Submission on the

Ministerial Forum on

Alcohol Advertising and Sponsorship

By the

Advertising Standards Authority (Inc.)
1. Executive Summary

1.1 This submission comments on the regulatory aspects of alcohol advertising and sponsorship only. It will not deal with the public health aspects and related matters, as this is not appropriate for the Advertising Standards Authority (ASA) as a regulatory organisation to comment on political matters.

1.2 The ASA requests the opportunity to be heard in support of its submission.

1.3 The ASA aspires to operate a self-regulatory regime for the regulation of alcohol advertising and marketing that meets world’s best practice standards.

1.4 A particular feature of the ASA regime is the close relationship with Government, Government agencies and Government regulators. To the best of our knowledge no other regime has such close coordination. As a consequence the regulation of alcohol advertising and marketing is comprehensive, dynamic and flexible.

1.5 In 1993 the ASA made a formal agreement with Government that it should meet certain standards and also agree to have its performance monitored by Government. Since that time the ASA has not only met those standards but also exceeded them.

1.6 When measured against the global ten best practice advertising self-regulation principles the ASA meets all requirements. Additionally when measured against the 33 requirements of a best practice alcohol advertising code the ASA code meets all requirements.
2. **Information about the ASA**

2.1 The Advertising Standards Authority (ASA) is the self-regulatory body that regulates advertising standards in New Zealand.

2.2 The ASA has the following members:

- Association of New Zealand Advertisers (Inc)
- Communication Agencies Association of New Zealand (Inc)
- Interactive Advertising Bureau of New Zealand
- Letterbox Media
- Magazine Publishers Association (Inc)
- Newspaper Publishers Association (Inc)
- New Zealand Community Newspapers
- New Zealand Cinema
- New Zealand Marketing Association (Inc)
- New Zealand Post
- Outdoor Media Advertising Association (NZ)
- Pay TV Group
- Radio Broadcasters Association (Inc)
- Think TV

2.3 The three main objectives of the ASA are:

(i) To seek to maintain at all times and in all media a proper and generally acceptable standard of advertising and to ensure that advertising is not misleading or deceptive, either by statement or by implication.

(ii) To establish and promote an effective system of voluntary self-regulation in respect to advertising standards.

(iii) To establish and fund an Advertising Standards Complaints Board.

2.4 The ASA was established in 1973 and became an incorporated society in 1990.

2.5 The ASA has developed Advertising Codes of Practice, which include the Code of Ethics and 13 specialised codes. One of those specialised codes is the Code for Advertising and Promotion of Alcohol. The code deals with the advertising of alcohol and the promotion of alcohol including naming, packaging and labelling. This code replaced two codes that previously dealt with advertising and marketing separately.

2.6 One of the benefits of self-regulatory codes is that they are able to require social responsibility in advertising that in law is difficult to define. Some ASA Codes, including the Code for Advertising and Promotion of Alcohol require a high standard of social responsibility, which is a concept that cannot be legislated.

2.7 The ASA funds and resources an independent Advertising Standards Complaints Board (ASCB) that hears complaints from members of the
public at no cost to them. There is a right of appeal to the Advertising Standards Complaints Appeal Board (ASCAB), which is also funded by the ASA.

2.8 Both the ASCB and the ASCAB have a public member majority and are chaired by public members.

2.9 If a complaint about an advertisement of alcohol promotion (such as packaging) is upheld by the ASCB the advertiser, advertising agency and media are requested to withdraw the advertisement immediately. These requests are invariably complied with.

2.10 The ASA has a formal relationship with Government. When the Broadcasting Act was enacted in 1989 the Broadcasting Standards Authority (BSA) had jurisdiction over advertising on radio and television. However the ASA also had jurisdiction over broadcast advertising and all other media which it had done so since its commencement in 1973. The effect of this was both the BSA and the ASA had jurisdiction over broadcast advertising. Both the BSA and the ASA used the ASA codes.

In 1993 the Broadcasting Amendment Act was passed which removed the jurisdiction of the BSA. There were several reasons for this but one of the key reasons was that the ASA was processing complaints in a more efficient and timely manner than the BSA. This was due to the requirements of the Act when dealing with complaints. It was a living example of self-regulation being more efficient than statutory regulation.

2.11 At the time of the legislation an agreement was made with Government regarding several procedural matters. The procedures were also documented in Cabinet Minute CAB (92) M 10/14. Copies of both the agreement and the minute can be made available to the Forum should you wish. The essential provisions of the agreement were -

(i) When appointing public members of the ASCB and ASCAB nominations should be called for from a wide range of organisations and Government agencies. Prior to formal appointment the ASA is to consult with the Ministers of Communications and Consumer Affairs.

Note: The ASA has followed these procedures in the letter and the spirit. It has extended consultation to other relevant Ministers for appointees with special skills – eg the Minister of Health for members with public health expertise. It also advertises for public members and has an independent panel, chaired by a representative from the Ombudsman’s office, interview applicants and nominees.

(ii) The procedures to be adopted for the 1994 Review of the Liquor Advertising Code. The review was to be conducted by an independent panel with nominees from the BSA, Ministry of Health and Alcoholic Liquor Advisory Council (ALAC).

Note: The ASA followed these procedures for the 1994 Review under the Chair of Judith Potter (later Hon Justice Potter). It followed them also for
four subsequent reviews with each Review Team being chaired by a retired judge.

(iii) The Ministry of Commerce is to monitor the performance of the ASA and ASCB and report quarterly to the Minister of Communications. This has now been taken over by the Ministry of Culture and Heritage. The ASA meets regularly with the Ministry and keeps it informed of ASCB decisions, code reviews and other ASA matters. It is a very useful and relationship with benefits on both sides and has operated well for the past 21 years.

*Note: This is a unique feature of the ASA self-regulatory system. We know of no other regime where there has been a formal agreement between Government and the advertising self-regulatory organisation where the self-regulator agreed to be monitored by Government.*

2.12 The purpose of self-regulation is not to replace Government regulation but to complement it. An advertisement that is misleading is not only in breach of the ASA Codes but it also breaches the Fair Trading Act. Therefore the ASA has a number of close working relationships with a number of Government agencies including the Commerce Commission, Financial Markets Authority, Ministry of Consumer Affairs, Medsafe and Food Standards Australia New Zealand. This ensures that high standards are observed at all times, there is a safeguard against double jeopardy and crossovers in jurisdiction are dealt with efficiently.

3. **Alcohol Code**

3.1 The Code for Advertising and Promotion of Alcohol came into force in January 2013 and is the latest of a long line of codes since 1973. The code has been regularly reviewed to ensure it is up to date and in keeping with changing societal attitudes and the introduction of new technologies and media such as User Generated Content. The code is attached as Schedule 1.

A particular feature of the code is that it requires a high standard of social responsibility and there are several provisions regarding this standard.

3.2 To assist the public, advertisers, agencies and the media there are Guidance Notes to assist with interpretation of the code. The Notes are available on the website and are attached as Schedule 2.

3.3 The website also has Guidance Notes on the social media including User Generated Content.

4. **Code Reviews**

4.1 The ASA has had a code on the advertising of alcohol since 1973. When the BSA removed the partial ban on advertising in 1991 a new joint code was negotiated with the BSA, which incorporated the changes recommended by the BSA and applied to all media. This code came into force on 1 February 1992. The BSA undertook a technical review of the
code in late 1992, which resulted in the ASA and BSA agreeing to minor amendments to the code.

4.2 Since that time the review process has been conducted by the ASA in accordance with the agreement with Government. To date there have been four ASA reviews - the Potter (Hon Judith Potter) Review in 1994, the Barker (Sir Ian Barker) Review in 1998, the Hardie Boys (Rt Hon Sir Michael Hardie Boys) Review in 2003 and the Robertson (Hon Sir Bruce Robertson) Review in 2011. Additionally in 1994 ALAC ran a Consensus Development Conference on alcohol advertising. The independent panel concluded that brand and price advertising should continue but on strict conditions.

4.3 In summary there have been seven independent reviews that came to a similar conclusion – that brand and price alcohol advertising should be permitted subject to strict conditions. The original conditions stipulated by the BSA review are largely still intact and have been modified by subsequent reviews to bring them up-to-date with changing social conditions, technologies and media. The seven reviews in chronological order are:

- BSA Review 1990/91 that permitted brand and price advertising subject to strict conditions. The conditions were inserted into the ASA Alcohol Code and applied to all media

- BSA Technical Review in 1992 that resulted in minor amendments to the ASA Alcohol Code

- ALAC Consensus Development Conference in 1994 that recommended brand and price advertising should continue subject to strict conditions.

- ASA Potter Review in 1994 that incorporated new conditions and introduced the Principle and Guideline approach.

- ASA Barker Review in 1998 that made amendments to the Code

- ASA Hardie-Boys Review in 2003 that made amendments to the Code

- ASA Robertson Review in 2011 that made further amendments. This in turn led to the current code that includes other forms of promotion and packaging.

4.4 The ASA is committed to an efficient system of regulating alcohol advertising and promotion that meets the best practice standards of self-regulation. With regular reviews the code is kept up to date and reflective of the current views and generally prevailing community standards on alcohol in New Zealand.
5. **Complaints**

5.1 Alcohol advertising is a sensitive issue and therefore is a regular topic of public discussion. It also attracts a regular flow of complaints – particularly from organisations interested in the issue. The pattern of complaints over the years is interesting.

In 1989 the ASCB received a total of 24 complaints and in 1990 34 complaints. Virtually all were from one complainant (Cliff Turner) and were about either tobacco or alcohol advertising. Upon restructure of the ASA in 1991 and the beginning of the policy to promote the right to complain there were a total of 160 complaints of which 57.5% were about alcohol ads. In 1993 the complaint numbers had increased to 323 and 22.6% concerned alcohol. This can be contrasted with 2013 where there were 792 complaints about 598 different ads with 27 (4.5%) of these being alcohol ads. After elimination of those complaints where there were no grounds to proceed 40% were found to be in breach and the ad removed.

5.2 We would like to make comment about Cliff Turner. He is still a regular complainant and over the years has been an active watchdog over alcohol advertising and believes that advertising of alcohol should be banned. His complaints are generally of high standard and succinct and he acts in a very professional manner. The ASA provides a complaints service to the public and Mr Turner has taken full advantage of the service. Over the years he has been by far the ASA’s biggest ‘customer’. He has also publicly stated that he has received polite and helpful service from the ASA.

6. **The Liquor Advertising & Promotion Pre-vetting System (LAPS)**

6.1 All media pre-vet advertisements before they are published or broadcast. The media have different systems to suit their individual needs but one common factor is that a senior person or persons is assigned the responsibility to ensure all advertising complies with the law and the ASA Codes. It is also recognised that special care needs to be taken with certain products such as alcohol. Consequently there is a second pre-vetting process for liquor advertisements called LAPS.

6.2 The Association of New Zealand Advertisers (ANZA) is responsible for the development of LAPS, including the engagement of a suitably qualified independent adjudicator, administering the LAPS user pays system and chairing the LAPS Code Consultative Committee LAPS CCC. The costs of running LAPS are significant and expenditure is in excess of $x per annum. LAPS commenced in 1994.

All of the major liquor advertisers use and support LAPS. The media have agreed not to broadcast, publish or show brand liquor advertisements unless they have received approval from LAPS. The LAPS approval system also applies to below the line advertising and promotion including the Internet.
6.3 The LAPS Adjudicator takes into account formal constraints of the Code and also uses as precedents decisions made by the ASCB on alcohol advertising and promotion complaints. Thus the Adjudicator will not allow, when a complaint is upheld on a particular issue, future advertisements containing the same issue. When examining liquor advertisements, both the intention and spirit of the Code are taken into account.

6.4 In 2013/14 March year the Adjudicator processed 571 approvals.

Percentage of Liquor Ads
<table>
<thead>
<tr>
<th>Type</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>Beer</td>
<td>38%</td>
</tr>
<tr>
<td>Spirits</td>
<td>14%</td>
</tr>
<tr>
<td>Retail</td>
<td>6%</td>
</tr>
<tr>
<td>Wine</td>
<td>21%</td>
</tr>
<tr>
<td>RTDs</td>
<td>13%</td>
</tr>
<tr>
<td>Cider</td>
<td>8%</td>
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Approvals By Media Type
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<td>7%</td>
</tr>
<tr>
<td>Radio</td>
<td>4%</td>
</tr>
<tr>
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<td>2%</td>
</tr>
<tr>
<td>Online*</td>
<td>24%</td>
</tr>
<tr>
<td>Point of Sale</td>
<td>20%</td>
</tr>
<tr>
<td>Packaging</td>
<td>11%</td>
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<td></td>
<td>100%</td>
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</tbody>
</table>

* Includes social media

6.5 The LAPS CCC meets twice per annum to discuss the Alcohol Advertising and Promotions Code, recent advertisements and decisions of the ASCB.

Representatives are invited to attend from Land Transport, Health Promotion Agency, Ministry of Health and other health interest organisations.

The ASA and LAPS Adjudicator also attend to present advertising decisions.

Despite the success of the meetings in the early days unfortunately the LAPS CCC has not met for some time due to lack of interest by health organisations.
7. Free Moderation Advertising Airtime

7.1 Broadcasters provide free airtime on radio and television to ALAC and now Health Promotion Agency (HPA) for moderation advertising. Airtime to the value of $1 million per year is made by both radio and television. This undertaking of free airtime commenced in 1992 and has continued for the subsequent 22 years.

8. Self-Regulation

8.1 Self-regulation is part of the regulatory structure in New Zealand. The essence of self-regulation is that an industry or other group organises, funds and operates its own affairs for the benefit of consumers, the members of the industry or group and the general public. It has codes that set out the rules and a tribunal where complaints and disputes can be resolved without recourse to the courts. A common example is sporting organisations, which generally have well-organised self-regulatory regimes.

For example rugby has the rules of the game set by the International Rugby Board. National unions are responsible for implementing the rules in their own country. In turn the national unions delegate certain tasks to regional unions and local clubs. If a minor breach of the rules, such as offside, the referee deals with it on the spot and awards a penalty. However if there is a more serious breach such as assault then the player is ejected from the game and will appear before a judicial panel where other sanctions such as suspension can occur. Although there is no legal reason why the sanction should be enforced, all rugby unions and clubs globally agree to abide by the decision. Also the Police will not prosecute the player unless it is a very serious breach of the peace. It is a system that operates in all mainstream sports and is well understood by the participants and public.

8.2 Advertising has a similar regulatory structure. The essential difference is that there is greater delegation to the local countries to determine their own rules and judicial system.

8.3 Advertising Self-Regulation can trace its roots back to 1937, when the International Chamber of Commerce (ICC) introduced its first Advertising Ethics Code and encouraged countries to adopt it. There have been numerous revisions of that Code and new ICC Codes introduced on different issues. The ICC Codes still remain as the world standard in Codes and most countries throughout the world, including New Zealand; have modelled their individual Codes on the ICC Codes. Hence there is worldwide similarity of the codes.

8.4 There is currently no world body for advertising self-regulatory organizations. However the European Advertising Standards Alliance (EASA) is the de facto peak body on advertising self-regulation. EASA is the coordinating body of information and best practice in Europe, as well
as running a cross-border complaints regime. It has 25 European members and ten non-European Members (Australia, Brazil, Canada, Chile, Columbia, India, Mexico, New Zealand, Peru and South Africa). ESAS serves a useful forum for the exchange of information as well as promoting best practice on which it has extensive publications. ESAS has formed the International Council on Advertising Regulation of which the ASA is a member.

8.5 There are currently negotiations underway to encourage a grouping of advertising regulatory organizations in the Asia-Pacific Region. In November 2012 a conference was held in Hanoi under the auspices of APEC where the ASA took a leading role.

8.6 Self-regulation is now well established globally and recognised as an efficient and effective way of regulating advertising. There is criticism from some advocacy groups who want to unduly restrict or ban the advertising of certain products such as alcohol and see it as a means to the end to discredit self-regulation. These challenges have resulted in an emphasis on best practice self-regulation of advertising has a number of advantages, which in brief are:

**Quicker** – Advertising self-regulatory organisations have a quick turnaround of complaints. The current turnaround time for the ASA is 18 working days. This can be compared with the court system that can take months or years.

**Adaptable** - If a Code needs to be revised this can be done quickly to meet changed circumstances. The process with full stakeholder consultation usually takes a few months but can be completed in weeks. State regulation requires legislation, which is usually measured in years.

**Versatile** – Codes can be revised to meet changes in technology, media and methods of promotion. The latest Alcohol Code has all of these features. New technologies and media such as the User Generated Content and the use of packaging as means of promotion are covered in the latest code.

**No Legal Loopholes** - A requirement of best practice self-regulation is that the Codes be followed in the spirit as well as the letter. Legal technicalities therefore cannot be used in a defense, as the spirit and intention of the Codes are paramount. In a black-letter law state system legal technicalities can be used.

**Burden of Proof** – With Government regulation the onus is on the complainant to prove there is a breach of the regulation. With self-regulation if a complainant alleges there is a breach of the Codes the onus is on the advertiser, agency and media to provide evidence there is no breach.
Responsive - Advertising self-regulation is by its very nature responsive and unlike State Regulation that imposes regulation on an industry, self-regulation has the support of the industry along with a determination to make it work.

Persuasion - Self-regulatory regimes make extensive use of persuasion rather than punishment. It is a key reason why it has very high compliance to its requests to withdraw advertisements found in breach of the Codes. Instead of a culture of resistance and regulatory cat-and-mouse, advertising self-regulatory organizations and the wider self-regulatory regimes have established a culture of respect for not only the provisions of the Codes but also the spirit and intent of the Codes.

Economic Imperative – It is in the self-interest of the advertising industry to retain the public trust in advertising. A loss of trust whether by being misled or offended will reduce the volume of advertising and therefore revenue.

Global - Advertising is a global business and usually multi-national companies are large global advertisers. There is commonality in the Codes as virtually all are based on the ICC model Codes. Consequently there is a world standard with variations to meet the cultural expectations of individual countries.

9. **Best Practice Advertising Self-Regulation**

9.1 EASA has developed ten best practice principles for advertising self-regulatory organisations. These principles have been universally accepted as best practice and also recognized at the Hanoi conference as appropriate for the Asia-Pacific region. In this section we list the ten principles and measure whether the ASA meets those standards.

**Principle 1 – Universality** - Standards to apply to all the industry and media and have active industry support

*YES – Including online and the social media. They also apply to Government and election advertising. New Zealand is the only country where election advertising is subject to self-regulation and the public can complain*

**Principle 2 – Sustained and Effective Funding** – All industry players involved in sustainable funding

*YES – Funding comes from advertisers, agencies and media*

**Principle 3 – Independent Administration by Standards Organisation** – Independent of industry, dedicated secretariat, good service to public
YES – There is an independent office with professional staff

Principle 4 – Universal and Effective Codes – Codes deal with all advertising and based on ICC standards

YES – There is a Code of Ethics and 13 specialised codes

Principle 5 – Compliance Advice – Free copy advice to industry

YES – Advice is given on prospective ads. There is also an ongoing nationwide seminar programme on advertising standards

Principle 6 – Efficient Complaint Handling – Complaints dealt with promptly

YES – The average turnaround time for complaints in 2004 was 27 working days. In 2012 it reduced to 19 days and in 2013 to 18.

Principle 7 – Independent and Impartial Adjudication of Complaints – Complaints considered by a separate and independent complaints tribunal

YES – Both the ASCB and ASCAB have a majority of public members and an independent chair

Principle 8 – Effective Sanctions – Ads in breach to be withdrawn, naming and shaming

YES – When a breach occurs the advertiser, agency and media are requested to withdraw the ad. This is invariably followed. All decisions with names are released to the media. Persistent offenders are given special training

Principle 9 – Efficient Compliance and Monitoring – Systems that record and evaluate performance. External monitoring

YES – There are internal systems that record performance standards. There has been ongoing monitoring by the Ministry of Culture and Heritage and its predecessor Ministry of Commerce since 1993

Principle 10 – Awareness and Transparency – Maintain a high profile so that industry is aware of its obligations and consumers aware of their right to complain

YES – There are regular nationwide seminars to industry. All decisions of the ASCB and ASCAB are released to the media who report it. There are press releases and the occasional ad campaign.

There is a high level of public awareness – A recent (April 2014) survey commissioned by the ASA found that 87% of people 18+ were aware they could complain about ads, 73% are aware of the ASA (7% unprompted,
66% prompted), and 65% would be likely to make an Internet search to find out how to make a complaint. – When typing “advertising complaints” on Google the top four sites are the ASA with the first being “How to make a complaint – ASCB – New Zealand Advertising Standards Authority”

9.2 Advertising self-regulation operates best when there is a regulatory framework. The ASA codes provide that advertising should not mislead. There are also statutory provisions in the Fair Trading Act and active supervision by the Commerce Commission. The roles of the Commerce Commission and the ASA are complementary. There is therefore close cooperation between the Commerce Commission and the ASA to ensure there is no double jeopardy and more importantly that an offending ad is not dealt with by neither jurisdiction.

9.3 Generally the standard required by the ASA Codes is higher than that by the law. Additionally, and importantly, the standard of proof required by law to achieve a conviction is “beyond reasonable doubt’ which is higher than the ‘balance of probabilities’ required by the ASA regime. Any system of justice that incorporates a fine, jail or other punishment requires the higher level of proof.

9.4 The ASA welcomes the new advertising and promotion provisions in Section 237 of the Sale and Supply of Alcohol Act 2012. In many ways it reiterates existing provisions in the ASA Code for Advertising and Promotion of Alcohol. The ASA code goes further than Section 237 and has a number of provisions that require a high standard of social responsibility. The concept of social responsibility is difficult to define in black letter law so in order to meet best practice standards a code that complements the law is in keeping with best practice regulation.

9.5 Another feature of best practice self-regulation is that there should be one regime that is fully responsible and accountable for codes and complaints. The ASA provides a one-stop shop. This can be contrasted with Australia where there is a mix if self-regulation and co-regulation resulting in five different alcohol advertising codes and three different panels that hear complaints. Understandably the structure is currently under review.

9.6 There has been independent endorsement that the ASA operates best practice advertising self-regulation. In 2002 Mike Codd (former head of the Department of the Prime Minister and Cabinet in Australia) carried out due diligence on the ASA on behalf of the Ministry of Health and Australian Therapeutic Goods Agency. He praised the ASA self-regulatory regime as a model worthy of emulation in Australia. He noted “There is also a well-developed regulatory system managed by the ASA for handling complaints about advertisements…”

9.7 In March 2014 the ICC published the “ICC Framework for Responsible Marketing Communications of Alcohol”. It was an interpretation of the ICC Code as it applies to alcohol. When releasing the Framework the ICC said “The Framework was developed by the body of global experts responsible

The Framework contains 33 requirements to meet the ‘gold’ standard. The ASA Codes meet all 33 requirements. Virtually of them are contained in the Alcohol Code but a few are in other codes – eg “Marketing communications should not use themes, images, symbols or portrayals likely to be offensive, derogatory or demeaning.”

10. **Correction of Law Commission Error**

10.1 On page 343 of the Law Commission report there was concern about the Jim Beam Homegrown music event. The ASA Alcohol Code prohibits alcohol sponsorship if the audience has more than 25% under 18. The report stated, “It is impossible to determine whether 25% of attendees are under 18.”

However this conclusion proved to be wrong. ALAC made a complaint to the ASA and the Event promoter provided evidence that the under 18 audience was 15.15%. It also provided data for previous years and from 2007 – 2010 the average audience under 18 was 10.9%.

11. **Conclusion**

11.1 The ASA has a proud history. There has been constant development since its inception 41 years ago. Self-regulation is accepted globally as the best method of advertising regulation. Even command control economies such as Vietnam and China are moving towards advertising self-regulation. Best practice principles have been developed globally and the ASA has been in the forefront of these developments.

11.2 The ASA codes and complaints system is well recognised by consumers and Government as the organisation that regulates advertising. When measured against the EASA best practice principles it meets all requirements. Additionally the current Alcohol Advertising and Promotions code meets the all 33 best practice requirements in the ICC Framework.
**SCHEDULE 1**

**ADVERTISING STANDARDS AUTHORITY CODE FOR ADVERTISING AND PROMOTION OF ALCOHOL** (January 2013)

**INTRODUCTION**
All alcohol advertising and promotion shall adhere to the laws of New Zealand and the Principles and Guidelines set out in this Code. The ASA Code of Ethics and Codes on Comparative Advertising and People in Advertising should also be consulted, where relevant. This Code should also be read with its Guidance Notes – see www.asa.co.nz.

Alcohol is a restricted product in New Zealand. Because of the health and social impacts of the misuse of alcohol, this Code requires specific restraints on advertising and promotion. There are also a number of restrictions in legislation and in industry-supported initiatives. People involved in marketing alcohol should be familiar with the Sale of Liquor Act, the Gambling Act (Sales Promotions Schemes), and the National Protocol on Alcohol Promotions supported by the Hospitality Association, the Alcohol Advisory Council, the New Zealand Police and Local Government New Zealand. Attention is also drawn to the Standard Drink Guidelines at http://www.alac.org.nz/alcohol-you/whats-standard-drink.

This Code 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. Particular care is also required in the advertising and promotion of products likely to have strong appeal to young adults over the legal purchase age.

In interpreting the Code emphasis will be placed on compliance with both the principles and the spirit and intention of the code. The guidelines are merely examples, by no means exhaustive, of how the principles are to be interpreted and applied. It is possible for advertising or promotions to be in breach of the principle without being in breach of a specific guideline. Upon complaint, the ASCB is vested with discretion to ensure a common-sense outcome and have regard to all relevant matters, including the overall impression conveyed, context and target market and in the case of promotions, their duration, entry mechanism, location, if there is a prize how it is awarded, and application of the ALAC low risk drinking advice. It is important to note that the likely audience (including the media advertisements are broadcast, printed, or displayed in) is a key factor in determining code compliance.
APPLICATION OF CODE

This Code covers advertising and promotion of all pre-packaged and bulk alcoholic drinks with an alcoholic strength above 1.15% abv, which are advertised and promoted for sale and consumption in New Zealand.

This Code applies to products promoted primarily as alcoholic 'drinks', even if they are classified as foodstuffs rather than drinks for the purposes of licensing or customs and excise legislation, or even if they appear to be gaseous, solid or heavily textured (or can be made to be, for example by freezing or shaking), rather than liquid.

For the avoidance of doubt, this Code does not apply to bona fide news, reviews, editorial and broadcast entertainment and sports programmes. This code also does not apply to any advertising materials or activities whose purpose is solely and clearly to educate people about the responsible use and / or misuse of alcohol.

This Code does not apply to activities and promotions (other than advertising) for licensed on-premise (including all on, club and special licences) businesses initiated by those businesses. These activities and promotions are already covered under the Hospitality Association of New Zealand National Protocol on Alcohol Promotions and Section 154A of the Sale of Liquor Act. Promotions that may appear on licensed premises but that are controlled by producers or distributors are covered by this Code.

It is the responsibility of all companies and enterprises connected with the alcoholic drinks industry in New Zealand (whether as producers, importers, wholesalers, distributors or retailers) to comply with this Code. This includes the provision of adequate and appropriate briefings to external agencies from whom the companies/enterprises may commission design or promotional work. Approval by the Liquor Advertising Pre-vetting System (LAPS) is strongly recommended. See www.anza.co.nz/pre-vetting.

