To the extent that alcohol marketing is still permitted, switching the focus of the regulatory codes to what alcohol marketing messages can say, rather than what they cannot, will reduce uncertainty and the regulatory burden.</p>	
<p>Alcohol advertising messages and images should be limited to communicating facts about the products, without connections to individuals, such as celebrities, to promote the product. This measure will complement restrictions on marketing channels by ensuring that where children do see adverts aimed at adults the appeal of those adverts is more limited. Research shows what aspects of alcohol marketing children find most and least appealing and can be used to guide the development of regulations on alcohol marketing content.</p>	<p>Recommendation 8</p> <p>The Scottish Government should restrict all alcohol advertising content in Scotland, where still permitted, to promoting factual information, such as composition, origin and means of production. The Scottish Government should also call on the UK Government to take similar action at UK level for reserved matters.</p> <p>Competence: Scotland, for Scottish-originated non-broadcast media</p>

5. Interventions to create a more robust regulatory framework to protect children from alcohol marketing in Scotland	
<p>The current models for regulating alcohol marketing are failing children and young people. It is essential that robust regulatory structures are in place, and systems of regulation are implemented in such a way to protect children from the harms associated with exposure to alcohol marketing.</p>	
<p>(a) Establish an independent taskforce</p> <p>A taskforce should be set up to develop the scope of alcohol marketing restrictions in Scotland and a timetable for their implementation. The remit of the taskforce could include consideration of alcohol marketing in its widest sense, encapsulating not only mass media marketing and other marketing communications, but also consumer and stakeholder marketing, with the aim of ensuring all forms of alcohol marketing are properly regulated. It should also consider whether further precautionary measures are required to protect adults from alcohol marketing.</p> <p>Membership of the taskforce must be independent of the alcohol and advertising industries.</p> <p>Previously constituted taskforces, such as the Scottish Cancer Taskforce and the Environmental Crime Task Force can serve as models for an alcohol marketing taskforce.</p>	<p>Recommendation 9</p> <p>The Scottish Government should immediately set up an independent taskforce to oversee development and implementation of alcohol marketing restrictions in Scotland.</p> <p>Competence: Scotland</p>
<p>(b) Consider specific regulatory structures for Scotland</p> <p>The introduction of interventions to restrict alcohol marketing in Scotland must be robustly regulated. To ensure shortfalls within the current regulatory regime are addressed, the taskforce should consider the options for policing future marketing activity to ensure long-term accountability. In particular, the taskforce should consider whether a new independent regulator for alcohol marketing should be established within Scotland or whether such functions could be assigned to an existing independent regulator. As part of its deliberations the taskforce should consider potential funding models for such a regulator, and what powers of enforcement/sanction it should have available.</p>	<p>Recommendation 10</p> <p>The independent taskforce should explore the options for establishing an independent regulator for alcohol marketing in Scotland, which should be backed up by statutory powers of enforcement/sanction.</p> <p>Competence: Scotland, for interventions within devolved competence</p>
<p>(c) Require industry to provide relevant marketing data to regulator</p> <p>It is essential that any alcohol marketing regulator is provided with robust and relevant information to enable it to undertake its functions effectively. It needs to be able to collect information on advertising campaigns, including marketing spend, media used, and data on the demographics of audiences reached.</p>	<p>Recommendation 11</p> <p>The independent taskforce should explore how an alcohol marketing regulator could require provision of marketing data to be provided to it.</p> <p>Competence: Scotland, for interventions with devolved competence.</p>

<p>(d) Independently monitor and evaluate the impact of changes to the regulatory landscape</p> <p>Monitoring the impact of any changes to the regulatory landscape is essential to assessing the effectiveness of such interventions. It is essential that changes are monitored on an ongoing basis and reported upon annually.</p>	<p>Recommendation 12</p> <p>The Scottish Government should commission a monitoring and evaluation programme to measure the effectiveness of regulatory changes in Scotland.</p> <p>Competence: Scotland</p>
<p>(e) Commission research on relevant topics</p> <p>There are a number of areas which would benefit from further research to build the evidence base. This includes the impact of alcohol marketing on adult consumption, and particularly on adults with alcohol dependency.</p>	<p>Recommendation 13:</p> <p>The Scottish Government should commission research to build the evidence base on alcohol marketing.</p> <p>Competence: Scotland</p>



Appendix One: Membership of Virtual Network

Dr. Mac Armstrong (UK)

Chair (to September 2016), Alcohol Focus Scotland

Prof. Linda Bauld (UK)

Professor of Health Policy and Director of the Institute for Social Marketing, Stirling University

Katherine Brown (UK)

Director, Institute of Alcohol Studies

Prof. Thomas Babor (USA)

Professor and Chairman, Department of Community Medicine and Health Care, University of Connecticut School of Medicine

Eric Carlin (UK)

Director, Scottish Health Action on Alcohol Problems

Prof. Sally Casswell (New Zealand)

Professor of Social and Health Research. Director, Centre for Social and Health Outcomes Research and Evaluation (SHORE), Massey University

Suzanne Costello (Ireland)

