

# Protect our young people

## Increase restrictions on alcohol advertising & sponsorship

### The research says:

- The more alcohol promotion young people see, the earlier they start to drink, and the more they drink
- The earlier they start to drink, the greater their risk of becoming a heavy drinker
- The more they drink, the greater the harm (to them and others)

### Our communities say:

Ban alcohol sponsorship and restrict advertising\*

### Our health agencies say:

Implement the Law Commission's recommendations to restrict alcohol advertising and sponsorship

- Step 1- introduce laws to restrict young people's exposure to alcohol advertising
- Step 2
  - ✓ ban most forms of alcohol advertising in all media
  - ✓ ban alcohol sponsorship of sporting/cultural events

### What do you say?

\* View of most New Zealanders submitting to our alcohol law reform process *Alcohol in Our Lives: Curbing the Harm*. Law Commission, (2010).

# Submission to the Ministerial Forum on Alcohol Advertising and Sponsorship

Post to: Nick Goodwin, Secretariat for Ministerial Forum on Alcohol Advertising & Sponsorship, PO Box 5013, Wellington 6145

Name: \_\_\_\_\_

Address/email: \_\_\_\_\_  
\_\_\_\_\_

## Submission:

### Introduction:

I strongly support greater restrictions on alcohol promotion/advertising and sponsorship to delay the age at which young people start to drink, to help de-normalise alcohol, and to reduce harmful drinking.

Alcohol sponsorship of sports, music festivals and other cultural events normalise alcohol to young people and must end. We have done this in New Zealand for tobacco, and in Australia the government has recently completed a 'buy-out' (replacement) of alcohol sponsorship in community sports clubs.

### Recommendations:

1. The Government should fully implement the recommendations on advertising and sponsorship made by the New Zealand Law Commission in *Alcohol In Our Lives* (Chapter 19) to ensure:
  - no alcohol-related sponsorship of any cultural or sports events or activities
  - no alcohol advertising or alcohol sponsorship in any media (television, radio, internet and so on), other than advertising of objective product information.
2. These changes should be enforced by law through amendments to the Sale and Supply of Alcohol Act, 2012.
3. The new law should restrict future forms of alcohol promotion by default, with penalties that will effectively discourage promoters from breaking the law.

Signed: \_\_\_\_\_ Date: 17 / 04 / 2014

Note: This submission may be requested under the Official Information Act 1982. If this happens, it will normally be released to the person who requested it. However, your personal details will be removed from the submission if you check/tick the following boxes:

- I do not give permission for my personal details to be released under the Official Information Act 1982.
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# Making a submission

Submissions close on **Monday 28 April 2014 at 5pm.**

- If you would like further information during the submission period please email [alcoholadvertisingforum@moh.govt.nz](mailto:alcoholadvertisingforum@moh.govt.nz) and put 'Forum information' in the subject line.

Please detach and return.

Name:	
If this submission is made on behalf of an organisation, please name that organisation here:	
Address/email:	
Please provide a brief description of your organisation (if applicable):	

There are two ways you can make a submission.

- Forward your comments, with the detachable submission form at the back of this document, to:  
Nick Goodwin  
Secretariat for Ministerial Forum on Alcohol Advertising & Sponsorship  
Ministry of Health  
PO Box 5013  
Wellington 6145
- Electronically complete the submission form available at the back of this document, add your comments and email to:  
[alcoholadvertisingforum@moh.govt.nz](mailto:alcoholadvertisingforum@moh.govt.nz)
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# Questions to guide your submission

1. Did you/your group/your organisation make a submission on the 2010 Law Commission report *Alcohol in our Lives: Curbing the Harm* and/or to the Justice and Electoral select committee, on alcohol advertising and sponsorship issues? **Yes or No.** If yes, please specify whether you submitted to the Law Commission and/or Select Committee.

No

2. Do you support further restrictions on **alcohol advertising** (over and above the measures currently undertaken) to reduce alcohol-related harm? **Yes or No.** [Tick box]

Yes  No

3. What reasons do you have for your view? Please include details.

Please find enclosed a copy of the book, 'Pleasure, Profit and Pain: alcohol in New Zealand and the contemporary culture of intoxication'.  
The focus of my submission can be found in Chapter 9, pages 69-76, though you may also find other parts useful. For your convenience, I also attach a printout of the relevant pages.

4. What evidence is available to support your view (please cite references if available, or provide supporting information). Please focus on evidence since 2010 if this is available.

As above

5. Do you think the available evidence is strong enough for changes to be made now? Explain your reasons.

6. Do you support further restrictions on **alcohol sponsorship** to reduce alcohol-related harm? **Yes or No.** [Tick box]

Yes

No

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Faculty of Arts and Social Sciences  
The University of Waikato  
Private Bag 3105  
Hamilton 3240, New Zealand



THE UNIVERSITY OF  
**WAIKATO**  
*Te Whare Wānanga o Waikato*

# 9. A COMPLEX WORLD – PROMOTIONAL INFLUENCES

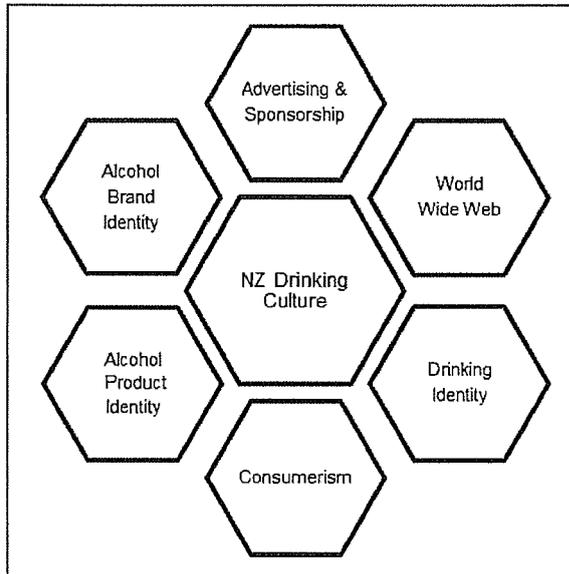


Figure 57. Promotional influences that shape the New Zealand drinking culture

Today alcohol is promoted through the traditional commercial activities of advertising and sponsorship, and also through informal channels such as popular culture media, the world-wide web and new mobile digital technologies. How these varied forms of promotion interact with each other to support the culture of intoxication is a multi-layered process that includes the development of *brand, product* and *drinking* identities. However, before we can explore the complex story of alcohol promotion, we first need to detail the economic system that made this all possible: modern consumerism.

## CONSUMERISM

For much of our history the majority of the New Zealand population had little disposable income with which to purchase goods and services beyond their daily needs, and shopping was a mundane and time-limited activity. However, since the 1950s our economy, like much of the developed world, has

undergone significant growth, and much of the population now has levels of disposable income far in excess of earlier generations. Internationally this increase in wealth has coincided with the growth of consumerism.

Consumerism is an economic system that relies upon all of us, as consumers, to purchase ever-increasing volumes of goods and services, *e.g.* burgers, television sets, fitted kitchens, cars, vacuum cleaners and so on. To convince us of our *need* to buy these products, producers turned to the advertising industry and since the mid-1900s advertising has exploded into a truly global phenomenon pushing global *brands and products*, such as Nike, Coke, Billabong and BMW.

One consequence (amongst many) of global advertising is that many consumers have come to believe that they are increasingly *defined* by the product-brands they consume, *e.g.* the brand of car they drive, the style and brand of clothing they wear, and the brand of food and drink they consume. This definition and expression of ourselves through branded products is not necessarily a modern phenomenon *per se*, as cultures and individuals have long been identified by the goods they consume. However, in the past the identity associated with products was usually established through the social and cultural processes within an individual's community, independently of the products. Today, the identity associated with the majority of our consumer goods is no longer a community creation, but is instead strategically formulated by advertising companies to achieve commercial profit for their clients.

It is important to note that within our modern consumer culture, over-consumption or bingeing as it is often termed is not a dynamic exclusive to alcohol, as binge eating and binge (insatiable) spending are common modern complaints.

## ADVERTISING AND SPONSORSHIP

The legislative restrictions on the marketing of alcohol that characterised much of our history were due to the strength of the temperance movement throughout the early 1900s. During this period there was a general view that there was no social value to be gained, and probably a lot of harm to be reaped, from allowing alcohol producers and hospitality interests to promote a problematic and potentially addictive substance.

It has only been in recent years that the regulations governing alcohol marketing have been progressively liberalised. In 1987, alcohol sponsorship was permitted, and then in 1992, alcohol brand promotion was permitted on television and radio. In 1992, the alcohol advertising industry also became a self-regulatory body and a Code for Advertising Liquor was established.<sup>117</sup>

Today alcohol is marketed through advertising in television, internet, radio, cinema, mobile-phone, billboard and print media, and through sponsorship arrangements with cultural shows, music concerts, lifestyles events and sporting teams/codes. It is estimated that the alcohol industry spends between \$50 - \$150 million a year on alcohol advertising and sponsorship.<sup>118</sup> Although marketing *is* used to inform consumers about new products entering the market and competitive pricing options, it is primarily used to develop a *brand identity* that allows producers to separate their particular product from their competitors' products.

A brand identity is a name, symbol or slogan that is used to represent a product. The brand embodies the *personality* of a product and is developed by associating the product with a particular idea, feeling, image, lifestyle, and/or belief. Advertisers actively work to develop and maintain the brand identity of products – with the intent of ensuring that the brand remains attractive to consumers.

## BRAND IDENTITY

Alcohol producers and hospitality interests spend their millions of dollars every year developing and maintaining a brand identity that targets a particular sector of the alcohol market. Examples of beer brands utilising unique identities to target various sections of the beer drinking market is demonstrated in *Lion Red* and *Tui* beer promotions. Since 1987 Lion Red beer has been advertised with the message “The measure of a man’s thirst” and has thus arguably been promoted as the working man’s beer, targeted at male drinkers of all ages. To support this brand image Lion Red has sponsored, and therefore associated its brand image with, a wide range of male-dominated activities including rugby league teams and fishing competitions.

In contrast, the Tui brand has been promoted as a fun and youthful beer through creative and entertaining television advertisements featuring the Tui Brewery girls, billboards using the ‘Yeah right’ slogan, and sponsorship associations with student orientation events and rugby union teams – all targeted at the younger sector of the beer market including female beer drinkers.

Michael Donaldson in his book *Beer Nation* summarised the brand identity associated with a number of other popular New Zealand beer brands:

“Steinlager – I’m a good, loyal Kiwi.

Corona – I’m a beach bum, surfer, relaxed.

Heineken – I want to be seen as a bit more European.

Speight’s – I’m down to earth, unassuming, honest, reliable.

Waikato Draught – I’m a real man.

Tuatara – I’m here for the taste”.<sup>119</sup>

Examples of other alcohol product promotions include the RTD Woodstock Bourbon brand, which has sponsored boxing events and car rallies, and created attention-grabbing and sexually suggestive television advertisements with dialogue

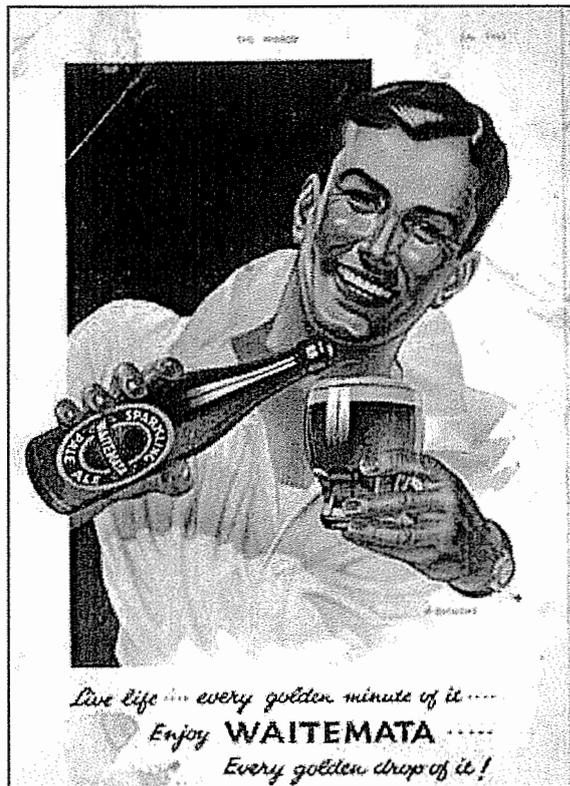


Figure 58. Magazine cover featuring Sparkling Waitemata pale ale, 1940. Photograph by A Dickens, The Mirror: New Zealand's national home journal (Alexander Turnbull Library, Ref: PUBL-0100-1940-07-back).

such as “Is it okay if your mate’s mum gives you a woody”? The Woodstock Bourbon campaigns have enabled the brand to be differentiated from other RTD drinks and reinforced the drink’s link with male drinkers. In contrast, wine producers, who often target a much broader and more particularly female segment of the drinking market, are more inclined to associate their brand with qualities of sophistication, refinement and good taste. To achieve this goal wine producers often advertise in glossy magazine-based print media and sponsor culturally oriented events.

Taken at face value it is difficult to find fault in the view expressed by the alcohol industry, that brand promotion enables alcohol producers an opportunity to compete for a share of the alcohol market - and at over \$4 billion dollars a year it is a valuable market! However, a similar opinion (citing the need to compete for market share) was

also put forward by the tobacco industry, and as we discovered, the on-going promotion of multiple brand identities has unintended consequences.<sup>xxviii</sup>

## ALCOHOL PRODUCT IDENTITY

How is it that the contents of a bottle could come to represent such desirable characteristics as fun, friendship, celebration, maturity, relaxation, glamour, desirability and confidence?

The on-going promotion of multiple brand identities ultimately results in the formation of a generic product identity and one of the most researched examples of this phenomenon is the impact cigarette brand advertising had upon the identity of tobacco as a product and smoking as a behaviour.

For many years individual cigarette brands advertised their products as variously associated with qualities of sophistication, coolness, rebellion, attractiveness, ruggedness, maturity and style (to name a few). Over time these *brand* images amalgamated to form a *product* identity that identified smoking with these traits in general. This smoking identity then expanded from paid advertising media into popular culture media through movies, music, television and print articles. In part this crossover was unintentional, the result of high-profile individuals (*e.g.* musicians, models and actors) being seen and photographed smoking. In part, however, it was intentional, as movie directors and book writers formulated characters who were made distinctive *by* their smoking habit.

Once a product identity has entered into popular culture it can be very difficult to remove, and tobacco continues to demonstrate this. Cigarette brand advertising has been banned in New Zealand

<sup>xxviii</sup> An effective means of highlighting the contemporary power of alcohol imagery is again to use the hypothetical example of a popular but illegal substance - cannabis. Appendix Three details the implications and process of branding the hypothetical cannabis product Northern Gold.

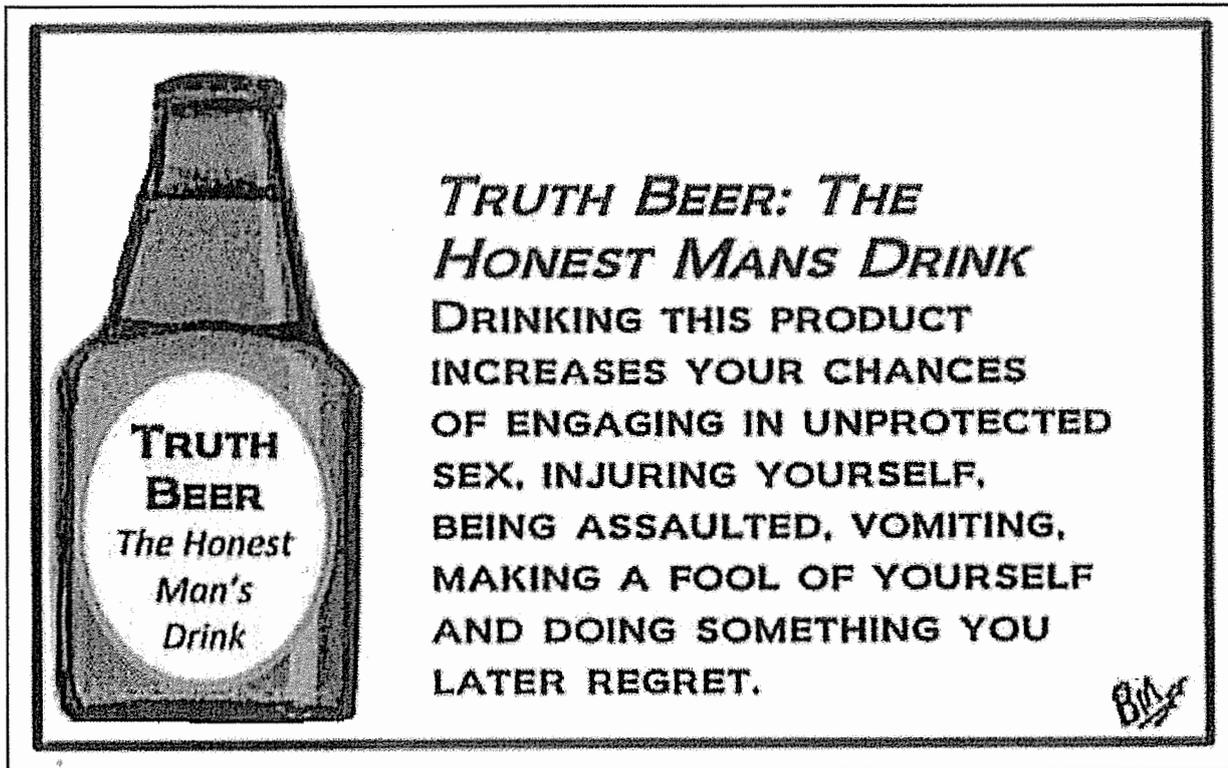


Figure 59. Truth beer cartoon, 2012. Cartoon by Brett McEwan.

since 1990, and since that time countless public health initiatives have been undertaken to educate consumers about the health risks associated with smoking and to undermine the tobacco product image by associating it with explicit images of ill-health. Despite this, a fairly predictable (although reducing) proportion of our young people continue to commence smoking each year. They engage with tobacco smoking not because they initially enjoy its taste, but so that they are associated with the product identity smoking conveys within their peer group. It is highly likely that these emerging smokers have never viewed commercial advertising promoting a cigarette brand and yet the popular culture image of tobacco, along with family and peer smoking role models, have been enough to recruit them into smoking with all its predictable health consequences.

The cumulative effect of the millions of dollars spent annually to promote alcohol brands is that alcohol as a generic product and drinking as

a leisure activity, are portrayed in a positive image across a vast array of media. Alcohol is perpetually associated with a wide range of desirable characteristics: friendship, celebration, maturity, loyalty, relaxation, glamour, strength, desirability, comedy and fun (to name a few).

If alcohol was a non-problematic consumer product like milk or bread, it is unlikely that the public would be concerned about its ongoing positive promotion; however, when the consumption of a product has the (realised) potential for significant harm, then the public typically become troubled about its promotion. This dynamic was demonstrated in the large number of submissions made to the Select Committee expressing concerns that alcohol promotion was increasing the attractiveness and consumption of alcohol, while undermining initiatives aimed at reducing alcohol-related harms. The community organisation Alcohol Healthwatch summarised these issues in their submission:

"Strong concern has been expressed by the public, parents in particular, about the impact of the aggressive proliferation of liquor industry marketing. The evidence is now clearly demonstrating that this inculcates pro-drinking attitudes, increases the uptake of alcohol consumption by children and adolescents, and encourages heavier drinking. Aggressive and sophisticated marketing techniques ensure that alcohol advertising and promotion pervades every aspect of society. Advertising and sponsorship festoons bill-boards, the backs of buses, accessorises children's and youth apparel, surrounds our sports fields, is at the cinema and cultural events, on the radio at all hours and direct markets via text, social networking etc. In short, society is saturated with alcohol marketing and young people are the impressionable target. It makes no sense politically or economically for Governments to continue supporting the promotion of a product that is a leading cause of preventable harm and cost burden".<sup>120</sup>

As the Alcohol Healthwatch statement rightly contents, local research studies and systematic reviews of international research have generated growing agreement that alcohol advertising in the traditional media influences the onset of drinking, levels of consumption and drinking patterns in young people.<sup>121</sup> On-going research is now also investigating the effects of electronic media influences, suggesting that the influence of campaigns using these media are just as influential, or perhaps even more so, than traditional promotions.<sup>122</sup>

Understandably, alcohol producers do not want their products associated with the negative aspects of alcohol usage, as this could damage their brand/product image (Figure 59).

The \$1 - \$3 million spent *weekly* by the liquor industry to promote alcohol, is in direct conflict with public health initiatives designed to promote a more moderate drinking culture (in much the

same way that it was difficult for smoke-free initiatives to gain traction in the public domain while the tobacco industry was permitted to promote cigarette brands). There are many in the public health field who contend that this conflict is reason enough to warrant returning to the pre-1987 era of restricted alcohol promotion. Others argue that there is a second and just as pressing reason to return to the pre-1987 arrangement – the development of *drinking identities*.

## DRINKING IDENTITIES

Sports broadcaster Murray Deaker in his excellent autobiography *The Man in the Glass* gives us an insight into both the brand- and intoxication-based drinking identity that he and his friends revelled in as young men (in later life Mr Deaker accepted that he suffered from alcoholism and subsequently ceased drinking):

"Speights was the favourite. None of that North Island shit for us. We were Southern Men and going to get drunk on southern dew. That was the intention. To get drunk. We weren't in it for social intercourse. In fact the whole idea was to drink as fast as you could to mop up your share of the half doz. Now, winter nights get cold in Dunedin and the combination of that together with Speights beer and adolescent capacity inevitably led to someone having a chunder. That was all just part of the fun. We used to measure the length of the spew on the pavement and the winner was treated with celebrity status".<sup>123</sup>

The intention of alcohol brand advertising is to attract drinkers to the product, with the hope of developing a long-term relationship that will sustain sales. This relationship is labelled *brand loyalty* by the industry and at its strongest will influence some drinkers to integrate the brand into their sense of self. As Murray Deaker commented, some beer drinkers will identify themselves as a southern Speight's man, while others will identify

as a Lion Red man or a Steinlager man, and so on. To advertise their brand loyalty many of these drinkers will wear alcohol-branded clothing, while some of the younger drinkers may put branded posters on their walls and display their bottle collections. A few die-hard individuals may even go so far as to get a tattoo of the brand.

While all of us are targeted by advertisements to purchase products, adolescents as emerging consumers are particularly valued by producers as they represent new and potentially lifelong customers who will ensure the future sustainability of the brand. This issue is particularly pertinent to alcohol producers, as 18-24-year-olds represent a significant proportion of the alcohol market. Alcohol producers *need* to ensure that emerging drinkers are familiar with, and ready to choose, *their* brand once they reach the legal drinking age (if not before); and while it is illegal to target alcohol advertising at under-age drinkers, research shows that by the time most young people reach 18 years they are very familiar with alcohol brand imagery.<sup>124</sup>

This task is made easier for alcohol producers by the fact that alcohol, as an age-restricted product, has *always* held an attraction for a portion of adolescent New Zealanders and therefore many actively seek out alcohol brand images to assess which drinks they wish to identify themselves with, *e.g.* which brands are cool and desirable. Over the past ten years this issue has become even more pertinent, as it is now almost impossible to stop under-age drinkers engaging with websites that feature alcohol advertising and sponsorship promotions, plus social media sites – where young people undertake a lot of their social interaction – is currently unregulated. It is no accident that adolescent drinkers are seldom attracted to older-adult brands like *DB Draught* beer and *Church Road* wine.

It is important for us to be mindful that it is a common and normal behaviour with adolescents

to surround themselves with objects and images that they enjoy and that represent their developing individuality. Many teenagers will purchase the products associated with the latest popular movie franchises, music artists and recreational/sporting activities (and typically they will plaster their bedroom walls, school books and bags with images of these products/people). These images represent their unique developing personality and what they are *into*. It is therefore understandable, and somewhat predictable, that as young people grow into adulthood they will also wish to associate themselves with the rich and appealing imagery of alcohol brand advertising.

While some drinkers are satisfied to identify themselves with a particular brand of alcohol, others will wish to go much further and identify themselves with how *much* of the product they can consume – and this is particularly relevant for the one in ten drinkers who regularly drink to get drunk. For these drinkers, drunkenness is a desirable drinking goal and alcohol-related harm an acceptable risk or even a celebratory component of a good night out (Figure 60)

## WORLD WIDE WEB

Since the early 2000s another powerful and increasingly popular medium has joined in the promotion of a drinking lifestyle: the world-wide-web (WWW). It is no exaggeration to say that the WWW is fundamentally reshaping how some young people interact with alcohol brands and alcohol hospitality venues. These developments have occurred within the past decade and student pubs, with their web-savvy patrons, were some of the first alcohol-related commercial interests to begin utilising this new medium. Initially bar websites were created to provide patrons with information about upcoming events, drink specials, contest winners and promotions. From approximately 2005, numbers of bars began to take photographs



Figure 60. Alcohol excess. Photograph by B McEwan.

of bar patrons attending special themed events and post these images online for patrons, and just as importantly for their friends, to view the following day. These web-based photo-journals proved to be very popular with patrons and soon some bars were taking nightly photos both to attract patrons to their bar and to maintain bar-brand loyalty. This growing interaction between alcohol consumers and commercial interests continued until the arrival of social networking sites, most notably *Facebook*, which reshaped and reinforced this relationship, integrating and embedding it even further into young adults' everyday lives.

Social networking sites allow us the opportunity not only to connect with others, but also to display our lives through photographs, videos and narratives. Social commentators have described this public exhibition of ourselves as *self-branding* – a process that is heavily influenced by cultural meanings and consumer images. For some young adults (and some older adults too) this self-branding involves the portrayal of an alcohol-based social lifestyle, representing fun, popularity and social connectedness (amongst others representations), and is heavily dependent upon alcohol promotion imagery. Today when an individual holds up a branded bottle of beer, RTD or wine for a photograph they are connecting

themselves with a publicly-understood image that they find desirable and with which they wish to be associated. For some drinkers however, identification with the brand is not enough, and it is the display of an intoxication-based identity that is their main aim. These drinkers will proudly post Facebook images of themselves and their friends in various states of intoxication in order to display how much fun they are having, and their strong relationship with alcohol.<sup>125</sup>

The growth of social networking sites, and particularly Facebook, has become increasingly important to commercial interests, including alcohol-related businesses, as an unparalleled opportunity to network *directly* with consumers. Many alcohol producers and hospitality interests have created their own Facebook page which allows them to be *friend*ed and to engage in *conversations* with their buyers/patrons. Recent UK-based research has found that alcohol brands now have the third highest commercial *engagement rate* on Facebook and this development enables the alcohol industry to:

“stimulate conversations about [their] brands, it allows them to observe, analyse and direct those conversations in real-time. It allows marketers to embed brand-related activities in the routines of social media engagement for large numbers of people, and to use social media to encourage a more routine approach to alcohol consumption”.<sup>126</sup>

Through the use of newsfeed promotional messages, drinkers can be instantly updated about upcoming events, specials, give-aways and competitions. At the same time drinkers are invited to upload brand-based photographs of themselves and their friends engaging with the alcohol product and/or bar – and then to publicise these photographs to their friends (and therefore attract potential new customers to the commercial Facebook page).

Social networking sites also allow commercial

businesses an unparalleled opportunity to gather valuable information about their targeted consumer groups (*e.g.* demographics and personal preferences) which is then used to formulate sophisticated marketing campaigns. This growth of online media has made the promotion of alcohol far more influential now than it ever was. In some cases it has fundamentally changed the nature of the relationship between the alcohol marketers and the drinkers – so now it is a *conversation* that has become seamlessly integrated into everyday online life.

Although web-based commercial interests cannot promote the culture of intoxication, there are plenty of other websites that do. One of the first was *CollegeHumor.com*. This American-based website was founded in 1999 and for a number of years was a dominant social networking site for tertiary students to interact and display student culture. The website incorporated a strong focus on student binge-drinking behaviour and a search of the website for alcohol-related titles (*e.g.* shaming, puke, vomit, alcohol, binge, drunk) will yield thousands of photographs and video clips depicting students in varying states of intoxication.<sup>xxix</sup>

Today, a vast array of websites can be found that directly portray, support and celebrate the culture of intoxication. The website *PassedOutPhotos.com* summarises this phenomenon on its homepage with the introduction “Passed out photos: funny pictures of passed out people getting pranked by their friends while unconscious. This is known by some as drunk shaming but we just like to call it funny”.<sup>xxx</sup>

Another website *Befuddle.co.uk* has combined the globalised interest in celebrity culture with drunken behaviour and now hosts a substantial photograph catalogue of drunken celebrities.<sup>xxxi</sup>

As the WWW reflects the interests of human beings, it is perhaps not surprising that photographs and videos of drunken behaviour are popular viewing. While websites like *PassedOutPhotos.com* directly support and celebrate the culture of intoxication, social networking sites portray human nature more generally and therefore indirectly support the culture of intoxication through users’ interests.

While the culture of intoxication remains a dominant feature of our drinking culture, many argue that it is counterproductive to us, as a society, to allow the alcohol industry to continue promoting alcohol brand images that normalise alcohol use, encourage consumption, undermine public health initiatives and provide such appealing imagery for young emerging drinkers.

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xxix See: [www.collegehumor.com](http://www.collegehumor.com)

xxx See: [www.passedoutphotos.com](http://www.passedoutphotos.com)

xxxi See: [www.befuddle.co.uk](http://www.befuddle.co.uk)

## Submission to the Ministerial Forum on Alcohol Advertising and Sponsorship

Name:	
If this submission is made on behalf of an organisation, please name that organisation here:	
Address/email:	
Please provide a brief description of your organisation (if applicable):	

There are two ways you can make a submission.

- **Post to:**  
 Nick Goodwin, Secretariat for Ministerial Forum on Alcohol Advertising & Sponsorship  
 Ministry of Health  
 PO Box 5013  
 Wellington 6145
- **Electronically complete the submission form and email to:**  
[alcoholadvertisingforum@moh.govt.nz](mailto:alcoholadvertisingforum@moh.govt.nz)
- Please put 'Forum Submission' in the subject line.

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## Submission

### Introduction:

I strongly support greater restrictions on alcohol promotion/advertising and sponsorship to delay the age at which young people start to drink, to help de-normalise alcohol, and to reduce harmful drinking.

Alcohol sponsorship of sports, music festivals and other cultural events normalise alcohol to young people and must end. We have done this in New Zealand for tobacco, and in Australia the government has recently completed a 'buy-out' (replacement) of alcohol sponsorship in community sports clubs.

### Recommendations:

1. The Government should fully implement the recommendations on advertising and sponsorship made by the New Zealand Law Commission in *Alcohol In Our Lives* (Chapter 19) to ensure:
  - no alcohol-related sponsorship of any cultural or sports events or activities
  - no alcohol advertising or alcohol sponsorship in any media (television, radio, internet and so on), other than advertising as prescribed in the Law Commission recommendations.
2. These changes should be enforced by law through amendments to the Sale and Supply of Alcohol Act, 2012.
3. The new law should restrict future forms of alcohol promotion by default, with penalties that will effectively discourage promoters from breaking the law.

I include responses to specific questions from the forum in the following pages.

2. Do you support further restrictions on **alcohol advertising** (over and above the measures currently undertaken) to reduce alcohol-related harm? **Yes or No.** [Tick box]

Yes

No

3. What reasons do you have for your view? Please include details.

To try and limit the harm that unrestricted alcohol use is having on our young people which sets them up for significant health problems over their lifetime and probable early death.

6. Do you support further restrictions on **alcohol sponsorship** to reduce alcohol-related harm? **Yes or No.** [Tick box]

Yes

No

7. What reasons do you have for your view? Please include details.

The restrictions on sponsorship of cigarettes and tobacco has produced significant reduction in the use of these products. This has major impact on the reduction of harm from tobacco.

10. If further restrictions to **alcohol advertising** are necessary, what do you think should be done?

Advertising should be banned entirely.

15. If further restrictions to **alcohol sponsorship** are necessary, what do you think should be done?

Sponsorship should be banned entirely.

28. Any other comments

***I am very concerned at the on-going effects on NZ society and our young people if harm prevention measures are not urgently implemented.***

# Making a submission

Submissions close on **Monday 28 April 2014 at 5pm.**

Please detach and return.