DEFINITIONS

“Alcohol advertising and promotion” means an advertisement, packaging, point of sale or other promotions, activities and materials (including dispenser units) generated by an alcohol producer, distributor or retailer that promotes alcohol by product, brand or outlet. This includes media releases, branded merchandise, competitions, word of mouth marketing, advergaming, product displays and sampling, but does not include a sponsorship advertisement or an advertisement in which reference to or the depiction of alcohol or alcohol packaging or an alcohol outlet is incidental to its purpose. An advertisement including a reference to licensed premises is not automatically an alcohol advertisement - the intent of the advertisement must be to promote the consumption of alcohol.

“Alcohol advertiser” means an advertiser that markets or sells alcohol and uses its name or any identifying feature to promote the sale of alcohol in any way.
“Branded merchandise” means products available in New Zealand bearing liquor or outlet branding which have been produced by, on behalf of, or with the permission of, a liquor producer, distributor or retailer.

“Heroes and/or heroines of the young” means a person or character (and includes groups / teams) whose example is likely to be followed by minors or who has strong appeal to minors (see Guidance Notes, www.asa.co.nz).

“Light (or lite) alcohol” means liquor containing a maximum of 2.5% alcohol by volume.

“Minors” are people who are under the age at which they are legally entitled to purchase liquor.

“Sponsorship” means any agreement or part of an agreement involving payment or other consideration in lieu of payment by a liquor producer, distributor or retailer to support a sporting or cultural property, event or activity, in return for which the sponsored party agrees to be associated with or promote the sponsor's drink(s) or outlet. The Code applies to the overall sponsorship agreement, including any material bearing the sponsor's logo or trademark. It does not apply to any use to which that material might subsequently be put, or to the behaviour or activities of sponsored parties, if that is not required or specifically permitted by the sponsorship agreement.

“Sponsorship advertisement” means an advertisement which clearly indicates that the advertiser is sponsoring a person, competition, activity or event. Any advertisement referring to a sponsorship that does not comply with Guidelines 4(a) to 4(e) of Principle 4 is deemed to be an alcohol advertisement.

“Websites” means a website, or part of a website, managed by or on behalf of a liquor producer, distributor or retailer for the promotion of their brand(s) or outlets primarily to the New Zealand market. Producers, distributors and retailers are responsible for any part of the website over which they have editorial control.

“User Generated Content” means content on websites or emails where the public contributes to the content, such as the YouTube and Facebook websites and viral emails. The Code applies to promotions on such websites and emails where the producer, distributor or retailer provides a platform for, or distributes the user-generated content or endorses the user-generated content.

Principle 1

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

Guidelines

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.
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.

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.

1(d) Alcohol advertising and promotions shall not depict alcohol as a necessity, nor required for relaxation nor suggest it offers any therapeutic benefit.

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.

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.

1(g) Alcohol advertising and promotions shall not cause widespread or serious offence, taking into account prevailing community standards, context, audience, medium and product.

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.*

**Guidelines**

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(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.
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.

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).

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(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 in a family barbecue, provided that there is no direct or implied suggestion that they will serve or consume alcohol.

3(d) Alcohol Advertisements shall not be shown on television between 6.00 am and 8.30 pm.

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.

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.

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 per cent of the expected audience is minors.

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.

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

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.
SCHEDULE 2

GUIDANCE NOTES FOR THE CODE FOR ADVERTISING AND PROMOTION OF ALCOHOL

These Guidance Notes are to be read in conjunction with the Code for Advertising and Promotion of Alcohol. They are intended to provide interpretation assistance to the industry and consumers on the Principles and Guidelines of the Code.

Social responsibility [Principle 1 of the Code]

Principle 1 requires a high standard of social responsibility in alcohol advertising and promotions.

Guideline 1(a) in the Code states:

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.

i. The intent of this guideline is to prevent the linking of alcohol with highly risky behaviour.
ii. This guideline does not prevent the depiction of physical activities including sports in advertising and promotions but care must be taken to ensure alcohol products are not consumed before or during the activity. This also applies to Guideline 1(e).
iii. “Unruly, irresponsible or antisocial behaviour” would include behaviour likely to harm individuals or property.

Guideline 1(b) in the Code states:

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.

iv. This does not prevent the use of imagery of social settings such as a dinner party / BBQ or other occasion where the responsible serving of alcohol would not be unexpected.

Guideline 1(d) in the Code states:

1(d) Alcohol advertising and promotions shall not depict alcohol as a necessity, nor required for relaxation nor suggest it offers any therapeutic benefit.

v. Advertisements should not convey the message that a state of relaxation cannot be achieved without the consumption of alcohol but it is acceptable to suggest
that a consumer can relax while consuming alcohol moderately, for example, an invitation to relax or unwind with brand X

Social Media / Brand Websites [Principle 3]

i. The Code requires all alcohol brand websites to have age verification entry pages. This should be in a format that requires the user to enter a birth date, not just a yes / no option in response to an age question. Advertisers should ensure they are up-to-date with any technological advances that may help minimise the risk of access by minors to brand sites.

ii. The use of an appropriate default website if someone enters a birth date which indicates they are a minor is recommended such as a relevant page on the Alcohol Advisory Council website.

iii. Many alcohol brands make use of social media to connect with their target audience, an advertising medium that is relatively new and continually evolving. It is noted that most social media networks have their own policies on age-related tags and advertiser should ensure that their pages comply with these policies. For example see: http://www.facebook.com/terms.php, http://www.facebook.com/ad_guidelines.php and http://www.facebook.com/promotions_guidelines.php

iv. Where an advertiser has direct involvement with a website or social media pages content and ‘ownership’ of it, it is expected the user generated content (UGC) will be regularly monitored to ensure the content complies with the code requirements (see also ASA Guidance Note on Social Media, www.asa.co.nz).

v. If a complaint is accepted about UGC on an alcohol brand-owned Facebook page (or similar), steps that an advertiser has taken to target that content to an adult audience will be helpful in the response to the complaint.

vi. Risk areas for UGC include: images of clearly intoxicated people, people who may be minors drinking to excess, overtly sexual imagery linked with alcohol, people posing with alcohol while involved in risk-taking behaviour – driving, water sports, rock climbing, operating dangerous machinery etc. Written comments may also be a problem particularly wording that encourages or reports excessive consumption of alcohol.

vii. It is acknowledged that advertisers can only be responsible for the material that is on the sites / pages that they own or manage. Where possible, links to pages with content likely to breach the codes should be removed but the content of an individual’s social media page /profile, with no connection to the advertiser, is outside the jurisdiction of the ASA.
Heroes of the Young [Principle 3]

i. This Guideline is included within the Principle which requires alcohol advertising and promotion to be targeted at adult audiences. The selection of media, placement, style of presentation, content and context where ads appear are all key factors in determining Code compliance. For example a different standard is applicable in an on-premise or specialist alcohol outlet than a general supermarket (other than a restricted area in a supermarket), where greater care would be required. Similarly advertising in media, where the audience is less predictable, and likely to include minors requires care. Age-restricted websites are another example where there is an adult audience.

ii. Some heroes of the young are clearly targeted to a young audience and should not be used for alcohol advertising and promotion. Others will have appeal to a wider age group and are suitable for use if specific attention is given to the appropriate environment in terms of context and placement in which the message is presented. An adult audience of at least 75% would be expected in such cases. The Advertising Standards Complaints Board is the final arbiter as to whether an advertisement has appropriately targeted an adult audience.

iii. In order to minimise the appeal of alcohol products to minors, heroes that minors may wish to emulate or that have strong appeal should not be included in alcohol advertising that includes images of products and/or sales messaging, intended to promote the sale and consumption of alcohol in non-restricted areas where minors are likely to see such advertising.

iv. To be considered to have strong appeal under the Code, the hero must have more than recognition, it would be an individual or group that minors would aspire to be or to connect with.

v. A number of teams in particular have been identified as heroes of the young. They include the All Blacks, the Kiwi League team, the Warriors League team, the Black Caps cricket team and the Silver Ferns netball team. This identification applies to the teams and high profile individuals that are current team members. Other representative sports teams may also be heroes of the young, for example Super 15 Rugby franchises have been identified as such.

vi. Not all sports teams or sports people would be considered heroes of the young. Most retired sports people would not meet the threshold with regard to a level of appeal and hero status (excluding recent retirements). Sports that are less appealing to young people would also fit into this category. It is important to take into account the age range of minors which provide the key measurement – up to 18 years.

vii. Events and tournaments are also not heroes of the young, although teams / participants in them may be.

viii. Celebrities, TV and film stars and musicians with particular appeal to a younger demographic could be heroes of the young. In making this assessment,
considerations should be given to the ratings of the shows/films they have appeared in, and the target audience for the shows/films and for a singer or band’s music.

ix. Note, where the teams / individuals / groups pro-actively connect with under 18’s through children’s merchandise, special training sessions for children to attend, and other initiatives with a youth focus – then the likelihood of an issue re heroes of the young is increased.

x. Sponsorship advertising is defined separately under the Code. Please also review the Sponsorship Guidance Note below

Sponsorship [Principle 4]

i. Alcohol companies can sponsor teams / events / individuals and activities.

ii. It is helpful if a clear sponsorship association is made in sponsorship advertising (e.g. proud sponsor of x).

iii. The primary focus of a sponsorship advertisement should be on the activity (e.g. Homegrown Music Festival), the team (e.g. All Blacks) or the sponsored individual.

iv. Principle 4, Guideline 4(e) requires that the advertisement “only briefly and in a subordinate way mention the sponsor’s name / and or brand name and /or logo”. In practical terms, this has been interpreted as being approximately 15% of the advertising space / time available.

v. It will not always be possible to apply a proportion of space rule as described above and consideration will be given to the overall look and feel of the material and whether the advertisement is promoting the event or product. This is most likely to apply where a sponsor has naming rights to an event, including the use of the brand in an event or activity name (e.g. Brand X New Zealand Golf Open).

vi. Teams and individuals who may otherwise be considered heroes of the young and prevented from being included in alcohol advertisements, may be included in sponsorship advertisements as long as the requirements set out in the Guidelines (4a to 4e) are met.

vii. The definition of sponsorship advertisement confirms that any advertisement that refers to sponsorship but does not comply with the guidelines in Principle 4 - for example, inclusion of a product shot – automatically becomes an alcohol advertisement and must comply with all the requirements of that part of the Code.

viii. References to heroes of the young in alcohol advertising (defined separately to sponsorship advertising) are specifically dealt with in a separate Guidance Note for Principle 3 above.
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 and put ‘Forum information’ in the subject line.

Please detach and return.

<table>
<thead>
<tr>
<th>Name:</th>
<th>Fran Lowe</th>
</tr>
</thead>
<tbody>
<tr>
<td>If this submission is made on behalf of an organisation, please name that organisation here:</td>
<td>Alcohol Action Hawkes Bay</td>
</tr>
<tr>
<td>Address/email:</td>
<td><a href="mailto:Flowe@nettel.net.nz">Flowe@nettel.net.nz</a></td>
</tr>
<tr>
<td>Please provide a brief description of your organisation (if applicable):</td>
<td>National group of concerned medical practitioners, health promoters, and citizens</td>
</tr>
</tbody>
</table>

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
- 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.
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, Select committee

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.

   Restricting alcohol advertising is on of the top three most cost-effective measures for reducing alcohol-related harm according to the WHO. Youth are influenced by advertising as are adults. Ultimately a ban on advertising will be the effective intervention, but a staged approach as recommended by the Law Commission may be expensive to police but necessary to appease the industry.
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.

An effort to estimate the likely effects of several alcohol policies on youth drinking behavior in the U.S. population concluded that a complete ban on alcohol advertising would be the most effective, resulting in 7,609 fewer deaths from harmful drinking and a 16.4% drop in alcohol-related life-years lost see: John Hopkins University Fact Sheet and reference below. Exposure to repeated high-level alcohol promotion inculcates pro-drinking attitudes and increases the likelihood of heavier drinking. Alcohol advertising predisposes minors to drinking well before legal age of purchase. Indeed, advertising has been found to promote and reinforce perceptions of drinking as positive, glamorous and relatively risk-free. Despite industry claims that they adhere to codes of responsible advertising, the detrimental influences of marketing practices are not addressed adequately by industry self-regulation. Self-regulation tends to be fragile and largely ineffective. "(The Globe, issue 3, 2003, summary of “Alcohol No Ordinary commodity”)


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

Yes, delaying change also delays the benefits. We have had the benefit of non promotion of cigarettes as part of an overall harm reduction approach for a number of years and the harm from smoking has reduced a great deal. We would not return to the bad old days of no holds barred smoking and the glamour or macho advertising of it. Research supports the effectiveness of a total ban (see ref below) "The static models show that comprehensive bans result in a 6.7 percent decline in per capita consumption. It also indicates that limited bans have no significant impact on consumption. When considering only the sub sample of developing countries we found that limited bans reduce per capita consumption by 13.6 percent while comprehensive bans result in a larger 23.5 percent reduction in per capita consumption (relative to the base case of a weak policy regime)" Quite impressive for tobacco.

Alcohol is well documented as being more harmful than tobacco, and has been judged as a class B drug by the British Medical Association. Although there is some evidence that drinking has been trending down as advertising spend increases, there are some issues with that. One is that advertising spend will naturally increase as CPI increases and there are more ways to advertise, another is that a downward trend which is due to economic circumstances may have been greater if there was no advertising, another is that NZ consumption has increased over the last 25 years and is considerably higher now than in 1988 (see next paragraph). As people's disposable income increases, alcohol advertising competes for that spend.

2013 alcohol consumption figures from Statistics New Zealand show the total volume of alcohol available in New Zealand rose to 466 million litres last year - the increase being the equivalent of 2.1 standard drinks per person aged 18 and over per day compared to 2012. It represents an increase of almost 9 million litres from 2012. This goes against the downward trend of the previous four years, however in the years from 2000 to 2008 consumption steadily increased to a 20 year high in 2008. In 2013 levels were still considerably higher than in 1988.
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.

Sponsorship of sporting events promotes the binge drinking culture around sport. Why wouldn’t sport not be sponsored by Frontera or Toyota? The eagerness with which beer sponsorship is given to sports organisations demonstrates the symbiotic relationship – if you are a real man you drink beer and play sport. Do beer manufacturers sponsor a woman’s team, or a chess tournament, or an orchestra? It is time NZ came of age and men stop being susceptible to stereotypical brainwashing as they currently are. Alcohol should also not be associated with music or arts events – to associate alcohol with youth role models of any kind is encouraging youth to drink.

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 abstract of the 2011 Australian research reference below follows:

**Aims:** To examine the relationship between direct alcohol and non-alcohol sponsorship and drinking in Australian sportspeople. **Methods:** Australian sportspeople (N = 652; 51% female) completed questionnaires on alcohol and non-alcohol industry sponsorship (from bars, cafes etc.), drinking behaviour (Alcohol Use Disorders Identification Test (AUDIT)) and known confounders. **Results:** 31% reported sponsorship (29.8% alcohol industry; 3.7% both alcohol and non-alcohol industry and 1.5% non-alcohol industry only) Multivariate regression showed that receipt of alcohol industry sponsorship was predictive of higher AUDIT scores ($\beta_{adj} = 1.67$, 95% confidence interval (CI): 0.56–2.78), but non-alcohol industry sponsorship and combinations of both were not ($\beta_{adj} = 0.18$, 95% CI: −2.61 to 2.68; and $\beta_{adj} = 2.58$, 95% CI: −0.60 to 5.76, respectively). **Conclusion:** Governments should consider alternatives to alcohol industry sponsorship of sport. Hypothecated taxes (using, say, excise tax take) on tobacco have been used successfully for replacing tobacco sponsorship of sport in some countries, and may show equal utility to replace the alcohol industry’s funding of sport.

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

I do not see any hard evidence to the contrary. If we are to reduce harm, we need to reduce use. To reduce use we should eliminate influencing tactics such as sponsorship and advertising. The time to implement prosocial interventions is always now.

Types of possible restrictions (if supported)

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

If we are still to have alcohol advertising, then, just as medication advertising is required to, all alcohol advertising should contain warnings about side effects. Particularly the very serious short term side effect of Fetal Alcohol Spectrum Disorders (FASD). The majority of women have no idea that just one session of drinking can cause catastrophic damage to the development of the fetal brain. Ideally we would also include warnings about the risk of cancer, diabetes, violence, accidents, unplanned pregnancies, cognitive impairment, death from overdose all causing immense social and economic harm.
11. How would these proposed restrictions work in practice to reduce alcohol-related harm (e.g. crime, disorder, negative public health outcomes)?

NZ does not have statistics on FASD, however extrapolating from American statistics of 2 to 5% of annual live births in western countries, it is likely that 1,200 - 3,000 NZ babies are born each year with FASD. When it is considered that NZ women drink around four times as much as American woman, it is likely to be much higher. All of these consume scarce resources in the education and medical fields with attention and behavioural problems. About 90 (0.15%) from each year will require more than $1 million of lifetime support. The advice is for women not to drink while pregnant as there is no known safe level. Many women do not know they are pregnant, and more importantly do not know about FASD. Informed choice is very important here. See reference below


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

There are 39 countries that have legislated for warning in alcohol advertising in The World Health Organisation's 2012 list of countries that require health warnings in alcohol advertising. This is 20% of all countries in the world. There is good evidence that warnings about smoking works well if it is done well. The same will apply to alcohol.
13. What other interventions could potentially be tried in future?

All of the stages of the Law Commission's report
HYPERLINK "http://www.lawcom.govt.nz/sites/default/files/publications/2010/04/Publication_154_464_Part_36_Chapter 19 - Advertising, sponsorship and promotion of alcohol.pdf"Alcohol in our Lives: Curbing the Harm should be implemented. This advice was well researched and will reduce harm.

14. Why should these other interventions be considered?

Because they are research based and follow WHO recommendations
15. If further restrictions to alcohol sponsorship are necessary, what do you think should be done?


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

Citizens would not be affected by an advertising ban in fact it would be a positive to not have advertising visible at all. All outside advertising was banned in Sao Paulo, a city of more than 20 million people. Five years on the people of Sao Paulo are pleased with the lack of visual pollution. Businesses continue to thrive and predicted failures and unemployment have not eventuated.

www.newdream.org/resources/sao-paolo-ad-ban

People would have more opportunity to live healthier, more productive, less accident prone lives with improved relationships and less depression and brain-damage.

The advertising industry would have reduced income if alcohol advertising was to be banned. This is part of normal ebbs and flows of supply and demand and if the alcohol industry was the company's only customer then I would wonder about the business practices of that company.
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.

   The evidence predicts that alcohol use of young people will reduce. The perception of using alcohol as something a real man does will reduce. As a result, harm must reduce. Alcohol industry will not be affected as they claim that they only advertise for brand loyalty. It will be a level playing field and their products will have to stand on their own merits. The advertising industry will suffer in terms of income, but they suffer similarly in times of recession or if a product is withdrawn from the market. The government can use excise tax to sponsor sport etc. This will be even more feasible if excise tax was to be raised. Different and often marginalised populations who can be more easily influenced and more badly affected by alcohol abuse will benefit the most.

22. Who would be affected by your proposals to restrict alcohol sponsorship and how?
The advertising industry will suffer in terms of income, but they suffer similarly in times of recession etc. The government can use excise tax to sponsor sport etc.
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;
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The advertising industry will suffer in terms of income, but they suffer similarly in times of recession or if a product is withdrawn from the market.
The government can use excise tax to sponsor sport etc. This will be even more feasible if excise tax was to be raised.
Different and often marginalised populations who can be more easily influenced and more badly affected by alcohol abuse will benefit the most.

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?
Do not be swayed by the alcohol industry's quoting of research that is funded by the industry, claims that advertising does not increase the use of alcohol, and claims that dire financial consequences will ensue if advertising is banned.

Pay attention to all of the ways that very real pain and suffering is caused by the misuse of alcohol and the financial strain on the tax payer. All to prop up an industry that is consistently irresponsible in the way that it promotes and controls alcohol use. We have publicans calling for a ban on public drunkenness. It seems that host responsibility is just too hard, and pre loading is to blame for publicans’ woes.

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

Have the courage to make change.

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?
Do not be swayed by the alcohol industry's quoting of research that is funded by the industry, claims that advertising does not increase the use of alcohol, and claims that dire financial consequences will ensue if sponsorship is banned.

Pay attention to all of the ways that very real pain and suffering that is caused by the misuse of alcohol and the financial strain on the tax payer. All to prop up an industry that is consistently irresponsible in the way that it promotes and controls alcohol use. We have publicans calling for a ban on public drunkenness. It seems that host responsibility is just too hard, and pre loading is to blame for publicans’ woes.
27. What action, if any, could be taken to address these matters?

Have the courage to make change.

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

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

Alcohol Action South Canterbury was formed in 2009. It has 6 members that meet regularly and a further 150 on an email list that receive updates and information. There have been numerous calls from members within the group, for the Government to support real reforms regarding alcohol price, availability and promotion.

The Government released last week it will do nothing regarding price. Availability, which was part of the Local Alcohol Plan (LAP) process has been subverted by lawyers acting for supermarkets…..we hope that this Ministerial Forum might actually act on reducing the promotion of alcohol.

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 presented to the subcommittee at a meeting in Dunedin, but feel let down by the lack of progress over the last 3 years.

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 2010.1 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.

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……on behalf of Alcohol Action South Canterbury

JMJ Robinson

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Email: robinsonfarmnz@gmail.com
Contact phone number: 03 6939077

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 give permission for my personal details to be released under the Official Information Act 1982.

I do give permission for my name to be listed in the published summary of submissions.
Alcohol label audit

Prepared for the Foundation for Alcohol Research and Education

September 2013
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6.2.2 Drink Responsibly

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1. Executive summary

1.1 Research context and objectives

At present, there is no mandatory requirement for the labels on alcohol products to carry a health warning. However, over the last few years there has been increasing support (among policymakers, the public and health advocates) for the introduction of a health warning labelling scheme on alcohol products, in particular to ensure that alcohol products contain messages about the risks of drinking during pregnancy.

In December 2011, Australian health ministers through the Legislative and Governance Forum on Food Regulation announced that the alcohol industry would have two years to adopt a voluntary labelling scheme. A labelling scheme developed by DrinkWise has been adopted by most major manufacturers as the industry standard for this purpose. In 2011, the former Chair of the DrinkWise Board stated that DrinkWise would work with the industry to ensure that consumer information messages would be displayed on the majority of alcohol products within this two year period. An independent evaluation to be completed in 2014 will be used by the Legislative and Governance Forum on Food Regulation to determine whether or not a mandatory scheme is required.

The Foundation for Alcohol Research and Education (FARE) contracted Ipsos Social Research Institute (Ipsos SRI) in 2012 to conduct an independent audit of alcohol labels which found that only 16% of audited products carried a DrinkWise consumer information message.

Ipsos SRI was contracted by FARE to repeat the audit in 2013 to: estimate the proportion of alcohol products displaying the DrinkWise messages (and to investigate any other advisory labels present); determine how frequently each of the different DrinkWise messages is displayed, on what products/categories and by which producers; investigate the size and placement of DrinkWise messages; and compare these results to those of the previous audit conducted in 2012.

1.2 Research design

An audit of alcohol labels on a sample of products selected from each category of alcohol was undertaken with an identical methodology used for the 2012 and 2013 audits in which researchers visited a number of alcohol retailers to audit labels of products from a list that had been randomly selected. The audit was carried out from 24 to 28 June in 2013, and 18 to 22 June in 2012.

A final sample of 251 individual products were audited in 2013 and 250 products were audited in 2012. Care was taken to ensure the sample of products audited in 2013 was selected as randomly as in 2012 in order to reflect the range of products currently available for purchase in each year. While some of the same products were audited across both years, there was not an explicit attempt to audit the same products in both years.

---

1.3 Summary of main findings

- Of the total sample of 251 products audited in 2013, more than one third (37%, or 92 items) carried any version of the DrinkWise consumer information messages. This compares with 16% in 2012.

- Some differences in the application of DrinkWise messages were observed in 2013 compared with 2012. The ‘Kids and alcohol don’t mix’ message observed in 2012 was not present on any of the audited products in 2013. A new label variation observed in 2013 was the square ‘Get the facts drinkwise.org.au’ logo with the ‘It is safest not to drink while pregnant’ message.

- Based on the total sample of products audited in 2013, 35% of beer/cider products, 31% of wine and 43% of spirit/mixed drink products carried any of the DrinkWise consumer information messages.

- There were increases in the proportion of products with DrinkWise messages across all categories. Greater increases were observed for spirit/mixed drinks (from 6% in 2012 to 43% in 2013) and wine (from 10% in 2012 to 31% in 2013) than for beer (from 30% in 2012 to 35% in 2013).

- Most of the major manufacturers whose products were audited in 2012 and 2013 appeared to have a larger proportion of products carrying DrinkWise messages in 2013 (with the exception of Coopers and Independent Distiller's Group). Of the largest manufacturers, only two in five SAB Miller (41%) and Lion (40%) products carried any of the DrinkWise messages in 2013.

- DrinkWise messages about drinking alcohol in pregnancy were more commonly observed in 2013 than in 2012. In total, 26% of all products audited in 2013 carried a pregnancy-related DrinkWise message (compared with 6% in 2012), with the most commonly observed version being the ‘get the facts drinkwise.org.au’ logo used in conjunction with the pregnancy silhouette (found on 15% of all products audited in 2013). Other combinations of messages were found on between between 2% and 5% of all products audited in 2013.

- The ‘Get the facts drinkwise.org.au’ logo used in conjunction with the pregnancy silhouette was the most common version of DrinkWise messaging found on beer/cider and wine products in 2013.

- The ‘Get the facts drinkwise.org.au’ logo used with the ‘Is your drinking harming yourself or others’ message was the most common version found on spirit/mixed drink products in 2013.

- Overall, 24% of beer/cider products, 28% of wine products and 27% of spirit/mixed drink products audited in 2013 carried some form of DrinkWise pregnancy message.

- As in 2012, most of the DrinkWise (86%) consumer information messages observed in 2013 took up less than 5% of the alcohol label or face of the packaging on which they were located and close to three in five (59%) products audited in 2013 featured the message on the back of the product.

- In 2012 and 2013, a range of other (non-DrinkWise) logos and plain text statements were observed on audited products. Of the 251 products audited in 2013, 43% featured some other information logo or statement of this type (compared to 51% in 2012). It is important to note that the vast majority of these logos and statements are not specifically health-related; they primarily encourage drinking responsibly or in moderation or direct consumers to manufacturer-specific information websites.

- The most commonly observed non-DrinkWise logo was the ‘DrinkIQ.com’ logo, which was found on 8% of products overall and the most common plain text statement observed in 2013 on audited products included ‘drink responsibly’, which was found on 9% of products overall.

1.4 Conclusions

The results of this study indicate that, despite some progress, after two years, the DrinkWise consumer information messages have still not been adopted across the majority of Australian alcohol product packaging.
The biggest increases in DrinkWise labelling over the last 12 months appears to have been across spirit/mixed drink and wine products. There also appears to have been a shift away from using the generic ‘get the facts drinkwise.org.au’ logo on its own and towards a greater use of pregnancy-related DrinkWise messages. In terms of size and location, DrinkWise labels are also still not prominently displayed on alcohol product packaging.
2. Research context

2.1 Background

In Australia, alcohol products containing more than 0.5% alcohol by volume are bound by law to state the alcoholic strength and approximate number of standard drinks on the label of the product. At present, there is no mandatory requirement for the labels on alcohol products to carry a health warning.

