

# ALCOHOL ACTION IRELAND **SUBMISSION**

Coimisiún na Meán consultation on  
revised Broadcasting Codes and Rules

October 2024

Alcohol Action Ireland (AAI) was established in 2003 and is the national independent advocate for reducing alcohol harm. We campaign for the burden of alcohol harm to be lifted from the individual, community and State, and have a strong track record in campaigning, advocacy, research and information provision.

Our work involves providing information on alcohol-related issues, creating awareness of alcohol-related harm and offering policy solutions with the potential to reduce that harm, with a particular emphasis on the implementation of the Public Health (Alcohol) Act 2018.

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## Summary

For the purposes of this submission Alcohol Action Ireland (AAI) would like to address some pertinent issues in relation to the General Commercial Communications Code (Radio and Television Broadcasters) and the Children's Commercial Communications Code. AAI notes that the proposed Code is very similar to the previous Code in relation to alcohol advertising. However, it is clear from research that Irish children continue to be heavily exposed to alcohol brand marketing, a known risk factor for children starting to drink. To address this our key recommendations are:

1. AAI wish to highlight concerns about the advertising of zero alcohol products using identical branding to the alcohol master brand and the exposure of children to alcohol advertising as a result. AAI recommends that zero alcohol product advertisements which use the branding of alcohol producers should be subject to the same restrictions as alcohol advertisements.
2. Coimisiún na Meán must make clear that alcohol advertising during sporting events e.g. on pitches and hoardings cannot be broadcast prior to the broadcast watershed for alcohol advertising which comes into effect from Jan 2025.
3. AAI have concerns that some elements of the proposed Broadcasting Code are not robust enough to ensure that children are protected from alcohol advertising.
4. Alcohol and zero alcohol product placements in broadcast programmes should be explicitly banned.
5. AAI recommends that regular monitoring of children's exposure to alcohol advertisements should be carried out and published.
6. Any adjudication on advertisements should be solely carried out by Coimisiún na Meán and not outsourced to any self-regulatory body such as the Advertising Standards Authority of Ireland.

## Introduction

There is extensive and robust evidence that children who are exposed to alcohol marketing are more likely to start drinking as children and if already drinking, to consume more.[1] While there have been some modest decreases in youth drinking in Ireland, at least 50,000 children start drinking every year.[2] Starting to drink alcohol as a child, which is the norm rather than the exception in Ireland, is more likely to lead to heavy episodic drinking and is a known risk factor for later dependency.

There is overwhelming public support for action on alcohol advertising on television, with an opinion poll from Ireland Thinks putting support for such measures at 70 percent.[3] From 10 January 2025 the advertising restrictions contained within the Public Health (Alcohol) Act 2018 (PHAA) will finally ensure certain advertising restrictions take effect. These restrictions will ensure a daytime broadcasting ban on alcohol advertising. As such, there can be no advertisement for an alcohol product on television from 3am - 9 pm and on radio on a weekday from 3pm - 10am the following morning.

The purpose of this measure is to reduce the exposure of children and young people to advertisements for alcohol products.[4] The reasons for this are straightforward. Alcohol is advertised to us in a variety of ways. Sponsorship at sports and music events, products promoted in our favourite movies and TV shows, and displays in shops to celebrate Valentine's Day, Father's Day, weddings, and birthdays. It is everywhere we look. Big alcohol companies spend millions linking alcohol with the things we love - watching football, GAA, or rugby, going to a gig, sharing a romantic meal. The purpose of this is to normalise alcohol and influence when we start to drink, how much we drink, and how often we drink.[5] The outworking of this is children being exposed to this same advertising.

We have known for some time alcohol advertising seeks to recruit new drinkers and increase sales among existing consumers of alcohol, including those with alcohol use disorder and dependency and young people.[6] It was for this reason that the PHAA aimed to reduce the direct or indirect promotion of alcohol products.

