

RESPONSE TO THE UK GOVERNMENT DEPARTMENT FOR DIGITAL, CULTURE, MEDIA & SPORT CONSULTATION ON THE ONLINE ADVERTISING PROGRAMME

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.

1. Do you agree with the categories of online advertising we have included in scope for the purposes of this consultation?

No.

Broadly speaking the categories suggested in the consultation are appropriate, however the scope should be expanded to include brand marketing in addition to product specific marketing.

The definition of “unpaid advertising” should be expanded. Whilst this term is used to exclude “owned media” and notes that such content should be regulated by the Advertising Standards Authority, brand marketing is a key factor in the marketing of unhealthy commodities such as alcohol. 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. Known as brand sharing, an example of this includes marketing campaigns for Heineken 0.0¹ or Guinness 0.0² in recent sporting tournaments.

The description of “social media display advertising” refers to the display of adverts to a target audience via examples such as banner ads, widgets, takeovers or influencers. It is appropriate to have an additional category of “content marketing” as

¹ 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/>

² 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>

with online advertising by influencers it may not always be clear that their content is an advert which is funded by a corporation or other entity. We strongly favour the inclusion of traditional forms of influencer marketing in the forthcoming Online Safety Bill (OSB) and the Online Advertising Programme (OAP).

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 brands³. 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 influencers⁴. Emerging research has begun to indicate the potential scale and impact of influencers on children, with a recent study⁵ showing that children who viewed influencers with unhealthy snacks had significantly increased intake of unhealthy snacks compared to those children who viewed influencers with non-food products. Furthermore, influencer advertising is particularly difficult to detect due to the ways in which the advertisement is often subtly weaved through an influencer's produced content².

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 increase in consumption of alcohol in addition to providing further marketing opportunities for companies⁶. 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*”¹ instead of Guinness or Carlsberg’s use of “*Probably*” in various sporting tournaments².

Video-on demand/online programming includes reality TV programmes, sporting tournaments and soap operas in addition to a wide range of other programme types. Such programmes are routinely viewed by young people and commonly include audio-visual tobacco, HFSS and alcohol content within VOD original programmes. Such instances are likely to influence the choices young people make with respect to

³ 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.

⁴ 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

⁵ Social Media Influencer Marketing and Children’s Food Intake: A Randomized Trial. *Pediatrics*, e20182554.

⁶ 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

alcohol and food consumption⁷. Whilst the Ofcom Broadcasting Code excludes the promotion of paid-for alcohol product placement, should the creators of a programme feel that it is editorially justified, acquired without significant expenditure and the provider is not paid for the product, they are permitted to include products in the programme⁸.

Exposure to tobacco and alcohol in such programmes is a risk factor for smoking and alcohol use in younger people. Research by the University of Nottingham demonstrated that the inclusion of such products in reality TV programmes is common and as such represents a potential major driver in the uptake of smoking and alcohol consumption⁹. The study found that tobacco content appeared in 2% of the episodes viewed, alcohol in 39% and HFSS products were seen in 13% of episodes. Perhaps surprisingly, this research indicated that the level of alcohol brand representation has been shown to be higher in reality TV programmes compared to HFSS brands which are not banned, which indicates that the current restrictions are not fit for purpose in limiting brand exposure on video-on demand services.

Further research 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 use 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 using 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 children⁵.

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, 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

⁷ Quantifying tobacco and alcohol imagery in Netflix and Amazon Prime instant video original programming accessed from the UK: a content analysis. *BMJ Open*. 2019 Feb 13;9(2):e025807. doi: 10.1136/bmjopen-2018-025807.

⁸ <https://www.ofcom.org.uk/tv-radio-and-on-demand/advice-for-consumers/television/product-placement-on-tv>

⁹ A content analysis of tobacco and alcohol audio-visual content in a sample of UK reality TV programmes. *J Public Health (Oxf)*. 2020 Aug 18;42(3):561-569. doi: 10.1093/pubmed/fdz043.

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 age¹⁰. It is therefore fundamental that all forms of brand marketing are explicitly covered by new online advertising regulations.

2. Do you agree with the market categories of online advertising that we have identified in this consultation?

No – see previous answer.

The market categories should be expanded to include content created by brands and owned media. Advertisers' own social media channels are key platforms through which corporations promote their products, and are an important part of the marketing mix ^{11,12, 13}.

