

REALISING OUR RIGHTS

How to protect people
from alcohol marketing



Alcohol Focus Scotland (AFS) is the national charity working to prevent and reduce alcohol harm. We want to see fewer people have their health damaged or lives cut short due to alcohol, fewer children and families suffering as a result of other people's drinking, and communities free from alcohol-related crime and violence.

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FOREWORD

There's an expectation in Scotland that we should drink alcohol, similar to the expectation that we should breathe air. Many believe it to be an intrinsic part of our society, our culture, and our national identity. This idea is fostered and perpetuated by marketing. And it works.

As someone in long-term, abstinent recovery from an alcohol problem, who has worked in the field of residential addiction treatment and recovery development, I understand what it's like to feel excluded from society because one doesn't drink alcohol. Working with people in early recovery, I would tell them, "stay away from wet places" and "avoid the alcohol aisle at the supermarket", but the reality is it's never far away. There's a dealer, or their advert, on every corner.

Our children are exposed to alcohol adverts on a daily basis, and this only intensifies as we get older. As an adult you are fair game for alcohol producers and retailers to push marketing at you at any time of day or night. Perhaps it's not always apparent to everyone but it's there, like wallpaper, surrounding all of us, all of the time. It can be as simple as inserts falling out of your favourite magazine, walking down the street with billboards and bus stop ads everywhere you look, or even shopping in your local supermarket where you're faced with prominent discounts and promotions. Is this how we want our world to be?

Alcohol marketing can be massively triggering; it's designed to be. Seeing an image of a cold beer on a warm sunny day or a midwinter glass of whisky in front of an open fire is highly appealing. Yet the message these images convey, that alcohol is life-enhancing, is at odds with the health risks of the product. It reminds me of the hugely influential tobacco industry lifestyle adverts that convinced so many of us to smoke, who then struggled to stop.

I can't say how many times I've told social media platforms I don't want to see adverts for alcohol, but it doesn't appear to make any difference. This isn't good for anyone, but when you're in recovery, being exposed to these ads at the wrong time – maybe you're having a low day or just feeling like your defences are down – greatly increases the chance of relapsing.

Not only is the alcohol industry keeping alive the myth of alcohol being an essential part of our lives, but they also have a cunning way of absolving themselves of any responsibility.

They invest millions in marketing to sell more alcohol while framing anyone with an alcohol issue as having an individual problem, unable to drink 'responsibly'. This reinforces beliefs that it is a personal failure rather than a problem with our environment, which only serves to make recovery harder and perpetuate stigma. This stigma, in turn, prevents those with lived experience to fully claim their human rights.

We all have the same human rights. Yet our right to health – and that of our children – is being compromised by the actions of companies who put their profits over our health and wellbeing. If countries are serious about protecting and promoting the rights of their people – as Scotland prides itself on being – they must act to restrict alcohol marketing.

No one would argue for a return to advertising and promoting of tobacco, so why should the alcohol industry whose product, which causes serious harm to so many people, be given free rein? Allowing the alcohol industry to continue intruding on people's lives and damaging their health with marketing like this must stop.

So many of us stand to benefit from change: our children win, people trying to reducing their alcohol consumption win, our health wins. The tax-payer wins.

Tom Bennett
Scottish Recovery Consortium
and Expert Network Member



Alcohol marketing can be massively triggering; it's designed to be.

EXECUTIVE SUMMARY

INTRODUCTION

Exposure to alcohol marketing causes consumption. Alcohol marketing encourages positive attitudes towards alcohol, influences our drinking behaviour and creates a culture where regular alcohol consumption is considered normal and desirable.

Someone loses their life to alcohol somewhere in the world every ten seconds and alcohol causes more than 200 diseases and conditions as well as injury and suicide. The contribution of alcohol marketing to this significant burden of harm must be recognised and states must act to protect people from it and ensure their right to health.

ABOUT THIS REPORT

In September 2020, Alcohol Focus Scotland reconstituted an international expert network on alcohol marketing ('the Network') to update its 2017 report on alcohol marketing, [Promoting Good Health from Childhood](#), and inform action by the Scottish Government. The Network ran to June 2022, involving experts in alcohol marketing research, law and policy as they relate to the protection of public health. This report builds on the Network's first report by:

- increasing the scope of the alcohol marketing activities considered;
- expanding the populations of interest beyond children and young people to include people with (or at risk of) an alcohol problem and the general population;
- utilising an expanded evidence base and hearing directly from people affected by alcohol marketing;

- framing the case for statutory regulation of alcohol marketing as a human rights issue; and
- presenting recommendations on how countries can best regulate alcohol marketing as well specifying how these can apply in Scotland.

A [literature review](#) and [case study research](#) commissioned to support this work have been published alongside this report.

THE NATURE OF ALCOHOL MARKETING

In most countries, alcohol marketing is all around us all the time. Alcohol is marketed through a sophisticated network of activities intended to reach and engage us in different ways and points along the consumer journey.

This 'marketing mix' – often referred to as the '4 P's' includes: advertising and other forms of **Promotion**; the allure of **Product** features such as packaging; how products are promoted and **Placed** in the retail environment; and the setting of **Prices** in a way that creates a perception of value for money. Successful marketing utilises this range of activities in a complementary way to communicate its desired messages and maximise the likelihood of reaching and persuading its target consumers.

The way in which companies influence consumers has evolved and become increasingly sophisticated. There has been a shift from a predominantly product sales model to brand marketing, focusing on building brand identity and emotional connection with the consumer over the longer term. Marketing helps to develop the personality, characteristics, values, and emotions that are associated with that product in the mind of the consumer, and to differentiate brands from their competitors.

Branding goes beyond brand names and logos. Marketers establish visual cues which become synonymous with the brand, such as font type, straplines, colour and shape. Marketing has a range of effects on people's psychology, their behaviour, and on society at large. It reaches its goal by influencing a network of indirect processes that work together to ultimately guide people towards a particular action and choice.

The rise of digital media is super-charging how alcohol is marketed. It enables alcohol companies to target people with advertising and promotional messages based on our online preferences and activities, invading our private lives. It also blurs the boundaries between official marketing content and user interactions, with users becoming co-creators and distributors of alcohol marketing messages. This allows for drinking culture and promotional messages about alcohol to become embedded in daily communications and relationships. In addition, the use of 'buy now' buttons or 'swipe up' features on digital adverts allows for immediate purchasing unlike most other forms of advertising and promotion.

ALCOHOL MARKETING AND HUMAN RIGHTS

Not only is alcohol-related harm a significant global health problem, it also raises major human rights concerns.

There is an inherent conflict between the commercial goals of businesses which sell unhealthy products such as alcohol, and the protection of the health of individuals and society. People have a *need* to be protected from the aggressive marketing of alcohol, but they also have *rights* under international law to be protected. In addition to harming the

right to health and the right to life, survival and development, alcohol marketing also undermines the rights to privacy and to be free from exploitation.

Human rights are not optional: they are anchored in law. States have legally binding obligations to respect, protect and fulfil people's rights.

IMPACT OF MARKETING

Of central concern to the Network is the aggressive and pervasive nature of alcohol marketing. This has the effect of normalising alcohol and creating and sustaining expectations around alcohol use as positive, aspirational, commonplace, and even part of a healthy lifestyle. Social norms are among the most powerful drivers of behaviour and have serious and wide-reaching consequences for the general population and especially for vulnerable groups.

Research has now established a causal connection between children and young people's exposure to alcohol marketing and drinking; alcohol marketing leads young people to start drinking earlier, to drink more if they are already drinking, and to drink at heavy or problematic levels. Alcohol marketing provides the building blocks for current and future behaviour by affecting how adolescents think and feel. It encourages the development of brand preferences and positive expectations around alcohol, and creates and reinforces social norms. Marketing does not need to be specifically targeted at young people for it to have such effects; even brand awareness is associated with a propensity to drink alcohol.



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People in recovery from alcohol problems talk about how alcohol marketing can act as a trigger and poses a risk to their recovery

Alcohol marketers are known to target heavy drinkers. The commissioned literature review found that marketing causes effects that have the potential to translate into increased alcohol use for people with (or at risk of an alcohol problem). People in recovery from alcohol problems talk about how alcohol marketing can act as a trigger and poses a risk to their recovery. They say it makes them feel excluded and that they need to use strategies to reduce their exposure, impacting on their ability to live and thrive in their communities. There are, however, limits to how people can protect themselves when marketing intrudes into their homes and private spaces through television advertising or through predatory, data-driven digital marketing.

RECOMMENDATIONS FOR A FRAMEWORK FOR ALCOHOL MARKETING CONTROL

The alcohol industry spends billions of pounds every year building and promoting their brands with the ultimate aim of encouraging people to drink their products. This has significant health, social and economic impacts.

States have a duty under international law to protect and fulfil the human rights of their citizens, including their right to health. Too often states relinquish their responsibilities to the detriment of public health, consumer protection and human rights by delegating the regulation of alcohol marketing to industry through self-regulatory or voluntary codes.

The accountability a human-rights based approach introduces requires that states should regulate alcohol marketing in the public interest – avoiding actual, potential or perceived conflicts of interest and undue interference from industry actors.

To meet this duty, the overarching recommendation of the Network is for countries to introduce comprehensive statutory restrictions on alcohol marketing.

The Network has also developed a set of complementary recommendations to maximise the effectiveness of statutory restrictions. These cover the scope of restrictions, taking account of the marketing mix as well as the need to legislate for all forms of brand marketing; how the implementation of restrictions should be approached; monitoring and enforcement; and evaluation.

In recognition of the challenges presented by the increasingly transnational focus of marketing, the Network also calls on the World Health Organization (WHO) to lead international action to address digital marketing and to develop a convention – drawing on that put in place 17 years ago for tobacco – that will support both national and international efforts to prevent and reduce alcohol harm more broadly.

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The Network recommends that countries:

Overarching recommendation

Put in place comprehensive statutory restrictions on alcohol marketing.

To maximise the effectiveness of statutory restrictions, the Network recommends that countries:

Scope of restrictions

Promotion

Ensure restrictions on alcohol marketing explicitly include all forms of brand marketing.

Product

Mandate health information on all alcohol packaging. The content and design of this information should be specified in regulations, informed by consumer research, and developed free from industry influence.

Place

Introduce restrictions in mixed retail environments to ensure that alcohol display and promotion is only visible to those intending to browse or purchase alcohol.

Price

Restrict the use of price as a promotional tool.

Policy implementation

Adopt a 'positive list' approach to legislation, stating what activities are permitted under the legislation, rather than what are not.

Monitoring and enforcement

Implement systematic and regular monitoring and enforcement of statutory restrictions by an independent body or government agency, with powers to impose robust sanctions for non-compliance.

Evaluation

Establish evaluation programmes to assess the effectiveness of marketing restrictions.

To enable countries to put in place comprehensive statutory restrictions on alcohol marketing, the Network recommends that the World Health Organization:

International action

Develops an international approach to regulating digital alcohol marketing as part of a Framework Convention on Alcohol Control.

APPLYING THE MARKETING FRAMEWORK IN SCOTLAND

To help inform future action by the Scottish Government, the Network has also considered how its framework should be applied in Scotland. Scotland has significant powers to legislate in a number of key areas, that if fully used, would substantially increase the protection from alcohol marketing afforded to children, people with (or at risk of) an alcohol problem, and the general population. These include advertising in outdoor and public spaces; sponsorship of sports, events and people; branded merchandise; competitions, giveaways and rewards; point-of-sale promotions; and advertising in print publications.

The Network recommends that the Scottish Government introduces statutory restrictions on alcohol marketing activities in all areas of its competence. Regulating these activities would have a significant impact; it would reduce people in Scotland's exposure to alcohol marketing, unplugging a range of marketing channels and activities and reducing the power of the remaining marketing activities by disrupting the marketing mix. This would in turn reduce alcohol consumption and harm, helping to improve the health and wellbeing of the nation.

The Scottish Government should introduce statutory restrictions on alcohol marketing activities in all areas of its competence



INTRODUCTION

BACKGROUND

Following the Global Alcohol Policy Conference held in Edinburgh in October 2015, the then Minister for Public Health in Scotland asked Alcohol Focus Scotland (AFS) to convene an international expert network on alcohol marketing ('the Network'). The Network was tasked by the Minister with considering the top policy options for implementing marketing restrictions in Scotland, taking into account the legislative competence of the Scottish Parliament.

Focusing on where the evidence was strongest and responding to concerns about children's exposure to large volumes of marketing for health-harming products, the Network's first report, published in 2017, prioritised policy options to protect children and young people from mass media advertising and sponsorship.¹ Subsequently, the Scottish Government acknowledged the need to protect children from exposure to alcohol marketing, committing in its Alcohol Prevention Framework 2018 to consulting and engaging on a range of potential measures, including mandatory restrictions.²

Scotland has an international reputation of implementing bold, population-wide public health interventions. Scotland was the first of the UK nations to implement a smoking ban in enclosed public spaces. The introduction in 2018 of the world-leading policy of minimum unit pricing for alcohol followed several other progressive alcohol policies, such as a reduction in the drink driving limit; a ban on quantity discounts (e.g. '3 for 2'); restrictions on where alcohol and associated marketing can be displayed by retailers; limiting hours of sale for licensed shops; and including 'protecting and improving public health' as a licensing objective.

However, levels of alcohol consumption and related problems remain persistently high in Scotland, with around a quarter of adults in Scotland drinking at levels that put their health at risk.³ There are over 3,700 deaths each year from alcohol.⁴ Likely impacted by the COVID-19 pandemic, the 17% increase in alcohol-specific deaths in 2020⁵ is a cause for mounting concern. Early evidence suggests the pandemic saw a polarisation of drinking patterns, with some people cutting down, and others – particularly heavier drinkers – increasing their drinking.^{6,7}

Reducing the use of and harm from alcohol, tobacco and other drugs is one of Scotland's public health priorities.⁸ In 2022, the Scottish Government rightly recognised alcohol harm in Scotland as a public health emergency.⁹ The forthcoming consultation on alcohol marketing from the Scottish Government, and any subsequent legislation, are crucial opportunities to take action in one of the most effective areas for reducing alcohol-related harm.

The purposes of bans or comprehensive restrictions on alcohol advertising, promotion and sponsorship are:



to prevent young people from being exposed, which is known to influence the decision to start consuming alcohol and to increase alcohol use;



to reduce the presence of alcohol cues that can induce reactivity and craving in alcohol-dependent persons; and



to prevent industry influence on social norms relating to consumption in general, given the negative public health, economic and social consequences of alcohol use.

World Health Organization, SAFER Initiative, 2019¹¹

INTERNATIONAL EXPERT NETWORK

In 2020, Alcohol Focus Scotland reconstituted the Alcohol Marketing Expert Network to update and expand on its 2017 recommendations and inform action by the Scottish Government. The Network was active between September 2020 and June 2022, involving international experts in alcohol marketing research, law and policy as they relate to the protection of public health. A full list of members and their roles at the time of publication of this report is provided in the appendix. The views and contributions of Network members were sought through a combination of virtual meetings and email correspondence.

In line with the position of the World Health Organization (WHO),¹⁰ the Network took the view that public policies and interventions aimed at reducing and preventing alcohol-related harm should be developed in a way that protects policy from the undue interference of commercial and other vested interests, therefore avoiding real, perceived or potential conflicts of interests. Alcohol and advertising industry representatives were therefore not invited to join the Network to avoid conflicts of interest.

APPROACH

This report builds on the Network's first report in the following ways:

Expanded populations of interest

The 2017 report focused on the evidence in relation to children and young people. While this report maintains a focus on these groups by updating the evidence, it gives increased focus to other groups that may be affected by alcohol marketing. The Network identified that people with (or at risk of) an alcohol problem – defined as people with an alcohol use disorder, in recovery from an alcohol use disorder, or drinking above recommended guidelines – also experience particular impacts from alcohol marketing. In line with the purposes of alcohol marketing restrictions as stated by WHO in their SAFER initiative,¹¹ the Network has therefore chosen to explore how best to protect vulnerable populations, as well as the population as a whole, from its effects.

Increased scope

The Network's first report focused predominantly on mass media advertising, such as on television and in outdoor spaces. When considering the scope of the current project, the Network took account of the wide array of consumer marketing techniques used by the alcohol industry, over and above traditional advertising. By considering each element of the four Ps of marketing – Promotion, Product, Place, and Price – the Network identified a wider range of areas where action would contribute to an overall reduction in the volume of alcohol marketing.

This expanded focus on the four Ps has enabled a more comprehensive and holistic view of alcohol marketing, considering the purpose and cumulative effect of these different marketing channels and activities. The Network also recognised that the marketing landscape is being transformed by digital innovation.

The Network noted the importance of 'stakeholder marketing' and corporate social responsibility activities – designed to influence policy makers and maintain a policy environment conducive to extensive alcohol marketing and increased sales and profits – and believed these would be worthy of further exploration. However, they were considered to be beyond the scope of this report.

Expanded evidence base

The first report focused heavily on the academic evidence in relation to children and young people. In making its recommendations within this report, the Network utilised a broader range of evidence:

- While the international evidence base on marketing's impact on children and young people is well established, far less was known about the impact of alcohol marketing on people with (or at risk of) an alcohol problem. AFS therefore commissioned the University of Nottingham to conduct a rapid literature review, identifying and summarising the available evidence on the impact of alcohol marketing on people with an alcohol use disorder, in recovery from an alcohol use disorder, or drinking above recommended guidelines. This literature review has been published alongside this report.¹²
- Since 2017, many more countries have taken steps to introduce alcohol marketing restrictions. AFS commissioned the Institute for Social Marketing and Health, University of Stirling to undertake a series of seven case studies identifying the learning from other countries' experiences. These case studies have been published alongside this report and quotations and evidence taken from this work is hereafter attributed to 'case study research.'¹³
- Crucial to understanding the impact of alcohol marketing is hearing from people directly affected. This report has therefore sought to reflect the views and experiences of children and young people and from members of the alcohol recovery community in Scotland. This was obtained through focus groups, interviews and surveys facilitated and supported by AFS, in collaboration with partner organisations, in late 2021 and early 2022. Unreferenced quotations in this report attributed to a child, young person, or a person in recovery, derive from this work.
- The children's participation and engagement organisation, Children's Parliament, was commissioned by AFS in 2019 to explore the concept of an alcohol-free childhood.¹⁴ During workshops held over three days, nearly 100 primary school children (aged 9-11 years) created artwork showing where they saw alcohol in their lives and the impact of this on them. Quotations and artwork from this project are hereafter referred to as 'Children's Parliament.'

Human rights-based approach

The Network has taken a human rights-based approach to alcohol marketing and its control, given the increasing recognition by WHO and others that not only is alcohol-related harm a significant global health problem, but it also raises major human rights concerns. This has important implications for how countries around the world should act, both individually and collectively, to promote healthier environments and therefore prevent alcohol-related harm.^{15 16} It means the rationale for improving environments and preventing diseases no longer comes only from the fact that individuals have *needs* but also from the fact that they have *rights* – entitlements that give rise to legal obligations on the part of states.¹⁷

International focus

The Network's deliberations were originally intended to focus solely on further developing its recommendations for alcohol marketing restrictions in Scotland. However, in considering the depth and breadth of evidence available for this report, it became apparent that the Network's recommendations had broader significance. The report therefore provides general recommendations for any country wishing to take action to restrict alcohol marketing, and for WHO on how it can support countries to do so, as well as making more specific recommendations for Scotland.

STRUCTURE OF THE REPORT

This report outlines the recommendations of the Network and the rationale behind these.

Chapter one starts by exploring alcohol marketing in detail, setting out the aims and effects of the techniques used by the alcohol industry.

Chapter two discusses alcohol marketing as a human rights issue.

Chapters three, four and five describe the evidence of the impact of alcohol marketing on the general population, children and young people, and people with (or at risk of) an alcohol problem, respectively.

Chapter six sets out the Network's recommendations for how countries can implement robust, comprehensive and effective bans on alcohol marketing, to protect vulnerable populations and society at large from its effects.

Finally, chapter seven outlines the Network's recommendations for how the Scottish Government can implement marketing restrictions, taking into account the competence of the Scottish Parliament.

