

RESPONSE TO THE SCOTTISH GOVERNMENT CONSULTATION: Consultation on Restricting Alcohol Advertising and Promotion

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FOR SUBMISSION

Declaration of direct or indirect links to the alcohol industry

1. Please indicate any direct or indirect links to the alcohol industry?

SPECTRUM has no links (either directly or indirectly) to the alcohol industry.

Sports and events sponsorship

2. Do you think we should prohibit alcohol sports sponsorship in Scotland?

☒ Yes

☐ No

☐ Don't Know

Key to understanding health inequalities in Scotland is recognising the role of tobacco, alcohol and foods high in fat, salt and sugar (HFSS) play in the development of NCDs and as drivers of health inequalities. Consumption of these unhealthy commodities is driven by complex systems of production, distribution and promotion dominated by transnational companies. There are clear, evidence-based policy options available to reduce the burden of harm from NCDs, including measures to reduce consumption of health harming commodities by increasing the price, controlling availability and restricting marketing.

NCDs, such as cancer, heart disease, diabetes, liver and lung disease and stroke are a leading cause of death and disability worldwide with 41 million people dying from these causes each year¹. Alcohol contributes significantly to this burden of harm: it is a causal factor in more than 200 different diseases and injuries^{2,3} and is the biggest risk factor for death, ill health and disability among 15-to-49-year-olds in the UK⁴. Alcohol plays a causal role in seven cancers, including breast, liver and bowel cancer⁵. In 2020, an estimated 4% of cancer cases in the UK were linked to alcohol consumption⁶. Higher levels of drinking are also associated with socio-economic factors and consequences, such as a greater risk of unemployment and more absenteeism from work⁷.

¹ NCD Alliance. Non Communicable Diseases Information <https://ncdalliance.org/why-ncds>

² World Health Organisation (September 2018). [Fact sheets: alcohol](#).

³ Anderson BO, Berdzuli N, Ilbawi A, Kestel D, Kluge HP, Krech R, Mikkelsen B, Neufeld M, Poznyak V, Rekve D, Slama S, Tello J, Ferreira-Borges C. Health and cancer risks associated with low levels of alcohol consumption. *Lancet Public Health*. 2023 Jan;8(1):e6-e7. doi: 10.1016/S2468-2667(22)00317-6. PMID: 36603913; PMCID: PMC9831798.

⁴ Public Health England (2016). [The public health burden of alcohol and the effectiveness and cost-effectiveness of alcohol control policies](#)

⁵ Schütze M. et al. (2011). [Alcohol attributable burden of incidence of cancer in eight European countries based on results from prospective cohort study](#). *British Medical Journal*.

⁶ Rumgay, H. et al (2021). [Global burden of cancer in 2020 attributable to alcohol consumption: a population-based study](#). *The Lancet Oncology*.

⁷ The Institute of Alcohol Studies (2017). [Splitting the bill: alcohol's impact on the economy](#)

Alcohol harm does not just affect the person who drinks, but also their family, friends and wider society. 1 in 7 babies born in Scotland are at risk of fetal alcohol syndrome disorder which can occur following exposure to alcohol in the womb. FASD is a lifelong condition which can result in development of secondary disabilities, mental health and addiction problems, involvement with the criminal justice system and/or premature death related to violence, accidents or suicide⁸. In 2009, it was estimated that one in five under-16-year-olds in the UK lived with a hazardous drinker⁹. While this figure is old, it illustrates the scale at which alcohol is indirectly harming those around the person who drinks. While never an excuse for violence, alcohol use is linked to increases in both the occurrence and the severity of domestic violence.

The Scottish Government is limited to some extent with regards to the action it can take on the promotion and marketing of unhealthy products such as tobacco, nicotine products, alcohol and unhealthy food. Some key aspects of the marketing mix are reserved to the UK Government such as television and broadcast marketing. Competency over digital marketing is currently a matter of dispute between the Scottish and UK governments. However, the Scottish Government does have competency over certain parts of the marketing mix and should take action to restrict the marketing of unhealthy commodities where it can. For example, outdoor advertising (on billboards, bus stops), advertising on transport and sports and events sponsorship. Scotland should also seek to support new legislation to restrict the marketing of unhealthy products, like alcohol, at UK level, and push for the UK Government to go further wherever possible.

Scotland has already taken some bold policy action over the past twenty years through smoke-free legislation introduced in 2005 and Minimum Unit Pricing (MUP) for alcohol in 2012, but much more needs to be done to address the burden of harm from NCDs in our country. Scotland has set out ambitious plans to further its efforts to reduce NCDs with a vision for a tobacco-free generation by 2034, an ambition to halve childhood obesity by 2030, and an alcohol framework which seeks to reduce population-level consumption of alcohol through a wide range of evidence-based measures, including MUP. This consultation on restrictions related to alcohol marketing is a bold step towards attainment of these goals.

By its very nature, sport sponsorship is a form of marketing promotion. Such sponsorship deals, more often than not, include advertisements for the products which the sponsor produces on the hoardings around pitches and throughout the sporting arena, the logo of the company will often be prominently displayed on the team kit and merchandise whilst competitions and giveaways, such as opportunities to win tickets to sporting fixtures featuring players, managers or coaches, are often obviously

⁸ The Fetal Alcohol Advisory Support & Training Team (FAAST) <https://www.faast.ed.ac.uk/>

⁹ Manning V, Best D, Faulkner N & Titherington E (2009). 'New estimates of the number of children living with substance misusing parents: results from UK national household surveys'. *BMC Public Health* 9: 377.

branded and endorsed by both the sponsor and the team being sponsored.

According to a cross-sectional representative survey of adults in Scotland conducted in October 2022, only 1 in 4 opposed a ban on alcohol sponsorships of sports clubs, events or competition¹⁰. According to research from Scottish Health Action on Alcohol Problems (SHAAP), Scotland currently has the highest proportion of alcohol industry sponsors compared to other European Leagues and at least half of the Scottish Premiership Football teams have at least one alcohol industry sponsor or partner¹¹. 64% of members of the Scottish Football Supporters Association felt that reliance on sponsorship from alcohol brands was a “bad thing” and replacing sponsors with non-alcohol brands would be better¹². Additionally members of the Children’s Parliament (composed of 9-11 year olds) have previously voiced a desire for alcohol sponsorship to be removed from events at which children may be present¹³.

Sport sponsorship doesn’t just engage with those who support a particular team or attend sporting fixtures in person; in a world of televised events and digital media, the reach of these sponsored adverts is massive and unavoidably will include children in addition to those in recovery from alcohol related issues. Research showed that the televised Six Nations rugby match between England and Scotland presented an impression of, or reference to, alcohol every 15 seconds¹⁴. Further research¹⁵ from the University of Nottingham reviewed all rugby games played in the 2019 Six Nations Championship and counted the number of times the Guinness brand appeared on screen – including their use of the brand strapline “Greatness”. This strapline uses the same font and colour scheme as the main brand name and is often used where alcohol advertising in sport is prohibited (for example in France). Branding appeared in 17% of the total play time and utilising viewing figures and census data, the research team estimated that this was seen 122.4 billion times by the UK population, including 758 million times by children aged under-16. The study confirmed that alcohol marketing was highly prevalent during the 2019 Guinness Six Nations Championship and was a significant source of exposure to alcohol marketing and advertising for children. Sports sponsorship has been linked with increased alcohol consumption by those who play

¹⁰ Latest trends on alcohol consumption in Scotland from the Alcohol Toolkit Study. Kock L, Brown J, Buss V. [Annual Findings - Graphs - Alcohol in Scotland](#)

¹¹ [Alcohol sponsorship of football: Examining the nature of sponsorship relations for professional football teams across countries with varied restrictions on alcohol marketing \(shaap.org.uk\)](#)

¹² Scott, K. (05/02/2023). Scottish football fans 'exposed to high level of alcohol marketing'. *STV News*. <https://news.stv.tv/scotland/survey-by-shaap-reveals-scottish-football-fans-are-exposed-to-high-level-of-alcohol-marketing>

¹³ Children’s Parliament (2019). “*It’s all around you, all the time.*” *Children’s Parliament investigates: an alcohol-free childhood*. Alcohol Focus Scotland.

¹⁴ Purves, R. & Critchlow, N. (2020). The extent, nature, and frequency of alcohol sport sponsorship in professional football and rugby union in Scotland. Alcohol Focus Scotland

¹⁵ A Content Analysis and Population Exposure Estimate Of Guinness Branded Alcohol Marketing During the 2019 Guinness Six Nations. *Alcohol and Alcoholism*, Volume 56, Issue 5, September 2021, Pages 617–620, <https://doi.org/10.1093/alcalc/agab039>

sport (including children)^{16,17,18}.

It is common-place for brands to utilise promotion of non-alcoholic products which are labelled very similarly to the equivalent alcohol containing product, making it very difficult for consumers to immediately identify a difference. Recent marketing campaigns by Heineken 0.0% & the UEFA Europa League in 2020¹⁹ and Peroni Libera 0%²⁰ sponsorship of the Aston Martin Cognizant Formula One team are clear examples of brand sharing. Such sponsorship deals often focus on the brand name and logo far more than the individual product and as such utilise the same font, colours and logos of the brand allowing the industry to provide (and establish) visual cues which can circumvent existing restrictions in specific countries by way of this “alibi” marketing. Additional examples include Carlsberg’s sponsorship of the EURO 2016²¹ tournament in France Guinness’ sponsorship of the Six Nations rugby tournament in France in 2019 and sponsorship of the same tournament in Ireland in 2022). There is also evidence that one marketing aim for such products (such as Low/er strength wines and beers) is to position them not as substitutes for higher strength products, but as ones that can be consumed on additional occasions with an added implication of healthiness²².

Children play and follow professional sport from a very young age and often this means that they become accepting of sports brands and to download apps, “like” and “follow” brands associated with their team of choice on social media. Research shows that those who own alcohol branded goods (such as football shirts) are more likely to consume alcohol²³. A systematic review of alcohol sport sponsorship and consumption found that there was evidence of a clear link between exposure to sport sponsorship and alcohol consumption in children – this, in addition to the extensive evidence confirming that exposure to alcohol marketing in general increases the likelihood of alcohol

¹⁶ Brown, K. (2016). Association between alcohol sport sponsorship and consumption: A systematic review. *Alcohol and Alcoholism*, 51(6), 747-755.

¹⁷ Alfayad K, Murray RL, Britton J, Barker AB. Population exposure to alcohol and junk food advertising during the 2018 FIFA world cup: implications for public health. *BMC Public Health*. 2022 May 6;22(1):908. doi: 10.1186/s12889-022-13233-6. PMID: 35524237; PMCID: PMC9078020.

¹⁸ Barker A, Opazo-Breton M, Thomson E, Britton J, Grant-Braham B, Murray RL. Quantifying alcohol audio-visual content in UK broadcasts of the 2018 Formula 1 Championship: a content analysis and population exposure. *BMJ Open*. 2020 Aug 7;10(8):e037035. doi: 10.1136/bmjopen-2020-037035. PMID: 32769079; PMCID: PMC7418687.

¹⁹ UEFA (3 August 2020). Heineken 0.0% becomes UEFA Europa League partner. UEFA. <https://www.uefa.com/insideuefa/news/0260-100ac5525ab3-0fec83ad4331-1000--heineken-0-0-becomes-uefa-europaleague-partner/>

²⁰ Green, M. (24 February 2021). Peroni Libera 0.0% sponsors Aston Martin Cognizant Formula One team. Drinks International. https://drinksint.com/news/fullstory.php/aid/9414/Peroni_Libera_0.0_25_sponsors_Aston_Martin_Formula_One_team.html

²¹ Glendigging, M. (6 July 2016). Euro 2016 activation: Five things we learnt from Carlsberg’s campaign. *SportBusiness*. <https://sponsorship.sportbusiness.com/2016/07/euro-2016-activation-five-things-we-learnt-from-carlsbergs-campaign/>

²² Vasiljevic M, Coulter L, Petticrew M, Marteau TM. Marketing messages accompanying online selling of low/er and regular strength wine and beer products in the UK: a content analysis. *BMC Public Health* 2018;18(1):147).

²³ Jones, S. C. (2016). Alcohol-branded merchandise ownership and drinking. *Pediatrics*, 137(5).

consumption in young people²⁴. Alcohol sports sponsorship is currently self-regulated by the Portman Group, a group composed of alcoholic beverage producers, including Guinness, whose self-stated aim is to ensure that alcohol is promoted in a socially responsible manner and only to those over the age of 18. However, in the examples outlined, it is clear that the Guinness Six Nations led to alcohol marketing being viewed hundreds of millions of times by children under 16 and circumvented marketing restrictions in countries such as France.

The removal of gambling sponsors in football has shown that, despite warnings from the alcohol industry, football clubs found it possible to replace gambling industry funding with other forms of sponsorship²⁵. The Scottish Women's Football governing body has refused to accept sponsorship^{26,27} from alcohol companies as it is incompatible with their aim to promote healthy living and consider avoiding association with unhealthy products to be better for their athletes and their sport overall. Similarly, the removal of tobacco sponsorship in Formula One (and other sports) suggests that removal of sponsorship is not a negative, but can be net positive, producing opportunities to promote public health messages and target hard-to reach groups²⁴.

3. If alcohol sponsorship for sports was to be prohibited, what types of marketing do you think should be covered by a prohibition?

Illustrative examples include:

- prohibiting the use of alcohol brands on clothing worn by players or staff
- prohibiting alcohol being advertised on pitch side hoarding, pitches, trophies, tunnels or interview boards
- prohibiting players or staff from featuring in alcohol adverts in print or online
- Prohibiting online content from linking the sports team, players or competition to an alcohol brand or vice versa.

All of the above. The complete removal of alcohol marketing – similar to the Tobacco Advertising and Promotion Act 2002²⁸ - would be most effective in reducing exposure to marketing and be easier to monitor and enforce.

²⁴ Brown, K. (2016). Association between alcohol sports sponsorship and consumption: a systematic review. *Alcohol and alcoholism*, 51(6), 747-755.

²⁵ Holman CD, Donovan RJ, Corti B, et al Banning tobacco sponsorship: replacing tobacco with health messages and creating health-promoting environments. *Tobacco Control* 1997;6:115-121.

²⁶ British Broadcasting Corporation (1 October 2018). Scottish women's football 'will reject alcohol or gambling sponsors'. *BBC*. <https://www.bbc.co.uk/sport/football/45704266>

²⁷ Campbell, A. (20 February 2016). No booze or betting: Women's football rejects sponsorship offers. *The Herald*. <https://www.heraldscotland.com/sport/14290531.no-booze-or-betting-womens-football-rejectssponsorship-offers/>

²⁸ Tobacco Advertising and Promotion Act 2002, <https://www.legislation.gov.uk/ukpga/2002/36/notes/division/5/9>

Removing alcohol industry sponsorship completely from sport would reduce exposure levels for both adults and children. Removal would also avoid the magnification of brand promotion which results when sport is televised and through the sale of associated branded merchandise including clothing (such as replica kits) and other products. Removing these recurring references to alcohol would inhibit the ability of the alcohol industry to create and emphasise social norms around alcohol and its association with sport. These norms are incongruent with the evidence: participation in sport improves health whilst the consumption of any amount of alcohol increases the risk of ill-health²⁹.