The inclusion of health warnings on alcohol products is supported by a majority of the Australian public (for example, 66% of those surveyed in the 2010 National Drug Strategy Household Survey agreed that information from National Health and Medical Research Council (NHMRC) Alcohol Guidelines should be added to alcohol labels\(^2\). Leading academics and health organisations also recommend this, with the National Preventative Health Taskforce’s strategy document, *Australia: the Healthiest Country by 2020*, recommending health advisory information labelling of all alcohol products to help reduce the harm caused by alcohol\(^3\).

Current policy

The Independent Review of Food Labelling Law and Policy, commissioned by the Australia and New Zealand Food Regulation Ministerial Council in 2009 (and which released its final report in 2011) recommended that generic alcohol warning messages be placed on alcohol labels as part of a multi-faceted campaign highlighting the public health consequences of alcohol consumption. The Independent review also recommended warnings about the risks of consuming alcohol while pregnant be mandated on individual containers of alcoholic beverages and at the point of sale for unpackaged alcoholic beverages\(^4\). At the first meeting of the Legislative and Governance Forum on Food Regulation (which replaced the Australia and New Zealand Food Regulation Ministerial Council) on 9 December 2011, the Ministers agreed that warnings about the risks of consuming alcohol while pregnant should be pursued but that industry would be given the opportunity to introduce appropriate labelling on a voluntary basis for a period of two years\(^5\).

The House of Representatives Standing Committee on Social Policy and Legal Affairs considered the issue of the display of warnings about alcohol consumption in pregnancy on alcohol products as part of its inquiry into the prevention, diagnosis and management of Fetal Alcohol Spectrum Disorders. In its final report, *FASD: The


"Hidden Harm," released in late 2012, the Standing Committee noted that “current regulation and voluntary programs regarding alcohol labelling are not functioning effectively and are unlikely to ever do so given the commercial realities of the alcohol industry” and recommended that the Commonwealth Government:

- “seek to include health warning labels for alcoholic beverages, including a warning label that advises women not to drink when pregnant or when planning a pregnancy, on the Legislative and Governance Forum on Food Regulation’s December agenda. The Commonwealth Government should determine the appropriate format and design of the labels by 1 March 2013, to assist the alcohol industry in adopting best practice principles and preparing for mandatory implementation.” [Recommendation 10]

- “mandate the range of health warning labels for alcoholic beverages as decided by the Legislative and Governance Forum on Food Regulation. The warning labels should consist of text and a symbol and should be required to be displayed on all alcohol products, advertising and packaging by 1 January 2014; the minimum size, position and content of all health warning labels should be regulated; and the introduction of mandated warning labels should be accompanied by a comprehensive public awareness campaign.” [Recommendation 11]

The Legislative and Governance Forum on Food Regulation considered this issue again in its meeting on 14 June 2013 and noted that, “a project to evaluate action taken by the alcohol industry in Australia in placing pregnancy warnings on alcohol products will commence shortly.” The interim and final reports from this evaluation are due to be provided to Food Regulation Ministers in December 2013 and March 2014 respectively. The Ministers agreed to await the outcome of the independent review before deciding whether or not to mandate a labelling scheme. However, the communiqué noted that the Food Regulation Ministers have asked Food Standards Australia New Zealand (FSANZ) to provide advice on the steps that would be required to regulate and have agreed to hold an extraordinary meeting as soon as the review report becomes available.

Industry response

In response to the push for health labelling on alcohol products, some parts of the alcohol industry have voluntarily developed consumer information messages to be displayed on alcohol packaging. One of these schemes was developed by the industry-funded DrinkWise organisation in 2010. According to the DrinkWise website (www.drinkwise.org.au), the alcohol producers who contribute to DrinkWise account for approximately 80% of all alcohol sales by volume in Australia.

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The DrinkWise consumer information messages include a ‘Get the facts’ logo (square or rectangular version) encouraging people to visit the DrinkWise website for information on safe alcohol consumption. In addition to the ‘Get the facts’ logo, producers have the option of adopting issue-specific messages, such as:

- ‘Kids and alcohol don’t mix.’
- ‘Is your drinking harming yourself or others?’
- ‘It is safest not to drink while pregnant.’
- An image featuring a silhouette of a pregnant woman with a strike-through (the ‘pregnancy silhouette’)

These messages, as they were originally developed, are shown in Figure 1.

**Figure 1. DrinkWise consumer information messages**

While alcohol producers contributing to DrinkWise, as well as supermarket chains Coles and Woolworths, have agreed to display consumer information messages, the decision regarding which messages are contained on which products, and how much of the alcohol label they cover, is up to the individual producer. Figure 2 below gives an example of the DrinkWise label logos in situ, as featured on the DrinkWise website.

**Figure 2. DrinkWise consumer information messages in situ**

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8 Available at: http://www.drinkwise.org.au/our-work/get-the-facts/

Public health advocates have expressed concern that the primary DrinkWise message to ‘get the facts’ is not in itself a health message, and that the other messages are not strong enough to influence behaviour change. Of concern also is that the voluntary nature of the labelling initiative means there is no guarantee messages will be or remain consistent in form, placement, size and content, no guarantee they will be displayed on all products and no guarantee that appropriate messages will be displayed on relevant products. This is especially important given international evidence suggests that that warning labels have the potential to influence drinking behaviour, but only if the label design ensures labels are actually noticed, if the content of warning labels evoke visceral avoidance responses and if messages are well targeted to their intended audience (for example, messages aimed at young people are displayed on beverages commonly consumed by young people, such as pre-mixed drinks)\(^\text{10}\).

In 2011, the then Chair of the DrinkWise Board stated that DrinkWise would work with the industry to ensure that consumer information messages would be displayed on the majority of alcohol products within two years.

As the conclusion of that two year period approaches, alcohol industry representatives have made some claims about labelling activity and the coverage of labelling on their products. For example, a recent media release from the Brewers Association, claims that “approximately 90% of beer containers, produced and distributed in Australia by our members already include a pregnancy message on a label”, concluding that “the beer industry is well ahead of its original estimated timetable of 80% coverage by the end of 2013”\(^\text{11}\).

In September 2012, DrinkWise launched a new web portal, with the support of the Winemakers’ Federation of Australia, to give winemakers direct free access to print-ready DrinkWise labelling messages. The Federation announced in November 2012 that larger companies were already well advanced on the two-year timeframe and that more than 100 winemakers had already come on board\(^\text{12}\).

Some manufacturers have adopted their own labelling schemes, which may or may not be applied in conjunction with the DrinkWise messages. For example, the international company SAB Miller, which acquired the Foster’s Group in Australia in 2011, has a range of ‘responsible drinking messages’ used across Europe and some of these messages feature on products for sale in Australia, these messages include statements such as, ‘For people over the age of 18 only’ and ‘Don’t Drink and Drive’ and also promote SAB Miller’s international alcohol information website, www.talkingalcohol.com. Lion Nathan promotes its www.BeDrinkAware.com.au website and Diageo promotes its own www.DrinkIQ.com on a number of products (and sometimes in conjunction with the DrinkWise message, ‘Is your drinking harming yourself or others?’).


Previous research

Ipsos Social Research Institute was contracted by the Foundation for Alcohol Research and Education in mid 2012 to conduct an audit of a random sample of alcohol products available for purchase in order to estimate the proportion of products carrying any of the DrinkWise messages at that time. The research found that just 16% of audited products contained a DrinkWise message in mid-2012.

2.2 Research objectives

Ipsos Social Research Institute was contracted by the Foundation for Alcohol Research and Education again in 2013 to conduct a repeat of the alcohol label audit to evaluate the extent of implementation of the DrinkWise labeling initiative to date. As in 2012, the research specifically aimed to:

- estimate the proportion of alcohol products displaying the DrinkWise messages (and to investigate any other advisory labels present);
- determine how frequently each of the different DrinkWise messages is displayed and on what products/categories/by which producers;
- investigate the size and placement of DrinkWise messages; and
- compare these results to those of the previous audit conducted in 2012.

The methodology used to address these issues is detailed in the following section.
3. Research design

3.1 Audit approach

The method designed to achieve the project objectives was an audit of alcohol labels on a sample of products selected from each category of alcohol. An identical methodology was used for the 2012 and 2013 audits.

Researchers visited a number of alcohol retailers to audit labels of products that had been randomly selected. The advantage of this approach was that it allowed for a large number of products to be audited quickly.

Below, the scope for the sampling of products and the selection procedure is outlined. The types of products included in the audit and the structure of the sample is also set out. The sampling procedure was designed to ensure maximum coverage of products available to purchase in Australia where the manufacturer has some control over the domestic labelling of the product. The sample was split roughly according to the apparent consumption figures for each category (beer/cider, wine, spirits/mixed drinks) and then, within each category, to sample from the manufacturers roughly representative to their size in the market. Therefore included in the audit were large, medium and small manufacturers; main, premium and niche brands; and a range of products within each category of alcohol that also reflects the volume of alcohol available to purchase in each category.

The sample was selected to include:

- Beer (including cider), wine (including fortified wines), spirits (including pre-mixed spirit and wine based drinks)
- Products manufactured domestically (either domestic brands or ‘imported’ brands licensed for local production)
- Products available for retail purchase (from large retailers and small retailers)
- Branded and private label products (that is, products produced for Woolworths’ and Wesfarmers’ alcohol retailers)
- Products from a range of large, medium and small producers.

The initial sample selection procedure was as follows:

- Selecting a desired sample size (up to n=300 products)
- Sample to be split representative of apparent consumption of alcohol categories (40% beer/cider, 40% wine and 20% spirits/mixed drinks)
- Within each category n, sample to be roughly representative of market share of producer
- Within each producer n, sample to be broadly representative of range of producer brands
• Within each *producer brand*, select every 2nd product (if possible), with the aim of selecting no more than two or three products from within each brand\(^\text{13}\).

This generated a target sample of 300 products. Researchers took the sample list into three retailers and attempted to locate products on the sample list – these premises were the same as those used in 2012 to maintain comparability. Where products were not able to be located, researchers attempted to include other randomly selected products from the same category in their place. As in 2012, not all the listed products were able to be found or substituted within the fieldwork period. This resulted in a final sample of 251 individual products that were audited (250 products were audited in 2012).

Care was taken to ensure the sample of products audited in 2013 was selected as randomly as in 2012 in order to reflect the range of products currently available for purchase in each year. This means that while some of the same products were audited across both years, there was not an explicit attempt to re-audit the same list of products in 2013 as in 2012.

The 2013 audit was carried out from 24 to 28 June 2013, a similar time period as for the 2012 audit (18 to 22 June 2012).

### 3.2 Quality assurance

This research was conducted in accordance with the Australian Market and Social Research Society’s professional code of behaviour and relevant legislation, including AS ISO 20252, the international standard for market and social research.

### 3.3 Final sample characteristics

The final 2013 sample included 251 individual items, which comprised 196 individual products and a further 55 multi-packs or cartons, many of which were included in the sample in their individual bottle or can form as well\(^\text{14}\).

Table 1, overleaf, shows the final sample split across alcohol categories for the 2012 and 2013 audits. The final distribution of the sample across categories differed slightly in 2013 from that obtained in 2012. This reflects the availability of products within each category that researchers were able to source within the field period in each year, rather than a change in market share or differences in the original sample lists used.

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\(^{13}\) The aim of this strategy was to ensure the number of different brands within a category in the sample was maximised as it was assumed that labeling regimes would differ more between brands than across different products within particular brands.

\(^{14}\) The multipacks were separated out for some analyses to explore whether or not DrinkWise consumer information messages were applied in the same way across the different forms in which products are sold.
Table 1. Final sample characteristics, 2012 and 2013

<table>
<thead>
<tr>
<th>Category</th>
<th>Single Items (n)</th>
<th>Multipacks (n)</th>
<th>Total (n)</th>
<th>Percent of total (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beer/cider</td>
<td>48</td>
<td>57</td>
<td>35</td>
<td>41</td>
</tr>
<tr>
<td>Wine/fortified wine</td>
<td>89</td>
<td>67</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Spirits/mixed drinks</td>
<td>68</td>
<td>72</td>
<td>10</td>
<td>14</td>
</tr>
<tr>
<td>Total</td>
<td>205</td>
<td>196</td>
<td>45</td>
<td>55</td>
</tr>
</tbody>
</table>

The research findings are detailed in the following section.
4. Research Findings

4.1 Presence of DrinkWise messages on alcohol labels

The full range of DrinkWise consumer information messages found on products in 2013 is shown in Table 2, along with examples of their application.

Table 2. DrinkWise consumer information messages observed in 2013

<table>
<thead>
<tr>
<th>Applications of DrinkWise consumer information messages observed in 2013</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>'Get the facts drinkwise.org.au’ square or rectangular logo.</td>
<td></td>
</tr>
<tr>
<td>Pregnancy silhouette</td>
<td></td>
</tr>
<tr>
<td>'Get the facts drinkwise.org.au’ with pregnancy silhouette.</td>
<td></td>
</tr>
<tr>
<td>'Get the facts drinkwise.org.au’ with ‘It is safest not to drink while pregnant'</td>
<td>Or</td>
</tr>
<tr>
<td>'It is safest not to drink while pregnant. Drinkwise.org.au’</td>
<td></td>
</tr>
<tr>
<td>'Get the facts drinkwise.org.au’ with ‘Is your drinking harming yourself or others?’</td>
<td>Or</td>
</tr>
<tr>
<td>'Is your drinking harming yourself or others? Drinkwise.org.au’</td>
<td></td>
</tr>
<tr>
<td>Pregnancy silhouette with ‘Not drinking is the safest option for women who are pregnant, planning a pregnancy or breastfeeding’ (also with ‘For more information and to get the facts, please visit <a href="http://www.drinkwise.org.au%E2%80%99">www.drinkwise.org.au’</a>).</td>
<td></td>
</tr>
</tbody>
</table>
Figure 3 shows the proportion of audited alcohol products that carried any of the DrinkWise consumer information logos/messages in 2012 and 2013.

Of the total sample of 251 products audited in 2013, more than one third (37%, or 92 items) carried any version of the DrinkWise consumer information messages. This compares with 16% in 2012.

Figure 3. Proportion of all products audited with DrinkWise consumer information messages

Separating the single products from multi-packs (given the high level of brand overlap between single and multipack products), 43% (16% in 2012) of single products and 15% (13% in 2012) of multi-packs audited carried any of the DrinkWise consumer information messages.

Some differences in the application of DrinkWise messages were observed in 2013 compared with 2012. The ‘Kids and alcohol don’t mix’ message observed in 2012 was not present on any of the audited products in 2013. A new label variation observed in 2013 was the square ‘Get the facts drinkwise.org.au’ logo with the ‘It is safest not to drink while pregnant’ message.
Figure 4 shows the proportion of products within each of the major alcohol categories that were found to carry any of the DrinkWise consumer information messages. Based on the total sample of products audited in 2013, 35% of beer/cider products, 31% of wine and 43% of spirit/mixed drink products carried any of the DrinkWise consumer information messages.

In 2012, DrinkWise consumer information messages were predominantly found on beer products, and rarely on wine and spirit/mixed drink products. There were increases in the proportion of products with DrinkWise messages across all categories. Greater increases were observed in the spirit/mixed drink (increasing from 6% in 2012 to 43% in 2013) and wine (increasing from 10% in 2012 to 31% in 2013) categories than for beer (increasing from 30% in 2012 to 35% in 2013).

**Figure 4. Proportion of products with DrinkWise messages by alcohol category**

![Bar chart showing the proportion of products with DrinkWise messages by alcohol category.](image)

Base: Total sample,
2012 Beer/cider n=83, Wine n=89 Spirits/mixed drinks n=78;
2013 Beer/cider n=98, Wine n=67, Spirits/mixed drinks n=86

Single products (e.g. individual bottles or cans) were separated from multi-packs (e.g. 4-packs, 6-packs and cartons) to look at how DrinkWise messages were applied to the different forms of product packaging. Figures 5 and 6, overleaf, show the proportion of single and multi-packs within each of the main alcohol categories that carried DrinkWise consumer information messages.

Half of all single beer/cider products audited in 2013 (51%) carried a DrinkWise message but only 12% of beer/cider multi-packs packaging carried any of the DrinkWise consumer information messages.

Almost half (47%) of single spirit/mixed drink products audited in 2013 carried a DrinkWise message, compared with only 6% in 2012. Only one out of five (21%) spirit/mixed drink multi-packs audited in 2013 carried a DrinkWise message (this figure was 10% in 2012).
As in 2012, the application of labelling across single products and their multi-pack form was variable. For a number of the brands included in the sample in single and multi-pack form, the DrinkWise labelling appeared on single bottles or cans but not the associated four-pack, six-pack or carton packaging.

No multi-packs of wine products were audited in 2012 or 2013.

**Figure 5. Proportion of individual products with DrinkWise messages by alcohol category**

![Bar chart showing the proportion of individual products with DrinkWise messages by alcohol category for 2012 and 2013.](image)

**Figure 6. Proportion of multipack products with DrinkWise messages by alcohol category**

![Bar chart showing the proportion of multipack products with DrinkWise messages by alcohol category for 2012 and 2013.](image)
Table 3 shows the application of the DrinkWise consumer information messages across manufacturers/distributors in 2013.

The majority of Pernod-Ricard (91%), Accolade Wines (80%), Coopers (78%), DeBortoli products (67%), Brown-Forman (63%) and Diageo (61%) products audited carried DrinkWise messages. Of the largest manufacturers, only two in five SAB Miller (41%) and Lion (40%) products carried any of the DrinkWise messages.

Table 3. Products carrying DrinkWise messages by manufacturer in 2013

<table>
<thead>
<tr>
<th>Manufacturer/distributor</th>
<th>Number of products with DrinkWise messages in 2013</th>
<th>Number of products audited in 2013</th>
<th>% of total products audited in 2013 (note small base sizes)</th>
</tr>
</thead>
<tbody>
<tr>
<td>SAB Miller</td>
<td>19</td>
<td>42</td>
<td>45%</td>
</tr>
<tr>
<td>Lion Nathan</td>
<td>15</td>
<td>35</td>
<td>43%</td>
</tr>
<tr>
<td>Diageo</td>
<td>14</td>
<td>23</td>
<td>61%</td>
</tr>
<tr>
<td>Pernod Ricard</td>
<td>10</td>
<td>11</td>
<td>91%</td>
</tr>
<tr>
<td>Coopers</td>
<td>7</td>
<td>9</td>
<td>78%</td>
</tr>
<tr>
<td>Brown-Forman</td>
<td>5</td>
<td>8</td>
<td>63%</td>
</tr>
<tr>
<td>Accolade Wines</td>
<td>4</td>
<td>5</td>
<td>80%</td>
</tr>
<tr>
<td>Suntory Australia</td>
<td>4</td>
<td>11</td>
<td>36%</td>
</tr>
<tr>
<td>CCA</td>
<td>2</td>
<td>6</td>
<td>33%</td>
</tr>
<tr>
<td>De Bortoli</td>
<td>2</td>
<td>3</td>
<td>67%</td>
</tr>
<tr>
<td>Moet Henessey</td>
<td>2</td>
<td>5</td>
<td>40%</td>
</tr>
<tr>
<td>Bacardi Lion</td>
<td>1</td>
<td>4</td>
<td>25%</td>
</tr>
<tr>
<td>Treasury Wine Estates</td>
<td>1</td>
<td>7</td>
<td>14%</td>
</tr>
<tr>
<td>VOK Beverages</td>
<td>1</td>
<td>6</td>
<td>17%</td>
</tr>
<tr>
<td>Independent Distillers Group</td>
<td>0</td>
<td>10</td>
<td>0%</td>
</tr>
<tr>
<td>Asia Pacific Breweries</td>
<td>0</td>
<td>7</td>
<td>0%</td>
</tr>
<tr>
<td>Campari</td>
<td>0</td>
<td>6</td>
<td>0%</td>
</tr>
<tr>
<td>Casella</td>
<td>0</td>
<td>3</td>
<td>0%</td>
</tr>
<tr>
<td>Nelson Wine Company</td>
<td>0</td>
<td>2</td>
<td>0%</td>
</tr>
<tr>
<td>Rebellion Brewing</td>
<td>0</td>
<td>2</td>
<td>0%</td>
</tr>
<tr>
<td>Wineinc</td>
<td>0</td>
<td>2</td>
<td>0%</td>
</tr>
<tr>
<td>Yalumba Wines</td>
<td>0</td>
<td>2</td>
<td>0%</td>
</tr>
<tr>
<td>Other manufacturers</td>
<td>5</td>
<td>42</td>
<td>12%</td>
</tr>
</tbody>
</table>
Table 4 compares the proportion of products carrying DrinkWise messages by manufacturer for 2012 and 2013. Most of the major manufacturers whose products were audited in 2012 and 2013 appeared to have a larger proportion of products carrying DrinkWise messages in 2013 (with the exception of Coopers and the Independent Distiller's Group).

Table 4. Proportion of products carrying DrinkWise messages by manufacturer in 2012 and 2013

<table>
<thead>
<tr>
<th>Manufacturer/distributor</th>
<th>% of manufacturer’s products audited in 2012</th>
<th>% of manufacturer’s products audited in 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>SAB Miller</td>
<td>26%</td>
<td>45%</td>
</tr>
<tr>
<td>Lion Nathan</td>
<td>15%</td>
<td>43%</td>
</tr>
<tr>
<td>Diageo</td>
<td>5%</td>
<td>61%</td>
</tr>
<tr>
<td>Pernod Ricard</td>
<td>56%</td>
<td>91%</td>
</tr>
<tr>
<td>Coopers</td>
<td>82%</td>
<td>78%</td>
</tr>
<tr>
<td>Brown-Forman</td>
<td>25%</td>
<td>63%</td>
</tr>
<tr>
<td>Accolade Wines</td>
<td>14%</td>
<td>80%</td>
</tr>
<tr>
<td>Suntory Australia</td>
<td>0%</td>
<td>36%</td>
</tr>
<tr>
<td>CCA</td>
<td>0%</td>
<td>33%</td>
</tr>
<tr>
<td>De Bortoli</td>
<td>0%</td>
<td>67%</td>
</tr>
<tr>
<td>Moet Henessey</td>
<td>0%</td>
<td>40%</td>
</tr>
<tr>
<td>Bacardi Lion</td>
<td>13%</td>
<td>25%</td>
</tr>
<tr>
<td>Treasury Wine Estates</td>
<td>0%</td>
<td>14%</td>
</tr>
<tr>
<td>VOK Beverages</td>
<td>*</td>
<td>17%</td>
</tr>
<tr>
<td>Independent Distillers Group</td>
<td>11%</td>
<td>0%</td>
</tr>
<tr>
<td>Asia Pacific Breweries</td>
<td>*</td>
<td>0%</td>
</tr>
<tr>
<td>Campari</td>
<td>*</td>
<td>0%</td>
</tr>
<tr>
<td>Casella</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Nelson Wine Company</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Rebellion Brewing</td>
<td>*</td>
<td>0%</td>
</tr>
<tr>
<td>Wineinc</td>
<td>*</td>
<td>0%</td>
</tr>
<tr>
<td>Yalumba Wines</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Other manufacturers</td>
<td>0%</td>
<td>12%</td>
</tr>
</tbody>
</table>

* Products not audited in 2012
4.2 Type of DrinkWise consumer messages used

Figure 7, overleaf, shows the proportion of products carrying DrinkWise consumer information that featured each of the messages listed in Table 2 and Figure 8, also overleaf, shows these as a proportion of all products audited. Of the products audited in 2013 featuring a DrinkWise message, the most commonly observed message was the ‘Get the facts drinkwise.org.au’ logo used in conjunction with the pregnancy silhouette, which was found on 40% of products carrying DrinkWise messages (15% of all products audited). A further 11% of products (4% of all products audited) carried the pregnancy silhouette on its own and 2% (1% of all products audited) carried the pregnancy silhouette in conjunction with a message stating ‘Not drinking is the safest option for women who are pregnant, planning a pregnancy or breastfeeding’15. In total, 72% of products carrying DrinkWise messages carried a pregnancy-related message (this is 26% of all products audited).

Other combinations of DrinkWise messages were found on between 4% and 14% of products carrying any DrinkWise messages in 2013 (between 2% and 5% of all products audited).

In 2012, the most common DrinkWise message on products was the ‘Get the facts drinkwise.org.au’ logo (which was found on its own on 49% of products carrying DrinkWise messages and in conjunction with other messages on a further 18% of products). In 2013, this logo was more commonly found in conjunction with other messages, with only 11% of products carrying DrinkWise messages featuring it on its own (4% of all products audited in 2013), while a further 67% of products featured it alongside other messages (29% of all products audited in 2013).

Of the specific statements used in DrinkWise consumer information messages, the ‘It is safest not to drink while pregnant’ message was most commonly observed in 2013, featuring on 18% of products carrying DrinkWise messages (14% in conjunction with the ‘Get the facts drinkwise.org.au’ logo, and 4% in conjunction with the web address ‘Drinkwise.org.au’). As a proportion of all products audited in 2013, 7% featured the ‘It is safest not to drink while pregnant’ message.

The ‘Is your drinking harming yourself or others?’ message was found on 17% of products carrying DrinkWise messages (13% in conjunction with the ‘Get the facts drinkwise.org.au’ logo, and 4% in conjunction with the web address ‘Drinkwise.org.au’). As a proportion of all products audited in 2013, 7% featured the ‘Is your drinking harming yourself or others?’ message.

The ‘Kids and alcohol don’t mix’ message was not found on any products in the 2013 audit.

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15 These products also carried the message: ‘For more information and to get the facts, please visit www.drinkwise.org.au’.
Figure 7. Type of messages featured on products with DrinkWise consumer information message

- Get the facts drinkwise.org.au + pregnancy silhouette: 40% in 2013, 11% in 2012
- Get the facts drinkwise.org.au + It is safest not to drink while pregnant: 14% in 2013, 11% in 2012
- Get the facts drinkwise.org.au + Is your drinking harming yourself or others?: 13% in 2013, 8% in 2012
- Get the facts drinkwise.org.au: 11% in 2013, 11% in 2012
- Pregnancy silhouette: 11% in 2013, 11% in 2012
- Is your drinking harming yourself or others? Drinkwise.org.au: 4% in 2013, 4% in 2012
- It is safest not to drink while pregnant. Drinkwise.org.au: 4% in 2013, 5% in 2012
- Pregnancy Silhouette + Not drinking is the safest option for women who are pregnant, planning a pregnancy or breastfeeding: 2% in 2013, 2% in 2012
- Get the facts drinkwise.org.au + Kid’s and alcohol don’t mix: 10% in 2013, 11% in 2012

Base: Products carrying Drinkwise consumer information messages
2012, n=39; 2013, n=92

Figure 8. DrinkWise consumer information messages as proportion of all products audited

- Get the facts drinkwise.org.au + Pregnancy silhouette: 15% in 2013, 5% in 2012
- Get the facts drinkwise.org.au + It is safest not to drink while pregnant: 5% in 2013, 5% in 2012
- Get the facts drinkwise.org.au + Is your drinking harming yourself or others?: 5% in 2013, 4% in 2012
- Pregnancy Silhouette: 4% in 2013, 3% in 2012
- Get the facts drinkwise.org.au: 4% in 2013, 4% in 2012
- It is safest not to drink while pregnant. Drinkwise.org.au: 2% in 2013, 2% in 2012
- Get the facts drinkwise.org.au + Kid’s and alcohol don’t mix: 1% in 2013, 1% in 2012
- Is your drinking harming yourself or others? Drinkwise.org.au: 2% in 2013, 2% in 2012
- Pregnancy Silhouette + Not drinking is the safest option for women who are pregnant, planning a pregnancy or breastfeeding: 1% in 2013, 1% in 2012

Base: All products audited, 2012, n=250; 2013, n=251
4.3 DrinkWise consumer messages used by category

Figures 9, 10 and 11 on the following pages show the types of DrinkWise consumer information messages found on audited products within each alcohol category.