## Zero alcohol product advertising

AAI believes that 0.0/alcohol-free products are currently being used to promote alcohol brands and thereby circumvent current broadcasting rules as well as the PHAA. Many leading alcohol producers now have alcohol-free and low-alcohol variants, beverages known in different countries around the world as no, low, zero, alcohol free or non-alcoholic drinks or simply NoLos.[7]

Of significant concern are those products which share similar branding to their regular-strength counterparts, as they further normalise a culture of alcohol consumption and blur potential conflicts of interest in developing public health policies and broadcasting rules. Researchers and public health bodies including the World Health Organisation have been drawing attention to these concerns in recent years.[8]

The PHAA does not ban alcohol sports sponsorship but in November 2021 a modest measure was implemented outlawing alcohol advertisements on the field of play, while still allowing them on hoardings around the pitch. However, 0.0/alcohol-free products are now being used to circumvent these restrictions and have become prevalent in settings where alcohol is not allowed to be marketed e.g. on public transport and on advertisements close to youth-oriented facilities such as schools and public parks.

We are also now seeing alcohol brands being broadcast on TV channels during the day and on the field of play in sports events, this then creates a further issue in terms of broadcasting as alcohol branding emblazoned on playing surfaces is then being carried on television. The increase of 0.0/alcohol-free ads, especially during sports events, using the same logos and branding of full-strength products, risks children being exposed to alcohol brand marketing and the normalisation of alcohol-like products in new settings.

Just as restrictions under the PHAA came into force, big alcohol brands began brand sharing – that is advertising zero alcohol beers using the same parent branding. It is of note that in the outdoor space where most of the PHAA restrictions are in place,

zero alcohol ads made up 25 percent of the spend of alcohol brand advertising in 2022, up 31 percent from 2021, even though these products only make up around 2 percent of the market.[9]

Zero alcohol ads are not being pushed because the alcohol industry wants people to drink less but because of the aforementioned restrictions on where they can advertise their products. Brand sharing means that children who see people drinking what appears to them to be alcohol – because of the same branding – will at a young age be conditioned to think differently about when and where it is appropriate to drink alcohol.

Recent sports events have revealed these practices first hand as big alcohol have sought to put their brand at the centre stage of important sporting events. Guinness displayed their logo and name with an additional, barely visible 0.0, onto the pitch during Six Nations matches earlier this year. Indeed, research from the University of Stirling found that alcohol brand references being shown at a rate of up to one every 13 seconds on the field of play during high profile rugby matches after the PHAA restrictions came into place.[10]

Similarly, during the recent Nations League football match between Ireland v England, Carlsberg displayed their logo behind both goal end lines, again, with a barely visible 0.0 tagged on. While this is hardly in keeping with the intent of the PHAA, it also poses questions regarding broadcasting rules, as on occasions such as those outlined, alcohol advertising is broadcast on television. It is clear that alcohol brands will do everything they can to get around even the most modest of restrictions and Coimisiún na Meán must ensure that their Broadcasting Codes and Rules protect against this.

## **Contraventions of Section 18 of the General Commercial Communications Code (Radio and Television Broadcasters)**

AAI believes section 18, subsection 2, points (a), (b), and (c) and section 18, subsection 5 of the General Commercial Communications Code (Radio and Television Broadcasters) are being contravened. Section 18.2.(a) of the code states that broadcasters shall ensure that commercial communications for alcoholic beverages are cast towards brand selling and identification and do not encourage children or non-drinkers to begin drinking. However, brand sharing, advertising zero alcohol beers using the same parent branding, by its very nature is meant to encourage consumption of the brand advertised, and we know from international research that zero alcohol products are likely exposing children and adolescents to additional alcohol-related stimuli, potentially increasing their risk of underage alcohol consumption.[11]

### **Association of alcohol with sporting prowess**

Similarly, advertising alcohol during sporting events, through broadcasters showing events where alcohol brands have their logos imprinted on the playing field, would appear to be a contravention of S.18.2.(b) as it links sports stars to alcohol and thereby creates a linkage between alcohol and enhanced physical performance.