Name:	
If this submission is made on behalf of an organisation, please name that organisation here:	n/a
Address/email:	
Please provide a brief description of your organisation (if applicable):	n/a – I am a private citizen

- Electronically complete the submission form available at the back of this document, add your comments and email to:  
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# Questions to guide your submission

1. **Did you make a submission on the 2010 Law Commission report *Alcohol in our Lives: Curbing the Harm* and/or to the Justice and Electoral select committee, on alcohol advertising and sponsorship issues? Yes or No. If yes, please specify whether you submitted to the Law Commission and/or Select Committee.**

I made an oral submission to the Select Committee for the Alcohol Reform Bill. (The contents of that oral submission are included under question 3 – refer to 3.2 below)

2. **Do you support further restrictions on alcohol advertising (over and above the measures currently undertaken) to reduce alcohol-related harm? Yes or No. [Tick box]**

YES

3. **What reasons do you have for your view? Please include details.**

### **3.1 INTRODUCTION**

I stand alongside many other citizens who continue to voice their concerns about the social harm that occurs when multi-national alcoholic beverage corporations are afforded freedom to wield their seductively manipulative and devastatingly persuasive marketing powers, in an unregulated fashion.

### **3.2 PRELUDE: 2011 ORAL SUBMISSION**

I include the presentation notes that guided my oral submission to the Select Committee for the Alcohol Reform Bill in 2011, as this panel's members were not present at the time, and my thinking on this topic has changed very little since then.

Kia ora tatou. Good morning to you all.

In respect to Aotearoa New Zealand's bilingual heritage I'll begin my submission with a Maori proverb. I hope that my reason for choosing this particular whakatoki will become self-explanatory by the end of my submission:

**Whaia te iti kahurangi / ki te tuahu koe / me he  
maunga teitei**

***Aim for the highest cloud so that if you miss it, you will  
hit a lofty mountain***

I know that I have a limited time to communicate a few distilled points about the Alcohol Reform Bill, so here in a shot glass, are some concentrated comments about why I endorse some aspects of the Bill, but overall think that much more needs to be done to contain the successive tsunamis of societal and individual harm that seductive multi-national, national, regional and local alcohol advertising and sales campaigns generate.

I don't need to remind you about ordinary citizens' expectations that this committee **will** listen attentively to the full range of evidence that is presented by experts who work in and around the area of alcohol addiction and treatment; that your integrated social policy framework recommendations **will** show evidence of strong, visionary leadership, and that those recommendations **will** subsequently enable effective limitation of the unnecessary social and individual costs associated with excessive alcohol consumption. In other words, ordinary Kiwis like me and countless others, **are** expecting that your recommendations **will** put public health and public safety ahead of the mercenary interests of those who profit from creating and then servicing lucrative liquid ethanol markets.

There's volumes of potential evidence to cite, however I'll begin with two local articles published in The New Zealand Herald on successive days earlier this year (2011). The first article appeared on 23 February, and was entitled: ***National action needed to fill the glass***. The pull out quote below the title explained that: *'Building healthy children for the price of a pottle of yoghurt or a glass of milk a day sounds like a good investment.'*

You may ask, what on earth has the price of milk got to do with alcohol reforms? Well, listen up to the author, Brian Rudman's references to a recent paper on *Global influences on milk purchasing in New Zealand* by Otago University scholars Moira Smith and Louise Signal, to discover contextual allusions that are extremely pertinent to this committee's deliberations. Smith and Signal highlight the dietary crises confronting many of our young in their summary which states: *For children, milk is the predominant source of dietary calcium, but only 38 percent of children consume milk daily and 34 percent weekly. Disturbingly, 17 per cent reported they did not drink milk at all, or if so less than monthly.* Moreover they note that the worst affected are the poor,

of which Maori and Pacific peoples are over-represented; and that non-milk drinkers turn to cheaper 'fizzy drinks', that ultimately lead to health problems such as obesity and rotting teeth. The authors go on to explain that rising obesity rates and nutrition-related risk factors account for a substantial proportion of the mortality and chronic disease burden, and that nutrition is second only to smoking as contributing to premature mortality. Rudman concludes that in the light of such statistics a **good** public health move would be to follow the European example of investing in a pottle of yoghurt or glass of milk a day - hence the pull out quote. Moreover, he urges our multinational dairy giant Fonterra to come up with a **good price that doesn't upset the farmers, or our trading rivals in Europe or elsewhere**. Tagging the pricing level of drinks, whether they're associated with health promotion as in the case of milk, or identified by the WHO as a risk factor for the global burden of injury and disease, as in the case of ethanol or alcohol, highlights the importance of price as a strategy to leverage significant public health outcomes.

The second local article is titled: ***Dame Silvia is right, change booze culture or pay the price***. The author introduces the article writing: *While we fizz about food prices, fume about the unnecessary replacement of the ministerial car fleet ... an issue vital to the future of this country has pretty much slipped under the radar. It surfaced briefly in the Weekend Herald on Saturday when a former Governor-General, Justice Dame Silvia Cartwright, pleaded for the Government to be bolder on alcohol reform, including raising taxes, the legal purchase age and reducing industry advertising.*

The author of this article, Garth George, states that *over-consumption of alcohol touches almost every part of our lives, and certainly every one of our economic and social problems*, and the pull out quote in this instance states: *'It is one of the reasons that 20 per cent of our population lives in poverty and far too many children and adults go hungry.'*

So, whilst these two articles appear at face value to deal with drinking different products, they demonstrate that when attending to our nation's dietary and drinking patterns, the government and members of this committee need to be innovative in the way you consider promoting integrated social policies that empower individuals, families and communities to select healthy options that sustain their wellbeing.

Accordingly, I ask you to be aware of the conclusions of the European Alcohol Policy Conference's June 2004 *Global Status Report: Alcohol Policy*, which states:

*'Alcohol Policy emphasizes that single policies are less likely to impact on drinking and alcohol related harm than several policies working together. This is particularly important if all government policies are not necessarily working in the same direction. Global marketing and trade agreements may make more effective control measures difficult to achieve. To be effective, alcohol policy should include regulatory and other environmental supports that promote the health of the population as a whole.'*

The eight policy measures that the Global Status Report describes include:

- 1) Defining alcoholic beverages in law to provide the basis for other policies.
- 2) Government control over the sale of alcohol (including off the premises retail sales and licensing provisions).
- 3) Alcohol availability by time, place, density and location of outlets.
- 4) A minimum age, effectively enforced.
- 5) Blood alcohol limits set for vehicle drivers.
- 6) Taxation affecting price.
- 7) Controlling alcohol advertising and sponsorship.
- 8) Alcohol-free environments.

At this juncture it's useful to mention that according to economist Brian Easton, the current cost to the NZ economy of having an ineffective drinking legislative framework is around \$25 billion every year; a figure five times higher than the social cost of alcohol estimated by the recent BERL report. Most of the social destruction caused by alcohol is because of its impact on crime and the increased cost it imposes on the police, the courts, the prison system and victims. Interestingly only last night TV ONE NEWS reported that police in Christchurch are concerned about the increased incidence of post-quake drinking, and the consequential links with arrests for unlawful behaviour. Unfortunately this news alert isn't at all surprising, as you'll be well aware by now that people who reach for another ethanol shot to self-medicate and dissolve the psychological pain they feel as a result of experiencing high levels of stress and anxiety also dissolve their cognitive reasoning.

Being pushed for time to relay a compelling narrative, I should explain to you that I choose to use the term ethanol instead of alcohol, to remind you that alcohol is in reality a psychoactive drug. I have purposely chosen to do this because a 2010 New Zealander of the Year finalist and Professor of Psychiatry at The

University of Otago (Christchurch), Dr Doug Sellman, pointed out in a in a public meeting that I attended that government departments are reluctant to state this in public; AND, moreover, that the Alcohol Law Reform Bill is an absolute fizzer. My interpretation of Professor Sellman's latter comment is that those who drafted the bill were aiming far below the long white clouds that blanket Aotearoa. From my perspective they appear to have simply startled a few tuis feeding on nectar in the flax flowers!

Why cite Professor Sellman? Well, a NZ Herald article published in December last year draws attention to his considerable expertise and capacities to gauge the need for ethanol law reform in Aotearoa New Zealand ([http://www.nzherald.co.nz/nz/news/article.cfm?c\\_id=1&objectid=10693283](http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=10693283)).

For example, that article states that Dr Sellman has a vested interest in the bill because:

*As a professor of psychiatry specialising in addiction, he wants to reduce the damage he sees flowing from alcohol abuse.*

The article explains Dr Sellman:

*... did his PhD on the topic 'alcoholic relapse' and knows better than most the pernicious nature of addiction and how markets are created and expanded.*

*When Roger Kerr of the Business Roundtable said 'the whole emphasis' in the debate about New Zealand's alcohol problem 'should be on the responsibility of drinkers, not suppliers', Dr Sellman responded that this was an age-old tactic of the alcohol industry to divert attention from damage its product causes.*

*It also aims to hide hefty spending on lobbyists and a daily industry spend of about \$200,000 on marketing, which has the effect of normalising a heavy drinking culture.*

The same article continued with a rhetorical question that Dr Sellman asked:

*'Is it not hypocritical for the alcohol industry to blame heavy drinkers for irresponsibility and then quietly reap the enormous profit that is strategically derived from those same individuals?'*

*Sellman says individual responsibility does not work with addicts and shifts focus from **what evidence shows does work: raising alcohol prices, raising purchase age, reducing accessibility, reducing marketing and advertising, increasing drink-drive countermeasures and boosting treatment for an estimated 700,000 heavy drinkers.***

*Of an Otago University study finding that alcohol had become more affordable in the past decade while associated damage rose, Dr Sellman said: 'No one can say you're talking it up. Lower prices equal harm.'*

*Harm not just to the heavy drinker but to others, too. Dr Sellman was hit head-on driving on the Auckland motorway and suffered concussion, broken ribs and a damaged knee.*

It's worth noting that as a psychiatrist who works on addiction, Professor Sellman knows all too well the short-term effects of ethanol on the central nervous system. He's aware that feelings of euphoria, talkativeness and relaxation can slide into a state where a person's central nervous system becomes depressed, and that they're likely to feel nauseous; possibly vomit, and be hopelessly impaired in terms of not only their motor and sensory functions, but also their cognition. Even the ethanol producers are aware that if their products continue to be consumed at this point, there will be decreased blood flow to the brain, and that stupefaction and unconsciousness are likely to precede possible death. Last year a community of parents and students associated with Auckland's prestigious King's College encountered the inevitable consequences of this tragic trajectory. A trajectory that fails to respect socio-economic class, as the inevitable consequences of that all too familiar story line become acted out in countries throughout a world where binge drinking has established a magnetic hold on those who are seduced by the persuasive marketing strategies of the multi-national ethanol producers and suppliers as they navigate the challenges of defining their self-identity.

James Griffin's final word column in the March 5 2011 Weekend Herald's Canvas supplement is titled ***The sounds of drinking***. The Outrageous Fortune scriptwriter begins this particular piece stating:

*'Binge drinking among women is a matter of some concern these days. Packs of feral, out-of-it young ladies regularly pop up in the news media as a less-than-shining example of how bad our alcohol-sodden culture has become.'*

The column's title refers to a 3-CD set Griffin stumbled on recently entitled *The Best Beer Drinking Songs Ever ... For Girls*. He suggests this CD title fails to reflect the reality of the drunk women

he generally encounters, a reality he adds that is endorsed by media perceptions, that the ethanol lubricant isn't likely to be masculine brands of beer, but an excessive number of RTDs or units of cheap bubbly. Both of these products are specifically designed and marketed to target young female drinking novitiates. These novitiates who are groomed to enjoy 'fizzy drinks' as pointed out earlier in Smith and Signal's research, progress readily to swallowing the refreshingly cheap and tasty concoctions, generally without considering the potential impact of their ethanol content; but especially when that ethanol content unleashes their inhibitions and produces feelings of euphoria. Ethanol, as Dr Sellman points out, is incredibly efficient at dissolving the individual's notions of self-responsibility, and that's precisely why it is described as a psychoactive drug.

Whilst Griffin alludes to possible sexual encounters ending girls' drinking bouts, by far the most significant possible long-term effect of ethanol is the likelihood of pregnant women who continue to consume large quantities of ethanol during their pregnancies, and deliver babies afflicted with the symptoms of fetal alcohol syndrome disorder. As a secondary school teacher I encountered adolescent students who displayed some of the classic neuropsychological effects of this trans-generational disorder.

I urge panel members to read carefully the executive summary with 27 recommendations cited in *Fetal Alcohol Spectrum Disorder in New Zealand: Activating the Awareness and Intervention Continuum*, a 2007 paper produced by Alcohol Healthwatch. Reducing the harm of FASD must become a government priority.

To conclude, I wish to recommend that members of this committee pay careful attention to the content and effect of the European-oriented French law, the 'Loi Evin' and recommend adopting a similar approach in Aotearoa New Zealand, to reinstate freedom of choice for citizens and particularly our youth regarding products, consumption patterns and rituals, rather than reinforcing the 'norm-giving' status of alcohol producers and retailers who coincidentally contribute to trans-generational harm.

### The Loi Evin law:

- ⇒ Provides a clear definition of an alcoholic beverage as any drink over 1.2 per cent alcohol by volume;
- ⇒ Defines places and media where advertising is authorized, notably:
  - No advertising should target young people;
  - No sponsorship of cultural or sport events is permitted;
  - Advertising is permitted only in the press for adults, on billboards, on radio channels (under precise conditions), at special events or places such as wine fairs & wine museums.
  - When permitted advertising content is controlled because messages and images should refer only to the qualities of the products such as degree, origin, composition, means of production & patterns of consumption;
  - Finally, a health message must be included on each advertisement to the effect that alcohol abuse is dangerous.

The effect of the law had not been assessed in 2004. Since 1991 a real change in **alcohol advertising** has been observed – especially as drinkers have been removed from the adverts, and with the focus on the products the seductive language has disappeared. The authors of the article (Dr Alain Rigaud & Michel Craplet) suggested the **effect on consumption** was probably impossible to assess, with the continuing downward trend in per capita consumption from 30 to 13 litres of pure alcohol between 1960 & 2004. However, there's been a **symbolic effect** in that the Loi Evin challenged advertisers' traditional links of products with personal, sexual and social success. Moreover, the law has corrected excesses in the form and content of advertising messages; and it's noteworthy that complaints lodged with the European Commission by several alcohol producers have not been successful. The European Commission also concluded that the ban on the sponsorship of sporting events by alcoholic beverage producers should not be judged incompatible with Community Law; **stressing that the protection of the consumers' health should prevail over the freedom of the provision of services**. It is notable that in his published opinion of two cases against the Loi Evin before the European Court of Justice, the Advocate General of the European Union asserted that the French legislation achieves the objective of protection of public health.

I look forward to discovering a raft of recommendations that receive similar comments from this select committee.

### **3.3 THE CURRENT SUBMISSION PROCESS**

Before providing any more information about the evidence base that informs why I'm devoting time to this submission task, I offer some brief observations of my perceptions about the way in which this panel is soliciting feedback:

- The 25-question submission framework requesting appropriate evidence be cited, to support responses in a format that the panel has predetermined, places an unreasonable demand on my time.
- As a private individual, I do NOT have access to the range of resources that organisations can muster, when compiling their submissions; and will accordingly do the best that I can, with the limited time and resources available to me. However, I cannot guarantee that my submission's structure and logic will faithfully follow the prescribed format articulated by the panel's script.
- I can understand that panel members and their administrative staff would prefer that submissions follow the template provided, in order to minimize the administrative load required to synthesize disparate information sources. However, it DOES appear to me that this submission process has been specifically designed to provide a sustainable way of, in effect, outsourcing important policy development work. I trust that this is not the case, and that helpful ongoing policy development work is occurring within the relevant ministries that serve this panel?
- Accordingly, may I suggest that in future, relevant civil service policy analysts collaborate and develop an appropriate literature review, which they use to launch **their public consultation exercise**? Referencing such a literary review, they could then shape State Sector policy statements (in response, for example, to the submission template questions that this engagement process has devised). Those statements would track the State Sector leaders' thinking and approach to the issues under consideration, and the public could be invited to read and critique the policy statements, highlighting any gaps and/or faulty logic. Revealing what evidence is most likely to shape the State Sector's policy development processes should provide potential submitters with illuminating insights about what assumptions and values inform significant policy decision-making processes. Moreover, enhancing transparency in this way is also likely to increase the public's confidence in democratic engagement.

### **3.4 ALCOHOL JUSTICE BLOG**

The contents of the US Alcohol Justice blog which I have pasted below (in full, with seven embedded bold web links to alert readers), provides recent evidence of the manipulative behaviour that many public health folk have unfortunately come to expect, of global alcohol industry leaders who are driven to protect corporate profits.

Reading this electronic blog, panel members will be able to discover further reasons as to why I, and many others, continue to devote our time to compiling submissions.

#### **In the Doghouse: Century Council Rebrand Rehashes Old Tricks**

*The Century Council (educational front group arm of spirits producer trade group DISCUS) has announced a major rebrand effort, changing its name to sound more like an official NGO or policy institute: Foundation for Advancing Alcohol Responsibility (FAAR). Whatever this industry-funded membership group calls itself, its real mission remains--to absolve its founders and funders from accountability for the staggering harm their products cause, and to raise as much profit and goodwill for their shareholders as possible.*

*The new name does sound a little more grown up--like a bona fide, credible, research-based organization whose newly revamped mission is to help people drink a little less dangerously. The focus group and stakeholder feedback must have given them the green light - and hey, that's one of the theme colors, too! (Unfortunately, our invitation to participate in the stakeholder group must have gotten shunted to the Spam folder...) But here is the reality. The corporations that fund these groups:*

*Pay academic researchers to discredit the evidence of alcohol-related harm from their products and marketing tactics, and promote spurious research to support the industry/producer agenda.*

*Hire public relations professionals to connect concern about just 2 of the many types of alcohol-related harm with activities that have no evidence of being effective at decreasing either harm or consumption (and support their marketing efforts and profits).*

*Actively lobby against evidence-based policies that reduce harm, such as increased excise taxes, restrictions on alcohol advertising, state control over alcohol sales, and decreases in outlet density.*

*Use "Drink Responsibly" as a marketing tactic to build loyalty*

*and sell alcohol while blaming youth, parents, schools, police, and anyone else but the product and their own practices for alcohol-related harm.*

*The Century Council's announcement was released to coincide with Alcohol Awareness Month so that the industry voice can take over the public health discussions and events during the entire month. Industry leaders such as Diageo chief executive Ivan Menezes whine about his "right" to influence public health regulation while Diageo's (and the other spirits producers') influence protects profits and continues paving the path to harm.*

*Margaret Chan, the director-general of the World Health Organisation, put it bluntly: "As we learned from experience with the tobacco industry, a powerful corporation can sell the public just about anything...This is not a failure of individual will-power. This is a failure of political will to take on big business...When industry is involved in policy-making, rest assured that the most effective control measures will be downplayed or left out entirely."*

*The Big Alcohol conglomerates and the billionaires that run them can focus group a new name and logo for their group, slap a hashtag in front of the word responsible, go live with a web address they bought in 2001, and splash their rebrand all over the web. As long as these spirits producers' products dominate the top 10 brands consumed by underage youth (Captain Morgan, Smirnoff (Diageo); Absolut (Pernod Ricard) and Jack Daniels (Brown-Foreman), and continue to be disproportionately consumed by youth (Bacardi; Malibu rum (Pernod Ricard), we've got their hashtags right here: #hypocrite #alcoholharm #notresponsible #alcoholindustryisnotpublichealth*

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### **3.5 PALCOHOL CAVEAT**

Furthermore, it's noteworthy that on the night of 22 April, 2014, I saw video footage on TV3 news of the new 'palcohol' product; something that I had read about in a NZ Herald news article earlier in the day (tho' the article was sourced in the UK Daily Telegraph – refer [http://www.nzherald.co.nz/business/news/article.cfm?c\\_id=3&objectid=11241908](http://www.nzherald.co.nz/business/news/article.cfm?c_id=3&objectid=11241908)).

I'm include this VERY recent information in my rationale as to why I think alcohol advertising should be restricted further, as I'm picking that this wee innovation's birth notice carries VERY PROMINENT CAVEATS for our public health and psychoactive substance regulatory personnel!

### **A little sprinkle ... and cheers**

4:15 AM Tuesday Apr 22, 2014

The company's website pitched the product as a solution to the increasing cost of liquid alcohol. Photo / Thinkstock

American drinkers will soon be able to sprinkle their favourite beverage rather than pouring it - as powdered alcohol drinks have been given official approval.

The Alcohol and Tobacco Tax and Trade Bureau has approved seven versions of the Palcohol brand, including Margarita and Cosmopolitan flavours, which will be made available this year.

The company's website pitched the product as a solution to the increasing cost of liquid alcohol.

"What's worse than going to a concert, sporting event, etc and having to pay \$10, \$15, \$20 for a mixed drink with tax and tip? Take Palcohol into the venue and enjoy a mixed drink for a fraction of the cost," the promotional material says.

The site also suggested users add Palcohol to their food.

"Sprinkle Palcohol on almost any dish and give it an extra kick. Some of our favourites are the Kamikaze in guacamole, rum on a BBQ sandwich, Cosmo on a salad and vodka on eggs in the morning to start your day off right."

But since winning approval Palcohol has removed the suggestions and changed its approach.

"What we can say now is that we hope the product will be used in a responsible and legal manner. Being in compliance with all federal and state laws is very important to us. Palcohol will only be sold through establishments that are licensed to sell liquor."

Patent lawyer Daniel Christopherson, writing for the Bevlog beverage blog, suggests the company will not be given exclusive rights to make powdered alcoholic drinks.

"My expectation is that the patentability of Palcohol is very narrow and a patent will not be effective at keeping competitors at bay."

He points out that similar products are already sold in Japan and Germany.

- Daily Telegraph UK

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### **3.6 DRINKING AGE LINKED TO CRASH RISK**

On 24 April, 2014, I found myself looking at page A4 headlines of the NZ Herald that read:

#### **Drinking age linked to increase in crash risk**

[http://www.nzherald.co.nz/nz/news/article.cfm?c\\_id=1&objectid=11243104](http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11243104)

The article concluded:

*Alcohol Healthwatch director Rebecca Williams said stronger regulation of liquor marketing and persuading the Government to force up the price of alcohol with tax increases and minimum prices were the keys to reducing the damage.*

*Increasing the purchase age was her fourth-ranked policy priority but it was still important as research evidence had proven its effectiveness, she said, although it was of little interest to MPs at present.*

*Justice Minister Judith Collins — who voted for the age to rise to 20 — said it was too soon to consider adding to the 2012 reforms, many of which came into effect last year.*

*"It's important that we allow enough time to understand the real effects of these reforms before we start looking further into initiatives such as raising the minimum alcohol purchase age."*

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I notice Minister Collin's cautious approach expressed in the NZ Herald article above, and hope that she is able to provide effective leadership that delivers the right solution for our New Zealand youth?

Above everything else, I have been extremely disappointed in the current government's weak response to the enlightened recommendations of the non-partisan Law Commission, and our MPs' failure to enact the range of recommendations suggested in powerful submissions, from concerned citizens who care deeply about these issues.

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**4. What evidence is available to support your view (please cite references if available, or provide supporting information). Please focus on evidence since 2010 if this is available.**

I am informed by the range of evidence cited above, which I have encountered in my everyday life, and by simply Googling the topic. For example, a 37 page report, published in 2013, in The Australia and New Zealand School of Government Journal, seems to be particularly pertinent. Whilst the entire report can be read here (refer <http://journal.anzsog.edu.au/publications/12/EvidenceBase2013Issue2.pdf>), I have highlighted the conclusions immediately below, as they reflect my thoughts on the need for **urgent action** to develop a more satisfactory policy framework.

## Regulation of alcohol advertising: Policy options for Australia Report's Conclusion

As we have demonstrated in this review, the regulation of alcohol advertising is a topical and important issue for a number of stakeholders, including policy makers, the public health field, the advertising industry, the alcohol industry, and the public. The review suggests that given the wealth of evidence identifying associations between alcohol advertising and drinking behaviours, and the apparent failures of the co-regulatory system operating in Australia and several other countries, policy makers in Australia and New Zealand should seriously consider the introduction of a comprehensive system of statutory regulation as a matter of priority.

It's salutary to note that the policy options review draws attention to the need for more research publications in New Zealand, specifically in relation to providing community perspectives of alcohol advertising.

The report's abstract, context, purpose, methods & discussion are pasted below, with sections that focus specifically on New Zealand, or that are applicable to NZ's context, **placed into bold blue text**:

## Regulation of alcohol advertising: Policy options for Australia<sup>1</sup>

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<sup>1</sup>The authors thank Sondra Davoren (Senior Legal Advisor, Cancer Prevention Centre Cancer Council Victoria) and Geoff Munro (National Policy Manager, Australian Drug Foundation) for helpful comments on the draft of this manuscript; Joanne Telenta (Project Leader, Centre for Health Initiatives, UOW) for assistance with editing; and Laura Robinson and Nicholas Corr (Centre for Health Initiatives, UOW) for assisting with the literature searches, and to three anonymous reviewers for their helpful comments and suggestions.

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### Abstract

A systematic search of academic databases was conducted to identify all refereed papers published between 1990 and 2012 on the regulation of alcohol advertising in Australia and three comparison countries (New Zealand, Canada and the UK). This paper reviews the codes that apply to alcohol advertising in each of the four countries, research into the effectiveness of these codes, and the small body of research into consumer attitudes towards alcohol advertising regulation. This review adduces considerable evidence that alcohol advertising influences drinking behaviours, and that current regulatory systems based on co-regulation and voluntary regulation (as is the case in Australia) are ineffective. Recommendations are provided regarding the three pillars of regulation: volume restrictions, content restrictions, and infrastructure to support the regulatory environment.

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### Context

The 2011 Australian School Students Alcohol and Drugs (ASSAD) Survey found that 59.3 percent of 17 year-olds and an alarming 9.1 percent of 12 year-olds had consumed alcohol

in the month preceding the survey; and 37 percent of those respondents consumed alcohol at a risky level for short-term harm (increasing from 11.2 percent of 12 year-old 'current drinkers' to 50.7 percent of 17 year-olds) (White and Bariola 2012).

The National Alcohol Indicators Project has estimated that over 80 percent of all alcohol consumed by 14–17 year-olds is drunk at a level that poses short-term risk of injury, and that each year over 3,000 under-aged drinkers are hospitalised for alcohol-related injury in Australia (Chikritzhs and Pascal 2004).

Additionally, 28 percent of males and 15 percent of females aged 18–24 years report that their use of alcohol has jeopardised their safety, 11 percent and 16 percent (respectively) that it has caused problems with their family and/or friends, 13 percent and 16 percent that it has interfered with their work, and 8 percent and 2 percent that it has led to problems with the police (Australian Bureau of Statistics 2008).

Australia clearly has a drinking problem – and it is not, contrary to media portrayals, limited to a small group of 'other people'. In 2010, 20.1 percent of Australians drank at risky levels for long-term harm (consuming a daily average of more than 2 standard drinks per day); and 39.8 percent at risky levels for short-term harm (more than 4 drinks during a single drinking occasion) (AIHW 2011). The cost to the community of alcohol consumption in Australia in 2004/05 was estimated to be \$15.3 billion (Collins and Lapsley 2008).

The National Preventative Health Taskforce reported that, based on a study of the cost-effectiveness of interventions, governments could achieve more than 10 times the health gain by reallocating (without increasing) their current investments in programs to reduce alcohol-related harms (Doran et al. 2010). The interventions identified as comprising the optimal packaged approach (in order of cost-effectiveness) were: volumetric taxation; advertising bans; increasing the minimum drinking age to 21 years; brief interventions in primary care; licensing controls; drink-driving mass media campaigns; and random breath testing (Doran et al. 2010).

### **The role of advertising**

Alcohol advertisements become salient and attractive to young people in early adolescence, between the ages of 10 and 14 (Aitken et al. 1988; Kelly and Edwards 1998). Early adolescence is characterised by heightened self-consciousness, identity concerns, and the need for individuation – hence young adolescents are particularly receptive to advertisements that define adult status and provide information on self-presentation (Covell et al. 1994). Adolescents display 'pseudostupidity' in their reasoning about advertisements (Linn et al. 1984), adopting the criteria emphasised in the advertisements as evaluation criteria for the product; thus their decision making criteria are in part a function of the advertisers' claims (Covell et al. 1994). It has been shown that the perception of peer substance use is a better predictor of initiation than actual peer use (Grube et al. 1986) and it has been suggested that this is another mechanism by which advertising encourages adolescent drinking (Covell et al. 1994).

There is a growing body of research into the effects of alcohol advertising on young people, with a general level of agreement that there is an association between exposure and alcohol expectancies – i.e. beliefs about the effects of alcohol (Lipsitz et al. 1993; Stacy et al. 2004), drinking intentions (Grube and Wallack 1994; Kelly and Edwards 1998), and current or future drinking (Casswell and Zhang 1998; Wyllie et al. 1998).

Three recent longitudinal studies (Stacy et al. 2004; Ellickson et al. 2005; Snyder et al. 2006) have been credited with providing much-needed evidence of the direct relationship between advertising exposure and youth drinking, with important implications for policy change in this area. However, these studies have focused on econometric analyses of

advertising spending at the state or community level and its association with alcohol consumption (Snyder et al. 2006), and/or on associations between individual self-reported exposure to alcohol advertising and current and later drinking behaviours (Stacy et al. 2004; Ellickson et al. 2005; Snyder et al. 2006).

Studies of youth exposure to alcohol advertising have been criticised for ignoring the messages in the advertisements, and focusing solely upon their frequency. Australian research has found that alcohol advertisements contain imagery and messages that young people interpret as suggesting that alcohol consumption will have positive psychological and social outcomes (Jones and Donovan 2001; Jones et al. 2008; Jones et al. 2009). Research from New Zealand has demonstrated that young people use alcohol (and alcohol brands) as a way of communicating their identity and that alcohol marketers are developing increasingly sophisticated messages and strategies to engage young people in this process (McCreanor et al. 2005a; 2005b).

## **Purpose of the paper**

As reported in *The Lancet*, an extensive review of alcohol policy worldwide concluded that 'Making alcohol more expensive and less available, and banning alcohol advertising, are highly cost effective strategies to reduce harm' (Anderson et al. 2009). However, calls to ban or restrict alcohol advertising in Australia, like calls to increase price (with the notable exception of the alcohol tax), have been rejected by successive governments.

There is increasing evidence that alcohol consumption is influenced by alcohol advertising, but no systematic evidence exists on the nature and effectiveness of policies to regulate alcohol advertising *messages*. **This paper aims to provide clear information for policy makers on firstly the effectiveness of Australia's current system of regulating the content of alcohol advertising; and secondly how this differs from (or is consistent with) the systems of New Zealand, Canada and the UK. Finally, it will put forward recommendations for effective strategies to monitor and regulate alcohol advertising message content for the protection of children and young people.**

## **Method**

We conducted a systematic search of academic databases to identify all refereed papers published between 1990 and 2012 on the regulation of alcohol advertising in Australia, New Zealand and the two comparison countries (Canada and the UK).

The search was conducted in six databases (ProQuest, Science Direct, PsycInfo, Scopus, Expanded Academic, and Web of Science) using the keywords 'alcohol' AND 'advert\*' AND 'Australia OR New Zealand OR Canada OR United Kingdom'. This resulted in a total of 334 articles. 211 were immediately excluded, as they did not relate to alcohol advertising and/or policy (e.g. were on tobacco or drug use, sexual health and risk-taking, or the physiological, health or social effects of alcohol consumption). The abstracts of the remaining 123 articles were reviewed by the two authors; articles were included if they related to the regulation of alcohol advertising in one or more of the four countries. Articles were excluded if they were not about alcohol advertising (e.g. focused on pricing, road safety or counter-advertising); were about general advertising effects, other forms of alcohol marketing, alcohol counter- advertising, or from a country other than the four under study (although some of these references are cited below where they address aspects not explored in the identified body of research).

An additional (separate) search was conducted to identify published articles on community attitudes to alcohol advertising/regulation; using the same databases and the keywords 'alcohol' and 'advert\*' and 'attitude OR opinion OR community OR consumer'. This

resulted in a total of 425 articles. 126 were immediately excluded, as they did not relate to alcohol. A further 106 were excluded, as they did not cover alcohol advertising and community attitudes. The abstracts of the remaining 20 articles were reviewed by the two authors; articles were included if they reported on community attitudes to alcohol advertising in one of the four countries. As this left only seven articles, three of which reported on the same data set, the search was expanded to published reports. This resulted in the inclusion of two additional pieces of Australian research.

