Alcohol Action Ireland

SUBMISSION

Coimisiún na Meán
Draft General Commercial Communications Code and Rules



November 2026

https://alcoholireland.ie/

About us

Alcohol Action Ireland (AAI) 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 effective advocacy, campaigning and policy research.

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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Introduction

Alcohol Action Ireland (AAI) is the national independent advocate for reducing alcohol harm. A central part of our work is ensuring that the protection of children is at the core of alcohol policy. AAI has undertaken significant recent research on alcohol marketing [1][2] and welcomes the opportunity to respond to this consultation.

This is an area that requires sharp focus from Coimisiún na Meán. Comprehensive national and international research has found that exposure to alcohol marketing, including advertising, sponsorship, and other forms of promotion, is associated with an increased likelihood that children and adolescents will start to drink, and will drink more if they already drink.[3] It is of particular concern that there has been a significant rise in youth drinking over the past decade, with Healthy Ireland surveys showing that 66% of 15-24 year olds were drinking in 2016 but that this had surged to 78% in 2025.[4] In this context, it is essential that drivers of alcohol consumption, including marketing to children, are addressed.

This submission addresses provisions carried over from the General Commercial Communications Code (Radio and Television Broadcasters) and the Children's Commercial Communications Code. The Draft Code and Rules remain substantially similar to the existing Codes in relation to alcohol advertising. Those Codes were last revised following the Broadcasting Codes and Rules Stage 2 Consultation in 2024, and the issues AAI raised in its submission to that consultation remain relevant.

AAI also notes that the Broadcasting Act 2009, as amended by the Online Safety and Media Regulation Act 2022, gives An Coimisiún discretionary power to make media service codes and rules in areas the Draft Code and Rules do not currently address. AAI urges An Coimisiún to use those powers to protect children from exposure to alcohol brand marketing in all its forms – especially "alcohol-free" products and how they are used to circumvent the spirit of the Public Health (Alcohol) Act 2018. Such exposure is an established risk factor for children starting to drink and An Coimisiún must be cognisant of this.

Summary of recommendations

General	• **Publish** a list of every altered, amended, or deleted provision alongside the consolidated Code, so the consolidation results in no net loss of protection. • **Include** alcohol marketing in the separate process announced for High Fat Sugar and Salt product advertising or review it alongside that process, and publish a timeline for the review. • **Use** the discretionary powers under the Broadcasting Act 2009, as amended, to protect children from alcohol brand marketing in all its forms – including "alcohol free" product marketing.
Section 5: General Requirements	• **Set out** in the Code which Public Health (Alcohol) Act 2018 provisions are in force for broadcasting, and update it when Section 13 commences. • **Define** what "proportionate, reasonable and appropriate measures" mean in practice for alcohol and alcohol-free advertising. • **Agree** a formal memorandum of understanding with the HSE on complaint referral, information sharing, and which body leads where a breach falls under both the Public Health (Alcohol) Act 2018 and the Code. • **Confirm** that 5.2.6 applies to alcohol marketing, including alcohol-free brand variants.
Section 6: Sponsorship	• **Clarify** whether An Coimisiún can use its discretionary powers to strengthen protections on alcohol sponsorship, with a view to equivalence with tobacco and prescription medicines. • **Apply** 9.2 and 9.7 to alcohol sponsorship credits and to sponsorship by alcohol-free brands.
Section 7: Product Placement	• **Expand** the exclusion of product placement to include alcoholic beverages or alcohol-free products, or product placement from undertakings whose principal activity is the manufacture or sale of alcoholic beverages.
Section 8: Children's Commercial Communications	• **Retain** the definition of a child as a person under 18. • **Confirm** in the Code that 8.12.9 covers alcohol-free drinks.
Section 9: Alcohol	• **Set out** in the Code the permitted broadcast periods under Section 19 of the Public Health (Alcohol) Act 2018, for full clarity. • **Raise** the adult audience requirement in 9.7.2 from 75% to at least 80%. • **Adopt** AAI's expanded definition of an "alcohol-free product". • **Apply** 9.2, 9.5, 9.6, 9.7, and 9.8 to alcohol-free products. • **Provide** guidance on brand sharing, alias and alibi marketing, and the interplay between Section 9 and the Public Health (Alcohol) Act 2018. • **Reinstate** points 18.9 and 18.10 from the original Media Service Code.
Section 19: Time Limits	• **Make** no increase to hourly advertising limits on television. • **Publish** evidence on the effect of the 2024 increase in radio limits before considering any further increase.

