

**ALCOHOL
ACTION
IRELAND**
SUBMISSION

Consultation:
online safety code for
audiovisual on-demand
media service providers
July 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.

Examples of well-known audiovisual on-demand media service providers based in Ireland include platforms such as RTÉ Player, Apple TV, and Virgin Media Player.

1.0 Audiovisual commercial communications

It is very welcome that the code states that “commercial communications must not harm children” and that it “prohibits certain types of advertising, including communications that encourage direct purchasing through exploitation or the targeting of children with alcohol advertisements.”

This sends a strong message that children need to be protected from [alcohol marketing practices](#). However, we also know that the alcohol industry claims it does not target children with alcohol adverts. Major alcohol producers, such as Diageo, claim that they do not target children with their ads. However, the Broadcasting Authority of Ireland in its 2021 [report](#) on the operation of the Children’s Communications Code found that Diageo was the number 4 broadcast advertiser to children in traditional media. More stringent measures must be in place to protect children and other vulnerable groups.

AAI recommends that the code should state that audiovisual commercial communications for alcoholic beverages shall not be seen by minors.

2.0 Section 12 - responsible advertising practices

This section gives effect to Article 9 of the Audiovisual Media Services Directive (AVMSD) and aims to ensure responsible advertising practices regarding content potentially harmful to children and public health.

Section 12 states:

“Specific rules relating to the advertising of alcoholic beverages are also provided for and advertisements for alcohol must not:

- Target or feature children.
- Associate alcohol with improved physical performance or driving.
- Imply alcohol contributes to social or sexual success.
- Attribute alcohol with therapeutic benefits or as a means to overcome personal conflicts.
- Encourage excessive drinking or negatively depict moderation.
- Highlight high alcoholic content as positive.”

Given what we know about alcohol marketing, it is clear that in the real world, already many of these codes are being breached.

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.

In addition, alcohol adverts are reaching children like never before because of the proliferation of ‘zero alcohol’ adverts, which use identical branding to the master brand. The rise of these ads in Ireland came at a time when modest restrictions under the Public Health (Alcohol) Act 2018 started coming into force.

Since then, the alcohol industry has replaced alcohol ads with ads for zero alcohol products. This means that children are still being bombarded by advertising from alcohol brands, perhaps

even more so than prior to the proliferation of zero alcohol adverts. Zero alcohol adverts clearly breach the rules set out above and pose a real danger to children who grow up not fully understanding the difference between what kind of activities are appropriate when drinking alcohol – because of how the parent brand advertises its zero products.

AAI recommends that alcohol brands (including zero alcohol products) should not be allowed to sponsor programmes.

3.0 Sponsorship and product placement

Product placement and sponsorship of popular programmes are strategies the alcohol industry is using to normalise alcohol use in society and to drive sales. A study analysing UK TV shows in 2015 found very high levels of prevalence of alcohol product placement on the popular shows. An analysis of almost 3,000 minutes of national TV revealed that just one in 20 characters' drinks were a glass of water, while more than a third were alcoholic beverages.

Over two one-week periods, soap operas were found to dedicate 39% of "drinks screen time" to alcohol, with sitcoms giving 25%, dramas 34%, and The Archers radio show 44%. It is likely that research in an Irish context would yield similar results.

In respect of sponsorship, it is concerning that our national broadcaster RTE allows alcohol brands to sponsor programmes and create marketing campaigns that sees alcohol brands expand their sponsorship reach across other RTE platforms, i.e. the RTE guide and website.

The Cassillero Del Diablo sponsorship of the Normal People was particularly insidious, ie increasing wine ads during COVID when lockdown was at its height and home drinking and domestic abuse was spiking, as evidenced by the words of the brand itself: "In the early days of Covid 19, TV played a hugely important role in keeping people informed and entertained. With TV being the most trusted medium we identified the opportunity to bring forward our plans and maximise TV's potential during the lockdown."

AAI recommends alcohol brands should not be allowed to use sponsored content campaigns to advertise across platforms, allowing it to normalise the visibility of a harmful product and drive consumption of alcohol.

4.0 Monitoring and enforcement

AAI recognises that audiovisual media service providers will have systems and controls in place to demonstrate compliance with the obligations contained in the code. The code advises that complainants in the first instance get in touch with service provider.

Given the ever-changing media and advertising landscape, the commission should be proactive and carry out periodic research on the advertising landscape. For example, as already highlighted in this submission, alcohol brands are increasingly using zero alcohol products to advertise in areas where children should be protected from such marketing.

AAI is of the view that the commission has scope to probe issues such as this and be proactive rather than reactive. For example, the code talks about “subliminal techniques” in respect of commercial communications. Marketing zero alcohol products with the same branding as full strength products could arguably fall under this clause. The commission could also carry out research on issues such as product placement and sponsorship to ensure that children and vulnerable groups are not being negatively impacted.

AAI recommends that the commission takes a proactive approach to monitoring the activities of the commercial communications of audiovisual media service providers and commits to oversight and research of activities.



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