The following section outlines the codes that apply to alcohol advertising in each of the four countries, followed by a summary of research into the effectiveness of these codes, and finally the small body of research into consumer attitudes towards alcohol advertising regulation.

### **Alcohol advertising regulation**

The regulatory codes<sup>2</sup> governing alcohol marketing in the four target countries are:

- Australia: Australian Association of National Advertisers (AANA) Code of Ethics; Alcoholic Beverages Advertising Code (ABAC);
- **New Zealand: Advertising Standards Authority (ASA) Code of Ethics; Code for Advertising and Promotion of Alcohol (CAPA);**
- Canada: Advertising Standards Canada's (ASC) Canadian Code of Advertising Standards; Canadian Radio-Television and Telecommunications Commission's (CRTC) Code for Broadcast Advertising of Alcoholic Beverages;
- UK: Broadcast Committee of Advertising Practice (BCAP); Committee of Advertising Practice (CAP); and Portman Group.

**We identified 21 clauses or themes covered in the codes (Table 1). Some of these clauses are consistent across all four countries, such as prohibitions on alcohol advertisements that appeal to children or feature young people; suggesting that alcohol consumption contributes to personal, social, business, sporting or sexual success; associating alcohol consumption with driving; portraying or encouraging excessive consumption; and promoting an alcohol product on the basis of its strength or potency. The consistency of these clauses across the four countries suggests a universal agreement that such messages are inappropriate in alcohol advertising. However, as shown in the sections that follow, it is evident that the regulatory systems do not (in the eyes of experts and consumers) actually prevent such messages being conveyed.**

<sup>2</sup> Details of each of these codes are provided in the pdf version of the article, as Table 1's formatting failed to paste accurately

#### *Australia*

There are some restrictions on the placement of alcohol advertising, for example in relation to television and outdoor media. The broadcast of alcohol advertisements on commercial television is only permitted during periods of M (mature classification), MA (mature audience classification) or AV (adult violence classification) programs (these are restricted to between 8:30 pm and 5:00 am). The one (somewhat counter-intuitive) exception to this is that alcohol advertisements are permitted during the live broadcast of sporting events on weekends and public holidays (Free TV Australia 2004). The potential impact of this exception on the vulnerable audience of young people who may watch sport on television has received surprisingly little attention or investigation (Jones et al. 2010). From 31 March 2009, The Outdoor Media Association has limited 'the advertising of alcohol products on fixed signs that are located within a 150 metre sight line of a primary or secondary school' *except* 'where the school is in the vicinity of a club, pub or bottle shop or any other venue that sells alcohol products' (OMA 2009).

However, the content of alcohol advertising in Australia is covered by two (presumably complementary) industry self-regulation codes. While the Australian system is described by the Alcohol Beverages Advertising Committee as quasi-regulatory <[www.abac.org.au](http://www.abac.org.au)>, it is generally accepted that it is a self-regulatory system: the management committee consists of representatives of the three main industry bodies, the communications council, and a government representative; membership of the scheme is voluntary; there are no sanctions; and the registered address of the Committee is that of the major industry organisation.

Following the demise of the Advertising Standards Council in 1996, the major industry body (the Australian Association of National Advertisers (AANA)) developed the Advertiser Code of Ethics illustrated in Appendix A, which applies to all forms of advertising. It also established the Advertising Standards Board (ASB) and the Advertising Claims Board (ACB) to deal with complaints and breaches of the code. The ASB administers the code, which is funded by an industry body called the Australian Advertising Standards Council Ltd (AASC).

The alcohol industry also separately developed its own code, the Alcoholic Beverages Advertising Code (ABAC), and its own complaints management system, the Alcohol Beverages Advertising Code Complaints Adjudication Panel.<sup>3</sup> This Panel reports to the Alcohol Beverages Advertising Code Management Committee, which is responsible for overseeing the ABAC. Both the Alcohol Beverages Advertising Code and the complaints management system operate under the structure developed by the

<sup>3</sup> Other industries that have their own Codes of Practice to address category-specific issues include: Therapeutic Goods (TGA, Self-Medication Industry and the Complementary Healthcare Council); Prescription Medicines (Medicines Australia); and Motor Vehicles (Federal Chamber of Automotive Industries)

AANA. However, in the late 1990s and early 2000s the effectiveness of the regulatory system was questioned (Jones and Donovan 2001; Jones and Donovan 2002), and there were increasing public calls for an overhaul of the regulatory system (Ligerakis 2003; Ryan 2003). Following a formal review of the ABAC by the Ministerial Council on Drug Strategy in 2003, the code was revised to improve its responsiveness and general accountability (National Committee for the Review of Alcohol Advertising 2003).

A significant feature of the 2004 revision was that, for the first time, alcohol beverage advertising on the internet was included (ABAC 2004). Other changes were the inclusion of a government representative and an expert in the field of public health on the management committee; expansion of industry coverage to allow alcohol producers who were not members of one of the three industry associations to become signatories; the commitment of the ASB to sending every complaint received to ABAC's Chief Adjudicator to make a determination as to whether the complaint fell within ABAC's remit; a commitment by the management committee members to publishing an annual report and making the code available via their websites; an extension of the code to include event-based promotions; and the inclusion in the preamble of formal commitment to adhere to the intent (and not only the letter) of the code.<sup>4</sup> From 31 October 2009 ABAC provisions also applied to product naming and packaging, and the Code was renamed the Alcohol Beverages Advertising (and Packaging) Code (see Appendix B).

Individuals concerned about an alcohol advertisement can lodge a complaint with the Advertising Standards Board via email, letter, fax or the website (although the system is set up in such a way as to suggest that online submissions are the only option).<sup>5</sup> Since the revision of the ABAC, all complaints received by the ASB against alcohol advertisements must be forwarded to the ABAC Complaints Adjudication Panel for determination.

<sup>4</sup> See their website at <[www.asa.co.nz/ascb.php](http://www.asa.co.nz/ascb.php)>. Details of all changes made to the Code since 2004 can be found at <[www.abac.org.au/files/ABACDevelopmentReport.pdf](http://www.abac.org.au/files/ABACDevelopmentReport.pdf)>

<sup>5</sup> Visitors to the ASB website are provided with information about the system <[www.adstandards.com.au/process/theprocesssteps](http://www.adstandards.com.au/process/theprocesssteps)>, and a 'lodge a complaint' button which takes them through a series of questions and then requires them to enter information. No address or fax details are provided and visitors are not provided with options for lodging complaints. If you scroll to the bottom of the screen there is a 'contact us' in fine print.

### ***New Zealand***

**Alcohol advertising in New Zealand, like Australia, is primarily self-regulated. New Zealand's Advertising Standards Authority (ASA) was formed in 1973 and incorporated in 1990. The ASA consists of representatives from the major media and advertising industry organisations. In March 1988, the ASA established the Advertising Standards Complaints Board (formerly known as the Advertising Standards Council) to administer the ASA's Codes of Practice. The ASCB consists of five public representatives with no connection to media or advertising groups, and four representatives of media, advertising agencies, and advertisers.<sup>6</sup>**

**The New Zealand ASA code of ethics, which covers advertising across all product categories, is shown in Appendix C.**

**The Code for Advertising and Promotion of Alcohol 'is designed to ensure that alcohol advertising and promotion is consistent with the need for responsibility and moderation in merchandising and consumption, and does not encourage consumption by minors' (ASA 2012). The Code (see Appendix D) covers advertising and promotion of all pre-packaged and bulk alcoholic drinks with an alcoholic strength above 1.15 percent alcohol by volume, which are advertised and promoted for sale and consumption in New Zealand.**

**It should be noted that, while there are some similar clauses regarding the nature of alcohol advertising appeals (such as associations between alcohol consumption and success, and alcohol consumption and hazardous activities), the New Zealand ASA Code is far more comprehensive than the Australian ABAC Code. Notable inclusions (in relation to the protection of children) are the prohibition of featuring or referencing identifiable heroes or heroines of the young, restrictions on competitions, and guidelines for sponsorship and sponsorship advertising.**

**Complaints about advertisements can be lodged with the ASA in writing or online; unlike the Australian ASB, the address for written complaints is clearly provided on the website under 'How to make a complaint'. However, consistent with the Australian system, if a complaint is upheld the advertiser is asked to voluntarily remove the advertisement (there are no enforceable penalties).**

<sup>6</sup> We note that (as at 29 January 2013) there were six people named as the five current community members and eight people named as the four current industry representatives <[www.asa.co.nz/ascb.php](http://www.asa.co.nz/ascb.php)>.

### ***United Kingdom***

The UK has a system of co-regulation of alcohol advertising, which covers broadcast advertising but not sponsorship. Ofcom (the UK communications regulator) contracted out responsibility for the broadcast advertising regulatory system in 2004. The Advertising Standards Authority (ASA) administers the broadcast advertising code; this includes investigating and adjudicating complaints, and proactive monitoring and compliance work.

The Broadcast Committee of Advertising Practice (BCAP), which is an advertising industry populated body, developed the broadcast advertising code. The BCAP Code contains specific rules governing alcohol advertising for the protection of children. These include:

- a prohibition on marketing to children;
- a requirement that advertisements for alcoholic drinks must not be likely to appeal strongly to people under the age of 18 years, or reflect or associate with youth culture;
- a requirement that children must not be seen or heard, and no one who is, or appears to be, under the age of 25 may play a significant role in alcohol advertisements;
- a requirement that no-one may behave in an adolescent or juvenile way.

(Broadcast Committee of Advertising Practice (BCAP) 2010).

BCAP also has rules on the scheduling of alcohol advertising, stipulating that alcoholic drinks may not be advertised in or adjacent to children's programs or programs commissioned for, principally directed at, or likely to appeal particularly to audiences below the age of 18. However, despite BCAP administering the code, Ofcom retains ultimate competency and powers of adjudication over the Broadcast Advertising Code. TV and radio sponsorship is regulated by the same codes, but those rules are applied directly by Ofcom. This is because sponsorship is seen as affecting the integrity of programming, so the program regulator retains competency for regulation in this area. Television advertising for alcohol is also subject to a pre-clearance system.

Beyond this, a system of self-regulation for alcohol marketing is in operation. Non-broadcast marketing of alcoholic beverages in the UK is governed by a self-regulatory code of conduct: The British Code of Advertising, Sales Promotion and Direct Marketing, by the Committee of Advertising Practice (CAP). CAP is an industry body that also operates a voluntary copy service for non-broadcast advertisers. The CAP code states that marketing communications should not be directed at people under 18 through the style of presentation, content or context in which they appear; that marketing communications should not be associated with people under 18 or reflect their culture; and that people shown drinking or playing a significant role should neither be, nor look under 25, and should not be shown behaving in an adolescent or juvenile way (CAP 2010).

The Portman Group is an industry group composed of alcohol producers and brewers in the UK. It acts as wholly self-regulatory body for the alcohol industry and has a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. This code applies to marketing practices not covered by the ASA/CAP/BCAP system. It contains provisions specific to youth by stating that alcohol, its packaging, and any promotional material or activity should not in any direct or indirect way appeal to under 18s (The Portman Group 2008). The Social Responsibility Standards for the Production and Sale of Alcoholic Beverages is a self-regulatory document, drafted by the alcohol industry and is not a code as such, but instead offers guidance on best practice on the production and sale of alcohol (Advertising Association et al. 2005). Appendix E illustrates the main features of the alcohol advertising regulatory codes in the UK.

The Responsible Retailing of Alcohol Guidance for the Off-Trade code, produced by alcohol retailers, includes advice on the positioning of alcohol in-store, alcohol promotions, and staff training. The code also covers alcohol promotion in broadcast and non-broadcast marketing, and prohibits irresponsible marketing encouraging excessive consumption, appealing to young people, or implying sexual prowess. This covers all marketing, TV, radio and in-store. The code is produced by a consortium of retailers (Association of Convenience Stores et al. 2004).

### *Canada*

In Canada, a shared system of responsibility for co-regulating alcohol advertising is in operation. Alcohol advertising is statutorily regulated at the federal government level under

the Canadian Radio-Television and Telecommunications Commission's (CRTC) Code for Broadcast Advertising of Alcoholic Beverages (see Appendix F). Also, individual provincial/territorial governments in Canada have legislation controlling alcohol advertising, for example the Alcohol and Gaming Commission of Ontario (AGCO) issues the AGCO Liquor Advertising Guidelines, covering all aspects of alcohol marketing (Alcohol and Gaming Commission of Ontario 2011). Finally, the advertising industry is regulated through Advertising Standards Canada's (ASC) Canadian Code of Advertising Standards (National Alcohol Strategy Working Group 2007).

The regulatory system in Canada was introduced in 1997, at which point the process for approving alcohol advertisements was relaxed, and an increased role for industry self-regulation was brought in. Compliance with the CRTC Code is enforced through a voluntary pre-clearance process overseen by the ASC. Otherwise, the ASC reviews alcohol advertisements against the regulations only when a complaint is lodged. Consequently, alcohol advertisements that are in breach of the regulatory codes can continue to air until a complaint is filed.

### **Does the system work?**

#### *Exposure to young people*

There is a substantial body of evidence showing associations between:

- ad liking and underage drinking (Austin and Nach-Ferguson 1995);
- exposure and alcohol expectancies (Lipsitz et al. 1993; Grube 1995);
- exposure and drinking intentions (Austin and Meili 1994; Grube and Wallack 1994; Kelly and Edwards 1998); and
- exposure and current or future drinking (Atkin 1990; Connolly et al. 1994; Casswell and Zhang 1998; Wyllie et al. 1998).

**While the direction of causation cannot be determined from cross-sectional studies, more recently a number of longitudinal studies have been conducted indicating that alcohol advertising does predict increased alcohol consumption among young people (Anderson et al. 2009).**

For example, in a study of over 2,000 middle school students in Los Angeles (Stacy et al. 2004), exposure to television alcohol advertisements in the seventh grade was associated with a 44 percent increase in odds of beer drinking (95 percent, *ci* 27– 61 percent), a 34 percent increase in odds of wine/spirits drinking (95 percent, *ci* 17– 52 percent) and a 26 percent increase in odds of consuming three or more drinks on one occasion during the past 30 days (95 percent, *ci* 8–48 percent).

Similarly, among 3,000 South Dakotan high school students, exposure to beer concessions at sports or music events in seventh grade predicted onset of drinking by ninth grade ( $OR = 1.42, p < 0.05$ ), while exposure to magazine advertising for alcohol (coefficient = 0.10,  $p < 0.05$ ), and to beer concessions at sports or music events (coefficient = 0.09,  $p < 0.05$ ), predicted frequency of drinking in ninth grade (Ellickson et al. 2005).

A subsequent study found that, after adjusting for covariates, exposure to alcohol marketing – beer concession stands ( $OR = 1.01, ci\ 0.91–1.13$ ), in-store advertising ( $OR = 1.03, ci\ 0.92–1.14$ ), and ownership of promotional merchandise ( $OR = 1.76, ci\ 1.23–2.52$ ) – in sixth grade predicted seventh-grade drinking and intentions to drink; and young people exposed to more alcohol advertising were 50 percent more likely to report alcohol consumption (Collins et al. 2007).

A study of exposure to outdoor advertisements (e.g. billboards and bus stops) and storefront advertising during sixth grade found that exposure predicted alcohol attitudes ( $f = 4.62, p < 0.05$ ), and intentions ( $f = 6.29, p = 0.01$ ) at eighth grade among sixth-grade non-drinkers after adjusting for a range of potential confounding variables (Pasch et al. 2009). A further study by Snyder et al. (2006) found that for each additional alcohol advertisement a young person was exposed to (above the monthly youth average of 23), alcohol consumption increased by 1 percent (event rate ratio = 1.01, *ci* 1.001–1.021); and seeing more or fewer advertisements in a particular month than an adolescent typically saw was a predictor of drinking (event rate ratio = 1.002, *ci* 1.001–1.003).

It should be noted that consumer studies examining the impact of exposure to alcohol advertising on youth drinking often differ in what they measure, for example studies vary in examining the effect of exposure to different types of alcohol advertising (e.g. television advertising, branded merchandise, in-store displays), in outcome measures recorded (e.g. frequency of drinking, initiation of drinking, amount in units of alcohol consumed) and statistical outcomes reported (e.g. odds ratios, *p* values, *f*-distributions). Partly as a result of these measurement and other methodological differences, the reported effect sizes vary in strength, even where they are statistically significant, particularly when the range of the confidence intervals are taken into account. However, despite these methodological differences (especially in respect of outcomes) across the individual studies, the cumulative impact of alcohol marketing on adolescent drinking is substantial and substantiated.

**Recently, systematic reviews of the evidence base have been made possible by the emergence of a number of longitudinal cohort studies. These examined the effect of exposure to alcohol advertising on changes in drinking behaviour among individuals between two or more time points. Anderson et al. (2009) conducted a systematic review of studies examining the association between alcohol advertising and promotion, the portrayal of alcohol in mass media, and adolescent drinking. The review included only longitudinal studies in which adolescents' drinking behaviours and exposure, receptivity or attitudes to alcohol advertising or brand awareness were measured at baseline, and adolescents' drinking behaviours were then measured in one or more follow-ups. To ensure consistency, no experimental, cross-sectional, time series or econometric studies were included in the review. Thirteen studies met the inclusion criteria, and the review concluded that alcohol advertising and promotion increased the likelihood that adolescents will start to use alcohol, and to drink more if they are already consuming alcohol.**

**A second systematic review incorporating data from seven prospective cohort studies similarly concluded that, consistent with the positive associations reported in cross-sectional surveys, there is evidence of a relationship between exposure to alcohol advertising or promotional activity at baseline, and amount of alcohol consumed by young people at follow-up (Smith and Foxcroft 2009).**

**In discussing the extent of, and differences in, youth exposure to alcohol advertising in the four jurisdictions, it is important to note that there are few studies on exposure per se, and those that do exist are generally small-scale and address limited mediums or geographic areas.**

#### *Australia*

As set out above, the primary restrictions on exposure relate to outdoor advertising (within 150 metres of schools) and television advertising during children's viewing times. However, the available evidence suggests that Australian adolescents are exposed to a high level of alcohol advertising.

For example, a 2005 study commissioned by the Commonwealth Department of Health and Ageing analysed exposure to alcohol advertising via metropolitan free-to-air TV in

Sydney and Melbourne, and found that exposure among 13–17 year-olds was only slightly less than among 18–29 year-olds (almost 90 percent). Importantly, the authors also cautioned that, while there are no data on exposure via subscription TV, we know that 32 percent of 13–17 year-olds have access and that these young people spend more time watching subscription TV than free-to-air. There are currently no restrictions on alcohol advertising on subscription TV (King et al. 2005).

Subsequently, an analysis of free-to-air television in Sydney NSW reported that from March 2005 to February 2006, teenagers (13–17 years) were exposed to the same amount of alcohol advertising on free-to-air television as young adults (18–24 years), and children (0–12 years) were exposed to almost half as much alcohol advertising as teenagers (Winter et al. 2008); similar results were found in an analysis of exposure across five Australian capital cities (Fielder et al. 2009).

A recent small-scale qualitative study of children in Grades 5 and 6 (aged 10–12 years) found that the children had high levels of awareness of alcohol products and brands advertised during the cricket broadcast; were aware of celebrity endorsement of products; and identified alcohol as a product preferred by males, young people, people who were humorous, and men who play sport (Jones et al. 2010).

A further Australian study, which surveyed 1,113 Australian adolescents aged 12 to 17 years, found that exposure to various forms of alcohol advertisements was associated with increased alcohol consumption. Overall, exposure to alcohol advertising in magazines, bottle shops, pubs and bars, and via promotional materials, was associated with alcohol initiation. Alcohol advertising in pubs/bars was associated with regular consumption in the previous 12 months (AOR 1.69); and magazine (AOR 1.54), internet (AOR 1.36) and pub or bar advertising (AOR 1.44) was associated with consumption in the previous four weeks (Jones and Magee 2011).

### **New Zealand**

**A study of exposure to televised alcohol advertisements conducted between October 1992 and September 1993, using syndicated PeopleMeter Panel Data, found that the average 10–17 year-old was exposed to 317 alcohol advertisements per year, and the average 18–29 year-old to 415 per year (Casswell et al. 1994); the authors also noted that the average 10–17 year-old saw 12 times as many advertisements for alcohol as advertisements promoting health with reference to alcohol use.<sup>7</sup> A follow-up study by the same research group, using the same methodology, found that in the period July 1995 to 1996 these exposure levels had increased to 392 alcohol advertisements per year for 10–17 year-olds and 528 for 18–29 year-olds (Wyllie et al. 1996).**

**Research conducted in the late 1990s found an association between positive responses to beer advertisements and both current drinking and expected future drinking among 10–17 year-olds. Many of the young people reported that they felt alcohol advertising encouraged teenagers to drink (Wyllie et al. 1998). Similar results were found for 18–29 year-olds (Wyllie et al. 1998). A more recent study by the same group, a CATI survey of 2,538 teenagers (predominantly aged 13 and 14 years), found that awareness of alcohol marketing channels increased the odds of being a drinker (by 8 percent for each additional channel of which a young person was aware). Importantly, engagement – such as downloading a screensaver or owning branded merchandise – and brand allegiance were associated with far more substantial increases in the likelihood and frequency of drinking (Lin et al. 2012).**

<sup>7</sup> Many of these ‘health’ advertisements were from Land Transport NZ, and thus would have focused on drink driving

### *United Kingdom*

A study in the UK found that adolescents aged 13 had a high level of exposure to alcohol advertising, with 97 percent exposed to at least one of 15 different forms of alcohol marketing, and the sample as a whole exposed to on average five forms of alcohol marketing (Gordon et al. 2011).

While other studies have not focused on the level of exposure to alcohol advertising, they have considered the effect of advertising on drinking behaviours. A cross-sectional survey of 298 students (aged 17–21 years) from secondary schools and universities in the north-east of England on their alcohol consumption habits, exposure to alcohol advertising, and other confounding variables did not identify a significant relationship between exposure to any type of alcohol advertising and general alcohol consumption (Gunter et al. 2009). However, exposure to TV advertising for alcopops and cider was found to be a significant predictor of consumption for each of those types of alcohol. It was concluded that although there was no evidence that alcohol advertising plays a significant role in shaping general consumption patterns among young people, it does seem to drive consumption of certain types of alcoholic beverages.

Another UK study investigated the impact of sports sponsorship on underage alcohol consumption using a stratified random sample design, sampling 322 school pupils, aged 14–15, across five schools in a medium sized city in Wales (Davies 2009). The study recorded respondents' involvement with sport, drinking behaviours, intentions and attitudes, and measures of awareness and perception of sports sponsorship. Regression analysis found that involvement with sport made boys more likely to drink alcohol and get drunk, with awareness of sponsorship increasing the likelihood of these behaviours. However, it was found that girls involved in sport displayed more negative attitudes towards alcohol.

The first longitudinal consumer study to assess the cumulative impact of alcohol marketing on youth drinking in the UK found significant associations between awareness of and involvement with alcohol marketing and youth drinking (Gordon et al. 2010). The study sampled a cohort of 552 adolescents aged 13 who were followed up again at age 15, and measured their awareness of/involvement with 15 different channels of alcohol marketing communications, drinking initiation, frequency and consumption, along with a number of confounding variables including peer and parental influence and demographics. Regression analysis found that after controlling for confounding variables, involvement with alcohol marketing at baseline was predictive of both initiation of drinking and increased frequency of drinking at follow-up. Furthermore, awareness of alcohol marketing at baseline was associated with increased frequency of drinking at follow-up.

A recent report commissioned by the European Commission assessed young people's exposure to alcohol marketing in audiovisual and online media in the UK, the Netherlands, and Germany (Winpenny et al. 2012). The report found that UK youths aged 10–15 are overexposed to alcohol advertising, seeing 10 percent more alcohol advertising on TV than their parents and 50 percent more TV advertising for alcopops. Furthermore, the report found that alcohol marketing on social media is so ubiquitous that it is almost impossible to assess the level of exposure of young people, who are among the highest users of such media.

### *Canada*

We were unable to identify any studies that quantified exposure to alcohol advertising in Canada, and very few published studies examining the impact of alcohol advertising on drinking behaviour. There are some published econometric studies that model associations between alcohol advertising expenditure and overall consumption of alcoholic beverages,

but such studies have been criticised due to the methodological approach used and a failure to directly track individual behaviours (Hastings et al. 2005).

One such study examined the statistical relationship between the lifting of a ban on alcohol advertising in Saskatchewan and the volume of sales of alcoholic beverages; it concluded that ‘alcohol advertising is not a contributory force that influences the overall level of alcohol consumption’ (Makowsky and Whitehead 1991, 555).

Another Canadian econometric study modelled the demand for alcoholic beverages and three advertising specification models, with the authors concluding that alcohol advertising effects were subtle, can vary by beverage, and probably affect brand choice rather than overall consumption (Larivière et al. 2000).

There is an emerging consensus that consumer studies involving cross-sectional or ideally longitudinal cohort surveys provide a better way of assessing possible relationships between alcohol advertising and drinking. However, there is a dearth of such studies in Canada. A recent consumer study monitored placement of television alcohol advertisements shown in Canada during summer and autumn 2010 and early spring 2011 (Krank et al. 2012). The placement of advertisements was compared with television viewing patterns reported by youth aged 15–16 years attending Grade 10 in school, and drinking age youths aged 19 and over in University in British Columbia. In addition, both groups were shown eight advertisements from those shown during the monitoring period and asked how many times they had seen each advert and how much they liked it. The study found that the pattern of alcohol advertisement placements was heavily associated with sports programming and comedy shows, and that the prevalence of alcohol adverts was high for shows routinely watched by youth. The memory frequency results indicated that over 50 percent of under-age participants reported seeing seven of the eight adverts shown on at least 10 or more occasions. Underage participants also had higher levels of likeability scores on several of the regularly shown adverts.

### **Apparent compliance with the codes**

Debates about the amount of exposure to alcohol advertising often overlook the importance of the *content* of the advertising. In relation to young people, key features that have been shown to increase awareness, recall, and ad liking are: music; cartoon characters; animals; stories; and humour (Chen et al. 2005). However, the impact of alcohol advertising on young people goes beyond these direct associations between exposure and drinking behaviours – other concerns include the effect of alcohol advertising on young people’s perceptions of drinking as a normative behaviour (Lieberman and Orlandi 1987; Casswell 1995), and the reinforcement of gender and racial stereotypes (Alaniz and Wilkes 1998).

#### *Australia*

Consumer protection groups such as the Australian Drug Foundation argue that the clauses of the ABAC that relate to *appeal to children or adolescents* and *create or contribute to a significant change in mood or environment* (including alcohol as a cause of or contributing to success) are regularly breached by advertisers, largely because there are no penalties for non-compliance (Roberts 2002), and that alcohol advertising promotes drinking to young people as cool, sexy and fun. Australian research with teenagers and young adults has shown that some advertisements are perceived by these groups to be targeted toward young drinkers and to convey the message that alcohol consumption offers ‘self-confidence’, ‘sexual relationship success’, and ‘social success’ (Jones and Donovan 2001).

A number of Australian studies have assessed the nature of alcohol advertising in magazines and/or on television, and they have found that the messages in print advertising are inconsistent with the spirit, and in some cases the letter, of the self-regulatory

advertising code (Jones and Donovan 2001; Jones and Donovan 2002; Donovan et al. 2007; Jones et al. 2008; Jones et al. 2009).

Some of these studies have used content analysis methods to assess the messages and images in alcohol advertising against the clauses of the AANA Code of Ethics and/or the ABAC Code. For example, a content analysis of 142 alcohol advertisements from a sample of 35 magazine titles published during the period August 2001 to May 2002 identified that 52 percent appeared to breach one or more clauses of the ABAC Code (Donovan et al. 2007). Further, an analysis of television alcohol advertising during September and October 2010 found that around half of all these advertisements appeared during children's popular viewing times, with the most common themes being humour, friendship/mateship, and value for money (Pettigrew et al. 2012).

Others have used panels of expert and/or lay judges to assess whether decisions made by the ASB/ABAC were consistent with those of other groups. One study recruited an independent panel of experts (eight marketing/advertising academics) and lay judges (25 second-year university students) to review all nine alcohol advertisements against which complaints were lodged with the ASB between May 1998 and April 1999. The study found that a majority of the lay judges perceived breaches of the Codes for all of the nine advertisements; and a majority of the independent judges perceived seven of the nine advertisements to be in breach of one or more clauses of the code. However, none of the complaints were upheld by the ASB (Jones and Donovan 2002).

A similar study was conducted following the 2003 revision of the ABAC Code and process. Six expert judges (two marketing/advertising, two public health and two communications academics) were recruited to assess 14 advertisements (eight television and six magazine) that had attracted complaints to the ASB between May 2004 and March 2005.

For two of these advertisements, all judges perceived a breach in one or more clauses of the codes; for eight, the majority of the judges perceived a breach; and for four, the judges were evenly divided as to whether or not there was a breach. In none of the 14 cases did the majority of judges perceive that the ad was *not* in breach of one or more clauses of the AANA or ABAC codes; however none of the complaints were upheld by the ASB, and only one was upheld by ABAC (Jones et al. 2008).

The authors concluded that the decisions made by the Advertising Standards Board in relation to complaints against alcohol advertisements are not in harmony with the judgment of independent experts. They recommended the formation of a completely independent review process for complaints about alcohol advertising. Importantly, they recommended that such a system should address a number of flaws inherent in the current system, including: not relying on consumer complaints as the sole trigger for identifying inappropriate advertisements; making decisions enforceable, and providing penalties for breaches; and strategies for determining more definitive standards for the content of alcohol advertisements.

Finally, reflecting the primary aim of alcohol advertising regulation (the protection of young people), two studies have been conducted to assess young people's interpretations of alcohol advertisements. A study conducted in 1999 with 44 high school students and 43 university students explored their perceptions of the messages in, and target audience of, radio advertisements for a brand of premixed alcohol. Approximately one in four respondents (29 percent of 15–16 year-olds; 23 percent of 19–21 year-olds) perceived the target audience for the ads as being teenagers or young people below the age of 18 years. More than half of the young people in both groups believed that the advertisement suggested the product would make them feel carefree, reduce anxieties in a social situation, help them feel confident about themselves, and help them have a great time. More than

half of the 19–21 year-olds thought that it also suggested the product would make them more sociable and outgoing, help them act cool, help them not worry about how they look, and make them less inhibited about approaching the opposite sex (Jones and Donovan 2001). All of these messages were inconsistent with the ABAC Code.

In a follow-on to the expert panel study conducted following the 2003 review of ABAC, twelve of the same advertisements were shown to 287 young people (106 aged under 18 years). The respondents perceived messages in the advertisements about several social benefits of consuming alcohol, including that the advertised product would make them more sociable and outgoing, help them have a great time, help them fit in, help them feel more confident, help them feel less nervous, and help them succeed with the opposite sex (Jones et al. 2009). All of these messages transgress the terms of the ABAC code. The authors concluded that the current self-regulatory codes are ineffective in protecting young people from messages that alcohol consumption leads to social and other success, increases confidence and attractiveness. They also concluded that decisions made by the ASB and ABAC are inconsistent with their own codes, and that the revisions to the ABAC code and associated processes failed to reduce the problems associated with alcohol advertising in Australia.