Chief Executive Officer, Alcohol Action Ireland

Mary Cuthbert (UK)

Board Member (and Chair from September 2016), Alcohol Focus Scotland

Prof. Mike Daube (Australia)

Professor of Health Policy at Curtin University and Director of the Public Health Advocacy Institute and the McCusker Centre for Action on Alcohol and Youth

Alison Douglas (UK)

Chief Executive, Alcohol Focus Scotland

Dr. Niamh Fitzgerald (UK)

Lecturer in Alcohol Studies, Institute for Social Marketing, Stirling University

Prof. Karine Gallopel-Morvan (France)

Professor of Social Marketing, EHESP French School of Public Health

Prof. Amandine Garde (UK)

Professor of Law, Liverpool University

Prof. Gerard Hastings (UK)

Emeritus Professor, Institute for Social Marketing, Stirling University

Dr. David Jernigan (USA)

Director, Centre on Alcohol Marketing and Youth (CAMY), Johns Hopkins University

Jane Landon (UK)

Deputy Chief Executive Officer, UK Health Forum

Dr. Peter Rice (UK)

Chair, Scottish Health Action on Alcohol Problems

Colin Shevills (UK)

Director, Balance

Mariann Skar (Brussels)

Secretary General, EURO CARE

Wim Van Dalen (Netherlands)

Director of STAP (Dutch Institute for Alcohol Policy) and the European Centre for Monitoring Alcohol Marketing (EUCAM)

Appendix Two: Support for action to protect children from alcohol marketing

Alcohol Focus Scotland, BMA Scotland, Scottish Health Action on Alcohol Problems (SHAAP) and Scottish Families Affected by Alcohol & Drugs, have been gathering support for a pledge to protect children from alcohol marketing.

The pledge states: “I believe alcohol marketing has no place in childhood. All children should play, learn and socialise in places that are healthy and safe, protected from exposure to alcohol advertising and sponsorship.”


The following organisations have pledged their support:

- Aberdeen City Alcohol & Drugs Partnership
- Aberdeenshire Alcohol & Drugs Partnership
- Addaction Scotland
- Alcohol Focus Scotland
- Alcohol Health Alliance UK
- Angus Alcohol & Drugs Partnership
- Barnardo’s Scotland
- BMA Scotland
- Children 1st
- Children & Young People’s Commissioner Scotland
- Children in Scotland
- Edinburgh City Alcohol & Drug Partnership
- Glasgow City Alcohol & Drug Partnership
- Eurocare
- Mentor UK
- NCD Alliance
- NHS Grampian
- NHS Tayside
- Parenting across Scotland
- Partnership Drugs Initiative
- Perth and Kinross Alcohol & Drugs Partnership
- Renfrewshire Alcohol & Drug Partnership

- Royal College of Paediatrics and Child Health Scotland
- Royal College of Physicians of Edinburgh
- Royal College of Psychiatrists
- Scottish Borders Alcohol & Drugs Partnership
- Scottish Cancer Prevention Network
- Scottish Directors of Public Health
- Scottish Families Affected by Alcohol & Drugs
- Scottish Health Action on Alcohol Problems (SHAAP)
- The Salvation Army
- Together – Scottish Alliance for Children’s Rights
- Women’s Aid Orkney
- YouthLink Scotland

The following MSPs have pledged their support:

- George Adam MSP
- Clare Adamson MSP
- Claudia Beamish MSP
- Miles Briggs MSP
- Alexander Burnett MSP
- Donald Cameron MSP
- Jackson Carlaw MSP
- Willie Coffey MSP
- Alex Cole-Hamilton MSP
- Maurice Corry MSP
- Bruce Crawford MSP
- Ruth Davidson MSP
- Graeme Dey MSP
- James Dornan MSP
- Kezia Dugdale MSP
- Mairi Evans MSP
- Mary Fee MSP
- Neil Findlay MSP
- John Finnie MSP
- Kenneth Gibson MSP

- Christine Grahame MSP
 - Rhoda Grant MSP
 - Iain Gray MSP
 - Ross Greer MSP
 - Mark Griffin MSP
 - Alison Harris MSP
 - Emma Harper MSP
 - Patrick Harvie MSP
 - Clare Haughey MSP
 - Daniel Johnson MSP
 - Alison Johnstone MSP
 - James Kelly MSP
 - Bill Kidd MSP
 - Monica Lennon MSP
 - Richard Leonard MSP
 - Gordon Lindhurst MSP
 - Richard Lochhead MSP
 - Richard Lyle MSP
 - John Mason MSP
 - Jenny Marra MSP
 - Angus MacDonald MSP
 - Gordon MacDonald MSP
 - Lewis MacDonald MSP
 - Fulton MacGregor MSP
 - Ken Macintosh MSP
 - Rona Mackay MSP
- 
- Gillian Martin MSP
 - John Mason MSP
 - Ivan McKee MSP
 - Christina McKelvie MSP
 - Pauline McNeill MSP
 - Margaret Mitchell MSP
 - Alex Neil MSP
 - Willie Rennie MSP
 - Gail Ross MSP
 - Alex Rowley MSP
 - Mark Ruskell MSP
 - Anas Sarwar MSP
 - John Scott MSP
 - Colin Smyth MSP
 - Stewart Stevenson MSP
 - Alexander Stewart MSP
 - David Stewart MSP
 - Kevin Stewart MSP
 - Maree Todd MSP
 - Adam Tomkins MSP
 - David Torrance MSP
 - Maureen Watt MSP
 - Annie Wells MSP
 - Sandra White MSP
 - Brian Whittle MSP
 - Andy Wightman MSP