Overview

AAI supports An Coimisiún and its efforts to consolidate the relevant codes into a single, simplified code. However, the consolidation should result in no net loss in terms of protective measures. To this end, it would be appropriate for An Coimisiún to highlight any altered, amended, or deleted sections alongside the consolidated code.

This is especially relevant to any changes in relation to alcohol given it is a regulated product which causes specific health, social, and economic harms. Moreover, An Coimisiún must understand alcohol as a commercial determinant of health. Research identifies it as one of four harmful commodities, alongside tobacco, fossil fuels, and unhealthy foods, responsible for more than half of deaths in Ireland.[5] Yet alcohol and its impact is frequently underestimated despite international evidence suggesting it costs the State almost twice as much as tobacco.[6][7] The alcohol industry, through making its products affordable, convenient, and attractive, is a key driver of this burden, while evading responsibility for the harms it causes and successfully lobbying against implementation of settled alcohol policy.[8]

AAI appreciates the intersection of the PHAA with An Coimisiún's Code on Commercial Communications. However, it is important to note that Section 13 of the Public Health (Alcohol) Act 2018, 'Content of Alcohol Advertisements', has not yet been commenced and is ferociously resisted by industry as it restricts the content of alcohol advertisements to facts, stripping out the industry myths which are used to recklessly promote alcohol consumption. Therefore, as it stands, the Code is the only protection regarding alcohol advertisement content.

AAI also notes that, in the consultation document, An Coimisiún states:
"*In our Response to the Broadcasting Codes and Rules Stage 2 Consultation, we indicated that a number of areas raised by stakeholders (including advertising of high fat, salt and sugar foods, infant formula, and accessibility of broadcasting services) would be considered separately and… addressed at a later date under a separate process.".*

With this in mind, we would ask that alcohol and alcohol marketing also be included in that process or reviewed alongside it. Indeed, the code already treats alcohol and high fat, salt and sugar foods (HFSS) in parallel. For instance, both are precluded in or around children's programmes, both are capped at 25% of sold advertising time and one in four advertisements. Therefore, a review of how the HFSS rules protect children should apply the same analysis to alcohol. AAI also asks that An Coimisiún publishes a timeline for such a review.

Finally, we particularly welcome efforts by An Coimisiún to define an "alcohol-free product" and tackle the issue of these products being used to circumvent the Public Health (Alcohol) Act 2018 child protections on alcohol advertising. However, to really protect children from these products being used to market the alcohol master brand, the definition must be appropriately expanded. A stronger definition of an 'alcohol-free product' is necessary for the successful functioning of An Coimisiún's Code and Rules.

Priority questions

Section 5: General Requirements and Due Diligence

- **Consultation Question 6:** *Do you have any comments on the proposed changes to the General Requirements section of the Draft Code and Rules?*
- **Consultation Question 7:** *Is there any guidance on Section 5 of the Code and Rules (General Requirements) that you think would be useful, including guidance about the due diligence obligations that might be useful?*

AAI welcomes the reference in 5.1 to the Health Service Executive (HSE) and the Public Health (Alcohol) Act 2018 (PHAA). Naming the PHAA makes clear that alcohol advertising is subject to statutory controls beyond the Code. However, we believe the Code should go further.

The Code should set out which PHAA provisions are in force for broadcasting. This will provide clarity for broadcasters, advertisers, and the public alike as not all the PHAA's marketing provisions have commenced. When the provisions on content of alcohol advertisements commence, An Coimisiún should update the Code to reflect this. In addition, the Code should define what "proportionate, reasonable and appropriate measures" mean in practice. Without this, it will be difficult to assess and enforce aspects of the Code.

