

**Alcohol Action Ireland's
Submission to the Advertising Standards Authority for Ireland on
The Review of the Code of Standards for Advertising**

January 2014

**Alcohol Action Ireland
Butler Court
25 Great Strand Street
Dublin 1**

Tel: 01-8780610

Email: catherine@alcoholactionireland.ie

Website: alcoholireland.ie

Alcohol Action Ireland's submission to the Advertising Standards Authority for Ireland on the Review of the Code of Standards for Advertising.

Introduction:

Alcohol Action Ireland welcomes the opportunity to make a submission on a review of the Code of Standards for Advertising, Promotional and Direct Marketing in Ireland as part of ASAI's consultation activities for the preparation of improving the Codes.

Our submission looks at why children and young people should be protected from alcohol marketing and advertising and focuses on Section 7 of the Code which covers alcoholic drinks. We also examine the complaints process of the ASAI and comment on the general governance of the ASAI.

Background: Children and Alcohol

Alcohol use is a serious risk to children and young people's health and well-being, due largely to the fact that they are more vulnerable to the effects of alcohol than adults as their bodies and brains are still developing. Young people in Ireland have one of the highest levels of drunkenness in Europe. [i]

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. [ii] Yet every day, in numerous ways and through numerous media, children and young people are continuously exposed to positive, risk-free images of alcohol and its use.

Due to the lack of effective regulations and legislation, young people are poorly protected from these sophisticated and powerful influences on their drinking behaviour and expectations. They are bombarded with positive images of alcohol through marketing of brands and products – in effect, the alcohol industry is a child's primary educator on alcohol. Marketing can shape youth culture by creating and sustaining expectations and norms about how to achieve social, sporting or sexual success, how to celebrate, how to relax and how to belong.

Young people are more vulnerable when it comes to the effects of alcohol use – alcohol use by children and young people carries an increased risk of harm compared to alcohol use by adults. A range of harms are associated with starting to drink at a young age: from the psychological, such as depression, self-harm and anxiety, to the behavioural – involvement in violence and public order offences both as perpetrator and victim, through to risky sexual behaviour.

From an alcohol marketing perspective, Irish 16 and 17-year-olds are significant contributors to alcohol profits in Ireland spending an estimated €145m on alcohol each year. [iii]

To say that children and young people are not influenced by alcohol marketing is equivalent to saying that young people suddenly begin to see and hear on their 18th birthday. Children and young people are constantly absorbing information and are the primary users of social and digital media including social networking sites. A recent EU funded assessment of young people's exposure to alcohol marketing in audio-visual 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. [iv]

Why children and young people need to be protected from alcohol advertising and marketing:

- Alcohol marketing increases the likelihood that children and young people will start drinking, and if already drinking, that they will drink more
- Young people's drinking patterns have a direct effect on their health, development and welfare both in the short and long term
- Young people are more vulnerable when it comes to the effects of alcohol use – alcohol use by children and young people carries an increased risk of harm compared to alcohol use by adults
- People who begin drinking before the age of 15 are four times more likely to develop alcohol dependence than those who start at age 20 or older.[viii] Those who drink heavily in their mid-teens are also more likely to experience alcohol-related harms as young adults[ix]
- Drinking alcohol in large amounts causes the dopamine pleasure system in the growing brain to develop in a way that associates pleasure with alcohol. In essence, the brain's pleasure system gets triggered by alcohol and becomes more 'hooked' the earlier a child starts drinking. The brain does not become mature until about age 20. [x]

Section 7 of the Code:

In Ireland there is no statutory regulation of alcohol marketing, only voluntary codes. Ireland has several alcohol marketing regulations in place. Most of these regulations are said to be in force to protect children and young people from exposure to alcohol marketing. However, alcohol advertisers do not always comply with the alcohol marketing regulations.

The ASAI Code of Standards for Advertising, Promotional and Direct Marketing in Ireland is a type of self-regulation. The Code addresses a wide range of subjects, which for example include slimming and financial products. Section seven of the Code provides for specific alcohol related articles. It includes voluntary restrictions on the content of many different types of alcohol advertising, it holds some general articles, but also has articles that especially focus on the social dimension of alcohol, children, and health and safety.

ASAI's Codes in our view is inadequate to deal with the online world. Alcohol marketing has colonised many of the worlds in which young people spend their time – the worlds of music, sport and the Internet. And it often seeks out and finds young people in these worlds, uninvited.

Even the established media channels, such as television, are inadequately covered by the Codes. For example, alcohol is not to be advertised during programmes that have a viewership of greater than 25% under the age of 18. Reliance on audience profiling allows alcohol marketing to continue to reach a significant number of children and young people.

For example, programmes such as *Fair City* and *Eastenders* attract about 500,000 viewers with major sports events attracting upwards of 600,000 viewers. Applying the 25% rule, it means that 125,000 to 150,000 children and young people could be watching these programmes featuring alcohol advertising without any breach of the Codes. Research has shown that children aged 10-15 years in the UK are more likely than adults to be exposed to alcohol advertising on television. [xi]

The ASAI Complaints process and our experience:

When a person finds an alcohol marketing practice to be in breach with the ASAI Code of Standards they can send a complaint to the ASAI Complaint Committee. The Committee is composed of fourteen people and deals with all incoming complaints.

What makes it difficult to complain about potential violations of the regulation is the conceptual nature of the regulations, they not clearly defined by the ASAI. There is no list of definitions included in the ASAI Code of Standards, which makes it hard to determine when an alcohol advertisement violates a rule, because the concept used in the rule is ambiguous and undefined. For example; article 7.6b of the Code states that 'Aspects of youth culture and treatments that are likely to appeal to children should not be used. Treatments should not portray adolescent, juvenile, childish or immature behaviour'. However, it is not clear what is meant by 'aspects of youth culture', since the concept of youth culture is not defined.