As shown in Figure 9, below, the most common DrinkWise consumer information messages found on beer/cider products in 2013 was the ‘Get the facts drinkwise.org.au’ logo used in conjunction with the pregnancy silhouette, which appeared on 18% of beer/cider products (this combination was only found on 1% of products in 2012). Nine percent (9%) of beer/cider products carried the ‘Get the facts drinkwise.org.au’ logo on its own (20% in 2012). The ‘It is safest not to drink while pregnant’ message was found on 6% of beer products (in conjunction with the ‘Get the facts drinkwise.org.au’ logo on 2% of products and with the Drinkwise.org.au web address on 4% of products). Overall, 24% of beer/cider products audited in 2013 contained a DrinkWise message relating to pregnancy (compared with 4% of beer/cider products audited in 2012).

The ‘Kids and alcohol don't mix’ message, which was on 6% of beer products in 2012 was not observed at all on beer products in 2013.

Figure 9. Type of DrinkWise consumer information messages featured on beer/cider products audited

Base: Beer/cider products, 2012 n=83; 2013 n=98
Figure 10, below, shows that wine products most commonly featured the ‘Get the facts drinkwise.org.au’ message with the pregnancy silhouette in 2013 (as in 2012). This combination was found on 18% of wine products in 2013, compared with only 6% in 2012. The pregnancy silhouette featured on its own on a further 7% of wine products in 2013 and in conjunction with a message ‘Not drinking is the safest option for women who are pregnant, planning a pregnancy or breastfeeding’ on 3% of wine products. Overall, 28% of wine products audited in 2013 contained a DrinkWise message relating to pregnancy (compared with 8% of wine products audited in 2012).

Figure 10. Type of DrinkWise consumer information messages featured on wine products audited

<table>
<thead>
<tr>
<th>Message</th>
<th>2013</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Get the facts drinkwise.org.au + pregnancy silhouette</td>
<td>18%</td>
<td>6%</td>
</tr>
<tr>
<td>Pregnancy silhouette</td>
<td>7%</td>
<td>2%</td>
</tr>
<tr>
<td>Pregnancy Silhouette + Not drinking is the safest option for women who are pregnant, planning a pregnancy or breastfeeding</td>
<td>3%</td>
<td>3%</td>
</tr>
<tr>
<td>Is your drinking harming yourself or others? Drinkwise.org.au</td>
<td>3%</td>
<td>3%</td>
</tr>
<tr>
<td>Get the facts drinkwise.org.au</td>
<td>2%</td>
<td></td>
</tr>
</tbody>
</table>

Base: Wine products, 2012 n=89; 2013 n=67

16 These products also carried the message: ‘For more information and to get the facts, please visit www.drinkwise.org.au’.
As shown in Figure 11, below, a broader range of DrinkWise messages were featured on spirit/mixed drink products than in 2013 compared with 2012. Pregnancy messages of different types featured most commonly on spirit/mixed drink products in 2013, a change from 2012 when the most common message observed was the ‘Is your drinking harming yourself or others’ message. The pregnancy silhouette featured on 14% of spirit/mixed drink products in 2013 (8% in conjunction with the ‘Get the facts drinkwise.org.au’ logo and alone on 6% of products). A further 13% of products featured the message ‘It is safest not to drink while pregnant’. Overall, 27% of spirit/mixed drink products audited in 2013 contained a DrinkWise message relating to pregnancy (compared with 3% of spirit/mixed drink products audited in 2012).

In 2013, the ‘Is your drinking harming yourself or others’ message was found in conjunction with the ‘Get the facts drinkwise.org.au’ logo on 14% of spirit/mixed drink products and in conjunction with the ‘Drinkwise.org.au’ web address on a further 1% of products.

**Figure 11. Type of DrinkWise consumer information messages featured on spirit/mixed drink products audited**

- **Get the facts drinkwise.org.au + Is your drinking harming yourself or others?**
  - 2013: 14%
  - 2012: 4%

- **Get the facts drinkwise.org.au + It is safest not to drink while pregnant**
  - 2013: 13%
  - 2012: 3%

- **Get the facts drinkwise.org.au + pregnancy silhouette**
  - 2013: 8%
  - 2012: 6%

- **Pregnancy silhouette**
  - 2013: 6%
  - 2012: 3%

- **Is your drinking harming yourself or others? Drinkwise.org.au**
  - 2013: 1%
  - 2012: 1%

Base: Spirit/mixed drink products, 2012 n=78; 2013 n=67
4.4 **DrinkWise consumer messages used, by brand**

Table 5, below, shows the specific brands in the 2013 audit sample carrying each of the DrinkWise consumer information messages.

**Table 5. Brands within each category carrying specific DrinkWise messages**

<table>
<thead>
<tr>
<th>Message</th>
<th>Beer</th>
<th>Wine</th>
<th>Spirits/Mixed Drinks</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Get the facts drinkwise.org.au + It is safest not to drink while pregnant</strong></td>
<td>James Squire Orchard Crush Kirin Pure Taste</td>
<td></td>
<td>Finlandia Vodka Pimms No. 1 Jack Daniels Whiskey Baileys Irish Cream Captain Morgan Spiced Gold and Cola (4 pack) Captain Morgan Jamaica Rum Johnny Walker Red Label Bulleit Bourbon and Cola Captain Morgan and Cola Ruski Pineapple Vodka Bundaberg Rum</td>
</tr>
<tr>
<td><strong>It is safest not to drink while pregnant drinkwise.org.au</strong></td>
<td>Tooheys Extra Dry Tooheys Extra Dry Platinum 5 Seeds Crisp Apple Cider James Boag Draught</td>
<td>Taylors Promise Land Reisling Taylors Jaraman Chardonnay Barwang Chardonnay Moet and Chandon Brut Jacobs Creek Moscato Ballantines Scotch Whiskey Beefeater Gin De Kuyper Butterscotch Schnapps Malibu Carribean Rum Absolut Vodka</td>
<td></td>
</tr>
<tr>
<td><strong>Pregnancy Silhouette</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Message</td>
<td>Beer</td>
<td>Wine</td>
<td>Spirits/Mixed Drinks</td>
</tr>
<tr>
<td>-----------------</td>
<td>-----------------</td>
<td>-----------------</td>
<td>-------------------</td>
</tr>
<tr>
<td>Pregnancy Silhouette + Not drinking is the safest option for women who are pregnant or planning a pregnancy</td>
<td>Berri Estates Fruity Gordo&lt;sup&gt;17&lt;/sup&gt; Stanley Wines Traditional Dry Red&lt;sup&gt;18&lt;/sup&gt;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is your drinking harming yourself or others? Drinkwise.org.au</td>
<td>Tooheys Extra Dry Preece Cabernet Sauvignon St Hallett Faith Shiraz</td>
<td></td>
<td>Jim Beam Bourbon</td>
</tr>
</tbody>
</table>

<sup>17</sup> This product also carried the message: ‘For more information and to get the facts, please visit www.drinkwise.org.au’.

<sup>18</sup> This product also carried the message: ‘For more information and to get the facts, please visit www.drinkwise.org.au’.
4.5 DrinkWise consumer messages used, by manufacturer

Table 6 shows the number of products in the audit sample carrying each of the specific DrinkWise consumer information messages by manufacturer/distributor. SAB Miller, Pernod Ricard and Suntory products most commonly used the ‘Get the facts drinkwise.org.au’ logo with the pregnancy silhouette. Diageo products most commonly used the Get the facts drinkwise.org.au logo with the ‘Is your drinking harming yourself or others?’ or ‘It is safest not to drink while pregnant’ messages.

Table 6. Number of products carrying specific DrinkWise messages by manufacturer/distributor

<table>
<thead>
<tr>
<th>Manufacturer</th>
<th>Get the facts drinkwise.org.au + Pregnancy silhouette</th>
<th>Get the facts drinkwise.org.au + It is safest not to drink while pregnant</th>
<th>Get the facts drinkwise.org.au + Is your drinking harming yourself or others?</th>
<th>Pregnancy Silhouette</th>
<th>Is your drinking harming yourself or others? Drinkwise.org.au</th>
<th>It is safest not to drink while pregnant. Drinkwise.org.au</th>
<th>Pregnancy silhouette + Not drinking is the safest option for women who are pregnant, planning a pregnancy or breastfeeding</th>
</tr>
</thead>
<tbody>
<tr>
<td>SAB Miller</td>
<td>14</td>
<td>3</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lion Nathan</td>
<td>3</td>
<td>2</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>Diageo</td>
<td>5</td>
<td>8</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pernod Ricard</td>
<td>6</td>
<td></td>
<td>4</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Coopers</td>
<td>3</td>
<td></td>
<td>4</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Brown-Forman</td>
<td>2</td>
<td>3</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accolade Wines</td>
<td></td>
<td></td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Suntory Australia</td>
<td>3</td>
<td></td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CCA</td>
<td>1</td>
<td></td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>De Bortoli</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Moet Henessey</td>
<td>1</td>
<td></td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bacardi Lion</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>VOK Beverages</td>
<td></td>
<td></td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Treasury Wine Estates</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td>4</td>
<td></td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>37</td>
<td>13</td>
<td>12</td>
<td>10</td>
<td>10</td>
<td>4</td>
<td>4</td>
</tr>
</tbody>
</table>

19 These two products also carried the message: ‘For more information and to get the facts, please visit www.drinkwise.org.au’.
4.6 DrinkWise consumer message size and location

Table 7, below, shows the proportion of products carrying DrinkWise consumer information messages of different sizes. As in 2012, most of the DrinkWise (86%) consumer information messages observed in 2013 took up less than 5% of the alcohol label or face of the packaging on which they were located (many were closer to 1-2% of the label). About one in seven in 2013 took up between 5% and 10% of the label on which they were featured. Products with larger messages relative to the size of the label tended to be bottles of spirits or wine or beer bottles with small labels.

Table 7. Size of DrinkWise messages relative to label

<table>
<thead>
<tr>
<th>Size of message relative to label</th>
<th>2012</th>
<th>2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt;5% of label space</td>
<td>97%</td>
<td>86%</td>
</tr>
<tr>
<td>5-10% of label space</td>
<td>3%</td>
<td>14%</td>
</tr>
</tbody>
</table>

Figure 12, below, shows the location of DrinkWise messages on products that featured them. Of all the products with a DrinkWise consumer information message, close to three in five (59%) products audited in 2013 featured the message on the back of the product. A further 29% of products had messages on the side of the product. Smaller proportions featured messages on the bottom or top of the product. Only 5% of products with DrinkWise messages in 2013 featured this message on the front of the product (these products were Captain Morgan Jamaica Rum, Vat 69 Scotch Whiskey, the 6-pack packaging of 5 Seeds Crisp Apple Cider and the 24 pack case of Stella Artois. The pattern of results regarding the location of messages is almost identical to that observed in 2012.

Figure 12. Location of DrinkWise messages

Base: Products with Drinkwise message; 2012 n=38; 2013 n=92
In 2013, almost all products containing DrinkWise messages (95%) featured the message on the main label or part of the product (e.g. front main label or back main label or in the case of cartons, on the face of the packaging). Five percent of products carrying DrinkWise messages featured the message on a neck label (these were five beer/cider products).

DrinkWise messages appeared to be most commonly located on the edges of product labels and rarely featured in central or prominent positions. This is in keeping with observations made in 2012.
4.7 Other consumer information logos and statements

As in 2012, a range of other (non-DrinkWise) information logos and plain text statements were observed on products audited for this project. These logos and statements primarily encourage drinking responsibly or in moderation or direct consumers to manufacturer-specific information websites. Of the 251 products audited in 2013, 108 (43%) featured some other information logo or statement of this type (27 of these also featured a DrinkWise message). It is important to note that the vast majority of these logos and statements are not specifically health-related and that even manufacturers themselves do not consider messages such as ‘drink responsibly’ to be sufficient to meet the requirements of voluntary labelling initiatives.  

Example images of non-DrinkWise logos and plain text statements appearing on audited products are included in Appendix B.

Figure 13 shows the proportion of products audited that carried a non-DrinkWise logo or plain text statement, or both of these. In 2013, more than one in five (23%) of the total sample of products carried a non-DrinkWise logo, a similar proportion (22%) carried a plain text statement and 1% of products carried both.

Figure 13. Use of other consumer information logos or plain text statements

As an example, refer to page 11 of SAB Miller’s report on responsible drinking messages adopted in Europe, which notes that under its self-imposed labelling guidelines, its companies are ‘encouraged to avoid generic statements such as ‘Drink responsibly’’. Accessed at: http://www.sabmiller.com/files/reports/2012_rdm_report.pdf
4.8 Other consumer information logos

A limited range of non-DrinkWise logos was found on Australian alcohol products associated with particular manufacturers. Seven different types of non-DrinkWise consumer information logos were identified in the audit (compared with four in 2012). These logos are shown in Table 8, below.

Table 8. Non-DrinkWise consumer information logos observed in 2013

<table>
<thead>
<tr>
<th>Consumer information messages</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><img src="image1" alt="Be drink aware.com.au" /></td>
<td>Be drink aware.com.au</td>
</tr>
<tr>
<td><img src="image2" alt="DrinkIQ.com" /></td>
<td>DrinkIQ.com</td>
</tr>
<tr>
<td><img src="image3" alt="Enjoy Responsibly" /></td>
<td>Enjoy Responsibly</td>
</tr>
<tr>
<td><img src="image4" alt="Drink Responsibly" /></td>
<td>Drink Responsibly</td>
</tr>
<tr>
<td><img src="image6" alt="For people over the age of 18 only www.talkingalcohol.com.au" /></td>
<td>For people over the age of 18 only <a href="http://www.talkingalcohol.com.au">www.talkingalcohol.com.au</a></td>
</tr>
<tr>
<td><img src="image7" alt="www.Drink-Savvy.com" /></td>
<td><a href="http://www.Drink-Savvy.com">www.Drink-Savvy.com</a></td>
</tr>
</tbody>
</table>

The most commonly observed non-DrinkWise logo was the ‘DrinkIQ.com’ logo, which was found on 8% of products overall and is a logo used mostly on Diageo and some SAB Miller and VOK products. The ‘enjoy responsibly’ rectangle was found on 4% of products overall (found on a range of products), as was the ‘BeDrinkAware.com.au’ bottle top logo (found on Lion products).
The two ‘talking alcohol’ logos were observed for the first time in 2013, on 4% of products (found on SAB Miller products). Seventeen products carried both a DrinkWise message and one of these logos (these products all carried the DrinkiQ.com logo).

Non-DrinkWise logos tended to take up less than 5% of the product label on which they were located, with 96% of these logos falling into this category. One of these logos took up around one quarter of the label (this was a 4-pack of Smirnoff Soda Water and Lime which featured the logo on the front of its carry handle) and another one took up around 5-10% of the label (a bottle of Asahi Super Dry, which features a smaller back label than many other beers).

As with the DrinkWise consumer information messages, non-Drinkwise logos observed in the 2013 audit were most commonly found on the back of the product (30%), one quarter (26%) were on the bottom of the product, 20% on the side of the product, 13% on the front of the product, and 7% on the top of the product. Table 9, below compares these results to those observed in the 2012 audit.

Table 9. Location of non-DrinkWise logos

<table>
<thead>
<tr>
<th>Location of logo</th>
<th>2012</th>
<th>2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Back of product</td>
<td>59%</td>
<td>30%</td>
</tr>
<tr>
<td>Side of product</td>
<td>26%</td>
<td>20%</td>
</tr>
<tr>
<td>Bottom of product</td>
<td>10%</td>
<td>26%</td>
</tr>
<tr>
<td>Top of product</td>
<td>3%</td>
<td>7%</td>
</tr>
<tr>
<td>Front of product</td>
<td>3%</td>
<td>13%</td>
</tr>
</tbody>
</table>

The majority of these logos (98%) were found on the main label of the product, while 2% were on a neck label of a bottled product (in 2012, 74% were on a main label and 13% on a neck label).
4.9 Plain text statements

Non-DrinkWise statements were found in plain text on 55 products audited in 2013 (22% of the total sample). Ten of the audited products were found to contain a DrinkWise message along with another plain text statement (these were almost all wines featuring a statement to drink or enjoy responsibly or moderately.

The full range of statement types observed in 2013 is included in Table 10. Eleven different types of plain text statements featured on audited products in 2013, compared with more than 20 in 2012.

Table 10. Plain text statement examples

<table>
<thead>
<tr>
<th>Statement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drink [BRAND] Responsibly</td>
</tr>
<tr>
<td>Drink Responsibly</td>
</tr>
<tr>
<td>drinkresponsibly.co.nz</td>
</tr>
<tr>
<td>Enjoy [BRAND] responsibly</td>
</tr>
<tr>
<td>Enjoy [BRAND] Sensibly</td>
</tr>
<tr>
<td>Enjoy in moderation</td>
</tr>
<tr>
<td>Enjoy Responsibly</td>
</tr>
<tr>
<td>Enjoy wine in moderation</td>
</tr>
<tr>
<td>Explore [BRAND] Responsibly</td>
</tr>
<tr>
<td>Is your drinking harming yourself or others?</td>
</tr>
</tbody>
</table>

To reduce your risk of lifetime harm it is recommended not to exceed 2 standard drinks in one day. For more information and to get the facts, please visit www.wfa.org.au/cask

The most common statements observed in 2013 on audited products included ‘drink responsibly’, which was found on 9% of products overall (45% of those with plain text statements); ‘enjoy responsibly’, found on 4% of products (18% of those with plain text statements); and ‘enjoy wine in moderation’ (found on 2% of products, 10% of those with plain text statements). Each of the other statements was not found on more than 1% of products.

As in 2012, wine products more commonly featured plain text statements than other types of alcohol, with 31% of all wine products audited carrying plain text statements. Plain text statements were also found on 23% of all spirit/mixed drink products audited and 14% of beer/cider products.

All but one of the plain text statements observed in 2013 took up less than 5% of the label on which they were located. The exception was the message, “To reduce your risk of lifetime harm it is recommended not to exceed 2 standard drinks in one day. For more information and to get the facts, please visit www.wfa.org.au/cask”, which took up much of the side of a cask of Sovereign Point Soft Fruity White wine.
Plain text statements were not well differentiated from the rest of the text on the alcohol product, such as the product description or distributor information and in most cases were difficult to find.

As with other consumer information messages, plain text statements were most commonly located on the back of the product (85%). In three instances plain text statements were found on the front of the product, on a further three they were found on the side; on one product the statement was found on the neck and on another one product it was found on the bottom of the product. By comparison, in 2012, 75% of plain text statements were found on the back of products, 15% on the side and 4% on the bottom of the product.
5. Conclusions

The results of this study indicate that after two years, the DrinkWise consumer information messages have still not been adopted on the majority of Australian alcohol product packaging. While the proportion of products carrying any of the DrinkWise messages appears to have increased significantly over the last 12 months, only 37% of products audited in 2013 contained any version of this messaging.

The biggest increases in DrinkWise labelling over the last 12 months appears to have been on spirit/mixed drink and wine packaging, with the proportion of relevant messages on spirits/mixed drinks increasing from 6% to 43% of audited products in this category and the proportion on wine increasing from 10% to 31% of audited products in this category. A more modest increase was observed with beer/cider products, with these messages appearing on 35% of beer products in 2013, compared to 30% in 2012.

As in 2012, products manufactured by Coopers and Pernod Ricard were more likely than those of other manufacturers to carry DrinkWise messages. A majority of Accolade Wines, DeBortoli, Brown-Forman and Diageo products audited also carried DrinkWise messages in 2013, an improvement on 2012. While increases were also apparent across SAB Miller and Lion products, only two in five of those audited from each manufacturer carried any of the DrinkWise messages in 2013 (an increase from one in ten in 2012).

Individual versions of DrinkWise messages featured on small proportions of products overall and each alcohol category featured a range of messages. However, there appears to have been a shift away from using the generic ‘get the facts drinkwise.org.au’ logo on its own and towards a greater use of pregnancy related DrinkWise messages, such as the pregnancy silhouette, found in conjunction with the ‘get the facts drinkwise.org.au’ logo on 40% of products containing DrinkWise messages (8% in 2012) and on its own on 11% of these products (3% in 2012). In addition, the ‘It’s safest not to drink while pregnant’ message was found on 18% of products carrying DrinkWise messages (5% in 2012). The ‘Is your drinking harming yourself or others?’ message was found on 17% of products containing DrinkWise messages in 2013, compared with 8% in 2012. The ‘Kids and alcohol don’t mix’ message observed in 2012 was not found on any of the audited products in 2013.

The most common form of DrinkWise consumer information messaging found on beer/cider products and wine products in 2013 was the ‘Get the fact drinkwise.org.au’ logo used in conjunction with the pregnancy silhouette, which appeared on 18% of beer/cider products and 18% of wine products. The ‘Is your drinking harming yourself or others?’ message was more commonly found on spirit/mixed drink products (14%) but pregnancy messaging also featured heavily on spirit/mixed drink products.

Overall, 24% of beer/cider products, 28% of wine products and 27% of spirit/mixed drink products audited in 2013 carried some form of DrinkWise pregnancy message.

As found in 2012, DrinkWise messages still do not appear to be prominently featured on product labels, appearing most commonly on the back of products, and in some instances on the side or bottom of the packaging (in the case of a number of multipack products).
The audit found that though the DrinkWise series of messages is the most commonly used series of information statements across Australian alcohol products, a wide range of other logos and statements are still being widely used. The most common of these alternative consumer information logos or messages observed on alcohol products remind people to enjoy responsibly, enjoy a particular product responsibly or drink responsibly, which together were present on a quarter of alcohol products audited in both 2013 (26%) and 2012 (25%). Other common messages advertise websites such as Talkingalcohol.com, DrinkIQ.com and BeDrinkAware.com.au (present on 17% of products in 2013 and 19% in 2012). As in 2012, many of the larger brands were found to carry manufacturer-specific logos and messages, such as the ‘Enjoy Responsibly’ rectangle, and the DrinkIQ.com and BeDrinkAware.com.au logos. Some products in 2013 were found to carry these messages in addition to the DrinkWise ones (such that in some cases, two similar but different websites is being promoted on the same product) and potentially competing with the DrinkWise messages for the viewer’s attention.

Table 11, below summarises the overall proportions of audited products in 2012 and 2013 carrying DrinkWise messages and other types of voluntarily adopted consumer messages. It is important to note that it would be misleading to sum these figures to obtain a proportion of products carrying health labelling, for two main reasons:

- these categories are not mutually exclusive, and
- this report (and claims from some manufacturers themselves) shows that the majority of other non-DrinkWise logos and messages (e.g. ‘Drink responsibly’) are not health-focused and therefore should not be seen as sufficient to be counted as part of a voluntary alcohol labelling scheme.

Table 11. Proportion of audited products carrying DrinkWise and other non-DrinkWise messages.

<table>
<thead>
<tr>
<th>Label type</th>
<th>2012</th>
<th>2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any DrinkWise consumer information message</td>
<td>16%</td>
<td>37%</td>
</tr>
<tr>
<td>Any DrinkWise consumer information message about drinking and pregnancy</td>
<td>6%</td>
<td>26%</td>
</tr>
<tr>
<td>Any other logo/statement</td>
<td>51%</td>
<td>43%</td>
</tr>
</tbody>
</table>

Further research would be beneficial in exploring whether consumers attend to the range of voluntarily adopted consumer messages used on alcohol packaging in Australia, how they interpret these and what action, if any, they take as a result.
6. Appendix

6.1 Appendix A: DrinkWise Consumer Messages

6.1.1 Get the facts drinkwise.org.au

5 Seeds Crisp Apple Cider 6x345ml Bottle

Carlsberg Lager 6x330ml Bottle

Coopers Extra Stout 6x375ml Bottle

Coopers Sparkling Ale 750ml Bottle
6.1.2 Get the facts drinkwise.org.au with pregnancy silhouette

Coopers Pale Ale 375ml Bottle

Blue Tongue Premium Lager 300ml

Budweiser Pilsner 355ml Bottle

Coopers Extra Stout 375ml Bottle
Crown Lager 355ml Bottle

Matilda Bay Fat Yak Pale Ale 345ml Bottle

Großsch Premium Lager 330ml Bottle

Tia Maria 700ml Bottle
Strongbow Pear Cider 355ml Bottle

De Bortoli Shiraz 750ml Bottle

Coolabah Sweet Fruity Wine 4L Cask

Jacobs Creek Reserve Sauvignon Blanc 750ml Bottle
Seppelt The Victorians Shiraz 750ml

Carrington Vintage Brut 750ml

Chandon Brut 750ml

Twelve Degrees Pinot Noir 750ml
Craftsman Pinot Noir 750ml

Carlton Dry Fusion Lime 355ml Bottle

Midori Illusion Vodka and Pineapple 4 x 275ml Bottle

Carlton Light 375ml Can
6.1.3 Pregnancy silhouette

Jacobs Creek Moscato 750ml Bottle

Absolut Vodka 700ml Bottle

Taylors Jaraman Chardonnay

Taylors Promise Land Riesling
Barwang Chardonnay 750ml Bottle

Moët & Chandon Brut 750ml Bottle
6.1.4 It is safest not to drink while pregnant + drinkwise.org.au

5 Seeds Crisp Apple Cider 330ml Bottle

James Boag Draught 750ml Bottle

Tooheys Extra Dry Platinum 345ml Bottle

Tooheys Extra Dry 750ml Bottle
6.1.5 Get the facts drinkwise.org.au + It is safest not to drink while pregnant

Baileys Irish Cream 1L Bottle

Bundaberg Rum 700ml Bottle

Captain Morgan Captain and Cola 700ml bottle

Captain Morgan Jamaica Rum 700ml bottle
Johnny Walker Red Label 700ml Bottle  Pimms No 1 700ml Bottle

Bulleit Bourbon and Cola 375ml Can  Captain Morgan Spiced Gold and Cola 4x375ml Can

Ruski Vodka and Pineapple 275ml Bottle
<table>
<thead>
<tr>
<th>Nutrition Information</th>
<th>Servings per package: 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Serving size: 375ml</td>
<td></td>
</tr>
<tr>
<td>Energy (kcal)</td>
<td>65 (165)</td>
</tr>
<tr>
<td>Protein (g)</td>
<td>0</td>
</tr>
<tr>
<td>Fat, total (g)</td>
<td>0</td>
</tr>
<tr>
<td>Carbohydrate (g)</td>
<td>23.5</td>
</tr>
<tr>
<td>Sugar (g)</td>
<td>23.5</td>
</tr>
<tr>
<td>Sodium (mg)</td>
<td>80</td>
</tr>
</tbody>
</table>
6.1.6  Is your drinking harming yourself or others? Drinkwise.org.au

Jim Beam Bourbon 700ml Bottle  St Hallett Faith Shiraz 750ml Bottle

Toonheys Extra Dry 345ml Bottle  Preece Cabernet Sauvignon 750ml Bottle
6.1.7 Get the facts drinkwise.org.au + Is your drinking harming yourself or others?

