

ALCOHOL ACTION IRELAND **SUBMISSION**

Online safety code
for video sharing
platform (VSP) services -
Technical Regulations
Information System (TRIS)

June 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. Our overarching goal is to achieve a reduction in consumption of alcohol and the consequent health and social harms which alcohol causes in society.

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Alcohol Action Ireland (AAI) welcomes the Draft Online Safety Code as prepared by Coimisiún na Meán, which is intended to ensure that Video Sharing Platform Services (VSPS) providers take appropriate measures to protect children from harmful content, including illegal content and adult-only video content.

AAI, however, has concerns about the code in relation to fully protecting children from harmful online marketing practices. Advertisers are very much ahead of regulation – and are allowed to continue to be, even though we know the harms. This code is a chance to remedy this and to prioritise children’s rights and health over commercial interests.

Restricting marketing of alcohol is a World Health Organisation recommended “Best Buy” – a cost-effective policy to reduce alcohol consumption and attributable burden.

Recognising young people’s increased exposure to alcohol marketing online, the WHO has called for urgent action by countries and international institutions to protect public health and human rights. In this regard and in recognition of the specific way commercial actors operate online, the WHO recommended removing marketing of alcohol altogether from digital spaces. While understanding the challenges of such a recommendation, it is nevertheless incumbent on regulators to strive to be as stringent as possible.

In a more recent report, the WHO has gone further in signaling alarm at the risk of social media to young people’s health. The latest publication highlights the issue of the marketing of harmful products to children, such as alcohol and provides clear guidance for governments and regulators.

It is also worth noting the recent calls from the US Surgeon general that social media requires labels that state ‘social media is associated with significant mental health harms’. Online advertising is no small part of the addictive nature of

social media, encouraging young people to engage and using well tested methods to get them to return again and again and spend more time online. The IMO agrees.

The time for strong action to protect young people is now.

1. Definition

The draft online code provides a definition of audiovisual commercial communications harmful to children, which states that audiovisual commercial communications for alcoholic beverages shall not be “aimed specifically at minors”.

AAI welcomes that the Commission recognises that alcohol advertising should not be seen by children. However, by stating that “audiovisual commercial communications harmful to children” means adverts for alcohol *aimed specifically at children*, it creates a very high barrier for children to have their rights vindicated in this regard.

This is because the alcohol industry claims it does not target children with alcohol adverts. However, we know from recent cutting-edge research in Australia using artificial intelligence (AI) that children are not only being served alcohol adverts – contrary to what the alcohol industry claims, they are being targeted. For example, the research (see case study below) indicates that teenagers aged 14 to 17 years old were estimated to see an average of six alcohol ads every day.

AAI recommends that the definition of online safety re alcohol be amended to - audiovisual commercial communications for alcoholic beverages shall not be seen by minors.