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 communicating¹⁴. 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.

3. Do you agree with the range of actors that we have included in the scope of this consultation?

No

¹⁰ Nicholls, E. (2022). The Marketing and Consumption of No and Low Alcohol Drinks in the UK. Institute of Alcohol Studies.

¹¹ The Effects of Digital Marketing of Unhealthy Commodities on Young People: A Systematic Review. *Nutrients*, 10

¹² 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.

¹³ The New Threat of Digital Marketing. *Pediatric Clinics of North America*, 58, 659-675.

¹⁴ Young Consumer-Brand Relationship Building Potential using Digital Marketing. *European Journal of Marketing*, 50, 1993-2017

Although it is agreed that the term ‘advertiser’ should be employed, the definition must be broader and include owned media, brand marketing and include others in addition to the brand owner.

For example, a considerable amount of food and drink advertising online is by 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 HFSS food and 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 persons and organisations are included in the definition.

Furthermore, the definition should also include advertisements positioned as corporate social responsibility¹⁵, which have the effect of continuing to promote an HFSS or alcohol brand without advertising a specific product for example.

4. Do you agree that we have captured the main market dynamics and described the main supply chains to consider?

Don't know

5. Do you agree that we have described the main recent technological developments in online advertising in [section 2.2.2](#)?

Don't know

6. Do you agree that our taxonomy of harms covers the main types of harm found in online advertising, both in terms of the categories of harm as well as the main actors impacted by those harms?

Yes

Consumption of tobacco, alcohol and foods high in fat, salt and sugar (HFSS) are causes of non-communicable diseases (NCDs) and drivers of health inequalities worldwide. Consumption is driven by complex systems of production, distribution and promotion dominated by transnational companies. 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 year¹⁶. Therefore, acknowledging that legal products, such as alcohol and HFSS foods, can cause harm is essential.

¹⁵ SIGNALLING VIRTUE, PROMOTING HARM Unhealthy commodity industries and COVID-19 SPECTRUM. <https://ncdalliance.org/resources/signalling-virtue-promoting-harm>

¹⁶ NCD Alliance. Non Communicable Diseases Information <https://ncdalliance.org/why-ncds>

Alcohol contributes significantly to this burden of harm: it is a causal factor in more than 200 different diseases and injuries¹⁷ and is the biggest risk factor for death, ill health and disability among 15-to-49-year-olds in the UK¹⁸. Alcohol plays a causal role in seven cancers, including breast, liver and bowel cancer¹⁹. In 2020, an estimated 4% of cancer cases in the UK were linked to alcohol consumption²⁰. Higher levels of drinking are also associated with socio-economic factors and consequences, such as a greater risk of unemployment and more absenteeism from work²¹.

Alcohol harm does not just affect the person who drinks, but also their family, friends and wider society. In 2009, it was estimated that one in five under-16-year-olds in the UK lived with a hazardous drinker²². 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^{23,24}.

Exposure to the marketing of food and beverages high in fat, sugar and salt (HFSS) contributes to the development of overweight and obesity^{25, 26,27}, with increasing evidence as to the long-term adverse consequences childhood overweight and obesity has on premature mortality and physical morbidity in adulthood²⁸. This is particularly so when considering the rapidly evolving nature of online advertising, and increasing use of social media by HFSS corporations to promote their products^{29,30}. For children, there is growing evidence as to the impact such marketing has on

¹⁷ World Health Organisation (September 2018). [Fact sheets: alcohol](#).

¹⁸ Public Health England (2016). [The public health burden of alcohol and the effectiveness and cost-effectiveness of alcohol control policies](#)

¹⁹ 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.

²⁰ Runggay, H. et al (2021). [Global burden of cancer in 2020 attributable to alcohol consumption: a population-based study](#). The Lancet Oncology. Davis, N. (2021) [Alcohol caused 740,000 cancer cases globally last year – study](#). *The Guardian*.

²¹ The Institute of Alcohol Studies (2017). [Splitting the bill: alcohol's impact on the economy](#)

²² 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.

²³ World Health Organisation (2006). *Intimate partner violence and alcohol*.

²⁴ Police Service of Northern Ireland (2021). [Trends in Domestic Abuse Incidents and Crimes Recorded by the Police in Northern Ireland 2004/05 to 2020/21](#).