UDL Vodka Orange 24x375ml

Southern Comfort Cola 375ml Can

Haig Whiskey and Cola 375ml Can

Jack Daniels Whiskey and Cola 340ml Bottle
Gordon’s Gin 750ml Bottle

UDL Vodka, Lime and Soda 375ml Can

Johnny Walker Whiskey and Cola 375ml Can

Bundaberg Rum and Cola 375ml Can
6.1.8 Pregnancy Silhouette with ‘Not drinking is the safest option for women who are pregnant, planning a pregnancy or breastfeeding.’ Also with ‘For more information and to get the facts, please visit www.drinkwise.org.au

Stanley Wines Traditional Dry Red 4L Cask

Berri Estates Fruity Gordo 4L Cask
6.2 Appendix B: Examples of other logos and statements

6.2.1 Enjoy Responsibly

Campari 700ml Bottle

6.2.2 Drink Responsibly

Asahi Super Dry 330ml Bottle
6.2.3 Be drink aware.com.au

XXXX Summer Bright Lager 6x330ml Bottle

6.2.4 DrinkIQ.com

Gordon’s Gin and Tonic 4x275ml Bottle
6.2.5  Don’t drink and drive www.talkingalcohol.com.au
Crown Lager 24x355ml Bottle

6.2.6  For people over the age of 18 only www.talkingalcohol.com.au
Carlton Dry 24x375ml Can

6.2.7  Drink-Savvy.com.au
Bintang Pilsner 6x330ml Bottle
6.2.8 Drink responsibly text statement

Vodka Cruiser Black Raspberry 275ml Bottle

6.2.9 Drink wine in moderation text statement

Pitchfork Margaret River Pink 750ml Bottle
Submission to the Ministerial Forum on Alcohol Advertising and Sponsorship

28th April, 2014

Alcohol Healthwatch is an independent charitable trust working to reduce alcohol-related harm. We are contracted by the Ministry of Health to provide a range of regional and national health promotion services. These include: providing evidence-based information and advice on policy and planning matters; coordinating networks and projects to address alcohol-related harms, such as alcohol-related injury, fetal alcohol spectrum disorder, supply to minors and tertiary student drinking; and coordinating or otherwise supporting community action projects.

Thank you for the opportunity to provide comment on the alcohol advertising and sponsorship review.

If it is decided that oral submissions will take place, we would appreciate being contacted about the opportunity to present to the forum also.

If you have any questions on the comments we have included in our submission, please contact:

Amy Robinson
Health Promotion Advisor
Alcohol Healthwatch
P.O. Box 99407, Newmarket, Auckland 1149
P: (09) 520 7038

Rebecca Williams
Director
Alcohol Healthwatch
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Introduction

We have elected not to complete the submission form provided as we believe most of the questions outlined in the form submission will be answered throughout our submission.

Alcohol Healthwatch did make a submission on the 2010 Law Commission report and was also grateful to spend some time with Law Commission members and Sir Geoffrey Palmer during the review process. Alcohol Healthwatch also assisted with supporting community engagement during the review.

Our key recommendations to the Ministerial Forum are:

1. That alcohol advertising and sponsorship be restricted in New Zealand due to the weight of evidence showing its negative effects on children and young people. Banning the marketing of alcohol is regarded as one of the three ‘best buys’ by the World Health Organisation; meaning one of the 3 most effective policies to reduce the harm from alcohol and also one of the most cost effective policies to implement. The other two are increasing the price of alcohol through an increase in the excise tax and reducing the availability and accessibility of alcohol, neither of which the new laws adequately address.

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

3. That all permitted alcohol advertising be accompanied by health advisory statements. In particular, these health advisory statements should include a warning of the risks associated with consuming alcohol during pregnancy, and drinking by young people.

4. 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 in order to denormalise alcohol use and change our drinking culture.

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

6. That industry self-regulation of alcohol marketing ends and an independent body is established to manage this process and monitor and enforce restrictions. 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 must be independent of alcohol and advertising industries to ensure its integrity and effectiveness.

Young people are starting to drink at an earlier age, and this puts them at increased risk of developing significant problems with alcohol, and experiencing alcohol-related harm during their lifecourse.
Marketing efforts are generally concentrated in 4 key areas (also known as the 4 P’s): Promotion (e.g. advertising, sponsorship), place (e.g. distribution channels such as retail shops), price (e.g. price promotions such as happy hours, loss leading techniques) and product design (e.g. innovative packaging and exotic flavours). These four marketing tools are used in strategic combinations to maximise impact.

In contemporary media and communication settings, young people are exposed to alcohol marketing at unprecedented levels and from multiple sources. The introduction of digital technologies has opened up new platforms for marketing and promotion, with alcohol companies aggressively harnessing the marketing potential of online video channels, mobile phones, interactive games, and social networks such as Facebook and Twitter. Marketing efforts are increasingly sophisticated and multidimensional, integrating online and offline promotions with the sponsorship of music and sporting events, the distribution of branded merchandise, and the proliferation of new alcoholic brands and flavours. And of course there is still the traditional media such as television and print vehicles.

The alcohol industry spends over $400,000 a day promoting drinking in New Zealand\(^1\). This amounts to an estimated $150 million dollars every year which makes alcohol advertising a very serious business in our country. Marketing not only serves to reinforce brand choice among committed drinkers, but also to recruit new, potentially heavy drinkers from the groups of young people who enter the drinking market and replace those who are reducing their contribution to the alcohol market as they age or die. Any reduction in consumption among the heavier drinkers therefore will impact significantly on the sales and profits of the industry.\(^2\)

Yet the alcohol industry denies that their marketing campaigns specifically target children or teens. This is despite research consistently demonstrating that young people are regularly exposed to alcohol marketing in all its forms. In addition to the ubiquity of alcohol references in the social networking sites and online media frequented by young people, studies have shown that young people continue to be exposed to alcohol marketing through television advertising, print media with a high youth readership, and product placement in film, music videos, comics and video games. There is also accumulating evidence that young people in New Zealand are encountering alcohol messages, associations and products in a multitude of everyday settings and interactions, including alcohol-sponsored music and sporting events, free gift promotions, alcohol-branded merchandise and interactive competitions.

The substantial increase in alcohol marketing is having a powerful effect on young people. Research suggests that the cumulative nature of alcohol advertising in its various forms significantly influences adolescents’ decisions about drinking and their expectancies related to alcohol use.\(^3\) These include their perceptions of alcohol, their initiation to drinking, what they drink, how much and how often they drink, where and with whom they drink.\(^4\) As one study noted: “The effects of exposure seem cumulative and, in markets with greater availability of alcohol advertising, young people are likely to continue to increase their drinking as they move into their mid-20s, whereas drinking decreases at

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\(^{4}\) Ibid.
an earlier age in people who are less exposed to it.\textsuperscript{5} Additionally, several international, systematic reviews conclude that exposure to alcohol marketing increases the likelihood that adolescents will start to use alcohol, and will drink more if they are already using alcohol (as discussed below).

Throughout the western world there is growing recognition of the need for governments to address the way alcohol is promoted to society through marketing, and to collaborate in doing so. Many governments worldwide are recognising that they have the responsibility to protect their people from the risks and harm associated with alcohol. Despite alcohol being legally available, it is no ordinary commodity. While children and adolescents are particularly vulnerable to alcohol marketing, young people aged up to their mid-20s are also highly susceptible and, as a prime target group for alcohol marketers, are at particular risk of alcohol-related harms.

Existing policy and regulatory responses in New Zealand have proven inadequate, and have failed to keep up with the pace and scope of change in the media and marketing environment. The self regulatory scheme for alcohol advertising in New Zealand is voluntary, limited in scope, unable to enforce penalties, and ultimately fails to protect young people from continuous exposure to alcohol marketing. There are voluntary codes of practice for advertising, sponsorship and promotions. There is a pre-vetting service available and the process relies on complaints. Even if the complaints are upheld there are no penalties other than the requirement to withdraw the advertisement.

Reviews of the codes and the alcohol advertising more generally have been numerous, however despite growing evidence of the harm associated with the continuation of the status quo they have resulted in little or no meaningful change.

**Rationale for our recommendations**

Firstly, it is useful to recap on the research findings in the area of alcohol advertising and sponsorship prior to 2010 to provide context for the Law Commission’s recommendations in 2011.

The Law Commission review was the most substantive review of our liquor laws in recent history. The Law Commission commented that the alcohol advertising and sponsorship issue galvanised the New Zealand public like no other. The community managed to completely turn the Law Commission around, from not considering much needed to be done to recommending a ban.

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

Three of the largest systematic reviews of this issue were released in 2009 and 2010 and were all consistent with their findings.

Babor et al (2010) concluded that the promotion of alcohol is an enormously well-funded, ingenious and pervasive aspect of modern life. Alcohol advertising predisposes minors to drinking well before the legal age of purchase. Marketing strategies, such as alcohol sports sponsorships, embed images and messages about alcohol into young people’s everyday lives. The climate created by sophisticated alcohol marketing has facilitated the recruitment of new cohorts of young people to the ranks of heavier drinkers and has worked against health promotion messages.

Smith and Foxcroft (2009) reviewed seven cohort studies totalling 13,000 people aged 10 to 26, and found an association between exposure to alcohol advertising or promotional activity and subsequent alcohol consumption by young people.

After reviewing 13 longitudinal studies that reported on 38,000 young people, Anderson and others (2009) found consistent evidence to link alcohol advertising with the uptake of drinking among non-drinking youth and increased consumption among their drinking peers. Because the evidence focuses on mass media advertising, it almost certainly underestimates the impact of wider alcohol promotion and marketing. Anderson notes these results are not surprising: exactly the same conclusions have emerged from reviews of the impact of tobacco and food marketing on young people.

By this time, a number of New Zealand studies had demonstrated the effectiveness of alcohol marketing in promoting brand allegiance in young people. For example, in 2004 the Health Sponsorship Council conducted a Youth Lifestyle Survey with Year 6 students in New Zealand. This study found that the beer brands that the preteens most strongly related to were Lion Red (93%), Tui (87%), Speights (81%), Heineken (73%) and Steinlager (72%). The most popular place preteens had seen, read or heard an alcohol advertisement was on television (85%). Other common places were in a magazine (46%) and in the newspaper (40%).

Consequently, 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 must also not forget the damage that alcohol misuse is having on our young people in New Zealand. Here are some compelling facts from the Alcohol Use in New Zealand study findings in 2007/08 that tell us yet again that an urgent policy response is required:

- 18-24 year olds are our heaviest drinkers in New Zealand.
- One in eight (12.6%) past-year drinkers had consumed a large amount of alcohol on one drinking occasion at least weekly in the past year. The prevalence was highest among male past-year drinkers aged 18–24 years, with one in three (33.8%) having consumed a large amount of alcohol at least weekly.
- About 30% of women continue to consume alcohol during pregnancy in New Zealand.
- Among people who had consumed alcohol in the past 12 months (‘past-year drinkers’), one in five (19%) had hazardous drinking patterns. This is about 532,000 people.

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6 Health Sponsorship Council (2004). Year 6 Youth Lifestyle Survey. Prepared by TNS.
8 Ibid.
9 Ibid.
• People aged 18–24 years (particularly men) are at higher risk of hazardous drinking. Among past-year drinkers, about 44% of men and 26% of women aged 18–24 years have hazardous drinking patterns. However, the rate of hazardous drinking has decreased significantly in past-year drinkers aged 18–24 years from 2006/07 (49%) to 2011/12 (36%).

• Māori have similar rates of past-year drinking as the total population, but have higher rates of hazardous drinking. Rates of hazardous drinking among Māori adults have decreased since 2006/07, (from 33% in 2006/07 to 29% in 2011/12).

• While Pacific adults are less likely to drink alcohol, those who do are more likely to have hazardous drinking patterns (35%) than adults overall (19%).

• The Child Youth and Mortality Review Committee’s (2009, published in 2011) special report on the involvement of alcohol consumption in the deaths of children and young people from 2005-2007 suggests that an average of 61 children and young adults aged between 4 weeks and 24 years and 364 days died because of their or someone else’s drinking.

How does the new evidence (post 2010) strengthen these findings?

○ Summary of the evidence post 2010

In the contemporary media and communications landscape, young people are exposed to alcohol marketing at an unprecedented level and from multiple sources. Alongside more traditional modes of advertising through television and radio, the introduction of digital technologies has opened up new platforms for marketing and promotion, with alcohol companies aggressively harnessing the marketing potential of online video channels, mobile phones, interactive games, and social networks such as Facebook and Twitter. Marketing efforts are increasingly sophisticated and multidimensional, integrating online and offline promotions with the sponsorship of music and sporting events, the distribution of branded merchandise, and the proliferation of new alcoholic brands and flavours.

Alcohol marketing in general

Research post 2010 on the effects of alcohol marketing on the drinking of younger people has further strengthened the call for an urgent policy response. A review of the evidence concludes that exposure to alcohol marketing reduces the age at which young people start to drink, increases the likelihood they will drink and increases the amount of alcohol they will consume once they have started to drink.

Gordon et al (2011) examined the cumulative impact of alcohol marketing on alcohol initiation and drinking behaviour among Scottish youth 12-14 years. Significant associations were found between awareness of, and involvement with, alcohol marketing and drinking behaviour and intentions to

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11 Ibid.
12 Ibid.
13 Ibid.
drink in the next year. The researchers concluded that given the associations, alcohol policy needed to be revised to limit youth exposure to the seemingly ubiquitous marketing communications.\textsuperscript{15}

Cross sectional studies also find a positive effect of alcohol marketing on the drinking behaviour of young people. Lin et al (2012), found that exposure to all forms of alcohol marketing is associated with drinking by young people.\textsuperscript{16} They also found that having established a brand allegiance at age 13-14, was related to drinking patterns including consuming larger quantities.\textsuperscript{17} Another cross sectional study found that exposure to alcohol advertisements among Australian adolescents is strongly associated with drinking patterns.\textsuperscript{18} A recent study by Siegel et al (2014) compared brand specific consumption patterns of underage youth and adults.\textsuperscript{19} This study found many alcohol brands that had both a high proportion of youth consumption and disproportionate consumption by underage youth compared to adults, whether measured by prevalence or market share. The popularity of these “youth oriented” brands cannot be explained solely by exposure to adult consumption patterns leading the authors to identify price, taste and alcohol marketing as influencers of the young people’s choice of beverage.\textsuperscript{20}

Out-of-home advertising is an additional vehicle for the alcohol industry to market their products. This type of advertising includes traditional billboards and signs as well as digital displays, images on vehicles and video terminals. In 2008, out-of-home advertising accounted for 5.6% of total marketing spending by the top twelve alcohol corporations.\textsuperscript{21} The alcohol industry is particularly interested in transit advertising which also included street furniture such as bus shelters. An Alcohol Justice Report released at the end of 2013 discussed the updated and expanded findings of a U.S study which surveyed the nation’s top twenty and California’s top ten, transit systems to determine which systems, if any, did not allow alcohol advertising. Of the 32 agencies and local governments surveyed, eighteen explicitly banned alcohol advertising and fourteen clearly allowed alcohol advertisements. The authors of the report made a number of recommendations from their findings which included the requirement for transit agencies who currently accept alcohol advertising to ban it with a formal agency policy as an effective contribution to the reduction of youth exposure to alcohol advertising.

**What do young people think of alcohol marketing?**

The Alcohol Concern Youth Policy project surveyed the views of over 2300 children and young people under 18 about if, how, and to what extent alcohol promotion should be regulated in


\textsuperscript{17} Ibid.


\textsuperscript{20} Ibid.

England and Wales.\textsuperscript{22} This survey revealed that young people were concerned about alcohol promotion and the majority of those surveyed wanted protection that robustly limits young people’s exposure, often supporting stronger regulation than already exists, but not measures that infringe on advertisers reaching adult audiences. The young people surveyed called for greater government involvement in regulatory decision making, more extensive health warnings and improved access to health information. Crucially, the survey findings suggest that significant numbers of young people fail to recognise non-media alcohol promotion such as sponsorship, and advertising on social networking sites.\textsuperscript{23} These are similar findings to those in New Zealand which are discussed further below.

**Alcohol Advertising Self-regulation**

\textit{Pamela Anderson gives us a Woody in New Zealand – the new Woodstock advertisements. How does this advertisement comply with Guideline 1(c) of the Code for Advertising and Promotion of Alcohol in New Zealand? “Alcohol Advertising and promotions shall not suggest that alcohol can lead to sexual, sporting or business success or popularity or is necessary to achieve social status with peers”.

The self-regulation of alcohol marketing has previously been described by the British Medical Association as ‘entirely inadequate’.\textsuperscript{24}

However, there is limited peer-reviewed research on (apparent) compliance with alcohol advertising regulation in New Zealand.\textsuperscript{25} Interestingly, in 2007 the Alcohol Policy Index was compiled using extensive data on alcohol policies and alcohol consumption data from the World Health Organisation, to develop a ranking system of 30 OECD countries based on the effectiveness of

\begin{itemize}
\item \textsuperscript{22} Alcohol Concern (2013). \textit{Overexposed and overlooked. Young people’s views on the regulation of alcohol promotion}. London:UK.
\item \textsuperscript{23} Ibid.
\item \textsuperscript{24} British Medical Association (2009). \textit{Under the influence: The damaging effect of alcohol marketing on young people}. London: BMA.
\end{itemize}
policies regarding, drink driving, physical availability of alcohol, pricing, drinking context and advertising. New Zealand was given a score of one in relation to advertising.\textsuperscript{26}

Research post 2010 has painted the same picture of the ineffectiveness of the self-regulatory system. Professor Thomas Babor went as far as to label the self-regulatory system of alcohol advertising as “spectacularly ineffective”.\textsuperscript{27}

Babor et al (2013) evaluated advertising code violations using the US Beer Institute guidelines for responsible advertising and found that between 35\% and 74\% of the advertisements had code violations. Consequently, the authors suggest that the alcohol industry’s current self-regulatory framework is ineffective at preventing content violations but could be improved by the use of new rating procedures designed to better detect content code violations.\textsuperscript{28}

Jernigan et al (2013) evaluated the proportion of advertisements that appeared on television programmes in 25 local television markets in the US and found that youth exposure exceeded the industry standard.\textsuperscript{29} Researchers found that approximately one in four alcohol advertisements on a sample of 40 national TV programmes popular with youths had underage audiences >30\%, exceeding the alcohol industry’s voluntary codes. They concluded that if the alcohol advertising on popular national television programmes in the 25 largest television markets were eliminated and not replaced, total youth exposure to alcohol advertising on these programmes could drop by as much as one third. Comparable studies in the UK also found that alcohol imagery occurred in over 40\% of broadcasts, most commonly soap operas, feature films, sport and comedies, and was equally frequent before and after the 9pm watershed. Brand appearances occurred in 21\% of programmes, and over half of all sports programmes, a third of soap operas and comedies and a fifth of advertising/trailer. The authors concluded that it is likely that this exposure has an important effect on alcohol consumption in young people.\textsuperscript{30} Unfortunately, alcohol product placement in programmes is unregulated in the United Kingdom who has a similar self-regulatory system as New Zealand’s.

Recent research (Ross et al 2014) further strengthens the conclusion that self-regulatory systems for alcohol advertising are ineffective. Researchers found that despite high levels of compliance with self-regulatory guidelines, in several countries youth exposure to alcohol advertising on television has grown faster than adult exposure.\textsuperscript{31} The researchers found that this was a result of an increase in placement of advertisements on cable television with high concentrations of underage youth ages 18-20. They also demonstrated that for those aged 18-20 years, exposure to alcohol advertising can be reduced while maintaining exposure to adults as young as ages 21-24 by reducing underage composition placement guidelines.

\textsuperscript{26} Brand et al. (2007). Cited in above reference.
Similarly, when Lyons & Britton (2013) analysed the content of tobacco and alcohol in popular UK films they also found heavy exposure of tobacco and alcohol imagery in films classified as being suitable for youth audiences. After analysing 45 of the most popular films between 2009-2011, researchers found that alcohol branding was far more frequent than tobacco branding, occurring in 22% of films. When combined with earlier findings using the same methods in films from 1989 to 2008, alcohol was present in 86% of films.

Looking at print media, similar themes emerge from the research. Smith et al (2013) analysed beer, spirits, and alcopop (Ready-to-drink spirits or RTDs) magazine advertisements to determine adherence federal and voluntary advertising standards. They assessed the effectiveness of these standards in curtailing potentially damaging content and protecting public health. They found that existing codes and regulations were largely followed regarding content but did not adequately protect against content that promotes unhealthy and irresponsible consumption. Additionally, Rhoades and Jernigan (2013) assessed the content of alcohol advertising in youth-oriented U.S. magazines, with specific attention to subject matter relating to risk and sexual connotations and to youth exposure to these advertisements. They concluded that the prevalence of problematic content in magazine alcohol advertisements was concentrated in advertising for beer and spirits brands, and violations of industry guidelines and addiction content appeared to increase with the size of youth readerships, suggesting that individuals aged <21 years may be more likely to see such problematic content than adults.

Alcohol branding is also prominent in popular music that young people listen to. Studies have found that alcohol brand mentions in song lyrics are almost uniformly positive or neutral and are heavily concentrated among a small number of brands. As other research has identified, positive messages about alcohol use significantly influences youth drinking behaviour. In a New Zealand content analysis of the portrayal of alcohol in televised music videos the findings were similar. In both studies which analysed the content of music videos in 2005 and then again in 2010, the portrayal of alcohol in music videos was relatively common and overall the proportion of alcohol content in the music videos was higher in 2010 than in 2005. There were significant differences found by genre and the portrayal of alcohol was significantly more common in music videos where the main artist was not from New Zealand.

Brand-authored social media marketing presents a significant challenge to existing regulatory codes. Social media communications are dynamic and rapid, while existing regulatory frameworks are reactive. The scope of existing self-regulatory codes means social media alcohol marketing can achieve many of its goals without risking violations.

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Alcohol Healthwatch has made a number of complaints to the Advertising Standards Authority in recent times with very little success. These include:

- Radio Hauraki – this was upheld in one media channel but not another, highlighting inconsistency.
- Carls Junior Jim Beam Burger (Heidi Klum’s advertisements) – although very sexual in nature was not upheld.
- Bottled Happiness – This example showed that alcohol industry pre-vetting is not working as although this complaint was upheld the producer was already marketing and selling this product.

What do young people think about self-regulatory systems for alcohol advertising?

Unfortunately, there is a lack of New Zealand research in this area. However, there have been some findings overseas, for example in the United Kingdom that is of interest.

The Youth Alcohol Advertising Council (YAAC), a group consisting of young people aged between 16 and 19 years of age, has been established in the United Kingdom to scrutinise alcohol advertising against the local codes from a younger person’s perspective. After reviewing selected advertising, it is the group’s task to decide whether to make a complaint to the Advertising Standards Authority (a system similar to ours in New Zealand). The process has highlighted a number of important weaknesses in the regulatory controls of alcohol marketing. These include: being reliant on public engagement, are retrospective and slow, lack meaningful penalties or deterrents, have weak controls of internet advertising and rarely apply the spirit of the codes. From their findings the group proposed a partial, not total, ban on alcohol advertising that places restrictions on where and how alcohol is promoted. The proposals drew on elements of France’s Loi Evin (see below for more information) and prioritise the protection of young people.

In a nutshell, Alcohol Healthwatch conclude that self-regulation merely serves to make it look like something is being done, and delay more effective measures from being implemented.

A word about the social responsibility of the alcohol industry

The impact of marketing creates a social environment in which the positive aspects of drinking are dominant and normalised. For example, the ‘drink responsibly’ marketing messages and websites widely promoted by the alcohol companies have been shown to be understood by young people as being about moderation but also communicating positive messages about alcohol in an approach described as strategically ambiguous, and that these messages also promote associations with the company conducting the marketing. This ensures that these alcohol brands become synonymous with many positive values and experiences and enhances the perception that the alcohol industry is socially responsible citizens of a community.

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37 Alcohol Concern (2013). *Alcohol advertising regulation that balances commercial and public interest.* London: UK.
38 Ibid.
39 Ibid.
How to drink properly (Follow me for more tips and videos – Warning, it’s classy as f**ck) – the new Drink Wise campaign in Australia.

**Sponsorship**

Although the relationship is complex, the majority of research in young people shows that participation in sport is associated with greater (mis)use of alcohol, particularly in team sports. Because sport is typically charged with strong emotional valence and social identification that is not present in other activities, products presented within sporting contexts are more likely to be liked and chosen. This insight by Terry-McElrath and O’Malley (2011) provides good support for why the majority of alcohol industry advertising and sponsorship is in sport.

Heavy episodic drinking is increasing among young people and university/college students, but is especially problematic in sportspeople where rates of heavy episodic drinking and harm are consistently higher than non-sporting peers and the general population. Consistent with work from the United States, O’Brien et al (2011) found that alcohol-related aggressive and antisocial behaviours were greater in male Australian university sportspeople/athletes than in their female and non-sporting counterparts. These findings are representative of the outcome of earlier findings that show the relationship between alcohol-sponsored sportspeople and higher rates of hazardous drinking. In a subsequent study published in 2013, O’Brien et al, examined whether there is an

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association between receipt of alcohol industry sponsorship, and attendance at alcohol sponsor’s drinking establishments, and alcohol-related aggression and antisocial behaviour in university students who play sport. They found that higher AUDIT-C scores, gender and receipt of alcohol industry sponsorship were associated with alcohol-related aggression/antisocial behaviours in university sportspeople. The authors concluded that sport administrators should consider action to reduce the harms associated with excessive alcohol consumption and alcohol industry sponsorship in sport.

A number of studies in New Zealand have examined alcohol-related promotion during popular sports events. Gee et al (2013) analysed the alcohol-related promotion and consumption of both the live experience and the SKY Sport television broadcast of the Rugby World Cup 2011, Heineken Open Men’s’ Tennis Tournament 2012, The Wellington Sevens and the 2012 New Zealand International Twenty20 and One Day international cricket matches. Their findings suggested once again that there is an increasingly naturalised alcohol-sport link in the entertainment experience of major sports events in New Zealand. The researchers also discussed how to disentangle the atmosphere and entertainment experience of sporting events from alcohol sponsorship and binge drinking. Several recommendations were made including; eliminating alcohol promotions that endorse the party or carnivalesque atmosphere and investigating local and international policies and pathways such as France’s model of Loi Evin.

Recently, for the first time Pettigrew et al (2013) demonstrated in an Australian study that children are likely to be subconsciously absorbing multi-million dollar sports sponsorship messages. More than 160 children aged between five and twelve took part in an activity that assessed their conscious and subconscious associations between sporting teams and a range of sponsors. The researchers found that more than three-quarters of the children aligned at least one correct sponsor with the relevant sport. The researchers concluded that this was a concern given the current extent of sponsorship by alcohol and fast food companies and recommended limiting children’s exposure to sponsorship messages of companies promoting unhealthy food and drinks is an important element of public policy efforts.

These findings have huge implications for our children and young people growing up in New Zealand where many of the main sports that Kiwis support are heavily sponsored by alcohol companies. For example, the alcohol branding during rugby, rugby league and cricket games is very powerful and in your face when watching televised broadcasts and this is what our young kids are watching and identifying with. Unfortunately, at present there are no controls on this exposure in New Zealand.