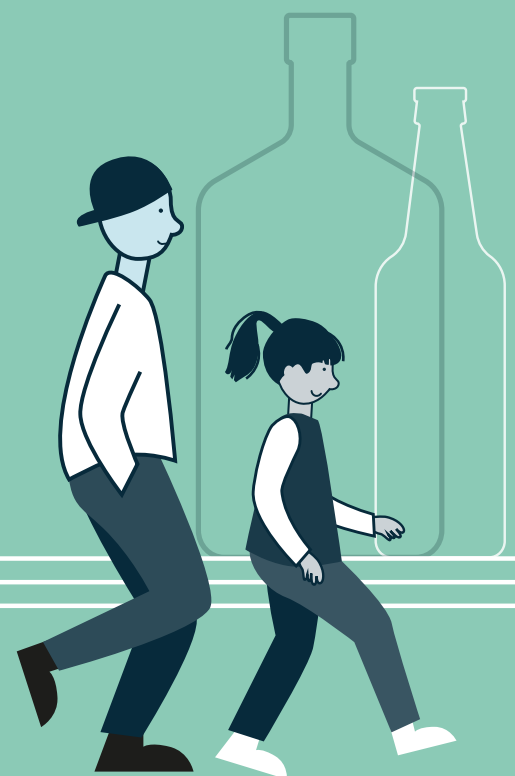
1. THE NATURE OF ALCOHOL MARKETING

● Alcohol is marketed through a sophisticated network of activities intended to reach and engage us in different ways and points along the consumer journey. These include: advertising and other forms of promotion; the allure of product features such as packaging; how retailers promote and position products; and the setting of prices at a level that encourages us to buy.

● Marketing has a range of effects on people's psychology, their behaviour, and on society at large. It reaches its goal by influencing a network of indirect processes that work together to ultimately guide people towards a particular action and choice.

● Alcohol advertising has shifted from a predominantly product sales model to brand marketing, with a focus on building brand identity and emotional connection with the consumer, creating a deeper, longer-term relationship.

● Digital marketing is super-charging how alcohol is marketed by allowing the micro-targeting of consumers based on their online activities and enabling the conversion of advertising messages into immediate purchase.



Marketing is defined as “the business activity that involves finding out what customers want, using that information to design products and services, and selling them effectively.”¹⁸ Fundamentally, marketing is about persuasion. Whether it is the one-off purchase of a car or the everyday purchase of a cup of coffee, marketing aims to direct people into a desired action and then ensure that a specific company’s product is presented in the right way and at the right time, place, and price to convince them to choose it.¹⁹

For that reason, successful marketing reflects the convergence of skills from many disciplines, including, but not restricted to, economics, psychology, information technology, arts and culture, business management, architecture, and design.

Alcohol production and sale is highly profitable. Global retail sales of alcohol were estimated to be worth more than \$1.6 trillion in 2019.²⁰ This enables alcohol companies to make significant investments in marketing their brands and products. Globalisation and industry consolidation have resulted in fewer, bigger multinational corporations manufacturing a greater proportion of alcohol consumed worldwide.²¹ For example, the merger in 2016 of the two biggest brewers – AB InBev and SABMiller – has resulted in a single company now responsible for brewing and marketing more than a quarter of the world’s commercial beer.²²

Economies of scale achieved through the creation of these mega-corporations have enabled them to direct more resources towards the creation, development and promotion of alcohol brands. For global alcohol corporations, marketing activity is the principal means of building brand identity and awareness. Successful brands drive sales and profits.

Evidence from the United States shows that alcohol is around three times more heavily advertised than the average advertised product, based on advertising spend to sales ratios.²³ The result is widespread marketing of alcohol, making it impossible to avoid.

This chapter describes the different marketing strategies and activities used to promote alcohol, highlights the importance of branding, and explores the aims and purposes of alcohol marketing.



Digital media has significantly increased the ability to personalise marketing, using data to target individuals and groups

THE MARKETING MIX

Marketing refers to all the activities used to communicate with current and potential consumers. In practice, this represents a myriad of activities, each intended to reach and engage us in different ways across the consumer journey. This includes activities designed to reach large and general audiences, and those that target individuals who have been identified as potential consumers. Marketers utilise these activities in combination to create a network of marketing that builds and reinforces the brand.

Our understanding of this network is often conceptualised and organised through models, such as the Ps of marketing – traditionally: promotion, product, place, and price – often referred to as the ‘marketing mix’.

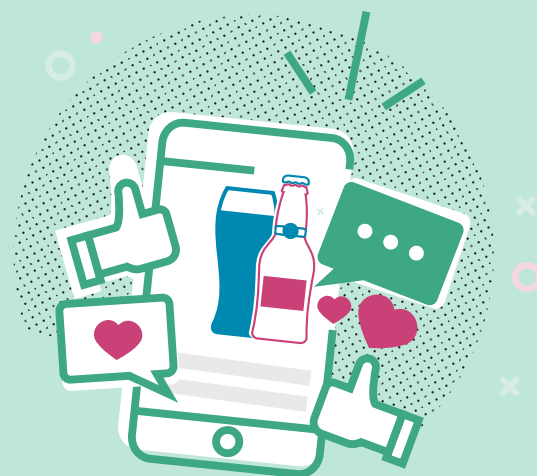
Promotion

‘Promotion’ covers all the ways in which a business communicates with its current and potential customers to raise awareness of their brands and to persuade them to purchase its goods or services. Advertising is the most visible form of promotional activity,²¹ and this has traditionally been focused on mass media, such as television, radio, billboards, newspapers and magazines. Alcohol companies are among the dominant players in traditional advertising worldwide,²¹ for example, devoting half of their 2020 spending on television, twice as much as the average brand.²⁴

Alcohol promotion is not limited to advertising, however. Other key activities include, but are not limited to, sponsorship of sports, events, and people; branded merchandise; giveaways; competitions; and point-of-sale displays. Digital media is an increasingly important part of the alcohol marketing mix, predicted to account for 30% of alcohol advertising spend in 2023.²⁵ While advertising through traditional channels has always had particular audiences in mind, digital media has significantly increased the ability to personalise marketing, using data to target individuals and groups in a way that encourages engagement with marketing messages. This is often hidden from public view and is fleeting.



THE TRANSFORMATIVE NATURE OF DIGITAL MARKETING



In addition to marketing content that is paid for by alcohol companies, digital media also facilitates the promotion of free content through owned media (such as the companies' own social media pages) and earned media (where users like, share and create content about their brands). An increasing array of online and mobile media platforms provide new routes to consumers, and in contrast with traditional advertising, allow two-way interaction. A variety of approaches encourage user engagement; this includes asking people to 'like', share, and comment on branded content; the use of augmented reality to embed brands within live sharing of images and video (such as the use of filters on Snapchat); and providing free downloadable apps for entertainment, games, and local retailer locations.

The participatory nature of digital marketing has been associated more strongly with drinking behaviour than simple exposure.²⁶ It also blurs the boundaries between official marketing content and user interactions, with users becoming co-creators and distributors of alcohol marketing messages.²⁷ This allows for drinking culture and promotional messages about alcohol to become embedded in daily communications and relationships. Content generated by users, including social media influencers, can reflect different representations of alcohol consumption than can be portrayed by brands themselves, such as associations with the user's own identity or excessive or harmful practices.²⁸

Advertising on digital platforms is now focused around a model of paid, data-driven engagement – combining paid targeting with consumer participation.²⁸

Dynamic algorithms on digital platforms are designed to analyse vast volumes of data to learn the preferences, and vulnerabilities, of consumers,^{29 30} micro-targeting people with relevant content at specific times and in places when they would be most susceptible to them.³¹ By learning to identify high-volume consumers, it is likely that these data-driven tools disproportionately target higher-risk drinkers.²⁸

Programmes create, test, improve, and serve adverts automatically and in real time. Much of this advertising content is hidden from view of the wider public and regulators, often only visible to certain users, in a particular location and time, with no public archive. The automation of much of the buying and selling of online advertising space means that advertising for alcohol and other health-harming products may also be placed in contexts that result in exposure to children and young people.³³ Even the marketers themselves may not be aware who the advertising is served to as it is technology-driven, meaning there is little control over who sees what.³⁴

As well as identifying the preferences of users and exposing them to targeted messages, digital marketing enables the conversion of promotional messages into purchase. The advertising functions of social media platforms are increasingly integrated with purpose-built retail apps and websites, showing as 'buy now' buttons or 'swipe up' features on adverts. This removes the level of separation found between most other forms of promotion and the act of purchasing and may therefore increase impulse purchases. Through the use of digital media, the promotion and sale of a product will shortly become seamlessly integrated.

One software developer used Facebook Messenger to speak to problem drinkers about their experiences, while testing an app he created to help people moderate their consumption. The next day they were served with multiple adverts for alcohol brands in their Instagram feed.³²

Product

The 'product' is the company's offering, used to fulfil existing consumer demand or create new demand. Elements of an alcoholic product that influence consumer perceptions and behaviour include its taste, alcoholic strength, colour, size, shape, and packaging design.

Product features are used to appeal to specific markets and lifestyles, encouraging trial and purchase. For example, recently introduced 'hard seltzers' (alcoholic flavoured sparkling water) were designed in response to increased health consciousness among young people.³⁵ These products tend to be low-calorie, low or no sugar and boast a variety of 'clean' features such as vegan and organic ingredients, vitamins, and being free from artificial colours and flavourings.

"If you've ever scanned a supermarket hard seltzers display, you'll notice the "better for you" cues in spades. The slim cans, the white or pale livery, the calorie count on the front label."

Trade press³⁶

Within this report, the Network has focused on product packaging as a crucial marketing lever for alcohol brands. Alcohol packaging conveys messages of consumer-product suitability and acceptability, and reinforces the perception that alcohol is a desirable product.³⁷ It is particularly important for brand identity – consumers automatically associate packaging with the brand, and it is what they tend to know best about the brand.³⁸ As well as allowing products to catch attention and stand out on the shelf, packaging helps to create product and brand appeal.³⁷

"Choosing distinctive colour combinations helps trigger associations, recognition and emotional engagement with a brand, even in the absence of a logo or name... The ultimate goal is to 'own' a tone of colour so unique that its mere inclusion in an ad instantly makes the brand recognisable."

Marketing Company³⁹

Packaging design is often used to imply brand values, with a resulting impact on purchase intention if the values match those of the consumer.⁴⁰ For example, since 2008, Absolut vodka has developed a special edition bottle decorated with the Pride flag.



"With the launch of the Absolut Rainbow Edition, Absolut is showing its continued support for the [LGBTQ+] community, adding this newest design to its permanent collection rather than releasing it as an ordinary limited edition."⁴¹

Consumer relationships can be built through the possession and use of packaging.⁴² Common packaging strategies include innovative, special edition, and sustainable packaging, all of which aim to promote the product, distinguish products from competitors, communicate brand values and target specific consumer groups.⁴³ New pack technologies, such as augmented reality, enhance product packaging as a promotional channel by enabling interaction with the physical product using smartphones or tablets.²⁷

Marketing activities interact and complement each other, maximising a campaign's reach and influence. The more channels and content people are exposed to, the more likely they will be influenced.





Place

'Place' concerns a product's distribution strategy, with a focus on ensuring it is easily accessible to potential buyers. This includes the number and types of places selling the product (often referred to as outlet density or availability) as well as how it is positioned and promoted by retailers to maximise its visibility.

The availability of alcohol is a key element of the marketing mix, one which is interrelated with other activities. In the UK, the number of places selling alcohol has increased considerably over the past few decades, with significant diversification into non-traditional spaces such as cinemas, hairdressers and even petrol stations. Supermarket business models have expanded to include an increase in smaller convenience stores where consumers buy little and often, and a growth in online purchase for home delivery.

Other countries have taken different approaches to controlling availability with some maintaining much stricter controls over where and when alcohol can be sold, including in some cases, state-owned shops. While the Network considers the availability of alcohol of key importance to alcohol harm reduction, it is conscious that there is an extensive and distinct body of research and policy work dedicated to alcohol availability and licensing and therefore has not included this within the scope of this report.

The focus for the Network in relation to place has been the activities of retailers to promote their alcohol products within and around stores. Retailers often place alcohol strategically throughout a store to increase its visibility. This includes placing it on busy routes, in central aisles, beside essential items, or near the checkouts. The increasing emphasis on providing chilled, ready-to-drink products can also be seen as encouraging impulse purchases. In small shops, such as local convenience stores, alcohol is very often located behind the till, making it inevitable that every customer will see it.

Online shopping has become increasingly popular, including for alcohol. One in five people in the UK reported having purchased alcohol online even before the pandemic.¹³² Point-of-sale promotions on online supermarket websites are common, being served at various stages during the process (on the retailer's main page, offers page, when selecting items and during checkout). Recent research in Scotland found that 1 in 10 food and drink promotions served during online supermarket shopping were for alcohol, increasing to 28% of promotions when shopping with an 'unhealthy' basket that already included an alcohol product.¹³³

Price

'Price' refers not only to how much is paid for a product but also to promotional activities that reduce the price of a product for a period of time or encourage a perception of value for money. Historically countries have tried to control the price of alcohol through taxation. Several countries, including Scotland, have now introduced minimum unit pricing for alcohol which sets a floor price for products based on how much alcohol they contain. Despite such measures, it is possible in some countries for retailers still to use price as a promotional tool through other forms of discounting. For the purposes of this report, the Network is focusing on price as a promotional tool, rather than other mechanisms to control price, which it has deemed out of scope.

Promoting a product on the basis of its price is a common marketing tool, particularly at point of sale.⁴⁴ Discounting strategies include multi-buy promotions (e.g. buy one, get one free), straight price discounting (e.g. 25% off and 'was/now' promotions) and retailer loyalty schemes. Price cues can be marking the price on the packaging itself and brightly coloured or over-sized labels which draw attention to a low or reduced price.



Retailers often place alcohol strategically throughout a store to increase its visibility

THE MARKETING MIX IN ACTION

Crucially, a successful marketing strategy does not rely on the reach and persuasion of a single activity. Instead, a range of activities are interwoven to interact and complement each other, to maximise the likelihood of reaching and persuading consumers.

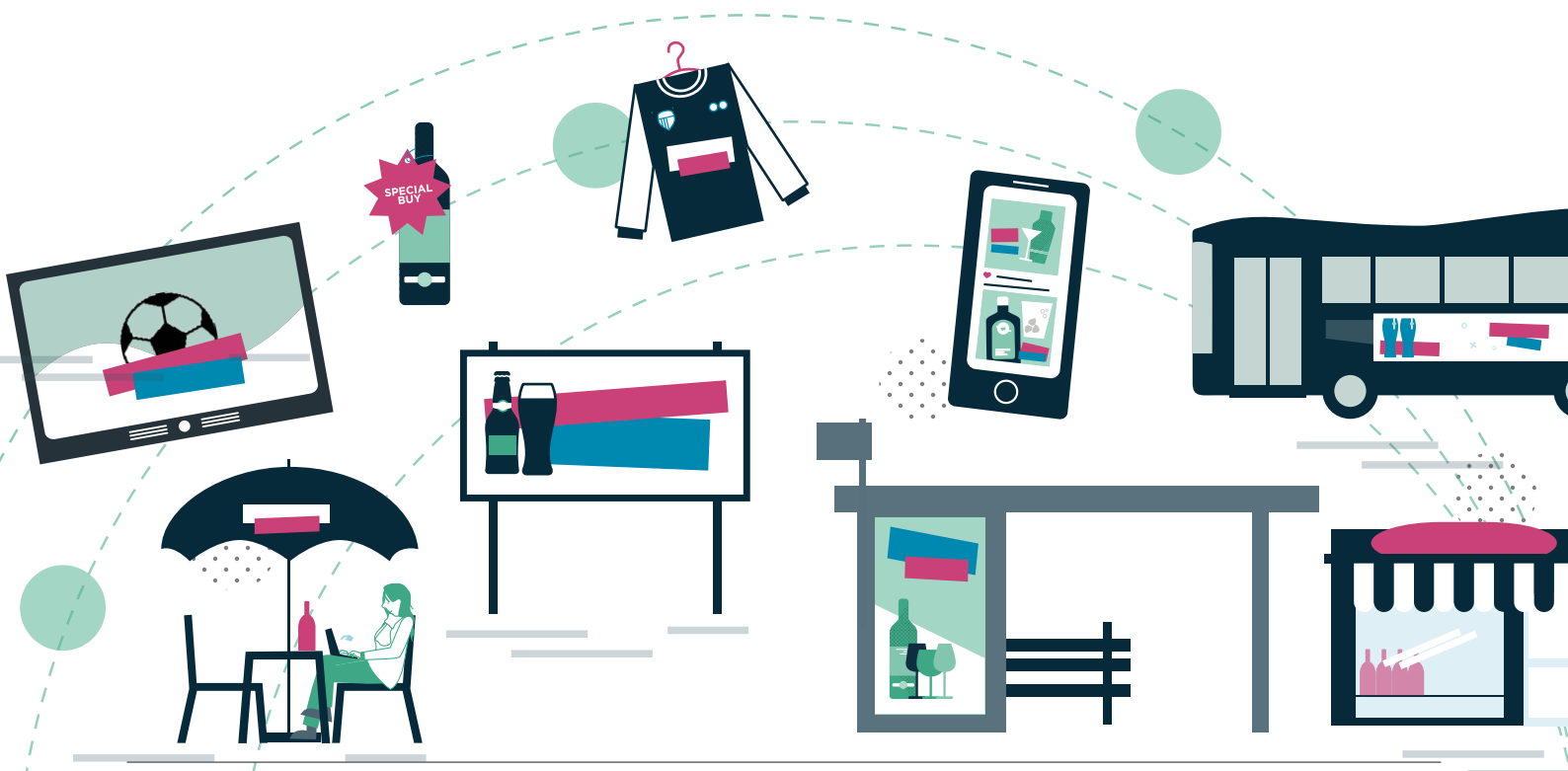
Marketing campaigns vary how they utilise promotion, product, place, and price, combining these variables in different ways to communicate distinct brand values and product suitability and most effectively target specific audiences.

Marketing communications focus on creating positive attitudes to brands and instilling the idea that alcohol consumption improves the experiences of life. The language, style, tone, and imagery of alcohol marketing campaigns are carefully designed to promote sociability and social success, appeal to masculinity and femininity, all things which may appeal to, and resonate with, young people.⁴⁵

Repeatedly exposing people to a marketing message leads to familiarity, recall, purchase and even brands becoming an integral part of people's individual and cultural identities. This results in a cumulative effect of marketing, where the more channels and content people are exposed to, the more likely they will be influenced.^{46 47} Marketing can also influence people long after a campaign has taken place.⁴⁸

"We can therefore prove a longer-term, slow build advertising effect. According to our econometric model, this effect is worth an additional 9000 barrels, or £3.2 million revenue, per £1 million ad spend."

Stella Artois⁴⁸





A good illustration of how the marketing mix works in action is sponsorship. The most common form of alcohol branding within TV programmes is sponsorship, either of a programme or of sporting events.⁴⁹ Studies have consistently shown the high frequency of exposure to alcohol marketing during televised sports broadcasts.^{50 51}

Sports sponsorship provides alcohol marketers with a captive audience, and the opportunity to exploit a variety of sophisticated and interconnected activities, including (but not limited to) alcohol brand logos on match and training strips; advertising inside and outside the stadiums; limited edition products which feature the names of teams and their achievements; extensive social media activity (including interactive content); partnership activity promoting the brand or product via visits to breweries and distilleries; competition tie-ins; ownership of events or competitions by alcohol companies; and players, managers or coaches featuring in adverts, suggesting endorsement of the brand or product.⁵⁰

“Through sponsorship, producers seek to build emotional connections with consumers by enhancing the event experience. It affords opportunities to use the full marketing mix: Carling’s music sponsorship deals include free branded tents for ‘festival virgins’, free cans of beer, free t-shirts and comfort kits, and a free laundry service.”

Professor Gerard Hastings⁴⁵

THE IMPORTANCE OF BRANDING

In addition to where and how a product is marketed, it is also crucial to think about what is being promoted. The physical products in each beverage subsector are, essentially, variations of the same thing. What helps to differentiate them, however, is the personality, characteristics, values, and emotions that are associated with that physical product in the mind of the consumer.

“85% of consumer decisions are driven by emotion and habit... We feel first, then we think. If we want to know what really drives consumer behaviour, tapping into the deeper, nonconscious ensures we measure pure organic emotional reactions.”

Marketing Company⁵²

This attachment of intangible concepts to a physical product is the power of branding in action. For example, in their rawest form, the hops used to brew a particular beer brand are not inextricably linked to a particular football team, yet the two can become synonymous in the minds of consumers through sponsorship deals. Similarly, perceptions of coolness, sophistication, affordability, and desirability are not ingredients added during the distilling process of the physical alcoholic drink. They are fostered and reinforced over time in the minds of consumers through the imagery, iconography, language, and associations with popular culture, sports or music presented in the marketing.

“Branding can be seen as a process whereby intangible emotional benefits and attributes, such as ‘luxury’, ‘coolness’, or ‘popularity’ come to be associated in consumers’ minds with particular products.”