AAI believes the Code should foster good practice whereby broadcasters:

- Check every alcohol advertisement against the PHAA, and every alcohol-free advertisement against 9.11, before broadcast;
- Prevent alcohol advertisements airing during the watershed, and alcohol-free advertisements airing in or around children's programmes;
- Verify the alcohol content and brand status of any product presented as alcohol-free;
- Keep records of these checks, in line with 1.7.2.

In addition, the Code must outline how coordination between An Coimisiún and the HSE will take place. This is essential given it is the HSE who enforces the PHAA, but An Coimisiún who enforces the Code, and an alcohol advertisement may breach both. AAI recommends that An Coimisiún and the HSE agree a formal memorandum of understanding, covering how complaints are referred between them, how information is shared, and which body leads where there is a simultaneous contravention of the PHAA and the Code. Without this, there is a risk that parties may defer to each other and breaches go unaddressed.

Section 5.2.6 requires broadcasters to take proportionate measures so that commercial communications likely to impair the physical, mental, or moral development of children are made available only in a way that children will not normally see or hear them. AAI asks An Coimisiún to confirm, in the Code or in guidance, that this provision applies to alcohol brand marketing, including alcohol-free brand variants.

Exposure to alcohol marketing is associated with earlier drinking and heavier drinking among young people,[9][10] and alcohol use in childhood and adolescence is associated with harm to brain development.[11] Therefore, applying 5.2.6 in this way would give a principles-based protection that does not only depend on numeric audience thresholds. It would also address programmes, such as major sports events, that attract large numbers of children but fall outside the definition of children's programmes – an issue which will be addressed in detail later in this submission.

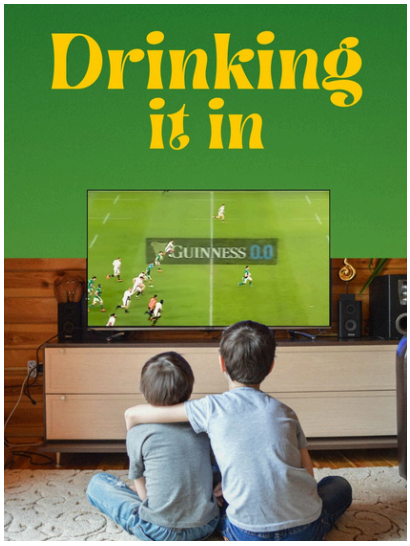
Section 6: Sponsorship

- **Consultation Question 8:** *Do you have any comments on the proposed changes to the Sponsorship section of the Draft Code and Rules?*

Section 6.5 prohibits sponsorship by tobacco or electronic cigarettes, and it also excludes sponsorship promoting specific medicinal products or medical treatments available only on prescription, in line with the relevant legislation and broadcasting codes. However, neither Irish nor EU law imposes equivalent restrictions on alcohol sponsorship. In fact, the Code outlines that broadcasters are permitted to promote alcohol sponsorship, provided the sponsor is no more prominent than the event.

Nevertheless, An Coimisiún has discretionary powers to implement stronger protections in the interest of children. Therefore, it would be helpful if An Coimisiún clarifies if it can strengthen protections for children in relation to alcohol sponsorship, with a view to ensuring equivalent protections applied to tobacco and prescription medicines.

AAI also requests that An Coimisiún ensures that section 9.2 and 9.7 of the code is applied to alcohol sponsorship credits, as sponsorship is a commercial communication, and that alcohol-free brand sponsorship is subject to the same rules.



The bans on alcohol and alcohol-free advertising "in or around" children's programmes do not apply to many of the programmes children watch most. These include major sports broadcasts, such as international and League of Ireland football, provincial and international rugby, and GAA club and county games.

Section 7: Product Placement

- **Consultation Question 10:** *Do you have any comments on the proposed changes to the Product Placement section of the Draft Code and Rules?*

Similarly to sponsorship, section 7.3 prohibits product placement of tobacco products, electronic cigarettes, and medicinal products or medical treatments available only on prescription. There is no equivalent prohibition for alcohol. As drafted, alcohol brands may pay for their products to feature in television programmes, provided the programme is not a children's programme (7.2.4) and the placement does not give the product undue prominence (7.4.3).