Appendix Three: Examples of statutory restrictions on alcohol marketing in other European countries

Marketing channels		
Outdoor/out of home advertising		
Complete ban	Norway Sweden Estonia (in draft)	The Norwegian Alcohol Act prohibits any form of mass communication on alcohol – including in printed newspapers, films, radio, television, telephone networks, data networks, illuminated advertisement hoardings, signboards and similar devices, depictions and exhibitions.
Partial content-based restriction	Finland Estonia Lithuania France	In Finland, there is a general prohibition on advertisement of alcoholic beverages above 22% abv. In Lithuania, outdoor advertising is prohibited except for beer, cider, and naturally fermented wine. In France, billboard advertising is allowed but subject to the general restriction on advertising content; that is limited to factual information about product characteristics.
Partial placement restrictions	Ireland (in draft) Russia	Draft legislation in Ireland proposes a ban on outdoor advertising 200m around schools/early years services and playgrounds; in a park or open space owned or maintained by a local authority; on public transport; or in a train or bus station or at a bus stop. Russia introduced a ban on alcohol adverts on billboards and public transport in 2012.
Sponsorship		
Complete ban	Norway France Sweden	
Ban on sponsorship of youth events	Ireland (in draft)	Draft legislation in Ireland also proposes a ban on advertising in or on a sports area (playing pitch, athletics track, motor racing track).
Ban on sponsorship of events involving driving	Ireland (in draft)	

Television		
Complete ban	Norway Sweden Russia	
Time-based restrictions (ban on alcohol advertising before watershed)	In place in many EU countries	8.30pm – Spain 9pm – Estonia, Malta, the Netherlands 10pm – Finland, Slovakia, Romania 10.30pm – Portugal 11pm – Lithuania, Poland
Content-based restrictions	France Bulgaria Finland Latvia Poland Spain Slovakia Romania Estonia (in draft)	In France, TV advertising is limited to alcoholic drinks with a certification of quality and origin and linked to a production region or to cultural, gastronomic or regional heritage, and subject to general content restrictions. Bulgaria, Finland, Latvia, Poland, Spain, Slovakia and Romania prohibit advertisements for spirits/strong alcohol on TV. In Estonia, only black and white static images will be allowed on TV and in internet adverts.
Published media (newspapers, magazines)		
Complete ban	Norway	
Restrictions on content	Sweden Ireland (in draft) France	In Sweden, advertising is restricted to products up to 15% abv.
Restrictions on placement	Ireland (in draft)	Draft legislation in Ireland proposes restricting alcohol adverts in any publication to not more than 20% of the advertising space; not advertising alcohol on the front or back cover of any publication; and not advertising alcohol in a publication aimed at children, or where readership comprises more than 20% children.
Cinema		
Complete ban	Norway Sweden	
Restricted to 18 certificate films	Ireland (in draft) Finland	
Digital- online, mobile		
Complete ban	Norway Russia	Facebook advertising guidelines state that adverts that promote or reference alcohol must comply with local laws, noting that adverts are prohibited in: Afghanistan, Brunei, Bangladesh, Egypt, Gambia, Kuwait, Libya, Norway, Pakistan, Russia, Saudi Arabia, Turkey, UAE and Yemen.
Partial content-based restriction	Finland Estonia	

Restrictions on advertising content		
	France	1991 version of the Loi Evin: Only advertise product characteristics: "The authorised 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."
	Ireland (in draft)	Draft legislation limits images/references in adverts to product, country/region of origin, method of production, premises where produced and product characteristics.
	Finland	Advertising restricted to products under 22% abv. Advertising of spirits is also restricted or banned in: Bulgaria, Latvia, Poland (also wine), Spain, Slovakia, Romania.
	Estonia (in draft)	Only black-and-white static images will be allowed in commercials on TV and the internet. Only product information and a health warning can be read out without any musical accompaniment.
Monitoring and compliance		
Independent monitoring/ regulation	Sweden Norway Finland	In Sweden, the Swedish Consumer Agency is a government agency that monitors compliance and complaints. In Norway, the law is administered by the Ministry of Health and Care Services. The Directorate for Health and Social Affairs supervises and imposes sanctions when the law and regulations have been violated.
Sanctions	France Norway Finland	In France, illegal advertisements can be brought before the courts. There are significant penalties for infringement. In Finland, while in most cases sanctions are limited to a ban, Valvira (the National Product Control Agency for Welfare and Health, operating under the Ministry of Social Affairs and Health) can also issue fines.

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