4. What, if any, sporting activities or events do you think should be excepted from a prohibition on alcohol sports sponsorship, and why?

There should be no exceptions – comprehensive restrictions are more likely to be effective and understood whilst being simpler to monitor and enforce.

5. Do you think we should prohibit alcohol events sponsorship in Scotland?

☒ Yes

☐ No

☐ Don't know

Alcohol is heavily associated with our social culture in Scotland and across the wider UK. The alcohol industry is not separate from this culture – it actively creates and shapes it. They openly aspire to create an emotional attachment between their products and the experiences of their customers/consumers. In a similar vein to sporting events, alcohol sponsorship is commonplace at music festivals or live gigs whilst alcohol can be readily purchased at theme parks, theatres & the cinema.

The direct relationship between alcohol marketing exposure and alcohol use behaviours for adolescents and young adults has been shown to be stronger where the source of exposure to alcohol promotion has been through sponsored events or merchandising than direct traditional advertising³⁰. A survey for a festival support service demonstrates the impact of event sponsorship on people's feelings and behaviours towards brands; 93% of festival goers liked the brands that sponsored the events, 80% said they will purchase a product after attending an event, and 37% had a better perception of the brand afterwards. Another survey reported that around a third (32%) of festival fans were more likely to connect with brands that sponsor the

²⁹ Health and cancer risks associated with low levels of alcohol consumption. Lancet Public Health VOLUME 8, ISSUE 1, E6-E7. [https://doi.org/10.1016/S2468-2667\(22\)00317-6](https://doi.org/10.1016/S2468-2667(22)00317-6)

³⁰ Finan LJ, Lipperman-Kreda S, Grube JW, Balassone A, Kaner E. Alcohol Marketing and Adolescent and Young Adult Alcohol Use Behaviors: A Systematic Review of Cross-Sectional Studies. J Stud Alcohol Drugs Suppl. 2020 Mar;Suppl 19(Suppl 19):42-56. doi: 10.15288/jsads.2020.s19.42.

types of festivals they like³¹.

“T in the Park” was named after its main sponsor, Tennents, and was a music festival held annually in Scotland between 1994 and 2016. One member of an Alcohol Focus Scotland focus group composed of 18-21 year olds stated that *““T in the park was literally an advert for Tennent’s.”* At *T in the Park*, at every turn, there are references to, and a focus on, alcohol which is the clear intent of the sponsorship. For example, for the 20th anniversary of the festival, Tennents undertook a PR campaign following their judgement that: *“After two decades, Tennent’s’ sponsorship is sometimes taken for granted by fans, and there was a danger the 20th year anniversary would have limited significance to the target market of 18-24 year-old males³².”* Through a range of planned marketing activities including a concerted media campaign sharing photographs, quotes and anecdotes, in addition to a party event which included promotion of unsigned talent, Twitter interviews, photographs with performers and a partnership with the BBC Tennents focused solely on the promotion of their product. The partnership with the BBC included 18 TV broadcasts with a reach of 9 million viewers whilst the event itself was attended by approximately 85,000 each day. Survey results after the event showed that (unsurprisingly) 96% recalled that Tennents was the sponsor of the event. *“T in the Park”* is not unique of course – Glen’s Vodka have sponsored festivals in the past and Johnnie Walker are current sponsors of the Edinburgh Festival Fringe for example.

6. If alcohol events sponsorship were to be prohibited, what types of marketing do you think should be covered by a prohibition?

All types of marketing must be covered as this is the simplest option for implementation and enforcement whilst protecting the majority of the population from exposure to alcohol marketing.

The Tobacco Advertising and Promotion Act 2002³³ provides a useful example of the implementation of successful restrictions banning any form of promotion where financial or other benefits are provided in support of an event or activity aimed at the promotion tobacco smoking. The Act does not attempt to provide an exhaustive list but notes sponsorship could also extend to a building, institution or service. This approach could be adapted and applied to activities that promote alcohol brands.

³¹ Ticketmaster (2019). *State of Play: Festivals UK. Diving into what makes festival-goers tick.*

³² Marketing Society Scotland Star Awards 2014

[PowerPoint Presentation \(marketingsocietyscotland.com\)](https://www.marketingsocietyscotland.com/)

³³ Tobacco Advertising and Promotion Act 2002,

<https://www.legislation.gov.uk/ukpga/2002/36/notes/division/5/9>

7. What, if any, events do you think should be excepted from a prohibition on alcohol events sponsorship, and why?

There should be no exceptions to these restrictions in order to ensure that they are effective, protect all members of the population and to make implementation and enforcement simpler.

8. If alcohol sponsorship restrictions are introduced, do you think there should be a lead in time for these?

The Scottish Government acknowledges it would be a significant undertaking if alcohol sponsorship was prohibited for all events, without an adequate lead in time. This takes account of the commercial nature of sponsorship contracts whereby these are made for a number of years. We welcome views on whether a lead in time would be appropriate as well as how, and for how long, this might operate.

☒ Yes

☐ No

☐ Don't know

It is reasonable to allow for a lead-in time for the adoption of new regulations similar to the process followed when tobacco sponsorship of sport ended in 2005. The lead in time should be no more than 24 months.

Outdoor and public spaces marketing

9. Do you think we should prohibit alcohol marketing outdoors, including on vehicles, and in public spaces in Scotland?

☒ Yes

☐ No

☐ Don't know

In a representative population-based survey from Scotland, in October 2022, 3 in 4 people supported stronger measures to limit children and young people's exposure to alcohol advertising, such as restrictions on advertising at sporting events, in public spaces and online. The same level of support was seen in the survey one year earlier³⁴.

The Scottish Government is, to some extent, limited with regards the action it can take on the promotion and marketing of unhealthy products like alcohol. For example, some key aspects of the marketing mix are reserved to the UK Government such as television and broadcast marketing, whilst competency over digital marketing is currently a

³⁴ Latest trends on alcohol consumption in Scotland from the Alcohol Toolkit Study. Kock L, Brown J, Buss V. [Annual Findings - Graphs - Alcohol in Scotland](#)

matter of dispute between the Scottish and UK governments.

However, the Scottish Government does have competency over certain parts of the marketing mix and should take action to restrict the marketing of unhealthy commodities where it can. For example, outdoor advertising (on billboards, bus stops), advertising on transport and sports and events sponsorship. Scotland should also seek to support new legislation to restrict the marketing of unhealthy products at UK level, and push for the UK Government to go further where possible. The Scottish Government should take action to restrict the marketing of unhealthy commodities where it can. For example, outdoor advertising (on billboards, bus stops), advertising on transport in addition to sports and events sponsorship.

Many advertising companies particularly focus their campaigns on “out of home” advertising as standard because it is the medium that will reach most people – out of home adverts will reach 98% of the UK population at least once per week – and promotes impulse buys³⁵. In 2020, the Young Scot Health Panel of children and young people aged 14-25 years recommended mandatory controls on alcohol marketing, including restrictions on alcohol advertising in public place. The outdoor environment is a key area of exposure to alcohol marketing for children and young people as there are no safeguards or barriers to prevent exposure – for example on a billboard or on public transport when travelling to school. It is a similar situation for those in recovery from an alcohol misuse problem.

There is existing evidence that restricting advertising for other unhealthy products is successful although a significant barrier to effective policy action to provide better and healthier diets is the response of industry to such restrictions. Commercial actors are known to have attempted to delay, dilute or exploit regulations related to public health policy with many well documented examples^{36,37}. However, despite food and advertising industry attempts to influence the implementation of a ban on advertising of high fat, sugar and salt containing foods by Transport for London (TfL)³⁸, this marketing restriction was directly linked with a successful reduction in consumption HFSS products³⁹ without a significant negative impact on advertising income⁴⁰. Other examples of successful advertising restrictions includes expansion of the list of

³⁵ Who sees OOH? | Outsmart <https://www.outsmart.org.uk/who-sees-oooh>

³⁶ Savell E, Gilmore AB, Fooks G. How does the tobacco industry attempt to influence marketing regulations? A systematic review. *PLoS ONE*. 2014;9:e87389. PMID:24505286

³⁷ Savell E, Fooks G, Gilmore AB. How does the alcohol industry attempt to influence marketing regulations? A systematic review. *Addiction*. 2016;111(1):18–32. PMID:26173765

³⁸ Lauber, K, Hunt D, Gilmore AB, Rutter H. Corporate political activity in the context of unhealthy food advertising restrictions across Transport for London: A qualitative case study <https://doi.org/10.1371/journal.pmed.1003695>

³⁹ Yau, A. et al (2022). Changes in household food and drink purchases following restrictions on the advertisement of high fat, salt, and sugar products across the Transport for London network: A controlled interrupted time series analysis. *PLoS Medicine*, 19(2), e1003915.

⁴⁰ Transport for London (2020). *Transport for London Advertising Report 2018/19 and 2019/20*.

prohibited adverts by the Metropolitan Transport Authority to include alcohol (tobacco advertising has been banned since 1992)⁴¹, the City of New York implementing a similar ban in all City-owned buildings which included bus shelters, newsstands, recycling bins and LinkNYC Wi-Fi kiosks⁴² and in Australia almost all state Governments have all introduced varying restrictions on outdoor alcohol advertising, mainly restricting alcohol adverts on public transport vehicles⁴³.

10. What do you think should be covered by a prohibition on alcohol marketing outdoors, on vehicles and in public spaces?

Your answer should include:

1. Places where you think alcohol marketing should be prohibited (e.g. on bus shelters, in or near leisure centres or on taxis); and
2. Types of alcohol marketing you think should be prohibited outdoors (e.g. billboards or signage).

A comprehensive approach is required and all types of marketing should be prohibited in public spaces including:

- Transport areas including airports, bus and train stations, taxi stands and within the modes of transport themselves (planes, trains, cars, trucks etc)
- Out of home or place-based marketing including arenas, stadiums, cinemas, leisure centres, theatres, shopping centres and any digital signs associated with such places
- Billboards including digital or printed posters and wall murals
- Street furniture including benches, tables, shelters, information and phone kiosks, news racks and stands.

Prohibiting alcohol marketing in 'child spaces' is a particular concern as adolescent children are a vulnerable group at a formative development stage; adolescent alcohol use increases the risk of problem use in adulthood. SPECTRUM research⁴⁴ has shown that adolescent children in Scotland are highly exposed to alcohol products and marketing with children living in the most deprived areas (who are most at risk from the harms of alcohol) five times more likely to be exposed to off-sales alcohol outlets than children in the least deprived areas. Therefore restricting the marketing of alcohol products in and around child spaces including schools and play parks is a key priority.

It is also important to note that a greater number of alcohol retailers in a community is a driver of increased exposure to alcohol marketing. Currently there are over 15,000 alcohol retailers across Scotland, with far greater provision in more disadvantaged

⁴¹ [M.T.A. Will Ban Alcohol Advertising on Buses and Subways - The New York Times \(nytimes.com\)](https://www.nytimes.com/2018/05/23/us/politics/metro-ban-alcohol-advertising.html)

⁴² [New York Bans Alcohol Ads on Most City Property - The New York Times \(nytimes.com\)](https://www.nytimes.com/2018/05/23/us/politics/new-york-bans-alcohol-ads.html)

⁴³ [State and territory governments are taking on alcohol marketing | Drink Tank](https://www.drinktank.com.au/state-and-territory-governments-are-taking-on-alcohol-marketing/)

⁴⁴ Caryl, F.M., Pearce, J., Mitchell, R. et al. Inequalities in children's exposure to alcohol outlets in Scotland: a GPS study. BMC Public Health 22, 1749 (2022). <https://doi.org/10.1186/s12889-022-14151-3>

neighbourhoods⁴⁵. SPECTRUM research has shown that higher availability of alcohol retailing in Scotland is related to higher alcohol related mortality, hospitalisation, crime and other harms. It is also related to more problematic drinking patterns (e.g. binge drinking⁴⁶) and can undermine recovery from alcohol addiction. Therefore, a comprehensive strategy for addressing alcohol marketing should include provision for reducing the number of retailers selling alcohol products in Scotland.

11. What, if any, exceptions do you think there should be to prohibiting alcohol marketing outdoors, including on vehicles, and in public spaces in Scotland? Why?

There should be no exceptions to these restrictions in order to ensure that they are effective, protect all members of the population and to make implementation and enforcement simpler.

In-store alcohol marketing

12. Do you think that we should further restrict the visibility of alcohol in retail environment?

For example by:

- restricting window displays of alcohol,
- restricting the use of mixed alcohol and non-alcohol aisles,
- prohibiting aisle-end displays of alcohol,
- and/or redefining the alcohol display area, and/or
- covering alcohol behind till areas similar to tobacco

☒ Yes

☐ No

☐ Don't know

Less than 1 in 3 Scottish adults opposed measures to reduce the visibility of alcohol products in supermarkets and shops based on data from a representative population-based survey, conducted in October 2022. The survey in the previous year showed a comparable level of support for such measures among Scottish adults²⁴.

The positioning of products within the retail environment is a key form of marketing that can increase the likelihood of their purchase by consumers⁴⁷. An often quoted

⁴⁵ Shortt N, Tisch C, Pearce J, Mitchell R, Richardson E, Hill, S, Collin J, 2015. A cross-sectional analysis of the relationship between tobacco and alcohol outlet density and neighbourhood deprivation in Scotland. *BMC Public Health* 15:1014.

⁴⁶ Shortt N, Rind E, Pearce J, Mitchell R, Curtis S, 2018. Alcohol risk environments, vulnerability and social inequalities in alcohol consumption. *Annals of the Association of American Geographers* 108, 1210–1227.

⁴⁷ Gabrielli, V. & Cavazza, N. (2012). The influence of in-store product holders on orientation towards the product and on purchase intention. *International Review of Retail, Distribution and Consumer Research*, 24(3), 311–327.

example of the impact of product placement within a retail environment on consumer purchasing relates to the placement of high fat, salt or sugar products at/or near the checkout. Research has previously shown that such placements (particularly of non-essential items) lead to an increase in unplanned impulse purchases. Approximately 30% of supermarket sales are of products placed on the end of an aisle and research shows that uplifts of between 23-46% are witnessed when alcoholic beverages are placed on the end of an aisle⁴⁸. A factor that the alcohol industry is keen to exploit: in 2011, Carlsberg suggested that retailers create stacks of cases of beer and to place these away from the dedicated alcohol product aisles in order to increase the likelihood of an impulse buy⁴⁹. Research as far back as 2010, shows broad support (70%) for alcohol displays to be restricted to a specific, single area within supermarkets. Restricting products to one confined area would allow shoppers, such as those in recovery from alcohol use disorders or with children, to avoid exposure to alcohol products.

There is a particular need to restrict the marketing of alcohol products in retail environments that coincide with children's 'activity spaces'. As noted previously, adolescent children are at a formative development stage and vulnerable to the impacts of alcohol marketing. Comprehensive restrictions in child spaces, including buffer zones around schools and play areas, is needed.

13. Do you think we should consider structural separation of alcohol in Scotland to reduce the visibility of alcohol in off-trade settings (e.g. supermarkets)?