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44 Ibid.
47 Ibid.
The rise of social media

Alcohol companies have responded to the rise of social media by repositioning their marketing focus. In 2011, Bacardi announced it would ‘shift up to 90% of its digital spend to Facebook as it no longer deems dotcom sites relevant’. During this same year, Diageo stated that the days of lavish websites were over and subsequently announced plans to ‘step up their multi-million dollar partnership with Facebook’ reporting that their Facebook fan base had increased from 3.5 to 12 million in the preceding year.  

Accordingly, by 2012, alcohol brands had the highest engagement rate on Facebook. Nicholls (2012) undertook a content analysis of alcohol industry generated social media marketing material which revealed clear patterns in brand strategies such as real-world tie ins (refer to an actual branded event promoted wholly or in part via social media), interactive game (including using giveaways and competitions of some form), 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). These activities allow marketers to embed

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51 Ibid footnote 5.
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.\(^52\)

Facebook facilitates branded conversation but also, crucially, provides marketers with access to the profile data of users who ‘like’ pages. These types of techniques seek to embed alcohol-branded activities in the daily lives of site fans and followers making it become an intrinsic element of daily norms.\(^53\) A new term has also been coined to describe how alcohol companies are using their consumers to also promote their brands via online social networking sites such as Facebook. The new term is called ‘prosumer’ and it works by the consumer ‘liking’ their posts which then promotes the alcohol companies post to all of their friends and so on.\(^54\) Brand-facilitated conversations can also reinforce conventional advertising and can provide quantifiable measures of audience response to campaigns – contributing to a far more sophisticated consumer knowledge base than ever before.

The rapid growth in the use of new social networking technologies raises issues regarding alcohol marketing. There is now clear evidence its impact on the consumption of young people. Young people, for example, routinely tell and re-tell drinking stories online, share images portraying drinking, and are exposed to often intensive and novel forms of alcohol marketing. McCreanor et al (2013) conclude that social networking systems are positive and pleasurable for young people, but are likely to contribute to pro-alcohol environments and encourage drinking.\(^55\) Niland et al (2014) go further and suggest that the ways in which young adults’ talked about and understood their uses of Facebook within their drinking practices meant that young people often depicted their drinking as pleasurable and without negative consequences.\(^56\) These findings further reinforce the relationship between social learning theory and youth drinking behaviours.

A recent New Zealand study also explored the ways in which new technologies are being used by a range of young people (and others, including marketers) in drinking practices and drinking cultures.\(^57\) It also explored how these technologies impact on young adults’ behaviours and identities, and how this varies across young adults of diverse ethnicities (Māori, Pasifika and Pakeha), social classes and genders. There were 141 participants that took part in the study who were aged between 18-25 years of age. Key findings demonstrated that social technologies play a crucial role in young adults’ drinking cultures and processes of identity construction. Consuming alcohol to a point of intoxication was a commonplace leisure-time activity for most of the young adult participants, and social network technologies were fully integrated into their drinking cultures. Uploading and sharing photos on Facebook was particularly central to young people’s drinking cultures and the ongoing creation of their identities. Being visible online was crucial for many young adults, and they put significant amounts of time and energy into updating and maintaining Facebook pages, particularly

\(^{52}\) Ibid.
\(^{53}\) Ibid.
with material regarding drinking practices and events. However, there were inconsistencies across ethnicities with this behaviour. For example, Pakeha shared their drinking practices online with relatively little reflection, while Pasifika and Māori participants were more likely to discuss avoiding online displays of drinking and demonstrated greater reflexive self-surveillance. The study also found gender and social class difference. The authors also discussed the way alcohol companies employ social media to market their products to young people in sophisticated ways that meant the campaigns and actions were rarely perceived as marketing. Online alcohol marketing initiatives were actively appropriated by young people and reproduced within their Facebook pages to present tastes and preferences, facilitate social interaction, construct identities, and more generally develop cultural capital. These findings are even more interesting when they are related to previous research into the transformation of marketing into interactive experiences with highly personalised content that influences how we consume and purchase. Today, single users can be stealthily tracked and profiled throughout their “online journey” – including their visits to many websites and the actions they take therein – as their purchase information is collected and analysed. Mobile phone and location marketing can also be used by marketers to “geo-target” users in a specific geographic area and at defined times. These behaviours are particularly concerning when research such as that described above is documenting the role of social media and other technologies in young peoples’ lives today in New Zealand.

The Vodka Cruiser facebook page with the post “Aaaagh...this is how my weekend will look like! Haha” while depicting 8 empty Vodka Cruiser bottles. The low risk drinking guidelines recommend no more

58 Ibid.
60 Ibid.
than 2 standard drinks for adult females and no more than 3 standard drinks for adult males on any one occasion. They also recommend that ideally young people under the age of 18 years should not consume any alcohol or at the very least age of onset should be delayed for as long as possible.

**Solutions**

The policy response to tobacco marketing provides a clear contrast to that of alcohol marketing policy. Comprehensive restrictions on tobacco marketing resulted in a decline of 7.4% in OECD countries with some indication that a cumulative effect might occur.\(^{61}\) There are a number of existing examples of international and national legislation that could be useful in the alcohol policy setting. Some of these include:

1. The [Framework Convention on Tobacco Control](#) provides an appropriate model for global governance to control alcohol marketing. This model has been found both feasible and valuable in controlling tobacco marketing.

2. New Zealand’s Health Sponsorship Council – The Health Sponsorship Council was established in 1990 following the enactment of the Smokefree Environments Act 1990. This was to provide an alternative to tobacco sponsorship in New Zealand.

3. The evaluation of the alcohol marketing regulations of 23 European countries showed that Norway and France have the most effective regulations.\(^{62}\) Norway has the most comprehensive volume restriction in Europe; all alcohol marketing is prohibited. In France, the Loi Evin bans the promotion of alcohol on TV and cinemas, as well as alcohol sponsorship of cultural and sports events. These volume restrictions are completed with a content restriction that stipulates exactly what can be showed (instead of what is not allowed). Alcohol advertising is only allowed in press aimed at adults, on billboards, on radio channels (under precise conditions), and at special events or places like wine fairs and wine museums. When advertising is permitted, content is controlled: messages and images should refer only to the qualities of the products like ABV, origin, composition, means of production, patterns of consumption, and health messages are required on each advertisement.

4. Iceland – All alcohol advertising and broadcasting is banned.

5. Sweden - Swedish legislation prohibits advertising of alcohol over 2.25% abv in all media. The law allows only trade magazines to advertise alcohol. Alcohol advertisements are not permitted on radio or television, including satellite.

6. South Africa – Cabinet approved a draft bill banning all alcohol advertising at the end of 2013.

7. Finland – At the end of 2013, a nationwide alcohol advertising ban was introduced with the aim of reducing the situations where children and youth are exposed to alcohol advertising.

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8. Australia’s ‘Be the Influence’ strategy – An increase in tax on Alcopops in Australia was ring-fenced to provide replacement government funding for 12 leading sporting organisations to end all existing and future alcohol sponsorship agreements. Sports involved include soccer, basketball, netball, swimming, cycling and hockey.

We have listed our recommendations up front. Alcohol Healthwatch believes that the evidence is strong enough to warrant these changes in New Zealand now, and we are not alone in this view.

**Public Support**

There is strong public support for further restrictions of alcohol advertising and sponsorship in New Zealand.

Of the 2,939 submissions made to the Law Commission 2,281 of these 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.**

Over 7000 submitters to the Justice and Electoral Select Committee on the Alcohol Reform Bill made some comment on alcohol advertising and/or sponsorship. The vast majority were in favour of greater restrictions on advertising, and most were also in favour of a ban on sponsorship. In many of the larger public forums that were held during the Alcohol Reform process there was strong support for applying the tobacco “Smokefree” model to alcohol, with a ban on all advertising and a staged withdrawal of all alcohol sponsorship. Others wished to see the codes covering alcohol advertising overhauled; the hour at which alcohol can be advertised on television moved forward from the current threshold of 8.30pm to 9.30pm, and the responsibility for regulation and complaints handed to an independent statutory body.

Alcohol’s association with sport was also viewed by many as inappropriate and there was a call for an immediate end to alcohol branding on primary and secondary school goal pads and other sports equipment. The irony was frequently noted that as New Zealand undertook this comprehensive review of its liquor laws it was also preparing to host the Heineken Rugby World Cup.

Many also questioned why, given the risks associated with alcohol consumption, there was no requirement for advertisers and manufacturers to include in advertisements and product packaging basic consumer information such as the number of standard drinks, recommended maximum intake and risks to pregnant women and the young.

In the Health Sponsorship Council’s 2010 Health and Lifestyle survey: Alcohol Related Attitudes report researchers found **81.9% of participants either supported or strongly supported increasing the restrictions on alcohol advertising or promotion** that is seen and heard by children and young people.63

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Other comments

Review Process

Alcohol Healthwatch would like to comment on the process that this review has taken. We have fielded many calls from frustrated professional colleagues and community members asking if they can get an extension for the submission process. The tight timeframe for consultation and the fact that this period included Easter and Anzac public holidays made it incredibly difficult for professionals and communities to have meaningful input into this review and from our point of view this is disappointing.

Conclusion

The protection of alcohol marketing has been a major focus for vested interest groups and this has affected governmental responses at national and international levels.

Alcohol Healthwatch believes 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 Ministerial Forum to recommend an action plan which includes our key recommendations made at the beginning of this document. 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 profit driven needs of the alcohol industry.
April 28 2014

Submission to the Ministerial Forum on Alcohol and Sponsorship.

Allied Press Ltd, Dunedin and our associated Company The Greymouth Star Co Ltd of Greymouth publish three daily newspapers and a number of free weekly newspapers that circulate throughout the West Coast, North Canterbury Mid and South Canterbury, Otago and Southland.

We have carried advertising for alcoholic products since 1861 for a number of companies for either branding or product and price advertising through retail outlets and supermarkets and hotels.

These advertisements are always checked internally to ensure they come within the Code of practise for Liquor Advertising.

Should we have concerns or cannot determine the legality of the advertisement or claim we refer these to the Advertising Standards Authority for a ruling.

We always accept their decision on whether or not to publish, this system works well.

We have had very few complaints on breaches of the Alcoholic Liquor code since this was established many years ago.

Sometimes, as being a University town some enterprising bars or hotels have attempted to promote or give away liquor products but we have been able to ensure these are not printed due to our checking procedures.

We believe the Act works well for Newspaper Publishers and their readers and does not require change.

Television.

National TV gets the bulk of total revenue of advertising spend for alcohol.

Much of that revenue seems to go toward targeting the younger age group [30 and under].

These slick and expensive to produce commercials often glorify the affluent and carefree lifestyle of beach, bars, sun and fun for teenagers and young adults.

We believe television commercials with content glamorising alcohol as a requirement for a vibrant lifestyle could be tightened and restrictions on these type of advertisements put in place.

Summary.

We support the right to advertise legal products in any medium provided the message conveyed is within the guidelines as set in the current Code of practice.
However, would also support discussion on whether some form of restriction on Television Commercials that glorify and glamorise lifestyle activities along with consumption of alcoholic products could be investigated.

NG Smith
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Greymouth Star Ltd
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A submission from

The Association of New Zealand Advertisers Inc

To

The Ministerial Forum on Alcohol Advertising and Sponsorship

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28 April 2014
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## Appendices

I Advertising Standards Authority’s Code for Advertising and Promotion of Alcohol (2013)


III Advertising Standards Authority’s Guidance Note on Social Media (2012)

IV Comparison of alcohol advertising policies imposed in various countries and five-year change in recorded adult (population above 15 years old) per capita consumption
1.0 Executive summary

1.1 This submission has been prepared by the Association of New Zealand Advertisers (ANZA), the industry body representing New Zealand’s major advertisers. ANZA would wish to speak to this submission should the opportunity arise.

1.2 ANZA is an expert in the field of advertising and an advocate for the important role advertising plays in a consumer society. ANZA is the New Zealand representative of the World Federation of Advertisers (WFA), the leading global marketers’ organisation, which champions responsible and effective marketing communications worldwide.

1.3 ANZA is a member of the Advertising Standards Authority (ASA). It believes the principles underpinning ASA’s codes of advertising practice are unequivocal and unambiguous, representing a sensible and workable balance between the need to protect consumers and the right of advertisers to communicate freely their products and services. It considers industry self-regulation is the most effective and responsive method for preventing misleading, offensive or otherwise inappropriate advertising.

1.4 ANZA considers that, in the case of alcohol products, the newly established co-regulatory alcohol advertising regime, with the Sale and Supply of Alcohol Act 2012 supported by the Advertising Standards Authority’s Codes of Practice and the advertising industry’s pre-vetting processes, provides a framework which protects consumers while allowing alcohol advertisers to communicate responsibly to consumers.

1.5 This submission contends public policy must be based on empirical evidence. There is no compelling national or international evidence linking alcohol advertising with alcohol consumption or alcohol-related harm. At best, evidence is conflicting and confusing. In fact, when the ban on broadcast alcohol advertising in New Zealand was lifted in 1992, per head alcohol consumption decreased.

1.6 Evidence from overseas advertising regimes strongly suggests that bans on alcohol advertising do not have any impact on consumption or alcohol-related harm. New Zealand’s co-regulatory regime performs well against its overseas counterparts. ANZA disagrees with the Law Commission’s revised view in its 2010 report, Alcohol in our Lives: Curbing the Harm, that there is now evidence supporting a ban on alcohol advertising. In fact, in the light of a continued lack of evidence supporting a ban on alcohol advertising, ANZA cannot understand why the Law Commission has changed its view on this matter.
1.7 If speculative public policy is considered for introduction, any untested benefits must be measured against the unintended and adverse consequences of policy failure. The unintended and adverse consequences of a ban, or significant restrictions on advertising alcohol include price discounting, unreasonable limitations on freedom of expression, economic and trade consequences and the establishment of a dangerous precedent for similar restrictions on other “unpopular” products in the future.

1.8 While ANZA is a strong supporter of the current self-regulatory regime for alcohol advertising, it also recognises that such regimes must remain contemporary and responsive. ANZA acknowledges the steps the ASA has already taken with regular alcohol code reviews, the provision of specialist guidance notes on both alcohol and social media, and changes to further speed up the complaints process.

1.9 At the same time, the WFA is currently developing a new code to govern advertisers who advertise online. ANZA considers New Zealand should be a fast follower of such initiatives and would be pleased to share the code with the Forum when this policy is finalised and released, expected in June 2014.

1.10 Finally, whatever recommendations are envisaged, they need to be proportionate and balanced. On the one hand, further restrictions on alcohol advertising would significantly impede the alcohol industry’s ability to communicate with its customers, and promote consumer choice. On the other hand, there is no evidence that restrictions on alcohol advertising would reduce alcohol-related harm. The question has to be answered: if restrictions have not worked elsewhere in the world, why would they work in New Zealand?
2.0 Introduction

2.1 This submission has been prepared by the Association of New Zealand Advertisers Inc (ANZA) in response to the invitation from the Ministerial Forum on Alcohol Advertising and Sponsorship (the Forum) to submit on the matter of whether further restrictions on alcohol advertising and sponsorship are needed to reduce alcohol-related harm. ANZA wishes to appear before the Forum to speak to this submission, should the Forum decide to meet with submitters.

2.2 This submission focuses on advertising. For more than 80 years, ANZA has made a significant contribution to the development of a sensible framework of legislation supported by responsible self-regulation that works in both the public interest and the interests of organisations and individuals to communicate freely about their goods and services to New Zealand consumers.

2.3 ANZA represents the majority of New Zealand’s major advertisers who promote a wide range of products and services to New Zealand consumers. ANZA is the New Zealand representative of the World Federation of Advertisers (WFA), the leading global marketers’ organisation, which champions responsible and effective marketing communications worldwide. ANZA’s mission is to protect the freedom to advertise responsibly and to enhance effective communications for its members.

2.4 ANZA is an expert in the field of advertising and it is an advocate for the important role advertising plays in any modern consumer society. ANZA acknowledges the influence of advertising as a change agent in society and the need for ethical behaviour to govern the execution of that influence.

2.5 Recognising the need for industry to take a responsible approach to advertising, ANZA is influential throughout the communication chain to ensure advertising is ethical and responsible. It exercises this influence in two ways. They are:

- Administering pre-vetting services for therapeutics (TAPS) and alcohol advertising and promotion (LAPS) to ensure those advertisements meet pre-agreed standards or codes of advertising before they are shown to the public.

- Being a primary funder of the Advertising Standards Authority (ASA) which develops codes of advertising practice and the Advertising Standards Complaints Board (ASCB) which provides an avenue for members of the public to seek remedies if they believe those codes have been breached.
2.6 We have appended a copy of the ASA's Code of Advertising and Promotion of Alcohol for your information (refer appendix I). In summary, the four guiding principles of the Code are:

- Alcohol advertising and promotions shall observe a high standard of social responsibility. The Code gives clear guidelines as to what is meant by social responsibility. It includes:
  - No linkages with daring, aggressive, unruly, irresponsible or antisocial behaviour, or to tobacco, illicit drugs or substances such as glue, petrol, explosives and weapons.
  - While advertising can be part of a friendly social environment, it can not be depicted as essential to a better more attractive lifestyle.
  - It cannot suggest that alcohol consumption will lead to sexual, social, sporting or business success or popularity.
  - Advertising cannot suggest alcohol relaxes or has therapeutic benefits.

- Alcohol advertising and promotions should be consistent with the need for responsibility and moderation in consumption.

- Alcohol advertising placement and content should not be directed at minors nor have strong or evident appeal to minors in particular.

- Sponsorship should focus on the individual, team, activity or event being sponsored – not on the sponsoring organisation.

2.7 ANZA believes these principles are unequivocal and unambiguous. They represent a sensible and workable balance between the need to protect consumers and the right of advertisers to promote their products and services.

2.8 A member of the ASA, ANZA has been closely involved with several reviews of the ASA's alcohol advertising code in recent years, including:

- 1998 review chaired by Sir Ian Barker.
- 2003 review chaired by Sir Michael Hardie Boys.
- 2011 review chaired by Hon Sir Bruce Robertson.
2.9 ANZA also submitted to both the 2010 Law Commission Report *Alcohol in our Lives: Curbing the Harm* and to the subsequent Justice and Electoral select committee on alcohol and advertising issues.

2.10 One guiding principle underpins all our representations. It is that New Zealand's current self-regulatory advertising standards regime works in the best interests of the public and advertisers. ANZA believes industry self-regulation is the most effective method for preventing fraudulent, untruthful, misleading or otherwise inappropriate advertising.

2.11 Furthermore, ANZA believes public policy must be evidence-based. There is no compelling evidence that links alcohol advertising with alcohol abuse. We acknowledge that sometimes, even if evidence is lacking or inconclusive, public policy might be initiated on a speculative basis in an effort to see if a particular policy will work or not. However, the benefits of the introduction of speculative policy must be measured against the unintended consequences of policy failure. ANZA believes the unintended and adverse consequences of a ban on the responsible, industry-regulated advertising of alcohol are not worth the risks associated with the introduction of untested public policy unsupported by empirical evidence.

2.12 In support of this view, this submission addresses the following matters:

- The facts about alcohol advertising in New Zealand.
- The purpose of advertising in a mature market.
- The policy intent of the Sale and Supply of Alcohol Act 2012.
- The quality of the empirical evidence supporting a ban on alcohol advertising.
- The nature and effectiveness of regimes in other countries.
- Some unintended consequences of a ban on alcohol advertising.
- Improving the current self-regulatory regime.
- Alcohol advertising and new media.
3.0 The facts about alcohol advertising in New Zealand

3.1 Total New Zealand advertising turnover in 2013 was $2.3 billion.¹ Total New Zealand alcohol advertising was $56 million or just 2.5 percent of total advertising turnover.²

3.2 The largest single alcohol advertiser in 2012, Lion, was the 52nd largest advertiser across all media.³ To place that in some perspective, Lion’s advertising expenditure, as reported by Nielsen, was one-third less than that of, for example, McDonald’s or household products manufacturer, Reckitt Benckiser. As a consequence, the average adult viewer is exposed to alcohol advertising on television, the country’s largest advertising medium, at a much lesser frequency than, for example, advertising for fast food or toiletries and cosmetics.

3.3 Alcohol advertising is already highly regulated, through legislation such as the Sale and Supply of Alcohol Act 2012 and the Broadcasting Act 1989, and industry codes such as the Free to Air Code of Broadcasting Practice.

3.4 The ASA Code for Advertising and Promotion of Alcohol (refer appendix I) is the only ASA Code that extends beyond advertising to include naming, labeling, sponsorship and promotion. The Code requires a high standard of social responsibility, a higher standard than most ASA Codes.

3.5 Alcohol advertisements cannot be shown on television between 6am and 8.30pm (Between 8.30pm and 6am is normally considered adult viewing time). Television advertising for alcohol brands cannot exceed six minutes per hour and there shall be no more than two advertisements for alcohol in a single commercial break.⁴

3.6 Alcohol branded merchandise, point of sale materials and other promotions must not be available in unrestricted areas at events or activities where more than 25 percent of the expected audience are minors. Websites providing online retail sale of alcohol products require purchasers to certify they are 18 years of age and older.

3.7 Those advocating for a ban on alcohol advertising paint a picture of consumers of all ages being bombarded with advertisements for alcohol incessantly day and night. The reality is quite different. Alcohol advertising is only a minor part of total advertising and, with respect to the biggest medium, television advertising, it is confined to normal adult viewing times.

¹ Advertising Standards Authority 2013 annual report
² Nielsen Advertising Information Service
³ Nielsen’s Top 200 Advertisers reported in Ad Media’s Agencies & Clients 2012
⁴ Advertising Standards Authority, Code for Advertising and Promotion of Alcohol 2013
Advertising Pre-vetting

3.8 ANZA administers the Liquor Advertising and Promotion Pre-vetting System (LAPPS). The service provides alcohol advertisers with the opportunity to receive an independent assessment of advertising and promotions' compliance with the ASA Codes before undertaking a significant financial commitment to run a campaign. Although ANZA administers the system, it has no role in individual adjudications. Those decisions are made by an independent arbiter.

3.9 The LAPPS service was originally established in 1992 when alcohol advertising on broadcast was allowed. LAPPS was extended to cover promotional activities from 2003. Pre-vetting systems exist in other countries on a voluntary basis, with one exception: Ireland has a compulsory pre-vetting system for all alcohol advertisers.

3.10 This Irish service is fully funded by advertisers on a 'user pays' basis. Pre-vetting adds an additional layer of regulation and cost to an advertiser, but ensures an active, rather than reactive, process is in place to reduce significantly the chance of an advertisement, likely to breach the Code, being placed in the media.

3.11 In 2013, 571 pre-vetting applications were approved. ANZA believes that pre-vetting of advertising is a significant factor in the low level of complaints about alcohol advertising. In 2013, 27 complaints were received by the ASA regarding alcohol advertising. This was 3.4 percent of all complaints. Of those 27 complaints, only three complaints were upheld. A further three were settled with the advertiser making amendments to the advertisement in question. These statistics demonstrate the effectiveness of the pre-vetting system with a very high standard of compliance with the ASA Codes.

\[5\] Advertising Standards Authority Annual Report, 2013
4.0 The role of advertising in a mature market

4.1 There is a common misconception that advertisers advertise alcohol in order to increase consumption. This misconception reveals a lack of understanding of the role of advertising.

4.2 As is the case in most developed countries, the alcohol market in New Zealand is categorised as a mature market. This is a market that has reached a certain state of stability marked by the absence of significant growth in sales and consumption. In such markets demand tends to be stable or even in decline, with no signs of significant evolution. This is reflected in the decline in recorded adult per capita consumption in New Zealand.

4.3 The graph on this page compares annual per head consumption of alcohol (reported by NZ Statistics) with annual advertising expenditure (reported by Nielsen Advertising Information Service) converted to 2013 dollars. It demonstrates clearly that there is no direct correlation between expenditure and consumption. In fact, annual per head consumption was higher in the five years before the ban on broadcast advertising was lifted in 1992 than in any of the subsequent 22 years.6

4.4 Since the broadcast media ban was lifted 1992, there has been a trend towards more sophisticated and expensive products away from bulk products. This supports the proposition that alcohol advertising in a mature market is about brand awareness, not product consumption.

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6 Alert, the information bulletin of the Foundation for Advertising Research, 19 March 2014, p. 3
4.5 In a mature market, the purpose of marketing is to encourage competition between brands, not to influence consumption of a product category. Toothpaste advertisements do not increase overall toothpaste consumption by people cleaning their teeth more frequently. Shampoo advertisements are not designed to encourage people to wash their hair more frequently. The total car market does not increase simply because Kia has the ‘power to surprise’.

4.6 Marketing and advertising create brand awareness. In a mature market such as the one for alcoholic beverages in New Zealand, alcohol is advertised to increase brand awareness and to encourage consumers to pick one advertising brand over their competitor’s brand. It merely encourages competition between brands, which is beneficial for consumer choice. While advertising does not increase overall consumption of alcoholic beverages, it does have a measurable impact on market share for brands and substitution between brands.
5.0 The policy intent of the Sale and Supply of Alcohol Act 2012

5.1 It is important for ANZA to record its total support of the Sale and Supply of Alcohol Act 2012 which acted as the genesis for this particular review of the advertising of alcohol in New Zealand.

5.2 It would be difficult to find anyone disagreeing with s4 (1) of the Act. It reads:

s4 Object
(1) The object of this Act is that –
   (a) the sale, supply, and consumption of alcohol should be undertaken safely and responsibly; and
   (b) the harm caused by the excessive or inappropriate consumption of alcohol should be minimised.

5.3 The Act came into effect a little more than four months ago on 18 December 2013. ANZA suggests it would be premature in the extreme to conclude that, after such a short time, the legislation was not delivering on its objectives and that further measures should be introduced. The Act should be given time to demonstrate its effectiveness without the imposition of further regulation.

5.4 In terms of advertising, ANZA submits the evidence shows that the self regulatory advertising regime concerning the sale, supply, and consumption of alcohol is being undertaken safely and responsibly, and there is no compelling empirical evidence to suggest that a ban on alcohol advertising would minimise the harm caused by the excessive or inappropriate consumption of alcohol.

5.5 Furthermore, such a ban would bring with it some unintended and negative consequences.

5.6 This submission now turns to the quality of the empirical evidence supporting a ban on alcohol advertising.
6.0 The quality of the empirical evidence supporting a ban on alcohol advertising

6.1 It is likely the Forum will be deluged with research data designed to convince it that there is empirical evidence supporting a ban on alcohol advertising that, in the words of the Act, would minimise the harm caused by the “excessive or inappropriate” consumption of alcohol.\(^7\)

6.2 ANZA does not agree. The research is inconclusive. In its July 2009 issues paper on the reform of New Zealand’s liquor laws,\(^8\) the Law Commission drew extensively on the 2003 book Alcohol: No Ordinary Commodity.\(^9\)

6.3 The Law Commission noted that the precise link between alcohol promotion and consumption is complex. The issues paper observed that Babor and others noted that the results of studies examining the link between exposure to alcohol promotion messages and individual levels of consumption were mixed.\(^10\)

6.4 Alcohol: No Ordinary Commodity was updated and republished in 2010. Again, the authors observed that studies found that advertising bans had no substantial effect on harmful consumption.\(^11\)

6.5 In seven years, nothing much has changed. Certainly, there is no additional compelling evidence that alcohol increases harmful consumption. This is reinforced by the inverse correlation of alcohol advertising and alcohol consumption noted by the Foundation for Advertising Research and referred to on page 9 of this submission. In light of a continued lack of evidence supporting a ban on alcohol advertising, we cannot understand why the Law Commission has changed its view on this matter.

