

Scottish Government consultation on Restricting Alcohol Advertising and Promotion

Response from Obesity Action Scotland

Closing date: 9 March 2023

Obesity Action Scotland is contributing to this consultation as alcohol is an important source of excess calories for adults in Scotland, and is one class of health harming products; the consultation considers several common factors and actions based on evidence that seek to improve the food and drink environment for consumers that would lead to improvements in the health and wellbeing of the population.

This response is supported by the Royal College of Physicians and Surgeons of Glasgow.

Question 1 – Do you think we should prohibit alcohol sports sponsorship?

- Yes

Alcohol sport sponsorship should be subject to comprehensive restrictions on all alcohol marketing, in line with the recommendations of the Alcohol Marketing Expert Network¹.

This is an area where the Scottish Government has devolved power and action in this area should be prioritised.

Question 2 – If alcohol sports sponsorship were to be prohibited, what types of marketing do you think should be covered by a prohibition?

All types of marketing should be covered by these restrictions to ensure a comprehensive approach and to avoid loopholes, which could undermine the policy.

The Tobacco Advertising and Promotion Act 2002 provides a useful framework for such restrictions². This approach could be adapted and applied to activities that promote alcohol brands.

Question 3 – What, if any, sporting activities or events do you think should be exempted from a prohibition on alcohol sports sponsorship?

There should be no exceptions. This is essential to ensure the policy is comprehensive and is as effective as possible, and that it does not provide any loopholes which can be exploited. Comprehensive and clear restrictions are more effective in reducing exposure, provide clarity to the industry, and are far easier to implement and enforce than partial or unclear ones³.

¹ Alcohol Focus Scotland (2022) Realising our rights: How to protect people from alcohol marketing. A report by the Alcohol Marketing Expert Network.

² Tobacco Advertising and Promotion Act 2002, <https://www.legislation.gov.uk/ukpga/2002/36/notes/division/5/9>

³ Purves, R.I. et al. (2022) Alcohol Marketing Restrictions: Learning from International Implementation. Alcohol Focus Scotland.

Question 4 – Do you think we should prohibit alcohol events sponsorship?

- Yes

Alcohol event sponsorship should be part of comprehensive restrictions on alcohol marketing, in line with the recommendations of the Alcohol Marketing Expert Network⁴.

This is an area where the Scottish Government has devolved power and action in this area should be prioritised.

Question 5 – If alcohol events sponsorship were to be prohibited, what types of marketing do you think should be covered by a prohibition?

All types of marketing should be covered to ensure a comprehensive approach and to avoid loopholes, which could undermine the policy.

Question 6 – What, if any, events do you think should be excepted from a prohibition on alcohol events sponsorship, and why?

There should be no exceptions. This is essential to ensure the policy is clear, comprehensive and is as effective as possible. They are also easier to implement than partial or unclear ones.

Question 8 – Do you think we should prohibit alcohol marketing outdoors, including on vehicles, and in public spaces in Scotland?

- Yes

Removing marketing within outdoor and public spaces should be part of comprehensive restrictions on alcohol marketing, and is in line with recommendations of the Alcohol Marketing Expert Network⁴.

This is an area where the Scottish Government has devolved power and action in this area should be prioritised.

Question 9 – What do you think should be covered by a prohibition on alcohol marketing outdoors, on vehicles and in public spaces? (answer should include places and types of marketing that should be restricted)

All types of marketing should be covered to ensure a comprehensive approach and to avoid loopholes, which could undermine the effectiveness of the policy.

Question 10 – What, if any, exceptions do you think there should be to prohibiting alcohol marketing outdoors, including on vehicles, and in public spaces in Scotland?

There should be no exceptions. This is essential to ensure the policy is comprehensive and is as effective as possible, and that it does not provide any loopholes which can be exploited. Full and complete restrictions are more straightforward for industry to understand and comply with.

Question 11 – Do you think we should restrict further the visibility of alcohol in retail environment, giving reasons for your response?

- Yes

⁴ Alcohol Focus Scotland (2022) Realising our rights: How to protect people from alcohol marketing. A report by the Alcohol Marketing Expert Network

The visibility of alcohol in the retail environment should be further restricted. Visibility of alcohol and other health harming products in these settings is a key form of marketing activity, encouraging shoppers to impulse buy and normalising alcohol and discretionary foods as everyday commodities. This is an area where the Scottish Government has devolved power and action in this area should be prioritised.

The Scottish Government has already committed to take action in this area in relation to high fat, salt and sugar products through the forthcoming Public Health (Restriction of Promotions) Bill⁵, which will place restrictions on price promotions and on where these products can be located and displayed within retail premises. This Bill sets an important precedent for future action for similar restrictions for other health-harming commodities, including alcohol.