☒ Yes

☐ No

☐ Don't know

Despite the Licensing (Scotland) Act 2005 limiting the placement of alcohol products in shops to a single area of the premises, it is often dispersed to the end of aisles or the middle of stores. As a result, alcohol is visible to all shoppers including children and those who may wish to avoid it such as people in recovery from alcohol use disorders. The financial impact of alcohol harm in Scotland has previously been estimated to be approximately £3.6 billion per year⁵⁰. Consumption levels of alcohol have increased significantly following the coronavirus pandemic with evidence showing that off trade sales increased by 28% during the first lockdown period (March-July 2020) whilst on-trade sales were restricted. The Covid-19 pandemic has significantly increased alcohol harm across the UK. The number of deaths arising

⁴⁸ [Sales impact of displaying alcoholic and non-alcoholic beverages in end-of-aisle locations: An observational study - ScienceDirect](#)

⁴⁹ Original website no longer available - Carlsberg trade website:

<http://www.carlsberg.co.uk/Trade/GoldenRules.aspx> [accessed 14/01/11] [Out of the way Final.pdf](#)

⁵⁰ York Health Economics Consortium, University of York (2010). *The Societal Cost of Alcohol Misuse in Scotland for 2007*. Edinburgh: Scottish Government Social Research.

from alcohol-specific causes increased by 18.6% in 2020, the highest year-on-year increase recorded⁵¹.

There is increasing evidence of the extensive role that marketing and promotions play in influencing purchases in stores. Studies show that promotions result in people buying more than they initially intended to and rather than stockpiling extra purchases, people tend to increase their consumption of these products instead^{52,53,54,55}. Structural separation is therefore a means to address some of these issues. It has proven itself to be an effective measure in relation to tobacco products and also the placement of high fat, salt and sugar products previously^{56,57}. The introduction of structural separation in Estonia has reduced alcohol visibility by 15% and halved the number of impulse buys consumers have made⁵⁸.

14. How do you think structural separation of alcohol in Scotland could operate? (e.g. with barriers, closed display cases)

Alcoholic products should be structurally separated from other items in mixed retail environments – particularly those which include general products marketed at/for children. There should be a physical barrier which restricts the view of products from the rest of the store and any products stored behind a till should be placed within a closed display case and obscured from view. This would reduce impulse purchases, challenge the view that alcohol is a harmless everyday product whilst protecting children, those at risk of or in recovery from an alcohol problem or who are pregnant from exposure to alcohol products and marketing. In smaller retail outlets, where structural separation is not possible storage of products behind the counter could be considered. No alcohol products should be visible from outside the shop (ie through windows or included in window displays).

⁵¹ Office of National Statistics (2021). [Alcohol-specific deaths in the UK: registered in 2020](#).

⁵² Public Health England 2015. Sugar reduction: the evidence for action. Annexe 4: An analysis of the role of price promotions on the household purchases of food and drinks high in sugar

⁵³ Inman J. & Winer R. (1998). *Where the Rubber Meets the Road: A Model of in-Store Consumer Decision Making*. Technical Report for Marketing Science Institute. Cambridge: MA, USA. pp. 98–122.

⁵⁴ Croker, H., Packer, J., Russell, S. J., Stansfield, C. & Viner, R. M. 2020. Front of pack nutritional labelling schemes: a systematic review and meta-analysis of recent evidence relating to objectively measured consumption and purchasing. 33, 518-537.

⁵⁵ Castro, I. A. et al. (2018). Customer Purchase Intentions and Choice in Food Retail Environments: A Scoping Review. *International Journal of Environmental Research and Public Health*, 15(11), pp. 2493-2512.

⁵⁶ Department of Health and Social Care (28 December 2020). Promotions of unhealthy foods restricted from April 2022. UK Government. <https://www.gov.uk/government/news/promotions-of-unhealthy-foods-restricted-from-april-2022>

⁵⁷ Scottish Government (2018). Reducing Health Harms of Foods High in Fat, Sugar or Salt: Consultation Paper. Edinburgh: Scottish Government.

<https://www.gov.scot/binaries/content/documents/govscot/publications/consultation-paper/2018/10/reducing-health-harms-foods-high-fat-sugar-salt/documents/00541066-pdf/00541066-pdf/govscot%3Adocument/00541066.pdf>

⁵⁸ Alkoholi Nähtavus Kauplustes, Enne Ja Pärast 1. Juunit 2019. Uuringutulemuste lühikokkuvõte. (Visibility of Alcohol in Stores, Before And After 1 June 2019. Brief summary of the survey results) <https://www.sm.ee/media/2289/download>

Brand sharing and merchandise

15. Do you think that we should prohibit the sale of alcohol branded merchandise in Scotland?

☒ Yes

☐ No

☐ Don't know

Alcohol branded merchandise should be prohibited in Scotland as recommended by the Alcohol Marketing Expert Network⁵⁹ and should be part of a comprehensive approach to restricting alcohol marketing more generally. This is because if only one aspect of the marketing mix is restricted, it is expected that activities in other areas will expand.

It's common for adults to purchase or be gifted alcohol-branded merchandise and to bring such merchandise at home – for example, functional products such as branded glasses which become part of everyday life - thereby exposing younger people and children to such products and making the inclusion of exposure to the brand name an everyday norm. Previous research found that 87% of those who receive promotional products have kept them for more than 12 months and that such products are almost 6 times more likely to make recipients feel appreciated than other forms of marketing⁶⁰. 83% of people who received branded promotional products went on to purchase products or services from those brands. Children also own branded merchandise and products. The percentage of children that own alcohol branded products varies from 11% to 59% depending on their age and is higher among older children and males⁶¹.

The relationship between ownership of these products and drinking behaviours is overwhelmingly stronger than for any other marketing approach⁶² and research has consistently demonstrated that those who own alcohol branded goods are more likely to consume alcohol⁶³. Analyses of data from the 2017 Youth Alcohol Policy Survey (collected from individuals aged 11-19 in the UK) found that 82% remembered at least one example of alcohol marketing in the month prior to being asked about it and half of respondents estimated to have seen marketing of these products once a day on

⁵⁹ Alcohol Focus Scotland (2022). *Realising our rights: How to protect people from alcohol marketing. A report by the Alcohol Marketing Expert Network.*

⁶⁰ [Why Use Branded Merchandise? | The Marketing Solutions Show \(mktgshowcase.co.uk\)](https://www.mktgshowcase.co.uk/why-use-branded-merchandise/)

⁶¹ Critchlow, N. et al. (2019). Awareness of alcohol marketing, ownership of alcohol branded merchandise, and the association with alcohol consumption, higher-risk drinking, and drinking susceptibility in adolescents and young adults: A cross-sectional survey in the UK. *BMJ open*, 9(3), e025297.

⁶² Finan, L. J. et al. (2020). Alcohol marketing and adolescent and young adult alcohol use behaviors: A systematic review of cross-sectional studies. *Journal of Studies on Alcohol and Drugs, Supplement*, (s19), 42-56.

⁶³ Jones, S. C. (2016). Alcohol-branded merchandise ownership and drinking. *Pediatrics*, 137(5).

average. Current drinkers in the cohort, who reported high alcohol marketing awareness, were more likely to consume alcohol at higher risk levels than those with lower levels of awareness. Never drinkers who owned branded merchandise were twice as likely to believe that they would start drinking with the next year than those who did not own any merchandise⁵⁵.

It is particularly important that the normalisation of alcohol is avoided, particularly the creation, and perpetuation, of the incorrect narrative from industry that alcohol has no ill effects on individuals, families and society. Alternatively, acknowledgement of the negative impact it can have on health, economic and social status of consumers should become the norm in order to enable consumers to make an informed choice with respect to their drinking habits⁶⁴.

16. Do you think that we should prohibit the free distribution of alcohol branded merchandise in Scotland?

☒ Yes

☐ No

☐ Don't know

The British Promotional Merchandise Association states that branded promotional products are “*tangible and create emotional reactions*⁶⁵” and so increase the likelihood of the branded message being more visible, more frequently and to a wider audience than just the person that owns it (i.e. clothing, umbrellas, bags etc). This type of marketing is one of the most long-lasting and widespread approaches to marketing alcohol brands and products because it serves to establish the brand further whilst spreading its reach.

As stated in the response to the previous question, the relationship between ownership of these products and drinking behaviours is overwhelmingly stronger than for any other marketing approach⁶⁶ and research has consistently demonstrated that those who own alcohol branded goods – irrespective of whether they purchased them or were given them for free – are more likely to consume alcohol⁶⁷. Such marketing promotions are more likely to impact disadvantaged households, particularly if the item is one of functional use – such as hats, tshirts or other items of clothing for example.

⁶⁴ World Health Organization (2019). *The SAFER technical package: five areas of intervention at national and subnational levels*.

⁶⁵ [BPMA: Reasons to use promotional merchandise 2021](#)

⁶⁶ Finan, L. J. et al. (2020). Alcohol marketing and adolescent and young adult alcohol use behaviors: A systematic review of cross-sectional studies. *Journal of Studies on Alcohol and Drugs, Supplement*, (s19), 42-56.

⁶⁷ Jones, S. C. (2016). Alcohol-branded merchandise ownership and drinking. *Pediatrics*, 137(5).

It is important that the normalisation of alcohol is avoided, particularly the creation, and perpetuation, of the incorrect narrative from industry that alcohol has no ill effects on individuals, families and society. Instead, acknowledgement of the negative impact it can have on health, economic and social status of consumers should become the norm to enable consumers to make an informed choice with respect to their drinking habits⁵⁸.

17. What, if any, exceptions do you think should there be to prohibiting the sale or distribution of alcohol branded merchandise?

There should be no exceptions.

18. What, if any, other restrictions do you think should be considered on the use of alcohol brands on non-alcohol products?

All forms of brand marketing should be restricted including brand sharing in which substitute products (such as low or no-alcohol products – see next section) are promoted. Alcohol brands, for example, can often be identified from visual cues such as straplines, colour or shape or font type – examples include the use of the word “Greatness” instead of Guinness or Carlsberg’s use of “Probably” in various sporting tournaments.

It is common-place for brands to utilise promotion of non-alcoholic products which are labelled very similarly to the equivalent alcohol containing product, making it very difficult for consumers to immediately identify a difference. Recent marketing campaigns by Heineken 0.0% & the UEFA Europa League in 2020⁶⁸ and Peroni Libera 0%⁶⁹ sponsorship of the Aston Martin Cognizant Formula One team are clear examples of brand sharing. Such sponsorship deals often focus on the brand name and logo far more than the individual product and as such utilise the same font, colours and logos of the brand allows the industry to provide and establish visual cues which can circumvent existing restrictions in specific countries by way of this “alibi” marketing. Additional examples include Carlsberg’s sponsorship of the EURO 2016 tournament in France 2016, Guinness’ sponsorship of the Six Nations rugby tournament in France in 2019 and sponsorship of the same tournament in Ireland in 2022).

Partnerships across sectors, such as food products containing or flavoured with alcohol brands should be required to adhere to restrictions. Alcohol flavoured food-stuffs (for

⁶⁸ UEFA (3 August 2020). Heineken 0.0% becomes UEFA Europa League partner. UEFA. <https://www.uefa.com/insideuefa/news/0260-100ac5525ab3-0fec83ad4331-1000--heineken-0-0-becomes-uefa-europaleague-partner/>

⁶⁹ https://drinksint.com/news/fullstory.php/aid/9414/Peroni_Libera_0.0_25_sponsors_Aston_Martin_Formula_One_team.html

example, Bailey's produce a range of chocolates, truffles, cakes and ice cream⁷⁰ or sauces containing alcohol, such as Oystercroft Port, cherry and black pepper sauce⁷¹ that contains two measures of 35% port or Jim Beam BBQ Sauce with 9% alcohol⁷²) can familiarise children with the taste of alcohol, build brand loyalty with children from a young age and allow for the marketing of these brands in a non-alcohol scenario.

No and low alcohol

19. Do you think that any potential alcohol marketing restrictions should apply to low or no alcoholic drinks products, where these carry the same brand name, or identifiable brand markings, as alcoholic drinks?

Low or no alcoholic drinks products are between 0% ABV and 1.2% ABV. Alcoholic drinks are over 1.2% ABV. Alcohol by volume (ABV) is a measure of alcohol content.

☒ Yes

☐ No

☐ Don't know

Any restrictions which apply to the marketing of products containing alcohol must apply to no and low alcohol products produced by a parent company that also produces alcoholic beverages, particularly if that advert references the parent company. It is common-place for brands to utilise promotion of non-alcoholic products that are labelled very similarly to the equivalent alcohol containing product, making it very difficult for consumers to immediately identify a difference. Known as gateway marketing, an example of this includes marketing campaigns for Carlsberg, Heineken 0.0 and Guinness 0.0 in recent sporting tournaments. Alcohol brands can often be identified from visual cues such as straplines, colour or shape or font type – examples include the use of the word “Greatness⁷³” instead of Guinness or Carlsberg’s⁷⁴ use of “Probably” in various sporting tournaments.

The most recent Six Nations tournament (February 2023) includes advertising on (and off) the pitches of Twickenham (England), Aviva (Ireland), Murrayfield (Scotland) and Principality (Wales) stadiums for the Diageo owned Guinness brand. Despite alcohol advertising being banned in certain areas of sport in Ireland, the pitch at the Aviva Stadium in Dublin during the Ireland v France fixture included the Guinness brand

⁷⁰ [Explore Our Delicious Range of Baileys Products | Baileys UK](#)

⁷¹ [Port, Cherry & Black Pepper sauce \(for Stilton and steak\) – Oystercroft](#)

⁷² [Jim Beam Bourbon Bbq Sauce 200ml - Tesco Groceries](#)

⁷³ A Content Analysis and Population Exposure Estimate Of Guinness Branded Alcohol Marketing During the 2019 Guinness Six Nations. Alcohol and Alcoholism, Volume 56, Issue 5, September 2021, Pages 617–620, <https://doi.org/10.1093/alcalc/agab039>

⁷⁴ <https://sponsorship.sportbusiness.com/2016/07/euro-2016-activation-five-things-we-learnt-from-carlsbergs-campaign/>

name, Harp logo and font that is more than likely instantly recognisable as belonging to the alcohol brand Guinness. It was the subtle addition of 0.0 to reflect the alcohol-free version of the product that circumvented the Irish advertising legislation introduced in 2021 laws which prohibits alcohol advertising on the pitch, which allowed its inclusion⁷⁵. It should be noted that the Irish legislation does permit advertising on the hoardings around a pitch which could be argued as a dilution of the intent of the legislation as these are obvious to those within the stadium and frequently featured on any televised fixtures.

Currently no and low alcohol products account for a small, but growing, proportion of the profits of the alcohol industry (estimated to be 3% in 2021⁷⁶). They are also typically consumed by drinkers who are drinking at lower levels; heavier drinkers are not typically consumers of such products. Further research into the consumption of these products is required to be sure of how they are used (e.g. whether they substitute alcohol products or are consumed in addition)⁷⁷. Overall, marketing of the brand rather than individual products has arguably become the goal⁷⁸. Such approaches prompted Norway, France and Ireland (and others) to extend their alcohol marketing restrictions to cover brand marketing. Norway⁷⁹ specifically extended their complete advertising ban (first introduced in 1975) to any products produced by alcohol brands that contain the same identifying features as alcoholic products and encourages the development of new brands for their no and low alcohol products which are independent from alcohol products. (NB: this extension in Norway also applies to clothing and food in addition to no and low alcohol beverages).

