

## **Advertising Association response to “Shifting the Culture” – A Member’s Bill Consultation by Dr Richard Simpson MSP & Graeme Pearson MSP**

### **Introduction**

#### **The Advertising Association**

1. The Advertising Association (AA) is the only organisation that represents all sides of the advertising and promotion industry in the UK - advertisers, agencies and the media. In the UK, the advertising industry directly employs over 300,000 people. In 2011, advertising expenditure was £16.1 billion.
2. We promote and protect advertising. We communicate its commercial and consumer benefits and we seek the optimal regulatory environment for our industry. Our goal is that advertising should enjoy responsibility from its practitioners, moderation from its regulators, and trust from its consumers.
3. We support the alcohol industry’s right to market and advertise their products responsibly.

#### **Alcohol advertising**

4. Advertising is crucial to a competitive economy. It brings consumer benefits because it fuels brand competitiveness, thereby informing consumer choice. It also has an essential role in funding the media and creating a dynamic, competitive and pluralistic media marketplace. Alcohol advertising, like all advertising, helps fund investment in original UK content.
5. The alcoholic drinks and advertising industries are keen to play a positive and active role, in partnership with Government, in helping to find long-term solutions to alcohol misuse. The alcoholic drinks industry recognises that it has a special duty to ensure that its products are marketed responsibly, which is why alcohol companies originally set up the Portman Group, why they fund and promote the independent Drinkaware Trust, and why they support advertising self-regulation through the Advertising Standards Authority (ASA). The drinks industry regards public awareness and education initiatives as important and it funded the campaign *Why let good times go bad?* currently being rolled out by the Drinkaware Trust. The advertising industry, through the Advertising Association, ISBA (the Voice of British Advertisers), and the Outdoor Media Centre (OMC), have been involved in the Responsibility Deal process alongside the drinks industry.
6. In their commercial communications, companies seek to promote their brands responsibly - there is no value to being associated with encouraging irresponsible drinking. Alcohol misuse carries with it serious societal consequences and it is not in the interest of either the alcoholic drinks industry or the advertising industry to promote or condone it. Companies advertise to promote their brand over competitors’ brands, in other words to encourage brand-switching. Various studies have shown that advertising is very effective in achieving this, but there is no clear evidence that alcohol advertisements collectively impact on total consumption.

7. Everybody has a role to play in making sure that under-18s do not drink and that adults drink responsibly - parents, guardians, publicans, politicians, teachers, friends *and* advertisers.

### **Submission overview**

8. There are strict – and well enforced – rules that ensure alcohol marketing is not targeted at those under the legal drinking age or designed to appeal to them. These rules were tightened in 2005, and the advertising codes more generally are regularly revised.
9. The consultation document considers a number of proposals that would have an impact on the advertising sector, so we welcome the opportunity to these specific questions. Before responding to these questions, we would like to address the “central hypothesis” for the marketing section which states that the MSPs support for French advertising restrictions administered through the Loi Evin law.

### **Response to central hypothesis on advertising**

10. The central hypothesis that the French that ban advertising on TV, cinema, and the internet has “made a significant contribution to the reduction in problem drinking” is fundamentally flawed. Indeed in France, an official French parliament report stated that this ban had been ineffective in reducing high-risk drinking patterns. There has been a steady decrease in annual alcohol consumption in France over the last 40 years. The decrease started long before the adoption of the Loi Evin rules banning such advertising in 1991 and even slowed down slightly following its adoption.<sup>1</sup> Even the French anti-alcohol NGO ‘ANPAA’ accepts that the effects of the law are “weak”<sup>2</sup>.
11. As firm proponents of evidence-based policy-making, we believe that there is no evidence demonstrating that an advertising ban is a proportionate response to reducing irresponsible alcohol consumption. The view that an alcohol ban would not be proportionate nor driven by clear evidence was supported in the UK Government’s recently published Alcohol Strategy. Alcohol advertising bans do not work: in Norway there is no advertising for alcoholic beverages, but consumption has been steadily increasing. In Italy, where alcohol advertising is permitted, consumption is decreasing<sup>3</sup>. An advertising ban is not the solution to the complex problem of harmful alcohol consumption and those who press for it risk missing the real causes.
12. The UK has one of the most respected regulatory regimes for advertising in the world and the Advertising Standards Authority has some of the toughest advertising regulation in the world, which has a 99% compliance rate<sup>4</sup>. The Portman Group’s code also deals with alcohol promotions and marketing. These controls prevent advertisers targeting and appealing to young people.
13. The Advertising Standards Authority ensures that alcohol ads must never:
  - Target under-18s.
  - Be shown around programmes that especially appeal to under-18s.
  - Link alcohol with irresponsible, anti-social, tough or daring behaviour.