### *New Zealand*

**There is limited peer-reviewed research on (apparent) compliance with alcohol advertising regulation in New Zealand. A multi-part qualitative study was conducted shortly after the introduction of rules that allowed for brand alcohol advertising on New Zealand television in 1992. This included a series of in-depth interviews and group discussions with heavy drinkers aged 18–29 (three separate studies with different cultural groups) and adolescents (three studies). In combination, these studies concluded that while the advertisements generally avoided explicit breaches of the content codes in place at that time (such as not displaying heavy drinking or intoxicated behaviour), they often contained ‘cues’ that the audience associated with heavy drinking (either perceived as present in the advertisement or likely to occur in the situation following the portrayal in the advertisement). The authors concluded that ‘it would therefore seem impossible to develop a set of rules that could ensure that alcohol advertising is not communicating messages about heavy drinking or other issues of concern from a public health perspective’, and that a ban on televised alcohol advertising was required (Aiolupatea et al. 1997).**

**In a parallel study, the researchers recruited 10 coders with experience in content analysis to review 44 alcohol advertisements that had been broadcast during 1992 and 1993 (Trotman et al. 1994). Key themes identified by the coders as present in many of the advertisements included links between drinking alcohol and: acceptance by same sex peers; aggressive macho behaviour; changes in perception/state of consciousness; pride in the role of alcohol in the history of New Zealand; natural/wholesome/healthy; sport and fitness; and heroes of the young. Beer advertisements, particularly, were perceived as ‘organising around clusters of myths and themes which collectively help to create, normalise and reinforce a culture of masculinity based around drinking beer’ (Trotman et al. 1994), and women were portrayed as inferior. As has been found in other countries, the advertisements did not directly portray excessive drinking, but many were perceived to imply that this could result from the scene shown in the advertisement.**

### *United Kingdom*

In the UK, weaknesses have been identified in the current alcohol advertising regulatory system, including:

- a lack of comprehensive pre-vetting and monitoring;
- ineffective penalties that do not act as a deterrent;
- reliance on public complaints;
- the fact that the codes focus on content and not imagery and associations; and
- a lack of attention on the volume of advertising (British Medical Association 2009).

Furthermore, the lack of independence of the Portman Group and its role as an alcohol industry body has been criticised, along with its perceived close links to government and influence over policy (Harkins 2010).

Examination of internal marketing documents used in alcohol marketing campaigns in the UK also found evidence that campaigns were targeting and appealing to young people, referred to drunkenness in consumer research to develop campaigns, and referenced potency. The researchers also found that campaigns made associations with social success and sexual attractiveness, all of which are forbidden by the regulatory codes (Hastings et al. 2010).

Another UK study interviewed alcohol brand marketers who admitted that they often push the boundaries of the regulatory codes with their advertising and that they anticipated, and indeed would be accepting of, tighter regulation if this were introduced through government and societal demands. Concurrent focus groups with adolescents found that participants were aware of and interacted with alcohol marketing content such as references to youth language, irreverent humour, and use of music and sports sponsorship (Gordon et al. 2010).

Research has also found that alcohol brand websites in the UK featured content that appealed to young people, associated alcohol with sexual and social success, featured driving games, and referred to daring, roughness and aggression, all of which are prohibited in alcohol advertising in TV and print media channels (Gordon 2011).

The apparent failure of the current regulatory system in the UK has led to calls for tightening of both the procedures and the scope of regulation of alcohol marketing, with regulation independent of the alcohol and advertising industries, the involvement of young people in the regulatory process, and pre-vetting of all alcohol adverts – not just those for broadcast (Hastings et al. 2010). Others have called for the self-regulatory system to be abandoned and the introduction of either statutory regulation (Home Office 2008), or a complete ban on some or all forms of alcohol marketing (Anderson 2009).

More recently, commentators have called for the introduction of a system similar to the Loi Évin law in France, in which the types of alcohol marketing that are permitted (usually only allowing references to the provenance and quality of the product) are explicitly stated, with all other marketing activity banned (Gordon 2011; Hastings and Sheron 2011). A recent Select Committee report on alcohol also identified major concerns with the current alcohol marketing regulatory system, concluding that *'The current system of controls on alcohol advertising and promotion is failing the young people it is intended to protect...It is clear that both the procedures and the scope need to be strengthened'* (House of Commons Health Committee 2010, 79).

**Similar to the UK and New Zealand, there is a paucity of published research on compliance and effectiveness relating to alcohol advertising regulatory codes in Canada.** There has been a gradual relaxation of regulation of alcohol advertising in Canada in recent years. In provinces such as Saskatchewan, alcohol advertising was completely banned until 1983 (Makowsky and Whitehead 1991).

A study commissioned by Health and Welfare Canada in 1989 found that almost half of alcohol adverts on television violated the CRTC Code, even though at that point all adverts

were pre-cleared by the CRTC (Erin Research 1989). The study identified that pre-clearance did not demonstrate the visual impact of adverts, and the authors argued that the Code provisions are vague and that the CTRC interpreted the Code with a least restrictive approach.

Another study identified that the CRTC Code does have some effect, by limiting actual beer (or other alcoholic beverages) drinking adverts, but that lifestyle adverts are prevalent (Hovius and Solomon 1996). The authors concluded that the abandonment of compulsory pre-clearance was largely for financial reasons, and that there was no clear accessible pathway for the public to make complaints regarding violations of the Code. They also commented that the CRTC's only options for responding to violations were suspension of licenses, and that this could be viewed as too draconian (Hovius and Solomon 1996).

Fortin and Rempel (2007) featured a literature review and in-depth interviews with key informants (in advertising and academia) to evaluate the effectiveness of regulating alcohol advertising in Canada. The study found that the current system of co-regulation was ineffective and that the lifestyle content of much alcohol advertising was targeting and appealing to young people. The authors also called for an outright ban on alcohol advertising as a long-term goal to protect public health, and for the public health field to support improvements to current alcohol advertising regulation and counter-alcohol interventions.

Krank et al. (2012) showed eight advertisements to adolescents aged 15–16 years attending Grade 10, and youths aged 19 and over attending university. They asked a series of questions with the aim of assessing the adverts' compliance with the CRTC Code for alcohol advertising. An expert panel also rated them for compliance with the codes. For several of the adverts, both groups of young people reported that they featured content in violation of one or more of the Codes set by CRTC; these potential violations were confirmed by the expert panel.

A recent article examining the current alcohol advertising regulatory system in Canada against the recommendations for effective regulation made in a report produced by the Dutch Institute for Alcohol Policy and the European Centre for Monitoring Alcohol Marketing (EUCAM) (de Bruijn et al. 2010) concluded that the current system was ineffective (Heung et al. 2012). The report argued that effective regulation of alcohol advertising should contain three components covering all forms of alcohol marketing – content restrictions, volume restrictions and adequate supporting infrastructure – and that supporting infrastructure would include a supportive legal context, a transparent decision making process, mandatory vetting and pre-clearance of adverts, an effective complaints system, an independent advertising committee, effective sanctions that act as a deterrent to transgressions, and an independent monitoring system (de Bruijn et al. 2010).

Issues with the Canadian system of alcohol marketing regulation raised by Heung and colleagues included a failure to update the codes since 1996, lack of regulation mandating place restrictions, lack of standardisation of coverage of all marketing channels, and lack of protection for underage viewers in relation to the volume of alcohol advertising they can be exposed to (Heung et al. 2012). In addition, Heung and colleagues noted that pre-screening was made voluntary in 1996 and is ineffective, complaints are not monitored by an independent body, and there is a lack of an advertising committee independent from industry. They concluded by making 13 recommendations to create a more effective regulatory system:

1. Strengthen content restrictions.
2. Develop and implement volume restrictions.
3. Increase coverage of alcohol advertising regulations across all channels.
4. Reintroduce a federal mandatory pre-screening process.
5. Improve the complaints system.
6. Create an independent panel of representatives to sit on governing bodies.
7. Increase transparency.
8. Develop and implement a public health focused alcohol advertising code.
9. Introduce an effective monitoring system.
10. Enforce effective punitive sanctions.
11. Advocacy among public health bodies for additional restrictions and regulations.
12. Additional research on alcohol marketing and countering its impact.
13. Raise public awareness of the ineffectiveness of the current regulatory system (Heung et al. 2012, p 265).

### **Community perceptions of alcohol advertising (and regulation)**

#### *Australia*

Research conducted in the 1990s demonstrated that, even at that early point, there was moderate to strong support for increased restrictions on alcohol advertising, far greater than the levels of support for interventions to increase the price or reduce the availability of alcohol (Flaherty et al. 1991; McAllister 1995).

A 2005 survey of 1,000 Australian adults conducted by the Australian Commonwealth Department of Health and Ageing found that: 60 percent of respondents stated that alcohol advertising should be either more restricted or entirely prohibited; 69 percent believed that alcohol advertising encourages underage people to drink alcohol; and only 28 percent were aware of any restrictions or regulations regarding the advertising of alcohol (King et al. 2005).

The National Drug Strategy Household Survey (NDSHS) does not ask about changes to the process or content of alcohol advertising regulation, but does ask two general questions. In 2010, 71.2 percent of Australians stated that they support ‘limiting TV advertising until after 9:30 pm’ and 48.3 percent that they support ‘banning alcohol sponsorship of sporting events’ (Australian Institute of Health and Welfare 2011). Specifically in relation to sport, the 2011 VicHealth Community Attitudes Survey on Healthy Sporting Environments found that 82.9 percent of the 1,500 adults surveyed supported the removal of alcohol sponsorship at community sports clubs if any lost revenue was replaced; and 75.2 percent supported a levy on alcohol advertising to replace alcohol-derived income of community sports clubs (Tobin et al. 2012).

#### *New Zealand*

**We were unable to identify any published papers on community perceptions of alcohol advertising (regulation) conducted in the New Zealand.**

#### *UK*

We were unable to identify any published papers on community perceptions of alcohol advertising (regulation) conducted in the UK.

## Canada

A study by Giesbrecht et al. (2007) analysed responses to ten questions about alcohol policy answered in three national surveys in Canada conducted in 1989, 1994 and 2004.<sup>8</sup> One of the questions included in the surveys was ‘Advertising alcoholic beverages on TV should be banned?’ The study found that 53.7 percent of respondents sampled in 1989 agreed with a ban on alcohol advertising on TV, but that this reduced to 40.2 percent in 2004. The study also found that support for a ban was highest among lifetime abstainers (72.2 percent in 1989, 62.5 percent in 2004) and former drinkers (70.1 percent in 1989, 62.5 percent in 2004), and was lowest among heavy-frequent drinkers (34.9 percent in 1989, 17.3 percent in 2004). The authors conclude that there is no obvious explanation for a decline in support of alcohol control policies including banning alcohol advertising, but suggest that extensive and multi-faceted marketing and retailing of alcohol has contributed to the normalisation of drinking, reducing concern about the risks associated with consumption and eroding support for control policies (Giesbrecht et al. 2007).

<sup>8</sup> Note that as this included the data from the earlier papers by the same authors (Giesbrecht et al. 1999; 2005), these were not included; nor have we included the Room et al. (1995) paper which reports on changes in the same populations between 1989 and 1991.

## Discussion

**Our review demonstrates firstly that considerable research suggests alcohol advertising influences drinking behaviours, and secondly that current systems based on co-regulation and voluntary regulation (as is the case in Australia) are ineffective.**

**Indeed, the four countries included in this review score poorly on advertising- related alcohol control policies. Australia, Canada and the UK were given a zero out of three score ranking in relation to advertising, using the Alcohol Policy Index ranking system for measuring effectiveness of alcohol control policies, whilst New Zealand was given a score of one (Brand et al. 2007).** The authors of the Alcohol Policy Index compiled extensive data on alcohol policies, and alcohol consumption data from the WHO, to develop their ranking system of 30 OECD countries. Each country was ranked out of 100 points. Countries were assessed for the effectiveness of their alcohol control policies across five domains that were weighted according to the WHO’s assessment of their effectiveness at reducing alcohol related harms: drink driving (34 points); physical availability (32 points), pricing (24 points); drinking context (8 points); and advertising (3 points). The validity of the model was then tested and confirmed through sensitivity analysis, and examination of the relationship between score and per capita alcohol consumption.

### *Policy response options*

Given the strengthening evidence base suggesting causal associations between alcohol advertising and youth drinking, and the apparent failure of current regulatory systems, there is considerable debate around the appropriate policy response and regulatory structure. Three of the main policy options that emerge are:

*Option 1.* Maintain the status quo.

*Option 2.* Introduce an outright ban on alcohol advertising.

*Option 3.* Tighten alcohol advertising regulation.

Given the strength of the research evidence base identifying causal associations between alcohol advertising and drinking behaviour, and the evidence that current self-regulatory systems for alcohol advertising are ineffective, it can be argued that *Option 1* is not advisable.

With respect to *Option 2*, some research has suggested that outright bans on alcohol advertising can decrease alcohol consumption (Anderson et al. 2009). Research using time-series data from 20 countries<sup>9</sup> collected over 26 years (1970– 1995) suggested that total bans on alcohol advertising on television, radio and print result in reduced consumption (Saffer and Dave 2002). Other studies have suggested that advertising bans do not reduce alcohol consumption (Young and Nelson 2001; Nelson 2010). The differences in findings reflect differing methodologies, definitions of advertising, and time periods. It is also difficult to assess the impact of advertising bans in the absence of detailed data on concurrent changes in the other marketing activities of alcohol companies.

Furthermore, a 2006 survey found that three-quarters of those surveyed across the European Union (EU) would approve an EU-wide ban on alcohol advertising targeting young people, suggesting citizen support for bans (Eurobarometer 2006). A complete ban on alcohol advertising may be perceived as the most draconian measure available, and would be expensive and time consuming to implement. Additionally, efforts to introduce outright bans would be met with considerable resistance from the alcohol and advertising industries. Australian policy makers have indicated that the most radical policy solutions are unlikely to gain favour within the current political climate (Stephen Jones MP, personal communication, May 2013). While calls for outright bans on alcohol marketing have increased in recent years (Casswell 2012), countries such as Australia have not yet introduced comprehensive systems of statutory regulation that may be effective.

**Therefore, *Option 3* – tightening alcohol advertising regulation – seems the most realistic policy response given both the balance of evidence and feasibility in the current economic and policy climate. De Bruijn et al. (2010) have argued that alcohol advertising regulation should encompass activity in three areas: volume restrictions (i.e. the level of people’s exposure to alcohol advertising), content restrictions, and infrastructure to support the regulatory environment. This discussion will present options within each of these three areas to develop an effective regulatory system for alcohol advertising, based on ideas expressed in the literature (Munro and De Wever 2008; Jones et al. 2009; de Bruijn et al. 2010; House of Commons Health Committee 2010; Gordon 2011; Hastings and Sheron 2011; Casswell 2012).**

<sup>9</sup> The 20 countries included in the Saffer and Dave (2002) study are as follows: Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Ireland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, the United Kingdom, and the USA.

### ***Volume restrictions***

A number of studies have found that young people are over-exposed to alcohol advertising (Jernigan et al. 2007; Chung et al. 2010). Given the additional evidence that suggests exposure to alcohol advertising influences drinking behaviour, the requirement to consider volume restrictions within the regulatory system becomes apparent. **Volume restrictions are designed to protect young people from the cumulative effects on behaviour of exposure to large volumes of alcohol advertisements. Heung et al. (2012) identify three main types of volume restrictions: restrictions on alcohol advertising at certain times and in certain places; restrictions on certain types of media; and restrictions on certain types of beverages.**

In Australia there are currently volume restrictions that restrict alcohol advertising on television to periods of M, MA or AV programs shown between 8:30 pm and 5 am. An important exception to this rule is that alcohol advertising is permitted during the live broadcast of sports on weekends and public holidays. Furthermore, the Outdoor Media Association’s Code of Ethics requires members to limit the advertising of alcohol on fixed signs that are within 150m of primary and secondary schools – but there is an important caveat to this restriction as it does not apply when the school is in the vicinity of a pub,

club, bottle shop, or any other venue that sells alcohol (Australian National Preventive Health Agency (ANPHA) 2012).

Currently in Australia there are few restrictions on the advertising of alcohol through certain media channels, for example social networking sites or through sponsorship, and no restrictions on subscription television (where the onus is on parents to use the parental lock function to prevent exposure to advertising). Also, there are no restrictions on advertising of any specific types of beverages.

**One approach to volume restrictions that has been suggested within the public health field is to introduce a Loi Évin type system (Gordon 2011; Casswell 2012). Under the Loi Évin system, advertising of alcoholic beverages over 1.2 percent alcohol by volume is permitted only in the printed press with adult readership, on billboards, on radio between 5 pm and midnight, and at special event or places such as wine fairs and wine museums (Rigaud and Craplet 2004). Alcohol advertising at all other times and places and on all other media channels is banned.**

**The introduction of such volume restrictions with a Loi Évin type statutory regulatory system would help address young people's level of exposure to alcohol advertising, and also the lack of control over current alcohol advertising that occurs in non-traditional media channels such as social media, sponsorship, and experiential marketing. This is especially relevant given concerns over the failure of existing regulation to keep pace with the expanding range of advertising channels used to market alcohol (Heung et al. 2012). Importantly, alcohol advertising would still be permitted, but only in channels and place to which young people are less likely to be exposed. Given that statutory regulation in Australia already governs when alcohol advertising can be shown on television, the mechanisms for introducing a more comprehensive statutory package of volume restrictions should be feasible.**

### ***Content restrictions***

Although there are restrictions on the content of alcohol advertisements in Australia (see Appendix B), as this review shows there are concerns over the effectiveness of these controls. Indeed several research studies examining the content of alcohol advertising in Australia have found use of imagery, cultural cues and messaging that is likely to appeal to underage youths and apparently breaches the regulatory codes (Donovan et al. 2007; Jones et al. 2009; Pettigrew et al. 2012).

Furthermore, content restrictions on alcohol advertising in Australia fall under self-regulatory codes, which lack a legal framework for policing and enforcement, as adherence to the codes is voluntary. Given the somewhat broad and generic wording of articles within the codes, difficulties also arise with the interpretation and application of content restrictions for alcohol advertising. This can create ambiguity and inconsistency in interpretation of regulatory codes, particularly between public health professions, advertisers and the alcohol industry. Therefore despite research finding that the regulatory codes are often breached, the number of formal complaints that are upheld is relatively low (Jones and Donovan 2002).

**A Loi Évin type system also offers controls regulating the content of alcohol advertising. Under the Loi Évin system, permitted content for alcohol advertisements is explicitly stated, with all other content banned. This approach offers clarity about what is allowed and prevents advertising from pushing the boundaries and breaking the spirit if not the letter of regulatory codes found in countries such as Australia. Under the Loi Évin, alcohol adverts are only permitted to refer to the actual characteristics of the product such as brand name, ingredients, provenance and how it should be prepared and served. All other advertising content (such as lifestyle**

advertises, targeting minors, or using cultural, social or sexual cues) is not permitted (Rigaud and Craplet 2004).

The attractiveness of introducing such a system is in its simplicity. It would be clearly stated by law what alcohol advertising content is permitted. Anything else is forbidden. Consequently, there is no ambiguity over what content can and cannot be permitted in alcohol advertising, nor can there be debate and difference in interpretation of content and potential breaches of codes.

### *Infrastructure and processes*

The third pillar of a comprehensive statutory based regulatory system for alcohol advertising relates to the infrastructure and processes developed to support it. In Australia there are a number of bodies responsible for the regulation of alcohol advertising, including the Alcohol Beverages Advertising Committee, the AANA, the ASB, the Advertising Claims Board, and the AASC. However, the current co-regulatory system has been heavily criticised for its lack of independence from the advertising industry (which funds and populates several of these bodies), its lack of effective enforcement and punishment of breaches of the codes, and its lack of comprehensive pre-vetting and monitoring. Furthermore, the public complaints procedure has been criticised for being difficult to access and for being convoluted (Jones et al. 2008; Munro and De Wever 2008). **The byzantine structure of the current regulatory system also creates problems: under systems of self-regulation involving numerous bodies with a lack of clearly defined and singular responsibilities, stakeholders often leave it to each other to deal with regulatory matters, leading to inaction (Farrell 2012).**

Several commentators on alcohol advertising have called for a number of components to provide the required infrastructure for developing an effective statutory system of regulation (de Bruijn et al. 2010; Gordon 2011; Heung et al. 2012). These include:

1. **The creation of an independent panel of representatives to populate regulatory bodies, free from the influence of the alcohol and advertising industries. This would include representatives from public health, culture and society experts, marketing and media experts, and (importantly) young people, who would be able to review the appropriateness of alcohol advertising during a mandatory and comprehensive pre-screening process, and review complaints free of any biases.**
2. **Processes through which alcohol advertising is regulated should be made transparent, with all decisions made in consultation with relevant federal and state and territory stakeholders.**
3. **The creation of an easily understood, accessible and quick complaints system and process would be important to ensure that members of the public are able to address concerns in relation to alcohol advertising.**
4. **The creation of an independent and effective monitoring system, which would regularly screen alcohol advertising activities in all areas, include the public disclosure of advertising expenditures across all media channels, and monitor rates of compliance with the regulatory codes.**
5. **Effective sanctions that act as a real deterrent against transgressions of the regulatory codes. Given that a statutory regulatory system would be enshrined in law, any breaches of the codes would mean that companies are breaking the law – a powerful deterrent. Furthermore, penalties including the temporary banning of advertising activities, revocation of brand or product licences, and heavy financial penalties would ensure that such a regulatory system would have power and credibility.**

It is worth noting that a feasible option – rather than attempting to develop and implement an entirely new system for regulating alcohol advertising – is the use of existing tools in the liquor licensing legislation. Each State and Territory has legislation that applies to on-premise alcohol advertising and promotions (e.g. Victoria’s Liquor Control Reform Act 1998; NSW’s Liquor Act 2007). This legislation enables regulators to ban a licensee from advertising or promoting the supply of liquor if, in the opinion of the delegate, the advertising or promotion is likely to encourage irresponsible consumption of alcohol or is otherwise not in the public interest. Compliance with a banning notice is compulsory and failure to comply can result in prosecution. It may be possible to extend these provisions to include other forms of advertising, given that the underpinning legislation and the relevant mechanisms are already in place.<sup>10</sup>

## Conclusion

**As we have demonstrated in this review, the regulation of alcohol advertising is a topical and important issue for a number of stakeholders, including policy makers, the public health field, the advertising industry, the alcohol industry, and the public. The review suggests that given the wealth of evidence identifying associations between alcohol advertising and drinking behaviours, and the apparent failures of the co-regulatory system operating in Australia and several other countries, policy makers in Australia and New Zealand should seriously consider the introduction of a comprehensive system of statutory regulation as a matter of priority.**

<sup>10</sup> We thank an anonymous reviewer for this suggestion.

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**Appendix A** Australian Association of National Advertisers (AANA) Advertiser Code of Ethics  
 Section 2 of the Australian Association of National Advertisers (AANA) advertiser code of ethics, which covers advertising across all product categories, states that:

1. 2.1 Advertisements shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, sex, age, sexual preference, religion, disability or political belief
2. 2.2 Advertisements shall not present or portray violence unless it is justifiable in the context of the product or service advertised
3. 2.3 Advertisements shall treat sex, sexuality and nudity with sensitivity to the relevant audience, and where appropriate, the relevant programme time zone.
4. 2.4 for any product which is meant to be used by or purchased by children not contain anything which is likely to cause alarm or distress to those children;
5. 2.5 use only language which is appropriate in the circumstances and strong or obscene language shall be avoided;
6. 2.6 not depict material contrary to prevailing community standards on health and safety.
7. 2.7 comply with the Federal Chamber of Automotive Industries Code of Practice relating to Advertising for Motor Vehicles.

**Appendix B** The Alcohol Beverages Advertising Code (ABAC)

The Alcohol Beverages Advertising Code (ABAC) states that alcohol advertisements must:

1. a) present a mature, balanced and responsible approach to the consumption of alcohol beverages and, accordingly –
  1. i) must not encourage excessive consumption or abuse of alcohol;
  2. ii) must not encourage under-age drinking;
  3. iii) must not promote offensive behaviour, or the excessive consumption, misuse or abuse of alcohol beverages; and
  4. iv) must only depict the responsible and moderate consumption of alcohol beverages
2. b) not have a strong or evident appeal to children or adolescents and, accordingly –
  1. i) adults appearing in advertisements must be over 25 years of age and be clearly depicted as adults;
  2. ii) children and adolescents may only appear in advertisements in natural situations (e.g. family barbecue, licensed family restaurant) and where there is no implication that the depicted children and adolescents will consume or serve alcohol beverages; and
  3. iii) adults under the age of 25 years may only appear as part of a natural crowd or background scene
3. c) not suggest that the consumption or presence of alcohol beverages may create or contribute to a significant change in mood or environment and, accordingly –
  1. i) must not depict the consumption or presence of alcohol beverages as a cause of or contributing to the achievement of personal, business, social, sporting, sexual or other success;
  2. ii) if alcohol beverages are depicted as part of a celebration, must not imply or suggest that the beverage was a cause of or contributed to success or achievement; and
  3. iii) must not suggest that the consumption of alcohol beverages offers any therapeutic benefit or is a necessary aid to relaxation
4. d) not depict any direct association between the consumption of alcohol beverages, other than low-alcohol beverages, and the operation of a motor vehicle, boat or aircraft or the engagement in any sport (including swimming and water sports) or potentially hazardous activity and, accordingly –
  1. i) any depiction of the consumption of alcohol beverages in connection with the above activities must not be represented as having taken place before or during engagement of the activity in question and must in all cases portray safe practices; and
  2. ii) any claim concerning safe consumption of low-alcohol beverages must be demonstrably accurate
5. e) not challenge or dare people to drink or sample a particular alcohol beverage, other than low-alcohol beverages, and must not contain any inducement to prefer an alcohol beverage because of its higher alcohol content
6. f) comply with the Advertiser Code of Ethics adopted by the Australian Association of National

- Advertisers
7. g) not encourage consumption that is in excess of or inconsistent with the Australian Alcohol Guidelines issued by the NHMRC
  8. h) not refer to The ABAC Scheme, in whole or in part, in a manner which may bring the scheme into disrepute

## **Appendix C New Zealand Advertising Standards Authority (ASA) Code of Ethics**

### **BASIC PRINCIPLES**

1. All advertisements must comply with the laws of New Zealand.
2. No advertisement should impair public confidence in advertising.
3. No advertisement should be misleading or deceptive or likely to mislead or deceive the consumer.
4. All advertisements should be prepared with a due sense of social responsibility to consumers and to society.
5. All advertisements should respect the principles of free and fair competition generally accepted in business.

### **RULES**

1. **Identification** - Advertisements should be clearly distinguishable as such, whatever their form and whatever the medium used; when an advertisement appears in a medium which contains news or editorial matter, it must be presented so that it is readily recognised as an advertisement.
2. **Truthful Presentation** - Advertisements should not contain any statement or visual presentation or create an overall impression which directly or by implication, omission, ambiguity or exaggerated claim is misleading or deceptive, is likely to deceive or mislead the consumer, makes false and misleading representation, abuses the trust of the consumer or exploits his/her lack of experience or knowledge. (Obvious hyperbole, identifiable as such, is not considered to be misleading).
3. **Research, Tests and Surveys** - Advertisements should not use tests and surveys, research results or quotations from technical and scientific literature, in a manner which is misleading or deceptive.
4. **Decency** - Advertisements should not contain anything which clearly offends against generally prevailing community standards taking into account the context, medium, audience and product (including services).
5. **Offensiveness** - Advertisements should not contain anything which in the light of generally prevailing community standards is likely to cause serious or widespread offence taking into account the context, medium, audience and product (including services).
6. **Fear** - Advertisements should not exploit the superstitious, nor without justifiable reason, play on fear.
7. **Violence** - Advertisements should not contain anything which lends support to unacceptable violent behaviour.
8. **Denigration** - Advertisements should not denigrate identifiable products or competitors.
9. **Testimonials** - Advertisements should not contain or refer to any personal testimonial unless it is genuine, current, related to the experience of the person giving it and representative of typical and not exceptional cases. The claims in the testimonial should be verifiable.
10. **Privacy** - Unless prior permission has been obtained an advertisement should not portray or refer to any persons, whether in a private or public capacity, or refer to any person's property, in a way likely to convey the impression of a genuine endorsement.
11. **Advocacy Advertising** - Expression of opinion in advocacy advertising is an essential and desirable part of the functioning of a democratic society. Therefore such opinions may be robust. However, opinion should be clearly distinguishable from factual information. The identity of an advertiser in matters of public interest or political issue should be clear.

- 12. Safety - Advertisements should not, unless justifiable on educational or social grounds, contain any visual presentation or any description of dangerous or illegal practices or situations which encourage a disregard for safety.**

**Appendix D** The Code for Advertising and Promotion of Alcohol

The Code for Advertising and Promotion of Alcohol states that:

**PRINCIPLE 1**

Alcohol advertising and promotions shall observe a high standard of social responsibility.

1. 1(a) Alcohol advertising and promotions shall not link alcohol with daring, aggressive, unruly, irresponsible or antisocial behaviour nor suggest any association with, acceptance of, or allusion to, tobacco, illicit drugs or volatile substances such as glue and petrol; explosives and weaponry.
2. 1(b) While alcohol advertising and promotions may depict the consumption of alcohol as incidental to a friendly and happy social environment, it shall not promote drinking alcohol as a better or more attractive lifestyle choice nor imply that the success of a social occasion depends on the presence or consumption of alcohol.
3. 1(c) Alcohol advertising and promotions shall not suggest that alcohol can lead to sexual, social, sporting or business success or popularity or is necessary to achieve social status with peers.
4. 1(d) Alcohol advertising and promotions shall not depict alcohol as a necessity, nor required for relaxation nor suggest it offers any therapeutic benefit.
5. 1(e) Alcohol advertising and promotions shall not actively link alcohol with the use of potentially dangerous machinery or driving or any other hazardous or unsafe practices. Alcohol advertising and promotions may include sporting or other physical activities but shall not imply that those activities have been undertaken after the consumption of alcohol.
6. 1(f) Where it is necessary to purchase alcohol as a condition of entry, alcohol advertising and promotions shall not offer any potentially hazardous prizes in any competition. Examples include motor vehicles, boats or any other potentially dangerous machinery.
7. 1(g) Alcohol advertising and promotions shall not cause widespread or serious offence, taking into account prevailing community standards, context, audience, medium and product.
8. 1(h) Alcohol advertising and promotion shall not contain any statement or visual presentation or create an overall impression which directly or by implication, omission, ambiguity or exaggerated claim is misleading or deceptive or is likely to deceive or mislead the consumer. Obvious hyperbole, identifiable as such, is not considered to be misleading.

**PRINCIPLE 2**

Alcohol advertising and promotions shall be consistent with the need for responsibility and moderation in alcohol consumption.

1. 2(a) Alcohol advertising and promotions shall not emphasise a product's alcoholic strength, except where the product is a light (or lite) alcohol product but can include factual information about the alcoholic strength.
2. 2(b) Alcohol advertising and promotions shall not feature, imply, condone or encourage irresponsible or immoderate drinking. That applies to both the amount of drink and the way drinking is portrayed.
3. 2(c) Where the prize in an alcohol promotion is a large quantity of alcohol, it should not be supplied in one delivery and any such prize should be consistent with the Alcohol Advisory Council's standard drink guidelines.

**PRINCIPLE 3**

Alcohol advertising and promotions shall be directed at adult audiences. Alcohol advertising and promotions shall not be directed at minors nor have strong or evident appeal to minors in particular. This applies to both content and placement.

1. 3(a) Alcohol advertising and promotions in non-restricted areas shall not use or refer to identifiable heroes or heroines of the young. See Guidance Notes at [www.asa.co.nz](http://www.asa.co.nz).
2. 3(b) Alcohol advertising and promotions shall not use designs, motifs, or cartoon characters that have strong or evident appeal to minors or that create confusion with confectionary or soft drinks.
3. 3(c) Anyone visually prominent in alcohol advertising and promotions depicting alcohol being consumed shall be, and shall appear to be, at least 25 years of age with their behaviour and appearance clearly appropriate for people of that age or older. Minors may appear in alcohol advertising and promotions only in situations where they would naturally be found, for example at a family barbecue, provided that there is no direct or implied suggestion that they will serve or consume alcohol.
4. 3(d) Alcohol Advertisements shall not be shown on television between 6.00 am and 8.30 pm.
5. 3(e) Broadcasters shall avoid the impression that alcohol promotion is dominating the viewing or listening period when broadcasting alcohol advertisements, including alcohol sponsorship advertisements taking into account the context of the programme.
6. 3(f) Television alcohol advertising shall not exceed six minutes per hour, and there shall be no more than two advertisements for alcohol in a single commercial break.

7. 3(g) Alcohol branded merchandise, point of sale materials and other promotions for alcohol must not be available in unrestricted areas at events or activities where more than 25% of the expected audience is minors.
8. 3(h) Websites that provide online retail sale of alcohol products shall require purchasers to certify that they are 18 years of age or over.
9. 3(i) Websites that primarily promote an alcohol brand and contain games, competitions or other interactive activities shall have an Age Verification Page at entry. Verification shall be by way of input of the visitor's date of birth.