A 2022 report⁸⁰ commissioned by the Institute of Alcohol Studies, found that No/Low marketing campaigns often use strategies which encourage people to consume no/low alcohol products *in addition to* alcoholic products, promotes the brand as whole rather than the individual product along with reinforcing gender stereotypes, continuing to normalise alcohol consumption as well as assert health claims or associations which are confusing. The report found that the group of individuals interviewed for the study were aware of these strategies and whilst there is a place for no and low alcohol products, the marketing and promotion of them must be regulated and carefully considered to avoid any legislative loopholes being exploited.

⁷⁵ [Marketing non-alcoholic drinks – it's the zero zero that makes the difference – The Irish Times](#)

⁷⁶ [IWSR- No- and Low-Alcohol Gains Share \(theiwsr.com\)](#)

⁷⁷ Nicholls, E. (2022). "You can be a hybrid when it comes to drinking." *The Marketing and Consumption of No and Low Alcohol Drinks in the UK*. Institute of Alcohol Studies.

⁷⁸ [Alcohol-free and low alcohol drinks | Alcohol Change UK](#)

⁷⁹ [prohibition-of-alcohol-advertising-in-norway--0918.pdf \(nhomd.no\)](#)

⁸⁰ Nicholls, E. (2022). "You can be a hybrid when it comes to drinking": *The Marketing and Consumption of No and Low Alcohol Drinks in the UK*. Institute of Alcohol Studies.

Print advertising

20. Do you think that we should prohibit advertising of alcohol in newspapers and magazines produced in Scotland?

☒ Yes

☐ No

☐ Don't know

Print advertising in newspapers and magazines is not fleeting – it can be viewed multiple times by the same individual (unlike outdoor advertising which may be glimpsed in passing) or by many others where the publication is shared amongst multiple readers (such as a freely distributed newspaper shared by multiple travellers on a train). Print readers tend to be more focused – 77% of readers recall adverts and those that do are more likely to take notice of them and have an emotional reaction to them⁸¹. Advertising industry research also shows that consumers are more distrustful of online and pop up adverts – for example, 61% of people reading an advert in a newspaper would trust the authenticity of the advert compared to 42% of online users – and therefore strongly recommends brands use a combination of both digital and print advertising. Previous studies have found that alcohol brands were more likely than any other brand to advertise in magazines with a high readership of those below drinking age^{82,83} and that around 20% of young people in the UK⁸⁴ could recall seeing an advert for alcohol in newspapers or magazines in the last week. These are reasons that print advertising is considered to be the second best advertising approach in the UK for return on investment⁸⁵ and why the alcohol industry should be required to comply with advertising restrictions which aim to protect young people and those in recovery from or at risk of an alcohol problem from exposure to adverts which are known to be associated with increased consumption of alcohol⁸⁶.

21. What, if any, exceptions do you think there should be to prohibiting alcohol advertising in newspapers and magazines produced in Scotland?

⁸¹ [Print vs digital advertising » Newsworks](#)

⁸² [Alcohol Advertising in Magazines and Underage Readership: Are Underage Youth Disproportionately Exposed? - King - 2017 - Alcohol: Clinical and Experimental Research - Wiley Online Library](#)

⁸³ Charles King, Michael Siegel, David H. Jernigan, Laura Wulach, Craig Ross, Karen Dixon, Joshua Ostroff, Adolescent Exposure to Alcohol Advertising in Magazines: An Evaluation of Advertising Placement in Relation to Underage Youth Readership, *Journal of Adolescent Health*, Volume 45, Issue 6, 2009, 626-633, <https://doi.org/10.1016/j.jadohealth.2009.03.012>.

⁸⁴ Critchlow N, MacKintosh AM, Thomas C, et al
Awareness of alcohol marketing, ownership of alcohol branded merchandise, and the association with alcohol consumption, higher-risk drinking, and drinking susceptibility in adolescents and young adults: a cross-sectional survey in the UK *BMJ Open* 2019;9:e025297. doi: 10.1136/bmjopen-2018-025297

⁸⁵ <https://www.statista.com/statistics/276239/advertising-mediums-ranked-by-revenue-roi-in-the-united-kingdom-uk/>

⁸⁶ Finan, L. J. et al. (2020). Alcohol marketing and adolescent and young adult alcohol use behaviors: A systematic review of cross-sectional studies. *Journal of Studies on Alcohol and Drugs, Supplement*, (s19), 42-56.

If this was taken forward, some consideration would need to be given to specialist consumer publications, trade press and industry focused publications. These are unlikely to be seen, on a large scale, by children and young people or by those in recovery.

Exceptions should be considered for trade and industry focused publications only, specifically, where there is a business requirement to advertise products or services to others within the same industry or to inform consumers of fact-based statements related to the products.

Online marketing

22. Do you think we should restrict alcohol branded social media channels and websites in Scotland?

Alcohol branded social media channels post content, including photos and videos, to individuals who follow or 'like' them. High-quality posts advertise the product/s sold and show the alcoholic drink being consumed in desirable locations or contexts as well as highlighting sponsorships or tie-ins with celebrities.

Children and young people would see alcohol content if they followed or liked the alcohol brand or if they followed sponsored celebrities, influencers or sports people who advertise the brand. This is despite age gating, which is the process of checking age of users before allowing access.

UK research has found that while age verification can prevent individuals whose profile states they are under 18 years of age accessing alcohol marketing on Facebook, users of all ages can access alcohol marketing on Twitter and YouTube.

☒ Yes

☐ No

☐ Don't know

As part of comprehensive restrictions on alcohol marketing, alcohol marketing should be restricted across all platforms. Owned digital media should be covered by these restrictions. Consequently, alcohol brands should be prohibited from owning dedicated social media channels, such as Instagram, Facebook, Snapchat or Twitter, or from being promoted through the social media of their owner companies. This would prevent them from promoting their brand online, while maintaining the ability to sell their products through their websites.

There is evidence that the awareness of, and engagement with, alcohol marketing on multiple forms of social media, including user-generated content, has an impact on alcohol consumption and behaviour among both adolescents and young adults. While

there are some guidelines in place in the UK regarding alcohol content on social media platforms, these are insufficient. For example, the ASA guidance states that organisations using online platforms to promote age restricted products should ensure that their communications are not targeting young people and children below the age of purchase⁸⁷. However, social media platforms are global; for example, users of different social media platforms are exposed to and can engage with content from all over the world. Thus, creating difficulties in restricting marketing of alcohol to a single country context.

Social influencer advertising is a new and rapidly developing marketing technique employed by alcohol brands and advertisers to promote their products which must be considered. This form of advertising is present across a wide range of social media platforms, such as Facebook, Instagram and YouTube. Influencers can drastically increase advertising reach for brands⁸⁸.

Influencers are individuals who are followed by a significant number of people for their content. This content can include both their own material and others' and can seem to represent their personal opinion even when they have been paid to promote a product or service. In 2018, more than US\$ 500 million was spent by marketers on influencer marketing⁸⁹ rising to an estimated \$16.4 billion in 2022⁹⁰. The role of influencers is made powerful by blurring the line between social media content and product advertising⁹¹. Influencer advertising can be particularly difficult to detect due to the ways in which the advertisement is often subtly weaved through an influencer's produced content. Recent research has also demonstrated that influencer marketing could be considered a form of online peer-to-peer marketing, due to the admiration that many children and young people have for their preferred influencers⁸¹.

Engagement on social media allows for the sharing, following, liking or commenting on branded content. Research carried out by the University of Stirling indicates that engagement with social media provides a range of marketing opportunities which increase brand identification and as such may drive increases in consumption of alcohol in addition to providing further marketing opportunities for companies⁹².

⁸⁷ [Non-broadcast Code - ASA | CAP](#)

⁸⁸ Gone Viral? Heard the Buzz? A Guide for Public Health Practitioners and Researchers on how Web 2.0 can Subvert Advertising Restrictions and Spread Health Information. *Journal of Epidemiology and Community Health*, 62, 761-761.

⁸⁹ Coates AE, Hardman CA, Halford JCG, Christiansen P, Boyland EJ. Food and Beverage Cues Featured in YouTube Videos of Social Media Influencers Popular With Children: An Exploratory Study. *Front Psychol* [Internet]. 2019 [cited 2022 Aug 10];10. Available from: <https://www.frontiersin.org/articles/10.3389/fpsyg.2019.02142>

⁹⁰ [What is Influencer Marketing? - The Ultimate Guide for 2023 \(influencermarketinghub.com\)](#)

⁹¹ White LE. Understanding the policy and public debate surrounding the regulation of online advertising of high in fat, sugar and salt food and beverages to children [Internet]. [Glasgow]: University of Glasgow; 2020. Available from: <https://theses.gla.ac.uk/81381/1/2019WhiteLaurPhD.pdf>

⁹² Participation with alcohol marketing and user-created promotion on social media, and the association with higher-risk alcohol consumption and brand identification among adolescents in the UK. *Addict Res*

Alcohol brands, for example, can often be identified from visual cues such as straplines, colour or shape or font type – examples include the use of the word “Greatness”⁹³ instead of Guinness or Carlsberg’s⁹⁴ use of “Probably” in various sporting tournaments.

Despite current self-regulatory codes, the placement and targeting of advertisements for alcohol is causing significant harm, particularly to children and young people and people with (or at risk of) an alcohol problem, underlining the need for new regulatory structures whilst further research into the harms of digital marketing specifically is needed. Although alcohol is an age-restricted product, research by Alcohol Focus Scotland demonstrated that 82% of 11-17-year-olds have seen alcohol advertising in the last month. This exposure to alcohol marketing is a cause of youth drinking⁹⁵. Reviews of decades of research have concluded that alcohol marketing leads young people to start drinking earlier, to drink more if they are already drinking, and to drink at heavy or problematic levels⁹⁶.

Moreover, approximately a fifth (19%) of 11-17-year-olds had interacted with alcohol marketing online in the past month. This is particularly worrying, as young people who engage with user-generated promotion of alcohol marketing tend to engage in riskier drinking behaviours. Research has shown that most Scottish adults were in support of stronger measures to limit children and young people’s exposure to alcohol advertising, for example, online⁹⁷.

In addition to the mis-targeting of children, alcohol companies directly target young people as the “heavy-using loyalists” of tomorrow⁹⁸. This is facilitated by social media companies tagging children and young people as interested in alcohol. As well as targeting young and newly legal drinkers, analysis has demonstrated that alcohol companies target those already drinking at high levels. Digital media enables marketers to use dynamic algorithms to identify the preferences and vulnerabilities of consumers, and use these to micro-target people. Exposure to marketing and harmful content can be further exacerbated by these personalised algorithms: on social media

Theory. 2019; 27(6): 515–526.. doi: 10.1080/16066359.2019.1567715

⁹³ A Content Analysis and Population Exposure Estimate Of Guinness Branded Alcohol Marketing During the 2019 Guinness Six Nations. *Alcohol and Alcoholism*, Volume 56, Issue 5, September 2021, Pages 617–620, <https://doi.org/10.1093/alcalc/agab039>

⁹⁴ Glendigging, M. (6 July 2016). Euro 2016 activation: Five things we learnt from Carlsberg’s campaign. *SportBusiness*. <https://sponsorship.sportbusiness.com/2016/07/euro-2016-activation-five-things-we-learnt-from-carlsbergs-campaign/>

⁹⁵ Alcohol Health Alliance UK (2021). *No escape: How alcohol advertising preys on children and vulnerable people*.

⁹⁶ Anderson, P. et al. (2009). Impact of Alcohol Advertising and Media Exposure on Adolescent Alcohol Use: A Systematic Review of Longitudinal Studies. *Alcohol and Alcoholism*, 44(3), 229-43; Jernigan, D. et al. (2016). Alcohol Marketing and Youth Consumption: A Systematic Review of Longitudinal Studies Published Since 2008. *Addiction*, 112, 7–20;

⁹⁷ Latest trends on alcohol consumption in Scotland from the Alcohol Toolkit Study. Kock L, Brown J, Buss V. [Annual Findings - Graphs - Alcohol in Scotland](#)

⁹⁸ Recruiting the “heavy-using loyalists of tomorrow”: An analysis of the aims, effects and mechanisms of alcohol advertising, based on advertising industry evaluations. *International Journal of Environmental Research and Public Health*, 16(21), 4092.

the content that each user is exposed to is personalised on a real-time basis by the extensive collection and analysis of personal data such as emotions, responses, preferences, behaviour and location. As explained by the World Health Organization (WHO), this practice can also allow organisations to maximise exposure to marketing or harmful content by ‘target[ing] specific groups, individuals and particular moments of vulnerability [...]’⁹⁹.

These tools disproportionately target people with (or at risk of) an alcohol problem at times when they are most susceptible¹⁰⁰. For example, following conversations on Facebook Messenger with a software developer who was developing an app to help people moderate their consumption, the next day problem drinkers were served with multiple adverts for alcohol brands in their Instagram feed. ‘Buy now’ features further increase this risk of harm by enabling instant purchases¹⁰¹.

Crucially, the increased consumption associated with exposure to alcohol marketing can affect the general population. Before the pandemic, around one in four people in Scotland were drinking above the low risk drinking guidelines¹⁰². Early evidence suggests that for some people – particularly heavier drinkers – the pandemic was associated with increased drinking. Research in England has shown an increase in the number of people drinking at increasing or higher-risk levels over the course of the pandemic, from 12% of the population in 2019 to 18% in 2021. Alcohol marketing therefore has the potential to push drinkers into higher-risk categories of drinking, and in turn, increase the harm experienced.^{103,104,105}

There is also a growth of gendered alcohol marketing targeted at women, aligning itself with female empowerment, friendship, feminism, and motherhood. This is particularly concerning considering growing consumption of alcohol among women, and greater stigma attached to women drinking¹⁰⁶. In the past, the alcohol industry

⁹⁹ World Health Organization. Monitoring and restricting digital marketing of unhealthy products to children and adolescents [Internet]. 2018 [cited 2022 Jun 21]. Available from: <https://www.who.int/europe/activities/monitoring-and-restricting-digital-marketing-of-unhealthy-products-to-children-and-adolescents>

¹⁰⁰ How algorithms see their audience: Media epistemes and the changing conception of the individual. *Media, Culture & Society*, 41(8), 1176-1191

¹⁰¹ Alcohol marketing in the era of digital media platforms. *Journal of Studies on Alcohol and Drugs*, 82(1), 18-27. *Alcohol marketing in the era of digital platforms*. [Video]. YouTube. <https://youtu.be/hkTbAKtfaFI>

¹⁰² *The Scottish Health Survey 2019 Edition, Volume 1, Main Report*. Scottish Government.