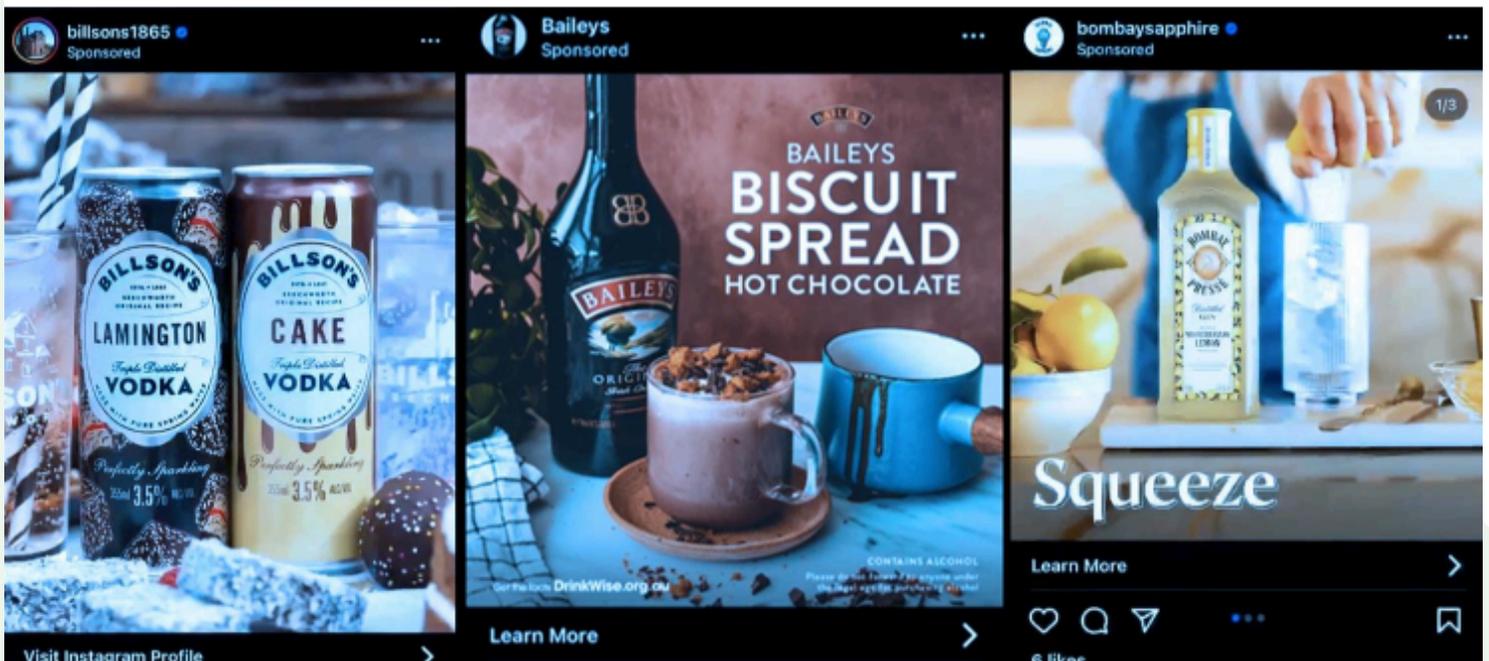
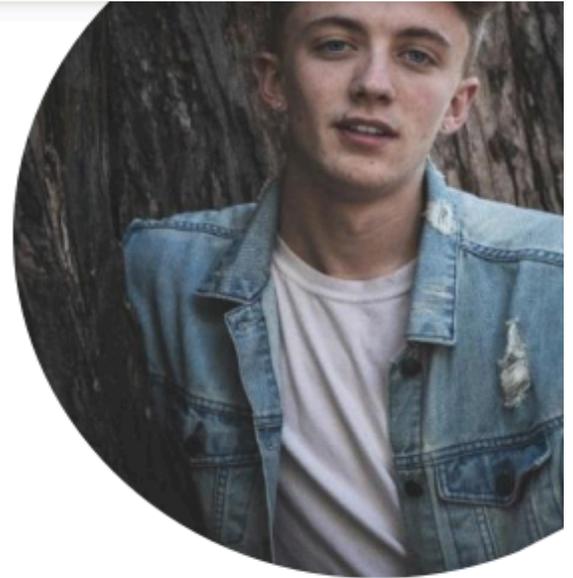
This would put the onus on advertisers and platforms to police harmful marketing practices. Marketing that reaches children and young people does not happen by accident.

The story of Jack

How 16-year-olds are targeted for alcohol ads when online

Below is the story of 'Jack'. 'Jack' is a persona that represents what we observed for how alcohol marketing was targeted at teenagers online.

- Jack is a 16-year-old boy living in Australia.
- He spends 2 to 4 hours a day online.
- He spends most of his time online browsing social media sites and chatting with friends.
- He usually plays online games for about 3 hours a week.
- He has social media accounts on Instagram, YouTube, Snapchat, and X.
- When he is online, he sees targeted ads promoting alcohol in his Instagram feed (as illustrated below).



Source: 'Digital Youth; How children and young people are targeted with harmful product marketing online' by Prof Kathryn Backholer and Dr Navoda Liyana Pathirana, Deakin University

2. Monitoring and enforcement

Internet marketing differs considerably from the passive type of adverts on TV and in print media. It actively encourages engagement with the ad and peer-to-peer sharing which leads to an emotional connection with the product. This is why regulation must be proactive rather than waiting for a complaint and why it is marketing practices rather than individual ads that need to be tackled. Children need to be protected from marketing systems that track and profile them and use their data now and into the future.

The global alcohol producer, Diageo, has said it is starting to use AI to “understand behaviour” as a marketing tool. This is a very worrying signal of where the marketing world is going. In this landscape, regulators also need to be using AI to monitor what is going on. Researchers in Australia have proven that this works by building an AI tool to carry out their study in relation to harmful marketing practices.

AAI recommends that enforcement is proactive and puts the onus on platforms to provide relevant data on the demographics of audiences reached. Oversight of adverts and complaints could be policed by AI tools similar to what has been piloted in Australia and recommended by the WHO in its latest technical report on digital marketing. In addition, monitoring and policing of online alcohol marketing should be carried out by Coimisiún na Meán directly, rather than being outsourced to any industry funded body.

AAI also recommends that monitoring of children’s online exposure to alcohol advertising begins before the code takes effect to provide a baseline to see if the code makes any difference.

Read more about AAI’s concerns in relation to harmful marketing practices online [here](#)

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