#### PRINCIPLE 4

Sponsorship advertisements shall clearly and primarily promote the sponsored activity, team or individual. The sponsor, the sponsorship and items incidental to them, may be featured only in a subordinate manner.

Guidelines for sponsorship advertisements:

1. 4(a) Shall not contain a sales message.
2. 4(b) Shall not show a product or product packaging.
3. 4(c) Shall not imitate or use any parts of product advertisements from any media.
4. 4(d) Shall not portray consumption of alcohol.
5. 4(e) Shall only briefly and in a subordinate way mention or portray the sponsor's name and/or brand name and/or logo orally and/or visually.
6. 4(f) May be broadcast at any time except during programmes intended particularly for minors.

Guidelines for sponsorship:

7. 4(g) Alcohol producers, distributors or retailers should not engage in sponsorship where those under 18 years of age are likely to comprise more than 25% of the participants, or spectators.
8. 4(h) Sponsors shall not require or permit sponsored parties to feature alcohol branding on children's size replica sports kit or on any promotional material distributed to minors.

**(Appendix E** Features of Alcohol Marketing Regulatory Codes in the UK

**(Appendix F** CRTC Code for Broadcast Advertising of Alcoholic Beverages Code

Refer to the original pdf file to secure this information as the formatting did not paste accurately

## 5. Do you think the available evidence is strong enough for changes to be made now?

Absolutely!

### Explain your reasons.

It's a no-brainer, when you consider the implications of **NOT** doing anything to limit the well documented, on-going associated costs of having to provide appropriate health & social care for those affected by overindulgence of alcohol; in addition to dealing with unwanted pregnancies, children born with fetal alcohol syndrome through no fault of their own, broken families and/or shattered relationships, children placed in harm's way on account of the increased incidence of domestic violence in families where problem drinking occurs; not forgetting the attendant increased demands for legal and judicial services on account of problem drinking, the increased insurance premiums, and having to resolve the general mahem and unintended consequences that accompany patterns of irresponsible drinking. NZ sports stars such as Jessie Ryder, Zac Guilford and even Justin Marshall provide well documented examples of the sorts of unintended consequences that I'm alluding to.

According to recent news reports even the royal family members are having to confront the unpleasant consequences of alcohol consumption on balance.

I'm sure that Professor Max Abbott will likewise be mindful that as our population ages, the evidence that links excessive alcohol consumption with negative health outcomes will continue to accumulate, and the evidence will probably develop an even sharper focus on the links between the prevalence of chronic conditions & excessive alcohol consumption.

**6. Do you support further restrictions on alcohol sponsorship to reduce alcohol-related harm? Yes or No. [Tick box]**

YES

**7. What reasons do you have for your view? Please include details.**

The range of evidence presented above indicates why action is needed now; in addition the Australia and New Zealand Government review above reports that the NZ ASA Code of ethics includes these aspects:

**PRINCIPLE 4**

Sponsorship advertisements shall clearly and primarily promote the sponsored activity, team or individual. The sponsor, the sponsorship and items incidental to them, may be featured only in a subordinate manner.

Guidelines for sponsorship advertisements:

- 4(a) Shall not contain a sales message.
- 4(b) Shall not show a product or product packaging.
- 4(c) Shall not imitate or use any parts of product advertisements from any media.
- 4(d) Shall not portray consumption of alcohol.
- 4(e) Shall only briefly and in a subordinate way mention or portray the sponsor's name and/or brand name and/or logo orally and/or visually.
- 4(f) May be broadcast at any time except during programmes intended particularly for minors.

**Guidelines for sponsorship:**

- 4(g) Alcohol producers, distributors or retailers should not engage in sponsorship where those under 18 years of age are likely to comprise more than 25% of the participants, or spectators.
- 4(h) Sponsors shall not require or permit sponsored parties to feature alcohol branding on children's size replica sports kit or on any promotional material distributed to minors.

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Despite this, the report's discussion also notes:

While calls for outright bans on alcohol marketing have increased in recent years (Casswell 2012), countries such as Australia have not yet introduced comprehensive systems of statutory regulation that may be effective.

Therefore, *Option 3* – tightening alcohol advertising regulation – seems the most realistic policy response given both the balance of evidence and feasibility in the current economic and policy climate. De Bruijn et al. (2010) have argued that alcohol advertising regulation should encompass activity in three areas: volume restrictions (i.e. the level of people's exposure to alcohol advertising), content restrictions, and infrastructure to support the regulatory environment. This discussion will present options within each of these three areas to develop an effective regulatory system for alcohol advertising, based on ideas expressed in the literature (Munro and De Wever 2008; Jones et al. 2009; de Bruijn et al. 2010; House of Commons Health Committee 2010; Gordon 2011; Hastings and Sheron 2011; Casswell 2012).

- 8. What evidence is available to support your view (please cite references if available, or provide supporting information). Please focus on evidence since 2010 if this is available.**

In addition to the evidence cited above, the panel members should refer to the UK Government's March 2012 Alcohol Strategy available here:

[http://alcoholresearchuk.org/downloads/AlcoholResearchUK's\\_response\\_to\\_the\\_Government's\\_New\\_Alcohol\\_Strategy.pdf](http://alcoholresearchuk.org/downloads/AlcoholResearchUK's_response_to_the_Government's_New_Alcohol_Strategy.pdf)

- 9. Do you think the available evidence is strong enough for changes to be made now? Explain your reasons.**

The review of evidence from Canada, the UK, Australia & Aotearoa NZ calls out for action. Even British Prime Minister David Cameron's Foreword in his March 2012 Alcohol Strategy paper draws attention to the sense of urgency required:

### PM Foreword

Binge drinking isn't some fringe issue, it accounts for half of all alcohol consumed in this country. The crime and violence it causes drains resources in our hospitals, generates mayhem on our streets and spreads fear in our communities.

My message is simple. We can't go on like this. We have to tackle the scourge of violence caused by binge drinking. And we have to do it now.

(refer <http://ranzetta.typepad.com/files/alcohol-strategy-2012.pdf>)

Refer also to this evidence from Alcohol Research UK:

### Marketing by the alcohol industry

(Paragraph 2.12)

Alcohol Research UK funded a systematic review of the evidence (refer <http://alcoholresearchuk.org/alcohol-insights/the-effect-of-alcohol-advertising-and-marketing-on-drinking-behaviour-in-young-people-systematic-review-of-published-longitudinal-studies/>) from studies which evaluated the relationship between alcohol advertising or marketing and alcohol use in young people at a later point in time.

Seven studies met the review inclusion criteria. Five were conducted in USA, one in Belgium and one in New Zealand. The studies provided data on more than 13,000 young people aged 10 to 26 years old.

All studies demonstrated that exposure to marketing resulted in an increase in consumption as would be expected. These included exposure to direct advertising using broadcast and print media and indirect methods such as in-store promotions and portrayal of alcohol drinking in films, music videos and TV programmes.

In one study those young people who gave a positive response to alcohol adverts at the age of 18 were heavier drinkers and reported more alcohol related aggression at the age of 21.

- 10. If further restrictions to alcohol advertising are necessary, what do you think should be done?**

Policy recommendations have already been made in the Australia & NZ review cited above: **Regulation of alcohol advertising: Policy options for Australia.**

There is expertise and capability within the country to develop the appropriate public health initiatives. I am sure, for example, that if internationally recognised Professors Sally Casswell and Doug Sellman collaborated, they would be able to recommend meaningful and achievable goals. All that is needed is the political will to apply their recommended policies.

- 11. How would these proposed restrictions work in practice to reduce alcohol-related harm (e.g. crime, disorder, negative public health outcomes)?**

**What evidence is available that your proposal(s) would work?**

I do not have any more time available to respond to these questions.

- 12. What other interventions could potentially be tried in future?**

Refer here for a range of options:

[http://alcoholresearchuk.org/downloads/AlcoholResearchUK's\\_response\\_to\\_the\\_Government's\\_New\\_Alcohol\\_Strategy.pdf](http://alcoholresearchuk.org/downloads/AlcoholResearchUK's_response_to_the_Government's_New_Alcohol_Strategy.pdf)

**Why should these other interventions be considered?**

Why not, if the evidence indicates there are proven benefits?

- 13. If further restrictions to alcohol sponsorship are necessary, what do you think should be done?**

Implement a range of initiatives including public consultations with young people so they are empowered to inform the policy makers of what's likely to work for them.

- 14. How would these proposed restrictions work in practice to reduce alcohol-related harm (e.g. crime, disorder, negative public health outcomes)?**

Be bold leaders. Recommend actions and evaluate their impact.

- 15. What evidence is available that your proposal(s) would work?**

Reports cited above.

**16. What other interventions could potentially be tried in future?**

Refer here for a range of options:

[http://alcoholresearchuk.org/downloads/AlcoholResearchUK's\\_response\\_to\\_the\\_Government's\\_New\\_Alcohol\\_Strategy.pdf](http://alcoholresearchuk.org/downloads/AlcoholResearchUK's_response_to_the_Government's_New_Alcohol_Strategy.pdf)

**17. Why should these other interventions be considered?**

Why not, if the evidence indicates there are proven benefits?

***Impacts of proposals***

**18. Who would be affected by your proposals to restrict alcohol advertising and how?**

Harm reduction will inevitably be associated with reduction in profits for some alcohol suppliers; however the environmental and social benefits need to be prioritised.

I do not have the time to work through any remaining questions that you pose.

***Other comments***

**19. Do you have any other comments?**

**Whaia te iti kahurangi / ki te tuahu koe / me he maunga teitei**

***Aim for the highest cloud so that if you miss it, you will hit a lofty mountain***

You may find some suggestions in here?

**The Government's Alcohol Strategy – March 2012 Response from Alcohol Research UK**

Alcohol has been causally implicated in more than 60 categories of disease, illness and injury, including a variety of cancers, cardiovascular illnesses and traumatic conditions. We welcome the approach adopted by the government's strategy for England and Wales, especially the emphasis on price, marketing and availability.

This paper comments on the evidence-base underpinning some of the key policy proposals within the Strategy and outlines research funded by Alcohol Research UK relevant to these proposals. It is intended to inform those working in the alcohol field – eg. health and social care workers, voluntary organisations, researchers, policymakers, etc – as well as journalists, programme-makers and interested members of the public.

We will be responding in depth to the Government's consultations on particular elements of the Strategy in due course.

The paragraph numbers in each section below refer to those in the published Strategy document .

### The pricing of alcohol

(Paragraphs 2.5 and 2.9 of the Strategy document)

A comprehensive analysis of 1003 sets of data from 112 studies, including information spanning two centuries and many countries, found a significant negative relationship between alcohol price and drinking (1). On average, the authors estimated that a 10% increase in the retail price of alcohol reduced consumption by 4.4%. Other studies have found larger impacts on rates of liver disease than would be expected given the percentage change in price (2), suggesting that problem drinkers respond relatively more to changes in price than other drinkers. Other evidence shows that increases in alcohol taxes have led to reductions in serious harms, including alcohol-related mortality (3), liver cirrhosis (4) , road accidents (4),

Alcohol Research UK broadly supports the approach adopted in this very useful policy document. Alcohol is not an ordinary commodity. It is the nation's favourite drug and must be the focus of strong measures to prevent harm to users, children, families and the wider society.

youth suicide ( 5) and alcohol dependence (6). It would appear that heavy drinkers are not impervious to changes in the price of their favourite beverage.

It is clear that price increases provide governments with a powerful strategy for reducing both consumption and related harms. The effectiveness of overall price increases, however, can be blunted if drinkers are able to choose cheaper, lower-quality products to compensate. Minimum Unit Pricing (MUP) is a very promising approach that would eliminate to some extent the availability of cheap alcohol beverages. Although it is clear that increasing price is linked to reduced consumption across populations, studies of MUP on individual consumption have only recently been initiated.

Canada was the first to implement and evaluate MUP. An innovative study from British Columbia (7) reported that minimum pricing effectively reduced consumption. A 10% increase in the minimum prices of all types of alcoholic beverage reduced total consumption by 3.4%.

Alcohol Research UK is currently funding a study of the effects of MUP among patients with severe alcohol damage in Scotland, with baseline data currently being collected.

### Minimum Unit Pricing

(Paragraph 2.8)

### Marketing by the alcohol industry

(Paragraph 2.12)

Alcohol Research UK funded a systematic review of the evidence from studies which evaluated the relationship between alcohol advertising or marketing and alcohol use in young people at a later point in time.

Seven studies met the review inclusion criteria. Five were conducted in USA, one in Belgium and one in New Zealand. The studies provided data on more than 13,000 young people aged 10 to 26 years old.

All studies demonstrated that exposure to marketing resulted in an increase in consumption as would be expected. These included exposure to direct advertising using broadcast and print media and indirect methods such as in-store promotions and portrayal of alcohol drinking in films, music videos and TV programmes.

In one study those young people who gave a positive response to alcohol adverts at the age of 18 were heavier drinkers and reported more alcohol related aggression at the age of 21.

### Availability of alcohol (Paragraphs 3.7 and 3.18)

Overall, more alcohol is consumed when it is easily available. A natural experiment in Sweden demonstrated this very clearly. The study examined consumption and alcohol-related problems when beer, up to 4.5% alcohol, was allowed to be sold in grocery stores. Eight years later this permission was reversed. When permission was granted total consumption increased by 15% and fell by about the same amount when the decision was reversed (8). There was also a drop in motor cycle accidents and a drop in hospital admissions for alcohol related problems in those under 20 (9).

### Community Interventions

(Paragraph 3.21)

Alcohol Research UK funded three interventions jointly known as the United Kingdom Community Alcohol Prevention Project (UKCAPP). Community Interventions were initiated in Cardiff, Birmingham and Glasgow. The project demonstrated that British communities can generate the kind of coordinated action which studies in the USA and Sweden have shown can reduce alcohol-related violence and injury, creating substantial cost-savings for society.

The UKCAPP report documents how all three were able to generate activity of the kind they sought.

Alcohol Research UK also funded evaluation of the initial work on the Community Alcohol Partnership (CAP) project in St Neots, Cambridgeshire. This provides a well documented example of a local initiative that has gone on to be adopted and adapted by a diverse range of local areas. It is one of the promising approaches identified in a more recent review funded by alcohol research UK

### Strengthening Families

(Paragraph 5.22)

Alcohol Research UK funded research that brought to light the effectiveness of the 'Strengthening Families Programme: For Parents and Young People 10–14' (SFP10–14) as an intervention for the primary prevention of alcohol misuse. One of the strong features of this programme is that results actually improve over the four

A number of studies funded by Alcohol Research UK support the government's multi-component approach. These include the following:

year follow-up period, while gains during the first year of conventional prevention programmes tend to decline in subsequent years. Further information is on the Alcohol Research UK website

### Screening for hazardous drinking

(Paragraph 5.17)

A very widely used screening test for alcohol misuse is the Alcohol Use Disorders Identification Test (AUDIT), which was developed in a World Health Organization collaborative project across six countries. Although AUDIT has been well validated and is turning out to be a very useful screening test, there are some situations, such as busy clinics as well as Accident and Emergency departments, where AUDIT takes too long to administer routinely. Alcohol Research UK funding led to the development of the Fast Alcohol Screening Test (FAST) which is now being used by many doctors' clinics and A&E departments. It is the screening instrument of choice for nurses and GPs in many areas.

### Brief interventions and the "teachable moment"

(Paragraph 5.9)

Maxillo-facial surgeons see a regular stream of young male casualties with alcohol-

related facial injuries. The majority of them have been involved in a fight, usually on a Friday or Saturday night. They attend an A&E department, receive appropriate treatment and are given an appointment for a follow-up clinic within the next 10 days. This clinic provides an ideal opportunity to influence the drinking patterns of these young men. Can advice given at this point, when the young men are concerned about their good looks, influence future alcohol consumption? Alcohol Research UK funded a brief intervention study (10) to look at this possibility. The motivational intervention lasted for less than 20 minutes and was given by the nurse as she removed stitches. Even though this intervention was very brief, it resulted in a significant change in alcohol consumption during the following year when compared to treatment as usual. There was a reduction of 55% in the number of young men drinking over the recommended limits compared to a drop of 8% in the comparison group. It is important to note that this brief but effective dialogue with the nurse was completed as part of a routine service without the need for additional resources or additional time.

A&E departments see a large number of patients who misuse alcohol. Alcohol Research UK therefore funded a (11) that has had a significant impact on practice and policy. After screening, those who were referred on to an alcohol health worker were drinking less at follow-up. At six months they were drinking 23 units of alcohol a week less than those given an information leaflet; at twelve months the difference was 14 units. Furthermore, those referred to the alcohol health worker had on average fewer visits to A&E over the following 12 months. Attendance at A&E provides a 'treatable moment' in which opportunistic identification of alcohol misuse can potentially help patients develop insight into the consequences of their drinking and promote improved health.

Training in brief interventions for alcohol problems should be an essential element of medical and nursing training.

For more intensive interventions we strongly support the statement that: "Increasing effective treatment for dependent drinkers will offer the most immediate opportunity to reduce alcohol related admissions and to reduce NHS costs. Treating alcohol dependence, where successful, has also been shown to prevent future illnesses" (paragraph 5.21)

#### The need for good research

Although Alcohol Research UK welcomes many of the measures in the Government's strategy, one disappointing aspect is the lack of explicit reference to the need for high quality research to evaluate these measures. As has been made clear here, Alcohol Research UK has already funded research that is directly relevant to the strategy and will continue to do so. Although policies may seem promising and be based on what appears to be sound reasoning, it is essential that their effects are carefully evaluated under real-world conditions.

One important example of the need for research concerns the effects of MUP. Although there is good evidence to substantiate the link between price increases and reduced alcohol-related harm in general, there is little specific research on the effects of MUP. As mentioned above, Alcohol Research UK has funded a study to investigate the effects of the policy, when it is introduced in Scotland, on the consumption, health and welfare of patients whose lives have been harmed by their

drinking. However, it is also necessary to evaluate other aspects of the policy, including its effects on binge drinking among young people and middle-aged drinkers whose regular consumption puts their health at risk. The Government should be urged to fund independent research into the effects of this and other policies included in the strategy. For its part, Alcohol Research UK will continue to

fund and promote research that can lead to a reduction in alcohol-related harm in the UK.

#### Contacts

Robin Davidson (Chairman)

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Ray Hodgson (Research Director, Alcohol Research UK), Tel: 01531 820 849

Alan Maryon-Davis, Hon Professor of Public Health, Kings College London School of Medicine: Tel: 07957 642009

Email any of the above here. Alcohol Research UK

Alcohol Research UK is a new independent charity launched in September 2011, taking over the work of the Alcohol Education and Research Council. It aims to reduce of alcohol-related harm to individuals, families and communities by funding research and other projects that help us understand the causes of alcohol harm, the problems it creates and the solutions that work best in tackling it.

Alcohol Research UK is the only organisation that is exclusively dedicated to funding and building a comprehensive evidence base to underpin the development of policy and practice around alcohol issues.

Visit our website. REFERENCES

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**SEE WHAT THEY SEE**  
**what's what**

**Alcohol marketing is recruiting our kids as the next generation of problem drinkers.**

The NZ Government has recently established a Ministerial Forum on Alcohol Advertising and Sponsorship. Their purpose is to consider whether further restrictions on alcohol advertising and sponsorship are needed to reduce alcohol-related harm.

The forum is currently seeking submissions on this topic before reporting to the Minister later this year. **Submissions close 5pm on Monday 28<sup>th</sup> April 2014.**

Children see thousands of images of alcohol bottles they are not strong enough to drink. Alcohol advertising and sponsorship encourages children to drink alcohol and drink more. This means they are more likely to be victims of crime, have unprotected sex and under perform at school.

If you think it's wrong that children are exposed to all of this, tell the Forum that something should be done. You have the power to bring change. Complete the form below to tell Ministers what you think should be done and how to be counted.

For further information visit [www.alcohol.govt.nz](http://www.alcohol.govt.nz)



Dear Ministerial Forum on Alcohol Advertising and Sponsorship,

We need further restrictions on alcohol advertising and sponsorship in New Zealand. I would like to see the Law Commission's recommendations that were made in 2010 implemented now. This means that I support the following:

- ⌘ No alcohol advertising should be allowed in any media other than advertising that communicates only objective product information.
- ⌘ No alcohol sponsorship of cultural or sport events should be allowed.

I support a portion of the government alcohol levy should be ring-fenced to provide alternative sponsorship for sport and cultural activities e.g. similar to the Health Sponsorship Council model for Smokefree, or the RTD tax that provides alternative sponsorship for 12 leading sports in Australia (mark the box if you agree).

Yes I want to make an oral submission (please mark the box).

This submission was completed by:

Name:

Address:

Email:

Signature:

Date: 24/4/14

Note: This submission may be requested under the Official Information Act 1982. If this happens, it will normally be released to the person who requested it. However, your personal details will be removed from the submission if you mark the following boxes:

I do not give permission for my personal details to be released under the Official Information Act 1982.

I do not give permission for my name to be listed in the published summary of submissions.

Once completed save this file and email to [alcoholadvertisingforum@moh.govt.nz](mailto:alcoholadvertisingforum@moh.govt.nz) by 5pm, Monday 28th April, 2014.





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### Alcohol marketing is recruiting our kids as the next generation of problem drinkers.

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The Forum is currently seeking submissions on the topic before reporting to the Ministers later this year. **Submissions close on 5pm on Monday 28th April 2014.**

Children are thousands of images of alcohol before they are old enough to drink. Alcohol advertising and sponsorship encourages children to drink, get drunk and drink more. This means they are more likely to be victims of alcohol, have unprotected sex and drink (perform at school).

If you think the warning that children are exposed to alcohol advertising and sponsorship is not enough, you have the power to bring change. Complete this form online or fill in the form and email it to the Minister's office. If you need more information, see the information sheet on the right.

For further information visit [www.alcohol.govt.nz](http://www.alcohol.govt.nz)



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Signature:

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Children are thousands of times more vulnerable to alcohol than they are as adults. Alcohol advertising and sponsorship encourages children to drink alcohol and drink more. The more they are exposed to the more likely they are to drink, drink unhealthily and drink at an earlier age.

If you think it's wrong that children are exposed to alcohol advertising and sponsorship, you have the power to bring alcohol companies to book. **Submit your views to the Ministerial Forum on Alcohol Advertising and Sponsorship.**

For further information visit [www.dhw.govt.nz](http://www.dhw.govt.nz)



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Yes I want to make an oral submission *(please mark the box)*.

This submission was completed by:

Name:

Address:

Email:

Signature:

Date: 26/4/14

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Children see thousands of images of alcohol before they are old enough to drink. Alcohol advertising and sponsorship encourages children to drink younger and drink more. This means they are more likely to be victims of crime, have unprotected sex and under perform at school.

If you think it's wrong that children are exposed to all of this tell the Forum that enough is enough. You have the power to bring change! Complete the form below in full. Remember that it has to be filled in correctly to be counted.

For further information visit [www.ahw.org.nz](http://www.ahw.org.nz)



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Yes I want to make an oral submission (**please mark the box**).

**This submission was completed by:**

Name: .

Address:

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Signature:

Date: 28/4/14

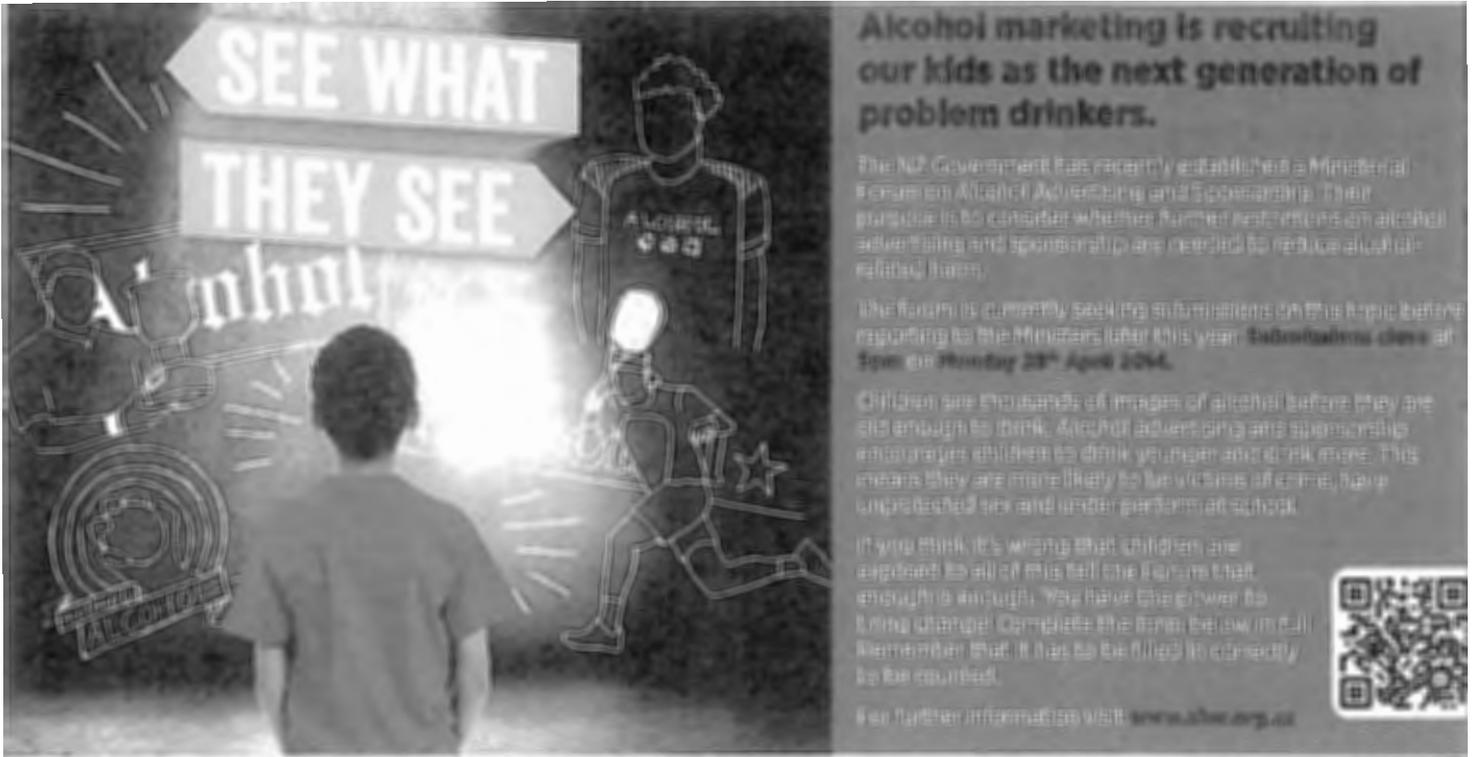
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THEY SEE



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**Yes I want to make an oral submission (please mark the box).**

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 by 5pm, Monday 28th April, 2014.

SEE WHAT  
 THEY SEE



## Submission to the Ministerial Forum on Alcohol Advertising and Sponsorship

28 April 2014

Mr Graham Lowe ONZM, QSM  
Chair  
Ministerial Forum on Alcohol Advertising and Sponsorship  
[alcoholadvertisingforum@moh.govt.nz](mailto:alcoholadvertisingforum@moh.govt.nz)

Thank you for the opportunity to provide comments on the Alcohol Advertising and Sponsorship review.

We have elected not to complete the submission form provided, rather we make the following comments and recommendations for your consideration.

The evidence gathered by 2010 concluded that **exposure of young people to alcohol marketing speeds up the onset of drinking and increases the amount consumed by those already drinking.**

In 2010 following its review of our alcohol laws the New Zealand Law Commission concluded *that having considered the recent research linking the advertising of alcohol and increased alcohol consumption by young people, and having heard the views of submitters and consultees greater controls are needed on advertising, sponsorship and other promotion of alcohol. These controls are in terms of the content of advertising, the levels of exposure to advertising and sponsorship messages, and inappropriate sales promotions. There is a strong argument that a self-regulatory body for alcohol advertising is inappropriate.*

We note that 2,281 out of 2,939 submissions to the Law Commission commented on the range of policy options presented on alcohol advertising and marketing. Of the 2,281 submissions **86% supported banning or restricting all advertising of all alcohol in all media.**

We believe that more recent evidence that will be presented to you during the course of your review will only add weight to the Law Commission's findings and recommendations, and the urgency for action.

We note that **Stage 1**: of the Law Commission's recommendations has been implemented by the inclusion on a new clause making it an offence to promote the excessive consumption of alcohol in the *Sale and Supply of Alcohol Act 2012*. However, we are unaware of any test cases based on this new law.

We recommend that the Review Forum consider mechanisms to monitor the impact and effect of this legislation.

It has now been four years since the Law Commission's recommendations were made. In this time New Zealanders young and old have been continuously exposed to the harmful effects of alcohol advertising and sponsorship. This is no time for further review; rather it is time to act.

We recommend that the Review Forum support the immediate implementation of Stage 2 and 3 of the Law Commission recommendations on alcohol advertising and sponsorship as set out in their report *Alcohol in Our Lives – Curbing the Harm 2010*.<sup>1</sup> These being:

**Stage 2:** An interdepartmental committee to consider adopting legislated measures designed to reduce exposure, particularly of young people.

**Stage 3:** This stage would implement restrictions including:

- Messages and images may refer only to the qualities of products, such as origin, composition, means of production and patterns of consumption;
- The banning of images of drinkers or the depiction of a drinking atmosphere;
- Only allowing advertising in press with a majority readership over 20 years of age;
- No alcohol-related sponsorship of any cultural or sports events or activities.

We understand that this means a ban on all forms of alcohol advertising and sponsorship in all media, other than objective product information.

We recommend that any permitted alcohol advertising is accompanied by health advisory messages developed by public health experts.

At the recent Global Alcohol Policy Conference in Seoul Korea, internationally renowned alcohol policy researcher Professor Thomas Babor told delegates that self-regulation of advertising by those with a vested interest has shown to be *“spectacularly ineffective”*.

We wholeheartedly agree. It serves no purpose but to maintain the unacceptable status quo and delay effective measures to curb the harm alcohol-advertising is shown to contribute to.

We recommend that the Review Forum ensure that self-regulation of alcohol advertising and sponsorship in New Zealand is ended immediately.

We consider that there are practical ways in which much of the existing alcohol advertising and sponsorship activities could be limited.

These include:

- The establishment of an independent body to take over the management and regulation of alcohol advertising and sponsorship, and ending self-regulation.
- Setting out what is alcohol advertising is allowed (i.e. objective product information only), and ban all other advertising. This would apply to ALL broadcast, bill-board and outdoor advertising, all print media, and all website and social media content that is generated by New Zealand based companies/individuals.
- New Zealand companies/individuals are prohibited for promoting or contributing to any overseas based promotions in New Zealand.
- A fund is established from alcohol excise tax to support alternative funding options for alcohol sponsorship, and this is phased out over the next 1-2 years.

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<sup>1</sup> Law Commission (2010). *Alcohol in our lives: Curbing the harm. A report on the review of the regulatory framework for the sale and supply of liquor*. Report 114. Wellington: New Zealand.

## Conclusion

We believe that this matter has been discussed and reviewed enough. The evidence available is strong enough to warrant immediate action, and there is strong public support for reducing the exposure of all New Zealanders to alcohol advertising in all of its forms.

We urge the forum to recommend an action plan which will implement the Law Commission's recommendations as put forward in their report in 2010. In particular our children and young people need to be protected from the negative impacts that alcohol advertising and sponsorship have on their lives. Your role must be one of creating an environment that promotes healthy choices, and not one where choices are influenced by the needs of the alcohol industry.

*Signed*

Name:

Address:

Email:

Contact phone number:

Note: This submission may be requested under the Official Information Act 1982. If this happens, it will normally be released to the person who requested it. However, your personal details will be removed from the submission if you check/tick the following boxes:

I do not give permission for my personal details to be released under the Official Information Act 1982.

I do not give permission for my name to be listed in the published summary of submissions.

# Making a submission

Submissions close on **Monday 28 April 2014 at 5pm.**

- If you would like further information during the submission period please email [alcoholadvertisingforum@moh.govt.nz](mailto:alcoholadvertisingforum@moh.govt.nz) and put 'Forum information' in the subject line.

Please detach and return.

Name:	
If this submission is made on behalf of an organisation, please name that organisation here:	
Address/email:	
Please provide a brief description of your organisation (if applicable):	

There are two ways you can make a submission.