Question 14 – Do you think we should prohibit the sale of alcohol-branded merchandise in Scotland?

- Yes

The sale of alcohol-branded merchandise should be part of comprehensive restrictions on alcohol marketing, in line with the recommendations of the Alcohol Marketing Expert Network⁶.

This is an area where the Scottish Government has devolved power and action in this area should be prioritised.

The World Health Organization identifies the prevention of industry influence on social norms as a key purpose of comprehensive marketing restrictions⁷. The role of branding, including branded merchandise, therefore should be recognised and included in any framework.

Question 15 – Do you think we should prohibit the free distribution of alcohol-branded merchandise in Scotland?

- Yes

The free distribution of alcohol-branded merchandise should be prohibited, as it is a key marketing technique for the alcohol industry.

Question 16 – What, if any, exceptions do you think there should be to prohibiting the sale or distribution of alcohol-branded merchandise?

There should be no exceptions. This is essential to ensure the policy is comprehensive and is as effective as possible, and that it does not provide any loopholes which can be exploited.

Question 18 – Do you think that any potential alcohol marketing restrictions should also apply to no-or low drinks products between 0% ABV and 1.2% ABV, where these carry the same brand name, or identifiable brand markings, as alcohol drinks over 1.2% ABV?

- Yes

⁵ Scottish Government (2022) A Stronger & More Resilient Scotland. The Programme for Government 2022-23 <https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2022/09/stronger-more-resilient-scotland-programme-government-2022-23/documents/stronger-more-resilient-scotland-programme-government-202223/stronger-more-resilient-scotland-programme-government-202223/govscot%3Adocument/stronger-more-resilient-scotland-programme-government-202223.pdf>

⁶ Alcohol Focus Scotland (2022) Realising our rights: How to protect people from alcohol marketing. A report by the Alcohol Marketing Expert Network

⁷ World Health Organization (2019) The SAFER technical package: five areas of intervention at national and subnational levels

Any alcohol marketing restrictions should also apply to no and low alcohol products. These products are intrinsically associated with alcohol brands⁸; failing to include them would create loopholes for cross-marketing which could be exploited. The Alcohol Marketing Expert Network states that alcohol marketing restrictions should explicitly include all forms of brand marketing⁹.

Question 19 – Do you think we should prohibit advertising of alcohol in newspapers and magazines produced in Scotland?

- Yes

Alcohol advertising in newspapers and magazines produced in Scotland should be subject to comprehensive marketing restrictions. This is in line with the recommendations of the Alcohol Marketing Expert Network⁹.

Question 21 – Do you think we should restrict alcohol-branded social media channels and websites in Scotland?

- Yes

All digital alcohol marketing needs to be much more closely regulated, as part of a comprehensive alcohol marketing restrictions, including alcohol-branded social media channels and websites.

We recognise this is an area which is reserved to Westminster and the Scottish Government has limited powers to act in this area.

Question 23 – Do you think we should restrict paid alcohol advertising online in Scotland?

- Yes

Paid online alcohol advertising should be restricted, as part of a comprehensive package of alcohol marketing restrictions, and in line with recommendations from the Alcohol Marketing Expert Group¹⁰.

Question 24 – What types of paid alcohol advertising do you think should be covered by any restrictions?

We note influencer marketing is detailed in the consultation document as one of the types of paid advertising to be included within restrictions. It is welcome that influencer marketing is included in the proposals. We outlined the impact of influencer marketing and the importance of its inclusion in any marketing restrictions of this in our response to the UK Government consultation on online advertising last year, and welcomed their inclusion in the proposals there, in relation to HFSS products¹¹. Previous proposals from both Scottish and UK governments on restricting online advertising have not included influencer marketing so it is positive it is now being recognised.

Question 25 – What, if any, exceptions do you think should be there be to restricting paid alcohol advertising online?

No exceptions are essential to ensure the policy is comprehensive and is as effective as possible, and that it does not provide any loopholes which can be exploited.

⁸ Nicholls, E. (2022) "You can be a hybrid when it comes to drinking." The Marketing and Consumption of No and Low Alcohol Drinks in the UK. Institute of Alcohol Studies

⁹ Alcohol Focus Scotland (2022) Realising our rights: How to protect people from alcohol marketing. A report by the Alcohol Marketing Expert Network

¹⁰ Ibid

¹¹ <https://www.obesityactionsotland.org/consultation-responses/our-response-to-uk-government-online-advertising-programme-consultation/>

Question 26 – Do you think we should restrict alcohol companies from sharing promotional content on social media (e.g. filters, videos and posts) – where this is produced by them or by consumers?

- Yes

Alcohol companies should be restricted from sharing promotional content on social media, both where it is produced by them or their consumers. Including both the content produced by the companies and their consumers is important, as failure to include one would be a loophole and could result in displacement to the other.