¹⁰³ Alcohol Focus Scotland (23 April 2020). Scots report changing drinking patterns during coronavirus lockdown. *Alcohol Focus Scotland*. <https://www.alcohol-focus-scotland.org.uk/news/scots-report-changing-drinking-patterns-during-coronavirus-lockdown/>;

¹⁰⁴ Alcohol Focus Scotland (23 July 2020). Survey shows Scots lockdown drinking rise caused by stress. *Alcohol Focus Scotland*. <https://www.alcohol-focus-scotland.org.uk/news/survey-shows-scots-lockdown-drinking-rise-caused-by-stress/>

¹⁰⁵ Millions in UK drinking harmful levels of alcohol at home, experts warn. *The Guardian*. <https://www.theguardian.com/society/2022/jan/17/millions-in-uk-drinking-harmful-levels-of-alcohol-at-home-experts-warn>

¹⁰⁶ British women now among top drinkers in world and no difference in amount men and women consume, study finds. *The Independent*. <https://www.independent.co.uk/news/uk/home-news/british-women-top-drinkers-in->

sexualised women in order to sell alcohol to men (for example, ‘Tennent’s Lager Lovelies’). In more recent times, the industry has altered their marketing approach to engage with women as consumers of their products. The alcohol industry openly aspires to create an emotional attachment between their products and the experiences of consumers. In recent years it has embraced women and focused marketing which suggests a positive connection between consuming alcohol and female friendships and empowerment. Many marketing campaigns focus on alcohol as means for mothers to self-medicate and manage stress – for example, the website for the wine “Mommy’s Time Out” states “*We all know that being a Mommy is a difficult job. A Mommy’s Time Out is a well deserved break*¹⁰⁷.” This is a very similar, and equally concerning, approach which was adopted by the tobacco industry in the 1960s to attract more female customers to their brands.

A positive example to follow may be the WHO Europe’s (2019) CLICK monitoring tool for digital marketing of unhealthy foods¹⁰⁸. This tool emerged from an expert meeting in 2018, whereby experts developed a tool to enable the effective monitoring of digital unhealthy food marketing to children and young people. This monitoring system, although for food products, may be one example of a monitoring system which can begin to accurately account across different countries the amount, frequency and types of alcohol marketing digitally. It may also be of benefit to extend this to include more traditional forms of marketing, such as television or film, in order to capture and monitor various forms of product placement.

23. What, if any, exceptions do you think there should be to prohibiting alcohol branded social media channels and websites in Scotland?

Alcohol companies should remain able to sell products via their own dedicated websites.

Advertisers’ own social media channels are key platforms through which corporations promote their products, and are an important part of the marketing mix^{109,110,111}. Social media advertising through advertisers’ own social media channels has fundamentally shifted advertising from being a one-way dialogue from the advertiser to the consumer, to one where the interaction can be a two way-dialogue between advertiser and consumer. Brands are able to post advertisements, offers and competitions regularly

[world-aberystwyth-university-a8506856.html](https://world.aberystwyth-university-a8506856.html)

¹⁰⁷ <https://www.mommystimeout.net/mommys-time-out>.

¹⁰⁸ WHO EUROPE 2019. Monitoring and restricting digital marketing of unhealthy products to children and adolescents Copenhagen, Denmark: WHO Europe.

¹⁰⁹ The Effects of Digital Marketing of Unhealthy Commodities on Young People: A Systematic Review. *Nutrients*, 10

¹¹⁰ Digital Promotion of Energy Drinks to Young Adults is more Strongly Linked to Consumption than Other Media. *Journal of Nutrition Education and Behavior*, 50, 888-895.

¹¹¹ The New Threat of Digital Marketing. *Pediatric Clinics of North America*, 58, 659-675.

to their social media channels and consumers are able to engage with these postings and interact with the brand 'directly'. It allows for a much more 'conversational' form of advertising, and can lead to consumers to forgetting that it is a brand, rather than a person, they are communicating with¹¹². Advertisers, through their social media channels, are able to create and establish an interactive and ongoing relationship between the consumer and the brand. This is particularly concerning when considering brands with large followings. By exempting factual claims on advertisers' own social media channels, there is potential for this to be exploited by advertisers to circumvent current regulations.

Restrictions must also apply to marketing and advertisements positioned as corporate social responsibility, which have the effect of continuing to promote an alcohol brand without advertising a specific product for example¹¹³.

A recent WHO review identified that these rapid changes in technology and online platforms are exposing loopholes in regulatory frameworks¹¹⁴. Many country-specific regulations go some way to address alcohol marketing which originates within countries, but largely fail to address marketing which arises from outside the country, which is global and/or cross-border in nature. The range of regulatory examples available globally demonstrates that there is a piecemeal approach to monitoring, regulating, and enforcing regulations surrounding alcohol-related social media influencer marketing and product placement even at national level. It is positive to see attempts in varying contexts to address both product placement and social media influencer marketing as part of broader alcohol marketing regulatory approaches. However, the variance in regulation globally, as individual countries seek to exercise their right to protect their populations as they see fit, means that cross-border marketing is not and cannot be effectively addressed by countries acting alone.

In order to effectively address the forms of marketing described above, and to improve regulatory systems, a new international regulatory framework will be needed. This framework should seek to address three key areas: 1) effective monitoring; 2) robust regulation; and 3) sufficient enforcement and sanctions. An international regulatory framework should empower countries to protect their own populations, be sufficiently agile to respond to emerging technologies and channels, and provide clear mechanisms to address cross-border marketing. This is necessary in part due to the borderless nature of the online environment, weak self-regulatory

¹¹² Young Consumer-Brand Relationship Building Potential using Digital Marketing. European Journal of Marketing, 50, 1993-2017

¹¹³ Signalling Virtue, Promoting Harm. Unhealthy commodity industries and COVID-19 SPECTRUM. <https://ncdalliance.org/resources/signalling-virtue-promoting-harm>

¹¹⁴ Monitoring and restricting digital marketing of unhealthy products to children and adolescents report based on the expert meeting on monitoring of digital marketing of unhealthy products to children and adolescents. Who European Office For The Prevention And Control Of Noncommunicable Diseases [Online-version Digital-Mktg March2019.pdf \(who.int\)](#)

systems in some countries which leave other countries exposed to marketing produced abroad, and the resulting need for States to cooperate to ensure a consistent, robust regulatory approach to online advertising of unhealthy commodities (HFSS products, alcohol, tobacco, etc.)¹¹⁵

24. Do you think we should restrict paid alcohol advertising online in Scotland?

Examples include adverts appearing on websites, via pop ups, on social media platforms, on search engines or influencer advertising.

A high volume of paid alcohol advertising online is data driven. It targets consumers based on data associated with them.

☒ Yes

☐ No

☐ Don't know

As outlined in the response to the previous question, as part of comprehensive restrictions on alcohol marketing, paid alcohol advertising online should be restricted. Studies consistently report that participation and engagement with digital alcohol marketing - such as clicking on an alcohol ad, visiting an alcohol-branded website, liking or sharing an ad on social media, or downloading alcohol-branded content - is positively associated with alcohol use for adolescents and young adults.

A fragmented approach to regulating alcohol marketing online will not address the concerns raised. If a non-holistic approach is taken, this leaves opportunities for alcohol brands and corporations to amend their marketing and, as we have seen previously with tobacco companies, utilise unregulated channels or mediums to circumvent regulations.

Evidence demonstrates that both paid and unpaid alcohol advertising online increases exposure to alcohol marketing^{116,117}, as well as increases consumer

¹¹⁵ Evaluating implementation of the WHO Set of Recommendations on the marketing of foods and non-alcoholic beverages to children [WHO-EURO-2018-3299-43058-60256-eng.pdf](https://www.who.int/publications-detail/WHO-EURO-2018-3299-43058-60256-eng.pdf)

¹¹⁶ Willoh, A. M. 2020. Let's have a drink, "my friend"! The portrayal of alcohol-related posts on Instagram through Dutch social media influencers Masters, University of Twente.

¹¹⁷ Endriks, H., Wilmsen, D., Van Dalen, W. & Gebhardt, W. A. 2020. Picture Me Drinking: Alcohol-Related Posts by Instagram Influencers Popular Among Adolescents and Young Adults. 10.

awareness and interaction with such marketing^{118,119,120,121,122}. For example, a specific analysis on the association between exposure to social media alcohol marketing and youth alcohol use behaviours in India and Australia reported a high awareness of and interaction with alcohol marketing on Facebook, YouTube and Twitter. Through a cross-sectional, self-report data online survey with respondents aged 13-25 years (n=631 [330 in India; 301 in Australia]), the study reported that many respondents were aware of and interacted with alcohol content on social media platforms. Interaction occurred through posting/liking/sharing/commenting on items posted on alcohol companies' social media accounts. Indian respondents reported significantly greater involvement with alcohol-related marketing on social media platforms than their Australian counterparts, and younger Australian respondents reported seeing significantly increased amounts of alcohol advertising on social media platforms over the previous 12 months compared to before.

Although the number of longitudinal and experimental studies looking into the effects of social media posts on alcohol use are limited, there are some cross-sectional studies that show a strong relationship between the prevalence of alcohol posts on social media, the intention to consume alcohol and alcohol use^{114,115,123,124}, as well as studies conducted on food-related social media influencer marketing^{113,125,126}. Studies examining the impact of alcohol marketing via social media and the wider digital environment reported that awareness of and interaction with digital alcohol marketing and social media marketing was associated with higher-risk drinking. For

¹¹⁸ Critchlow, N., Angus, K., Stead, M., Newberry La Vey, J., Whiteside, E., Clarke, M., Hudson, B. & Vohra, J. 2019. Digital Feast: Navigating a Digital Marketing Mix, and the Impact on Children and Young People's Dietary Attitudes and Behaviours [Digital Feast: Narrative Review]. London.

¹¹⁹ Critchlow, N., Moodie, C., Bauld, L., Bonner, A. & Hastings, G. 2016. Awareness of, and participation with, digital alcohol marketing, and the association with frequency of high episodic drinking among young adults. *Drugs: Education, Prevention and Policy*, 23, 328-336.

¹²⁰ Critchlow, N., Moodie, C., Bauld, L., Bonner, A. & Hastings, G. 2017. Awareness of, and participation with, user-created alcohol promotion, and the association with higher-risk drinking in young adults. *Cyberpsychology: Journal of Psychological Research on Cyberspace*, 11.

¹²¹ Gupta, H., Lam, T., Pettigrew, S. & Tait, R. J. 2018a. Alcohol Marketing On Youtube: Exploratory Analysis Of Content Adaptation To Enhance User Engagement In Different National Contexts. *BMC Public Health*, 18, 141.

¹²² Gupta, H., Lam, T., Pettigrew, S. & Tait, R. J. 2018b. The Association Between Exposure To Social Media Alcohol Marketing And Youth Alcohol Use Behaviors In India And Australia. *BMC Public Health*, 18, 726-726.

¹²³ Alhabash, S., Mcalister, A. R., Quilliam, E. T., Richards, J. I. & Lou, C. 2015. Alcohol's Getting a Bit More Social: When Alcohol Marketing Messages on Facebook Increase Young Adults' Intentions to Imbibe. *Mass Communication and Society*, 18, 350-375.

¹²⁴ Alhabash, S., Mundel, J., Deng, T., Mcalister, A., Quilliam, E. T., Richards, J. I. & Lynch, K. 2020. Social Media Alcohol Advertising Among Underage Minors: Effects Of Models' Age. *International Journal Of Advertising*, 1-30.

¹²⁵ Coates, A. E., Hardman, C. A., Halford, J. C. G., Christiansen, P. & Boyland, E. J. 2019. Social Media Influencer Marketing and Children's Food Intake: A Randomized Trial. *Pediatrics*, e20182554.

¹²⁶ Coates, A. E., Hardman, C. A., Halford, J. C. G., Christiansen, P. & Boyland, E. J. 2020. "It's Just Addictive People That Make Addictive Videos": Children's Understanding of and Attitudes towards Influencer Marketing of Food and Beverages by YouTube Video Bloggers. *International Journal of Environmental Research & Public Health*, 17, 449.

example, one study examined the association between the awareness of and interaction with user-generated alcohol marketing and higher-risk drinking in young adults¹¹⁵. The study reported that a positive association was found between exposure to user-created alcohol promotion and higher risk alcohol consumption, with an even stronger association found between participation with social media alcohol marketing and higher-risk alcohol consumption. A further study examining awareness of and interaction with digital alcohol marketing and frequency of high episodic drinking among young adults (n=405). Participants that reported high levels of heavy-episodic drinking on at least a weekly basis reported the most awareness of, and interaction with, alcohol marketing. Those participants who reported never engaging in heavy-episodic drinking, or doing so less than monthly, reported the lowest awareness and interaction with alcohol marketing. Furthermore, this study showed that participants were more aware of digital alcohol marketing than traditional (e.g. television) marketing, and had a stronger association with increased occurrence of heavy-episodic drinking.

25. What types of paid alcohol advertising online do you think should be covered by any restrictions?

All advertising and marketing should be covered including influencer marketing.

26. What, if any exceptions, do you think there should be to restricting paid alcohol advertising online?

As discussed above, we do not believe evidence justifies any exceptions to restricting alcohol advertising online. This is due to both the detrimental effect alcohol can have on health, as well as the difficulty in restricting advertising online in a nuanced fashion.

Digital marketing can be challenging to regulate because of the complexities involved – such as use of algorithms to serve specific adverts to specific individuals based on their social media or online activities. Users can request that platforms, such as Meta, do not show them alcohol advertising, this places the onus on the user and is not fool-proof. The main method to identify problematic advertising is through consumer reports which in turn relies on the platform publishers moderating and managing content in response – often after the advertisements have been widely seen already.

Furthermore, with no statutory requirements, misconduct is rarely reprimanded. The reliance on public complaints means regulatory controls can only be applied retrospectively, after advertisements have been seen. This can result in large numbers of children seeing inappropriate advertising before action is taken. The lack of meaningful penalties means there is little deterrent from breaching the codes of

practice.

27. Do you think we should restrict alcohol companies from sharing promotional content on social media (e.g. filters, videos or posts) - whether this is produced by them or by consumers?

User-generated marketing includes sharing or liking an alcohol brand's content including written posts, photos, videos, games and competitions. This extends the reach of the original marketing and enhances the credibility of it.

Consumers also create and post text, pictures or videos featuring alcohol on their social media profiles, independently of alcohol companies. For example, the NekNominate drinking game involved an individual posting a video of themselves drinking before tagging a peer on social media to do the same within 24 hours.

In Finland, commercial marketing of mild alcoholic beverages (less than 22% ABV) is banned on social media when it is either produced by consumers or produced by an alcohol company and intended to be shared by consumers. This means alcohol companies cannot use content originally uploaded by consumers (user generated) nor can they create content which is specifically aimed for consumers to share (which once shared becomes user generated).