- Forward your comments, with the detachable submission form at the back of this document, to:  
 Nick Goodwin  
 Secretariat for Ministerial Forum on Alcohol Advertising & Sponsorship  
 Ministry of Health  
 PO Box 5013  
 Wellington 6145
- Electronically complete the submission form available at the back of this document, add your comments and email to:  
[alcoholadvertisingforum@moh.govt.nz](mailto:alcoholadvertisingforum@moh.govt.nz)
- Please put 'Forum Submission' in the subject line.

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- I do not give permission for my personal details to be released under the Official Information Act 1982.
- I do not give permission for my name to be listed in the published summary of submissions.

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# Questions to guide your submission

1. Did you/your group/your organisation make a submission on the 2010 Law Commission report *Alcohol in our Lives: Curbing the Harm* and/or to the Justice and Electoral select committee, on alcohol advertising and sponsorship issues? **Yes or No.** If yes, please specify whether you submitted to the Law Commission and/or Select Committee.

Yes, in my former employment I submitted to both the Law Commission and Justice and Electoral Select Committee on alcohol advertising.

2. Do you support further restrictions on **alcohol advertising** (over and above the measures currently undertaken) to reduce alcohol-related harm? **Yes or No.** [Tick box]

✓ Yes

3. What reasons do you have for your view? Please include details.

I believe that the current self-regulatory system is ineffective at addressing both the exposure and content of liquor advertisements in New Zealand.

Alcohol is a drug, the most commonly used recreational drug in New Zealand. The alcohol industry should not be left responsible for the advertising of a drug to society. The current voluntary codes for liquor advertising are often vague and can be variously interpreted. The alcohol industry has been criticised for its lack of objectivity in applying the codes to its advertising (Babor et al, 2013). This leaves the onus for detecting code violations on the community which is simply absurd.

Expecting community members to be aware (and up-to-date) with the liquor code and be willing to make complaints to the ASA is unrealistic. As a public health practitioner I have made a number of complaints to the ASA regarding Facebook alcohol advertising resulting in the offending material being removed from the websites. I do not have the time nor energy to constantly trawl through each Facebook website to identify material which may breach the advertising code.

In addition, the self-regulatory system has no means to reduce the cumulative exposure of advertising to young people. At present, the codes are only capable of addressing the content of advertising. For these reasons, I am advocating that tighter restrictions are placed on alcohol advertising, through legislative mechanisms in order to reduce the harm that is caused by alcohol advertising to our young people.

4. What evidence is available to support your view (please cite references if available, or provide supporting information). Please focus on evidence since 2010 if this is available.

I believe that the evidence of harms from alcohol advertising is becoming more consistent, showing it to be associated with a reduced age at which young people start drinking and an increased volume in those that drink.

- Gordon, R., Harris, F., Mackintosh, A. & Moodie, C. (2011). Assessing the cumulative impact of alcohol marketing on young people's drinking: Cross-sectional data findings. *Addiction Research and Theory*. 19(1): 66-75.
- Lin, E-Y.J., Casswell, S., You, R.Q., Huckle, T. (2012). Engagement with alcohol marketing and early brand allegiance in relation to early years of drinking. *Addiction Research & Theory*. 20(4): p. 329-338.
- Jones, S.C. & Magee, C.A. (2011). Exposure to alcohol advertising and alcohol consumption among Australian adolescents. *Alcohol and Alcoholism*. 46 (5): p. 630-637.

The current system is unable to curb the harm from contemporary methods used by the alcohol industry to market their products. Although the codes have been updated over the years (in an attempt to address online advertising), the ubiquity of social media leaves an impossible task for the community to monitor advertising on such forums. The number of complaints to the ASA regarding liquor advertising cannot be used as a measure of success of the self-regulatory system as communities will find it increasingly more difficult to monitor online websites, which are being regularly updated. The industry, itself, cannot be expected to self-regulate.

With the world's largest alcohol producers choosing to invest millions of dollars in social media it is going to become increasingly difficult for the industry to pre-vet all advertising, to monitor their own websites which allow public users to post information and images, and for the community to identify violations. The industry is increasingly savvy in their forms of marketing with the use of interactive games, sponsored online events (e.g. a range of television and live comedy resurrecting cult shows and characters to stimulate conversation in an alcohol branded environment) and invitations to drink (e.g. linking consumption to the weekend and also linking brands to early and mid-week consumption). Alcohol marketing can spread like wildfire within social media, particularly on sites such as Facebook, as users' converse about alcohol brands with others and post information to all their friends. Offending material, for example on the Facebook websites of the alcohol producers, may be missed by moderators, resulting in many users being exposed to inappropriate material. This was certainly the situation in one case with which I filed a complaint with the ASA. The public user had posted their story on the industry facebook website many months before I detected the violation and filed the complaint. Many users would have seen the material before it was eventually removed.

5. Do you think the available evidence is strong enough for changes to be made now? Explain your reasons.

The documented evidence on harms from advertising is becoming more consistent. In contrast, I am not aware of any strong evidence supporting the use of self-regulation in New Zealand. The onus should be on the liquor industry to prove (with high quality evidence) the effectiveness of such a voluntary system on addressing both the content and exposure of alcohol advertising, particularly to young people. Advertising should be treated like any other potentially harmful product; the onus should be on the industry to prove its safety.

6. Do you support further restrictions on **alcohol sponsorship** to reduce alcohol-related harm? **Yes or No.** [Tick box]

✓ Yes

7. What reasons do you have for your view? Please include details.

There is an increasing research detailing the harmful association between alcohol sponsorship and alcohol consumption. It has also been shown that children are increasingly aware of the sponsors of sporting competitions/teams.

The importance of sport within New Zealand culture results in high exposure of advertising to both young people and adults. The lessons learned from the success of Loi Evin, in France, should be heeded in New Zealand. Sport, New Zealand's favourite past-time, should not go hand in hand with alcohol marketing.

8. What evidence is available to support your view (please cite references if available, or provide supporting information). Please focus on evidence since 2010 if this is available.

Research, directly or indirectly relevant to the New Zealand context, has been published detailing the harmful relationship between sponsorship and alcohol consumption (or recognition in young people).

- O'Brien, K., Lynott, D. & Miller, P.G. (2013). Alcohol industry sponsorship and alcohol-related harms in Australian university sportspeople/athletes. *Drug and Alcohol Review*. 32, 241-247.
- Gee, S. (2013). The culture of alcohol sponsorship during the 2011 Rugby World Cup: an (auto)ethnographic and (con)textual analysis. *Sport in Society*, Vol 16, No 7, 912-930
- Gee, S., Jackson, S. & Sam, M. (2014). Carnavalesque culture and alcohol promotion and consumption at an annual international sports event in New Zealand. *International Review for the Sociology of Sport*. 1-19.
- Gee, S., Jackson, S., Sam, M. (2013). The culture of alcohol promotion and consumption at major sports events in New Zealand. Commissioned by the Health Promotion Agency: Wellington.
- Pettigrew, S., Rosenberg, M., Ferguson, R., Houghton, S. & Wood, L. (2013). Game on: do children absorb sports sponsorship messages? *Public Health Nutrition*. Doi: 10.1017/S1368980012005435.

9. Do you think the available evidence is strong enough for changes to be made now? Explain your reasons.

I believe that the evidence is now sufficient to warrant further steps being taken in this area. Sport can be a positive influence within New Zealand culture. Harms associated with sport, due to alcohol sponsorship, are preventable.

*Types of possible restrictions (if supported)*

10. If further restrictions to **alcohol advertising** are necessary, what do you think should be done?

I recommend that all alcohol advertising, other than that communicating objective product information, be restricted in all media in New Zealand, including alcohol promotion on social networking sites.

I recommend that all permitted alcohol advertising be accompanied by health advisory statements.

I recommend that a portion of the government alcohol excise tax be ring-fenced to provide alternative sponsorship for sport and cultural activities.

I recommend that the industry self-regulation of alcohol marketing ends and an independent body is established to manage this process and monitor and enforce restrictions.

11. How would these proposed restrictions work in practice to reduce alcohol-related harm (e.g. crime, disorder, negative public health outcomes)?

The aim of alcohol harm reduction in this country should be to de-normalise alcohol use. Efforts to reduce exposure to alcohol advertising would contribute to this, leading to a reduced demand for alcohol, particularly by young people.

Furthermore, restrictions on advertising would send a strong message to society that alcohol is not an ordinary commodity; it is associated with harms, and the protection of society and its members is more important than alcohol industry profits.

Reduced consumption during adolescence, through reduced demand (as a result of advertising restrictions) is also likely to lead to improved outcomes in adulthood. It has been shown that heavy drinking during adolescence is associated with poorer outcomes in adulthood.

Measures to restrict advertising would also support a number of other measures recently implemented by the Government to reduce alcohol-related harm, such as reducing the Blood Alcohol Concentration and new provisions with the Sale and Supply of Alcohol Act. Comprehensive efforts, particularly legislative controls, were required to successfully reduce smoking in New Zealand. This is now required to reduce alcohol-related harm.

12. What evidence is available that your proposal(s) would work?

A number of countries, particularly in Scandinavia, have implemented advertising restrictions. The difficulties in disentangling effects within multi-component harm reduction approaches means that it is difficult to attribute such change to advertising restrictions alone. Nevertheless, the accumulating evidence points to such changes being required.

13. What other interventions could potentially be tried in future?

I only support full restriction of all alcohol advertising, other than that communicating objective product information.

14. Why should these other interventions be considered?

15. If further restrictions to **alcohol sponsorship** are necessary, what do you think should be done?

I recommend that alcohol sponsorship of sporting and cultural events is phased out as soon as possible. The Loi Evin model should be used to inform an appropriate approach for New Zealand.

16. How would these proposed restrictions work in practice to reduce alcohol-related harm (e.g. crime, disorder, negative public health outcomes)?

See #11.

17. What evidence is available that your proposal(s) would work?

Loi Evin, in France, has shown that it is feasible to reduce exposure to alcohol advertising through sport. This has appeared acceptable to the French public. As discussed above, alcohol consumption is due to a myriad of factors and attributing any changes to one approach alone is difficult.

18. What other interventions could potentially be tried in future?

19. Why should these other interventions be considered?

*Impacts of proposals*

20. Who would be affected by your proposals to restrict **alcohol advertising** and how?

Alcohol industry (negatively)  
Young people (positively)  
Maori and Pacific groups (positively)  
Lower socio-economic groups (positively)

21. How might these proposals impact on:

- alcohol consumption, particularly among young drinkers and heavy drinkers;
- the perception of alcohol as an everyday commodity, particularly among children and young people;
- alcohol-related harm;
- businesses, such as the alcohol and advertising industries;
- the recipients of alcohol sponsorship funds; and
- different populations – e.g. youth, children, Māori, Pasifika, lower socio-economic populations.

Alcohol industry (negatively)  
Less “new drinkers” as a result of reduced exposure

Young people (positively)  
Maori and Pacific groups (positively)  
Lower socio-economic groups (positively)  
Any effort to reduce alcohol consumption in society is going to benefit those at greatest risk. This includes young people, Maori, Pasifika, and low socio-economic groups. These groups are over-represented in the burden of alcohol-related harm.

22. Who would be affected by your proposals to restrict **alcohol sponsorship** and how?

Alcohol industry (negatively)

23. How might these proposals impact on:
- alcohol consumption, particularly among young drinkers and heavy drinkers;
  - the perception of alcohol as an everyday commodity, particularly among children and young people;
  - alcohol-related harm;
  - businesses, such as the alcohol and advertising industries;
  - the recipients of alcohol sponsorship funds; and
  - different populations – e.g. youth, children, Māori, Pasifika, lower socio-economic populations.

Less profits as a result of reduced exposure and recruitment of new drinkers.

I do not feel that the recipients of alcohol sponsorship will be disadvantaged. For example, one rugby league club in Auckland has recently chosen to forego all sponsorship and has noted that there are many other philanthropic organisations that would be willing to replace the alcohol sponsorship. This also occurred after the implementation of Loi Evin in France, whereby a number of large companies stepped in to replace the previous alcohol sponsors.

#### *Ongoing and new challenges*

24. What ongoing and emerging challenges does the Forum need to take into account when considering whether further restrictions on **alcohol advertising** are necessary to reduce alcohol-related harm?

Given the explicit shift in advertising from more formal mass media to social media it is important that any regulation or legislation is developed to address the ubiquity of online advertising. I believe that the only approach can be one which totally restricts all forms of advertising.

Without such an approach I foresee alcohol producers using the global nature of marketing and hosting their websites overseas, and thereby avoiding restrictions which pertain to New Zealand web addresses or domains. I understand that the European Union has attempted (or is seeking) to address this issue.

In addition, I am worried that the prolific use of mobile phones might result in “location marketing” whereby users will be identified through GIS systems and targeted for marketing promotions as they go about their day. This is concerning and should be prohibited.

25. What action, if any, could be taken to address these matters?

Only an approach which sets strong restrictions on advertising will be able to circumvent the online and GIS issues detailed above.

26. What ongoing and emerging challenges does the Forum need to take into account when considering whether further restrictions on **alcohol sponsorship** (e.g. of sporting, cultural and other events) are necessary to reduce alcohol-related harm?

Internationally, there is concern about “brand extension” or “brand stretching” whereby alcohol brands are seen to be pushing the marketing boundaries. Companies linking their brands to non-alcoholic products are used to extend their marketing reach. This includes icecreams, umbrellas (a walking advertisement), alcohol-flavoured foods, etc. Although the current code in New Zealand prohibits products which lead to confusion with confectionery or soft drinks further brand extensions may be foreseeable in the future.

27. What action, if any, could be taken to address these matters?

*Other comments*

28. Do you have any other comments?

No. The timing of the submission (around the Easter period) meant that I was unable to complete a full submission to my liking.

# Making a submission

Submissions close on **Monday 28 April 2014 at 5pm.**

- If you would like further information during the submission period please email [alcoholadvertisingforum@moh.govt.nz](mailto:alcoholadvertisingforum@moh.govt.nz) and put 'Forum information' in the subject line.

Please detach and return.

Name:	
If this submission is made on behalf of an organisation, please name that organisation here:	
Address/email:	
Please provide a brief description of your organisation (if applicable):	

There are two ways you can make a submission.

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 Nick Goodwin  
 Secretariat for Ministerial Forum on Alcohol Advertising & Sponsorship  
 Ministry of Health  
 PO Box 5013  
 Wellington 6145
- Electronically complete the submission form available at the back of this document, add your comments and email to:  
[alcoholadvertisingforum@moh.govt.nz](mailto:alcoholadvertisingforum@moh.govt.nz)
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Restrictions on the advertising of legal products should only be undertaken on evidence of substantial public health benefit.

While several papers, including many cited by the Law Commission in its chapter, "Advertising, Sponsorship, and Promotion of Alcohol", argue that restrictions on advertising can have beneficial public health effects, it can be very difficult to accurately determine these effects. Even if it were the case that advertising only influenced brand choice among adults and had no effect on youth consumption, studies correlating advertising intensity to youth or adult consumption would quickly find that individuals exposed to more ads consumed more alcohol. Why? If advertisers wish to influence brand choice, they will focus their advertising expenditures on markets with more drinkers or where they expect, given demographic changes, that consumption is likely to increase. So even if there were no effect of advertising on total consumption, we'd very quickly find that areas with greater advertising intensity had greater consumption, that individuals who watched more alcohol advertising on television drank more, and that people who saw more alcohol billboards consumed more alcohol: the advertisers, not wishing to throw money away, are putting their advertisements where they hope that drinkers will see them. And if youths tend to follow local adult consumption behaviours, then the same relationship would turn up for drinking initiation or more general youth drinking even if the ads had no effect on youth drinking. I am not here arguing that there is no effect of advertising on total consumption: rather, the typical study in this area would find effects even if none existed. And so we have to be *really* careful to see how each study has addressed causality issues. Simply saying that studies have found an association is not enough where such an association would be found automatically where advertisers try to target ads to the most receptive audience.

Further, it is insufficient to point to effects of alcohol advertising on total consumption. After having seen an advertisement for a new alcoholic product, Taizi, a new Christchurch-distilled Chinese liquor, my wife bought me a bottle for our anniversary. We were made better off by the existence of advertising: she would not have known of the product's existence otherwise. Our total consumption of alcohol may have increased by some amount as consequence, but this hardly damns advertising. Similarly, advertising telling us which products are on special at different outlets makes us better off. In short, we need show a link between advertising and *harmful* consumption rather than between advertising and total consumption, and we need to show that that link is sufficiently strong to outweigh the benefits of advertising for non-harmful consumption. Saying that restrictions on advertising are good if they reduce total consumption begs the question: it says that all consumption is necessarily harmful and worth curtailing. This simply is not the case.

Finally, advertising and brand affiliation can be good for consumers. Sunstein (2000) discusses the expressive and affiliative benefits consumers enjoy. Ford and Holden each enjoy enthusiastic affiliative consumer bases who will wear branded merchandise and trade friendly jabs with those affiliating with the other brand. Sports teams similarly provide affiliative benefits. These benefits would be attenuated, to consumers' detriment, were Ford or Holden prohibited from or restricted against engaging in affiliative advertising. The case for banning car advertising would have to rest on demonstration of the effects of such advertising on dangerous driving rather simply than on car purchases, and that those effects were substantial enough to outweigh the harms that bans or restrictions would impose on other consumers.

The evidence I will cite below suggests the effect of advertising on harmful consumption is not strong enough to warrant further restrictions on alcohol advertising and sponsorship. Further, we may wish to weigh the negative consequences of advertising restrictions on competition, industry concentration, and the ability of new producers to enter the market. Finally, we may consider that restrictions on traditional forms of advertising may push advertising to other, less easily regulated, domains: passing a law banning alcohol sponsorship of a rock concert is easy (whether or not it does any good); passing a law banning singers from mentioning particular brands in their songs would be impossible, especially where much of our music comes from abroad. Parry et al's (2012) case for a total ban on alcohol advertising points to some of these likely necessary complements: bans on and scrutiny of merchandise, digital media, and foreign television signals. While I disagree strongly with their call for a total ban, Parry et al are correct that bans or restrictions push advertising and promotions into other areas.

Parry, C. et al. 2012. "A total ban on alcohol advertising: presenting the public health case." *South African Medical Journal* 102:7.

Sunstein, Cass. 2000. "Solidarity in Consumption." John M. Olin Law & Economics Working Paper No. 98. [http://papers.ssrn.com/paper.taf?abstract\\_id=224618](http://papers.ssrn.com/paper.taf?abstract_id=224618)

4. What evidence is available to support your view (please cite references if available, or provide supporting information). Please focus on evidence since 2010 if this is available.

Nelson (2010) examines whether alcohol advertising bans affected alcohol consumption in a panel of 17 OECD countries over the years 1975-2000. His modelling is careful: he begins by controlling for the underlying factors giving rise to country-level restrictions on alcohol advertising before estimating the effects of those restrictions controlling for the underlying factors that cause advertising restrictions and controlling for the overall stringency of alcohol regulation. He finds that bans on alcohol advertising have no effect on total alcohol consumption. It is rather important to correct, as he does, for the underlying factors that predict countries' adoption of advertising restrictions: Gallet and Andres (2011) demonstrate that countries with a greater proportion of youths, with greater life expectancy, with higher income, and with greater Muslim populations are more likely to adopt advertising restrictions. If countries that are generally healthier, as demonstrated by life expectancy, are more likely to adopt restrictions on alcohol advertising, correlations between health outcomes and advertising bans could easily be spurious. Nelson also notes that while, from the 1980s onward, most countries liberalised their restrictions on alcohol advertising the period since the 1980s has also seen reasonable declines in total alcohol consumption. Similarly, the period of liberalisation in New Zealand, from 1989 onwards, also corresponds with a period of substantial decline in per capita consumption.

Some evidence since 2010 has suggested that increased exposure to alcohol advertising is associated with increased risk of youth drinking.

Morgenstern et al (2011) finds that German students who were better able to recall the names of alcohol brands from popular advertisements had a higher risk of drinking and of binge drinking. However, they are unable to demonstrate a temporal effect: that is to say, they cannot demonstrate whether advertising recognition preceded drinking, or came subsequent to drinking. Consequently, they cannot tell us whether students most able to recall alcohol brands are 2.3 times as likely to engage in binge drinking as those least able to recall alcohol brands, or whether students who binge drink are 2.3 times as likely to remember alcohol brands. As they also measure exposure to non-alcohol advertising, it would have been interesting to see if, for example, students who take on more duties at home were better able to recall the detergent brand, whether students with mobile phones were better able to remember the T-Mobile brand, and whether students who go hiking were more able to recall the trekking-clothing ads.

Jones et al (2011) argue that youths who indicated having seen alcohol advertisements were more likely to initiate drinking and to have consumed alcohol in the past four weeks. However, their adjusted odds ratios frequently fail to achieve statistical significance. One significant effect was that having seen TV advertisements for alcohol halved the risk of having consumed alcohol in the past 12 months. But none of the odds ratios there reported should be taken particularly seriously: the substantial reduction in odds ratios after correcting for a very small number of covariates, coupled with the substantial decline in statistical significance after such correction, suggests that uncontrolled confounding could easily explain the remaining variation. Table 3 presents correlations between advertising and alcohol initiation across 32 different advertising / gender / age cohorts. They find three associations are significant at the 5% level: barely more than we would expect by sheer chance with so many separate regressions. Results in Tables 4 and 5 are rather similar: where adjusted odds ratios are significant, three show that alcohol advertising reduces the likelihood of regular or recent alcohol consumption, seven show an increased risk, and 42 show no significant relationship whatsoever. If anything, we should take this study as providing reasonable evidence of the *absence* of a relationship between having seen alcohol advertising and the initiation of alcohol consumption. Look past their discussion of their results to what they've actually *shown*: there is scant evidence on which to hang their conclusions.

Bryden et al (2012) conduct a meta-analysis on effects of alcohol advertising. They find little evidence of harmful effects of alcohol advertising. Importantly, those studies categorised as methodologically weak were more likely to find harmful effects of alcohol advertising. See discussion at 3.2.2, p. 355.

The recent literature here surveyed suggests that even the most stringent of alcohol advertising regulation, full bans, has no effect on consumption. Individual level exposure to advertising may have small effects on consumption, but those studies showing effects do not successfully disentangle brand recognition among drinkers from effects on drinking intentions among those exposed to branded advertising.

Bryden, A., B. Roberts et al. 2012. "A systematic review of the influence on alcohol use of community level availability and marketing of alcohol." *Health & Place* 18: 349-57.

Gallet, C. and A. Andres. 2011. "International evidence on the determinants of alcohol advertising restrictions." *Applied Economics Letters*. 18:14, 1359-1362.

Jones, S. and C. Magee. 2011. "Exposure to alcohol advertising and alcohol consumption among Australian adolescents." *Alcohol and Alcoholism* 46:5, 630-7.

Morgenstern, M. et al. 2011. "Exposure to alcohol advertising and teen drinking." *Preventative Medicine* 52: 146-151.

Nelson, Jon P. 2010. "Alcohol advertising bans, consumption and control policies in seventeen OECD countries, 1975-2000." *Applied Economics* 42:7, 803-23.

5. Do you think the available evidence is strong enough for changes to be made now? Explain your reasons.

Bans on advertising, in a free society, are only justifiable on solid evidence of substantial net harm reduction. The existing evidence shows only weak associations between exposure to advertising and consumption behaviours.

Nelson (2011) demonstrates substantial publication bias effects in findings of harmful effects of alcohol advertising, concluding "results are consistent with lack of genuine effects of marketing on adolescent drinking." It is always tempting simply to read the introduction and conclusion of papers asserting a strong need for restrictions on alcohol advertising. Nelson (2011) demonstrates not only publication bias in many of these articles, but also conclusions that are severe distortions of the evidence presented.

Jones and Magee's evidence from Australia, or, rather, their successful demonstration of no particular effect of advertising exposure on teen alcohol consumption, is telling. Where they provided no substantive evidence demonstrating harmful effects of alcohol advertising, they nevertheless concluded that "researchers and policy makers therefore need to develop ways to minimize young people's exposure to alcohol advertising in order to reduce its impact on their drinking attitudes and behaviours." And, Gordon (2011) cited the Jones and Magee paper as follows: "This evidence base continues to develop with an Australian cross-sectional study (Jones and Magee, 2011) that found an association between exposure to alcohol advertising and increased alcohol consumption." I note that, of the 120 statistical associations tested, 23 suggested significant effects of alcohol advertising, four of which suggested that alcohol advertising protected against alcohol use. The remaining tests showed no effect. I urge *strongly* that a competent Treasury econometrician be tasked with evaluating the reliability of any evidence presented favouring bans or restrictions on advertising. There are *substantial* problems in the papers purporting to demonstrate strong negative consequences of alcohol advertising.

Gordon, R. 2011. "Alcohol marketing and youth drinking: a rejoinder to the alcohol industry." *Alcohol and Alcoholism* 46:4, 369-70.

Nelson, Jon P. 2011. "Alcohol marketing, adolescent drinking and publication bias in longitudinal studies: A critical survey using meta-analysis." *Journal of Economic Surveys* 25: 191-232

6. Do you support further restrictions on **alcohol sponsorship** to reduce alcohol-related harm? **Yes or No.** [Tick box]

Yes

No

7. What reasons do you have for your view? Please include details.

Bans on alcohol industry sponsorship of sporting or other events need be based on strong evidence of net harms resulting from such sponsorship. If youths or other at-risk groups were substantially more likely to engage in harmful binge drinking instances because their favourite team or concert were sponsored by particular brands, and if those harms greatly outweighed the demonstrable benefits of sponsorship to the sponsored organisations and events, then we could have a reasonable case for restrictions or bans. That evidence, however, does not exist. While there is ample evidence of alcohol sponsorship of events and sports teams, evidence of consequent harms is lacking.

Further, it is plainly evident that attendees at sponsored events often greatly benefit from that sponsorship. The Rugby Sevens are typically taken as evidence of the awful consequences of alcohol sponsorship of sporting events. And while it's true that the Sevens are typically associated with alcohol consumption, that hardly makes the case for a ban. Survey data from the HPA (2013) demonstrates not only broad awareness of alcohol sponsorship of the Sevens, but that alcohol's presence at the Sevens is a critical part of the fan experience. 82% of attendees surveyed at the Sevens agreed or strongly agreed that drinking alcohol made the event more entertaining; 93% agreed or strongly agreed that they attend the Sevens because of the atmosphere; 77% agreed or strongly agreed that "drinking alcohol at this event is 'just what you do'". Fans attending the Sevens really seem strongly to enjoy the particular atmosphere present at the Sevens. It's also worth noting that that same survey demonstrated that alcoholic sponsor messaging was less prominent there than at other surveyed events, like the Heineken Open or the International T20, where alcohol sponsor messaging was more prominent but where the event's culture was rather more sober.

It is particularly worrying that the Law Commission's report called ultimately for a ban on alcohol sponsorship (19.182), but provided only one piece of evidence suggestive of potential harms from sponsorship: that survey respondents who received free or discounted alcohol as part of their team's sponsorship arrangement felt they should drink their sponsor's product (19.27). On the basis of that evidence, they wished to ban all alcohol industry sponsorship of events and sports teams. Presumably they found the harms self-evident.

HPA. 2013. "The culture of alcohol promotion and consumption at major sports events in New Zealand." Available at <http://www.hpa.org.nz/research-library/research-publications/the-culture-of-alcohol-promotion-and-consumption-at-major-sports-events-in-new-zealand>

8. What evidence is available to support your view (please cite references if available, or provide supporting information). Please focus on evidence since 2010 if this is available.

The Law Commission provided absolutely no evidence sufficient to justify bans or restrictions on alcohol sponsorship of events and sports clubs in its review. Since then, the HPA (2013) has provided evidence that the sporting event most associated with drinking, the Rugby Sevens, has the least visible presence of alcohol branding in its TV broadcasts and that the T20 and ODI, despite alcohol sponsorship, are not generally associated with drinking.

A search of the recent literature provides the following recent work:

O'Brien et al (2011) show that sportspeople receiving alcohol sponsorship had higher AUDIT scores than those not receiving alcohol sponsorship. Athletes sponsored only by alcohol companies scored 1.67 points higher than sportspeople who were sponsored either by non-alcohol companies, or by both alcohol and non-alcohol companies. However, the mean AUDIT score was 10.3 with a standard deviation of 6.8: while the increase may have been statistically significant, the effect was not large. Further, if athletes who particularly like alcohol are more likely to seek out or to accept funding from alcohol companies, we could equally expect that causality could run in the opposite direction.

O'Brien et al (2012) show that Australian university sportspeople sponsored by alcohol were no more likely than other athletes to have displayed aggression, damaged property, or to have made unwanted sexual advances than were other non-sponsored athletes. They were, however, more likely to be the *victims* of aggression and of property damage; no particular mechanism is suggested to explain the results.

Cody and Jackson (2014) survey the recent literature. They report on work by the Foundation for Advertising Research (2006) providing "little evidence that alcohol promotion contributed directly to alcohol consumption", and a consultancy report undertaken for SPARC demonstrating substantial concern among sports clubs about potential bans on sponsorship. While they argue that alcohol industry sponsorship of sport helps to 'normalise' alcohol, they provide no evidence of harms.

In addition to the above, many sources describe the number of organisations sponsored by food or alcohol companies, describing such associations as "unhealthy", but provide no evidence as to harms. These papers generally take as given that such associations are harmful, either for culture, or 'normalisation', or by providing anecdotes about harms imposed by drunken athletes, but do not provide any evidence linking sponsorship to demonstrable, measurable harms. See, for example, Jones (2010), Gee et al (2014), Gee (2013).

Cody, K. and S. Jackson. 2014. "The contested terrain of alcohol sponsorship of sport in New Zealand." *International Review for the Sociology of Sport* Online First (prepublication) access at <http://irs.sagepub.com/content/early/2014/03/17/1012690214526399>.

Gee, S. 2013. "The culture of alcohol sponsorship during the 2011 Rugby World Cup: An (auto)ethnographic and (con)textual analysis." *Sport in Society* 16:7, 912-30.

Gee, S., S. Jackson et al. 2014. "Carnavalesque culture and alcohol promotion and consumption at an annual international sports event in New Zealand." *International Review for the Sociology of Sport*, Online First (prepublication) access at <http://irs.sagepub.com/content/early/2014/02/19/1012690214522461.full.pdf+html>

Jones, S. 2010. "When does alcohol sponsorship of sport become sports sponsorship of alcohol? A case study of developments in sport in Australia." *International Journal of Sports Marketing & Sponsorship* 11:3, 250-61.

O'Brien, K., P. Miller, et al. 2011. "Alcohol industry and non-alcohol industry sponsorship of sportspeople and drinking." *Alcohol and Alcoholism* 46:2, 210-13.

O'Brien, K., D. Lynott et al. 2012. "Alcohol industry sponsorship and alcohol-related harms in Australian university sportspeople/athletes." *Drug and Alcohol Review* 32:3, 241-47.

9. Do you think the available evidence is strong enough for changes to be made now? Explain your reasons.

Absolutely not. The harms of alcohol sponsorship are hardly self-evident; they need to be demonstrated. They have not been so-demonstrated. It seems reasonable to conclude that athletes and sportspeople sponsored by alcohol companies have higher AUDIT scores than non-sponsored athletes, but whether this is caused by sponsorship or whether athletes who prefer alcohol seek out alcohol sponsorship is undetermined; either way, the effect is small.

It would hardly be impossible to test whether sponsorship of local sports teams has negative effects. Assemble a panel of towns with sports teams, look at the dates of alcohol sponsorship of the teams, and see whether sponsorship is associated with differences in alcohol-related harms in those communities. This would work if at least some teams change sponsors over time.

*Types of possible restrictions (if supported)*

10. If further restrictions to **alcohol advertising** are necessary, what do you think should be done?

No further restrictions to alcohol advertising are justifiable on current evidence.

However, if the government is determined to impose such restrictions, it could at least design them in such a way as to allow for programme evaluation. If you decide to ban billboards, set up a rolling phase-in design across a set of towns to assess whether the ban has had any effect; if it has not, then remove the ban. If you decide to ban alcohol advertising in print, use a similar rolling phase-in design to allow for evaluation.

I would note the difficulty of establishing such a design for television, but as Jones and Magee (2012) demonstrated that TV alcohol advertising is an effective harm-reduction strategy, such restrictions would be particularly contraindicated.

11. How would these proposed restrictions work in practice to reduce alcohol-related harm (e.g. crime, disorder, negative public health outcomes)?