Dr Richard Purves⁵³

Branding is where an identity for each brand is developed and integrated with the lifestyles and interests of target audiences.⁵⁴ Every element of the marketing mix is used to shape people’s thoughts and feelings about a brand in a way that encourages them to associate themselves with it, including purchasing, consuming and displaying it.⁵⁵ The meanings and values of brands then transfer to the people consuming them, becoming an extension of their own identity, used by them to communicate this to others.⁵⁶ The positioning of the brand in this way is a major priority for marketers and an important consideration in the advertising and promotional messages about it.⁵⁷

Alcohol advertising has shifted from a predominantly product sales model to brand marketing, with a focus on building brand identity and emotional connection with the consumer. According to researchers, the brand is now the dominant feature of contemporary marketing, to the point that it has become the real product.⁵⁹ Brand trustworthiness and identity have a major influence on purchasing decisions.⁶⁰ The emotional response to an advert exerts a greater influence on intention to buy a product than the advert’s content, and consumers rely heavily on their emotions when choosing between brands.⁶¹

Alcohol marketing does not therefore need to directly promote an alcoholic product to be successful in achieving its aims. Brand marketing can also include *brand-sharing*, where non-alcoholic products and services are used to promote the brand, and *alibi marketing*, where the brand’s name or logo is replaced with key, identifiable components of the brand identity (often in an attempt to circumvent marketing restrictions).⁶²



“People buy fantasy and desire, not liquid.”

Partner, Marketing Company⁵⁸



Brand-sharing by alcohol brands extends to a variety of products, such as food items (e.g. Jack Daniel's barbeque sauce and Baileys ice cream), merchandise (e.g. clothing and glassware), and even airlines (in the case of Kingfisher beer in India). However, it is increasingly seen in relation to no and low alcohol versions of alcoholic drinks, particularly beers.

Despite substantial growth over the past decade, no and low alcoholic drinks still represent a very small proportion of overall sales for their brands (e.g. 0.2% of total UK alcohol market in 2018/19⁶³). It is, however, becoming increasingly common for no and low alcohol products to be extensively marketed, such as through sponsorship of sporting events. Recent examples include Heineken 0.0%, which became the official beer sponsor of the UEFA Europa League in August 2020⁶⁴ and Peroni Libera 0.0%, which was announced as a sponsor of the Aston Martin Cognizant Formula One team in February 2021.⁶⁵

Brand identity is much more sophisticated than simply brand names and logos. Marketers establish visual cues which become synonymous with the brand, such as font type, straplines, colour and shape. Research has shown that young people in the UK are able to easily identify alcohol brands simply from these visual cues alone, even when the brand name itself has been covered up.⁶⁶ The success of such cues in recalling the brand is illustrated through real-life campaigns, such as Carlsberg's use of its 'Probably' slogan throughout the UEFA EURO 2016 tournament, which achieved a successful 50% prompted recall despite making no reference to the brand name.⁶⁷



EFFECTS AND PURPOSES OF MARKETING ACTIVITIES

The ultimate goal of marketing is to ensure that a profitable relationship is maintained between people and both producers and retailers. This can include encouraging someone to try a product for the first time, encouraging someone to buy more or more frequently, capturing market share from competitors, or enticing previous consumers to return. How marketing exerts this influence, however, is more sophisticated than a simple direct link between marketing exposure and purchase. Instead, marketing reaches this goal by influencing a network of indirect processes that work together to ultimately guide people towards a particular action and choice.

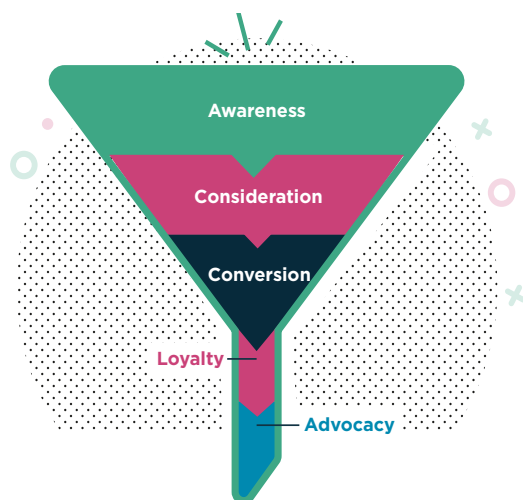
This indirect influence is evident at all stages of the consumer journey and covers almost every conceivable aspect of human nature and behaviour: this includes neurological reactions to the sounds and images in advertising; emotional reactions to brand associations with a sports team or celebrity; changing perceptions about the behaviours of our peers; visual salience of the product in shops; tactile response to the feel of the packaging; and the taste and texture of the product. Successful marketing strategies, and all the individual activities involved, are carefully curated to capture attention and influence across these indirect processes, irrespective of whether someone is trying the product for the first time or is an already established consumer.

Example: Carlsberg, sponsor of the UEFA EURO 2016 tournament, using their tagline 'Probably the best in the world' in their brand's distinctive font and colours to circumvent alcohol sport sponsorship restrictions in France.

“When it comes to targeting a new audience category, we need to lead with psychographic and demographic evidence... Having digital anthropologists on hand is incredible – they’re...incredible storytellers who can tease out how a new audience will authentically connect with a brand.”

Global Chief Creative and Design Officer,
Media Company⁶⁸

The marketing funnel is a helpful concept in understanding the process of introducing a product to someone, through to purchase and beyond.⁶⁹ The consumer journey starts with increased awareness of the brand, with marketing activities that appeal to audiences and make them receptive to future interactions. Repeated marketing messages, including those which are targeted, encourage consideration of purchase. Conversion is where the person is convinced to make a purchase, such as through special offers.



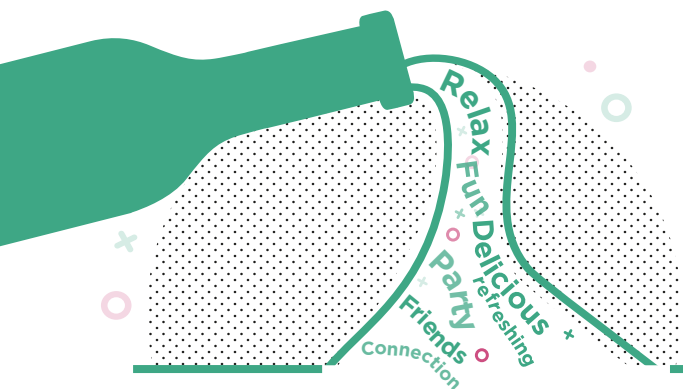
Loyalty to the brand is achieved through such activities as loyalty programmes and social media, encouraging repeat purchase. Lastly, a small number of consumers start to advocate for the brand or product themselves, such as making recommendations to their friends and family, sharing or creating social media content and/or providing reviews; this then supports other consumer journeys.

Not all elements of the marketing mix therefore aim to achieve the same outcome. Brand building generally relates to the upper part of the funnel – activities have a broad reach, influencing what people think about the brand, which drives future sales into the longer term.⁷⁰ The lower part of the funnel relates to activities with a narrow reach that are focused on driving immediate sales.⁷⁰ Brand building aims to change what people think and feel, whereas conversion marketing is focused on changing behaviour.

“The customer journey doesn’t start at A and end at B, but can start at A and sometimes end at Z...[Marketers] need to balance short-term sales and to seed long-term growth. Make the conversion one darker blue so they each have a different colour.”

Trade Press⁷¹

As reported in an analysis of industry case studies,⁴⁸ alcohol marketing activities can have a range of effects. The evidence suggests these effects can act on individuals, but also likely impact on wider society. Building on the range of evidence provided within the literature, the Network has identified the following alcohol marketing effects:



Effects of Alcohol Marketing

PSYCHOLOGICAL EFFECTS	BEHAVIOURAL EFFECTS	SOCIETAL EFFECTS
Increases awareness and recognition of a brand or product	Initiates drinking onset	Increases the social acceptability of alcohol consumption
Conveys core brand/product characteristics	Stimulates trial of new products	Normalises alcohol consumption in new groups and in new occasions
Creates or strengthens brand identity and salience	Increases the frequency of alcohol consumption	Fosters peer-to-peer marketing
Strengthens consumer predisposition or loyalty towards a brand	Increases the amount of alcohol consumed	Creates alcohol-promoting digital environments
Communicates consumer-product suitability		Associates social identity with alcohol brands
Influences attitudes, beliefs, and emotions, such as motivations to consume alcohol and anticipated outcomes from drinking		
Captures attention and provokes a positive cognitive response		
Increases cravings/urges to drink		
Appeals to consumers' friends		



2. ALCOHOL MARKETING AND HUMAN RIGHTS

- People not only have a *need* but also have the *right* to be protected from alcohol marketing. Addressing alcohol-related harm should therefore be envisaged both as a human rights issue as well as a public health issue.
- As well as undermining the right to health, alcohol marketing infringes other related human rights, including the right to life, survival and development, the right to privacy and the right to be free from exploitation.
- States have legal obligations to act to uphold human rights. This includes protecting all people within their jurisdiction from infringement of their right to health and related rights by companies and effectively regulating harmful marketing, including alcohol marketing.
- Too often states relinquish their responsibilities to the detriment of public health, consumer protection and human rights by delegating the regulation of alcohol marketing to industry through self-regulatory or voluntary codes.
- States should regulate alcohol marketing effectively in the public interest – avoiding conflicts of interest and undue interference from industry actors – and replace self-regulatory standards with legally binding measures.



There is an inherent conflict between the commercial goals of businesses which sell unhealthy products such as alcohol, and the protection of the health of individuals and society.

This conflict increases in severity when the underpinning economic model of that business is predicated on, or is at least driven by, disproportionate profits from the heaviest users. This is the case for alcohol, with most purchases made by the heaviest drinkers⁷⁴ and alcohol companies shown to specifically target people who drink heavily.⁴⁸ The next generation of drinkers are also crucial to the industry's financial viability; those below the legal purchase age are inevitably exposed to marketing that targets the youngest people legally permitted to buy alcohol.⁷⁵

"The corporation's legally defined mandate is to pursue, relentlessly and without exception, its own self-interest, regardless of the often harmful consequences it might cause to others."

Law Professor, Joel Bakan⁷⁶

It is therefore appropriate to consider how marketing controls could help correct this imbalance between commercial interests and public health. Taking action to reduce alcohol marketing has long been recognised as one of the 'best buys' to reduce alcohol harm.⁷⁷ The imperative to regulate alcohol marketing is further heightened by the increasing recognition that alcohol-related harm not only is an important global health problem, but also raises major human rights concerns.

There are a number of relevant rights implicated in discussions on alcohol-related harm, and on the impact of alcohol marketing more specifically. The World Health Organization (WHO) Global Alcohol Action Plan specifically refers to the right to the enjoyment of the highest attainable standard of health.⁷⁸ The right to health is

enshrined in many international and regional conventions, including Article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) and Article 24 of the UN Convention on the Rights of the Child (UNCRC). The right to health has been interpreted expansively as a right to grow and develop to one's full potential and live in conditions enabling the attainment of the highest standard of health through the implementation of programmes that address the underlying determinants of health.⁷⁹ As will be explored in this report, in addition to harming the right to health and the right to life, survival and development, alcohol marketing (and digital alcohol marketing in particular) also harms other related human rights including the right to privacy and the right to be free from exploitation.⁸⁰

Specific rights are also granted to certain groups of people with particular vulnerabilities. The UNCRC, for example, mandates that states uphold the best interests of the child as a primary consideration in all their actions concerning children.⁸¹ This principle is paramount when balancing competing rights and interests, as it requires that the best interests of the child shall not be considered on the same level as other considerations such as private economic interests.⁸²

Throughout this report, the Network has taken a human rights-based approach to alcohol marketing and its control. In doing so, it has drawn heavily on work developing a child's-rights based approach to food marketing.¹⁷ The discussion in this chapter adapts the rationale set out within that approach to justify action on alcohol marketing from a human-rights perspective.

"The enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being."

World Health Organization Constitution⁷²

"Protection from alcohol-related harm... contributes to the fulfilment of the right to the highest attainable standard of health..."

World Health Organization Global Alcohol Action Plan for 2022-2030⁷³

HUMAN RIGHTS OBLIGATIONS ON STATES

Human rights are not optional: they are anchored in law and lay down legally binding obligations on states as duty-bearers to respect, protect and fulfil people's rights. In particular, according to WHO, the obligation to protect human rights requires that states adopt a preventive approach and regulate the commercial determinants of health effectively.⁸³ This includes the alcohol and advertising industries when their practices do not respect human rights.

As the UN Committee on Economic, Social and Cultural Rights has stated, "the obligation to protect [people's right to health] sometimes necessitates direct regulation and intervention."⁸⁴ It outlines the state's duty to protect people from an infringement of their right to health by third parties, including corporations, and urges states to discourage production, marketing and consumption of harmful substances, such as alcohol.

In addition, the UN Guiding Principles on Business and Human Rights highlight that states have an obligation to regulate harmful commercial practices, whilst businesses have a responsibility to ensure that they respect human rights, including the right to health and other related rights negatively affected by the marketing of alcoholic beverages.⁸⁵

Alcohol is a regulated product in most countries, with certain controls on how and when it can be sold and marketed. Yet when it comes to alcohol marketing, too often states relinquish their responsibilities to the detriment of public health, consumer protection and human rights.

A key example of this is states delegating the regulation of alcohol marketing to industry through self-regulatory or voluntary codes. As will be seen throughout this report, such approaches do not prevent high levels of exposure to, or the appeal of, alcohol

marketing. Evidence also shows that when the alcohol industry controls compliance, monitoring and complaints processes they fail repeatedly to remove marketing materials that have been identified as non-compliant with industry codes.⁸⁶ Such approaches therefore fail to uphold human rights.

States are accountable under human rights law and must remedy any human rights infringements. In the context of alcohol marketing more specifically, accountability requires that states should regulate alcohol marketing in the public interest – avoiding actual, potential or perceived conflicts of interest and undue interference from industry actors – and end self-regulation. Instead, states should implement effective, legally binding regulation of the alcohol and advertising industries. This is all the more so as, once the concept of 'rights' is introduced in policy-making, it becomes harder to justify a prioritisation of industry interests over people's interests; the rationale for intervention no longer comes only from the fact that people have a *need* to be protected from alcohol marketing but that they also have the *right* to be protected.¹⁷ These entitlements give rise to legal obligations on the part of states, meaning states become accountable for ensuring rights are realised.¹⁷

The added value of viewing alcohol marketing through a human rights lens has, to date, been seen primarily in relation to children's rights, where international human rights bodies have provided interpretative guidance to states about the action they should be taking to protect children.* The UN Committee on the Rights of the Child has called on states to adopt preventive measures such as effective regulation and monitoring of advertising and marketing industries, recognising legislation and regulation as essential instruments for ensuring

*Children are protected by the UNCRC until they reach adulthood, which is defined in Article 1 of the Convention as 18 years of age, unless otherwise defined at national level.

that activities and business operations do not adversely impact upon or violate the rights of the child. It has specifically mentioned the problematic role that mass media may have on children and the need to regulate the media to protect children from harmful information.⁸⁷

The UN Special Rapporteur on the Right to Health has also urged governments to “ban the advertising, promotion and sponsorship of all children’s sporting events, and other sporting events which could be attended by children, by manufacturers of alcohol, tobacco and unhealthy foods.”⁸⁸ More recently, in relation to the rights of children in the digital environment, the Committee on the Rights of the Child has urged states to “make the best interests of the child a primary consideration when regulating advertising and marketing addressed to and accessible to children” and to prohibit all profiling or targeting of children for commercial purposes.⁸⁹

When states regulate alcohol marketing, they should anticipate that claims may be made that such regulation is incompatible with the fundamental rights of industry actors. In particular, companies may argue that they have the right to free (commercial) expression and the right to (intellectual) protection, or point to international trade and investment obligations. However, a growing body of literature has highlighted that trade, human rights and public health requirements can and must be reconciled.⁹⁰ As the Scottish minimum unit pricing litigation has demonstrated: if Scotland can establish that a proposed measure is likely to meet the public health objectives it pursues without *unnecessarily* restricting trade or competing rights, then it can be lawfully adopted – and should be, both on public health and human rights grounds.⁹⁰

IMPLEMENTING HUMAN RIGHTS-BASED APPROACHES

In May 2022, the World Health Assembly adopted the WHO Global Alcohol Action Plan for 2022-2030 which calls for a human rights approach to the development and implementation of alcohol policies at all levels, noting in particular that “protection from alcohol-related harm...contributes to the fulfilment of the right to the highest attainable standard of health.”⁷³ This is in line with other UN strategic documents on the prevention and control of non-communicable diseases, of which alcohol consumption is a major contributor.⁹¹ This evolution has important implications for how states around the world should act, both individually and collectively, to promote healthier environments and therefore prevent alcohol related harm.^{15 16}

Several ways have been identified to embed human rights-based approaches to alcohol marketing at the international level. Calls have been made for an Optional Protocol to the UNCRC to protect children from harmful marketing, including alcohol marketing.⁹² Other calls support a Marketing Code⁹³ or a Framework Convention on Alcohol Control,⁹⁴ similar to that developed for tobacco, which has led to the wide adoption of a variety of policies across many countries.⁹⁵ These proposals are worthwhile, considering the added value of a human rights-based approach to the regulation of the alcohol industry, and alcohol marketing more specifically.

3. THE IMPACT OF ALCOHOL MARKETING ON THE GENERAL POPULATION

● Alcohol marketing is a multi-billion-dollar business. Its aggressive, pervasive and sophisticated nature affects us all, driving high levels of alcohol consumption and harm.

● Brand marketing not only enables companies to retain existing customers and facilitate switching between brands, but crucially also to recruit new drinkers and to drive increased consumption.

● Alcohol marketing encourages people to have positive attitudes towards alcohol, influences our drinking behaviour and creates a culture where regular alcohol consumption is considered normal and desirable, and even part of a healthy lifestyle.

● One of the key purposes of marketing regulation, as recognised by the World Health Organization, is to prevent companies from creating and sustaining these social norms.



Alcohol marketing affects all of us. Significant global investment in the marketing of alcohol brands and products – expected to exceed \$7.7 billion by 2023⁹⁶ – inevitably leads to most people being exposed to high volumes of alcohol marketing.

A recent survey in Ireland found that 9 out of 10 adults recalled seeing alcohol marketing in the past month, and at least half recalled seeing alcohol marketing approximately 2-3 times a day. Even then, these self-reported figures are likely to under-estimate the true extent of exposure.⁹⁷

There is a wealth of evidence that exposure to alcohol marketing is causally linked to consumption.^{98 99 100} Alcohol marketing encourages positive alcohol-related attitudes, influences drinking behaviour and, as recognised by the World Health Organization (WHO), has a significant normative effect across the wider population. This influence must be acknowledged as a factor contributing to high levels of alcohol consumption and harm. Alcohol causes over 200 health conditions and diseases,¹⁰¹ killing one person every 10 seconds around the world.⁷⁸ As outlined in the preceding chapter, this undermines the right of every person to the highest attainable standard of health.

In this chapter, we examine the impact of alcohol marketing on the general population (those aged 18 years and over).

EFFECTS OF ALCOHOL MARKETING ON THE GENERAL POPULATION

Critical appraisals of alcohol marketing campaigns show that promotional activity by alcohol companies not only enables brands to retain customers and to facilitate switching between brands or products, but also serves to recruit new drinkers and increase consumption.^{45 48}

In particular, analysis of advertising case studies provides evidence of a causal relationship between advertising and increased brand sales and indirect consumption outcomes.⁴⁸ The researchers note that advertising aims to stimulate trial, increase drinking frequency, increase the range of drinking occasions, target heavy drinkers, and recruit new drinkers. They conclude that – contrary to industry claims – it is highly unlikely that advertising does not, or is not intended to, increase consumption.⁴⁸

Although most research on the effects of alcohol marketing has focused on children and young people,^{103 104} there is a clear evidence base for the effect of alcohol marketing on the adult population, across promotion, product, place and price.

There is conclusive evidence of a small but consistent association of advertising with consumption at a population level.¹⁰⁵ Studies have indicated that alcohol portrayals within alcohol advertising act as cues for drinking, influencing consumption levels.^{106 107} A meta-analysis of studies investigating the effect of exposure to alcohol adverts on drinking has found that participants who viewed alcohol advertisements consumed more alcohol than those who did not.¹⁰⁸

In an American study, an increase in exposure to televised adverts for beer, wine and spirits was associated with an increase in the likelihood of having had a drink in the past month, and a 5% increase in the number of drinks consumed for those who did drink.¹⁰⁹

“They’ll drink bucket loads of the stuff and still manage to last the duration.”