Children consume significant amounts of screened media and media depictions of behaviours are prospectively linked to youth initiation of behaviours – this is especially true of alcohol use.[12] As a result, AAI feel this is a significant gap in the Code.

Product placement presents alcohol as a normal part of the programme, rather than as a clearly identified advertisement. It is not counted as advertising time, so the 25% cap on alcohol advertising in 9.8 does not apply to it. It is unclear whether the PHAA broadcast watershed applies to product placement. The HSE defines advertising broadly, but no guidance addresses placement directly. AAI asks An Coimisiún to clarify this with the HSE.

Given the lack of any action from the HSE, it can be assumed the PHAA broadcast watershed does not apply to product placement. As such, alcohol placement may appear in programmes broadcast at any time of day, including soaps, reality programmes, films, and entertainment shows watched by large numbers of children.

Research on popular programmes with large child audiences supports this. A UK study of soap operas found alcohol in 95% of episodes, with an estimated 113 million alcohol impressions reaching children under 16.[13] The researchers concluded that soap operas are a potential driver of alcohol consumption among young people.[14] A US longitudinal study found greater exposure to alcohol brands appearing in TV shows was linked to starting to drink and to hazardous drinking a year later.[15]

Further British research looking at exposure to alcohol in reality TV programmes found its presence common and noted this as a potential driver of alcohol use amongst children and young people,[16] while a broader study of prime-time television found alcohol in over half of all programmes, mostly before the 9pm watershed.[17] In the Irish context, a study of the 2020 Six Nations Rugby Championship found 754 alcohol references broadcast during the Ireland v Wales game, one every 15 seconds.[18] This shows how far alcohol content in popular programming can reach children, and why alcohol product placement should not be permitted.

Therefore, the protection set out in 7.2.4 is limited, because, as set out in our response to Question 12, few programmes meet the definition of a children's programme, so TV programmes with substantial child audiences remain open to alcohol product placement.

Under the EU Audiovisual Media Services Directive (AVMSD), the Online Safety and Media Regulation Act 2022, and the Broadcasting Act 2009, as amended, An Coimisiún has discretionary powers to adopt stricter codes and rules. Therefore, AAI recommends that 7.3 is extended as follows:

- 7.3.3: alcoholic beverages or alcohol-free products, or product placement from undertakings whose principal activity is the manufacture or sale of alcoholic beverages.

For reasons which will be further outlined later in this document, including alcohol-free products is essential as without it alcohol brands could place their alcohol-free variants in programmes, promoting the master brand in the way 9.11 is intended to prevent. However, if An Coimisiún's views do not align with AAI's suggestions regarding protecting children from alcohol marketing, then we would ask that, at a minimum, the Code states that 9.2 and 9.7 apply to alcohol and alcohol-free product placement, and that such placement is not permitted in programmes with a significant child audience.

Section 8: Children's Commercial Communications

- **Consultation Question 12:** *Do you have any comments on the proposed changes to the Children's Commercial Communications section of the Draft Code and Rules?*
- **Consultation Question 13:** *Is there any guidance on Section 8 of the Codes and Rules (Children's Commercial Communications) that you think would be useful?*

AAI welcomes and supports the definition of a "child" as a person under the age of 18. Removing the existing age tiers recognises that harms present across the full age range of children. This is particularly true of alcohol.

Systematic reviews show a significant association between exposure to alcohol marketing and the drinking intentions, attitudes, and behaviours of children and adolescents.[19][20] This evidence is relevant to recent trends in Ireland. Drinking among 15 to 24-year-olds has risen by 12 percentage points over the past decade, an 18% relative increase.[21] Resultantly, this age group now has the highest rate of drinking of any age group, at 78%, compared with 71% of the population overall. [22]

AAI also wishes to highlight a longstanding problem with the definition of "children's programmes". The Code treats a television programme as a children's programme if it is commonly referred to as such, or if more than 50% of its audience is under 18. Most general programming falls outside this definition because it attracts mixed audiences of adults and children, even where the number of children watching is significantly large.

As a result, the bans on alcohol and alcohol-free advertising "in or around" children's programmes (9.7.1 and 9.11) do not apply to many of the programmes children watch most. These include major sports broadcasts, such as international and League of Ireland football, provincial and international rugby, and GAA club and county games. Under 9.7.2, alcohol advertising may be shown around such programmes provided adults make up 75% of the audience. That means up to a quarter of the audience could be children and exposed to alcohol marketing.