I do not propose new restrictions. But I plead that if you do go and impose some new restrictions, that you take respondents' answers to this question very seriously. Make sure it is measurable. Design any roll-out to allow for evaluation against the objectives here specified. And remove the restrictions if they prove either to be ineffective, or if they do not do sufficient good to pass a reasonable cost-benefit assessment.

12. What evidence is available that your proposal(s) would work?

I propose only that, if you proceed with any interventions, you design them so that their effectiveness can be evaluated.

13. What other interventions could potentially be tried in future?

One intervention I would actually like to see would be targeted advertising campaigns highlighting how little most people actually do drink. Moreira et al (2009)'s Cochrane review finds that social norms affect consumption among youths. Where university students believe most of their classmates drink more than is actually the case, they drink more than they otherwise would. Simply pointing out the real statistics about typical consumption patterns anchors expectations of normality. We have had so very much press coverage that works to convince teenagers that kids are getting drunk all the time, and so very little press coverage of the substantial declines in overall drinking, in youth drinking, and in binge drinking, that I really really fear that we have done harm by encouraging teenagers to believe that binge and harmful drinking is more common than it actually is.

Moreira, M et al. 2009. "Social norms interventions to reduce alcohol misuse in university or college students." *Cochrane Database of Systemic Reviews* 3: Article Number CD006748.

14. Why should these other interventions be considered?

The intervention I suggest above is backed by the Cochrane review as probably being effective, and it is relatively inexpensive to administer. Again, I would recommend that you use a phased roll-out design in order to assess whether the programme has actually been effective (and cost-effective), and to abandon it if it is not.

15. If further restrictions to **alcohol sponsorship** are necessary, what do you think should be done?

I here repeat what I said about advertising: there simply is insufficient evidential basis for restrictions on alcohol sponsorship. But, if you are determined to do it regardless of the existing evidence, at least implement it in such a way as to allow for programme evaluation: a phased roll-out that lets you check whether it's had any beneficial effect on local communities' drinking habits or any pernicious effects on local sports teams' ability to maintain themselves. Then, rescind the intervention if it proves not to be cost-effective.

16. How would these proposed restrictions work in practice to reduce alcohol-related harm (e.g. crime, disorder, negative public health outcomes)?

I do not propose any new restrictions, but reiterate my pleading from Question 12.

17. What evidence is available that your proposal(s) would work?

18. What other interventions could potentially be tried in future?

19. Why should these other interventions be considered?



*Impacts of proposals*

20. Who would be affected by your proposals to restrict **alcohol advertising** and how?



21. How might these proposals impact on:
- alcohol consumption, particularly among young drinkers and heavy drinkers;
  - the perception of alcohol as an everyday commodity, particularly among children and young people;
  - alcohol-related harm;
  - businesses, such as the alcohol and advertising industries;
  - the recipients of alcohol sponsorship funds; and
  - different populations – e.g. youth, children, Māori, Pasifika, lower socio-economic populations.

I propose no new restrictions. But I emphasise that, if you do go ahead with them, you design them to allow for evaluation of all of these kinds of effects in order to assess cost-effectiveness, where cost includes costs imposed on consumers from reduced affiliative benefits, from reduced product information, from reduced competition across brands, and from reduced ability for new producers to bring their products to the market's attention.

22. Who would be affected by your proposals to restrict **alcohol sponsorship** and how?

23. How might these proposals impact on:
- alcohol consumption, particularly among young drinkers and heavy drinkers;
  - the perception of alcohol as an everyday commodity, particularly among children and young people;
  - alcohol-related harm;
  - businesses, such as the alcohol and advertising industries;
  - the recipients of alcohol sponsorship funds; and
  - different populations – e.g. youth, children, Māori, Pasifika, lower socio-economic populations.

<p>I propose no new restrictions. But I reimphasise that, if you do go ahead with them, you design them to allow for evaluation of all of these kinds of effects in order to assess cost-effectiveness, where cost includes costs imposed on recipients of sponsorship funds.</p>	
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*Ongoing and new challenges*

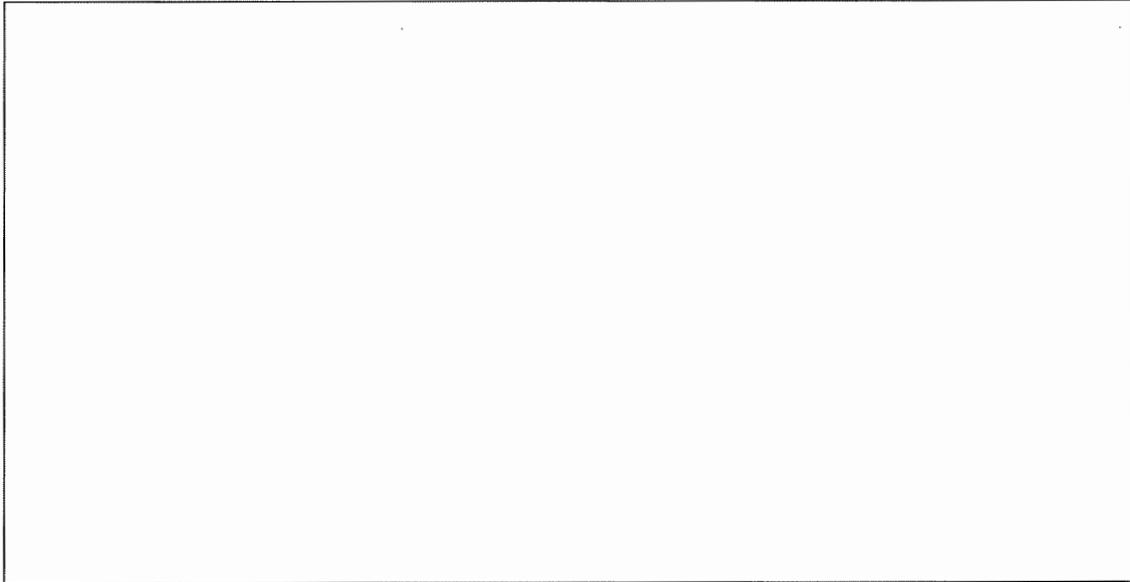
24. What ongoing and emerging challenges does the Forum need to take into account when considering whether further restrictions on **alcohol advertising** are necessary to reduce alcohol-related harm?

<p>I expect that increased restrictions on alcohol sponsorship and advertising will push advertising and sponsorship to other margins. You can feasibly ban pre-movie commercials for Heinekein at the theatre, but unless you're willing to head in rather more draconian directions, I don't think you're going to be able to ban Heinekein from sponsoring James Bond within the movie. Or, at least, even if you ban Kiwis from seeing it at theatre because there's alcohol in the movie, you're not going to be able to stop people from downloading it. I expect a fair bit of advertising is likely to head in this direction anyway, as consumers and viewers get better at avoiding ads. Restrictions you choose to place on existing ads will hasten this. And, plausibly, will do even more to normalise alcohol use where more TV and movie characters become branded alcohol advertisements.</p> <p>Similarly, social media, and in particular user-driven drinking apps, are growing. Untapped is a great social media app for beer lovers, letting them share drinking notes with other drinkers. As far as I can tell, it has nothing to do with the alcohol industry. Similarly, CocktailFlow helps cocktail enthusiasts mix drinks and tells them which spirits should be added to their liquor cabinet to maximise the number of different kinds of cocktails they can make. I have both of these on my phone and enjoy them. I expect far more alcohol promotion will be moving toward this kind of user-based system, perhaps with industry support, perhaps not. But where industry is banned from or severely restricted against advertising using traditional mechanisms, I expect things will shift in rather less easily regulated directions.</p> <p>Be careful of unintended consequences.</p>
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25. What action, if any, could be taken to address these matters?

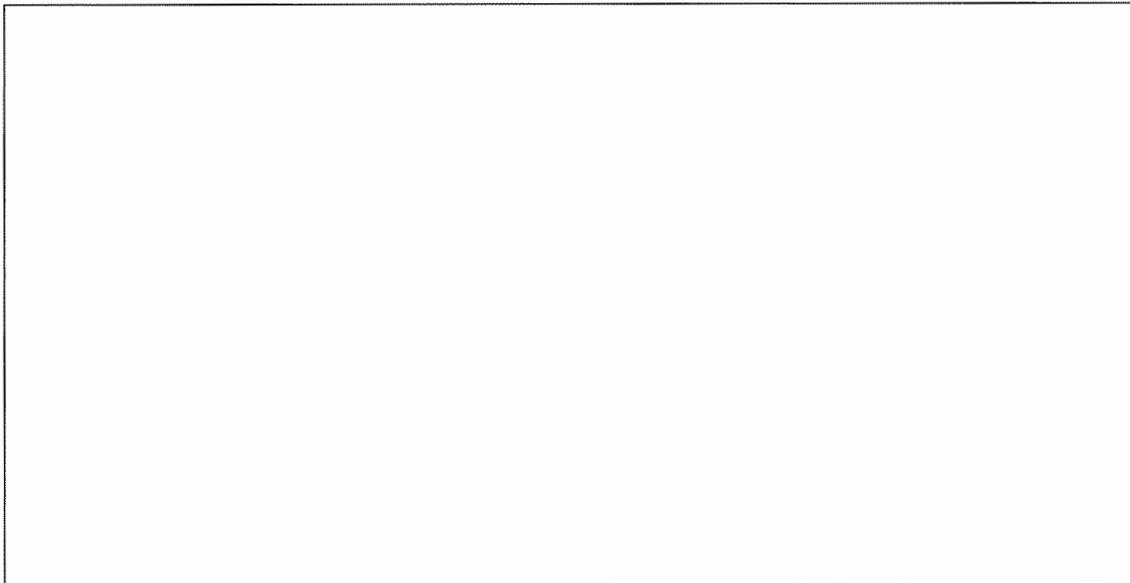
26. What ongoing and emerging challenges does the Forum need to take into account when considering whether further restrictions on **alcohol sponsorship** (e.g. of sporting, cultural and other events) are necessary to reduce alcohol-related harm?

27. What action, if any, could be taken to address these matters?



*Other comments*

28. Do you have any other comments?



## Submission to the Ministerial Forum on Alcohol Advertising and Sponsorship

28 April 2014

Mr Graham Lowe ONZM, QSM  
Chair  
Ministerial Forum on Alcohol Advertising and Sponsorship  
[alcoholadvertisingforum@moh.govt.nz](mailto:alcoholadvertisingforum@moh.govt.nz)

Thank you for the opportunity to provide comment on the Alcohol Advertising and Sponsorship review.

I am a member of the West Coast community and am aware of the role of alcohol in many aspects of life on the Coast, particularly in sport and community events. I am also aware that alcohol is a causal factor in a number of harms experienced by many on the West Coast. This range from domestic violence, assaults and other crime, drink driving and the social and financial cost of accidents as well as increased cancer rates and other alcohol-related illnesses.

I have elected not to complete the submission form provided, rather I make the following comments and recommendations for your consideration.

Alcohol is not an ordinary commodity and as such its promotion and marketing should be restricted.

The evidence gathered by 2010 concluded that **exposure of young people to alcohol marketing speeds up the onset of drinking and increases the amount consumed by those already drinking.**

In 2010 following its review of our alcohol laws the New Zealand Law Commission concluded *that having considered the recent research linking the advertising of alcohol and increased alcohol consumption by young people, and having heard the views of submitters and consultees greater controls are needed on advertising, sponsorship and other promotion of alcohol. These controls are in terms of the content of advertising, the levels of exposure to advertising and sponsorship messages, and inappropriate sales promotions. There is a strong argument that a self-regulatory body for alcohol advertising is inappropriate.*

I note that 2,281 out of 2,939 submissions to the Law Commission commented on the range of policy options presented on alcohol advertising and marketing. Of the 2,281 submissions **86% supported banning or restricting all advertising of all alcohol in all media.**

It has now been four years since the Law Commission's recommendations were made. In this time New Zealanders young and old have been continuously exposed to the harmful effects of alcohol advertising and sponsorship. This is no time for further review; rather it is time to act.

I **recommend** that the Review Forum support the immediate implementation of Stage 2 and 3 of the Law Commission recommendations on alcohol advertising and sponsorship as set out in their report ***Alcohol in Our Lives – Curbing the Harm 2010***.<sup>1</sup> These being:

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<sup>1</sup> Law Commission (2010). *Alcohol in our lives: Curbing the harm. A report on the review of the regulatory framework for the sale and supply of liquor*. Report 114. Wellington: New Zealand.

**Stage 2:** An interdepartmental committee to consider adopting legislated measures designed to reduce exposure, particularly to young people.

**Stage 3:** This stage would implement restrictions including:

- Messages and images may refer only to the qualities of products, such as origin, composition, means of production and patterns of consumption;
- The banning of images of drinkers or the depiction of a drinking atmosphere;
- Only allowing advertising in press with a majority readership over 20 years of age;
- No alcohol-related sponsorship of any cultural or sports events or activities.

I understand that this means a ban on all forms of alcohol advertising and sponsorship in all media, other than objective product information.

I recommend that any permitted alcohol advertising is accompanied by health advisory messages developed by public health experts.

At the recent Global Alcohol Policy Conference in Seoul Korea, internationally renowned alcohol policy researcher Professor Thomas Babor told delegates that self-regulation of advertising by those with a vested interest has shown to be *“spectacularly ineffective”*.

I agree. It serves no purpose but to maintain the unacceptable status quo and delay effective measures to curb the harm alcohol-advertising is shown to contribute to.

I recommend that the Review Forum ensure that self-regulation of alcohol advertising and sponsorship in New Zealand is ended immediately.

I consider that there are practical ways in which much of the existing alcohol advertising and sponsorship activities could be limited.

These include:

- The establishment of an independent body to take over the management and regulation of alcohol advertising and sponsorship, and ending self-regulation.
- Setting out what alcohol advertising is allowed (i.e. objective product information only), and ban all other advertising. This would apply to ALL broadcast, bill-board and outdoor advertising, all print media, and all website and social media content that is generated by New Zealand based companies/individuals.
- New Zealand companies/individuals are prohibited for promoting or contributing to any overseas based promotions in New Zealand.
- A fund is established from alcohol excise tax to support alternative funding options to replace alcohol sponsorship, and this is phased out over the next 1-2 years.

## **Conclusion**

I believe that this matter has been discussed and reviewed enough. The evidence available is strong enough to warrant immediate action, and there is strong public support for reducing the exposure of all New Zealanders to alcohol advertising in all of its forms.

I urge the forum to recommend an action plan which will implement the Law Commission's recommendations as put forward in their report in 2010. In particular our children and young people need to be protected from the negative impacts that alcohol advertising and sponsorship have on their lives. Your role must be one of creating an environment that promotes healthy choices, and not one where choices are influenced by the needs of the alcohol industry.

*Signed*

Name:

Address:

Email:

Contact phone number:

Note: This submission may be requested under the Official Information Act 1982. If this happens, it will normally be released to the person who requested it. However, your personal details will be removed from the submission if you check/tick the following boxes:

- I do not give permission for my personal details to be released under the Official Information Act 1982.
- I do not give permission for my name to be listed in the published summary of submissions.

## Submission to the Ministerial Forum on Alcohol Advertising and Sponsorship

Name:	
If this submission is made on behalf of an organisation, please name that organisation here:	N/A
Address/email:	
Please provide a brief description of your organisation (if applicable):	N/A

There are two ways you can make a submission.

- Post to:  
 Nick Goodwin, Secretariat for Ministerial Forum on Alcohol Advertising & Sponsorship  
 Ministry of Health  
 PO Box 5013  
 Wellington 6145
- Electronically complete the submission form and email to:  
[alcoholadvertisingforum@moh.govt.nz](mailto:alcoholadvertisingforum@moh.govt.nz)
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## Submission

### Introduction:

I strongly support greater restrictions on alcohol promotion/advertising and sponsorship to delay the age at which young people start to drink, to help de-normalise alcohol, and to reduce harmful drinking.

Alcohol sponsorship of sports, music festivals and other cultural events normalise alcohol to young people and must end. We have done this in New Zealand for tobacco, and in Australia the government has recently completed a 'buy-out' (replacement) of alcohol sponsorship in community sports clubs.

### Recommendations:

1. The Government should fully implement the recommendations on advertising and sponsorship made by the New Zealand Law Commission in *Alcohol In Our Lives* (Chapter 19) to ensure:
  - no alcohol-related sponsorship of any cultural or sports events or activities
  - no alcohol advertising or alcohol sponsorship in any media (television, radio, internet and so on), other than advertising as prescribed in the Law Commission recommendations.
2. These changes should be enforced by law through amendments to the Sale and Supply of Alcohol Act, 2012.
3. The new law should restrict future forms of alcohol promotion by default, with penalties that will effectively discourage promoters from breaking the law.



# Making a submission

Submissions close on **Monday 28 April 2014 at 5pm.**

- If you would like further information during the submission period please email [alcoholadvertisingforum@moh.govt.nz](mailto:alcoholadvertisingforum@moh.govt.nz) and put 'Forum information' in the subject line.

Please detach and return.

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# Questions to guide your submission

1. Did you/your group/your organisation make a submission on the 2010 Law Commission report *Alcohol in our Lives: Curbing the Harm* and/or to the Justice and Electoral select committee, on alcohol advertising and sponsorship issues? **Yes or No.** If yes, please specify whether you submitted to the Law Commission and/or Select Committee.

Yes I was part of a group that submitted in Dunedin and also wrote submissions on my own account. I have decided not to go into the scientific studies in the submission as I know that there are far better "experts" than me who will do that. I will attach a tool kit developed by Alcohol Health watch which will cover all of that which you ask for here.

Rather, I would like to do this as a parent and a concerned New Zealander, and although I worked as an alcohol health promoter (around the underage drinking cultures that were prevalent in the under 16 rugby teams) I got completely disillusioned as the big ticket items that would make a difference to the heavy drinking culture have been studiously ignored by this Government.

2. Do you support further restrictions on **alcohol advertising** (over and above the measures currently undertaken) to reduce alcohol-related harm? **Yes or No.** [Tick box]

yes

3. What reasons do you have for your view? Please include details.

It bemuses me to think that you write "further restrictions" in the above paragraph. As a community member it seems that there is little or no regulation at present.

In this weekends Christchurch Press magazine there was a whole article about wines for under \$10 in the guise of a news article. Most had a recommended price higher than \$10 but the article even suggested which supermarkets had them at reduced rates.....how convenient! (but the Government won't do anything about price!)

When I use social media sites as a 50 + year old, I get hit with adverts for alcohol....my 20 year old daughters get far more, and as sports people are encouraged to sign up for reminders and information from the bar that sponsors their netball teams.....come on!

4. What evidence is available to support your view (please cite references if available, or provide supporting information). Please focus on evidence since 2010 if this is available.

I support the recommendations made by the Law commission 4 years ago, and the sooner that we bring into force the three steps outlined by the commission the better. Given the amount of support at that time it is scandalous to think we have had to wait 3 years before they even brought forward an “expert panel”.

**Key Recommendations**

**☒ That all alcohol advertising, other than that communicating objective product information, be restricted in all media in New Zealand, including alcohol promotion on social networking sites.** These restrictions could be based on the French law known as Loi Evin.

**☒ That all permitted alcohol advertising be accompanied by health advisory statements.**

**☒ That alcohol sponsorship of sporting and cultural events is phased out as soon as possible.** We need to create a media and cultural environment for children in New Zealand that is alcohol-free.

**☒ That a portion of the government alcohol excise tax be ring-fenced to provide alternative sponsorship for sport and cultural activities.**

**☒ That industry self-regulation of alcohol marketing ends and an independent body is established to manage this process and monitor and enforce restrictions and.** Allowing the alcohol and advertising industries to draw up their own codes of conduct for business practices from which they profit financially is a clear conflict of interest. Regulation should be independent of alcohol and advertising industries to ensure its integrity and effectiveness.

5. Do you think the available evidence is strong enough for changes to be made now? Explain your reasons.

It was then and still is.

6. Do you support further restrictions on **alcohol sponsorship** to reduce alcohol-related harm? **Yes or No.** [Tick box]

Yes

What reasons do you have for your view? Please include details.

As a sports person and a parent with children who play representative sport...something has to change. For all the reasons in the toolkit, but especially for the parents and friends of young people killed and harmed because of the huge influence that alcohol has in "the team"

Two years ago... friends of my younger daughter...killed....19 years old coming away from a rugby practise...way over the drink driving limit (which happily has been lowered but won't make much difference to young men who still glorify the drinking culture that goes with rugby due in part to the sponsorship and pressure on them to "support the sponsors!"

7. What evidence is available to support your view (please cite references if available, or provide supporting information). Please focus on evidence since 2010 if this is available.

Refer to the tool kit

8. Do you think the available evidence is strong enough for changes to be made now? Explain your reasons.

Yes, I grew up in the times of coaching clinics sponsored by Rothmans.....we need to recognise the strategies that the alcohol and tobacco companies use are very similar, and do similar restrictions for alcohol as we did for tobacco

*Types of possible restrictions (if supported)*

9. If further restrictions to **alcohol advertising** are necessary, what do you think should be done?

Please refer to the tool kit...and other submissions that cover the best international evidence.

10. How would these proposed restrictions work in practice to reduce alcohol-related harm (e.g. crime, disorder, negative public health outcomes)?

It would be a start in bringing in some restrictions that could eventually affect the number of heavy drinkers we have in the community. It won't be enough....as the Law commission said there needs to be change in the price, age, availability and promotion....at least we could start with promotion/advertising

11. What evidence is available that your proposal(s) would work?

See international best evidence "Alcohol no ordinary Commodity "  
NZ's own Law Commission report "curbing the harm"  
The tool kit supplied.

12. What other interventions could potentially be tried in future?

Raising the price  
Raising the age  
Restricting availability...letting communities actually have a say instead of lawyers from International Supermarkets.  
Having knowledgeable and reputable members as Independent Experts on Government panels

13. Why should these other interventions be considered?

We would have a much better chance of curbing the harm done in our families and communities around alcohol related harm....

14. If further restrictions to **alcohol sponsorship** are necessary, what do you think should be done?

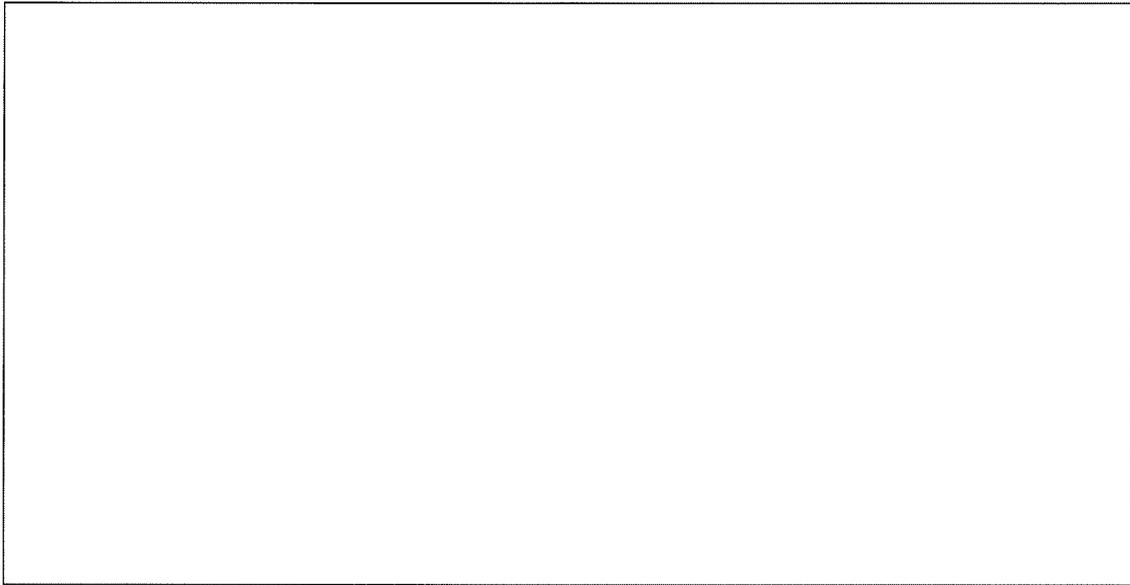
See the tool kit and other submissions, but it does make sense to have something similar to "smokefree" so that sports can access some other funding to allow children/people to participate and be active.

Interesting that the Richmond Rovers Rugby League are going alcohol free....wouldn't it be great if they had some support in the first instance to do so.

15. How would these proposed restrictions work in practice to reduce alcohol-related harm (e.g. crime, disorder, negative public health outcomes)?

ditto

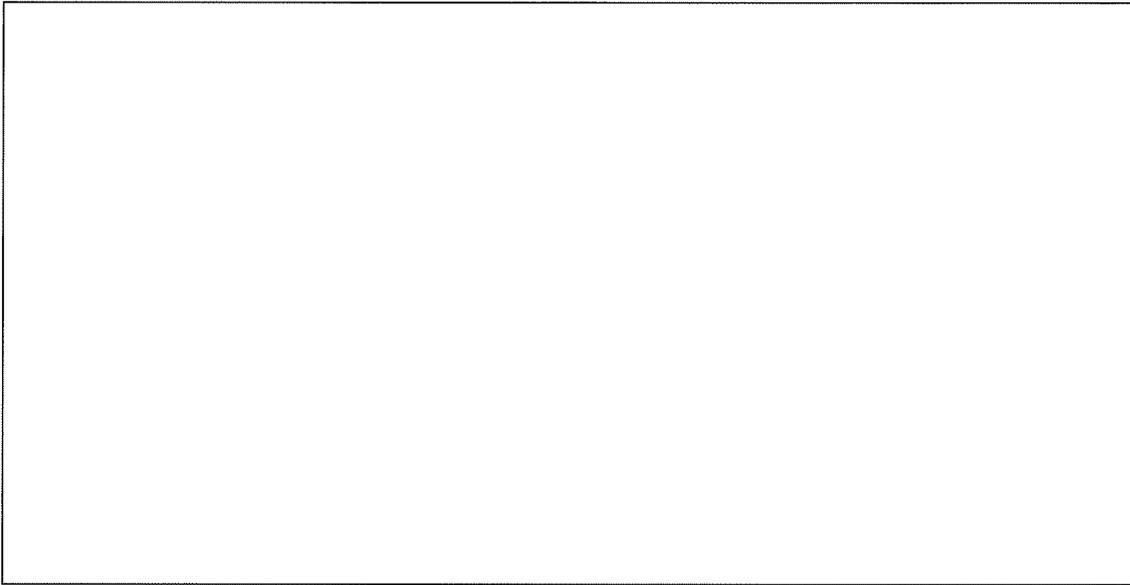
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17. What other interventions could potentially be tried in future?

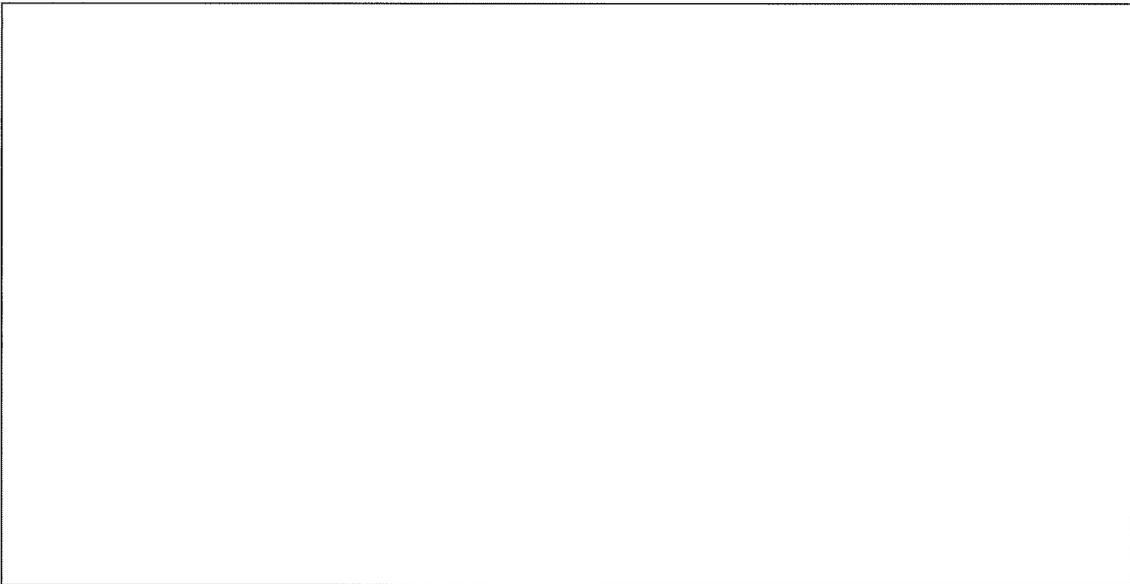


18. Why should these other interventions be considered?



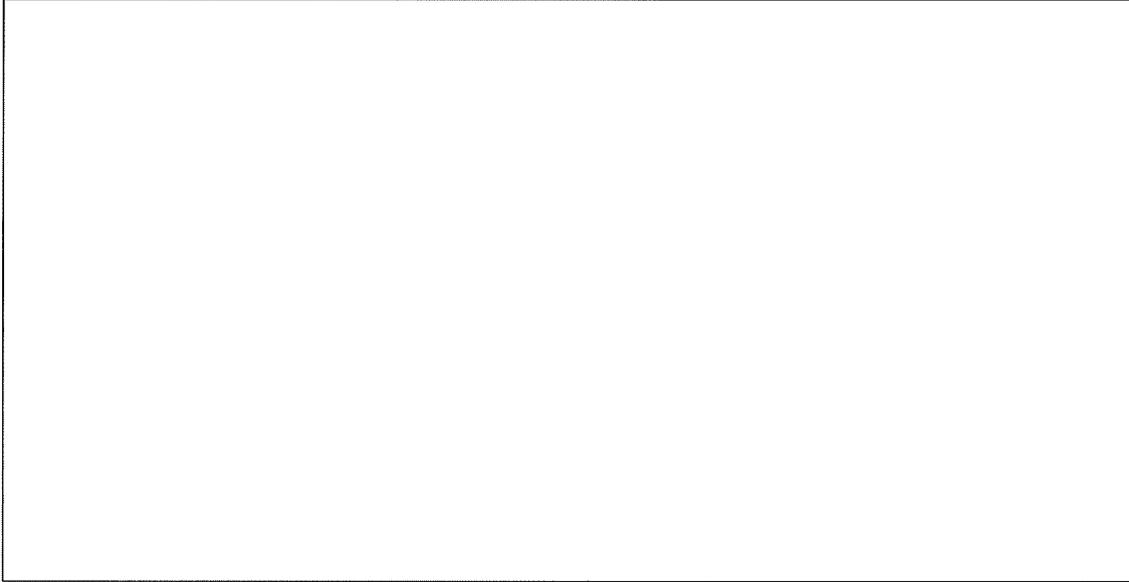
*Impacts of proposals*

19. Who would be affected by your proposals to restrict **alcohol advertising** and how?

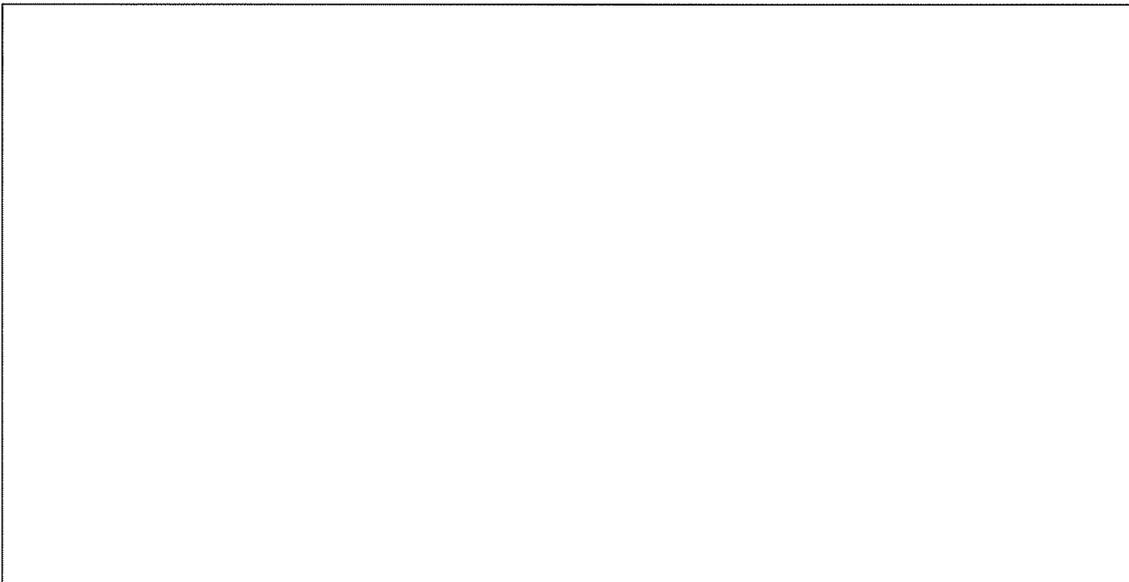


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21. Who would be affected by your proposals to restrict **alcohol sponsorship** and how?