Creative brief for the Lambrini 2005 campaign¹⁰²

In beer drinkers aged 18 in New Zealand, liking of alcohol advertising had a positive impact on beer consumed at 21 years and they were more likely to be heavy drinkers at 26 years.^{110 111}

However, as explored in chapter one, alcohol marketing is much more than solely advertising. Other types of alcohol promotion influence adults' attitudes and behaviours towards alcohol, often in a more powerful way. A systematic review of cross-sectional studies has reported a positive relationship between alcohol marketing exposure and alcohol use behaviours for adolescents and young adults (up to the age of 25); this was stronger for exposure to alcohol promotion, such as sponsored events and owning alcohol-branded merchandise, than for advertising.¹¹²

The high levels of exposure to brands achieved through sport sponsorship results in greater brand recall¹¹³ and affects attitudes towards the specific advertised brand and alcohol in general.^{114 115} Sport sponsorship has been associated with increased consumption for adults who play sport.¹¹⁶ Celebrity endorsement also significantly drives sales.¹¹⁷

Systematic reviews have indicated that engagement with digital alcohol marketing is positively associated with increased alcohol consumption, increased binge or risky drinking behaviour, and alcohol-related problems, including for young adults.^{26 118} Experimental studies have also found that alcohol marketing on social media increases people's interest in visiting a bar and intentions to consume alcohol.^{119 120} The participatory nature of digital marketing means it has a more powerful influence on drinking behaviour than simple exposure.^{26 121}

One of the most important elements of product marketing is packaging. Not only are packaging strategies particularly effective in developing brand identity and perceptions, they also influence purchase and usage behaviour.⁴³ A recent study with young adult drinkers in Scotland has shown how alcohol packaging can elicit expectations, influence purchasing decisions, and encourage purchase.³⁷ Pack graphics, structure, and on-pack promotions all influenced the appeal of products, and most participants reported retaining empty packs that they considered nice, expensive or 'cool' for display, upcycling (for example to display flowers or candles) or collection.³⁷

“I don't actually like beer, but I bought it specifically because I liked the packaging.”

Young adult drinker³⁷

“It [limited-edition packaging] may make you want to try it faster because you might think it won't be around for long, so you might want to pick it up and give it a try.”

Young adult drinker³⁷

Within the retail environment there are substantial opportunities to promote alcohol and drive sales. In-store marketing and strategic product placement increase the visibility of products in general and influences purchasing behaviours.^{122 123 124 125} This is also the case for alcohol; for example, displaying alcoholic drinks at the end of aisles has been shown to uplift sales in supermarkets by up to 46%.¹²⁵



Advertising linked to off-sales premises visible from outside the store may also have an impact. In finding an association between alcohol advertisements outside of off-trade premises and increased violence, researchers in America proposed that “publicly visible alcohol advertisements may normalize alcohol consumption, make outlets look more appealing, and make alcohol appear more affordable, thus attracting more customers.”¹¹²⁶

Point-of-sale promotions, including price discounts, giveaways and competitions, are common and can influence the type and range of alcohol purchased, as well as lead to the purchase of substantially more alcohol than originally intended.^{127 128} There is consistent evidence to suggest that point-of-sale promotions are likely to affect overall alcohol consumption.¹⁰⁵ For example, point-of-sale alcohol promotions were associated with binge drinking among American college students.¹²⁹ Price promotions have also been associated with increased purchases in Australia; this was particularly true for those who did not know what they intended to purchase beforehand.^{128 130} In South Africa, exposure to free offers when buying alcohol impacted heavy drinking.¹³¹

For most people, price exerts the greatest influence on their purchasing decisions.¹³⁴ This is also the case for alcohol, with consumption very closely related to price: when alcohol gets cheaper, consumption levels generally increase and vice versa.^{135 136} Studies illustrate how marking the price on the product itself can help drive sales, particularly impulse sales.¹³⁷ Nearly half (48%) of shoppers asked at point of purchase said that price marked packs encouraged them to purchase their chosen product.¹³⁸

Tobacco advertising briefs suggest that the success of price marked packs can be attributed to the consumer’s belief that it indicates a special promotional price, due to the style and prominence of the message.¹³⁹ Providing the regular price for comparison has also been shown to enhance the perceived value of offers on larger deals,¹⁴⁰ and evidence from the Netherlands suggests that price discounts directly encourage sales.¹⁴¹

“It [the price-mark] makes it appealing because it’s cheap.”

Young adult drinker³⁷

With the variety of promotional channels and activities and the way in which campaigns blend these together, it can be difficult to identify the effects of individual elements. However, what is clear is that alcohol promotional activities consistently demonstrate an aggregative effect;¹⁰⁵ the more people are exposed, the greater the effect. For example, recent research undertaken in Ireland has revealed an association between overall awareness of alcohol marketing and higher-risk drinking in adults, similar to that shown for children and young people.⁹⁷

THE NORMATIVE EFFECT OF EXPOSURE

While there is evidence of the impact of different elements of marketing on the adult population, one of the key outcomes of the cumulative effect of marketing is its impact on social norms. Marketing is designed to create and sustain expectations and norms around alcohol use as positive, aspirational, commonplace, and even part of a healthy lifestyle. The positive expectations around alcohol use created by marketing are predictive of consumption.^{142 143} Industry influence on social norms relating to consumption has been identified by WHO as a reason to restrict alcohol marketing.^{11 77}

There is a vast body of literature suggesting that social norms are amongst the most powerful drivers of behaviour, including drinking.^{144 145} Higher levels of exposure to alcohol marketing are associated with permissive perceived norms about peer drinking,¹⁴⁶ which have a significant influence on young adults' drinking.¹⁴⁷ For example, perceptions of peer drinking have been found to predict alcohol use, in turn predicting alcohol problems.¹⁴⁸

This influence is exploited by alcohol marketers who actively (and subtly) recruit people to act as marketers within their own peer network, such as by creating and sharing social media content,^{27 149} which leads to familiarisation with and normalisation of drinking.¹⁵⁰ As well as using peers to influence attitudes and behaviours, alcohol companies capitalise on the tendency for people to conform to what other people do¹⁵¹ through using sports, celebrities and social media influencers to promote their brands. In contrast to celebrities in traditional media, the similarity to their audience and perceived approachability and closeness makes social media influencers particularly persuasive.¹⁵² People feel more closely connected to them, seeing them as friends or peers rather

than as strangers.¹⁵² The nature of influencer marketing makes it difficult, however, for followers to tell whether content is advertising or organic and independent.¹⁵³

By reinforcing social and cultural influences towards heavier drinking, alcohol marketing undermines efforts by public health to reduce consumption levels.¹⁵⁴ The money spent on marketing alcohol in the UK far exceeds expenditure on public awareness campaigns to highlight the risks of alcohol consumption. For instance, in 2021 Diageo spent over £2.1 billion on marketing, accounting for 17% of net sales.¹⁵⁵ It is perhaps unsurprising, therefore, that there is a mismatch between people's perceptions about the negative effects of alcohol use and reality. A 2018 review found that fewer than half the respondents across 32 studies correctly identified the link between alcohol and cancer.¹⁵⁶

Product packaging provides an alternative, potentially high-reach, platform to communicate health-risk information to consumers at the points of sale and consumption.¹⁵⁷ It is not in the industry's interests however, for alcohol packaging to serve this purpose, and in the absence of mandatory labelling requirements, alcohol companies fail to include prominent health information and warnings on their products.^{158 159} Many people do not trust alcohol manufacturers to include information voluntarily, believing that any information currently provided on-pack is intentionally small and ambiguous, and that providing prominent health information would result in reduced appeal and loss of revenue for the industry.¹⁶⁰

Analysis of labels suggests that labels commonly refer to industry-funded websites rather than official health advice.^{159 161} However, research has revealed that websites and materials of industry-funded corporate social responsibility (CSR) organisations misrepresent the evidence of the health harms of drinking,^{162 163} make health-related information difficult to access, enhance exposure to misinformation, normalise drinking and even prime people to drink.^{164 165} Further research has found that responsible drinking messages – which also frequently feature on product labels – are strategically ambiguous and ineffective.^{166 167}

“I mean [the ‘please enjoy responsibly’ message] is a connotation isn’t it? It’s a positive experience, you’re never going to think, “oh that’s bad”. I’m going to enjoy that. To enjoy something is about the night that you’re going to have. The possibility of more.”

Young adult drinker¹⁶⁰

Most alcohol products do not display ingredients and nutritional content on pack,^{159 168} in contrast to other non-alcoholic drinks and foodstuffs where there are often legal obligations to do so. However, this information is increasingly provided where there is a commercial advantage, as can be seen in ‘better-for-you’ marketing. The industry’s failure to routinely provide basic product information across all products denies people the opportunity to compare products against each other and to make informed decisions.

EXAMPLE – ‘BETTER-FOR-YOU’ MARKETING

Despite the inherent risks to health caused by alcohol, marketing strategies are being used to position particular alcoholic products as ‘healthier choices’ to harness increasing health consciousness among consumers, a practice known as ‘better-for-you’ marketing.^{169 170}

Products are marketed using claims about health, ingredients, or nutrients, such as low sugar, carbohydrate or calorie content; natural ingredients and added vitamins; vegan status; or a lack of gluten, artificial additives or flavours.³⁵

Examples include low-calorie “skinny” lagers providing nutritional information on pack as a key feature;¹⁷¹ “guilt free” hard seltzers that are vegan, gluten-free, free of artificial additives and low in sugar and calorie content, “for healthy hedonists”;¹⁷² and “clean” wines that claim to “pair with a healthy lifestyle” and offer “wellness without deprivation.”¹⁷³ Alcohol producers have even linked alcohol consumption with fitness, rewarding exercise with free beer¹⁷⁴ and naming products after exercises themselves.¹⁷⁵



With the rise of alcoholic hard seltzers (ready-to-drink products that tend to be lower in energy content and focus on natural ingredients), there has been a marked increase in better-for-you marketing over the past few years.^{176 177}

“I’ve always enjoyed a social drink with friends, but I also lead a busy lifestyle and I am passionate about my health, fitness, and the environment. Served is a brand that allows me to have it all – a delicious and refreshing alcoholic drink without all the calories, sugar and bad stuff.”

Ellie Goulding, Served Hard Seltzer¹⁷⁸

This is concerning as health and nutrition-related marketing can create a ‘health halo’ on unhealthy products whereby consumers perceive the product to be healthier than it actually is based on a singular favourable attribute (e.g., low carbohydrate, ‘no additives’, etc.).^{179 180} For example, participants in a recent Australian study who viewed alcoholic drinks with a low sugar claim rated them as lower in alcohol content, healthier and less harmful to health than those who viewed an identical product with no claim.¹⁸¹



PROTECTING ADULTS

The aggregate effect of alcohol marketing and its multi-channel approach can be seen to have a clear impact on people's purchasing and consumption habits, and therefore on their health.

What marketing serves to do is to create an alcohol-promoting environment where norms about alcohol's place in our society are reinforced. There is little opportunity for messages countering these norms to cut through; public health lacks the resources (or likely sophistication of messaging) to counter industry narratives, and utilisation of potentially high-reach platforms such as product labelling are resisted by industry. This suggests the need for interventions from countries to better protect the health of their citizens. The need for action is amplified when considering the impact of alcohol marketing on those groups who may be particularly susceptible to its effects: children and young people and people with (or at risk of) an alcohol problem. The impact of alcohol marketing on these groups is explored further in the following two chapters.

4. THE IMPACT OF ALCOHOL MARKETING ON CHILDREN AND YOUNG PEOPLE

- Exposure to alcohol marketing is a cause of youth drinking. It leads young people to start drinking earlier, to drink more if they are already drinking, and to drink at heavy or problematic levels. This can establish drinking patterns that are carried into adulthood.
- Alcohol marketing provides the building blocks for current and future behaviour by affecting how children and young people think and feel about alcohol. It helps develop brand preferences and positive expectations around alcohol, creating and reinforcing social norms around drinking.
- Current regulatory approaches in many countries fail to protect children and young people from regular exposure to alcohol marketing, or from content that is appealing to them.
- Children and young people recognise how highly visible and heavily marketed alcohol is.



It has long been accepted that the direct targeting of marketing messages to children and young people under the legal drinking age is not appropriate.

Children and young people are at particular risk from alcohol marketing both due to their increased susceptibility to its persuasive messages and because they experience disproportionate physical and mental impacts from drinking alcohol.¹⁸² Significantly, research published since the Network's first report has now established a causal connection between children and young people's exposure to alcohol marketing and drinking.⁹⁸

The World Health Organization (WHO) has highlighted one of the key purposes of marketing restrictions is to prevent young people from being exposed to marketing.¹¹ Many countries have in place some form of regulation designed to provide children and young people with special protection from the effects of alcohol marketing. However, such rules often do not prevent children from being regularly exposed to marketing, or from it appealing to them. This chapter discusses the implications of this for children and young people.

NATURE AND EXTENT OF ADOLESCENT DRINKING

The UN Committee on the Rights of the Child has warned that the marketing of alcohol to children can have a long-term impact on their health, affecting their right to life, survival and development.¹⁸³ Due to their physical immaturity and lower tolerance levels, adolescents (those aged 10 to 19) are more susceptible to the intoxicating and harmful effects of alcohol.¹⁸⁴

Mental wellbeing is particularly affected, with young drinkers experiencing an increased risk of self-harm and suicide attempts.^{185 186}

According to Samaritans, just one occasion of heavy drinking can reduce inhibitions enough to self-harm or act on suicidal thoughts, even in someone who is not a regular or heavy drinker.¹⁸⁷

Alcohol use during adolescence affects important brain development processes, which are still taking place up until the age of 25. Studies have found drinking to adversely impact on cognition (such as memory, attention and retention of new information), mood, and decision-making ability.¹⁸⁸ These changes in the brain can be long lasting and can, in turn, perpetuate a negative cycle of increased alcohol use and related harms.^{188 189}

Drinking at this age also establishes drinking patterns that may be continued into adulthood. Those who start drinking at an earlier age have an increased risk of developing alcohol dependence later in life.¹⁹⁰ Higher alcohol consumption in adolescence is also a predictive factor for harmful drinking and dependence as an adult.^{191 192}

ALCOHOL MARKETING CAUSES AND DRIVES YOUTH DRINKING

The evidence is clear that exposure to alcohol marketing is a cause of youth drinking.⁹⁸ This is the conclusion reached by researchers applying the same methodology that established the causal link between tobacco and cancer.¹⁹³



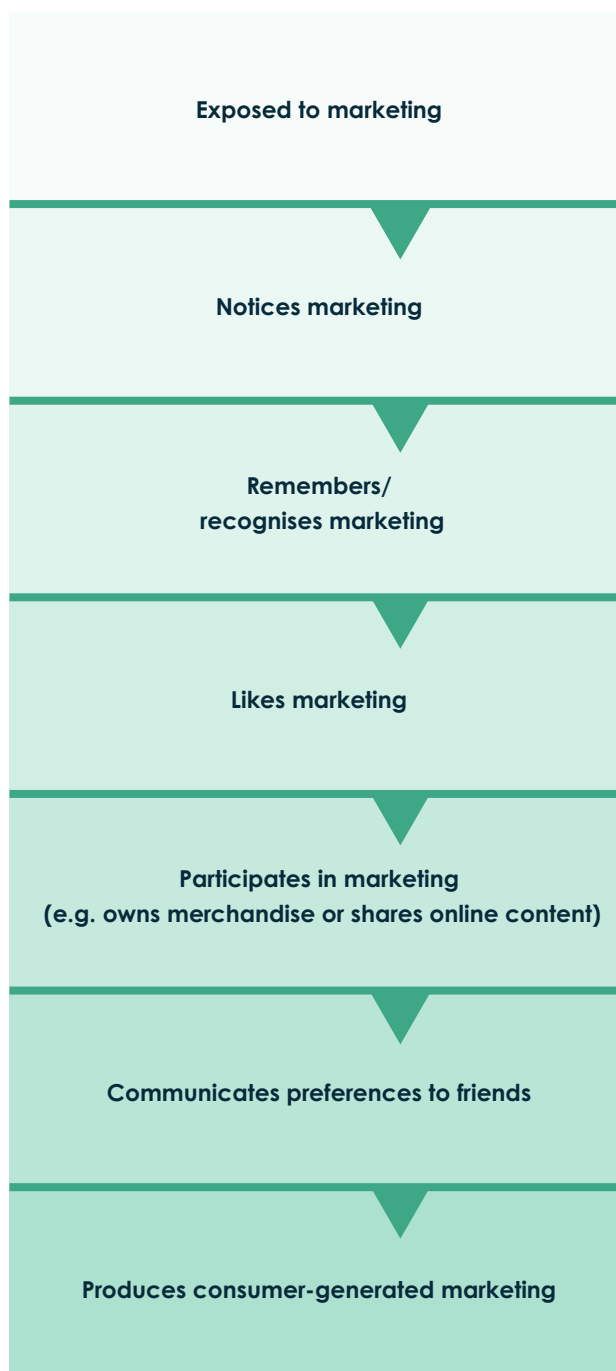
9 in 10 under-18s in the UK recognise at least one alcohol brand

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 levels.^{99 100} Alcohol marketing provides cues to the brain that stimulate the desire to drink, to which an adolescent's developing brain is particularly responsive.¹⁹⁴

Researchers suggest that children move through different stages of response to alcohol marketing, from exposure, to noticing, remembering, liking, and then participating.¹⁹⁵ While earlier stages, such as being exposed to and liking adverts, have been associated with drinking behaviours,^{99 196} active participation – such as 'liking', sharing or creating content online, or owning merchandise – is particularly influential, being more closely associated with increased alcohol use than simple exposure.^{26 197}

Marketing is therefore not just about influencing short-term purchasing but about establishing an on-going relationship with the brand which persists over years. The young person goes through cycles of exposure and response in which advertising messages are internalised and incorporated into their identity during this time.¹⁹⁵

Marketing has a cumulative effect. The more channels and content people are exposed to, the more likely they will be influenced. Studies report that adolescents who had consumed an alcoholic drink were aware of significantly more alcohol marketing channels than adolescents who had not.^{46 47} There is also a lagged effect, with advertising affecting consumption even years after a campaign ends.⁴⁸ In a review of studies examining the impact of exposure to marketing for children and young people, exposure was associated with subsequent increased drinking up to eight years later.¹⁰⁰



Stages of children and young people's response to alcohol marketing, adapted from image within McClure et al. (2013).¹⁹⁵



THE BUILDING BLOCKS FOR FUTURE BEHAVIOUR

Alcohol marketing affects how adolescents think and feel in a way that impacts both their current and future alcohol use.^{194 198 199}

Important influences include the development of brand preferences and positive expectations around alcohol, and the creation and reinforcement of social norms.¹⁹⁵

The exposure of children and young people to the wide array of marketing channels and techniques primes their relationships with brands well before they reach legal drinking age. High levels of brand knowledge and preferences for certain brands have been demonstrated by under-18s, including in Scotland and the rest of the UK, even before they have started to drink.^{200 201} Nine in ten under-18s in the UK recognise at least one alcohol brand, with recognition increasing with age from 82% of 11-12-year-olds to 91% of 13-15-year-olds and 97% of 16-17-year-olds.⁶⁶

A previous survey found that children as young as 10 could readily identify alcohol brands and associated visual cues such as logos, and characters from alcohol advertising on TV.²⁰² Nine out of ten children recognised the beer brand Foster's, a higher recognition rate than for leading brands of crisps, biscuits and ice-cream.

Children's Parliament participants, aged 9-11-years-old, have also demonstrated high levels of alcohol brand awareness, identifying

and referencing certain brands, their logos and advertising strategies in their discussions and artwork showing how alcohol affected their lives.¹⁴

Whether a brand appeals to a young person depends on a number of factors, from how well they recognise and trust the brand, to the product's price, packaging design, taste and colour.^{56 200} Young people are attracted to brands that they believe align with their values and interests; information that they receive through marketing messages. The meanings and values of brands then transfer to the people consuming them.²⁰³ For example, in a Scottish study with 14-17-year-olds, brands were used by young people to communicate attributes of products and, by association, those drinking them.⁵⁶ Adolescents as young as 14 have been shown to use alcoholic drinks to portray a drinking identity aligned to their gender and sexuality, and have displayed a desire to associate themselves with the mature drinking culture personified by some brands.²⁰⁰

Young people's preferences for particular brands do not develop spontaneously. Industry documents reveal that market research with children as young as 15 has been used to guide and inform marketing campaigns.²⁰⁴ While the alcohol industry maintain they do not directly target underage drinkers, these documents highlight that new generations are a key target for them. Ensuring early brand recognition is seen to be particularly advantageous in the drive to establish brand loyalty.²⁷

"You see it everywhere, [American lager] is heavily advertised, so that's probably why I grabbed it."