For example, 713,500 people watched Ireland v Portugal in a World Cup qualifier in 2025. [23] If one-quarter of that audience were under 18, around 178,375 children were watching. The match was not a children's programme, so 9.11 did not apply. As such, advertising for alcohol-free variants of alcohol brands could be shown before the match and at half-time, as these products fall outside the PHAA broadcast watershed. Once the watershed had passed at 9:00pm, alcohol advertising itself was also permitted. This is because the programme would have met the 75% adult audience threshold in 9.7.2, even though close to 200,000 children may have been watching. Such a situation is consistent with earlier evidence from 2020, where Diageo was found to be the fourth largest broadcast advertiser to children in Ireland and Heineken the fourteenth.[24]

Finally, section 8.12.9 prohibits celebrities and sports stars from promoting "food or drink products" in children's commercial communications. AAI asks An Coimisiún to confirm in the Code that this covers alcohol-free drinks.

Section 9: Sector-Specific Rules, alcohol

- **Consultation Question 14:** *Do you have any comments on the proposed changes to the Sector-Specific Rules of the Draft Code and Rules?*
- **Consultation Question 15:** *Is there any guidance on Sections 9 (Alcohol) of the Code and Rules that you think would be useful?*

AAI welcomes the explicit link to the PHAA, and we feel the Code should also set out in writing the permitted periods for television and radio broadcasting under Section 19, 'Broadcast watershed', of the PHAA. Moreover, under section 9.7.2, we recommend a lowering of the threshold of the audience profile necessary for alcohol advertisement to be restricted. As it stands, alcohol advertisements are permitted even in situations where one-in-four audience members are children. In large-audience programmes, such as sports broadcasts, this can mean substantial numbers of children are being saturated with alcohol marketing. As such, we feel the audience profile threshold should be amended. Such a change would align with An Coimisiún's expanded definition of a "child" as a person under the age of 18.

Currently, Television Audience Management (TAM) definitions provide a system of measuring audiences for purposes of selling advertising.[25] The TAM definitions classify individuals aged 15 and over as adults. This means that substantial numbers of children are being counted as adults when it comes to viewing data.[26] This situation must change and the audience profile threshold should be amended to reflect this.

It is welcome to see the inclusion of section 9.11 – 'Alcohol-Free Product'. This is an important inclusion and will go some way towards protecting children from being exposed to alcohol advertising if it is appropriately expanded. As outlined in the overview of this submission, a more robust definition of an 'alcohol-free product' is necessary. Therefore, AAI would like to see the following definition used:
'Alcohol-free product' means any product containing 0.05% alcohol by volume, or less, that:

- Has had its alcohol removed or reduced;
- Is presented or marketed as an alternative to an alcoholic beverage;
- Shares a name, trademark, logo, livery, or other distinctive feature with an alcoholic beverage; or
- Is produced or marketed by an undertaking whose principal activity is the manufacture or sale of alcoholic beverages.

To ensure there is no gap between this definition and the provisions relating to alcohol, AAI also recommends a new provision in Section 9:

- 9.12: Any product containing more than 0.05% alcohol by volume shall be treated as an alcoholic beverage for the purposes of the Code and Rules.

Furthermore, AAI asks An Coimisiún to ensure that alcohol-free products are also subject to sections 9.2, 9.5, 9.6, 9.7, and 9.8. We also request that An Coimisiún provide guidance on brand sharing, alias and alibi marketing, and the interplay between Section 9 and the PHAA within the Code. Finally, AAI would like to see the reintroduction of the two points from the original Media Service Code which were dropped, namely:

- 18.9 Broadcasters shall identify the programmes that carry commercial communications for alcoholic beverages and shall publish this list on a website maintained by the broadcaster.
- 18.10 Broadcasters shall enforce a Code of Conduct for their presenters ensuring that speech content that glamorises or encourages over-consumption or misuse of alcohol is prevented. Each broadcaster will publish this Code on a website it maintains and make a copy of the Code generally available.