☒ Yes

☐ No

☐ Don't know

Social influencer advertising is a new and rapidly developing marketing technique employed by HFSS and alcohol brands and advertisers to promote their products. This form of advertising is present across a wide range of social media platforms, such as Facebook, Instagram and YouTube. Influencers can drastically increase advertising reach for brands¹²⁷. Recent research has also demonstrated that influencer marketing could be considered a form of online peer-to-peer marketing, due to the admiration that many children and young people have for their preferred influencers¹²⁸. Emerging research has begun to indicate the potential scale and impact of influencers on children, with a recent study¹²⁹ showing that children who viewed influencers with unhealthy food products had significantly increased intake of those products compared to those children who viewed influencers with non-food products. Furthermore, influencer advertising is particularly difficult to detect due to the ways

¹²⁷ Gone Viral? Heard the Buzz? A Guide for Public Health Practitioners and Researchers on how Web 2.0 can Subvert Advertising Restrictions and Spread Health Information. Journal of Epidemiology and Community Health, 62, 761-761

¹²⁸ Understanding the Policy and Public Debate Surrounding the Regulation of Online Advertising of High in Fat, Sugar and Salt Food and Beverages to Children. Lauren White, Doctor of Philosophy, University of Glasgow

¹²⁹ Social Media Influencer Marketing and Children's Food Intake: A Randomized Trial. Pediatrics, e20182554.

in which the advertisement is often subtly weaved through an influencer's produced content.

Engagement on social media allows for the sharing, following, liking or commenting on branded content. Research carried out by the University of Stirling¹³⁰ indicates that engagement with social media provides a range of marketing opportunities which increase brand identification and as such may drive increase in consumption of alcohol in addition to providing further marketing opportunities for companies.

Social media advertising through advertisers' own social media channels has fundamentally shifted advertising from being a one-way dialogue from the advertiser to the consumer, to one where the interaction can be a two way-dialogue between advertiser and consumer. Brands are able to post advertisements, offers and competitions regularly to their social media channels and consumers are able to engage with these postings and interact with the brand 'directly'. It allows for a much more 'conversational' form of advertising, and can lead to consumers to forgetting that it is a brand, rather than a person, they are communicating with¹³¹. Advertisers, through their social media channels, are able to create and establish an interactive and ongoing relationship between the consumer and the brand. This is particularly concerning when considering brands with large followings. By exempting factual claims on advertisers' own social media channels, there is potential for this to be exploited by advertisers to circumvent current regulations.

A considerable amount of food and drink advertising online is attributed to corporations that sell food on behalf of brand owners, for example food delivery platforms such as Deliveroo and Uber Eats as well as large retailers. In addition, there are also range of smaller retailers that sell branded alcoholic drink products as part of other products, for example hampers. In order to ensure that such brand owners do not displace their advertising to third party organisations (for example to influencers and brand ambassadors), it is essential that all these types of marketing are covered by appropriate restrictions.

Alcohol companies should be restricted from sharing promotional content on social media. The regulation of marketing of social media influencers is limited, and usually does not involve a pre-clearance process, resulting in advertisements being condemned and banned after being seen by viewers. It is difficult to define what constitutes advertising in social media content where much marketing is weaved through media content rather than explicitly labelled as advertising. Currently,

¹³⁰ Participation with alcohol marketing and user-created promotion on social media, and the association with higher-risk alcohol consumption and brand identification among adolescents in the UK. *Addict Res Theory*. 2019; 27(6): 515–526.. doi: 10.1080/16066359.2019.1567715

¹³¹ Young Consumer-Brand Relationship Building Potential using Digital Marketing. *European Journal of Marketing*, 50, 1993-2017

regulation of this kind of marketing is limited to disclosure, whereby social media influencers have to, somewhere in the product content, label such content as an advertisement. This label should be clearly visible. A recent WHO review identified that rapid changes in technology and online platforms are likely to expose loopholes in regulatory frameworks¹³².

Furthermore, the definition should also include advertisements positioned as corporate social responsibility¹³³, which have the effect of continuing to promote an HFSS or alcohol brand without advertising a specific product for example.

28. What, if any, exceptions do you think there should be from restricting alcohol companies from sharing promotional content on social media (e.g. filters, videos or posts) - whether this is produced by them or by consumers?

No exceptions. The evidence outlined in the previous questions within this consultation demonstrate the need for a consistent, holistic approach to alcohol marketing in Scotland and beyond.

Television and radio advertising

29. Do you think we should explore prohibiting alcohol advertising on television and radio completely (e.g. like Norway or Sweden)?

☒ Yes

☐ No

☐ Don't know

A representative population-based survey conducted in Scotland in October 2022 indicates support from the Scottish population for such a measure, with 73% favouring stricter measures to limit children and young people's exposure to alcohol advertising¹³⁴.

Advertising is a significant driver of behaviour, and there is a wealth of evidence demonstrating the causal relationship between exposure to alcohol marketing and consumption, including higher-risk drinking¹³⁵.

¹³² World Health Organization (2019). *The SAFER technical package: five areas of intervention at national and subnational levels*.

¹³³ Signalling Virtue, Promoting Harm. Unhealthy commodity industries and COVID-19 SPECTRUM. <https://ncdalliance.org/resources/signalling-virtue-promoting-harm>

¹³⁴ Latest trends on alcohol consumption in Scotland from the Alcohol Toolkit Study. Kock L, Brown J, Buss V. [Annual Findings - Graphs - Alcohol in Scotland](#)

¹³⁵ Anderson, P. et al. (2009). Impact of Alcohol Advertising and Media Exposure on Adolescent Alcohol Use: A Systematic Review of Longitudinal Studies. *Alcohol and Alcoholism*, 44(3), 229-43; Jernigan, D. et al. (2016). Alcohol Marketing and Youth Consumption: A Systematic Review of

Television programming currently reaches almost 90% of the UK population and, when video-on-demand services are taken into account, this figure increases to 94%. Of the four UK nations, Scotland has the highest overall viewing time amounting to just under 5 hours per day with almost 3.5 hours of this time on broadcast TV. Five of the top ten most-watched programmes in 2021 were broadcast on STV/ITV and therefore included adverts interspersed with live programming in addition to any sponsorship of or product placement within specific programmes. The top ten most-watched programme in Scotland in 2021, was the Euro 2020 football final with 1.5 million people tuning in. In terms of radio programming, 9 out of 10 adults in Scotland listened to an average of 20 hours of radio in the first quarter of 2022. Commercial radio stations are more popular in Scotland than any of the other UK nations with 52% of listeners in Scotland choosing a commercial station. When it comes to streamed music, 12% of adults opt to stream music via the Spotify free service which includes adverts¹³⁶.

Alcohol marketing serves to foster pro-drinking attitudes, influences drinking behaviour, and normalises drinking cultures. Research has demonstrated that those who viewed alcohol advertisements consumed more alcohol than those who did not¹³⁷. Children and young people are particularly vulnerable to alcohol marketing. As well as experiencing increased physical and mental impacts from alcohol consumption due to still developing brains and bodies, they are also more susceptible to persuasive advertising¹³⁸. There is substantial evidence that exposure to alcohol marketing leads to children starting to drink earlier and to drink more than they otherwise would^{106,108}.

Consideration should also be given to women who are pregnant. Marketing restrictions have a role to play in preventing fetal alcohol disorder syndrome in the first place and protecting vulnerable people with FASD from alcohol harm. Impaired executive functions of the brain – including heightened suggestibility and diminished impulse control – are characteristic of those affected by FASD which makes individuals more accepting of alcohol industry marketing.

Alcohol use during adolescence can affect brain development processes, which may be long lasting or perpetuate a negative cycle of alcohol use and related harms. Studies have found adverse impacts to young peoples' cognition (e.g. memory, attention, and retention of new information), mood, and decision-making¹³⁹. Drinking earlier and

Longitudinal Studies Published Since 2008. *Addiction*, 112, 7–20;

¹³⁶ [Media Nations 2022: Scotland \(ofcom.org.uk\)](https://media.nations2022.scotland.ofcom.org.uk/)

¹³⁷ The relationship between exposure to alcohol marketing and underage drinking is causal. *Journal of Studies on Alcohol and Drugs, Supplement*, (s19), 113-124.

¹³⁸ Vulnerability to alcohol-related problems: a policy brief with implications for the regulation of alcohol marketing. *Addiction*, 112, 94-101.

¹³⁹ Neurotoxic effects of alcohol in adolescence. *Annual Review of Clinical Psychology*, 9, 703-721; Hanson, K. L. et al (2011). Impact of adolescent alcohol and drug use on neuropsychological functioning in young adulthood: 10-year outcomes. *Journal of Child & Adolescent Substance Abuse*, 20(2), 135-154

drinking more increases the risk of developing alcohol dependence later in life and is a predictive factor for harmful drinking as an adult^{140,141,142}.

Heavy and binge drinkers are more vulnerable to alcohol advertising: the more someone drinks, the more likely they are to pay attention to alcohol cues¹⁴³, which in turn leads to increased cravings¹⁴⁴, and the cycle continues. For heavy alcohol users, exposure to alcohol cues leads to greater brain activity which is associated with severity of dependence, the amount of alcohol consumed, the ability to control urges to drink, and the magnitude of cravings¹⁴⁵. Alcohol advertising can also be incredibly triggering for those in recovery, and exposure to alcohol cues is directly predictive of alcohol consumption and relapse after treatment for alcohol dependence¹⁴⁶.

Although alcohol is an age-restricted product, research by Alcohol Focus Scotland¹⁴⁷ demonstrated that 82% of 11-17-year-olds have seen alcohol advertising in the last month. This exposure to alcohol marketing is a cause of youth drinking. Reviews of decades of research have concluded that alcohol marketing leads young people to start drinking earlier, to drink more if they are already drinking, and to drink at heavy or problematic levels¹⁰⁶.

The regulation of broadcast advertising in the UK is overseen by three main regulatory organisations – the Advertising Standards Authority (which receives funding from the advertising industry), Ofcom (who oversees sponsorship of television shows) and the Portman Group (who are funded by the alcohol industry).

Commercial advertising of alcohol and alcohol content in broadcast programmes are regulated in the UK to prevent adolescent exposure, however despite current self-regulatory codes, advertising for alcohol is causing significant harm, particularly to children and young people and people with (or at risk of) an alcohol problem, underlining the need for new regulatory structures.

However, there is a gap in the system as the Advertising Standards Authority does not regulate broadcast footage of imagery arising from sporting events and Ofcom has no

¹⁴⁰ Destiny matters: distal developmental influences on adult alcohol use and abuse. *Addiction*, 103, 1-6; McCambridge, J. et al (2011). Adult consequences of late adolescent alcohol consumption: a systematic review of cohort studies. *PLoS Medicine*, 8(2), e1000413; Hingson, R. W. et al (2006). Age at drinking onset and alcohol dependence: age at onset, duration, and severity. *Archives of Pediatrics & Adolescent Medicine*, 160(7), 739-746.

¹⁴¹ Adult consequences of late adolescent alcohol consumption: a systematic review of cohort studies. *PLoS Medicine*, 8(2), e1000413;

¹⁴² Age at drinking onset and alcohol dependence: age at onset, duration, and severity. *Archives of Pediatrics & Adolescent Medicine*, 160(7), 739-746

¹⁴³ Attentional bias in addictive behaviors: a review of its development, causes, and consequences. *Drug and Alcohol Dependence*, 97(1-2), 1-20.

¹⁴⁴ Experimental manipulation of attentional biases in heavy drinkers: do the effects generalise? *Psychopharmacology*, 192(4), 593-608

¹⁴⁵ Functional neuroimaging studies of alcohol cue reactivity: a quantitative meta-analysis and systematic review. *Addiction Biology*, 18(1), 121-133.

¹⁴⁶ Office of National Statistics (2021). Alcohol-specific deaths in the UK: registered in 2020

¹⁴⁷ Alcohol Health Alliance UK (2021). *No escape: How alcohol advertising preys on children and vulnerable people*.

remit over sports sponsorship deals. Alcohol sports sponsorship is self-regulated by the Portman Group, a group composed of alcoholic beverage producers, including Guinness, who seek to ensure that alcohol is promoted in a socially responsible manner and only to those over the age of 18. However, in the example above, it is clear that the Guinness Six Nations led to alcohol marketing being viewed by hundreds of millions of times by children under 16 and is available to view via on-demand services. As a result, the forms of advertising described above can, and do, serve to circumvent marketing restrictions and encourage brand allegiance, including amongst consumers under the legal drinking age.

Therefore, as proposed by the World Health Organization¹⁴⁸, marketing restrictions would reduce the presence of alcohol cues that can induce cravings in people with (or at risk of) an alcohol dependency.

30. Do you think we should introduce a watershed for alcohol advertising on TV and radio (e.g. like Ireland)?

☒ Yes

☐ No

☐ Don't know

We recommend that a complete and comprehensive ban on alcohol marketing be introduced in Scotland. A comprehensive approach would ensure that more people are protected from exposure to alcohol marketing in the first place and would be much easier to implement and enforce than partial restrictions such as watersheds.

The adoption of a watershed would fail to protect those in recovery from alcohol use disorders or the one million children between the ages of 4 and 15 previously reported¹⁴⁹ to watch live TV between 9 and 10pm. Additionally, evidence from the Netherlands shows that following the introduction of the watershed restriction, the alcohol/advertising industry adapted their campaigns with frequency of alcohol adverts more than tripling after 9pm¹⁵⁰.

Cinema advertising

31. Do you think alcohol advertising should be restricted in cinemas?

☒ Yes

¹⁴⁸ [The SAFER technical package \(who.int\)](#)

¹⁴⁹ Ofcom (2017). *Children and Parents: Media Use and Attitudes Report*. London: Ofcom. https://www.ofcom.org.uk/data/assets/pdf_file/0023/190616/children-media-use-attitudes-2019-report.pdf

¹⁵⁰ van den Wildenberg, A. & van den Broeck (2011). *Report on youth exposure to alcohol commercials on television in Europe: Volume of youth exposure in the Netherlands. Results of monitoring televised alcohol commercials in the Netherlands in 2010*. European Centre for Monitoring Alcohol Marketing (EUCAM).

- ☐ No
- ☐ Don't know

In a representative population-based survey from Scotland, in October 2022, 3 in 4 supported stronger measures to limit children and young people's exposure to alcohol advertising, such as restrictions on advertising at sporting events, in public spaces and online¹⁵¹.

Cinema advertising is unique in that the audience is effectively captive making it a powerful advertising medium that is eight times more successful¹⁵² than TV advertising when it comes to brand recall with much higher emotional engagement. Around 97% of those attending a cinema screening will be in their seats before the adverts begin so that they will be present for the trailers for upcoming features. Prior to the covid-19 pandemic, 58% of Scottish adults¹⁵³ attended the cinema in addition to a high proportion of school age children¹⁵⁴.

A number of European countries, such as France, Norway and Lithuania have previously introduced a total ban on alcohol advertising in cinemas. Ireland has adopted a ban except where the film has been certified as suitable only for those over 18 years of age¹⁵⁵ - 61% of adults in Ireland had seen advertised for alcohol in the month prior¹⁵⁶.

32. If alcohol advertising was restricted in cinemas, what, if any exceptions (e.g. products in scope, times of day, or specific movie ratings) do you think should be considered?

Some European countries, [including Finland and Ireland](#), have introduced an approach whereby alcohol can be advertised in cinemas but only at films certified as 18+.

There should be no exceptions. If adverts were restricted to films classified as suitable for age 18 or over, as in countries such as Ireland, 5% of films would be permitted to include alcohol adverts prior to screening which would protect children and younger people from exposure whilst reducing the number of adults exposed. Regardless, we

¹⁵¹ Latest trends on alcohol consumption in Scotland from the Alcohol Toolkit Study. Kock L, Brown J, Buss V. [Annual Findings - Graphs - Alcohol in Scotland](#)

¹⁵² DCM (26 November 2014). The Bigger Picture - cinema advertising as an impactful, emotionally engaging medium. *Digital Cinema Media*. <https://www.dcm.co.uk/news/the-bigger-picture-cinema-advertising-as-an-impactful-emotionally-engaging->

¹⁵³ Scottish Government (2020). *Scottish Household Survey: Culture and Heritage Report 2019*.