13-14-year-old²⁰⁰



The development of brand preferences and allegiance from a young age is significant because young people who have greater awareness and familiarity with brands, or who have developed brand preferences, are more likely to drink more alcohol.^{209 210 211}

Being widely advertised and consumed gives brands a degree of credibility and appeal for young people,^{56 200} who drink the brands they are most exposed to.^{212 213}

Advertising and media representations of alcohol are one way in which children and young people learn about alcohol and develop expectations and attitudes towards it.²¹⁴ Marketing messages influence young people's perceptions of the risks and rewards of consuming alcohol, with those exposed to alcohol advertising more likely to associate drinking with positive effects.^{142 198} This can include beliefs that alcohol helps you relax, enables you to be more confident, and makes parties more fun. These positive expectations around alcohol use are, in turn, strongly associated with drinking behaviour.¹⁹⁹

Alcohol marketing directed at young people has been found to focus on the theme of friendship, socialising and fitting in.²⁰⁴ Young adults in Australia have identified the main themes of alcohol advertising on Facebook as related to social success and significant improvement in mood.²¹⁵ Such messages shape and reinforce perceptions among children and young people that drinking is common, sociable and expected.²¹⁶

“They quite often depict social situations, friends and then you’ll see at the end it is actually for alcohol.”

15-18-year-old

BUILDING BRAND LOYALTY THROUGH SPONSORSHIP

Alcohol sponsorship of people and events – such as celebrities and sporting competitions – has particular power and intensity, marrying as it does both high exposure and strong emotional connection. Celebrity endorsement has been found to be especially effective with teenagers;²⁰⁵ they find it harder to distinguish between attractiveness, trustworthiness and expertise than adults.²⁰⁶ As more relatable to children than traditional celebrities,²⁰⁷ social media influencers can exert a powerful persuasive force on them.²⁰⁸

“The Rock advertises his own, like, alcohol brand on his Instagram. He takes pictures of it.”

12-14-year-old

Sponsorship trains children to associate brands with certain teams and events which may be closely associated with their interests, identity, and aspirations. Following four years of sponsorship of the Scottish national football team by Carling beer, almost half (47%) of all 10- and 11-year-old children, including 60% of boys, made this connection.²⁰² Young people have indicated how they have liked and shared social media content of particular brands because of their association with football, and because this aligns with their desired identity:

“Budweiser sponsor the FA Cup, I’ve just downloaded the app so I’d probably like their page as well to keep up to date with things... [My friends]’ll be able to see it if I like it but sometimes I’ll share things if they’re football-related.”

14-15-year-old⁵⁶

EXPOSURE TO ALCOHOL MARKETING

The clear evidence about the impact that alcohol has on children and young people's development, and the role of marketing in directly and indirectly influencing children's attitudes and behaviours towards alcohol, drinking and brands, highlights the importance of limiting their exposure to alcohol marketing.

However, regulatory structures that are designed to limit children and young people's exposure to alcohol marketing are often inadequate. Where legislation addresses exposure, this often takes a crude approach to the locations or times at which children should be protected from marketing. More common self-regulatory measures that seek to control the content of marketing, and ensure it is not specifically targeted at people below the legal drinking age and does not have strong appeal to them, are especially ineffective.

Understanding children's exposure to alcohol marketing requires an understanding of how children live their lives. Children are fully integrated members of their communities, occupying many of the same spaces as adults. In the absence of comprehensive bans on marketing, children remain exposed to large amounts of alcohol marketing, across the full range of the marketing mix. The multi-faceted nature of alcohol marketing and its intrusion into children and young people's daily lives is clear from their own testimony. Children have described alcohol as being highly visible, including at home, on the streets, in shops, on public transport, on television, on social media, at sports games and at festivals.^{14 217}

“Where do we see alcohol? Everywhere!”

9-11-year-old, Member of Children's Parliament

“We see alcohol every day, up to a few times a day but we are just kind of used to seeing it.”

12-15-year-old

Children and young people regularly see alcohol products and promotional activity, including price promotions, in the retail environment. In France, nearly three quarters of under-18s were exposed at least once a month to alcohol advertisements in supermarkets.²¹⁸ A similar proportion (73%) of 11-19-year-olds in Scotland reported having seen special price offers for alcohol in the past month,⁴⁷ which is most likely to have occurred in the retail environment. Analysis of body camera footage from children aged 11-13 years in New Zealand found over nine in ten of the children making trips to supermarkets were exposed to alcohol marketing, with 87% of all trips resulting in exposure.²¹⁹ Shop fronts themselves were found to make up a significant proportion (16%) of their total exposure to alcohol marketing.²²⁰





Out-of-home advertising is a key source of exposure.^{220 221} For example, almost half (49%) of under-18s in the UK reported having seen alcohol advertising on billboards in the street in the last month.⁶⁶ With many children reliant on public transport, especially if they are from more deprived areas,²²¹ they spend a lot of time around bus stops and roads.²²²

The normalisation of alcohol in society is linked to high levels of consumption. This means children see alcohol packaging not just in shops and in advertising, but also at home. In New Zealand, children aged 11-13 years were exposed to alcohol marketing via product packaging other than in supermarkets 7.7 times a day on average.²²³ Members of Children's Parliament in Scotland provided examples of this, including the repurposing and display of 'special' bottles at home.

Sources of mass media advertising remain significant routes of exposure. Television advertising is most memorable for children and young people, with 59% of 11-17-year-olds in the UK reporting having seen alcohol adverts on TV in the previous month.⁶⁶ Exposure through television is not limited simply to adverts. Alcohol companies reach and influence millions of young people every year through sponsoring sports and events broadcast on television; for example, broadcasts of the 2019 Guinness Six Nations Championship games delivered an estimated 758 million Guinness-related branded impressions to children aged under 16 in the UK.⁵¹

“The Champions League sponsor is Heineken. The logo is green and black. At the start of the match, they announce the sponsor and you can see the adverts all over the stadium.”

9-11-year-old, Member of Children's Parliament



“My picture is of my mum's Harris gin bottle with sand and shells in it. It brings back memories of when I went to the Harris distillery. My message is it is good to re-use bottles because they look nice.”

9-11-year-old,
Member of Children's
Parliament

Children and young people live in an increasingly digital world, and this is likely to be a growing route of exposure. Around two in five (42% of) under-18s in the UK reported having seen adverts on social media, and 19% had interacted with alcohol marketing online, in the previous month.⁶⁶ With so much digital marketing occurring below the radar, it is difficult to assess the true amount and nature of alcohol advertisements being served online to children. However, an Australian study found that 28% of Instagram and 5% of Facebook alcohol branded accounts were accessible to under-18s.²²⁴ Even when age-gating is used, it is easily circumvented;²²⁵ for example, despite a minimum age requirement of 13 years, 40% of children aged 9 to 11 surveyed in the USA in 2020 said they regularly used Instagram and Facebook.²²⁶ Digital platforms are not only allowing but actively facilitating alcohol marketing to young people, through tagging children and young people as being interested in alcohol and approving sponsored content promoting alcohol to be targeted at children and young people.^{227 228}

PROTECTING CHILDREN AND YOUNG PEOPLE

The UN Convention on the Rights of the Child recognises that children, including adolescents, are a vulnerable group requiring special protection. The evidence presented above demonstrates that the impact of alcohol marketing threatens to undermine a wide range of children's rights, including their rights to life, survival and development, to the enjoyment of the highest attainable standard of health, to privacy, and to be free from exploitation. In order to uphold the rights of children, international human rights monitoring bodies have given clear interpretative guidance to states and urged them to introduce effective regulation of alcohol marketing,⁸⁷ including a ban on the alcohol advertising, promotion and sponsorship of all children's sporting events, and other sporting events which could be attended by children.⁸⁸

As the foundational building block upon which all other marketing effects rely, addressing exposure stands to provide the greatest protection against alcohol marketing for children and young people.

However, current approaches used in many countries to regulate alcohol marketing concentrate on the targeting of children, the appeal of adverts, or the protection of children at specific times or within specific spaces. Consequently, children are not protected from exposure to alcohol marketing and remain instead surrounded by positive messages about drinking. Alcohol marketers are able to exploit a wide range of platforms and techniques that shape the development of young people's values and beliefs about alcohol, which are not only carried with them into adulthood, but also have a direct impact on their drinking behaviour. Exposure to marketing that seeks to capitalise on emotional connections is of particular concern in relation to children and young people, coming at a crucial identity-forming stage of their development. To be truly effective, regulation needs to respond to the complex effects and purposes of marketing activities; comprehensive action to address children's exposure to alcohol marketing is therefore required.



5. THE IMPACT OF ALCOHOL MARKETING ON PEOPLE WITH (OR AT RISK OF) AN ALCOHOL PROBLEM

- People with (or at risk of) an alcohol problem are at increased risk from alcohol marketing, as they experience disproportionate harm from alcohol use and have increased susceptibility to alcohol marketing.
- Alcohol marketers explicitly target people who drink heavily, who are regularly exposed to alcohol marketing.
- Alcohol marketing fosters positive alcohol-related feelings and emotions and triggers alcohol cravings, which may translate into effects on alcohol consumption in these groups.
- People in recovery highlight marketing as being an environmental trigger that threatens their recovery. It impacts their ability to live and thrive in their communities and intrudes into their homes and private spaces.
- There is currently limited protection of people with (or at risk of) an alcohol problem from alcohol marketing.



People with (or at risk of) an alcohol problem – defined in this report as people with an alcohol use disorder, in recovery from an alcohol use disorder, or drinking above recommended guidelines – are at increased risk from alcohol marketing.

Not only can they experience significant health and social harms as a result of alcohol – losing their jobs, homes, families, their mental or physical health, or even their lives – but they are also more susceptible to alcohol marketing.^{12 182} The World Health Organization (WHO) has therefore identified reducing the presence of alcohol cues that can induce craving in people with an alcohol problem as one of the key purposes of marketing restrictions.¹¹

Despite this with associated risks to their health, the impact of marketing on this group has not been as extensively researched as the effects on children and young people. This chapter sets out the current evidence base and its implications for people with (or at risk of) an alcohol problem, presenting findings from the rapid literature review commissioned by Alcohol Focus Scotland (AFS) for this report.¹² It also draws heavily on testimony of people in recovery, obtained through focus groups, interviews and surveys facilitated and supported by AFS.

EXPOSURE TO ALCOHOL MARKETING

The alcohol industry is financially dependent on heavy drinking;^{229 230} for example, in England, the heaviest 20% of drinkers account for an estimated 70% of the total quantity of alcohol sold, with the heaviest drinking 4% of the population accounting for almost a quarter of all revenues.⁷⁴ It is therefore in the industry's interest for people to drink at harmful levels, and alcohol marketers explicitly target people who drink heavily. An analysis of advertising case studies revealed how, across brands and drink types, alcohol companies target both those already drinking at high levels and young people who may become the "heavy-using loyalists" of tomorrow.^{45 48}

Despite this, under the current self-regulated marketing codes in many countries, including the UK, there is no recognition of the specific vulnerability of people with (or at risk of) an alcohol problem to alcohol marketing. As such, there are no special protections provided to them over and above any other member of the general adult population.



“As with many other markets, the Pareto principle applies: 20% of drinkers account for 80% of sales. So, rather than struggle to make whisky appeal to younger consumers like the premium brands, we chose to focus on the core audience of heavy users.”

Scottish Leader Whisky, 2003⁴⁸

The effect of this is that they are regularly exposed to alcohol marketing. For example, a French study reported that most people in treatment for an alcohol use disorder frequently saw alcohol marketing messages.²³¹ A report by the Alcohol Health Alliance in 2021 also highlighted the persistent and ubiquitous alcohol marketing messages people in recovery encounter in their daily lives.²³² A focus group with people in recovery in February 2022 found that most of the group noticed alcohol advertisements at least five times a day.²³³

Digital media present powerful new opportunities for marketers to target heavier drinkers – or those who have the potential to become so. Sophisticated data-driven tools disproportionately target those who drink the most, potentially causing significant harm.²⁸ People in recovery also say they feel ‘bombarded’ with alcohol adverts on social media and the volume of adverts has even increased when they attempted to remove them from their feed.²³⁴ The integration of digital marketing with the opportunity to instantly purchase a product through a ‘click here to buy now’ button presents an added risk as it seamlessly integrates marketing and retail like never before.

“There really is no escape from alcohol imagery. Waiting for the tube at 8am, I look at a 6-foot bottle of whisky. The side of a bus tells me there is an app that can get me ‘booze in under 15 minutes’. Some of my favourite TV shows are sponsored by alcohol. I receive emails from supermarkets telling me how they have slashed their prices of spirits.”

Alcohol Health Alliance survey²³²

“It does come up on my Facebook and when I try to click the button to ask it to stop showing me this sort of advert, it tells me the reason I am seeing it is because I am aged 18–70-year-old. But that’s the majority of the population... Facebook know that I am in recovery, because of the stuff I post. So why are they showing me this sort of thing? It should be blatantly obvious that I don’t want to see that...They see that I am talking about recovery and I think they think ‘Oh we have a chance to market more alcohol that might be of interest to this guy.’”

Person in recovery

“From the start of the day when I’m at the bus stop, it’s there on the billboards as I get from A to B, it’s in the shops, most of them – it’s everywhere.”

Person in recovery

“Ads pop up all the time on social media and despite blocking them more just appear – it triggers me massively.”

Person in recovery

ADVERTISING CUES DRINKING

As identified in chapter one, one way in which exposure to marketing can affect behaviour is through presenting cues – such as a picture of an alcoholic drink or a brand – that stimulate consumption.^{106 107}

“It makes me want to have a drink when I’m trying so hard to stay off it.”

Person in recovery

Existing literature indicates that heavy and binge drinkers react more strongly and in a different way to alcohol cues than lighter drinkers. The more someone drinks, the more likely they are to pay attention to alcohol cues,²³⁵ which, in turn, leads to increased cravings.²³⁶ This creates a vicious circle whereby alcohol-related stimuli become more noticeable as cravings increase, and cravings increase as greater attention is paid to alcohol-related stimuli.¹⁸²

Analysis of neuroimaging studies has identified that for heavy alcohol users, exposure to alcohol cues leads to greater brain activity which, in turn, is associated with severity of dependence, the amount of alcohol consumed, the ability to control urges to drink, and the magnitude of cravings.²³⁷ Responsiveness to cues is also predictive of alcohol consumption and relapse after treatment in people with alcohol problems.²³⁸

Given how heavy drinkers react to generic alcohol cues, it is possible that brand marketing, which seeks to trigger emotional responses and associations in people, could have even greater impact on them.

EFFECTS OF ALCOHOL MARKETING ON PEOPLE WITH ALCOHOL PROBLEMS

The literature review undertaken for this report builds on the evidence of the influence of generic alcohol cues, finding an effect of alcohol marketing on people with (or at risk of) an alcohol problem.¹² It identifies studies that highlight how people with alcohol problems are more likely to notice alcohol marketing, due to both greater exposure and interest,¹³¹ and that heavy drinkers are more likely to find alcohol adverts appealing.²³⁹

Significantly, the findings suggest that marketing effects have the potential to translate into increased alcohol use. Alcohol adverts were found to encourage consumption and risk-taking behaviour amongst heavier drinkers.¹¹⁹ The sole experimental study investigating the effect of alcohol marketing on people in recovery from alcohol problems showed higher craving levels after exposure to an alcohol advert compared with exposure to a soft drink advert.²⁴⁰ A quantitative study of the effects of alcohol advertising on a small number of heavy drinkers aged 18-25 found no evidence of an impact on immediate consumption, however positive alcohol-related emotions and cognitions were identified that may make it difficult for heavy drinkers to reduce consumption.²⁴¹

“When I was going through a long period of drinking too much, seeing alcohol adverts on TV just prompted me to buy more.”

Alcohol Health Alliance survey²³²

The review found that alcohol marketing is perceived by people in recovery from an alcohol problem to be a risk to their recovery, especially in the earlier stages. Specifically, alcohol advertising was seen by people in treatment or recovery from an alcohol problem as making it difficult for them to abstain from drinking, as encouraging or triggering drinking, and even as being directly responsible for their relapse.^{231 242 243} Findings from a small cross-sectional study also suggested that around one in four of those with an alcohol problem perceived that they are influenced by alcohol marketing.²³¹

These results are consistent with those from a survey by the Alcohol Health Alliance, and from focus groups with people in recovery supported by AFS, which have found that marketing can trigger relapse and make it difficult for people to abstain from alcohol consumption.^{232 233}

"I worked as a detox nurse for 20 years, all my patients struggled with alcohol adverts when trying to control or abstain from drinking."

Alcohol Health Alliance survey²³²

"It suggests that alcohol is completely normal and acceptable. It evokes memories of being 'normal' and having 'fun' and tempts me back continually."

Person in recovery

The impact of brand marketing is also clear from the evidence. In an experimental study exploring how different consumption patterns influence the effect of alcohol adverts, brand familiarity was found to increase the intention to consume alcohol following exposure to beer adverts for moderate drinkers, but the biggest increase was seen in those at greatest risk of alcohol harm.¹¹⁹ In a focus group run by We Are With You, a charity that supports people with alcohol problems, some participants viewed the advertising of alcohol-free products by known alcohol brands as a way for the industry to entice people in recovery back to drinking alcohol.²³³

Television advertising was seen as particularly powerful as people felt this intruded into their own home.²⁴² Participants in several studies reported having to use strategies to steer clear of alcohol advertising, either through turning off media to try avoiding adverts or by actively recalling the negative aspects of alcohol use.¹²

Lifestyle messages and high visibility of alcohol promotion

It is not only the level of exposure to marketing that can be influential, but also how marketing messages are communicated. The content of adverts has been identified as challenging for people in recovery, with music and party scenes particularly troubling in creating an association with good times.²⁴³



"Alcohol marketing is utterly ubiquitous, it's really hard to forget about the urge to have a drink when you're surrounded by it. Even the ads for alcohol free variants."

Person in recovery

"It's one-sided, only shows the good, not the bad. This makes you want to have a drink more because it replaces the bad with the good in your mind."

Person in recovery²⁴²

“The adverts make out that drinking will improve your life and is something needed to have fun. Of course, the marketing never shows anything about the darker side of drinking.”

Alcohol Health Alliance survey²³²

“I found it difficult seeing alcohol advertised everywhere: bus stops, TV, newspapers. Even now – I am in recovery and have been sober two and a half years – I find it triggering still.”

Alcohol Health Alliance survey²³²

“I had to get my neighbour to get my shopping, I just did not trust myself – it looked too good.”

Person in recovery

“Alcohol is right at the counter... it's a trigger for me, so I have to avoid it. I don't go there. If I haven't got milk, I have to wait until I go to the [big] shops. And I choose not to go down the alcohol aisles in [big shop] or wherever.”

Person in recovery²⁴⁴

“I remember having to vary my routine in the very early stages of recovery. You can't avoid going for things like food shopping and even when I did that, I feel that alcohol was strategically being placed to trigger and target me.”

Person in recovery

“I was having a bad day. The cider looked amazing in that freezing cold glass, I thought, ‘just one’ – that was me for three months hooked.”

Person in recovery

The normalising effect of marketing, particularly when using lifestyle messaging, serves to convey the impression that alcohol is an integral part of life in our society, that it is enjoyable (and enjoyed) by the majority who are able to 'drink responsibly.' The emotional impact of this marketing on those with (or at risk of) an alcohol problem should not be underestimated. The review identified studies in which people reported negative emotions associated with viewing alcohol advertisements, including loss, lack of belonging, sadness, guilt and exclusion from the norm.^{242 243}

People in recovery perceive a variety of marketing tactics as being particularly problematic, for example, on television, on billboards and in social media; the sponsorship by alcohol brands of sporting events; and the in-store display and promotion of alcohol.^{12 233} The retail environment has been identified as especially challenging. A Scottish qualitative study highlighted the high visibility of alcohol and advertising in shops as a risk to recovery, with people actively avoiding the alcohol aisles in bigger stores as well as small shops where alcohol is often located in full view behind the till.²⁴⁴ Focus group discussions reinforce this point, with people noting the difficulty in going shopping for food and essential items when most shops sell alcohol, often placed in areas that are clearly visible and unavoidable.²³³

PROTECTING PEOPLE WITH (OR AT RISK OF) AN ALCOHOL PROBLEM

The evidence collected for this review emphasises the impact alcohol marketing has on the human rights of people with (or at risk of) an alcohol problem, particularly their right to mental and physical health, and their right to privacy. What people's own testimony suggests is that exposure to alcohol marketing impacts on their ability to live and thrive in their communities in the same way as others. Alcohol marketing was viewed as a common environmental trigger making it more difficult to achieve and sustain their recovery. It makes them feel excluded and that they need to use strategies to reduce their exposure for fear it may trigger them to drink. There are also limits to the action people can take to protect themselves, particularly when marketing intrudes into their homes and private spaces through television advertising or through the predatory nature of digital marketing.

