



Alcohol Action Ireland Submission to Public Consultation on the Regulation of Harmful Content on Online Platforms and the Implementation of the Revised Audiovisual Media Services Directive

12 April 2019

Harmful Content

A first step in introducing any regulations in this area is to define **Harmful Content**. Alcohol Action Ireland considers that any alcohol marketing to children, should be included in the definition of Harmful Content.

Harm from alcohol is a serious public health issue both in Ireland and Europe. The harmful use of alcohol is a causal factor in more than 200 disease and injury conditions, according to the World Health Organisation, (WHO) such as liver cirrhosis, heart disease and cancer.

The implications in Ireland around alcohol misuse are stark.¹

- Over 1000 deaths per year are attributable to its use
- Every day 1500 beds are occupied by people with alcohol-related problems
- €1.5 billion is spent on alcohol related hospital discharges
- It is a factor in half of all suicides
- 900 people in Ireland are diagnosed with alcohol-related cancers annually
- It is a factor in the vast majority of public order offences
- It is a significant factor in many cases of child neglect
- Drink-driving is a factor in two fifths of all deaths on Irish roads
- More than 60,000 children in Ireland start drinking each year²

This harm is not unique to Ireland. The WHO European Region has the highest proportion in the world of total ill health and premature death due to the alcohol with the European Union being the heaviest-drinking region in the world.³

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Given that Ireland will implement and regulate audiovisual services on an EU wide basis for entities based here such as YouTube and Facebook there is now a unique opportunity to address alcohol harm across the EU.

Alcohol Marketing

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.⁴

The World Health Organisation's European Action Plan to reduce the harmful use of alcohol 2012-2020 protects children and adolescents and requires systems to be in place to prevent inappropriate and irresponsible alcohol advertising and marketing.⁵

The recent Public Health (Alcohol) Act 2018 has introduced welcome legislation which seeks to reduce the level of exposure of children to some aspects of alcohol advertising for example on outdoor billboards, public transport and mainstream broadcasting. However, this legislation does not apply to internet marketing.

Children and young people are constantly absorbing information and are the primary users of social and digital media including social networking sites with young people spending more time on the internet than they do watching television.⁶ An EU funded assessment of young people's exposure to alcohol marketing in audiovisual and online media found that the alcohol brands they reviewed all had a considerable online media presence featuring both marketer-generated and user-generated content.⁷ 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.

A study of alcohol marketing on social media in Sweden and Finland found that 25% of alcohol marketing social media posts in Finland, and 15% in Sweden were identified as appealing to young people in some way (mainly through humour and linking with sporting activities)⁸. Another large-scale study⁹ of over 9000 adolescents in Germany, Italy, the Netherlands and Poland reported in 2016 that they had frequent exposure to online alcohol marketing and that there was a strong association between this exposure and the likelihood of starting to drink and/or binge drinking.

A 2019 report¹⁰ from the WHO notes that children are regularly exposed to digital marketing of many unhealthy products including alcohol while the response from governments to this threat to children's well-being is lagging far behind. The same report also notes that currently it is almost impossible to ensure that an advertisement for an unhealthy product will not be sent to a child.

Revised Audiovisual Media Services Directive (AVMSD)

The new rules within the revised AVMSD require that minors should be protected from potentially harmful content.

There are strengthened provisions to protect children from inappropriate audiovisual commercial communications of foods high in fat, salt and sodium, and sugars, by encouraging codes of conduct at EU level, where necessary and tobacco advertising is forbidden in all types of media.

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For alcohol advertising, the co-legislators agreed to encourage further development of self- or co-regulation, if necessary also at EU level, to attempt to reduce the exposure of minors to such advertisements. However, this does not prevent Member States from applying stricter rules such as, for example, banning alcohol advertisements or adopting other measures.

Self-regulation is no regulation

There have been many studies demonstrating that industry regulation of alcohol advertising does not work¹¹. Recent reviews have indicated that self-regulated alcohol marketing codes are violated routinely, alcohol advertisements regularly contain content appealing to vulnerable populations, and youth populations are exposed to disproportionately large amounts of alcohol advertising.^{12,13} The question that is being asked in relation to alcohol industry self-regulation: who is it really protecting?¹⁴

Statutory regulation

A number of European countries have introduced regulations around internet alcohol advertising.¹⁵

For example in 2008 France extended its alcohol marketing legislation to cover interstitial or intrusive advertising (e.g. pop-ups) and content that might appeal to young people (e.g. videos and animations). Despite these changes, however, research still suggests that over half of young people in France reported seeing alcohol marketing on the internet in the previous month.⁹

In 2015 Finland banned some forms of marketing of alcohol products on social media including encouraging individuals to engage with, or share, marketing on social media, online competitions, viral marketing and 'advergaming' (i.e. games that promote a particular brand, product or message by integrating it into play). This legislation covers marketing on the internet, games consoles, tablets and mobile phones. This law aimed to restrict marketing towards children and young people and to stop exploitation of consumers as the producers and distributors of marketing messages. However, a recent study⁸ appears to show that neither of these aims has been successful with a significant lack of age-control restrictions on many alcohol brand SM pages and sites. Additionally the study demonstrates the ability of the alcohol industry to continue to create engaging social media marketing despite the amendment.

It is clear, then, that any legislative proposals statutorily regulating alcohol marketing online needs to be stringent and applied internationally. With multiple technology companies having their European headquarters in Ireland, there is a unique opportunity for Ireland to address this problem comprehensively.

A comparison with tobacco

It is instructive to compare the situation with tobacco. Over the past three decades, Ireland, in common with countries right across the globe, has successfully introduced advertising bans and other restrictions on tobacco. This has led to a significant fall in its use with the 2018 Healthy Ireland survey¹⁵ noting that current smokers now only comprise 20% of the population. The same survey, however, indicates that 75% of the population consume alcohol. Globally alcohol use leads to a

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highly significant burden on public health. Among the population aged 15–49 years, alcohol use was the leading risk factor globally in 2016, with 3·8% of female deaths and 12·2% of male deaths attributable to alcohol use.¹⁶

Under the revised Audiovisual Media Services Directive (AVMSD) tobacco advertising is banned completely in all media.

Conclusion

AAI strongly advocates that statutory regulation should be introduced whereby alcohol products cannot be advertised on an information society service unless all reasonable steps are taken to ensure that the advertising cannot be viewed by children. This is the same test used by the Department of Health in relation to the offence of selling tobacco products to under 16s.¹⁷

‘Reasonable steps’ would effectively require the following:

- Age gates (at least user-entered date of birth or similar)
- Use of any demographic targeting tools provided by advertising networks to limit viewing to users over 18
- Registration of websites with internet filtering software providers
- A restriction on ‘retweet’, ‘send by email’ and similar tools where these would have the effect of exposing an advertisement to a new audience which might include children

We also call for the introduction of an effective monitoring system to track any such content with stringent penalties for infringement.

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