In August 2013, AAI filed nine complaints with the ASAI on alcohol marketing practices broadcast through TV and on Facebook and You Tube. Between September and November 2013 responses were received to all of our complaints and only one was referred to the Complaints Committee, which is due to deliberate on our complaint in February 2014, six months after our original complaint was lodged.

Our complaints spanned what we considered to be breaches of numerous parts of Section 7 of the Code including advertisements on Facebook pages of Alcohol Companies, YouTube pages, the use of very young looking actors in alcohol adverts, and commercials containing aspects of youth culture and characters.

For eight out of nine complaints we were given varying reasons for their dismissal. Among those reasons included the fact that some of the Facebook pages we cited were US or European Facebook pages, readily available for viewing by Irish children, but not considered to be a breach of the Codes as these pages not deemed within the control of the local i.e. Irish alcohol brand and also not within the remit of the Codes due to jurisdictional issues.

Some of our complaints were also dismissed on the basis of being 'Heritage Advertising'. Heritage advertising is where that advertising is not part of the advertisers' current promotional strategy and published in an appropriate context (Section 1.5r). Therefore, if an

alcohol brand is not using an advert as part of a current promotional strategy, but it has in the past, and that advert is still readily available online for everyone to access, it is not applicable under the Codes.

Criticisms of the Codes:

- Alcohol adverts can be broadcast on TV and radio as long as the child audience profile is 25% or less. A sports or soap opera which regularly attracts at least 600,000 viewers will be able to feature alcohol advertising even if the viewership consists of up to 150,000 children and young people
- The Codes themselves do not adequately address digital marketing - one of the most potent channels for target marketing to young people. Neither do the Codes address alcohol marketing such as Arthur's Day or experiential marketing events where potential customers are invited (usually online, on social networking sites) to 'experience' the alcohol product and personally connect with the brand, increasing its image and awareness
- Heritage Advertising is a weak reason to preclude previously used adverts from coming under the remit of the Codes.
- There are no fines or public repercussions for drinks companies failing to comply with the restrictions
- The development of the Codes did not take account of the views of organisations representing children and young people, nor did it take account of the views of public health organisations. Instead, the views of the alcohol and advertising industries appear to be to the fore. Their stated primary interests are to increase market share and stakeholder profit, a position at odds with public health interests
- The complaints process is slow, particularly once it gets to the complaints committee stage.

Governance of the ASAI:

The ASAI is the independent self-regulatory body set up and financed by the advertising industry to promote the highest standards of advertising and sales promotions. Membership embraces all major advertisers and agencies and all major media including broadcast, outdoor, electronic and the print media. The ASAI is a limited company with a board of Directors representing those major interests. The ASAI also has an Independent Complaints Committee who adjudicate on advertisements. The Complaints Committee of the ASAI is composed of individuals from many walks of life including representatives of the Advertising Industry.

The Chairperson of the Committee can be appointed for up to two five year terms and other members can be appointed for three years with provision for to be reappointed.

Criticisms of the governance:

- Absence of a Public Health Doctor on the complaints committee
- We would also recommend that in the interest of good governance the terms for the composition of the Committee be revised to ensure that no person, including the

Chairperson, serve for greater than 3 years, with service limited to a maximum of 2 terms

Our Recommendations:

1. Alcohol adverts profiling of 25% to be reduced to 10%, and reviewed after two years, this will protect greater numbers of children from being exposed to alcohol advertising on TV and radio
2. The current Codes themselves need to be strengthened to adequately address digital marketing - one of the most potent channels for target marketing to young people. ASAI should investigate feasible approaches to, and subsequently implement controls on, the volume, content and placement of all alcohol marketing in digital and social media
3. The Codes also need to address alcohol marketing such as Arthur's Day or experiential marketing events where potential customers are invited (usually online, on social networking sites) to 'experience' the alcohol product and personally connect with the brand, increasing its image and awareness
4. The Codes should be amended so that Heritage Advertising can no longer be a reason to preclude previously used adverts from coming under the remit of the Code
5. Draft a list of definitions to be included in the ASAI Code of Standards, which will make it easier to determine when an alcohol advertisement violates the Codes
6. Appoint a Public Health Doctor to the Complaints Committee
7. Revise the terms for members of the Complaints Committee to ensure that no person, including the Chairperson, serving for greater than 3 years, with service limited to a maximum of 2 terms
8. Introduce fines and more serious public repercussions for drinks companies failing to comply with the Codes
9. The future development of the Codes should take into account of the views of organisations representing children and young people and the views of public health organisations.
10. Reform the complaints process to make it more timely in its response to complainants.

References

- [i] Hibell B, Guttormsson U, Ahlström S, Balakireva O, Bjarnason T, Kokkevi A and Kraus L (2012) *The 2011 ESPAD report: substance use among students in 36 European countries*. Stockholm: The Swedish Council for Information on Alcohol and Other Drugs (CAN) and the Pompidou Group of the Council of Europe
- [ii] 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
- [iii] Office of Tobacco Control (2006) *Children, Youth and Tobacco: Behaviour, Perceptions and Public Attitudes*
- [iv] RAND Europe (2012) *Assessment of Young People's Exposure to Alcohol Marketing in Audiovisual and Online Media*
- [viii] Grant et al (1997) cited in Mongan et al (2007) *Health Related Consequences of Problem Alcohol Use*. Overview 6. Dublin: Health Research Board
- [ix] Anderson, P. (2009)
- [x] Dr Harold Barry, (23/12/08) *There's been a sea change in teenage drinking*, Medical Matters, Irish Times
- [xi] See iv