<sup>1</sup> WHO figures - <http://apps.who.int/ghodata/?vid=60580>

<sup>2</sup> The ‘Loi Evin’ : a French exception, Dr. Alain Rigaud, Président Association Nationale de Prévention en Alcoologie et Addictologie (ANPAA)

<sup>3</sup> [http://www.europeanspirits.org/documents/Factsheets/CPAS0772009\\_Fact\\_Sheet\\_advertising.pdf](http://www.europeanspirits.org/documents/Factsheets/CPAS0772009_Fact_Sheet_advertising.pdf)

<sup>4</sup> <http://www.asa.org.uk/Media-Centre/2009/ASA-survey-shows-compliance-with-alcohol-rules.aspx>

- Show alcohol being served irresponsibly.
- Show people drinking and behaving in an adolescent or juvenile way or reflecting the culture of people under 18 years old.
- Link alcohol with seduction, sex or social success.
- Show those who are or appear to be under the age of 25 drinking alcohol or clearly having consumed alcohol.

### Response to specific questions

#### **Q4) Do you believe that the proposed restrictions on advertising are proportionate or necessary?**

14. The proposed restrictions on advertising are wholly disproportionate and unnecessary. The Committee of Advertising Practice (CAP) Code sets out the rules for non-broadcast advertising including cinema and outdoor advertising. It dictates that no medium should be used to advertise alcoholic drinks if more than 25% of its audience is under 18 years old. These rules are strictly adhered to by both sectors.
15. **Cinema advertising:** As is outlined above, if over 25% of an audience is under 18 years-old, then a film will not carry alcohol advertising. These rules are administered by the Cinema Advertising Association who, as the content and nature of films changes every year, use independent modelling to project the likely audience profile for a film. This is based on a sample of similar films whose actual profile post release is used as the base for the modelling of future releases. It is essential to note that many films that are popular with adults are lower certificate films, for example *The Best Exotic Marigold Hotel*. This film received a 12a certificate but, as the majority of its viewership was middle-aged or older, it would be wholly disproportionate to have banned alcohol advertising around this film.
16. Unless the film is '18' certificate, the CAA takes the view that all releases featuring comic book characters in a central role are not permitted to carry alcohol advertising, given the potential appeal of those characters to younger audiences. This has meant that a number of highly successful films – including *Marvel Avengers Assemble*, which is currently making box office records, cannot carry alcohol. Similar data analysis has meant that “gross out” comedies receiving '15' certificates rarely carry alcohol advertising.
17. Even when alcohol advertising is permitted with a film, its proportion does not exceed 40% of reel time, and CAA members endeavour to ensure that alcohol ads are always interspersed with non-alcohol ads.
18. The rules and self-regulatory behaviour set out above are a proportionate way to protect children from seeing alcohol advertising while at the same time ensuring that cinemas can benefit from advertising alcohol products in their cinemas in a responsible way. Cinemas, and particularly local cinemas, rely on advertising revenue. Any impact to the amount of advertising revenue that they receive could threaten their viability.
19. **Outdoor advertising:**
20. Outdoor alcohol advertising, like all advertising, must adhere to the rules that ensure that the advertising is not targeted at or appealing to children. In addition to this, the outdoor sector adheres to a new voluntary restriction put in place by Outdoor Media Centre (OMC) on outdoor alcohol advertising within 100m of schools. The OMC membership (which covers around 95% of all sites in outdoor advertising) must not display alcohol advertising on static

sites within 100 metres of schools. To ensure compliance, all companies have been informed of sites falling within the proximity zone so that they can isolate these sites on their computer systems and ensure that alcohol campaigns cannot be scheduled to appear on such restricted sites. The OMC also undertake spot checks on sites near schools to ensure that members are complying.

**21. Q5) Are there further measures you feel should be introduced?**

For “further measures”, we interpret that the consultation is suggesting *further regulation*. We do not believe that there is any need for further regulation in this area. We believe that the self-regulatory regime administered by the ASA is highly effective and, should there ever be need to amend the rules governing alcohol advertising, that they are able to adapt quickly to ensure that all alcohol advertising continues to be undertaken in a responsible manner.

22. The factors behind alcohol misuse are complex and vary between population groups and regions and there are many societal causes. Peer pressure is a significant factor behind binge-drinking amongst 18-24 year olds, and if the Government is seriously to tackle binge-drinking, its emphasis should be on practical measures such as information programmes at universities and colleges. In 2008, a study commissioned by the Advertising Association and undertaken by Volterra Consulting concluded that social influence operating through personal friendship networks is sufficient by itself to explain a large rise in binge drinking amongst young people.<sup>5</sup> This would indicate that the politicians should focus on the social influences leading to high youth alcohol consumption, rather than the fact that on occasion a young person might see an alcohol advertisement that is not targeted at them.

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<sup>5</sup> <http://www.adassoc.org.uk/write/Documents/Advertising%20and%20the%20misuse%20of%20alcohol.pdf>