

Alcohol Action Ireland (AAI), the national independent advocate for reducing alcohol harm, welcomes the publication of the **General Scheme of the Online Safety & Media Regulation Bill**.

AAI has previously contended in earlier submissions that the exposure of children to Internet alcohol marketing should be considered as 'harmful content'.¹

We note that as per the Annex to the Regulatory Impact Analysis this Bill does not consider that alcohol marketing falls into the 'harmful content' category but rather that it may be classified as 'inappropriate content'.

Alcohol is one of the most heavily marketed products on our shelves and young people are an important market for the alcohol industry. The recent Report on the Effect of the BAI Children's Communications Code highlights just how prominent alcohol promotion is in Irish children's lives, with Diageo the number four advertiser to children aged 4-17.²

Comprehensive research now clearly tells us that alcohol marketing including advertising, sponsorship and other forms of promotion, increases the likelihood that adolescents will start to use alcohol, and to drink more if they are already using alcohol.³

¹ <https://www.drugsandalcohol.ie/30460/1/AAI-Submission-to-Regulation-Harmful-Online-Content-Consultation-final.pdf>

² Report on the Effect of the BAI Children's Communications Code. <https://www.bai.ie/en/codes-standards/#al-block-5>

³ Scientific Opinion of the Science Group of the European Alcohol and Health Forum (2009) Does marketing communication impact on the volume and patterns of consumption of alcoholic beverages, especially by young people? – a review of the longitudinal studies Anderson; P. et al (2009) Impact of Alcohol Advertising and Media Exposure on Adolescent Alcohol Use: A Systematic Review of Longitudinal Studies. Alcohol and Alcoholism, pp.1-15, 2009; Impact of alcohol advertising and media exposure on adolescent alcohol use: a systematic review of longitudinal

A recent report from the World Health Organization notes that:

"Alcohol marketing is adapting to new realities faster than current legal regulations across the Region, with industry using opportunities offered by digital platforms to sell their products in a largely unregulated market" and comments on "the targeting of consumers including children and adolescents to promote drinking."⁴

AAI therefore believes the Bill's approach represents a missed opportunity to protect children from the insidious practices of corporate entities that track, profile and target young people to market harmful and addictive alcohol products.

As highlighted by international experts on children's health and rights: "Large companies incorporate the science of the life course approach into their marketing, to achieve the adherence and fidelity of children to capture future consumption....the rapid spread of sophisticated digital and mobile communications means that children are exposed, as never before, to a torrent of commercial marketing pressures from corporate powers. The power of big business means government attempts to protect children from harmful commercial behaviour requires agile regulation, but this is often opposed by well-resourced lawyers and lobby groups. Commercial governance is essential to protect children from alcohol, tobacco".⁵

The Annex to the Regulatory Impact Analysis also asserts that alcohol marketing is dealt with under the Public Health Alcohol Act, 2018 (PHAA). But while it is the case that PHAA (section 14) prohibits the advertising of alcohol within 200 metres of schools and playgrounds in public service vehicles, and at public transport stops or stations, the Act is silent on how children will be protected from online exposure to commercial exploitation by corporate alcohol interests, as outlined in the WHO–UNICEF paper cited above

So, in fact, contrary to what the Annex suggests, online alcohol marketing is not dealt with under the PHAA. The issue of online advertising was raised at the time the Bill was being debated⁶ in the Oireachtas when it was noted that a "significant gap in the Bill as it stands, in so far as it does nothing to address the growing problem of children's exposure to alcohol advertising online, especially through social media."

It was proposed by amendment that, in line with Department of Health guidance on the sale of tobacco products to under 16s,⁷ advertisers take "all reasonable steps" to

studies, <https://www.ncbi.nlm.nih.gov/pubmed/19144976>; The effect of alcohol advertising, marketing and portrayal on drinking behaviour in young people: systematic review of prospective cohort studies, <https://bmcpublichealth.biomedcentral.com/articles/10.1186/1471-2458-9-51>.

⁴ [Alcohol marketing in the WHO European Region: update report on the evidence and recommended policy actions \(2020\)](#)

⁵ A future for the world's children? A WHO–UNICEF–Lancet Commission
<https://www.thelancet.com/action/showPdf?pii=S0140-6736%2819%2932540-1>

⁶ https://www.oireachtas.ie/en/debates/debate/seanad/2017-12-15/4/#spk_101

⁷ See: Technical guidance from the Department of Health on Regulation 31 of the European Union (Manufacture, Presentation and Sale of Tobacco and Related Products) Regulations 2016.

ensure their online advertisements are not targeted at children. For example, there must be regard to whether age verification controls and demographic targeting have been used.⁸

The impetus to protect children from harmful marketing becomes even more pressing considering that Ireland will have increased obligations following the recent publication of the UN Committee on the Rights of the Child (UNCRC) General Comment 25 on children's rights in relation to the digital environment.⁹

The UNCRC is urging states to take a vigorous stance against the exposure of children to digital marketing of unhealthy products, such as alcohol and junk foods and recommends that state parties have appropriate independent institutions to monitor children's rights in the digital environment.

While the Bill does not specifically outline what the online safety commissioner's full role will entail, what the UNCRC is calling for potentially falls under its remit. AAI believes that the online safety commissioner must have the power to ensure that advertisers of alcohol do not advertise an alcohol product, unless, as with tobacco, all reasonable steps are taken to ensure that the advertising cannot be viewed by children¹⁰ including:

- age verification controls
- demographic targeting to ensure that the advertisement is not displayed to children
- ensuring the advertisement has been labelled or registered in a way which permits it to be blocked by parental filtering software
- ensuring the advertisement does not invite users to share it with others.

These measures do not relate to the content of alcohol advertisements, which is covered under PHAA (Section 13), but solely to alcohol producers that seek to target children online.

By not addressing this issue either in PHAA or the forthcoming the Online Safety & Media Regulation Bill, our children remain exposed to relentless alcohol advertising in the palm of their hands.

⁸ See: <https://www.hse.ie/eng/about/who/tobaccocontrol/tobaccoproductdirective/commercial-communications-restrictions-for-e-cigarettes-and-refill-containers.pdf>

⁹ <https://5rightsfoundation.com/uploads/5Rights%20welcomes%20UN%20General%20Comment%20ushering%20in%20new%20standards%20for%20children.pdf>

¹⁰ As previously noted, this reflects current Department of Health in relation to the offence of selling tobacco products to under 16s.

Section 3(3) of the Tobacco (Health Promotion and Protection) Act 1988 as amended by section 2 of the Health (Miscellaneous Provisions) Act 2001