Despite people with (or at risk of) an alcohol problem experiencing both disproportionate harm from alcohol use and increased susceptibility to alcohol marketing, most regulatory systems do not recognise them as a group in need of protection from alcohol marketing. Quite the contrary, the industry is able to proactively target heavy drinkers, knowing of the potential for this to increase the risks of harm. There is therefore a need for far more robust systems of regulation to ensure states uphold their duties to protect the human rights of people with (or at risk of) an alcohol problem.

6. RECOMMENDATIONS FOR A FRAMEWORK FOR ALCOHOL MARKETING CONTROL

- States have a duty under international law to protect and fulfil the human rights of their citizens, including their right to health.
- To meet this duty, the Network recommends that countries introduce comprehensive statutory restrictions on alcohol marketing.
- Restrictions should apply to any features synonymous with an alcohol brand, not just the brand name.
- Action is required across the marketing mix and restrictions should be underpinned by robust regulatory oversight.
- The World Health Organization should lead international action to address digital marketing, and develop a convention to support countries' efforts to reduce alcohol harm.



The alcohol industry spends billions of pounds every year building and promoting their brands with the ultimate aim of encouraging people to drink their products. The pervasive nature of marketing helps to create a culture where regular alcohol consumption is perceived to be normal and desirable, fosters positive attitudes towards alcohol and influences drinking behaviour, contributing to high levels of alcohol harm.

The impact of marketing on our human rights, in particular our right to health, necessitates countries taking action to restrict alcohol marketing. While international human rights monitoring bodies have given clear interpretative guidance to states to protect children and young people from alcohol marketing, the evidence laid out within this report makes clear that all of us are vulnerable to the effects of alcohol marketing and require protection. The argument is particularly strong in relation to children and young people and people with (or at risk of) an alcohol problem.

Taking account of all the evidence gathered for this report, the Network has developed a framework for alcohol marketing control, intended to guide countries on how best to introduce effective and comprehensive statutory restrictions on alcohol marketing. The Network's recommendations are particularly informed by evidence from a number of European countries that have implemented statutory alcohol marketing restrictions.¹³ There is also much we can learn from tobacco control.

The overarching recommendation of the Network is for countries to introduce comprehensive statutory restrictions on alcohol marketing.

A number of complementary recommendations have been developed that would maximise the effectiveness of these statutory restrictions. These cover the scope of restrictions, taking account of the four Ps of marketing; how the implementation of restrictions should be approached; monitoring and enforcement; and evaluation.

In recognition of the challenges presented by the increasingly transnational focus of marketing, the Network also calls on the World Health Organization (WHO) to lead international action to address digital marketing and to develop a convention²⁴⁵ – drawing on that put in place 17 years ago for tobacco – that will support both national and international efforts to prevent and reduce alcohol harm more broadly.

The Network recommends that countries:

Overarching recommendation

Put in place comprehensive statutory restrictions on alcohol marketing.

To maximise the effectiveness of statutory restrictions, the Network recommends that countries:

Scope of restrictions

Promotion

Ensure restrictions on alcohol marketing explicitly include all forms of brand marketing.

Product

Mandate health information on all alcohol packaging. The content and design of this information should be specified in regulations, informed by consumer research, and developed free from industry influence.

Place

Introduce restrictions in mixed retail environments to ensure that alcohol display and promotion is only visible to those intending to browse or purchase alcohol.

Price

Restrict the use of price as a promotional tool.

Policy implementation

Adopt a 'positive list' approach to legislation, stating what activities are permitted under the legislation, rather than what are not.

Monitoring and enforcement

Implement systematic and regular monitoring and enforcement of statutory restrictions by an independent body or government agency, with powers to impose robust sanctions for non-compliance.

Evaluation

Establish evaluation programmes to assess the effectiveness of marketing restrictions.

To enable countries to put in place comprehensive statutory restrictions on alcohol marketing, the Network recommends that the World Health Organization:

International action

Develops an international approach to regulating digital alcohol marketing as part of a Framework Convention on Alcohol Control.

OVERARCHING RECOMMENDATION

Countries should put in place comprehensive statutory restrictions on alcohol marketing.

As shown in chapter one, much of the success of marketing comes from its integrated, strategic approach. It does not rely on any one activity, but instead uses all the available elements of the marketing mix as a means of influencing consumer attitudes and expectations as well as their purchasing choices. Experience from tobacco suggests that restrictions that affect only limited aspects of the marketing mix are likely to result in an expansion of activity in other parts of the mix, diluting the impact.²⁴⁶ As a creative industry, marketers are highly adaptive and able to exploit the limitations of any regulatory system. When determining the scope of marketing restrictions, countries should, therefore, adopt comprehensive marketing restrictions; only such an approach can prevent investment shifts from regulated to unregulated media, marketing techniques or settings and consequently protect children, vulnerable adults and the public at large from harm.

The case study research of alcohol marketing restrictions in other European countries commissioned for this report emphasises the advantages of full over partial restrictions.¹³ The more comprehensive the regulatory approach, the easier it was felt to be to implement and enforce. Complete restrictions were considered to be clearer for enforcers and industry alike, removing ambiguity and the need for subjective interpretation of the rules.

Despite the significant health, social and economic harms caused by alcohol, many countries are failing to take the necessary steps to protect the rights of their citizens. While some have introduced statutory regulation of alcohol marketing, many more rely on ineffective, self-regulatory approaches. Voluntary codes or 'self-regulation' is often proposed by industries as an alternative to statutory regulation, and subsequent claims about its effectiveness are used to stave off the threat of statutory measures.²⁴⁷ However, research from a variety of countries suggests that industry codes are subject to under-interpretation and under-enforcement, and they are regularly violated.^{86 247 248} Worse, industry documents and practices reveal how alcohol companies actively target their marketing at people they know are drinking at levels likely to be harmful to their health, or to newly legal drinkers, with associated risks of appealing to underage consumers.^{45 48}

In particular, self-regulatory codes fail to prevent high levels of exposure and harm. As the testimony of children and young people, and those with (or at risk of) an alcohol problem, clearly demonstrates, alcohol marketing permeates their homes and their lives, placing their health at risk and excluding them from participating fully in their communities.

Throughout this report, the Network has advocated for alcohol harm to be viewed as an issue impacting on people's human rights. The accountability a human-rights based approach introduces requires that states should regulate alcohol marketing in the public interest – avoiding actual, potential or perceived conflicts of interest and undue interference from industry actors.

“It is really very efficient to have a total ban, you know? It's much easier to litigate, it's much easier... to implement, it's much cheaper for the state and then it's very convenient. But it is really, really inconvenient for the industry. You have to fight every step of the way.”

Public Health Advocate, Lithuania, Case Study Research

In terms of how states should implement such a duty, the long-standing recommendation of WHO is for comprehensive restrictions on alcohol marketing – with clear direction that a statutory approach is preferable. 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.¹¹ Such regulation must be guided by the public interest, avoiding actual, potential or perceived conflicts of interest and

undue interference from industry actors.

The Network has concluded that comprehensive statutory restrictions on alcohol marketing are the best way for countries to meet their duties to address alcohol marketing and its effects on the health and therefore human rights of their citizens. By taking as comprehensive an approach as possible and explicitly stating the goal of restricting all alcohol marketing, a country can significantly reduce the impact of alcohol marketing and the likelihood of restrictions being undermined or circumvented.

Case study research: Norway

Norway has the most extensive ban on alcohol advertising amongst the case study countries, as well as the longest lasting with the original Act having been passed in 1975. The advertising ban applies to (i) direct advertising of all alcoholic beverages, (ii) advertising of low/no alcohol beverages and of other products (e.g., clothing) which carry the same brand and characteristics as alcoholic beverages, and (iii) the appearance of alcohol products in advertising for unconnected products (e.g., furniture). The ban applies to all commercial communication (including traditional advertising channels, social media and on-pack labels) targeting the Norwegian market, regardless of channel or medium. Research has estimated that the ban when introduced in 1975 reduced total alcohol sales by approximately 7%, though the growth of satellite television and social media marketing may subsequently have impacted this effect.²⁴⁹



SCOPE OF RESTRICTIONS

Promotion

Countries should ensure restrictions on alcohol marketing explicitly include all forms of brand marketing.

As has been discussed throughout the report, branding is fundamental to successful marketing. It is what companies use to differentiate their products from those of competitors and to build connotations and associations amongst consumers. Branding affects adults' attitudes towards brands and alcohol use more generally. Brand awareness, familiarity, and preferences are all associated with increased alcohol use for young people.^{209 210 211} As highlighted in chapter one, brand identity does not include simply brand names and logos, but other visual cues such as font type, straplines, colour and shape.

It is therefore essential that marketing restrictions apply not only to alcohol products themselves, but to all forms of brand marketing, even where there is no reference to a specific alcohol product. This can take many forms, including *brand-sharing*, where non-alcoholic products and services are used to promote a brand; and *alibi marketing*, where a brand's name or logo is replaced with key, identifiable components of the brand identity.

Brand-sharing with no and low alcoholic versions of alcoholic drinks is of particular concern. People find it difficult to differentiate between alcohol-free and alcoholic products of alcohol brands due to the similarity of the branding; for example, an advert for Heineken 0.0 served during a football match was seen as "just another beer advert" by participants in a UK study.³²⁴

The experience of other countries emphasises the need to prevent the alcohol industry utilising brand-sharing to circumvent any marketing restrictions.

Most case study research countries reported examples of lower or zero alcohol products that carry the same branding as alcoholic products being advertised more frequently, in place of main brand or full-strength products. There was agreement amongst interviewees that the legal advertising of non-alcoholic beverages was a way for companies to continue to promote the alcohol brand.

"[Such products have] the same name, the same look and everything, and that's allowed. So, in television, we sometimes see that first they show a very short, boring clip with what is allowed in the context of the current law – the beer with the same name – and then after that comes the bigger or longer video [advertising the alcohol-free product], so it clearly works as an alcohol advertisement, but legally it's all okay."

Public Health Advocate,
Estonia, Case Study Research

Ireland provides recent examples: in February 2022, Alcohol Action Ireland raised formal complaints with the enforcement body claiming that alcohol was being promoted by the title sponsors of both the European Rugby Champions Cup and the Six Nations in breach of both the spirit and letter of the Public Health (Alcohol) Act 2018.²⁵⁰ The complaints concerned the advertising of alcohol-free beers on rugby posts. The definition of advertising within the Act includes any communication with the direct or indirect effect of promoting an alcohol product, including the name of an alcohol brand.²⁵¹ A decision on this case was still awaited at time of press.



Example:
Guinness, sponsor of the Six Nations tournament in 2022, promoting their non-alcoholic product to circumvent alcohol sport sponsorship restrictions in Ireland.

In France, the Évin Law prohibits the use of an alcohol brand or other distinctive marks associated with with brand that would remind consumers of an alcoholic drink.²⁵² Despite this, according to case study research interviewees, alibi marketing activities have been used to circumvent the law. Examples of alibi marketing tactics by alcohol companies identified by researchers include Carlsberg using brand slogan phrases in their distinctive colours and font during the EURO 2016 tournament;²⁵³ and Guinness, the title partner of the 2019 Six Nations Rugby Championship, replacing their brand name with the word 'Greatness', chosen and designed to resemble their logo.⁵¹



Example: Guinness, sponsor of the Six Nations tournament in 2019, replacing their brand name with 'Greatness' in the brand's font and colours to circumvent alcohol sport sponsorship restrictions in France.

Several European countries capture brand marketing in their alcohol marketing restrictions, including Norway, France and Ireland. Some countries, such as Norway, have taken specific action to address brand marketing as issues arose.

Case study research: Norway

Norway responded to the emergence of adverts for low-alcohol drinks by extending its advertising ban to the advertising of any products carrying the same brand or distinctive mark as alcoholic beverages. Producers are free to develop new brands for no and low-alcohol drinks which have no association with alcohol brands. Where low alcohol beers continue to carry the same brand as normal strength alcohol, they are permitted for sale but not marketed.

They started marketing the low alcohol products in a way that, in our opinion, actually everybody's opinion, was marketing of alcoholic beverages... the public had an understanding [of what the companies were trying to do], it was very obvious...so it was very important to close that loophole... I don't think there was much opposition."

Enforcement Body

The experience of other countries emphasises the need to prevent the alcohol industry utilising different elements of their brand identity to circumvent any marketing restrictions. Any legislation introduced should be carefully drafted to address contemporary marketing practices such as brand marketing and to avoid any potential legislative loopholes.

Product

Countries should mandate health information on all alcohol packaging. The content and design of this information should be specified in regulations, informed by consumer research, and developed free from industry influence.

Product packaging has both visual and tactile appeal. It is a means for products to differentiate themselves from competitors, to influence people's perceptions of the product, and to stand out on the shelf. The attractiveness of packaging means products can often be repurposed or displayed at home. Product packaging is therefore a form of marketing, used by producers to reinforce the brand and communicate positive messages about their product.

The Network is aware that the introduction of comprehensive restrictions on key forms of advertising and promotion will lead to increased industry attention on those forms of marketing which remain available to them, such as packaging. To counter this, the Network recommends that as part of comprehensive restrictions on marketing, countries should mandate the provision of health information to be displayed on all product packaging. In addition to the health risks associated with drinking, this information should include, for example, unit content, drinking guidelines, a pregnancy warning, and nutrition and ingredients listings; all of which can inform healthier decisions.

Mandating the disclosure of health information on alcohol packaging would act as a form of counter-marketing, reducing the power and salience of the branding and packaging. Research suggests that front-of-pack health warnings on alcohol products would reduce their appeal and social acceptability, increase awareness of alcohol-related harms, encourage self-appraisal of drinking

behaviours, and even support a reduction in purchasing and consumption.^{157, 254}

A real-life intervention in Canada found that prominent labels with drinking guidelines, a cancer warning, and unit information contributed to increased awareness and knowledge of drinking guidelines²⁵⁵ and alcohol's role in causing cancer,²⁵⁶ as well as a 6.3% reduction in consumption.²⁵⁷

Evidence on the effects of health warnings on consumption of unhealthy food and tobacco provides additional support.²⁵⁴ Health warnings on tobacco packaging have increased knowledge of the health effects of smoking and intentions to quit smoking, and reduced consumption and the likelihood of smoking uptake.^{258, 259} Warning labels have also been effective in reducing selection and purchase of sugar-sweetened drinks²⁶⁰ and energy dense snacks.²⁶¹

With relatively limited voluntary provision of health information, the requirement to provide health information could act to counteract the 'health halo' effect achieved by better-for-you marketing, by making clear the inherent risks of alcohol consumption.

Mandating the disclosure of health information on alcohol packaging would also address the needs and wants of consumers themselves. People generally have poor knowledge of health harms associated with alcohol; for instance, almost two thirds of drinkers in an international survey did not know that drinking less can reduce the risk of seven types of cancer.²⁶²



Example of label used in Canadian labelling intervention

“I think [health warnings] need to be at the front because, like we’ve all said, you don’t really pay attention to the small text on the back. So, I think it needs to be big and on the front if people are going to pay attention to it.”

Young adult drinker¹⁶⁰

The inclusion of health information would meet the UN Guidelines for Consumer Protection general principle of “Access by consumers to adequate information to enable them to make informed choices according to individual wishes and needs.”¹²⁶³ Research has also identified support amongst drinkers for improved labelling of alcohol drinks, such as the inclusion of health warnings, drinking guidelines, and calorie content.^{157 160}

Voluntary labelling initiatives are ineffective, with WHO Europe assessing that most fail to meet WHO recommendations.²⁶⁴ Despite action by numerous countries to mandate the provision of health information on alcohol products, this remains limited when compared with tobacco and food, and most legislation is not yet fully aligned with WHO advice.²⁶⁴ However, changes to labelling regulations in the EU are under active consideration, with plans to introduce mandatory health warnings and nutrition and ingredient listings as part of Europe’s Beating Cancer Plan.²⁶⁵

The evidence is clear that the visibility, design and framing of health messages are key to their effectiveness.²⁵⁴ The Network supports WHO’s recommendation that the content and design of health information should be specified.²⁶⁴ Evidence supports large, colourful warnings that are prominently positioned on the front of the product to capture attention; the use of explicit, negatively-framed statements that link alcohol to specific diseases, such as cancer; rotation of warning messages to maintain their novelty; and pictorial warnings.²⁵⁴ Consumer research is required to determine the best combination of these elements to ensure maximum impact.

The Network also endorses the advice from WHO that health warnings should be designed and regulated by government, not industry.¹¹ Alcohol companies have been instrumental in delaying the introduction of mandatory health warnings in several countries, their arguments often including distortion or denial of the evidence on the risks of alcohol use.^{266 267} It would therefore not be legitimate for the industry to be involved in the development of such health-risk messaging.

Example: Ireland

Section 12 of the Public Health (Alcohol) Ireland Act 2018 stipulates that all alcohol products to be sold in Ireland will be required to display three separate warnings (informing the public of the danger of alcohol consumption, the direct link between alcohol and fatal cancers, and the danger of alcohol consumption when pregnant); the quantity of alcohol (grams) contained in the container; the calorie content in the container; and the details of a website, to be established and maintained by the Health Service Executive, providing public health information in relation to alcohol consumption.

Section 12 (10) sets out that the size, colour and font type of this information would be set out in regulations. The legislation states that when making regulations under this section, the Minister will have regard to any expert research on the effectiveness of including the information on alcohol product containers, and to the rate and patterns of alcohol consumption, health-related risks caused by alcohol consumption, data from health services relating to alcohol-related presentations, other societal harm caused by alcohol consumption, and any other matters considered appropriate. Regulations may be expressed to apply either generally or by reference to a class or classes of alcohol product or product container.



Place

Countries should introduce restrictions in mixed retail environments to ensure that alcohol display and promotion is only visible to those intending to browse or purchase alcohol.

The places where alcohol is sold and the ways in which products are displayed are an important part of the marketing mix. The retail environment provides a means for marketers to reach people directly and is a key form of more targeted marketing.

As highlighted earlier in the report, the retail environment has been cited as both a major source of exposure to alcohol marketing for children and young people, and as a particularly challenging space for people in recovery. This, together with evidence that exposure to alcohol in the retail environment can stimulate impulse purchasing,¹²⁵ highlights the need for controls to limit these potential effects. The Network therefore recommends that countries put in place restrictions to ensure that alcohol display and promotion is only visible to those intending to browse or purchase alcohol in mixed retail environments. With the increase of online purchasing during the pandemic,³²⁵ it is important that such restrictions apply not just to purchases in physical premises but also to the online retail environment.

The effect of this would be to limit exposure to alcohol products to adults who have a conscious intention to make a purchase. It would reduce the visibility of alcohol to children and young people and people with (or at risk of) an alcohol problem, as well as addressing the normalisation of alcohol as an everyday product. This should have associated benefits on reducing impulse purchasing and consequently alcohol consumption in the general population.

Some countries already have in place means of limiting visibility in physical stores, and as such, the means by which countries could take this recommendation forward may differ in their own individual circumstances. In countries such as Canada, Finland and Sweden, the government has a monopoly over elements of alcohol retail, with alcohol sold in separate shops. South Australia has a 'shop within a shop' model whereby alcohol is kept separate to the rest of the store. A change to Estonia's legislation requiring alcoholic drinks to be placed separately from other goods within mixed retail outlets, not visible from the rest of the store or from outside resulted in a 15% decrease in the visibility of alcohol and halved the proportion of impulse buyers.²⁶⁸ In Ireland, all mixed-trade retailers have been required to physically separate alcohol products from other grocery items since November 2020.²⁶⁹

Similar interventions have been successful in reducing the visibility and consumption of other unhealthy products. For example, English supermarkets with a policy not to locate confectionary, chocolate and crisps at checkouts saw a 17% reduction in purchase of these items in the four weeks after implementation, with a 15% reduction still present after a year.²⁷⁰ The Irish tobacco display ban had an immediate impact on young people's attitudes towards smoking²⁷¹ and the UK tobacco display ban was followed by a reduction in smoking susceptibility among adolescents, potentially driven by decreases in brand awareness.²⁷²



The Network recommends that for smaller shops, where options such as separate alcohol areas may be impractical, alcohol may be kept behind the counter but should be concealed. Evidence from the UK indicates that the period between the ban on tobacco advertising and the introduction of the point-of-sale restrictions was associated with an increased focus on the marketing opportunities provided by tobacco displays, with a growth in the number and size of many tobacco displays,²⁷³ and use of innovative techniques to make brands stand out on the shelves.²⁷⁴ It is important that similar display bans are put in place for smaller retailers who are unable to accommodate separate alcohol areas.



Price

Countries should restrict the use of price as a promotional tool.