As with social media advertising and paid for online advertising, we recognise this is an area reserved to Westminster, and as such the Scottish Government has limited powers to act.

Question 27 – What, if any, exceptions do you think there should be from restricting alcohol companies from sharing promotional content on social media (e.g. filters, videos or posts) – whether this is produced by them or by consumers?

There should be no exceptions. This is essential to ensure the policy is comprehensive and is as effective as possible, and that it does not provide any loopholes which can be exploited.

Question 28 – Do you think we should explore prohibiting alcohol advertising on television and radio completely (e.g. like in Norway and Sweden)?

- Yes

We support proposals to restrict alcohol marketing on television and radio.

Television advertising remains one of the most effective advertising channels, with over 60% of consumers making a purchase after hearing or seeing an advert on TV¹². TV advertising achieves the highest return of investment (ROI) of all media channels¹³ and amplifies the effects of other media, such as by increasing traffic to advertisers' websites¹⁴.

Question 29 – Do you think we should introduce a watershed for alcohol advertising on TV and radio (i.e. like Ireland), and if so, how would this work?

- Yes

We support the introduction of a watershed for alcohol advertising on TV and radio. This aligns with the current approach for HFSS product advertising, where a 9pm watershed has been introduced by the UK Government into legislation but not yet implemented. Such an approach for alcohol would ensure consistency in the approach between health-harming commodities and follows a precedent already set.

Question 30 – Do you think alcohol advertising should be restricted in cinemas?

- Yes

Alcohol advertising in cinemas should be restricted as part of comprehensive restrictions on alcohol marketing.

¹² Herhold, K (7 December 2017) How Consumers View Advertising: 2017 Survey. *Clutch* <https://clutch.co/agencies/resources/how-consumers-view-advertising-survey-2017>

¹³ Guttman, A. (11 February 2021). Advertising media with the highest profit return on investment (ROI) in the United Kingdom (UK) from 2014 to 2017. *Statista* <https://www.statista.com/statistics/276239/advertising-mediums-ranked-by-revenue-roi-in-the-united-kingdom-uk/>

¹⁴ In France, TV campaign increased traffic to the advertiser's website by 34%. Mathieu, A. (11 October 2019). What impact do TV campaigns have on online website traffic? *Semetis* <https://www.semetis.com/en/resources/articles/what-impact-do-tv-campaigns-have-on-online-website-traffic>

Question 35 – How do you think that any future alcohol marketing restrictions should be monitored and enforced?

We welcome that enforcement is included within the consultation and that the importance of it is recognised.

Of the two possible enforcement options proposed in the consultation, our preference would be the second - to create new regulatory arrangements or a new body, and so a new system of statutory regulation and enforcement is required. Evidence from the UK's Sugar Reduction programme effectively illustrates that the current system, based on voluntary measures/regulation, has proven to be ineffective. The most recent report of the programme analyses industry progress towards achieving the voluntary target of 20% reduction in sugar by 2020 (from a 2015 baseline) – the final findings from the programme found an overall reduction of only 3.5%, far lower than the 20% voluntary target¹⁵.

The World Health Organization has highlighted the important role of monitoring systems and deterring regulatory infringements in ensuring the effectiveness of alcohol marketing controls¹⁶. A government agency or body independent from the alcohol and advertising industries is in keeping with the principle that states should retain accountability for ensuring people's human rights and health are being protected and promoted.

Enforcement should be timely and robust with appropriate sanctions in order to be meaningful.

Additionally, health harming industry and their representatives should not have any role in designing public health policy and regulations, as this would be a clear conflict of interest. Taking an example from the food industry, this position is supported by the British Retail Consortium¹⁷, Food Standards Scotland (FSS)¹⁸, and the McKinsey Institute¹⁹ who in various reports state that policy action to re-balance and deliver a healthier food system will only work if all industry actors take part, and stressed the importance of government intervention to make this happen by creating a level playing field for all. Full statutory regulation based on the principles of transparency and accountability is required to achieve this.

Question 36 – Do you think that Scottish Government should require the alcohol industry to provide information and data on alcohol marketing campaigns in Scotland?

The requirement to provide information and data on alcohol marketing campaigns in Scotland should inform an evaluation programme to assess the effectiveness of marketing restrictions on health harming products and services.

¹⁵ Office for Health Improvement and Disparities (2022) Sugar reduction programme: industry progress 2015 to 2020 <https://www.gov.uk/government/publications/sugar-reduction-programme-industry-progress-2015-to-2020>

¹⁶ World Health Organization (2019) The SAFER technical package: five areas of intervention at national and subnational levels

¹⁷ The House of Commons Health Committee (2015) Childhood obesity - brave and bold action. First report of session 2015-16, HC 465

¹⁸ Food Standards Scotland (2016) Diet and nutrition: Proposals for setting the direction for the Scottish diet. Paper for the board meeting 20 January 2016, FSS 16/01/04

¹⁹ Dobbs R, Sawers C, Thompson F, et al. Overcoming obesity. An initial economic analysis. Discussion paper. 2014

Question 37 – Do you think that Scottish Government should require the alcohol industry to provide local alcohol sales data in Scotland?