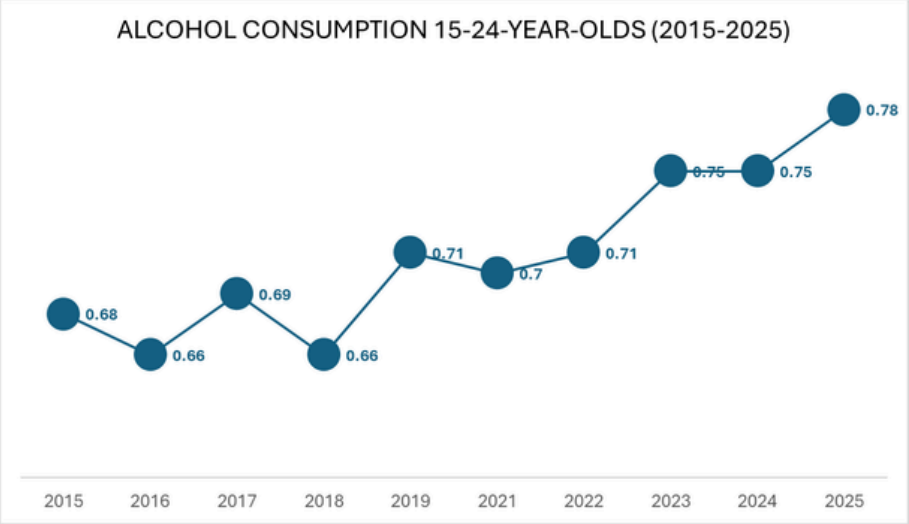
An Coimisiún should also explain why they have attempted to remove these.

Section 19: Advertising and Teleshopping: Time Limits

- **Consultation Question 18:** *Do you have any comments on the proposed changes to the Advertising Limits section of the Draft Code and Rules?*
- **Consultation Question 19:** *What are your views on the current hourly limits for advertising on radio and television broadcasters?*

AAI oppose any increase to advertising time limits on television. As it stands alcohol may take up to 25% of sold advertising time (section 9.8), so any increase in total minutes allows the possibility of more alcohol advertising minutes. Therefore, we cannot support an increase.

In terms of radio advertising, the time limits increased from 10 to 12 minutes in 2024, and it would be helpful for An Coimisiún to publish any evidence on the effect of that change before considering a further increase.



Alcohol consumption amongst 15–24-year-olds (2015-2025) as recorded by Healthy Ireland Survey's. NB. In 2019 Healthy Ireland data on alcohol was collected through the National Drug and Alcohol Survey, while in 2020 the Healthy Ireland Survey was cancelled due to Covid19. [27] [28] [29] [30] [31] [32] [33] [34] [35] [36]

Conclusion

AAI supports An Coimisiún's aim of a single, clearer Code for broadcasters. However, consolidation must not come at the cost of protections for children. Alcohol is not an ordinary commodity. It causes significant health, social, and economic harm, and exposure to alcohol marketing is associated with children starting to drink earlier and drinking more.

The Draft Code leaves important gaps which must be addressed. Children's programmes are defined too narrowly and exclude the programmes which children watch in the greatest numbers, particularly live sport. As the Code stands, such events fall outside the most robust child protections.

Moreover, alcohol sponsorship remains largely unrestricted and alcohol-free brand variants allow alcohol brands to circumvent Ireland's modest restrictions on advertising and reach children in ways the Public Health (Alcohol) Act 2018 (PHAA) was designed to prevent. With Section 13 of the PHAA not yet commenced, the Code is currently the only control on the content of alcohol advertising.

AAI notes that An Coimisiún has the powers to tighten protections in the interest of protecting children and we urge it to adopt a stronger definition of an alcohol-free product, tighten the audience threshold in 9.7.2, apply its own alcohol rules to sponsorship, and agree formal arrangements with the HSE on enforcement of the PHAA. AAI also asks that alcohol be included in An Coimisiún's separate review alongside HFSS advertising.

AAI is grateful for the opportunity to contribute to the public consultation on the 'Draft General Commercial Communications Code and Rules' and we would welcome the opportunity to discuss this submission further.

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