Price can be seen to exert a clear influence on people's purchasing decisions, with consumption very closely related to price. When alcohol gets cheaper, consumption levels generally increase and vice versa.^{135 136} In the UK, supermarkets have admitted to selling alcoholic drinks below cost as a means of attracting customers into their stores and increasing their total grocery sales, a practice known as 'loss leading'.²⁷⁵

There are a range of tools available to producers and retailers to use price as a promotional tool, particularly at point of sale.⁴⁴ These involve both setting the regular price at a level that is attractive to potential customers and using other promotional activities that encourage a perception of value for money. These activities include discounting strategies, price cues on the packaging itself, or signage that draws attention to a low or reduced price, often conveying a 'promotional intent' going beyond just the price (e.g. 'only £12.99').

The Network recommends that countries restrict the use of price as a promotional tool. It is inappropriate to encourage the purchase and consumption of a health-harming product such as alcohol through price incentives. A precedent for preventing price incentives can be seen in relation to tobacco. For example, the Framework Convention for Tobacco Control requires states to "restrict the use of direct or indirect incentives that encourage the purchase of tobacco products by the public."²⁷⁶ In the UK, regulations on product presentation requirements for tobacco require that tobacco and e-cigarette packaging does not include any element or feature which suggests economic advantage, such as offering discounts, two-for-one or similar offers.²⁷⁷

Countries should aim to take as complete an approach as possible to avoid transference to other forms of price promotions.

POLICY IMPLEMENTATION

Countries should adopt a 'positive list' approach to legislation, stating what activities are permitted under the legislation, rather than what are not.

While recommending countries put in place comprehensive restrictions on alcohol marketing, the Network acknowledges there may be some limited forms of marketing that remain legitimate, such as business-to-business promotional activity. Legislation will require to clearly differentiate between permitted and restricted activity.

Experience from countries that have implemented marketing restrictions has highlighted the importance of limiting any ambiguity within the restrictions, often caused where there requires to be subjective interpretation of the scope of the legislation. The case study research highlighted that in Sweden, for example, the principal rule of "particular moderation" (under which advertising is not allowed to be obtrusive, to encourage the consumption of alcohol, or to contribute towards a positive attitude towards the consumption of alcohol) has been found to leave a lot of 'grey areas' over what is and what is not allowed, which have required to be resolved in the courts.

A clear recommendation from almost all countries involved in the case study research is that restrictions need to be straightforward and clear in order to limit the potential for industry to exploit loopholes or ambiguities. France was one of the first countries to attempt to list the specific situations in which alcohol advertising is allowed, banning any activity not explicitly permitted. A similar approach has been adopted in Lithuania and is planned in Ireland.

The Network recommends that any country wishing to implement marketing restrictions should adopt this 'positive list' approach to legislation, stating what activities are permitted under the legislation, rather than listing what is not allowed. Experience from countries that have implemented marketing restrictions gathered through the case study research suggests this approach has several advantages.

Firstly, such an approach was felt to allow for more straightforward regulation that is easier to implement, monitor and enforce. Even countries that applied a positive list approach in a more limited way highlighted the advantages.

Case study research: Lithuania

The Republic of Lithuania Law on Alcohol Control 1995 clearly sets out the country's approach to marketing restrictions. The main provision of the Act is just one sentence long: alcohol advertising shall be prohibited in the Republic of Lithuania (Article 29(1)).

The Act then goes on to specify a number of activities that shall not be treated as advertising. These include information about alcoholic beverages in business-to-business communications which are intended only for the specialists engaged in alcohol business; and trademarks, where these names and trademarks are displayed on signboards on the building of the headquarters or division of these companies and on the vehicles managed by them.



"I mean, surveillance, our enforcement agency, loves it because you take the list, they say 'this is not on the list', end of discussion."

Civil Servant, Estonia,
Case Study Research



Secondly, as highlighted above, the experience in several countries has been of industry testing the limits of what is permitted and trying to find ways to circumvent the rules. The positive list approach was viewed by some as a means to prevent industry pushing the boundaries of the legislation.

"The Évin Law was born from the observation that it is easier, it is more intelligent to foresee what is authorized because by defining what is forbidden, it leaves a lot of room for imagination, even more room for circumvention."

Public Health Lawyer, France,
Case Study Research

Thirdly, a positive list approach was seen as an important way to help future-proof legislation against new technologies or innovations. The rapid development of marketing techniques and channels has been a challenge in some countries with longer-standing marketing restrictions, especially when based upon legislation that specifies which channels and activities are not permitted. In Sweden, Norway, and Lithuania, there have been continued efforts to ensure 'old' legislation remains fit for purpose, particularly in response to emerging forms of new media marketing.

"I cannot say how important this is... If you choose the first rule that everything is allowed, you get these risks that if you think now, in 2021, what are the risks and harms, the harmful advertising which you think should be banned, then write them. And then after ten years that society has changed, for example social media, and then you have to write it again, and think what has happened...and so on. For example, if you choose the other way, er, everything is banned and then you think, what should be allowed? It's, er, different situation. The world can change. And also these new ways of...alcohol advertising, for example peer to peer advertising in social media, they are banned already. From the first day...it's future proofed...and it is easier to implement."

Civil Servant, Finland, Case Study Research

The speed at which new forms of marketing develop is a key challenge for any country wishing to introduce restrictions. Even since the Network published its first report in 2017, there have been marked changes in how alcohol is marketed. This is especially apparent in the way that digital channels have evolved, not only in terms of the rise of social media platforms and the emergence of influencers, but also in the use of artificial intelligence to directly target marketing to particular individuals or groups. Adopting a positive list approach would ensure that emerging new technologies or marketing activities which policymakers cannot currently anticipate are still covered by the legislation.

MONITORING AND ENFORCEMENT

Countries should implement systematic and regular monitoring and enforcement of statutory restrictions by an independent body or government agency, with powers to impose robust sanctions for non-compliance.

The proposals set out within this report are measures designed to implement a human rights-based approach to alcohol harm. Such an approach places duties on states that they have too often relinquished through the delegation of alcohol marketing regulation to industry bodies. As highlighted in the overarching recommendation, systems that rely on self or voluntary regulation are ineffective in preventing high levels of exposure to, or salience of, alcohol marketing. This also extends to dealing with non-compliance, with research showing that when the alcohol industry controls the compliance and complaints processes they fail repeatedly to remove marketing materials that have been identified as non-compliant with industry codes.⁸⁶ Countries must take responsibility for ensuring that the systems they put in place to protect and promote the rights of their citizens are doing so in practice.

WHO has highlighted the important role of monitoring systems and deterring regulatory infringements in ensuring the effectiveness of alcohol marketing controls.¹¹ In line with this, the Network recommends that monitoring compliance with any new statutory restrictions is undertaken by a government agency or body independent from the alcohol and advertising industries. This is in keeping with the principle that states should retain accountability for ensuring people's human rights are being protected and promoted.

In addition, it is clear from the experience of tobacco control measures and other countries' experiences of restricting alcohol marketing that following introduction of any legislation, countries should expect

companies to test the limits of what is permitted. For example, as far back as the 1990s, tobacco companies developed alibi marketing strategies for tobacco promotion in what they referred to as 'dark market' areas or countries, i.e. places where tobacco promotion was restricted.²⁷⁸ Although UK tobacco legislation included restrictions on some brand marketing through its brand-sharing regulations,²⁷⁹ Marlboro continued to be promoted through the display of white bar codes that closely resembled their cigarette packs on Formula 1 cars, for years after the ban came into effect.²⁷⁸

In France, case study research interviewees reported that industry regularly broke the alcohol marketing rules, leading to legal challenges. Of these cases, an estimated 85% were upheld; according to a French public health lawyer, "*the majority of the lawsuits are about the content of the ads*". A crucial lesson, therefore, is the need for vigilance, ensuring that sufficient resources are allocated to monitoring compliance with regulations and to enforcing breaches where these occur. Failure to act on seemingly clear breaches of legislation can lead to confusion and set unhelpful precedents about the scope of the legislation.

"So, the learning is that if you're going to do it, and if you're going to put it in place, you've got to be absolutely sure that there are sufficient resources for people to go and enforce it. And, in that context, that the enforcing officers or the authorised officers are fully informed of what the process is, you know, the legal implications are of the law, that they understand what it is...you can't be nearly compliant with the law, you have to be compliant with the law."

Public Health Advocate,
Ireland, Case Study Research

A key challenge highlighted within the case study research was the slow and reactive nature of enforcement, which provided little deterrent from breaching the legislation as the marketing had achieved its effect before any enforcement action could be taken. This was particularly apparent in relation to digital marketing.

“It’s a huge problem that in many cases they’ve already gained the objective of the marketing once we make this order...once we make the rectification order, the campaign is already over.”

Enforcement Body,
Norway, Case Study Research

“It’s a tricky area ... the amount of marketing in social media, and the speed. I mean, some companies, they publish, well, many posts [per] day, and it’s hard for governmental agencies to keep track of it all. And a lot of marketing is like stories and is just temporary and we are dependent on someone actually recording the story and sending it to us for us to be able to do something.”

Consumer Agency,
Sweden, Case Study Research

Some case study research interviewees drew particular attention to the benefits that an effective sanctions regime can have in assisting in compliance with the legislation. Weak or ineffective sanctions mean there is little deterrent from alcohol companies breaking the rules.

“Getting fined by the enforcement agency was just part of a campaign ... either it was part of the campaign’s budget, or even part of a campaign because you could get into the news.”

Civil Servant,
Estonia, Case Study Research

In Estonia, a substantial increase in the fine level in 2017, from 3,200 Euros to up to 50,000 Euros, was felt to have “*eliminated this conscious breaking of the rules.*”

For legislative restrictions to be truly deterrent, the Network recommends sufficiently robust and punitive sanctions be put in place as an integral element of the enforcement regime.

EVALUATION

Countries should establish evaluation programmes to assess the effectiveness of marketing restrictions.

What has been evident from the case study research is there has been limited evaluation of marketing restrictions in many countries. For example, despite initial implementation in 1991, and being held up as the gold standard for alcohol marketing approaches, very few studies have evaluated the *Évin* Law restrictions in France.²⁸⁰ One study from Norway, looking at the impact of their 1975 advertising ban, concluded that when introduced this had reduced total recorded alcohol sales by approximately 7%, though the growth of satellite television and social media marketing may subsequently have impacted this effect.²⁴⁹

Ensuring robust evaluation of restrictions is an important means of measuring their impact on outcomes. It could also be used to track whether there are unintended consequences arising from the implementation, such as loopholes that undermine the legislative aims. Such evaluation could be important in combatting challenges to regulation by the industry, or to support further restrictions, if necessary. It could also act as important evidence for other countries considering how to implement potential restrictions and for WHO in considering action at the international level, e.g. in relation to digital marketing.

INTERNATIONAL ACTION

The World Health Organization should develop an international approach to regulating digital alcohol marketing as part of a Framework Convention on Alcohol Control.

While most of the Network's recommendations are directed at individual country-level, digital marketing transcends national borders, making it difficult to regulate effectively at national level. Difficulties identified include the challenge of regulating the spread of advertising within an environment that is based on content sharing, and monitoring activity on platforms that operate globally and that constantly develop their algorithms to optimise consumer targeting.²⁸¹ These difficulties have been echoed in the case study research by countries that have attempted to regulate digital marketing. Interviewees highlighted the complexity of interpreting and enforcing the restrictions given that the online environment

changes rapidly, there are "*no barriers, no borders*" (supervisory authority, Finland), and that social media companies are large, powerful and international.

The challenges with regulating digital marketing have led WHO Europe to conclude that "A global and comprehensive approach is required, with the intention of protecting children and young people, people with (or at risk of) substance use disorders and the general population by removing marketing of alcohol altogether from digital spaces."²⁸² Adopting a global, evidence-based approach would help maximise countries' ability to reduce the exposure to, and impact of, alcohol marketing,



and enable human rights to be embedded in alcohol policy.²⁴⁵

Among the policy options that WHO Europe identify to prevent and reduce the harm from alcohol digital marketing,²⁸² the Network considers that the most effective would be that of developing an international instrument that could strengthen the implementation of national and international alcohol control policies, modelled on the WHO Framework Convention on Tobacco Control (FCTC). Among the identified benefits of the approach of the FCTC are its acknowledgement that only a comprehensive, multisectoral approach can effectively prevent smoking; its creation of minimum standards, which ensure a global level-playing field whilst still allowing for more ambitious approaches in countries wishing to go further; and providing a framework that enables for more detailed approaches as consensus grows.²⁸³

Crucially, the FCTC has been supplemented by evidence-based guidelines and policy options and recommendations; these have been extensively relied upon in defending legal challenges from the tobacco industry.²⁸³ It is imperative that any global approach to alcohol control takes a similarly evidence-

based approach to setting global standards, so that minimum action is sufficiently aligned with evidence to effectively protect public health.

Adopting a Framework Convention on Alcohol Control model would provide an opportunity to address some of the current challenges identified in attempting unilateral approaches to restricting alcohol marketing. It would have the added benefit of providing a basis for addressing the other 'best buys' for alcohol policy alongside marketing, i.e. increasing price and controlling availability of alcohol. Taking action on a global level on the most effective measures to reduce alcohol harm would be the best way to ensure states protect and promote people's rights to the highest possible standard of health.



7. RECOMMENDATIONS FOR IMPLEMENTING THE FRAMEWORK FOR ALCOHOL MARKETING CONTROL IN SCOTLAND

● One in four Scots drinks above the low risk guidelines and nearly 1 in 15 of all deaths in Scotland are due to alcohol. Alcohol marketing drives consumption and harm.

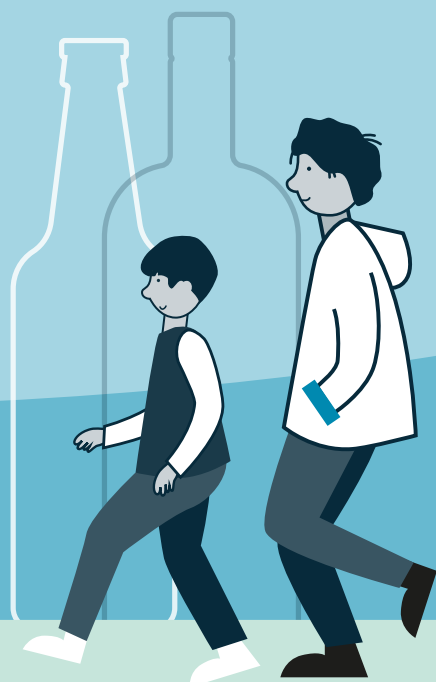
● Scotland has significant powers to legislate in key areas that would substantially increase the protection of people from alcohol marketing.

● Taking action to address alcohol marketing would deliver the outcomes identified within both the Scottish Government's alcohol prevention framework and its alcohol and drugs treatment strategy.

● Adopting a human rights-based approach to alcohol control would also deliver on existing commitments to embed human rights within Scots Law.

● There is significant public support in Scotland for restrictions on alcohol marketing.

● The Scottish Government can deliver comprehensive restrictions in Scotland by working in collaboration with the UK Government on areas of reserved competence.



The previous chapter set out a framework for how countries should approach developing alcohol marketing controls, based on evidence of how alcohol marketing impacts different populations, and experience from countries that have already implemented such restrictions. The overarching recommendation of the Network is that rather than relying on industry self-regulation, comprehensive statutory restrictions on alcohol marketing are most effective and should be the stated policy objective for countries seeking to control alcohol marketing.

Addressing the attractiveness of alcohol is a key part of the Scottish Government's whole population approach to reducing alcohol consumption and related harms. The Scottish Government has acknowledged that the evidence supports policies that seek to protect children from exposure to alcohol marketing² and has committed to consulting on mandatory restrictions on alcohol marketing in autumn 2022.²⁸⁴ Alcohol marketing restrictions would build on Scotland's progressive record in implementing bold, population-wide public health interventions, including its world-leading minimum unit pricing policy, and would place Scotland once again at the forefront of tackling alcohol harm by implementing the World Health Organization (WHO) 'best buy' interventions.⁷⁷

To help inform future action by the Scottish Government and the Scottish Parliament, the Network has considered how the framework set out in the previous chapter should be applied in Scotland, setting out the key areas in which action should be taken, with urgency.

The Network recommends that the Scottish Government:

Overarching recommendation

Introduces statutory restrictions on alcohol marketing activities in all areas of its competence. This includes, but is not limited to:

- **advertising in outdoor and public spaces**
- **sponsorship of sports, events and people**
- **branded merchandise**
- **competitions, giveaways and rewards**
- **point-of-sale promotions**
- **advertising in print publications**

To maximise the effectiveness of statutory restrictions, the Network recommends that the Scottish Government:

Scope of restrictions

Promotion

Ensures restrictions on alcohol marketing explicitly include all forms of brand marketing.

Works with the UK Government to restrict marketing on matters of reserved competence, having particular regard to the importance of digital marketing.

Product

Mandates health information on all alcohol packaging. The content and design of this information should be specified in regulations, informed by consumer research, and developed free from industry influence.

Place

Introduces further restrictions in mixed retail environments to ensure that alcohol display and promotion is only visible to those intending to browse or purchase alcohol.

Price

Further restricts the use of price as a promotional tool.

Policy implementation

Adopts a 'positive list' approach to legislation as far as is possible within their competence, stating what activities are permitted under the legislation, rather than what are not.

Monitoring and enforcement

Implements systematic and regular monitoring and enforcement of statutory restrictions by an independent body or government agency, with powers to impose robust sanctions for non-compliance.

Evaluation

Establish an evaluation programme to assess the effectiveness of marketing restrictions.

OVERARCHING RECOMMENDATION

The Scottish Government should introduce statutory restrictions on alcohol marketing activities in all areas of its competence.

This includes:

- advertising in outdoor and public spaces
- sponsorship of sports, events and people
- branded merchandise
- competitions, giveaways and rewards
- point-of-sale promotions
- advertising in print publications

Levels of alcohol consumption and related problems remain consistently high in Scotland. Seven in ten children are drinking alcohol by age 15²⁸⁵ and around a quarter of adults in Scotland drink at levels that put their health at risk.³ There are over 3,700 deaths each year from alcohol (nearly 1 in 15 of all deaths).⁴ In light of the 17% increase in alcohol-specific deaths in 2020,⁵ in 2021, the Scottish Government recognised alcohol harm in Scotland as a public health emergency.⁹

The association between exposure to marketing and consumption is evident in Scotland and the UK.²⁸⁶ The Scottish Government has identified taking action to address alcohol marketing as a key commitment of their alcohol prevention framework.² It should also be seen as a means to deliver the human-rights based vision set out in the Scottish Government's alcohol and drugs treatment strategy where "individuals, families and communities have the right to health and life – free from the harms of alcohol and drugs; are treated with dignity and respect; and are fully supported within communities to find their own type of recovery."²⁸⁷ It is clear however, that the current prevalence of alcohol marketing within our communities creates a hugely unsupportive environment within which people must try to achieve and sustain their recovery.

The current system of co- and self-regulation of alcohol marketing in the UK is confusing, fragmented, contradictory in places, and ineffective in controlling levels of exposure or the power of marketing. The Network's first report concluded that the current system fails to prevent marketing content that appeals to children and young people and to prevent high levels of exposure through a range of marketing channels. In addition, enforcement was identified as retrospective, slow and weak. The Network concluded that statutory controls were required, overseen and enforced by an independent regulator.¹ Since this time, digital technology has increased the volume and targeting of alcohol marketing and the evidence of harm has grown.

As outlined in chapter two, states have an obligation under human rights law to respect, protect and fulfil people's human rights. Introducing statutory restrictions on alcohol marketing would contribute to Scotland's ambitious human rights agenda, including its commitment to incorporating the UN Convention on the Rights of the Child (UNCRC) into domestic law to the maximum extent possible.²⁸⁸ The Scottish Government has also announced plans to incorporate four further international treaties through a new Human Rights Bill,²⁸⁹ including the International Covenant on Economic, Social and Cultural Rights (ICESCR), which would address the right to the highest attainable standard of physical and mental health.

“Alcohol marketing makes it harder to maintain recovery when visually seeing alcohol marketed and promoted. A visual trigger.”

Person in recovery



Scotland has significant powers to legislate in a number of key areas, that if fully used, would substantially increase the protection from alcohol marketing afforded to children, people with (or at risk of) an alcohol problem, and the general population. These include advertising in outdoor and public spaces; sponsorship of sports, events and people; branded merchandise; competitions, giveaways and rewards; point-of-sale promotions; and advertising in print publications. The Network recommends that the Scottish Government introduces statutory restrictions on alcohol marketing activities in all areas of its competence. Regulating these activities would have a significant impact; it would reduce people in Scotland's exposure to alcohol marketing, unplugging a range of marketing channels and activities and reducing the power of the remaining marketing activities by disrupting the marketing mix.