²⁵ The Global Obesity Pandemic: Shaped by Global Drivers and Local Environments. The Lancet, 378, 804-814.

²⁶ Review of Research on the Effects of Food Promotion to Children: Final Report. Glasgow: Centre for Social Marketing, University of Strathclyde.

²⁷ Food Marketing Influences Children's Attitudes, Preferences and Consumption: A Systematic Critical Review. *Nutrients*, 11, 875.

²⁸ Long-term impact of overweight and obesity in childhood and adolescence on morbidity and premature mortality in adulthood: systematic review. *Int J Obes (Lond)*, 35, 891-8.

²⁹ See, Like, Share, Remember: Adolescents' Responses to Unhealthy-, Healthy- and Non-Food Advertising in Social Media. *International Journal of Environmental Research & Public Health*, 17.

³⁰ Child Social Media Influencers and Unhealthy Food Product Placement. 146, e20194057.

dietary preferences, particularly that which occurs in the online environment^{2,21}. Additionally, there is evidence that non-broadcast advertising of HFSS products has differential impacts on different age groups amongst children, with older children argued to be at increased risk of exposure to HFSS product advertising³¹. Although there is less research surrounding the impact of online HFSS product advertising on adults, evidence suggests that HFSS advertising has relatively consistent effects on both predictors of eating behaviours (e.g. desire to eat, improved attitudes towards the advertised product and willingness to try) and actual eating behaviours (consumption)³².

7. Do you agree that our above description of the harms faced by consumers or society cover the main harms that can be caused or exacerbated by the content of online advertising?

Yes

The marketing of alcohol and HFSS products has far-reaching implications. Alcohol is heavily advertised, with evidence from the US illustrating that alcohol is marketed around three times as much as the average advertised product³³. Furthermore, a recent study in Ireland found that 94% of the adult population could recall seeing alcohol marketing in the past month³⁴.

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 drinking³⁵. 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 not³⁶. Digital media is an increasingly important element of alcohol marketing. It is predicted to account for 30% of alcohol advertising spend in 2023³⁷ and actively participating with online marketing (e.g., sharing social media posts) is more closely associated with increased alcohol use than simple

³¹ 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.

³² 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.

³³ Evaluating econometric studies of alcohol advertising. *Journal of Studies on Alcohol and Drugs, Supplement*, (s19), 106-112.

³⁴ Awareness of alcohol marketing one year after initial implementation of Ireland's Public Health (Alcohol) Act and during the COVID-19 pandemic. *Journal of Public Health*, fdab353.

³⁵ 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;

³⁶ The relationship between exposure to alcohol marketing and underage drinking is causal. *Journal of Studies on Alcohol and Drugs, Supplement*, (s19), 113-124.

³⁷ <http://www.zenithmedia.com/wp-content/uploads/2021/05/Business-Intelligence-Alcohol-Beer-and-Spirits.pdf>

exposure³⁴. This underlines the need to regulate owned media.

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 advertising³⁸. There is substantial evidence that exposure to alcohol marketing leads to children starting to drink earlier and drink more than they otherwise would^{35,36}.

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-making³⁹. Drinking earlier and drinking more increases the risk of developing alcohol dependence later in life and is a predictive factor for harmful drinking as an adult^{40,41,42}.

Alcohol marketing also causes harm to those with (at risk of developing) an alcohol problem. Those drinking above the low risk drinking guidelines in England account for more than two thirds (68%) for industry revenues, with the heaviest drinking 4% of the population accounting for almost a quarter⁴³. This financial dependence on heavy drinking means it is in the alcohol industry's interests for people to drink at harmful levels⁴⁴.

Heavy and binge drinkers are more vulnerable to alcohol marketing: the more someone drinks, the more likely they are to pay attention to alcohol cues⁴⁵, which in turn leads to increased cravings⁴⁶, and the cycle continues. For heavy alcohol users,

³⁸ Vulnerability to alcohol-related problems: a policy brief with implications for the regulation of alcohol marketing. *Addiction*, 112, 94-101.

³⁹ 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

⁴⁰ 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.

⁴¹ Adult consequences of late adolescent alcohol consumption: a systematic review of cohort studies. *PLoS Medicine*, 8(2), e1000413;.