¹⁵⁴ UK Cinema Association (2 May 2018). Government report confirms continuing popularity of UK cinema-going. *UK Cinema Association*. <https://www.cinemauk.org.uk/2018/05/government-report-confirms-continuing-popularity-of-uk-cinema-going/>

¹⁵⁵ Scobie, G. et al. (2022). *Alcohol marketing restrictions. Case studies detailed legislation*. Public Health Scotland.

¹⁵⁶ Critchlow, N. et al. (2022). Have restrictions on alcohol advertising in Ireland affected awareness among adults? A comparative observational study using non-probability repeat cross-sectional surveys. *Journal of Studies on Alcohol and Drugs*, jsad-22.

reiterate that a comprehensive ban would be easier to implement and enforce and avoid exposure among other vulnerable groups such as individuals with, or at risk of, an alcohol problem.

Restrictions on content of advertisements

33. Do you think that the content of alcohol marketing in Scotland should be restricted to more factual elements?

☒ Yes

☐ No

☐ Don't know

A recent representative population-based survey found that in Scotland most adults were in support of ingredient and nutritional information (3 in 4 adults) and health warning labels (3 in 5 adults) on products containing alcohol¹⁵⁷.

We recommend that a comprehensive ban on alcohol marketing is introduced by the Scottish Government in order to provide the greatest protection to people by preventing exposure to marketing in the first place. Content restrictions would only become relevant in the event that comprehensive restrictions were not put in place.

Restricting adverts to only factual criteria reduces the opportunity to reinforce the false narratives that are perpetuated through adverts which insinuate a positive relationship between the consumption of alcohol and life experiences. Any restrictions to factual elements must include relevant health warnings similar to those introduced in Estonia, France, Sweden and Ireland.

Restrictions must explicitly exclude any and all health messaging developed by the alcohol industry and its related organisations such as Drinkaware. Such messaging must be developed independent of all industry influence due to the considerable evidence demonstrating that the alcohol industry health messaging has been used to mislead the public about alcohol harms in the past¹⁵⁸.

34. Do you think we should only allow alcohol marketing to include elements set out in a list, like in Estonia? This would mean all other elements not on the list would be banned from adverts.

¹⁵⁷ Latest trends on alcohol consumption in Scotland from the Alcohol Toolkit Study. Kock L, Brown J, Buss V. [Annual Findings - Graphs - Alcohol in Scotland](#)

¹⁵⁸ Pettigrew, M., Maani, N., Pettigrew, L., Rutter, H. And Van Schalkwyk, M.C. (2020), Dark Nudges And Sludge In Big Alcohol: Behavioral Economics, Cognitive Biases, And Alcohol Industry Corporate Social Responsibility. The Milbank Quarterly, 98: 1290-1328. <https://doi.org/10.1111/1468-0009.12475>

☒ Yes☐ No☐ Don't know

We recommend that a comprehensive ban on alcohol marketing is introduced by the Scottish Government in order to provide the greatest protection to people by preventing exposure to marketing in the first place. Content restrictions would only become relevant in the event that comprehensive restrictions were not put in place. The approach as used in Estonia, which limits the content of any remaining marketing to factual criteria as set out in a list, would provide some limited protection by reducing the appeal and salience of that marketing.

35. Do you think that content restrictions, like the Estonia model, should be applied to all types of alcohol marketing?

☒ Yes☐ No☐ Don't know

As above, we strongly recommend that the Scottish Government introduce a comprehensive ban on alcohol marketing. Content restrictions would only become relevant in the event that comprehensive restrictions were not put in place.

Enforcement and evaluation

36. How do you think that any future alcohol marketing restrictions in Scotland should be monitored and enforced?

The current self-regulatory system is not effective, and statutory regulation is necessary to ensure codes are complied with. Self- and co-regulatory systems are ineffective in reducing the high levels of exposure to alcohol marketing and as such does not protect children, young people, and others from harm. A minority of the Scottish population were against the establishment of an independent body to regulate alcohol promotion in a representative population-based survey conducted in October 2022. Half of the respondents spoke out their support for such a measure¹⁵⁹. The regulatory body should be entirely independent of the industry and supported with full legal powers. This is necessary as past evidence indicates that when industry has oversight of the compliance and complaints process, they often do not remove the

¹⁵⁹ Latest trends on alcohol consumption in Scotland from the Alcohol Toolkit Study. Kock L, Brown J, Buss V. [Annual Findings - Graphs - Alcohol in Scotland](#)

materials which are non-compliant. Research from a variety of countries^{160,161,162} suggests that industry codes are subject to under-interpretation and under-enforcement, and they are regularly violated. The reliance on public complaints means regulatory controls can only be applied retrospectively, after advertisements have been seen. The lack of meaningful penalties means there is little deterrent from breaching the codes of practice.

The current codes prohibit the targeting of alcohol marketing to under-18s by using content that is 'particularly' appealing to children, or through the selection of media or context in which the advert appears¹⁶³. However, this system has been proven ineffective in reducing alcohol marketing exposure. Children and young people are not only aware of various alcohol brands, but also find marketing messages appealing. One study found that four in five 11-17-year-olds in the UK had seen alcohol marketing in the past month, and almost half had seen alcohol adverts on social media platforms. An Australian study¹⁶⁴ found that 28% of Instagram and 5% of Facebook alcohol branded accounts did not have age-restriction controls activated. Even when age-gating is used, this is easily circumvented, and in an increasingly digital world, is likely to be a growing route of exposure¹⁶⁵.

Despite the existing codes, brands have successfully established themselves with children, demonstrated by a high level of awareness of alcohol brands among children of all ages¹⁶⁶. Almost seven in ten 11-17-year-olds are aware of the brand Guinness (including 52% of 11-12-year-olds). Young people have also been found to respond positively to alcohol adverts, increasing their chances of being susceptible to drinking¹⁶⁷. A study by the Advertising Standards Authority (ASA) itself highlighted¹⁶⁸ that there is "very concerning" potential for children to be exposed to alcohol marketing in online spaces, despite industry self-regulation. They found that "alcohol campaigns appear to be falling short in minimising the possibility of children [...] being exposed to paid-for alcohol ads through their social media accounts."

The current system is also ineffective at protecting those with an alcohol dependency,

¹⁶⁰ Noel, J. K., & Babor, T. F. (2017). Does industry self-regulation protect young people from exposure to alcohol marketing? A review of compliance and complaint studies. *Addiction*, 112, 51-56;

¹⁶¹ Noel, J. et al (2017). Alcohol industry self-regulation: who is it really protecting? *Addiction*, 112, 57-63;

¹⁶² Noel, J. K. et al (2017). Industry self-regulation of alcohol marketing: a systematic review of content and exposure research. *Addiction*, 112, 28-50.

¹⁶³ Alcohol Health Alliance UK (2021). *No escape: How alcohol advertising preys on children and vulnerable people*.

¹⁶⁴ Alcohol brands' use of age-restriction controls on Facebook and Instagram in Australia. *Public Health Research and Practice*. Advance online publication

¹⁶⁵ Internet filters and entry pages do not protect children from online alcohol marketing. *Journal of Public Health Policy*, 35(1), 75-90.

¹⁶⁶ Alcohol Focus Scotland, Alcohol Concern, Balance North East and Drink Wise (2015). *Children's Recognition of Alcohol Branding*.

¹⁶⁷ Underage Adolescents' Reactions to Adverts for Beer and Spirit Brands and Associations with Higher Risk Drinking and Susceptibility to Drink: A Cross-Sectional Study in the UK. *Alcohol and Alcoholism*, 57(3), 347-356.

¹⁶⁸ Advertising Standards Authority (2021). *Alcohol ads in social media*. Page 5.
<https://www.asa.org.uk/resource/alcohol-ads-in-social-media-report.html>

or those at risk of developing risky drinking behaviours. By design, people who purchase harmful and addictive products the most are also targeted by digital marketing models the most. People recovering from alcohol addiction have reported that they feel 'bombarded' with alcohol adverts on social media and that the volume of these adverts has increased even when they attempted to remove them from their feed.

Furthermore, commercial advertising of alcohol and alcohol content in broadcast programmes are regulated in the UK to prevent adolescent exposure. However, there is a gap in the system as the Advertising Standards Authority does not regulate broadcast footage of imagery arising from sporting events and Ofcom has no remit over sports sponsorship deals. Alcohol sports sponsorship is self-regulated by the Portman Group, a group composed of alcoholic beverage producers, including Guinness, whose stated aim is to ensure that alcohol is promoted in a socially responsible manner and only to those over the age of 18. However, in the example above, it is clear that the Guinness Six Nations led to alcohol marketing being viewed by hundreds of millions of times by children under 16 and is available to view via on-demand services.

As a result, the forms of advertising described above can, and do, serve to circumvent marketing restrictions and encourage brand allegiance, including amongst consumers under the legal drinking age. It is therefore fundamental that comprehensive restrictions are introduced and that regular monitoring and enforcement of those restrictions take place.

Sufficient resources must be made available to support compliance monitoring and the enforcement of regulations. Substantial punitive sanctions should be at the centre of the enforcement plans – and they must be followed up and imposed in a timely manner. Failure to do so would undermine and weaken the impact of regulations. Estonia increased their financial sanctions from €3,200 to €50,000 in order to prevent conscious rule breaking.

It would be reasonable to adopt and publish a positive list of what marketing activities are permitted – rather than those that are not – in the way that France has. This would provide clarity in situations such as business-to-business promotional activity that is a legitimate business need. Loopholes must be eliminated where possible to avoid any attempts exploit ambiguities. Adopting a positive list approach would allow emerging new technologies or marketing activities which policymakers cannot currently anticipate to be easily included in the legislation.

Action should not be undertaken in partnerships with unhealthy commodities industries. Public bodies must not rely on information generated by unhealthy

commodities industries to educate the public¹⁶⁹ – including schoolchildren, through school-based educational programmes funded by the alcohol industry, which are common in the UK - as this would also be incompatible with their public task. The alcohol industry information, for example, filters promotion of less effective interventions through organisations like Drinkaware.

Limited attention to the causes means that the adverse influence of powerful Unhealthy Commodity Industries (UCI) continues to pose a significant barrier to progress in public health policy. Recent examples of UCI actions during the COVID-19 pandemic serve to illustrate the vulnerability of public health policies to corporate capture. Policy makers must be aware of attempts by UCIs to influence their decision-making, exclude industry from decision-making processes and actively manage conflicts of interest in public health policy.

While there is a clear evidence base on the most effective and cost-effective policy options to prevent and reduce harm from NCDs, there remain significant barriers and challenges to their implementation. If Scotland is to realise its public health ambitions, these barriers must be exposed, understood and adequately responded to at the national policy level. The influence of powerful corporate actors on the policy process is one of the most significant barriers. Unhealthy Commodity Industries (UCIs), including industries that produce, promote and sell alcohol, tobacco and foods high in fat, salt and sugar (HFSS) are often involved in public health policy making, which usually results in weaker, non-evidence-based policies.

Commercial Determinants of Health (CDOH) are those activities of the private sector that affect the health of populations. These can be direct, such as the marketing of unhealthy products, or more indirect, like industry lobbying against duty increases, donating to political campaigns, funding dubious research, and generating doubt around product harms. Until recently, except for the tobacco industry, the commercial determinants have remained largely absent from how we think about the social determinants of health. That is now changing, with a growing understanding of the core drivers of such companies, their strategies, the third parties they use, and their direct and indirect impacts on health and health inequalities.

The actions of UCIs can affect everything from consumption patterns of a particular product, to the social norms surrounding when and how much of it we use, to how normal and desirable children perceive products to be, to the tax and regulatory frameworks surrounding such products, the science regarding its harms and benefits, how policy-makers view the problem and its causes, and the framing of possible solutions in the mind of the public. Addressing NCDs requires an understanding of

¹⁶⁹ Distilling the curriculum: An analysis of alcohol industry-funded school-based youth education programmes. <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0259560>

the CDOH and the actions of UCIs in driving them. It requires policy makers to be aware of attempts by UCIs to influence their decision-making and to actively manage conflicts of interest.

The WHO Framework Convention on Tobacco Control (FCTC) Article 5.3 is the best international example of good practice in this area, intended to protect public health policy from the influence of the tobacco industry. A similar approach needs to be applied across other UCIs. The role of the private sector must be solely on implementation of actions arising from policy decisions and implementation. They must have no role in the decision or policy making processes (see examples of UCI tactics described in the SPECTRUM and NCD Alliance report “Signalling Virtue, Promoting Harm” as outlined in previous sections).

37. Do you think that Scottish Government should require the alcohol industry to provide information and data on alcohol marketing campaigns in Scotland?

☒ Yes

☐ No

☐ Don't know

Data related to alcohol marketing campaigns will be necessary to inform the evaluation programme that is required in order to assess the effectiveness of any restrictions that are implemented. Data must include details of marketing spend, demographics of those exposed to the marketing and the media platform used. These data could also be utilised to track and identify any unintended consequences – thus, identifying any loopholes which may be manipulated to circumvent legislation.

Cataloguing campaign data would be essential to address any challenges to regulations whilst providing evidence of success or failures in approach. There is public support for this measure, with two thirds of the public agreeing that the alcohol industry should be required to publicly disclose business information relevant to its activities (such as sales data, details of lobbying and marketing)¹⁷⁰.

38. Do you think that Scottish Government should require the alcohol industry to provide local alcohol sales data in Scotland?

☒ Yes

☐ No

☐ Don't know

A representative population-based survey showed that in 2021 and 2022, 2 in 3 Scottish adults were in favour of a policy requiring the alcohol industry to publicly

¹⁷⁰ Latest trends on alcohol consumption in Scotland from the Alcohol Toolkit Study. Kock L, Brown J, Buss V. [Annual Findings - Graphs - Alcohol in Scotland](#)

disclose business information relevant to its activities, such as sales data, details of lobbying and marketing, and less than 10% directly opposed such a policy¹⁷¹.

Currently we have a limited understanding of the alcohol products sold in different types of stores across Scotland despite the fact that sales data is a robust indicator of population level consumption. Geographically-specific information on alcohol sales would be a cost-effective means for: better understanding of the impacts of population-level alcohol-related interventions; real-time intelligence on alcohol consumption levels per capita and relationships with alcohol harm; pricing structures of, and profit levels from, alcohol products; and inform licensing boards in evaluating applications for alcohol licenses. The provision of sales data would be valuable not just to inform national policy but also, by providing a fuller picture of sales in local areas, to better inform local licensing boards and Alcohol and Drug Partnerships.

End questions

39. Do you think the Scottish Government should look to introduce a comprehensive package of restrictions across a number of marketing channels? If so, what do you think this package should include?

☒ Yes

☐ No

☐ Don't know

In a representative population-based survey from Scotland, in October 2022, 3 in 4 supported stronger measures to limit children and young people's exposure to alcohol advertising, such as restrictions on advertising at sporting events, in public spaces and online¹⁷².