For example, restricting advertising in outdoor and public spaces – i.e. out-of-home advertising – would capture advertising on billboards, street furniture, transport, and place-based media (such as within cinema lobbies or sports grounds). Removing marketing within such spaces could have a substantial effect. Out-of-home advertising reaches 98% of the UK population at least once a week,²⁹⁰ promotes engagement with digital advertising more than any other media²⁹¹ and encourages impulse purchasing when people are on the move.²⁹²

Advertising on public transport is particularly attractive to marketers, who consider passengers to be a captive audience.²⁹³ People in recovery have also noted the inescapable nature of alcohol advertising in public spaces, such as on public transport.²³²

A ban on the advertising of foods high in fat, sugar and salt on the London transport network was associated with significant reductions in energy, sugar and fat purchased from such products.²⁹⁴





“Eden Mill invited Celtic stars Scott Brown and Mikael Lustig along to create the Invincibles Gin with its distillers, in their first of the iconic collaboration gin series. The marketing video for this was entered into the Scottish Gin Awards two years ago and gave Eden Mill a gold award for ‘Marketing of the Year’. Due to the success and high demand since this, Eden Mill found more and more customers making the journey to St Andrews to make their own gin.”

Celtic Football Club²⁹⁵

Sponsorship, particularly event and sport sponsorship, is extensively used to market alcohol in Scotland. For example, Edinburgh’s iconic Festival Fringe is currently sponsored by Edinburgh Gin, and Drygate Brewing Co. sponsored the 2022 Celtic Connections music festival in Glasgow. While only a small proportion (7%) of sponsors of Scottish football and rugby union were alcohol companies in the 2018/19 season, such deals result in the frequent and widespread promotion of the brands.⁵⁰ Alcohol sport sponsorship activity is not limited to brand logos on strips or advertising around the stadiums, but extends to limited edition products which feature the names of teams and their achievements; extensive social media activity; competition tie-ins; and players, managers or coaches featuring in adverts.⁵⁰

For example, Eden Mill have been an official partner of Hibernian Football Club since 2017 and have had a long-standing partnership with Celtic Football Club.²⁹⁵ They also have a sponsorship agreement with Dundee United Football Club, for two years from the 2021/22 season.²⁹⁶ Players have been heavily involved in the promotion of the brand and products, including social media videos showing distillery visits²⁹⁷ and cocktail making,²⁹⁸ and competitions for fans to create the team’s next gin in the distillery with members of the first team.

“It makes me feel angry – alcohol is a really dangerous chemical that destroys people’s health. Why are they trying to associate it with sport?”

Person in recovery



Due to the interconnected nature of marketing activities, it is likely that implementing restrictions on the activities for which Scotland has competence – particularly sponsorship, branded merchandise, and advertising in outdoor and public spaces – would reduce the salience and effectiveness of other forms of marketing which leverage this content.

This includes broadcast and digital marketing, which are otherwise reserved. For example, televised matches reach significantly higher numbers of viewers than can watch a match live in the stadium and have been shown to expose viewers to frequent alcohol marketing. Research conducted in 2018-19 found during a live Six Nations match between Scotland and England there was an alcohol reference every 15 seconds.⁵⁰

Preventing alcohol companies from sponsoring sports events and teams would, therefore, help to reduce exposure to alcohol marketing on television. It would also reduce the ability of alcohol companies to develop and reinforce social norms about alcohol use by challenging the ubiquity of alcohol marketing.

“I remember at my brother’s football match, there were alcohol advertisements all around the pitch.”

Member of Children’s Parliament, aged 9-11



Scotland has significant powers to legislate to restrict marketing; this would reduce people's exposure across a number of key channels and reduce the power of remaining marketing activities.



PEOPLE WELCOME CHANGE

There is broad public support for increased alcohol marketing restrictions in Scotland. Three quarters of people support limiting children's exposure to adverts,²⁹⁹ and almost half (48%) of people support a ban on all alcohol advertising – with higher levels of support than opposition for this measure.³⁰⁰ Around two thirds (62%) of people support restricting advertising, sponsorship, and promotion online and in outdoor and public spaces.³⁰⁰

Children and young people themselves are calling for action on marketing. As part of a project investigating an alcohol-free childhood in 2019, members of Scotland's Children's Parliament (aged 9-11 years) called for adverts to be removed so that children cannot see them and for alcohol to be less visible in shops.¹⁴ 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 on TV, in cinemas and in public places, and content requirements for adverts and packaging to reduce appeal to young people and warn them of the dangers of drinking.³⁰¹

“Children would be better and healthier because when they grow up, they wouldn't think it's cool to drink.”

Member of Children's Parliament, aged 9-11

People in recovery across Scotland have also expressed a wish to see the ubiquitous and intrusive marketing of alcohol in their daily lives addressed.

“It glamorises alcohol and makes it out to be something desirable. It makes me feel angry at times. It can be a trigger for people who prefer not to drink or trying to give up. Large amounts of money are spent on marketing a product that is essentially harmful. I would prefer there was no marketing of alcohol at all as there is with smoking.”

Person in recovery

“Until you are in recovery it is hard to understand how important this is. Reducing alcohol advertising could easily help save lives for many in the recovery community.”

Person in recovery

There is also political and civil society support for improved alcohol marketing controls in Scotland to protect children and young people. In the previous parliament, the majority of MSPs and more than 40 organisations, including Children in Scotland, Children 1st, Barnardo's, The Children and Young People's Commissioner, YouthLink Scotland, Together (Scottish Alliance for Children's Rights), and Parenting Across Scotland supported the pledge: “*I believe alcohol marketing has no place in childhood. All children should play, learn and socialise in places that are healthy and safe, protected from exposure to alcohol advertising and sponsorship.*”

SCOPE OF RESTRICTIONS

Promotion

The Scottish Government should ensure restrictions on alcohol marketing explicitly include all forms of brand marketing.

It is within the competence of the Scottish Parliament to restrict brand marketing. Branding is used by alcohol companies to differentiate themselves from their competitors, and to build associations and emotional connections with their consumers. Companies need not even use their brand name, but simply visual and verbal cues, such as colours, fonts and slogans, that are already associated with their brand in the public consciousness.

For example, for over 25 years, Scotland's major music festival was sponsored by an alcohol brand. T in the Park, named after its major sponsor Tennent's lager, ran from 1994 to 2016. T in the Park was synonymous with Tennent's, despite not explicitly referring to the brand name; the font and colour of the 'T' was sufficient to draw those associations.

As can be seen from other countries' experiences reported in the case study research,¹³ the alcohol industry has often reverted to brand marketing to circumvent alcohol marketing rules, resulting in people still being exposed to alcohol brand promotion.

For action on alcohol marketing to be fully effective, legislation must be framed sufficiently broadly to capture both marketing of specific alcohol products and all forms of brand marketing, including brand-sharing and alibi marketing. Given the recent growth in no and low alcohol products which brand-share with alcoholic drinks,⁶³ this is an area of particular concern and should be included within the parameters of the restrictions.

Failure to ensure that brand marketing is fully addressed would risk undermining the objectives of the legislation and increase the potential for marketers to exploit potential loopholes.

"T in the park was literally an advert for Tennent's."

18-22-year-old, AFS Focus Group

"I don't know how they can get away with it...That's annoying because it's not promoting alcohol-free beer, it's promoting your brand...You see Heineken rolling around the screens at the bottom of the thing. Half time, what are you thinking about? Heineken! And then you go and get a pint."³²⁴

The Scottish Government should work with the UK Government to restrict marketing on matters of reserved competence, having particular regard to the importance of digital marketing.

While the Scottish Government is unable by itself to implement restrictions across the whole of the marketing mix, it can still pursue a more comprehensive approach for Scotland by working with the UK Government on matters of reserved competence. The Scottish Government should press the UK Government to introduce restrictions on alcohol marketing on TV, radio, and on-demand services, and in cinemas to complement the restrictions which can be delivered by the Scottish Parliament.

The competency for action on digital marketing is currently a matter of dispute between the Scottish and UK Governments.^{302 303}

The UK Parliament has recognised the need to protect children from the marketing of some unhealthy products online – having legislated for, though not yet implemented, an online ban on paid-for advertising for unhealthy food and drink in the Health and Care Act 2022 – though attempts to broaden the scope of these provisions to cover alcoholic drinks were resisted.³⁰⁴ Given the accepted challenges of regulating the online environment, particularly given its transnational nature,³³ it will be important for the Scottish and UK Governments to work closely together, and with other international governments and partners such as WHO, to seek appropriate solutions, including by supporting calls for a global Framework Convention on Alcohol Control.



Product

The Scottish Government should mandate health information on all alcohol packaging. The content and design of this information should be specified in regulations, informed by consumer research, and developed free from industry influence.

Providing clear and comprehensible information via labels is an important way for people to access health information and advice at the point of purchase and consumption, helping to counter the positive messages about alcohol provided by industry marketing and address current low levels of knowledge of alcohol harm. In addition to the health risks associated with drinking, this information should include, for example, unit content, drinking guidelines, a pregnancy warning, and nutrition and ingredients listings.

In stark contrast to the mandatory labelling requirements for all other food and drink products, which are independently regulated,³⁰⁵ alcoholic drinks in the UK are not legally required to provide nutritional information or a list of ingredients or any health warnings. Whereas tobacco packaging in the UK has been required to display a combined written and pictorial warning covering a range of smoking-related conditions since 2008,³⁰⁶ there are no requirements for alcohol products to carry health-risk information. This is despite alcohol use having surpassed smoking as the leading risk factor for death for 15-49-year-olds in Scotland for almost 25 years.³⁰⁷

With even the most basic information not being provided consistently by companies, people are unable to routinely access important health information via alcohol labels in Scotland.

A review of 369 products by the Alcohol Health Alliance in 2022 found that most products failed to provide full nutritional information and ingredients (80% and 95% respectively).¹⁶¹ Despite the current UK low risk drinking guidelines having been in place for six years, 35% of products still did not provide these, and in line with previous reviews,^{159 308} very few (just 3% of) products displayed a health warning.¹⁶¹ Even when some information is commonly provided – as with pregnancy warnings and unit content – it is often small and difficult to see.^{158 159}

“...they’ll make it as small and unnoticeable as possible because, let’s be honest, promoting the fact that you know you shouldn’t be drinking this isn’t going to sell bottles.”

Young adult drinker¹⁶⁰

People in Scotland support regulation requiring companies to provide more information on labels.³⁰⁰

68% support including health warnings

68% support including ingredients

69% support including nutritional information

63% support including low risk drinking guidelines

Many people do not trust the alcohol industry to police themselves in relation to the provision of health information. For example, focus group research with young adult drinkers found that many people do not trust alcohol manufacturers to include information voluntarily because of the potential for this to reduce the appeal of products and in turn, revenue.¹⁶⁰

Mandatory inclusion of health information would also tackle poor levels of awareness of the health risks associated with drinking; fewer than one in four (23% of) people in Scotland know the low risk drinking guideline not to regularly exceed 14 units per week³⁰⁹ and fewer than half (45%) know that alcohol causes cancer.³¹⁰ The Scottish Government's 'Count 14' national public information campaign, which ran in 2019 and was designed to build understanding of the low risk drinking guidelines, did increase public awareness,³¹¹ but such campaigns are expensive and limited in duration.

The Scottish Government has a longstanding preference for mandating alcohol labelling, stating that it would consider pursuing such a mandatory approach if industry progress was not satisfactory.² Acting on a four-nations basis has been seen as desirable. With the UK's exit from the European Union, the four nations of the UK are developing several common frameworks setting out an aligned approach to various aspects of labelling. In relation to alcohol labelling specifically, a four-nations approach to communicating the drinking guidelines and calorie content has been under development. However, a long-awaited UK-wide consultation on this has still not yet been launched.

The industry should be required to provide information on the risks of consuming alcohol, as well as unit content, the low risk drinking guidelines, a pregnancy warning, and nutrition and ingredients listings on all alcohol packaging. In line with WHO's recommendation, the content and design of health information should be specified. As has been the case with health warnings on tobacco products, consumer testing is needed to inform the content and design of health information to maximise impact. Labels must be developed free from industry influence.

The Scottish Government should set a time limit for delivering mandatory health information on alcohol labelling across the four nations. If this cannot be achieved, then it should seek to implement a mandatory approach in Scotland.

“I think it would take away the glamorisation of it. People are saying if it looks fancier they would take it to a dinner party. I think if it looks like that [with a health warning] and I was turning up to somebody's house, I don't think I would want to take that.”

Young adult drinker¹⁶⁰





Place

The Scottish Government should introduce further restrictions in mixed retail environments to ensure that alcohol display and promotion is only visible to those intending to browse or purchase alcohol.

There are around 15,000 licensed premises in Scotland – one for every 290 adults³¹² – and almost three quarters of the alcohol sold in Scotland is sold in the off trade.³¹³ The visibility of alcohol in the retail environment is a key form of marketing activity, influencing shoppers to impulse purchase and normalising alcohol as an everyday commodity. Alcohol is also commonly promoted when shopping online, with a Scottish study finding that up to 28% of promotions served during online supermarket shopping were for alcohol.¹³³

Scottish licensing laws currently restrict the display and promotion of alcohol in shops to a single display area, in an attempt to ensure that shoppers only encounter alcohol displays or promotions when they have a conscious intention to browse or select an alcohol product.³¹⁴ However, these restrictions still allow for alcohol to be located in highly visible parts of a store: at the ends of aisles; in the middle aisle; beside tills and packing areas; and, in smaller shops, behind the till or visible in or from the window. Evidence suggests that when single display areas are located near high-traffic areas, this results in frequent exposure of shoppers, including children, to alcohol products and marketing messages.^{219 315}

Children and young people in Scotland have themselves highlighted the visibility of alcohol promotion in and around shops and supermarkets and expressed a desire for this to be addressed.^{14 316} Primary school children (aged 9-11) felt that alcohol should not be advertised or displayed in shops

where children can see it and called for alcohol to be sold in adult-only sections of shops, separate rooms in regular shops, and supermarkets dedicated to alcohol sales.¹⁴

“It should be in adult-only shops.”

10-year-old, Member of Children's Parliament

People recovering from an alcohol problem have also called for change, expressing how difficult having alcohol clearly visible in shops can be for them.^{12 317}

The need to reduce the visibility of alcohol products in shops and supermarkets has been recognised by the public too, with 69% supporting restrictions on how alcohol is displayed to achieve this.²⁹⁹

It is therefore important that parameters are put in place for where and how retailers display and promote alcohol. The Network recommends extending current measures in Scotland to ensure that alcohol display and promotion is only visible to those intending to browse or purchase alcohol, whether online or in physical stores. This should involve limiting the display and promotion of alcoholic drinks in mixed retail environments to a designated area separated from the rest of the store by an appropriate physical barrier; concealing alcohol products located behind checkout points in a similar way to that with tobacco; and ensuring that alcohol display areas are not visible from outside the shop.

“I have relapsed a couple of times because of queuing next to it.”

Person in recovery

“I would like to see more consistency and at the very least alcohol being hidden in the back corner, this would make things easier.”

Person in recovery



Price

The Scottish Government should further restrict the use of price as a promotional tool.

In Scotland, a ban on multi-buy discount promotions (such as '3 for 2' offers) was introduced in 2011, and a minimum unit price in 2018. Despite this, it is still possible to purchase enough alcohol to exceed the weekly low risk drinking guidelines for less than the cost of one adult cinema ticket.³¹⁸

Price remains a common marketing tool with straight discounting still possible (to above the minimum unit price) and products are often promoted on their price. This happens through marking of the price on the packaging itself, or visual cues such as brightly coloured or differently-sized labels or shelf markers which draw attention to a low or reduced price.

A third of products in a study of small retailers in Scotland were on some form of price promotion; price marking was most common and was found on around a quarter (24%) of products.³¹⁹ In 2021, a quarter of all alcohol sold through larger multiple retailers was on promotion.³²⁶

Modelling undertaken prior to the implementation of the multi-buy discount ban in Scotland estimated that banning all off-trade price promotions (both quantity discounts and other price-based promotions) could deliver a reduction in alcohol consumption of 3.1% and would complement minimum unit pricing.³²⁰

The multi-buy discount ban implemented in Scotland in 2011 was more limited in scope and did not prevent straight discounting; nevertheless, research undertaken as part of the Monitoring and Evaluating Scotland's Alcohol Strategy (MESAS) programme found it had delivered a reduction in off-sales purchases of 2.6%.³²¹

However, retailers responded to the multi-buy discount by enhancing other promotions; on average, 50% of all off-trade alcohol sales in Scotland in the year after the ban was introduced were on promotion.³²² The researchers concluded "that the estimated impact of the [Alcohol Etc. (Scotland) Act 2010] may have been larger if a total ban on off-trade discounting was introduced."³²¹

Despite the progress that has been made in Scotland in addressing the role of price in driving consumption, both through the multi-buy discount ban and minimum unit pricing, further action can limit the use of price as a promotional tool. In particular, the Network recommends measures should be put in place to control straight discounting and restrict the use of price marking and price cues.

POLICY IMPLEMENTATION

The Scottish Government should adopt a 'positive list' approach to legislation as far as is possible within their competence, stating what activities are permitted under the legislation, rather than what are not.

As outlined in the previous chapter, adopting a 'positive list' approach – where legislation lists permitted activities – is viewed as having several advantages by countries that have adopted marketing restrictions. These include allowing for more straightforward implementation, helping to prevent industry pushing the boundaries of what is permitted, and future-proofing the legislation. To maximise the effectiveness of any restrictions brought forward in Scotland, it would be desirable for such an approach to be applied as far as is possible.

A positive list approach can most straightforwardly be applied in countries that have competence to legislate across the full range of marketing activities and channels. For Scotland, it may still be possible to adopt a form of positive list approach in relation to areas that are within its competence, for example, by identifying the channels through which marketing is restricted, and then stating which activities, if any, would not be considered to fall within the restrictions. When developing its proposals, the Scottish Government should explore its ability to apply a positive list approach within the parameters of its competence.

MONITORING AND ENFORCEMENT

The Scottish Government should implement systematic and regular monitoring and enforcement of statutory restrictions by an independent body or government agency, with powers to impose robust sanctions for non-compliance.

Adopting statutory restrictions on alcohol marketing as recommended here will address some of the shortcomings of the current regulatory system, removing the reliance on subjective assessment of the appropriateness of particular adverts or activities. Nevertheless, the experience of other countries demonstrates the continued need for monitoring and enforcement to ensure the restrictions are adhered to and that any breaches are dealt with appropriately

The Network's first report made clear that the current system of alcohol marketing regulation in the UK is not fit for purpose; enforcement is slow and weak, and there are ineffective sanctions for breaches.¹ Such problems have been exacerbated in the intervening years by the new challenges posed by digital marketing. The UK Government has already acknowledged the limitations of existing regulations of online advertising more generally, noting "the issue of accountability in the online supply

chain, where many of the actors involved in distributing advertising content are not consistently held to account under existing regulatory frameworks."³²³

The varied range of stakeholders involved in regulation, including media operators, producers and regulators, also creates challenges for developing an effective and consistent regulatory approach.³³ Any action on alcohol marketing in Scotland should identify how systematic and regular monitoring and enforcement of compliance with statutory restrictions will be undertaken, including whether this should be by an independent body or government agency. Consideration should also be given to improving statutory powers for sanctions and requiring industry to provide information on marketing spend, media used, and data on the demographics of audiences reached.



EVALUATION

The Scottish Government should establish an evaluation programme to assess the effectiveness of marketing restrictions.

Scotland has led the way in implementing robust evaluations of alcohol policy interventions. Its minimum unit pricing policy will be the most thoroughly evaluated policy in the history of the Scottish Parliament, informed by an extensive set of research studies which contribute to the Monitoring and Evaluating Scotland's Alcohol Strategy (MESAS) programme, overseen by Public Health Scotland.

In order to measure the outcomes and impact of any marketing restrictions introduced in Scotland, it is important that a comprehensive evaluation programme be built in at the planning phase of implementation.

This would enable the Scottish Government and Parliament to assess the effectiveness of the restrictions and to consider any further measures which may be required. It would also inform other countries' consideration of alcohol marketing regulation and help demonstrate how international regulation can and should complement national action.



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Restoration Fife

Rod Anderson

Ryan O'Connor

Scottish Families Affected By Alcohol And Drugs

Scottish Recovery Consortium

Turning Point

Voluntary Action Fife – Young Volunteers

We Are With You

We are grateful to Cancer Research UK for sharing data from their commissioned study, the Youth Alcohol Policy Survey (YAPS) 2019, to be analysed and used in this report. The YAPS 2019 was a cross-sectional survey administered online to UK adolescents aged 11-19. The study was conducted by YouGov and in partnership with the University of Stirling and took place from September to November 2019.

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Views expressed in this report are that of the Alcohol Marketing Expert Network and not necessarily those of any of other people or organisations who have contributed information to its development.

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P.61 Guinness Greatness Editorial
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