⁴² Age at drinking onset and alcohol dependence: age at onset, duration, and severity. *Archives of Pediatrics & Adolescent Medicine*, 160(7), 739-746

⁴³ How dependent is the alcohol industry on heavy drinking in England? *Addiction*, 113(12), 2225-2232.

⁴⁴ How the alcohol industry relies on harmful use of alcohol and works to protect its profits. *Drug and Alcohol Review*, 35(6), 661-664

⁴⁵ Attentional bias in addictive behaviors: a review of its development, causes, and consequences. *Drug and Alcohol Dependence*, 97(1-2), 1-20.

⁴⁶ Experimental manipulation of attentional biases in heavy drinkers: do the effects generalise? *Psychopharmacology*, 192(4), 593-608.

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 cravings⁴⁷. Alcohol marketing 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 dependence⁴⁸. Therefore, as proposed by the World Health Organization, marketing restrictions would reduce the presence of alcohol cues that can induce cravings in people with (or at risk of) an alcohol dependency⁴⁹.

8. Do you agree that the above description of the harms faced by consumers or society cover the main harms that can be caused or exacerbated by the placement or targeting of online advertising?

Yes.

Despite current self-regulatory codes, the placement and targeting of online 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.

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 drinking⁵⁰. 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 levels³⁵.

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 behaviours³⁵.

In addition to the mis-targeting of children, alcohol companies directly target young people as the “heavy-using loyalists” of tomorrow. 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

⁴⁷ Functional neuroimaging studies of alcohol cue reactivity: a quantitative meta-analysis and systematic review. *Addiction Biology*, 18(1), 121-133.

⁴⁸ Cue reactivity as a predictor of drinking among male alcoholics. *Journal of Consulting and Clinical Psychology*, 62(3), 620.

⁴⁹ [The SAFER technical package \(who.int\)](#)

⁵⁰ Alcohol Health Alliance UK (2021). *No escape: How alcohol advertising preys on children and vulnerable people*.

companies target those already drinking at high levels⁵¹. Digital media enables marketers to use dynamic algorithms to identify the preferences and vulnerabilities of consumers, and use these to micro-target people. These tools disproportionately target people with (or at risk of) an alcohol problem at times when they are most susceptible⁵². 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 purchases⁵³.

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 guidelines⁵⁴. 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^{55,56}.

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 drinking⁵⁷.

9. Do you agree with our description of the range of industry harms that can be caused by online advertising?

⁵¹ 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.

⁵² How algorithms see their audience: Media epistemes and the changing conception of the individual. *Media, Culture & Society*, 41(8), 1176-1191

⁵³ 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>

⁵⁴ *The Scottish Health Survey 2019 Edition, Volume 1, Main Report*. Scottish Government.

⁵⁵ 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/>; 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/>

⁵⁶ 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>

⁵⁷ 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-world-aberystwyth-university-a8506856.html>

Don't know.

10. Do you agree that we have accurately captured the main industry initiatives, consumer tools and campaigns designed to improve transparency and accountability in online advertising?

Don't know.

11. Should advertising for VoD closer align to broadcasting standards or follow the same standards as those that apply to online?

Broadcasting.

The regulations should be agnostic to the platform used to view programming and as such, we recommend that VoD is treated similarly to and consistently with respect to existing broadcasting standards.

12. To what extent do you agree with our rationale for intervention, in particular that a lack of transparency and accountability in online advertising are the main drivers of harm found in online advertising content, placement, targeting, and industry harm?

Strongly agree.

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.

13. To what extent do you agree that the current industry-led self-regulatory regime for online advertising, administered by the ASA, to be effective at

addressing the range of harms we have identified in [section 3.3](#)?

Strongly disagree.

Research from a variety of countries suggests that industry codes are subject to under-interpretation and under-enforcement, and they are regularly violated⁵⁸.

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 appears⁵⁰. 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 platforms⁵⁰. An Australian study found that 28% of Instagram and 5% of Facebook alcohol branded accounts did not have age-restriction controls activated⁵⁹. Even when age-gating is used, this is easily circumvented, and in an increasingly digital world, is likely to be a growing route of exposure⁶⁰.