The long-standing recommendation of the World Health Organization is for comprehensive restrictions on alcohol marketing. According to WHO, this is an impactful and cost-effective approach which will help protect children, adolescents, people in recovery and abstainers from the pressure to drink as well as disrupting the industry's ability to create and maintain social norms that encourage high levels of alcohol use in the population more generally.

Statutory restrictions should be introduced across all areas that the Scottish Government has within its competence including outdoor and public spaces; sponsorship of sports and events; branded merchandise; competitions, giveaways and

¹⁷¹ Latest trends on alcohol consumption in Scotland from the Alcohol Toolkit Study. Kock L, Brown J, Buss V. [Annual Findings - Graphs - Alcohol in Scotland](#)

¹⁷² Latest trends on alcohol consumption in Scotland from the Alcohol Toolkit Study. Kock L, Brown J, Buss V. [Annual Findings - Graphs - Alcohol in Scotland](#)

rewards; point-of-sale promotions; advertising in print publications; the display and placement of alcohol in shops; the use of price as a promotional tool; product packaging.

A complete and comprehensive package of restrictions is required in order to protect citizens in Scotland from the extensive exposure to alcohol marketing which exists today. Multichannel marketing strategies are multi-faceted – they exist to reach consumers wherever they may be. They utilise traditional channels such as broadcast radio & TV, billboards, print advertising and sponsoring of sports teams/music events in addition to digital channels like websites, social media, blogs, email and digital apps - all with the aim of increasing sales whilst normalising alcohol as an everyday product with minimal, or no, negative consequences. It is unsurprising that brand recall and consumer purchasing behaviours are influenced by such integrated cross-channel media strategies. Additional consideration include the fact that alcohol marketing in the digital sphere extends across borders and, through the collection of mass amounts of data from social media, includes the targeting of profiles without real understanding of the circumstances of those who, for example, may be in recovery from an alcohol misuse disorder or are underage.

In terms of the development of a regulatory framework, there are three main mechanisms through which this has previously been attempted:

- Statutory regulation: government body or independent body develop and enforce regulations (legally binding)
- Co-regulation: industry and an independent/government body develop regulations and are both responsible for enforcement
- Self-regulation: industry develop regulations and are also responsible for enforcement (not legally binding).

It is recommended that statutory regulation be implemented, as there is extensive research as to the ineffectiveness of self-regulatory and co-regulatory measures for regulating advertising of unhealthy commodities^{173,174}. For alcohol marketing, a recent systematic review¹⁷⁵ examining industry self-regulation of alcohol marketing reported that violations of self-regulatory codes was highly prevalent and this resulted in a high exposure to alcohol marketing, particularly amongst young people.

In order to be able to effectively regulate alcohol marketing, across multiple mediums and across multiple cultural contexts, it is recommended that an international

¹⁷³ Potvin Kent, M. & Pauzé, E. 2018. The effectiveness of self-regulation in limiting the advertising of unhealthy foods and beverages on children's preferred websites in Canada. *Public Health Nutrition*, 21, 1608-1617.

¹⁷⁴ Hastings, G., Brooks, O., Stead, M., Angus, K., Anker, T. & Farrell, T. 2010. Failure of self regulation of UK alcohol advertising. 340, b5650.

¹⁷⁵ Noel, J. K., Babor, T. F. & Robaina, K. 2017. Industry self-regulation of alcohol marketing: a systematic review of content and exposure research. 112, 28-50.

standard, or code, is developed. This can take shape in various forms. One such regulatory code may be to implement an International Code of Marketing of Alcohol Products, similar to the International Code of Marketing of Breast-milk Substitutes¹⁷⁶. The latter has been criticised but if implemented effectively, an international marketing code would allow for a consistent cross-country approach to be taken. An effective code would need a statutory basis to ensure it can effectively address cross-border marketing and is fully implemented. Another approach would be to implement a framework convention similar to that of the WHO Framework Convention on Tobacco Control (FCTC), one that centres on alcohol and that ensures regulation and reduction of alcohol marketing is a core component of such a convention. There have been previous calls for such a framework due to the need for the alcohol industry to be regulated in a similar way to the tobacco industry¹⁷⁷.

In addition, any regulatory framework must account for rapid changes in technology and online platforms that are likely to expose loopholes in regulatory frameworks. As such, a focus on retrospective regulation is inadequate and the regulatory proposals must include a regular review process to ensure any identified loopholes can be remedied to provide the most robust regulatory system possible. In addition, there must be continued and ongoing surveillance to identify technologies and techniques designed to circumvent regulations.

However, an international marketing code can only be truly effective if there are robust and stringent enforcement and sanctions in place. Under many current regulatory systems, enforcement of regulatory codes primarily occurs through complaints made by individuals, watchdog groups or other organisations after an advertisement has been released¹⁰³. However, this is a retrospective form of enforcement, and allows for advertisements to be seen by a wide audience prior to it being removed. Additionally, several regulatory systems have weak sanctions. For example, in the UK the ASA state that “one of our most persuasive sanctions is bad publicity”¹⁷⁸, which is suggestive of a weak sanction system that may not be effective in ensuring companies or advertisers adhere to strict regulatory codes. As such, it may be useful to consider the following:

- Proactive monitoring of advertisements, product placement and influencer promotions conducted regularly to ensure compliance and identify non-compliance. Ideally, such monitoring would encompass a pre-clearance process, as there is in some countries currently for broadcast advertisements.

¹⁷⁶ WHO 1981. International Code of Marketing of Breast-milk Substitutes. World Health Organisation.

¹⁷⁷ Au Yeung, S. L. & Lam, T. H. 2019. Unite for a Framework Convention for Alcohol Control. The Lancet, 393, 1778-1779.

¹⁷⁸ ASA. 2020. *Sanctions* [Online]. Available: <https://www.asa.org.uk/codes-and-rulings/sanctions.html> [Accessed 3rd March 2020].

- Meaningful sanctions such as significant fines for advertisers, media companies or influencers who repeatedly breach the regulations. These fines should be proportionate to the size of company or influencer following.
- Full transparency including public reporting of information regarding complaints, investigations, and/or rulings on any breaches of the advertising regulations in order to enable independent monitoring of effectiveness – done in such a way as to ensure that alcohol brands are reluctant to be found in breach.

In summary, in order to effectively regulate alcohol marketing, particularly which occurs cross-border, international action that includes timely and proactive prevention of all forms of cross-border promotion including product placement and social media influencer promotional content. Such action also needs to include robust rules and regulations, and strong enforcement and sanctions.

40. What, if any, additional alcohol marketing methods or channels not covered in the consultation would you like Scottish Government to consider restricting?

Additional consideration should be given to the use of price as a promotional tool, product packaging and labelling, competition giveaways, industry sponsored corporate social responsibility programmes and promotion of alcohol within the online retail environment.

41. What further evidence on alcohol marketing you would you like the Scottish Government to consider?

As highlighted previously in this response, the harms arising from alcohol consumption affect individuals, family and wider society. The WHO have noted that alcohol-related harm from marketing is a human-rights concern and that each nation has a legally binding obligation to protect and care for their citizens.

Although the alcohol industry is a prominent contributor to the economy in Scotland, changes to the regulations around alcohol are not expected to impact the economy in a negative fashion¹⁷⁹. Whisky is widely associated with Scotland and accounts for approximately 15% of Scottish exports internationally. 4.9% of the Scottish economy (£8.1bn) is attributed to the sale of alcohol, around 60% of which comes from whisky exports. It is a product that is consumed by more individuals outside of the country than inside it – 99% of the whisky produced is exported. As a nation, Scots imbibe more wine, beer and vodka than anything else. Within Scotland, 50% of the 60,000 jobs dependent on the alcohol industry are within pubs, bars, restaurants and retail

¹⁷⁹ <https://shaap.org.uk/downloads/483-getting-in-the-spirit-alcohol-and-the-scottish-economy/viewdocument/483.html>

environment. Reduced alcohol sales would potentially affect these sectors, however, evidence shows that when individuals reduce their expenditure on one commodity, they tend to spend on other goods and services within the same economy and so the overall impact on the domestic economy is minimised. Alcohol harm costs the Scottish economy around £1.2 billion through alcohol-related sickness, unemployment and the loss of workers through premature death. By reducing alcohol harm via the proposed restrictions, these associated costs may also be reduced¹⁸⁰.

42. If you sell, distribute, advertise or manufacture alcohol, or represent those who do, how do you think the potential restrictions in this consultation paper would impact you, and the wider alcohol sector?

The Scottish Government acknowledges that the restrictions presented here could have significant implications for those who advertise, sell, distribute or manufacture alcohol. It is important that alcohol and advertising industry views are collated to consider the potential impacts that proposals might have, as well as any support that could be provided alongside any restrictions.

Not applicable.

43. Are there any relevant equality issues that Scottish Government should be considering at this stage in the policy development?

Alcohol harm, like other health inequalities, is experienced in the same way for everyone across Scottish society. Those living in the most deprived areas of Scotland are more than five times more likely to die and seven times more likely to be admitted to hospital due to alcohol than those who live in the least deprived areas.

A representative population-based survey in Scotland showed that most of the population think public health should be considered when licence applications are made for alcohol outlets (in 2021 and 2022, 75% and 70%, respectively). Such measures could challenge the evidence that there are greater levels of exposure to alcohol marketing for those living in more disadvantaged areas and so has the potential for greater positive impact those people. An even greater proportion of the population agreed that everybody who needs support for alcohol problems should be able to access it (in 2021 and 2022, 92% and 93%, respectively)¹⁸¹.

Tackling inequalities cannot be undertaken by one sector alone. It requires a whole system approach which includes representatives and stakeholders from across central and local government in addition to the NHS, advocacy and third sectors. Developing the skills to enable and facilitate collaboration by establishing communication channels which are clear and allow for the posing of questions which challenge the purpose and goals of the partnership. Placing an emphasis on co-

¹⁸⁰ [Getting in the spirit? Alcohol and the Scottish economy \(shaap.org.uk\)](https://shaap.org.uk)

¹⁸¹ Latest trends on alcohol consumption in Scotland from the Alcohol Toolkit Study. Kock L, Brown J, Buss V. [Annual Findings - Graphs - Alcohol in Scotland](#)

production with and involvement of stakeholders in the co-design of solutions to address system challenges is key whilst also considering and amplifying of the voices of communities and marginalised populations most affected by health inequalities. Such action could help prevent new or emerging inequalities in the fast changing context of the aftermath of the COVID pandemic and generally uncertain context for low income households in particular.

Limited attention to the causes of non-communicable diseases means that the adverse influence of powerful Unhealthy Commodity Industries (UCI) continues to pose a significant barrier to progress in public health policy. Recent examples of UCI actions during the COVID-19 pandemic serve to illustrate the vulnerability of public health policies to corporate capture. Policy makers must be aware of attempts by UCIs to influence their decision-making, exclude industry from decision-making processes and actively manage conflicts of interest in public health policy.

While there is a clear evidence base on the most effective and cost-effective policy options to prevent and reduce harm from NCDs, there remain significant barriers and challenges to their implementation. If Scotland is to realise its public health ambitions, these barriers must be exposed, understood and adequately responded to at the national policy level. The influence of powerful corporate actors on the policy process is one of the most significant barriers. Unhealthy Commodity Industries (UCIs), including industries that produce, promote and sell alcohol are often involved in public health policy making, which usually results in weaker, non-evidence-based policies.

Commercial Determinants of Health (CDOH) are those activities of the private sector that affect the health of populations. These can be direct, such as the marketing of unhealthy products, or more indirect, like industry lobbying against duty increases, donating to political campaigns, funding dubious research, and generating doubt around product harms. Until recently, except for the tobacco industry, the commercial determinants have remained largely absent from how we think about the social determinants of health. That is now changing, with a growing understanding of the core drivers of such companies, their strategies, the third parties they use, and their direct and indirect impacts on health and health inequalities.

The actions of UCIs can affect everything from consumption patterns of a particular product, to the social norms surrounding when and how much of it we use, to how normal and desirable children perceive products to be, to the tax and regulatory frameworks surrounding such products, the science regarding its harms and benefits, how policy-makers view the problem and its causes, and the framing of possible solutions in the mind of the public. Addressing NCDs requires an understanding of the CDOH and the actions of UCIs in driving them. It requires policy makers to be

aware of attempts by UCIs to influence their decision-making and to actively manage conflicts of interest.

The WHO Framework Convention on Tobacco Control (FCTC) Article 5.3 is the best international example of good practice in this area, intended to protect public health policy from the influence of the tobacco industry. A similar approach needs to be applied across other UCIs. The role of the private sector must be solely on implementation of actions arising from policy decisions and implementation. They must have no role in the decision or policy making processes (see examples of UCI tactics described in the SPECTRUM and NCD Alliance report “Signalling Virtue, Promoting Harm”).

About You

44. What is your name?

SPECTRUM is a research consortium of academic, public health agencies and advocacy partners working together to generate new evidence to inform the prevention of non-communicable diseases (NCDs). SPECTRUM provides a unique overview of NCD prevention strategies including action on price, availability and marketing of tobacco, alcohol and unhealthy food products, and industry influence on health policy. We investigate the conduct and influence of unhealthy commodity industries (UCIs) in driving unhealthy consumption, build understanding of the systems that perpetuate those drivers, and support the prioritisation of political, social and other measures to prevent harm to health and reduce the social health gradient.

SPECTRUM is not linked with, nor does it collaborate or cooperate with members of the alcohol, tobacco or food industries. The SPECTRUM Consortium is funded by the UK Prevention Research Partnership (grant reference MR/S037519/1). UKPRP is an initiative funded by the UK Research and Innovation Councils, the Department of Health and Social Care (England) and the UK devolved administrations, and leading health research charities.

45. What is your email address?

sancha.martin@ed.ac.uk

46. Are you responding as an individual or an organisation?

- ☐ Individual
☒ Organisation

47. What is your organisation?

If responding on behalf of an organisation, please enter the organisation's name here.

Shaping Public hEalth poliCies To Reduce ineqUalities and harM (SPECTRUM)

48. The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- ☒ Publish response with name
☐ Publish response only (without name)
☐ Do not publish response

Information for organisations only:

The option 'Publish response only (without name)' refers only to your name, not your organisation's name. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

49. We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

(Required)

- ☒ Yes
☐ No

50. I confirm that I have read the privacy policy and consent to the data I provide being used as set out in the policy.

[Privacy Policy](#)

☒ I consent

Evaluation

51. Please help us improve our consultations by answering the questions below. (Responses to the evaluation will not be published.)

How satisfied were you with this consultation?

- ☐ Very dissatisfied
- ☐ Slightly dissatisfied
- ☐ Neither satisfied nor dissatisfied
- ☐ Slightly satisfied
- ☐ Very satisfied

How would you rate your satisfaction with using this platform (Citizen Space) to respond to this consultation?

- ☐ Very dissatisfied
- ☐ Slightly dissatisfied
- ☐ Neither satisfied nor dissatisfied
- ☐ Slightly satisfied
- ☐ Very satisfied

Response submitted on behalf of SPECTRUM by Sancha Martin, Consortium Manager.

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