6.6 A recent extensive review of the body of literature concluded that the evidence on alcohol advertising and youth was mixed, contradictory and inconclusive. The review found that generally the effect of alcohol marketing on adolescent drinking was modest, but that specifically the evidence indicated that it may not exist for mass media and other exposures.\(^12\)

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\(^7\) s4(1)(b) Sale and Supply of Alcohol Act 2012
\(^8\) NZ Law Commission, Alcohol in our lives – an issues paper on the reform of New Zealand’s liquor laws, July 2009
\(^9\) Thomas Babor et al, Alcohol: No ordinary commodity, OUP New York, 2003
\(^10\) NZ Law Commission, Alcohol in our lives – an issues paper on the reform of New Zealand’s liquor laws, July 2009, p. 194
\(^11\) T. Babor and others, Alcohol: No ordinary commodity, OUP New York, 2010, p. 194
\(^12\) Econometrix (Pty) Ltd, Economic impact of an advertising ban on alcoholic beverages, March 2013
In New Zealand, alcohol advertising spend increased in 2013 dollars from around $28 million per annum in 2006 to around $56 million per annum in 2013.\textsuperscript{13} If alcohol advertising was a factor in youth drinking behaviour, it would be expected there would be a corresponding increase in negative youth alcohol consumption statistics. On the contrary, statistics over a similar period revealed the following:

- The number of youth 15 to 17 who had consumed alcohol in the past 12 months fell from 75 percent in 2006/07 to 59 percent in 2011/2012.\textsuperscript{14}

- The percentage of all youth 12 to 17 who had consumed five drinks or more on the last occasion (the former Alcohol Liquor Advisory Council’s definition of binge drinking) fell from 19.6 percent in 2005/2006 to 15.0 percent in 2009/2010.\textsuperscript{15}

- Hazardous drinking by youth 18-24 dropped from 49 percent in 2006/2007 to 36 percent in 2011/2012.\textsuperscript{16}

- The average age of initiation of drinking by youth 12-17 rose from 13.8 years in 2003 to 14.6 years in 2009/10.\textsuperscript{17}

- The percentage of all youth 12 to 17 who consume alcohol more than once a week dropped from 6 percent in 2005/2006 to 3.5 percent in 2009/2010.\textsuperscript{18}

- In 2006 there were 19 road deaths caused by youth aged 15 to 19 involving alcohol or drugs. In 2012, there were nine deaths.\textsuperscript{19}

These statistics would seem to indicate that whatever influences youth alcohol consumption and related behaviour, it is not alcohol advertising.

ANZA does not pretend to be an expert in social and behavioural research, but we have read enough to conclude the empirical evidence supporting a ban on advertising as a means of minimising the harm caused by the excessive or inappropriate consumption of alcohol is, at best, weak, and could be nonexistent.

\textsuperscript{13} Nielsen Advertising Information Services
\textsuperscript{14} Ministry of Health, Hazardous Drinking in 2011/2012 – Findings from the New Zealand Health Survey, April 2013
\textsuperscript{15} Research New Zealand, ALAC Alcohol Monitor – Adults & Youth 2009-10 Drinking Behaviours Report, January 2011
\textsuperscript{16} Ministry of Health, Hazardous Drinking in 2011/2012 – Findings from the New Zealand Health Survey, April 2013
\textsuperscript{17} Research New Zealand, ALAC Alcohol Monitor – Adults & Youth 2009-10 Drinking Behaviours Report, January 2011
\textsuperscript{18} \textit{Ibid}
\textsuperscript{19} Ministry of Health, Alcohol/Drugs: Crash Factsheet: Crash Statistics for the year ended 31 December 2012, November 2013
6.10 A more robust conclusion is that the most antecedent risk factors for starting to drink in adolescence are parental and peer approval and models for drinking.20 Young people may perceive alcohol as fulfilling social and personal needs, intensifying contacts with peers and initiating new relationships.21 ANZA believes it will be difficult for the Forum not to draw a similar conclusion.

6.11 Advocates for a ban on alcohol advertising might argue that some times, even when there is no empirical evidence supporting a public policy initiative, it should proceed on the grounds that, if you do not experiment, you will never know whether a ban will work. ANZA does not agree with this proposition. All intended public policies must be measured against the unintended consequences of policy failure. A ban on alcohol advertising would result in significant and adverse consequences which are addressed later in this submission.

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7.0 The nature and effectiveness of regimes in other countries

7.1 The New Zealand experience demonstrates that alcohol advertising bans have no impact on consumption. In fact, as has been discussed earlier in this submission, the removal of the ban on alcohol advertising in New Zealand coincided with a fall in consumption. In fact, annual consumption in all of the five years prior to 1992 was higher than in any of the following 22 years.22

7.2 The New Zealand experience is consistent with other countries. Various policy approaches have been implemented in many countries, including full bans on advertising, time restrictions, restricting advertising for beverages above a certain alcohol content level and combinations of law and self-regulation. The reality is that restrictions on advertising do not result in a reduction in per capita consumption.

7.3 The Foundation for Advertising Research (FAR) studied the impact of full and partial alcohol advertising bans in various countries. FAR noted the evidence was overwhelming. Twenty studies found that, in practice, advertising bans had not resulted in a reduction in consumption.23

7.4 The FAR findings are further reflected in the WHO table reproduced in appendix IV. Countries with either no restrictions or heavy restrictions report increases in per capita consumption. Those countries, like New Zealand, with largely self regulatory regimes, report stable levels of per capita consumption.

7.5 Among other things, the WHO table shows:

- Very restrictive bans in France, Iceland, Sweden, Russia and Switzerland have not resulted in a decline in per capita consumption.

- Very restrictive bans in Finland and Norway and restrictive bans in Vietnam and Estonia have coincided with increases in per capita consumption.

- Mongolia has a restrictive ban and it was the only country to show a decline in per capita consumption.

- The only country with no restrictions on alcohol advertising to experience an increase in per capita consumption was Cambodia.

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22 Alert, the information bulletin of the Foundation of Advertising Research, March 2014, p. 3
23 Alert, the information bulletin of the Foundation of Advertising Research, December 2013, p.1
7.6 Perhaps the most interesting example is that of France, where the Loi Evin ban on alcohol advertising on television and cinema and a ban on sponsorship of sports and cultural events was introduced in 1991. Where advertising is allowed in France, such as in print media, there is strict control over content of messages and images, with no people in the advertisements, just bottles or labels and a mandatory inclusion on all advertisements of a message that alcohol abuse is dangerous to one’s health. Loi Evin is close to the model proposed by the Law Commission. A number of lessons can be learned from Loi Evin, including the following:

- As is the case in New Zealand, while alcohol consumption among the general population is falling - a result of declining wine consumption - risky drinking and repeat drunkenness has increased considerably among young people. Fully half of all French teenagers now report having been drunk at least once in the previous month and The Alcohol and Addiction Office of the French National Institute of Health and Medical Research estimates about 20 percent of French 17-year-olds are drunk at least three times a month.24

- Heavy episodic drinking by French under-18s has increased from 30 percent in 2003 to more than 40 percent in 2011 and is among the highest levels in Europe.25

- Consumption in the past 30 days amongst 16 year olds has also increased from 60 percent in 1999 to 64 percent in 2007.26

- The average age when youngsters start drinking in France is 12, which is amongst the lowest in Europe.27 Bulletin épidémiologique hebdomaire found that 59 percent of 11- to 12-year-olds in France had consumed alcohol, and that one in six 11- to 14-year-olds had been drunk at least once. The figures rose to 60 percent for 15- to 17-year-olds, reinforcing data that shows French teens start drinking, and binge drinking at a younger age.

- Alcohol-related harm in France is not just about the young. The French Society for the Study of Alcohol released figures in March 2013 that attributed 400,000 hospital admissions a year to alcohol abuse, a 30 percent increase over the past three years.28

25 ESPAD, Substance abuse amongst students in 36 European Countries, 2012
26 ESPAD, Substance abuse amongst students in 36 European Countries, 2009
27 ESPAD, Substance abuse amongst students in 36 European Countries, 2012
7.7 As early as 1999, the French Government’s official evaluation report made the following observations:

- Loi Evin had been ‘ineffective’ in reducing high-risk drinking patterns.

- A comparison of the respective evolution in consumption and advertising spend in several countries led to the conclusion that a link between the two ‘cannot be demonstrated’.

- This absence of a link is also found by studies for several other countries including the Netherlands, Sweden, the UK, Germany, the US and Canada. 29

7.8 ANZA suggests the overseas experience of different alcohol advertising regimes is unlikely to provide the Forum with helpful advice. In fact, in comparison New Zealand’s current co-regulatory regime appears to work well.

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8.0 Some unintended consequences of a ban on alcohol advertising

8.1 ANZA considers a total ban, or even significant restrictions on alcohol advertising, would result in a number of adverse and unintended consequences, including price discounting, unreasonable limitations on citizens' right to freedom of expression, economic and trade consequences and the establishment of an unhelpful precedent for similar restrictions on other products in the future.

8.2 Price discounting
As this submission has explained, the purpose of alcohol advertising is not to increase overall consumption, but to increase brand share. Deprived of opportunities to compete on brand, alcohol producers and retailers may be encouraged to compete on price.

8.3 An erosion of available marketing options would inevitably lead to greater price discounting. While the evidence suggests alcohol consumption, particularly harmful consumption, is relatively price inelastic, we note that an increase in the depth and/or frequency of price discounting would appear to run counter to the legislative intent which is designed to restrict the advertising of price discounts.

New Products and Competition

8.4 Promotion of a product plays a fundamental role in the success of business in healthy and competitive economies. Not only does it facilitate competition, it allows for new products to be introduced to consumers. Recent examples are lower alcohol wines or specialist craft beers. Advertising restrictions would make the capital investment in such products less attractive for producers, limiting choice and competition.

8.5 ANZA notes that the New Zealand Government has announced its intention to lower the blood alcohol limit from 80mg per 100ml of blood to 50mg for drivers over the age of 20. The new law creates an opportunity to develop and market ‘better for you’ products such as mid and low strength beers which are more popular in markets such as Australia. Advertising of these products has been a primary driver in encouraging a sales shift from full strength product in the Australian market. In the interests of road safety, this option should not be restricted in New Zealand.

Freedom of expression

8.6 Forum members may be aware of the Attorney-General’s report under the New Zealand Bill of Rights Act on the Liquor Advertising (Television and Radio) Bill which proposed a
ban on any liquor advertising in New Zealand. The Bill was debated in Parliament in July 2009 and it did not progress to a first reading.

8.7 The Attorney-General concluded that in restricting the ability of the liquor industry to advertise their products and the ability of consumers to receive that information was inconsistent with s 14 of our Bill of Rights Act which provides for everyone's right to freedom of expression.

8.8 The Attorney-General applied two tests. Did the provision serve an important and significant social objective and was there a rational and proportionate connection between that objective and the provision?

8.9 In essence, the Attorney-General concluded that, while the provision passed the first test, it failed the second. The Attorney-General could not conclude there was a proportionate connection between the objectives of cl 5 of the Bill and the limitation of the freedom of expression in s 14 of the Bill of Rights Act. "The Bill, therefore, appears to be inconsistent with the rights and freedoms contained in that Act," the Attorney-General said.30

8.10 ANZA considers the continued lack of empirical evidence linking advertising with the harm caused by excessive or inappropriate consumption of alcohol would lead the Attorney-General to a similar conclusion five years later.

8.11 In ANZA's view, a major consequence of a ban on the broadcast of alcohol advertising would be an infringement of every citizen's right to freedom of expression.

**Economic and trade consequences**

8.12 A healthy advertising industry plays a role in sustaining and stimulating a healthy national economy. A ban on the advertising of alcohol would:

- Reduce the annual income of the New Zealand media industry by an estimated $56m a year.31 Further, this expenditure has a multiplier effect, impacting not only on media owners, but across all marketing services through the communication supply chain.

- Significantly reduce employment in the wider communications sector, across creative agencies, media agencies, design agencies and their suppliers, impacting on the quality of those services for all advertisers.


31 Nielson Advertising Information Service
• Discourage firms from investing in New Zealand, in terms of both capital and employment, because they could not freely advertise their goods.

8.13 Restrictions on advertising would unfairly advantage international brands over local producers as they would continue to have a strong public presence through global event sponsorship, such as the Olympics and IRB Rugby World Cup. They would also be able to continue to advertise online through international platforms.

8.14 Local events, both cultural and sporting, would be negatively impacted by international brands removing their sponsorship funding and investing those funds in other markets.

8.15 It is possible restrictions on alcohol advertising might contravene agreements relating to New Zealand's international trading obligations, including the following:

• Articles 2.1 and 2.2 of the World Trade Organisation's (WTO) Technical Barriers to Trade (TBT) Agreement if it were to be demonstrated that restrictions on alcohol advertising were discriminatory, unduly trade restrictive or not supported by empirical scientific evidence.

• Article III.4 of the WTO General Agreement on Tariffs and Trade (GATT) Agreement on the grounds of discrimination between imported and local products.

• Elements of the WTO Trade-Related Aspects of Intellectual Property Rights (TRIPs) Agreement relating to the rights of companies to the use of their own intellectual property, including brands.

• Elements of the investment provisions in some free trade and bilateral trade agreements where restrictions unsupported by scientific evidence or rigorous policy analysis result in possible breaches of the requirement to be fair and equitable or the unreasonable and discriminatory impairment of an investment.

A dangerous precedent

8.15 ANZA has a wide range of members including food manufacturers, beverage suppliers and quick service restaurant franchisers. ANZA is concerned that a ban on alcohol advertising may set a precedent for similar bans on other products advertised by ANZA's members. These products might include fast food, sugary drinks, chocolate and confectionary – products that, for one reason or another, are considered “harmful” by
individuals or groups, even if neither the so called “harm” or the link between that harm and advertising has been adequately established.

8.16 The main area of concern appears to be the impact of advertising on children. The Advertising Standards Authority acknowledges the importance of high standards of social responsibility when advertising to children or at times when children are most likely to be accessing broadcast media. The Authority has a separate Code for the advertising of food to children.

8.17 However, Forum members would have noticed that the storm clouds are gathering nationally and internationally, as a range of advocates both in New Zealand and overseas apply pressure on legislators to impose restrictions of a range of “unpopular” products.

8.18 ANZA is concerned that a ban, or significant restrictions, on the advertising of alcohol will create a dangerous precedent for similar restrictions to be placed on other products and services.

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32 Advertising Standards Authority, Advertising Codes of Practice – code for advertising to children, 2013, p. 25
33 Advertising Standards Authority, Advertising Codes of Practice – children’s code for advertising food, 2013, p. 21
9.0 Improving the current self-regulatory regime

9.1 While New Zealand’s self-regulatory alcohol advertising regime compares favourably with other regimes around the world, self-regulation must continue to evolve to reflect changing media and social environments.

- The ASA is committed to involving the public in frequent reviews of its Alcohol Code. The last review was in 2011. This review led to a new code being released in 2012.

- The ASA has established guidance notes specifically on social media, reflecting the growth in this media. The ASA is committed to update guidelines in line with best international practice. New media is discussed fully in section 10 of this submission.

- ANZA has recently introduced a policy where this organisation will initiate complaints to the ASCB if it believes an advertisement may be in breach of the Code.

- Since November 2013, ASCB has met twice monthly. This has reduced the average time from complaint to determination to just 18 days. This compares extremely favourably with many other regulatory processes.

9.2 ANZA believes the advertising industry’s commitment to effective self-regulation should be supported by community initiatives. For example:

- Developing more direct interventions – family, school-based, youth – designed to encourage the appropriate and harmless consumption of alcohol.

- Using the mass media in the form of Government funded public education programmes designed to encourage the appropriate and harmless consumption of alcohol.

9.3 ANZA would be ready to take a lead role in making these initiatives happen.
10.0 Alcohol advertising and new media

10.1 While the worldwide discussion on alcohol advertising has tended to focus on the traditional advertising media, there has been emerging interest in new media. Because people do not understand new media, they are more likely to be fearful of its impact. As such, criticisms of digital marketing that are based on assumption or bias should be ignored. Rather, robust evidence should be considered before conclusions are drawn.

10.2 Contrary to some assertions, the ASA in New Zealand is media neutral, accepting complaints about advertising in any media, including online and digital. It was one of the first jurisdictions to do so, preceding, for example, the United Kingdom, even though the UK has the highest proportion of online advertising in the world.

10.3 Further, in 2012 the ASA introduced specific guidelines on social media to help advertisers comply with its codes. Additional guidelines were also developed specifically for alcohol advertisers to help them understand the ASA’s expectations around age-gating and moderation of user-generated content.

10.4 Digital marketing is an effective advertising tool. It can target the audience sought by the advertiser and, in the case of alcohol, limit the possibility of advertising being seen by someone under the age of 18. Mechanisms such as age-gates on brand websites minimise children’s exposure. Similarly, social media sites such as Facebook and YouTube are designed to restrict content to users over 18 years old.

10.5 Perceptions that social media sites are dominated by children are far from the mark. For example, a 2012 Global Study found that 0-17 year olds made up just 9 percent of global YouTube users, 18-24 made up 10 percent, 25-34 18 percent, 35-44 20 percent, 45-54 31 percent, 55+ 12 percent. In the case of Facebook, in the US only 5.4 percent of users are from 13 to 17 and their numbers are declining.

10.6 The New Zealand advertising industry has gone far in limiting underage access to online marketing communications online. However, online advertisers cannot be held accountable for factors over which they have no control. As research by the UK ASA noted, it is known that some young users lie about their age to initially register with Facebook or other social media sites, often with their parent’s permission. While industry applies age-affirmation to their pages on online sites, advertisers cannot be held responsible for the veracity of the information supplied by online users.

34 Ignite Social Media, Social Media Report 2012
35 D J Saul, Facebook Demographic Report 2014
36 Advertising Standards Authority, Compliance Survey: Children and advertising on social media, July 2013
An international approach to new media

10.7 Nonetheless, the advertising industry recognises the speed at which online media has evolved. Facebook is just 10 years old, Twitter eight years old and a number of other platforms have been created more recently, including Instagram, Whatsapp and Snapchat. In this increasingly global media environment, it is important that New Zealand constantly reviews initiatives being taken, or about to be taken, by the international advertising industry. ANZA is aware that a number of major international initiatives are underway even while this Forum is in progress:

- At a European Union level, the World Federation of Advertisers (WFA) is currently developing a Responsible Marketing Pact (RMP) with Europe’s advertising industry. One of the RMP’s ‘pillars’ is social media. As part of this initiative, a Standard Alcohol Profile (SAP) for alcohol beverage brands in social media is being developed which industry participants, including Heineken, Carlsberg, AB Inbev, SABMiller, Pernod Ricard, Diageo, Brown-Forman and Bacardi, have agreed to include in their social media accounts/pages according to the available technical settings. The SAP embraces the four main social media platforms: YouTube, Facebook, Twitter and Instagram. This is designed to limit underage access to the alcohol advertisers’ marketing communications. ANZA understands that, while the RMP is yet to be formalised, it will be announced in June 2014. Once it is available, ANZA will be keen to share this development with the Forum.

- At a worldwide level, the International Center for Alcohol Policies (ICAP) and the Global Alcohol Producers Group (GAPG) have recently launched a consultation process on their ‘Digital Guiding Principles’, which will set a global framework for responsible alcohol marketing online and also represents a major development in the international efforts to create a responsible environment for online alcohol advertising.

- The International Chamber of Commerce (ICC) is the global reference point for self-regulatory codes. Its recently updated “Framework on Responsible Marketing Communications for Alcohol” notes that websites devoted to products subject to age restrictions “should undertake measures to restrict access to such websites by minors”.37 This has affirmed the ASA position that alcohol company controlled websites should include age affirmation.

37 ICC Framework on Responsible Marketing Communications for Alcohol, 2013
10.8 ANZA believes New Zealand must continue to align itself with global practice as a fast-follower of key initiatives, particularly in the area of the fast-expanding new media. ANZA is prepared to take a lead role in implementing global best practice on social media within the New Zealand market.

Restricting Digital Media by Geography

10.9 A primary issue in attempting to limit access to online media other than by age restriction is the difficulty of controlling online media when users can source both paid and unpaid content uploaded anywhere in the world. For example, a ban on advertising and sponsorship in New Zealand will not prevent the New Zealand public being exposed to alcohol branding at global events, such as the FIFA World Cup, ICC Cricket World Cup or the IRB Rugby World Cup.

10.10 The public is also exposed to advertisements placed on global media platforms. This is particularly so as younger people increasingly consume media content, be it television, movies or music online and increasingly through international channels, outside the jurisdiction of New Zealand law. A good example is Norway, where alcohol advertising has been banned since the early 1970s, yet global alcohol brands are commonplace in online media. This also gives global brand owners advantages over local producers.

10.11 Regulatory measures designed to control this aspect of new media would almost certainly constrain public internet freedom. The increasing divergence of media platforms to capture mobile devices also adds complexity to the issue.
11.0 Conclusion

11.1 ANZA does not underestimate the size or importance of the task facing the Forum. The fact it is necessary to have an Act of Parliament to ensure the safe sale, supply and consumption and the minimisation of the harm that results from alcohol abuse underscores the point that alcohol causes harm when consumed excessively or inappropriately, and governments have a responsibility to ensure citizens are protected.

11.2 Governments must also ensure individuals and organisations are able to communicate freely about their legal goods and services to New Zealand consumers.

11.3 Sometimes, the public good is best served by the imposition of legislative prescription on advertising. That is particularly so when it can be clearly and empirically demonstrated that advertising is used to increase consumption. This is not the case with alcohol advertising which, as this submission contends, in a mature market like New Zealand, is used to promote brands and foster competition between brands.

11.4 There is no compelling evidence that suggests there is a causal link between alcohol advertising and harmful alcohol consumption.

11.5 There is no compelling evidence from overseas jurisdictions that suggests a government-imposed ban on alcohol advertising has any impact on harmful consumption.

11.6 ANZA believes New Zealand's co-regulatory alcohol advertising regime provides a framework which protects consumers through the imposition of sensible codes of practice supported by a complaints process, while allowing alcohol advertisers to communicate freely to consumers.

11.7 ANZA supports the objectives of the Sale and Supply of Alcohol Act 2012. The Act should be given time to demonstrate its effectiveness.

11.8 ANZA believes in the maxim: if it's not broken, don't fix it.

11.9 ANZA commends this submission to the Forum for its favourable consideration.
Appendix I

ADVERTISING STANDARDS AUTHORITY CODE FOR ADVERTISING AND PROMOTION OF ALCOHOL (January 2013)

INTRODUCTION

All alcohol advertising and promotion shall adhere to the laws of New Zealand and the Principles and Guidelines set out in this Code. The ASA Code of Ethics and Codes on Comparative Advertising and People in Advertising should also be consulted, where relevant. This Code should also be read with its Guidance Notes – see www.asa.co.nz.

Alcohol is a restricted product in New Zealand. Because of the health and social impacts of the misuse of alcohol, this Code requires specific restraints on advertising and promotion. There are also a number of restrictions in legislation and in industry-supported initiatives. People involved in marketing alcohol should be familiar with the Sale of Liquor Act, the Gambling Act (Sales Promotions Schemes), and the National Protocol on Alcohol Promotions supported by the Hospitality Association, the Alcohol Advisory Council, the New Zealand Police and Local Government New Zealand.


This Code 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. Particular care is also required in the advertising and promotion of products likely to have strong appeal to young adults over the legal purchase age.

In interpreting the Code emphasis will be placed on compliance with both the principles and the spirit and intention of the code. The guidelines are merely examples, by no means exhaustive, of how the principles are to be interpreted and applied. It is possible for advertising or promotions to be in breach of the principle without being in breach of a specific guideline. Upon complaint, the ASCB is vested with discretion to ensure a common-sense outcome and have regard to all relevant matters, including the overall impression conveyed, context and target market and in the case of promotions, their duration, entry mechanism, location, if there is a prize how it is awarded, and application of the ALAC low risk drinking advice. It is important to note that the likely audience (including the media advertisements are broadcast, printed, or displayed in) is a key factor in determining code compliance.

APPLICATION OF CODE

This Code covers advertising and promotion of all pre-packaged and bulk alcoholic drinks with an alcoholic strength above 1.15% abv, which are advertised and promoted for sale and consumption in New Zealand.

This Code applies to products promoted primarily as alcoholic 'drinks', even if they are classified as foodstuffs rather than drinks for the purposes of licensing or customs and excise legislation, or even if they appear to be gaseous, solid or heavily textured (or can be made to be, for example by freezing or shaking), rather than liquid.

For the avoidance of doubt, this Code does not apply to bona fide news, reviews, editorial and broadcast entertainment and sports programmes. This code also does not
apply to any advertising materials or activities whose purpose is solely and clearly to educate people about the responsible use and/or misuse of alcohol.

This Code does not apply to activities and promotions (other than advertising) for licensed on-premise (including all on, club and special licences) businesses initiated by those businesses. These activities and promotions are already covered under the Hospitality Association of New Zealand National Protocol on Alcohol Promotions and Section 154A of the Sale of Liquor Act. Promotions that may appear on licensed premises but that are controlled by producers or distributors are covered by this Code.

It is the responsibility of all companies and enterprises connected with the alcoholic drinks industry in New Zealand (whether as producers, importers, wholesalers, distributors or retailers) to comply with this Code. This includes the provision of adequate and appropriate briefings to external agencies from whom the companies/enterprises may commission design or promotional work. Approval by the Liquor Advertising Pre-vetting System (LAPS) is strongly recommended. See www.anza.co.nz/pre-vetting.

DEFINITIONS

"Alcohol advertising and promotion" means an advertisement, packaging, point of sale or other promotions, activities and materials (including dispenser units) generated by an alcohol producer, distributor or retailer that promotes alcohol by product, brand or outlet. This includes media releases, branded merchandise, competitions, word of mouth marketing, advergaming, product displays and sampling, but does not include a sponsorship advertisement or an advertisement in which reference to or the depiction of alcohol or alcohol packaging or an alcohol outlet is incidental to its purpose. An advertisement including a reference to licensed premises is not automatically an alcohol advertisement - the intent of the advertisement must be to promote the consumption of alcohol.

"Alcohol advertiser" means an advertiser that markets or sells alcohol and uses its name or any identifying feature to promote the sale of alcohol in any way.

"Branded merchandise" means products available in New Zealand bearing liquor or outlet branding which have been produced by, on behalf of, or with the permission of, a liquor producer, distributor or retailer.

"Heroes and/or heroines of the young" means a person or character (and includes groups/teams) whose example is likely to be followed by minors or who has strong appeal to minors (see Guidance Notes, www.asa.co.nz).

"Light (or lite) alcohol" means liquor containing a maximum of 2.5% alcohol by volume.

"Minors" are people who are under the age at which they are legally entitled to purchase liquor.