Furthermore, this would also appear to be a contravention of S.18.3.(c) as broadcasting successful sports stars playing rugby or football on a field emblazoned with alcohol brands creates the impression that the consumption of alcohol contributes towards success or social success. More broadly, these situations could all be considered to breach S.18.5 of the code – “Broadcasters shall ensure that sports programmes and sports bulletins, including competitions within sports programmes produced or commissioned by the broadcaster, do not promote alcohol brands.”.

### **Broadcast Watershed Alcohol Advertisements**

From 10 January 2025 the broadcast watershed on advertising restrictions contained within the Public Health (Alcohol) Act 2018 (PHAA) will come into effect. These restrictions will ensure a daytime

broadcasting ban on alcohol advertising. As such, there can be no advertisement for an alcohol product on television from 3am - 9 pm and on radio on a weekday from 3pm - 10am the following morning. It is essential that Coimisiún na Meán makes clear that the broadcast of alcohol advertising during sporting occasions e.g. on the pitch, on hoardings around the pitch etc., is forbidden before the broadcast watershed.

## **Audience profile**

AAI also have concerns regarding S.18.7.(b), that alcohol beverages shall be broadcast only in or around programmes with an adult audience profile of 75 percent or greater. Children make up 23 percent of the population[12] and it is likely, where it comes to important GAA, rugby, and football events, that they are watching in the same proportion. For example, large sporting events, such as Ireland football and rugby internationals, can attract anywhere between 500,000 and 1,000,000 viewers.

Indeed, the audience for Ireland v England in the Six Nations rugby championship was 1,019,800[13] – 23 percent of that audience is 234,554. This means that a significant number of children could be seeing alcohol advertisements during popular sporting events, and we know from previous figures from the Broadcasting Authority of Ireland that seven out of 10 of the top programmes watched by children are big sporting events.

This situation is further compounded by the fact that in 2021 the Broadcasting Authority of Ireland Statutory Report on the Effect of the BAI Children's Commercial Communications Code found that Diageo, the multinational alcoholic beverage company, was the number four advertiser to children in Ireland.[14] This demonstrates the weakness of the previous code and the need for much more effective practices in relation to alcohol brand marketing.

There is a clear contradiction between S.13.2.(h) of the code which forbids advertisements for alcoholic beverages that are aimed specifically at minors and yet children are clearly being highly exposed to alcohol advertising. AAI recommends that this section of the code should be replaced with a statement that children should not be exposed to alcohol advertising.



## Product placement

Alcohol product placement should be explicitly banned. There is considerable evidence from other jurisdictions that this form of alcohol advertising is both significant and increasing. For example, a 2016 study in the USA measured the alcohol-related content, including brand placements, of 10 popular television shows. They found an average of more than two alcohol brand placements per show episode, with some shows featuring more than 13 brand placements per episode.[15]

A later study of reality TV programmes which were broadcast in the UK between 1st August 2019 and 1st August 2020 found that alcohol content was seen in 5,167 intervals (39%) across 258 episodes (98%). Using viewing figures and census data, it was estimated that alcohol content was seen 3.5 billion times by the UK population, including 197.3 million times by children aged under 16.[16]

A 2022 study found that aspirational and usual brand to drink corresponded to television alcohol brand prominence, and television brand exposure was independently associated with drinking initiation and hazardous drinking.[17]

## Monitoring and adjudicating of advertising

AAI also recommends that regular monitoring of children's exposure to alcohol advertising should be carried out and published. It is of note that it was only through the Broadcasting Authority of Ireland Statutory Report on the Effect of the BAI Children's Commercial Communications Code that the high level of alcohol advertising to children was exposed. AAI strongly recommends that any monitoring and adjudicating of advertising should be carried out directly by Coimisiún na Meán and not outsourced to other organisations. In particular self-regulatory bodies should not be involved in the regulation of commercial communications.

Currently, the Advertising Standards Authority of Ireland (ASAI) code self-regulates advertising. The ASAI is 100% funded by industry, and therefore has industry interests at its core. It is not a suitable body to provide robust and independent adjudications on advertising carried out by its own members/funders.

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