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 ages⁶¹. Almost seven in ten 11-17-year-olds are aware of the brand Guinness (including 52% of 11-12-year-olds)⁵⁰. Young people have also been found to respond positively to alcohol adverts, increasing their chances of being susceptible to drinking⁶². A study by the Advertising Standards Authority (ASA) itself highlighted 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.”⁶³

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

⁵⁸ 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; Noel, J. et al (2017). Alcohol industry self-regulation: who is it really protecting? *Addiction*, 112, 57-63; Noel, J. K. et al (2017). Industry self-regulation of alcohol marketing: a systematic review of content and exposure research. *Addiction*, 112, 28-50.

⁵⁹ Alcohol brands’ use of age-restriction controls on Facebook and Instagram in Australia. *Public Health Research and Practice*. Advance online publication.

⁶⁰ Internet filters and entry pages do not protect children from online alcohol marketing. *Journal of Public Health Policy*, 35(1), 75-90.

⁶¹ Alcohol Focus Scotland, Alcohol Concern, Balance North East and Drink Wise (2015). *Children’s Recognition of Alcohol Branding*.

⁶² 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.

⁶³ 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 feed⁶⁴.

The current self-regulatory system is not effective, and statutory regulation is necessary to ensure codes are complied with.

14. Do you consider that the range of industry initiatives described in [section 4.3](#) are effective in helping to address the range of harms set out in [section 3.3](#)?

No.

As outlined previously, self-regulation has been shown to be ineffective, there are no industry initiatives that would effectively address harms without changing the system and as such a broadening of marketing restrictions to include brand marketing in all its forms would be favoured.

Age verification requirements do not work – although there is a minimum age setting on social media accounts, a recent publication by Ofcom estimates that 64% of UK 8 to 11 year old children use social media apps or websites⁶⁵.

15A. Which of the following levels of regulatory oversight do you think is appropriate for advertisers?

Statutory regulation

Self- and co-regulatory systems do not work to protect children, young people, and others from harm. The regulatory body should be entirely independent of the industry and supported with full legal powers.

15B. Which of the following levels of regulatory oversight do you think is appropriate for platforms?

⁶⁴ Fears alcoholics are being 'bombarded' as they struggle to hide Instagram adverts. *Metro News*. <https://metro.co.uk/2021/03/10/alcoholics-claim-they-are-struggling-to-hide-adverts-on-instagram-14208953/>

⁶⁵ Ofcom (2022). *Children and parents: media use and attitudes report 2022*

Statutory regulation

15C. Which of the following levels of regulatory oversight do you think is appropriate for intermediaries?

Statutory regulation

15C. Which of the following levels of regulatory oversight do you think is appropriate for publishers?

Statutory regulation

16. Following on from your answer to question 14, do you think a mix of different levels of regulatory oversight may be warranted for different actors and/or different types of harm?

No.

All actors associated with alcohol marketing must be responsible and accountable for their actions. They must protect those who are young or vulnerable to harm from unhealthy products such as alcohol and HFSS foods.

17. What is your preferred option out of the three permutations described under [option 2](#)?

Permutation 1.


Whilst we strongly endorse statutory regulation, the second option would be permutation 1 as this is more likely to be most effective of the options offered. It is also more likely to provide a consistent approach due to the presence of one backstop rather than multiple backstops.

18. For each of the actors, which measures (set out in the tables in [section 6.1.3](#) and [section 6.1.4](#) do you support and why?

Any measures that support better transparency and responsibility will be welcome. To be effective in protecting children and vulnerable people, these should be enforced with a statutory system.

19. Are there any measures that would help achieve the aims we set out, that we have not outlined in the consultation?

Comprehensive restrictions are the most effective way to address the harms caused



by alcohol advertising online, due to the difficulty in tracking and regulating online advertising. The UK Government recognised this and legislated to ban the advertising of HFSS foods online through the Health and Care Act 2022. As an age-restricted product and one which causes significant harm to public health in the UK, the same restrictions should be applied to alcohol marketing. These should be extended to address several shortcomings: to cover brand advertising, owned media, and exemptions for small businesses, audio-only, broadcast radio, and transactional content should be removed. We were disappointed to see the recent announcement that the commencement of the new regulations will be pushed back by a year and would encourage these measures to be implemented as soon as possible.

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SPECTRUM is not linked with, nor does it collaborate or cooperate with members of the alcohol, tobacco or food industries.