Currently, information on retail sales of alcohol and other food and drink, including HFSS products, is recorded by Kantar sales data, which is based on a sample. However, this data needs to be purchased which means it is not readily accessible to everyone. Mandating that companies provide this information would remove this barrier to access and enable more informed policy decisions to be made. Alcohol sales data are widely accepted as the most robust indicator of population level consumption²⁰. Therefore, the alcohol industry should be mandated to provide local alcohol sales data in Scotland. This would not only help with monitoring but would also help inform policy approaches and decisions based on purchase and consumption trends and to ensure local needs can be identified from the data.

Question 38 – Do you think the Scottish Government should look to introduce a comprehensive package of restrictions across a number of marketing channels? If so, what do you think this package should include?

- Yes

Question 39 – What, if any, additional alcohol marketing methods or channels not covered in the consultation would like Scottish Government to consider restricting and why?

Although the proposals in this consultation cover a wide variety of types of marketing activities, a few elements are missing. These include the use of price as a promotional tool, and product packaging and labelling.

The use of price as a promotional tool

The use of price as a promotional tool should be part of a framework of comprehensive restrictions on alcohol as well as food marketing. Despite the progress that has been made in Scotland in addressing the role of price in driving consumption, both through the multi-buy discount ban and minimum unit pricing, straight discounting is still possible and products are often promoted on their price. As outlined earlier in our response, the Scottish Government has committed in their Programme for Government to introduce the Public Health (Restriction of Price Promotions) Bill which will place restrictions on price and location promotions of food and drink products high in fat, salt and sugar. This Bill sets an important precedent for future action for similar restrictions for other health-harming commodities, including alcohol.

Product packaging and labelling

Alcohol packaging and labelling has important implications for diet and weight outcomes. Alcohol is a significant and under-recognised source of excess calories for adults in Scotland. Data from Food Standards Scotland shows that alcohol contributes to around 9% of calories in adult diets in Scotland. Alcoholic drinks can also contain considerable amounts of sugar and are often mixed with syrups and sugary soft drinks, further contributing to excess sugar and calorie consumption. The UK CMOs recommend that adults don't consume more than 14 units of alcohol per week; however, on average every adult in Scotland is exceeding this by 36%, with significant implications for excess calories²¹.

Furthermore, evidence shows there is clear lack of awareness among the general Scottish population about the number of calories in alcohol. Evidence from research carried out by Alcohol Focus Scotland found that more than 60% of people didn't know the number of calories in a medium glass

²⁰ World Health Organization (2000) International guide for monitoring alcohol consumption and related harm. WHO Department of Mental Health and Substance Dependence.

²¹ Food Standards Scotland (2020) Situation Report: The Scottish Diet: It needs to change https://www.foodstandards.gov.scot/downloads/Situation_Report_-_The_Scottish_Diet_It_Needs_to_Change_%282020_update%29.pdf

of wine, pint of beer, and a standard measure of spirit, and less than a quarter were able to correctly identify the number of calories in each²². Improvements to labelling to include calorie and nutrition information on alcohol product labels, alongside other regulatory actions on price and availability, would have the potential to reduce the significant impact of alcohol on diet and weight in Scotland.

In this regard, the Scottish Government should mandate the provision of health information, including calories, to be displayed on all product packaging, in line with the recommendations of the Alcohol Marketing Expert Network²³. Providing this information will help ensure consumers are properly informed and supports healthier options.

Question 40 – What further evidence on alcohol marketing would like the Scottish Government to consider?

Restrictions on alcohol advertising are a critical step in developing a framework for future action on other health-harming commodities, such as unhealthy discretionary food and drink products high in fat, salt and sugar (HFSS). Being prepared to act to restrict alcohol marketing now paves the way for future action on other health-harming products, specifically actions promoting access to healthy food and discouraging purchase and consumption of health-harming food products, through comprehensive population-level public-health policy actions which recognise the need to change the food environment to one focused on the prevention of obesity.

About us

Obesity Action Scotland provide clinical leadership and independent advocacy on preventing and reducing overweight and obesity in Scotland.

For any enquiries relating to this submission, please contact Jennifer Forsyth
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²² <https://www.alcohol-focus-scotland.org.uk/news/health-experts-call-for-better-alcohol-labelling/>

²³ Alcohol Focus Scotland (2022) Realising our rights: How to protect people from alcohol marketing. A report by the Alcohol Marketing Expert Network.