22. How might these proposals impact on:

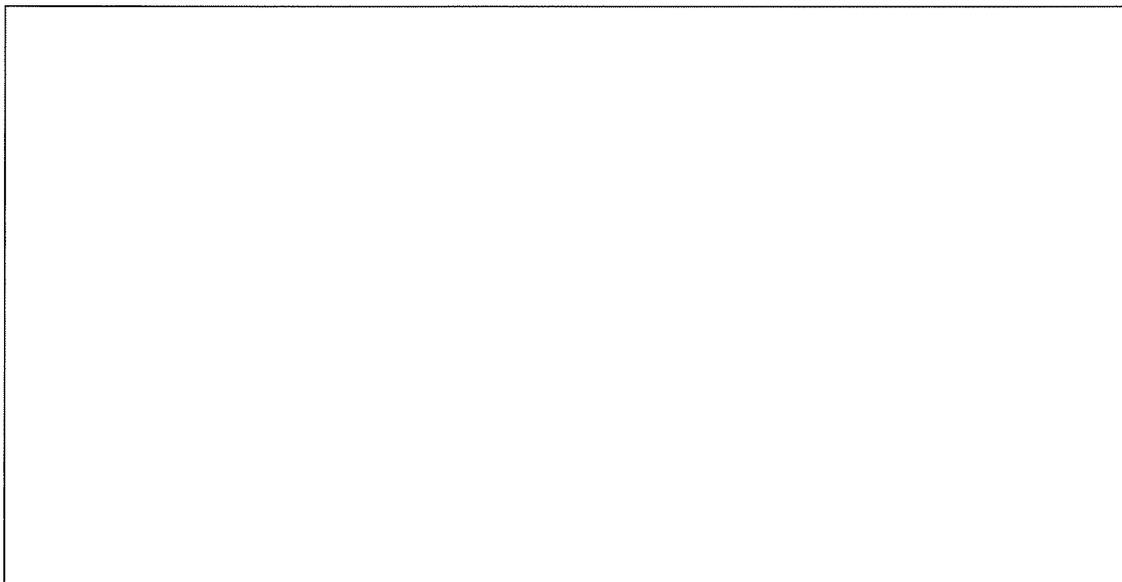
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- businesses, such as the alcohol and advertising industries;
- the recipients of alcohol sponsorship funds; and
- different populations – e.g. youth, children, Māori, Pasifika, lower socio-economic populations.

*Ongoing and new challenges*

23. What ongoing and emerging challenges does the Forum need to take into account when considering whether further restrictions on **alcohol advertising** are necessary to reduce alcohol-related harm?

The nature of social media sites and the international nature of advertising (and the alcohol industry)

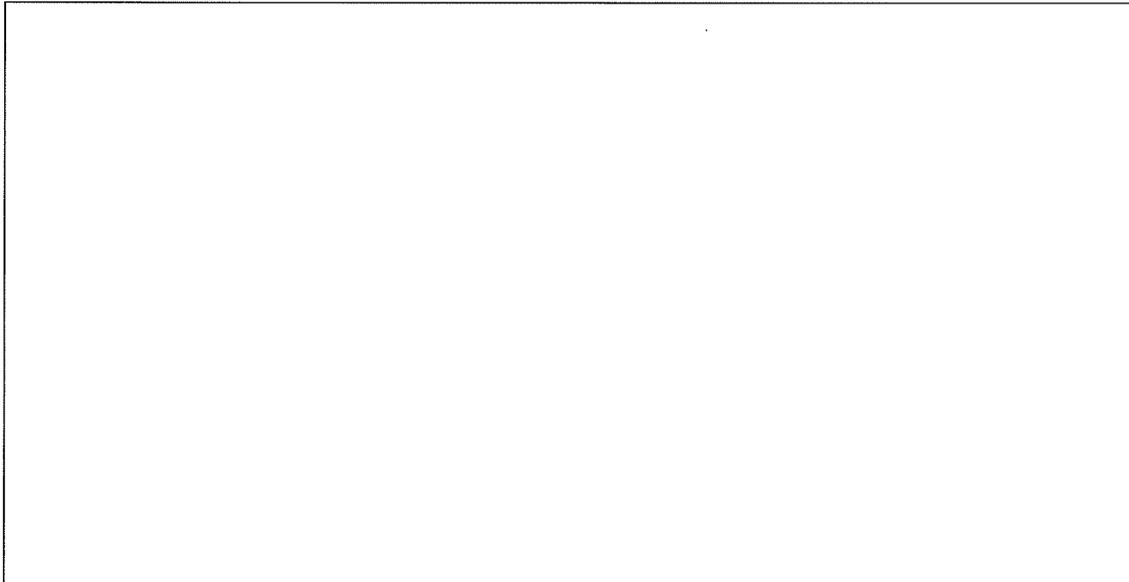
24. What action, if any, could be taken to address these matters?



25. What ongoing and emerging challenges does the Forum need to take into account when considering whether further restrictions on **alcohol sponsorship** (e.g. of sporting, cultural and other events) are necessary to reduce alcohol-related harm?

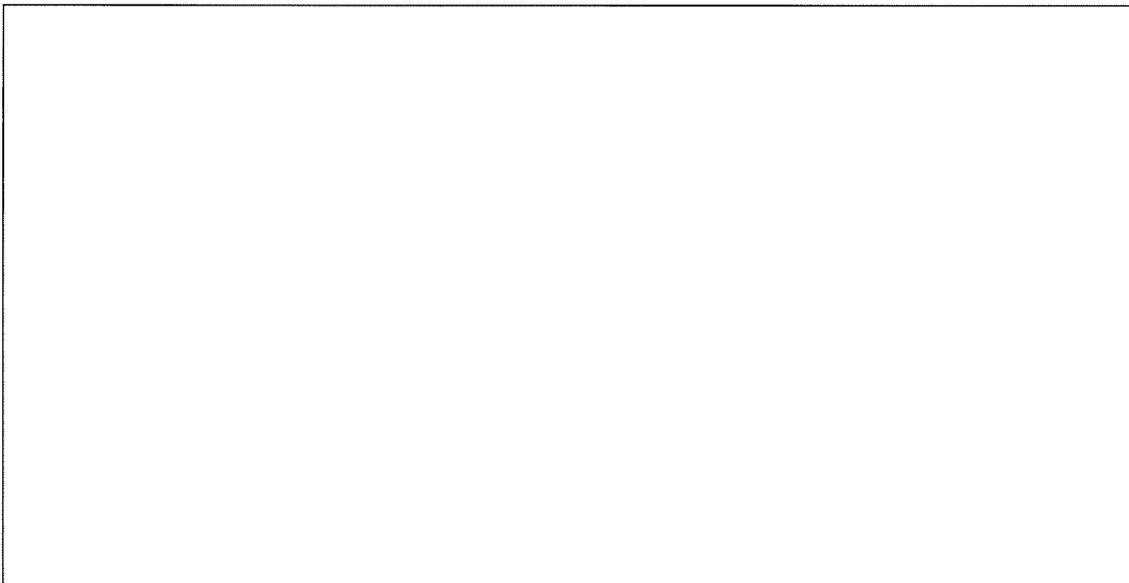


26. What action, if any, could be taken to address these matters?



*Other comments*

27. Do you have any other comments?



# Making a submission

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 Wellington 6145
- Electronically complete the submission form available at the back of this document, add your comments and email to:  
[alcoholadvertisingforum@moh.govt.nz](mailto:alcoholadvertisingforum@moh.govt.nz)
- Please put 'Forum Submission' in the subject line.

Your submission may be requested under the Official Information Act 1982. If this happens, it will normally be released to the person who requested it. However, if you are submitting as an individual (rather than representing an organisation), your personal details will be removed from the submission if you check the following boxes:

- I do not give permission for my personal details to be released under the Official Information Act 1982.
- I do not give permission for my name to be listed in the published summary of submissions.

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# Questions to guide your submission

1. Did you/your group/your organisation make a submission on the 2010 Law Commission report *Alcohol in our Lives: Curbing the Harm* and/or to the Justice and Electoral select committee, on alcohol advertising and sponsorship issues? **Yes or No.** If yes, please specify whether you submitted to the Law Commission and/or Select Committee.

NO

2. Do you support further restrictions on **alcohol advertising** (over and above the measures currently undertaken) to reduce alcohol-related harm? **Yes or No.** [Tick box]

Yes

No

3. What reasons do you have for your view? Please include details.

I work in Education and see the adverse effects of our binge drinking culture. I understand from my university training the effect of alcohol on the developing foetal brain and the still developing brains of young adults.

4. What evidence is available to support your view (please cite references if available, or provide supporting information). Please focus on evidence since 2010 if this is available.

A simple on line research search will provide a plethora of psychological, sociological and medical research to back up the fact that a binge drinking culture (which alcohol advertising helps fuel) can lead to teen pregnancy, violence, abuse, road fatalities, domestic violence. This is not news but the government chooses to ignore it in order to reap profits from the Alcohol Industry-blood money?

5. Do you think the available evidence is strong enough for changes to be made now? Explain your reasons.

YES. As before this is not news it is just ignored because of the tax take.

6. Do you support further restrictions on **alcohol sponsorship** to reduce alcohol-related harm? **Yes or No.** [Tick box]

Yes

No

7. What reasons do you have for your view? Please include details.

In New Zealand the age limit for buying alcohol is low at 18. 18 year olds are great media and advertising imbibers and influenced by their peer group who follow the status quo. There are psychological studies which show that when the rest of the group are pretending to be comfortable with something they dislike then no-one likes to question the norm. So the cycle of binge drinking continues. Advertising aids and abets this.

8. What evidence is available to support your view (please cite references if available, or provide supporting information). Please focus on evidence since 2010 if this is available.

As before. It is well documented in peer reviewed research both before and after 2010 and in our social statistics, including road toll statistics.

9. Do you think the available evidence is strong enough for changes to be made now? Explain your reasons.

Yes. If change is not made now then another generation of young New Zealanders will believe drinking alcohol to access is a rite of passage with all the inherent social evils and costs that entails.

*Types of possible restrictions (if supported)*

10. If further restrictions to **alcohol advertising** are necessary, what do you think should be done?

Ban advertising of ready mixes which get kids hooked on spirits. For every advertising dollar spent an equal proportion of money should be donated to those organisations which pick up the pieces. This would affect the spend of advertising companies. Taxes from alcohol should be used exclusively for a public campaign to turn our binge culture around. (A and E doctors talk about the wasted time and resources spent on accidents caused by drunkenness; students talk about their experiences getting lost, beaten up and hurt while drunk and etc). Maybe the government would be more authentic about this if the taxes from the alcohol industry had to be used exclusively for this instead of it being used as a cash cow for other government uses.

11. How would these proposed restrictions work in practice to reduce alcohol-related harm (e.g. crime, disorder, negative public health outcomes)?

This problem is generational. There has to be a long term approach to this societal problem. Cutting advertising is a start. Raising the drinking age may flow from this when responsible drinking becomes New Zealand's norm.

12. What evidence is available that your proposal(s) would work?

Look at the success of the drink driving campaign and young people's attitudes to this. Yes they get drunk but the message is pounded home by repeat advertsing "Don't Drink and Drive" and in my experience they avoid this.

13. What other interventions could potentially be tried in future?

A public campaign for enjoy life without excessive booze.

14. Why should these other interventions be considered?

Because this is a huge problem in NZ and getting worse.

15. If further restrictions to **alcohol sponsorship** are necessary, what do you think should be done?

Ban it.

16. How would these proposed restrictions work in practice to reduce alcohol-related harm (e.g. crime, disorder, negative public health outcomes)?

As before. This is a generational problem, there has to be a start and it will change over time if there is a genuine desire for change. But is there?

17. What evidence is available that your proposal(s) would work?

It's all available on line and in University libraries.

18. What other interventions could potentially be tried in future?

Raise the drinking age.

19. Why should these other interventions be considered?

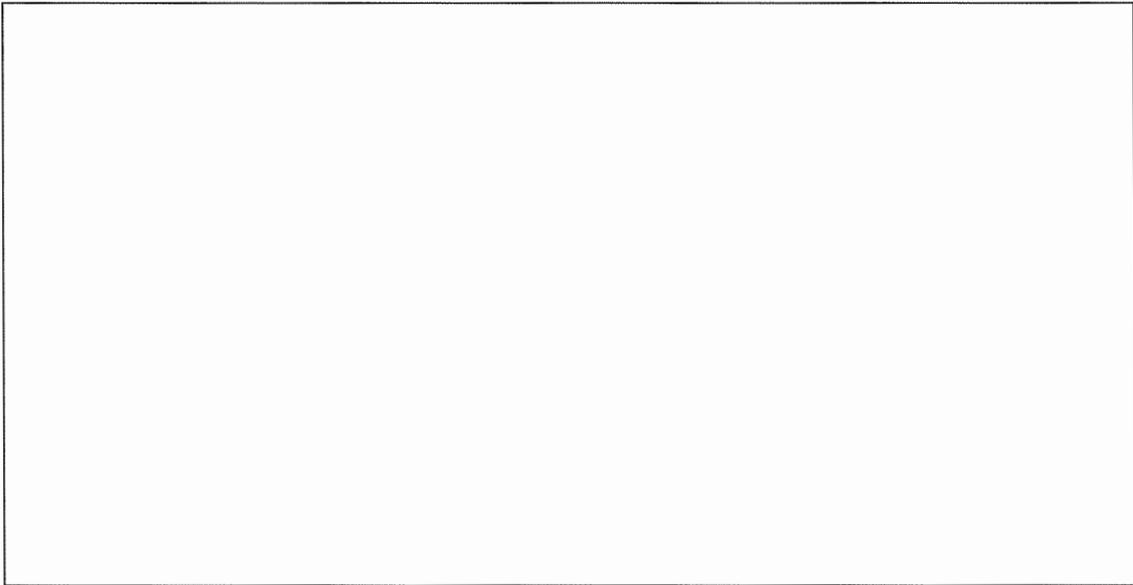
Because this is causing terrible social distress in NZ. Think of our terrible child abuse stats.

*Impacts of proposals*

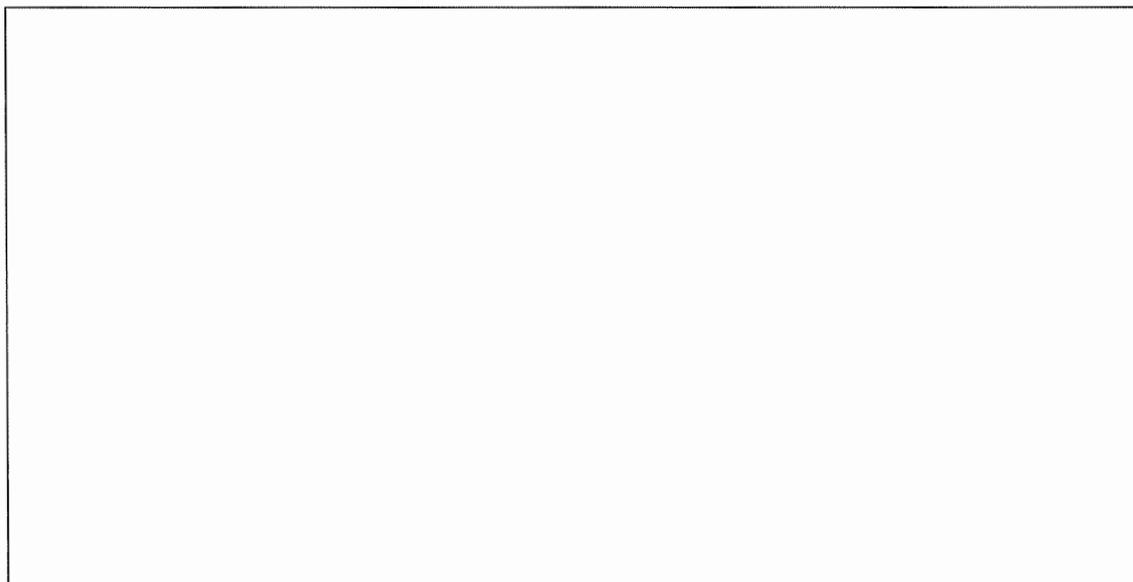
20. Who would be affected by your proposals to restrict **alcohol advertising** and how?

The alcohol industry and the government tax take will be adversely affected. Our youth will benefit and so ultimately the whole of NZ. Less incarceration, abuse, domestic violence, alcohol fuelled gambling etc.  
So who will win...pretty obvious that the bottom line for successive NZ governments is the coffers win.

21. How might these proposals impact on:
- alcohol consumption, particularly among young drinkers and heavy drinkers;
  - the perception of alcohol as an everyday commodity, particularly among children and young people;
  - alcohol-related harm;
  - businesses, such as the alcohol and advertising industries;
  - the recipients of alcohol sponsorship funds; and
  - different populations – e.g. youth, children, Māori, Pasifika, lower socio-economic populations.

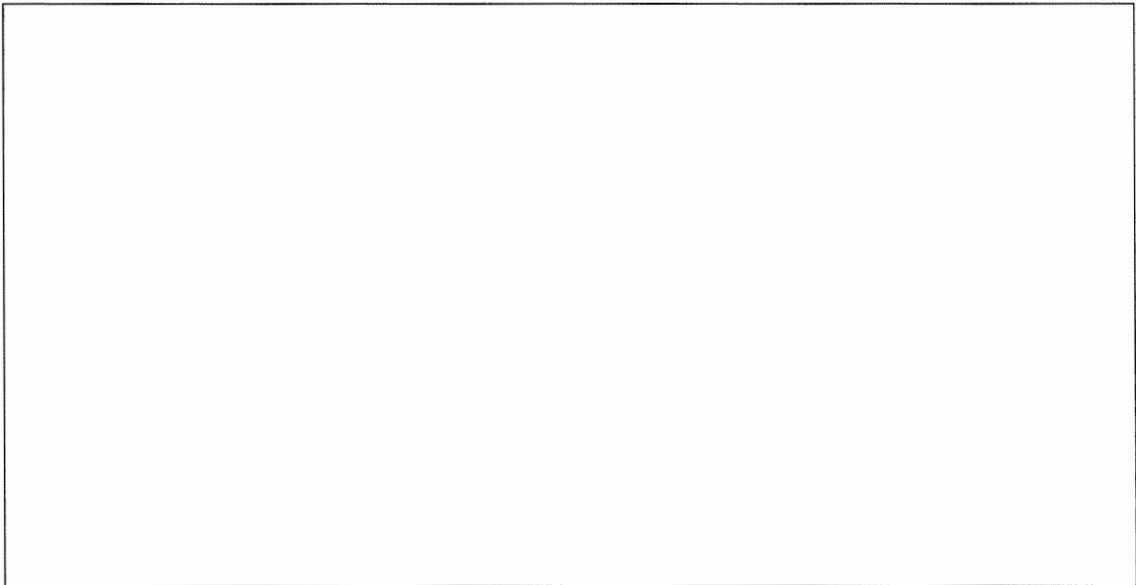


22. Who would be affected by your proposals to restrict **alcohol sponsorship** and how?



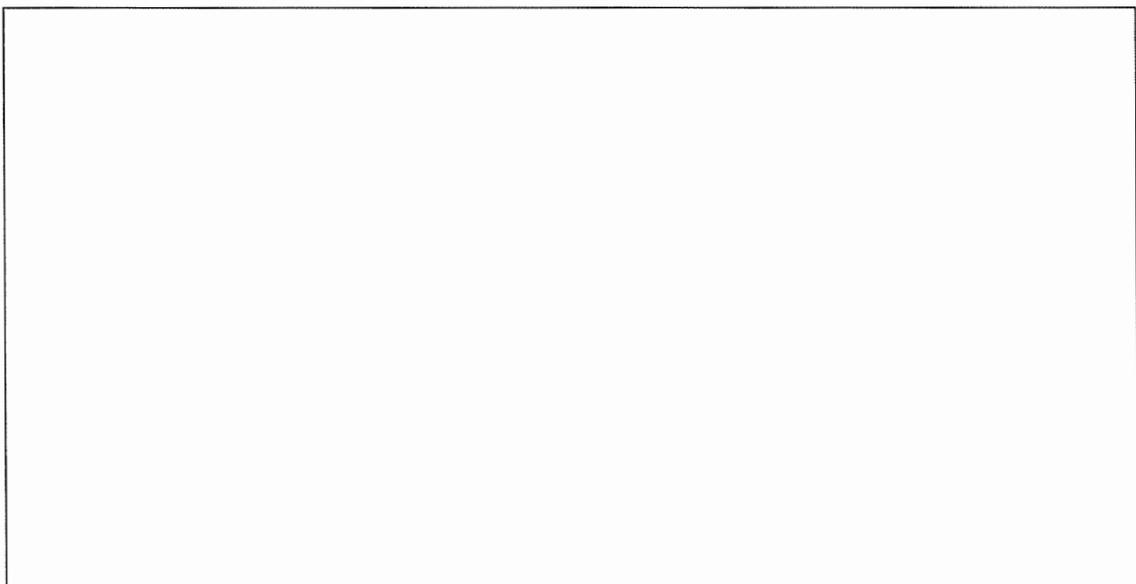
23. How might these proposals impact on:

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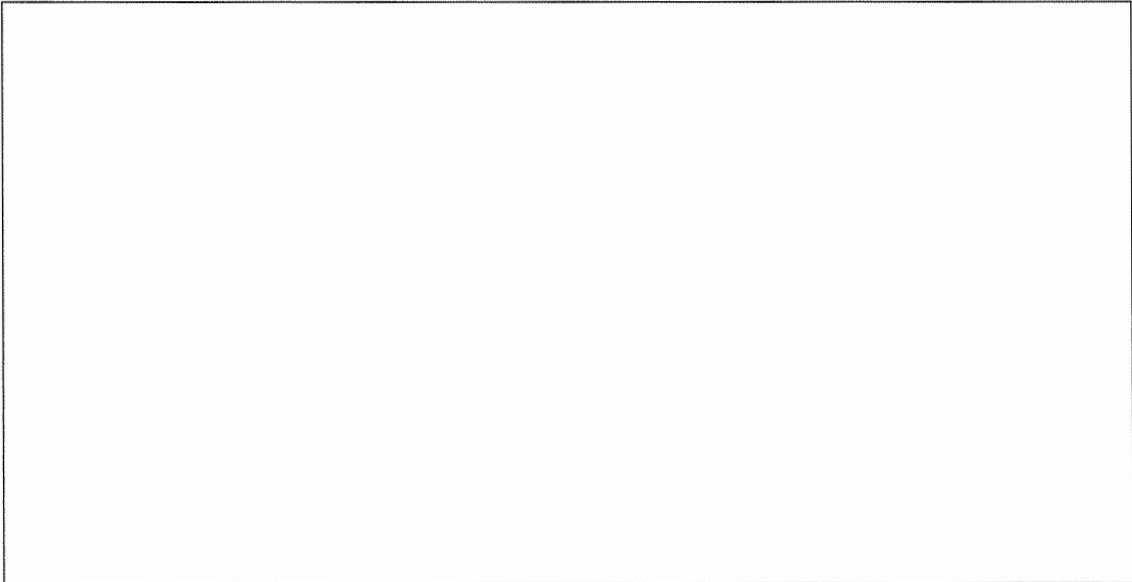


*Ongoing and new challenges*

24. What ongoing and emerging challenges does the Forum need to take into account when considering whether further restrictions on **alcohol advertising** are necessary to reduce alcohol-related harm?



25. What action, if any, could be taken to address these matters?



26. What ongoing and emerging challenges does the Forum need to take into account when considering whether further restrictions on **alcohol sponsorship** (e.g. of sporting, cultural and other events) are necessary to reduce alcohol-related harm?



27. What action, if any, could be taken to address these matters?

*Other comments*

28. Do you have any other comments?

There is a certain sense of futility in filling this in as the bottom line in NZ is the bottom line financially. BUT there has to be an overhaul of this attitude as NZ has terrible child abuse stats for one. What about our international standing as a country?

## Submission to the Ministerial Forum on Alcohol Advertising and Sponsorship

28 April 2014

Mr Graham Lowe ONZM, QSM

Chair

Ministerial Forum on Alcohol Advertising and Sponsorship

[alcoholadvertisingforum@moh.govt.nz](mailto:alcoholadvertisingforum@moh.govt.nz)

Tena koe,

I wish to make a brief submission on this issue.

My name is [redacted] I live at [redacted] I hold a Master's Degree in Social Practice. I run a national programme for the Ministry of Health under the aegis of CAYAD. It is called Mokai Whanau Ora. It aims to enrol the leadership of the Mongrel Mob and the Black Power in a movement to self-prohibit the manufacture, distribution, and use of methamphetamine.

In general the CAYAD programme desired outcomes are:

- Increased informed community discussion and debate about issues related to alcohol and other drugs
- Effective policies and practices to reduce alcohol and other drug related harm adopted
- Increased local capacity to support young people in education, employment and recreation
- Reduced supply of alcohol and other drugs to young people.

Alcohol and methamphetamine tend to be linked in terms of usage, and alcohol is generally the entry point for drug taking behaviour. It is important to recognise that alcohol is a drug – a so called psychoactive substance or legal high – and we should not attempt to treat alcohol in a way that is softer than any other intoxicant.

That said it seems that New Zealand is beginning to approach the issue of the social use of intoxicants generally in an increasingly mature way. The new provisions of the Sale of Alcohol Act as regards supply to youth are helpful. Although the Government has had to back down somewhat in terms of the sale of so called legal highs the overall idea of a controlled regime seems to hold good. Legal highs have been interesting in the way in which they have been marketed. They have been very clearly targeted at the youth market. This is also true of alcohol and in particular of RTD's. I have provided below samples of Legal Highs packaging. Note the resemblance to RTD's



I submit that like the other branches of the legal highs industry the alcohol specific division cannot be relied upon to act in the best interests of our nation and our youth. In fact targeting youth is consistent with ensuring a future market. For these reasons an independent body should be established to oversee alcohol advertising.

There should be no alcohol industry funded sponsorship. It is a subtle form of advertising.

This will impact upon some sporting and cultural events and organisations.

These funds should be replaced by imposing further taxes on the sale of alcohol. This will have the dual benefit of reducing consumption as well as providing resources for activities that do not normalise the use of alcohol and subsequent intoxication.

Finally I support the Law Commission's recommendations as put forward in their report in 2010.

We must enable young New Zealanders to make choices free from cunning sales pitches.

*Signed*

## Submission to the Ministerial Forum on Alcohol Advertising and Sponsorship

28 April 2014

Mr Graham Lowe ONZM, QSM  
 Chair  
 Ministerial Forum on Alcohol Advertising and Sponsorship  
[alcoholadvertisingforum@moh.govt.nz](mailto:alcoholadvertisingforum@moh.govt.nz)

Thank you for the opportunity to provide comment on the Alcohol Advertising and Sponsorship review.

My name is [redacted] I am approaching the senior citizen years of my life. My life experience and the nature the work I have been involved in for the last four years - reviewing the deaths of young people – has led me to support restrictions on the advertising and sponsorship of alcohol. The restrictions in this area in relation to smoking have clearly been an effective prevention of harm tool and should also be applied to alcohol, which causes much avoidable harm not only to young people but their families too. Evidence shows that these restrictions can be effective in preventing harm.

**I/We** have elected not to complete the submission form provided, rather we make the following comments and recommendations for your consideration.

The evidence gathered by 2010 concluded that **exposure of young people to alcohol marketing speeds up the onset of drinking and increases the amount consumed by those already drinking.**

*In 2010 following its review of our alcohol laws the New Zealand Law Commission concluded that having considered the recent research linking the advertising of alcohol and increased alcohol consumption by young people, and having heard the views of submitters and consultees greater controls are needed on advertising, sponsorship and other promotion of alcohol. These controls are in terms of the content of advertising, the levels of exposure to advertising and sponsorship messages, and inappropriate sales promotions. There is a strong argument that a self-regulatory body for alcohol advertising is inappropriate.*

**I/We note** that 2,281 out of 2,939 submissions to the Law Commission commented on the range of policy options presented on alcohol advertising and marketing. Of the 2,281 submissions **86% supported banning or restricting all advertising of all alcohol in all media.**

We believe that more recent evidence that will be presented to you during the course of your review will only add weight to the Law Commission's findings and recommendations, and the urgency for action.

**I/We note** that **Stage 1:** of the Law Commission's recommendations has been implemented by the inclusion on a new clause making it an offence to promote the excessive consumption of alcohol in the *Sale and Supply of Alcohol Act 2012*. However, we are unaware of any test cases based on this new law.

**I/We recommend** that the Review Forum consider mechanisms to monitor the impact and effect of this legislation.

It has now been four years since the Law Commission's recommendations were made. In this time New Zealanders young and old have been continuously exposed to the harmful effects of alcohol advertising and sponsorship. This is no time for further review; rather it is time to act.

**I/We recommend** that the Review Forum support the immediate implementation of Stage 2 and 3 of the Law Commission recommendations on alcohol advertising and sponsorship as set out in their report *Alcohol in Our Lives – Curbing the Harm 2010*.<sup>1</sup> These being:

**Stage 2:** An interdepartmental committee to consider adopting legislated measures designed to reduce exposure, particularly of young people.

**Stage 3:** This stage would implement restrictions including:

- Messages and images may refer only to the qualities of products, such as origin, composition, means of production and patterns of consumption;
- The banning of images of drinkers or the depiction of a drinking atmosphere;
- Only allowing advertising in press with a majority readership over 20 years of age;
- No alcohol-related sponsorship of any cultural or sports events or activities.

**I/We** understand that this means a ban on all forms of alcohol advertising and sponsorship in all media, other than objective product information.

**I/We recommend** that any permitted alcohol advertising is accompanied by health advisory messages developed by public health experts.

At the recent Global Alcohol Policy Conference in Seoul Korea, internationally renowned alcohol policy researcher Professor Thomas Babor told delegates that self-regulation of advertising by those with a vested interest has shown to be "*spectacularly ineffective*".

**I/We** wholeheartedly agree. It serves no purpose but to maintain the unacceptable status quo and delay effective measures to curb the harm alcohol-advertising is shown to contribute to.

**I/We recommend** that the Review Forum ensure that self-regulation of alcohol advertising and sponsorship in New Zealand is ended immediately.

**I/We** consider that there are practical ways in which much of the existing alcohol advertising and sponsorship activities could be limited.

These include:

- The establishment of an independent body to take over the management and regulation of alcohol advertising and sponsorship, and ending self-regulation.
- Setting out what is alcohol advertising is allowed (i.e. objective product information only), and ban all other advertising. This would apply to ALL broadcast, bill-board and outdoor advertising, all print media, and all website and social media content that is generated by New Zealand based companies/individuals.

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<sup>1</sup> Law Commission (2010). *Alcohol in our lives: Curbing the harm. A report on the review of the regulatory framework for the sale and supply of liquor*. Report 114. Wellington: New Zealand.

- New Zealand companies/individuals are prohibited for promoting or contributing to any overseas based promotions in New Zealand.
- A fund is established from alcohol excise tax to support alternative funding options for alcohol sponsorship, and this is phased out over the next 1-2 years.

### Conclusion

I/We believe that this matter has been discussed and reviewed enough. The evidence available is strong enough to warrant immediate action, and there is strong public support for reducing the exposure of all New Zealanders to alcohol advertising in all of its forms.

I/We urge the forum to recommend an action plan which will implement the Law Commission's recommendations as put forward in their report in 2010. In particular our children and young people need to be protected from the negative impacts that alcohol advertising and sponsorship have on their lives. Your role must be one of creating an environment that promotes healthy choices, and not one where choices are influenced by the needs of the alcohol industry.

*Signed*

Name:

Address:

Email: :

Contact phone number:

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