"Sponsorship" means any agreement or part of an agreement involving payment or other consideration in lieu of payment by a liquor producer, distributor or retailer to support a sporting or cultural property, event or activity, in return for which the sponsored party agrees to be associated with or promote the sponsor's drink(s) or outlet. The Code applies to the overall sponsorship agreement, including any material bearing the sponsor's logo or trademark. It does not apply to any use to which that material might subsequently be put, or to the behaviour or activities of sponsored parties, if that is not required or specifically permitted by the sponsorship agreement.
“Sponsorship advertisement” means an advertisement which clearly indicates that the advertiser is sponsoring a person, competition, activity or event. Any advertisement referring to a sponsorship that does not comply with Guidelines 4(a) to 4(e) of Principle 4 is deemed to be an alcohol advertisement.

“Websites” means a website, or part of a website, managed by or on behalf of a liquor producer, distributor or retailer for the promotion of their brand(s) or outlets primarily to the New Zealand market. Producers, distributors and retailers are responsible for any part of the website over which they have editorial control.

“User Generated Content” means content on websites or emails where the public contributes to the content, such as the YouTube and Facebook websites and viral emails. The Code applies to promotions on such websites and emails where the producer, distributor or retailer provides a platform for, or distributes the user-generated content or endorses the user-generated content.

Principle 1
Alcohol advertising and promotions shall observe a high standard of social responsibility.

Guidelines

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.

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.

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.

1(d) Alcohol advertising and promotions shall not depict alcohol as a necessity, nor required for relaxation nor suggest it offers any therapeutic benefit.

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.

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.

1(g) Alcohol advertising and promotions shall not cause widespread or serious offence, taking into account prevailing community standards, context, audience, medium and product.
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.

Guidelines

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(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.

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.

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.

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(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 in a family barbecue, provided that there is no direct or implied suggestion that they will serve or consume alcohol.

3(d) Alcohol Advertisements shall not be shown on television between 6.00 am and 8.30 pm.

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.
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.

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 per cent of the expected audience is minors.

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.

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

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.
Appendix II

ADVERTISING STANDARDS AUTHORITY GUIDANCE NOTES FOR THE CODE FOR ADVERTISING AND PROMOTION OF ALCOHOL (January 2013)

These Guidance Notes are to be read in conjunction with the Code for Advertising and Promotion of Alcohol. They are intended to provide interpretation assistance to the industry and consumers on the Principles and Guidelines of the Code.

Social responsibility [Principle 1 of the Code]

Principle 1 requires a high standard of social responsibility in alcohol advertising and promotions.

Guideline 1(a) in the Code states:

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.

i. The intent of this guideline is to prevent the linking of alcohol with highly risky behaviour.

ii. This guideline does not prevent the depiction of physical activities including sports in advertising and promotions but care must be taken to ensure alcohol products are not consumed before or during the activity. This also applies to Guideline 1(e).

iii. “Unruly, irresponsible or antisocial behaviour” would include behaviour likely to harm individuals or property.

Guideline 1(b) in the Code states:

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.

iv. This does not prevent the use of imagery of social settings such as a dinner party / BBQ or other occasion where the responsible serving of alcohol would not be unexpected.

Guideline 1(d) in the Code states:

1(d) Alcohol advertising and promotions shall not depict alcohol as a necessity, nor required for relaxation nor suggest it offers any therapeutic benefit.

v. Advertisements should not convey the message that a state of relaxation cannot be achieved without the consumption of alcohol but it is acceptable to suggest that a consumer can relax while consuming alcohol moderately, for example, an invitation to relax or unwind with brand X.
Social Media / Brand Websites [Principle 3]

i. The Code requires all alcohol brand websites to have age verification entry pages. This should be in a format that requires the user to enter a birth date, not just a yes / no option in response to an age question. Advertisers should ensure they are up-to-date with any technological advances that may help minimise the risk of access by minors to brand sites.

ii. The use of an appropriate default website if someone enters a birth date which indicates they are a minor is recommended such as a relevant page on the Alcohol Advisory Council website.

iii. Many alcohol brands make use of social media to connect with their target audience, an advertising medium that is relatively new and continually evolving. It is noted that most social media networks have their own policies on age-related tags and advertiser should ensure that their pages comply with these policies. For example see: http://www.facebook.com/terms.php, http://www.facebook.com/ad_guidelines.php and http://www.facebook.com/promotions_guidelines.php

iv. Where an advertiser has direct involvement with a website or social media pages content and ‘ownership’ of it, it is expected the user generated content (UGC) will be regularly monitored to ensure the content complies with the code requirements (see also ASA Guidance Note on Social Media, www.asa.co.nz).

v. If a complaint is accepted about UGC on an alcohol brand-owned Facebook page (or similar), steps that an advertiser has taken to target that content to an adult audience will be helpful in the response to the complaint.

vi. Risk areas for UGC include: images of clearly intoxicated people, people who may be minors drinking to excess, overtly sexual imagery linked with alcohol, people posing with alcohol while involved in risk-taking behaviour – driving, water sports, rock climbing, operating dangerous machinery etc. Written comments may also be a problem particularly wording that encourages or reports excessive consumption of alcohol.

vii. It is acknowledged that advertisers can only be responsible for the material that is on the sites / pages that they own or manage. Where possible, links to pages with content likely to breach the codes should be removed but the content of an individual’s social media page /profile, with no connection to the advertiser, is outside the jurisdiction of the ASA.

Heroes of the Young [Principle 3]

i. This Guideline is included within the Principle which requires alcohol advertising and promotion to be targeted at adult audiences. The selection of media, placement, style of presentation, content and context where ads appear are all key factors in determining Code compliance. For example a different standard is applicable in an on-premise or specialist alcohol outlet than a general supermarket (other than a restricted area in a supermarket), where greater care would be required. Similarly advertising in media, where the audience is less predictable, and likely to include minors requires care. Age-restricted websites are another example where there is an adult audience.

ii. Some heroes of the young are clearly targeted to a young audience and should not be used for alcohol advertising and promotion. Others will have appeal to a wider age group and are suitable for use if specific attention is given to the appropriate environment in
terms of context and placement in which the message is presented. An adult audience of at least 75% would be expected in such cases. The Advertising Standards Complaints Board is the final arbiter as to whether an advertisement has appropriately targeted an adult audience.

iii. In order to minimise the appeal of alcohol products to minors, heroes that minors may wish to emulate or that have strong appeal should not be included in alcohol advertising that includes images of products and/or sales messaging, intended to promote the sale and consumption of alcohol in non-restricted areas where minors are likely to see such advertising.

iv. To be considered to have strong appeal under the Code, the hero must have more than recognition, it would be an individual or group that minors would aspire to be or to connect with.

v. A number of teams in particular have been identified as heroes of the young. They include the All Blacks, the Kiwi League team, the Warriors League team, the Black Caps cricket team and the Silver Ferns netball team. This identification applies to the teams and high profile individuals that are current team members. Other representative sports teams may also be heroes of the young, for example Super 15 Rugby franchises have been identified as such.

vi. Not all sports teams or sports people would be considered heroes of the young. Most retired sports people would not meet the threshold with regard to a level of appeal and hero status (excluding recent retirements). Sports that are less appealing to young people would also fit into this category. It is important to take into account the age range of minors which provide the key measurement—up to 18 years.

vii. Events and tournaments are also not heroes of the young, although teams / participants in them may be.

viii. Celebrities, TV and film stars and musicians with particular appeal to a younger demographic could be heroes of the young. In making this assessment, considerations should be given to the ratings of the shows/films they have appeared in, and the target audience for the shows/films and for a singer or band’s music.

ix. Note, where the teams / individuals / groups pro-actively connect with under 18’s through children's merchandise, special training sessions for children to attend, and other initiatives with a youth focus — then the likelihood of an issue re heroes of the young is increased.

x. Sponsorship advertising is defined separately under the Code. Please also review the Sponsorship Guidance Note below.

**Sponsorship [Principle 4]**

i. Alcohol companies can sponsor teams / events / individuals and activities.

ii. It is helpful if a clear sponsorship association is made in sponsorship advertising (e.g. proud sponsor of x).

iii. The **primary focus** of a sponsorship advertisement should be on the activity (e.g. Homegrown Music Festival), the team (e.g. All Blacks) or the sponsored individual.
iv. Principle 4, Guideline 4(e) requires that the advertisement “only briefly and in a subordinate way mention the sponsor’s name / and or brand name and /or logo”. In practical terms, this has been interpreted as being approximately 15% of the advertising space / time available.

v. It will not always be possible to apply a proportion of space rule as described above and consideration will be given to the overall look and feel of the material and whether the advertisement is promoting the event or product. This is most likely to apply where a sponsor has naming rights to an event, including the use of the brand in an event or activity name (e.g. Brand X New Zealand Golf Open).

vi. Teams and individuals who may otherwise be considered heroes of the young and prevented from being included in alcohol advertisements, may be included in sponsorship advertisements as long as the requirements set out in the Guidelines (4a to 4e) are met.

vii. The definition of sponsorship advertisement confirms that any advertisement that refers to sponsorship but does not comply with the guidelines in Principle 4 - for example, inclusion of a product shot – automatically becomes an alcohol advertisement and must comply with all the requirements of that part of the Code.

viii. References to heroes of the young in alcohol advertising (defined separately to sponsorship advertising) are specifically dealt with in a separate Guidance Note for Principle 3 above.
Appendix III

ADVERTISING STANDARDS AUTHORITY GUIDANCE NOTES FOR SOCIAL MEDIA
(October 2012)

Definition of advertisement

For the purposes of the ASA Codes of Practice, the word “advertisement” is to be taken in its broadest sense to embrace any form of advertising and includes advertising which promotes the interest of any person, product or service, imparts information, educates, or advocates an idea, belief, political viewpoint or opportunity.

Requirement for Advertiser control

Social media platforms allow individuals and groups to create environments that may refer to or comment on advertiser brands. Unless the advertiser has a reasonable degree of control over the social media platform in use and is promoting a brand or service to the public, it is outside the jurisdiction of the ASA.

Examples outside ASA jurisdiction include:

- An individual posting a Brand’s TVC on YouTube with additional footage / comments
- An individual posting footage on YouTube using a brand or product but with no company involvement
- A tweet from a brand re-tweeted with added offensive content
- User-generated comments on brand social media platforms (moderated for harmful and offensive language and comments)
- User-generated comments to media platforms for use in editorial content

User-generated content within ASA jurisdiction

It is possible that user-generated content (UGC) could fall within the jurisdiction of the ASA and the Codes of Practice. As with a number of other environments, where advertising and other content exist side-by-side, it would be considered on a case by case basis following a complaint. Context would be a key matter for consideration.

In establishing whether or not the UGC should be regarded as advertising, the preliminary areas of enquiry to be considered are:

- Did the Advertiser originally solicit the submission of the UGC from individuals and then adopt it and incorporate it within their own advertising?
- Did an individual provide the Advertiser, on an unsolicited basis, with material that the Advertiser subsequently adopted and incorporated within their own advertising?
- Did the Advertiser solicit UGC (for example via an invitation to enter a competition) that resulted in content being posted on the site?

If the answer to any of these questions is yes and if the content of the material and the form it is used constitute an advertisement, then the UGC will be regarded as advertising.

Twitter

If using paid-for Twitter endorsements – the hashtag #ad is required.
Advertisers should be careful about re-tweeting customer tweets, as they could be liable for that content if misleading.

Additional information

- Advertisers are encouraged to develop their own social media policies. Make sure your terms of use for users posting UGC on the sites/pages in your control are clear.

- The degree to which a brand-owned social media page or site is moderated by, or on behalf of, the advertiser would likely be considered in the case of a complaint.

- Advertisers should also be aware that the Australian Competition and Consumer Commission has stated that it views any false or misleading comments on a brand’s social media page, including Facebook, as part of its marketing communications, regardless of whether it’s user-generated or brand-generated.


- Consider a disclaimer (Source: http://timothynewman.posterous.com/social-media-disclaimer-ideal-for-facebook)

  **Social Media Disclaimer - Ideal for Facebook**
  
  “This page is monitored daily by Your Company/Organisation.

  We support the discussion of free speech and engagement with others, however we reserve the right to remove anything posted to this page that we deem to be offensive, including:

  - violent, obscene, profane, hateful, suggestive or racist posts, links or images
  - comments that threaten or defame any person or organisation
  - solicitations, advertisements, or endorsements of any financial, commercial organisations
  - off-topic posts by a single user
  - repetitive posts copied and pasted or duplicated by single or multiple users.

  Offensive users will also be blocked from our social network pages.

  Your Company/Organisation is not responsible for the personal, political, organisational or religious beliefs of its friends, fans or followers across all social networks.

  All contributors are asked to keep in mind Your Company/Organisation core values - including integrity, respect, and excellence - when communicating with or about us.

  Please feel free to contact us Your Company/Organisation email address.”

Terms of use references include:

http://support.twitter.com/articles/18311-the-twitter-rules
http://pinterest.com/about/terms/
http://www.youtube.com/static?gl=US&template=terms
# Appendix IV

Comparison of the restrictiveness of alcohol policies and bans imposed in various countries and five-year change in recorded adult (population above 15 years old) per capita consumption, 2001-2005.

<table>
<thead>
<tr>
<th>Country</th>
<th>Advertising Restrictions</th>
<th>Self-Regulation / Regulation</th>
<th>Per capita consumption trend (APC) - WHO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australia</td>
<td>Voluntary</td>
<td>Self-regulation</td>
<td>Stable</td>
</tr>
<tr>
<td>Belarus</td>
<td>Ban (Wine &amp; Spirits) No (Beer)</td>
<td>Statutory legislation</td>
<td>Stable</td>
</tr>
<tr>
<td>Bulgaria</td>
<td>No</td>
<td>Statutory legislation</td>
<td>Stable</td>
</tr>
<tr>
<td>Cambodia</td>
<td>No</td>
<td>No controls</td>
<td>Increase</td>
</tr>
<tr>
<td>Canada</td>
<td>No</td>
<td>Statutory legislation</td>
<td>Stable</td>
</tr>
<tr>
<td>China</td>
<td>No</td>
<td>Statutory legislation</td>
<td>Stable</td>
</tr>
<tr>
<td>Denmark</td>
<td>Yes (TV &amp; Radio), Voluntary (Print &amp; OOH)</td>
<td>Combination</td>
<td>Stable (but high reported rates of intoxication amongst youth)</td>
</tr>
<tr>
<td>Estonia</td>
<td>Partial (TV &amp; Radio), No (Print &amp; OOH)</td>
<td>Statutory legislation</td>
<td>Increase</td>
</tr>
<tr>
<td>Finland</td>
<td>Partial (Beer &amp; Wine), Ban on Spirits</td>
<td>Statutory legislation</td>
<td>Increase</td>
</tr>
<tr>
<td>France</td>
<td>Ban (TV &amp; Cinema), Partial (Radio &amp; print)</td>
<td>Statutory legislation</td>
<td>Stable (but high reported rates of intoxication amongst youth)</td>
</tr>
<tr>
<td>Germany</td>
<td>Voluntary</td>
<td>Self-regulation</td>
<td>Stable</td>
</tr>
<tr>
<td>Greece</td>
<td>No</td>
<td>Statutory legislation</td>
<td>Stable (lowest reported rate of intoxication amongst youth)</td>
</tr>
<tr>
<td>Ireland</td>
<td>Voluntary</td>
<td>Combination</td>
<td>Stable (but high reported rates of intoxication amongst youth)</td>
</tr>
<tr>
<td>Iceland</td>
<td>Ban (but print partial)</td>
<td>Statutory legislation</td>
<td>Stable</td>
</tr>
<tr>
<td>Italy</td>
<td>Partial (beer &amp; spirits), voluntary (wine)</td>
<td>Combination</td>
<td>Stable (low reported rate of intoxication amongst youth)</td>
</tr>
<tr>
<td>Kenya</td>
<td>No</td>
<td>Self-regulation</td>
<td>Stable</td>
</tr>
<tr>
<td>Malaysia</td>
<td>Ban (TV &amp; Radio), partial (print &amp; OOH)</td>
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<td>Mongolia</td>
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<td>Norway</td>
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<tr>
<td>Republic of Korea</td>
<td>Ban (Spirits, TV &amp; Radio only)</td>
<td>Statutory legislation</td>
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<td>Russia</td>
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<td>Ban</td>
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<td>Switzerland</td>
<td>Ban (TV &amp; Radio), partial (pint &amp; OOH)</td>
<td>Statutory legislation</td>
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<tr>
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Title: Alcohol advertising and sponsorship

Submission to the Ministerial Forum on Alcohol Advertising and sponsorship

1. Introduction

1.1. This submission is from Auckland Council, Private Bag 92300, Auckland 1142.

1.2. This submission has been developed by Regional Social Policy staff with input from Community Development and Safety, Injury Prevention and Community Action on Youth Alcohol and Drugs (CAYAD) staff. The submission contains statements and recommendations from Auckland Council staff only.

1.3. Due to the tight timelines in developing this submission staff were unable to engage directly with elected members from the Governing Body or Local Boards for their input into the submission or to get this submission formally endorsed. However, in developing this submission; Council officers have drawn on previous submissions to the Justice and Electoral select committee on the Alcohol Reform Bill and to the Advertising Standards Authority Code Review Panel on the Advertising Standards Authority Code review both in February 2011.

1.4. Council officers have also drawn upon the views expressed and commitments made in the Auckland Council Alcohol Harm Reduction Strategy which was adopted in June 2012.

1.5. Auckland Council welcomes the opportunity to comment on Alcohol Advertising and Sponsorship for the Ministerial Forum on Alcohol Advertising and Sponsorship.

1.6. The Council acknowledges the Law Commissions report “Alcohol in our lives: Curbing the harm” and the issues raised within that report relating to alcohol advertising, promotion and sponsorship.

1.7. The Council also acknowledges the work already completed under the Sale and Supply of Alcohol Act 2012; specifically Part 2 s114 Effect of single area conditions and Part 2 s237 Irresponsible promotion of alcohol. However recommends additional advertising restrictions are required to meet the object of the act.

1.8. The current Code for Advertising Liquor does go some way towards addressing these, however we recommend that additional advertising restrictions are required to reduce alcohol related harm, early uptake of drinking and normalisation of alcohol and its associated population health outcomes.

1.9. Alcohol is a major contributor to preventable illness and death, and is responsible for a range of social, health and economic harms. These harms tend to be most pronounced amongst young people (Dobson, C., 2012).

1.10. The Council is concerned about the regulation of alcohol advertising, promotion and sponsorship from an events management perspective, a regulatory perspective (i.e. the management and implementation of signage bylaws) and as an advocate for the reduction of alcohol-related harm. We acknowledges that these various roles can create an inherent conflict of interest in relation to this review as the Council is also a recipient of alcohol sponsorship and supports various community groups that receive funding through alcohol sponsorship.
1.1. The Council has an Alcohol Harm Reduction Strategy that aims to reduce alcohol related harm. One of the ways of achieving this is by reducing the sale and supply of alcohol at council events and council facilities, specifically those where youth or young people are a target audience.

2. Overview

2.1. Alcohol is one of the most significant ‘fast moving consumer goods’ (FMCGs) marketed today. The alcohol industry spends over $400,000 a day promoting drinking in New Zealand, an estimated $150 million a year (NZ Drug Foundation, 2013) and approximately $1 trillion globally. (Institute of alcohol studies, 2013)

2.2. Alcohol marketing is prevalent in traditional media such as TV adverts, print media and billboards and increasingly new media such as online social networking sites, and also through sponsorships and point of sale promotions.

2.3. Alcohol marketing utilises all four Ps of the “marketing mix”:
   - Product: Alcohol marketers are able to exploit large-scale opportunities arising from the design of the product itself – for instance sweetened beverages or ‘alcopops’;
   - Price: using price promotions as a means to drive sales;
   - Placement: apply tactics at the place of sale, for example attractive promotions and advertising.
   - Promotion: Employ a wide range of sophisticated promotion tactics across all new media and through sponsorship of sporting and cultural events. (Institute of alcohol studies, 2013)

2.4. Product placement and new marketing techniques such as SMS, emails, podcasting, social media use, internet ads and other communication techniques are increasingly being used in this ever growing industry.

2.5. The WHO Global Strategy to Reduce the Harmful Use of Alcohol, published in 2010 was endorsed by all 193 Member States of the WHO and identified marketing as a key policy area that required action at the international level in order to reduce the harm caused by alcohol (World Health Organization (2010).

2.6. The regulation of alcohol advertising, marketing and promotion is an important means of reducing the exposure of alcohol to those most at risk (Maori, Pacific, alcoholics, those under 24 years). The introduction of a more restrictive approach will help to reduce the effects of alcohol on families, school-aged children, young people, senior citizens and other marginalised groups.

3. Recommendations - Advertising

3.1. Auckland Council officers are concerned about the effectiveness of the current system for regulating alcohol advertising and in particular, acknowledges the following issues: identified by the Law Commission in its report “Alcohol in our lives: Curbing the harm”:
   - that there is an inherent risk with systems of self-regulation that industry groups may lean towards weaker standards that favour business due to their vested economic interests. This is unacceptable for the regulation of alcohol advertising where there are significant social and public health issues to consider
   - that there is a growing body of research that establishes a link between alcohol advertising and consumption behaviour, particularly among young people. Younger adolescents appear to be susceptible to the persuasive messages contained in alcohol commercials broadcast on TV, which sometimes results in a positive affective reaction to the ads. Alcohol ad exposure and the affective reaction to those ads influence some youth to drink from an earlier age, to drink more and experience drinking-related problems later in adolescence (Grenard, J.L., Dent, C.W., Stacy, A.W. 2013).
that despite the pre-vetting process, the system is largely reactive, with little consequence for advertisers that release non-compliant advertisements.

that there is a general lack of public awareness about the Code and the associated complaints processes, including the Advertising Standards Complaints Board (the Board).

3.2. Council officers support the Law Commission’s recommendations to address these issues by prioritising the introduction of controls on alcohol advertising and implementing a three-stage process to bring alcohol promotions, advertising and sponsorship under greater regulation. We acknowledge that stage 1 has been completed however we specifically support stages 2 and 3 to now be implemented with the introduction of legislative measures aimed at reducing exposure to advertising, particularly to young people and those high risk population groups.

3.3 Complaints process

3.3.1 The current complaints process is long; it takes on average 22 working days to process a complaint from receipt to notification of results. With the advertising industry trending towards short lived television advertisements, by the time someone has made a complaint and the process has started, the advertisement is already off television and replaced by something new with no action being taken. (Casswell, S., Maxwell, A, 2005)

3.3.2 The pre-vetting of advertisements is largely a flawed process. The association of NZ advertisers administers a voluntary system of pre-vetting liquor advertisements (LAPS - Liquor advertising pre-vetting system) this is self-regulation and leans towards weak standards and is an ineffective driver of change towards good practice. Additionally the goals of the advertising industry and government are not the same and it is inherently unlikely that a self-regulated system will result in sufficient restrictions.

3.3.3 The regulation of alcohol promotion should be statutory and independent of the alcohol and advertising industries. Experience from within both Australia and overseas demonstrates that self-regulation is not the answer. The introduction of meaningful sanctions for serious or persistent non-compliance with marketing regulations is required. Penalties should be commensurate with the size of the marketing budgets involved and the estimated exposure of children to the offending marketing messages. (Dobson, C. 2012).

3.4 Definition of advertising

3.4.1 Issues arise with the definition of advertising being narrow and not encompassing marketing and advertising as a whole.

3.4.2 The Advertising Standards Authority have very limited regulations or guidelines for digital advertising. It only encompasses a small number of digital media sources such as websites and emails where the producer, distributor or retailer provides a platform for, or distributes content. It does not include SMS advertising, proximity marketing or any form of ‘new media’

3.5 The changing media environment

3.5.1 Reducing the impact of marketing, particularly on young people and adolescents, is an important consideration in reducing harmful use of alcohol. Media plays a huge role in our society. Council recommends utilising evidence and research about media use and percentages of type of media use to target the media that has the most influence on the general population.

3.5.2 While TV is currently the media New Zealanders and Australians spend most time with each day, the internet is closing the gap, with people from both countries spending more than 30% more time online than they did in 2009 (Roy Morgan research, 2013). Research states that on average, the New Zealand population 14 years and older spend 7.9 hours
per day with some form of media. This illustrates media has influence on society and stresses the importance of having strict regulations around content within media. (Roy Morgan research, 2013)

3.5.3 An example of influence of media content on the general population; One study from the USA found that 8-12 year olds could name more brands of beer than they could U.S. presidents (Institute of alcohol studies, 2013).

3.5.4 Evidence shows that youth and younger people watch considerably more television these days and this exposure normalises alcohol consumption. NZ statistics Time Use Survey asked around 8,500 New Zealanders aged 12 years and over, to keep a diary of everything they did over a two-day period. On average young people aged 12-24 years old spent 2.5 hours per day watching television. (NZ statistics, 2013)

3.5.5 Currently there is a scene depicting alcohol occurring every 9 minutes during prime-time television after 8.30pm (NZ Drug foundation, 2013).

3.5.6 Greater intergovernmental cooperation and cross-border marketing standards need to be pursued as part of a comprehensive approach to regulate the scope and nature of digital marketing and to limit the adverse impacts such marketing can have on vulnerable populations, including children (Dobson, C, 2012).

3.5.7 Regulation needs to be sufficient in scope to cover all forms of marketing and promotion.

3.5.8 Regulation needs to be expanded to incorporate point-of-sale promotions, branded merchandise, and new media and digital marketing, including marketing through social media, viral campaigns, and the use of data collection and behavioural profiling. Regulations need to be sufficiently flexible to adapt to new and evolving digital marketing activities (Dobson, C, 2012).

3.6 Advertising content

3.6.1 Evidence and research linking the effects of advertising of alcohol and increased consumption is mixed. However advertising of any kind still normalises the activity and associated behaviours and social / health outcomes (Grenard, J,L., Dent, C,W., Stacy, A,W. 2013).

3.6.2 Auckland Council officers agree that it is important to prohibit the glamorisation of alcohol to prevent advertisers from encouraging immoderate consumption and are concerned that the Code is currently unsuccessful at restricting this.

3.6.3 Many advertisements associate alcohol with fun, success and sophistication in an indirect manner. Rather than focusing on the product or consumption, advertisers rely on subtle innuendo and imagery to establish the desired link. The Council recommends that this should be better regulated to deal with insinuations, particularly in relation to the glamorisation of alcohol.

3.6.4 Auckland Council agrees with the issues identified in the Code associated with the connection of alcohol with identifiable heroes and heroines of the young. However, we recommend that this guideline be expanded to include non-specific heroes and heroines. The Code should prohibit advertisers from including references to any characters or role models in general. This provision should also apply in relation to the glamorisation of alcohol, as non-specific heroes and heroines of adults are also commonly used by advertisers to evoke nostalgia or focus on community groups of admiration.

3.6.5 Council officers are concerned that the Code is unsuccessful at regulating the use of imagery and innuendo in advertisements. We recommend that in addition to consideration of the spirit and intent of the Code in interpreting the principles, the Authority should also
consider how different audiences may interpret the advertisement as a whole. This will ensure a more holistic appraisal of the advertisement.

3.6.6 The terms “spirit and intent” as in the code also need to be more clearly defined; these terms have opened themselves up for interpretation and in some ways make the Code ineffective.

3.6.7 Council officers recommend stricter regulation of the content of all advertising and marketing in both old and new media. Restricting to communicating objective product information only, messages and images should refer only to the qualities of the products such as degree, origin, composition and means of production (Dobson, C, 2012).

3.6.8 Council officers also recommend a health message be included on each advertisement to the effect that alcohol abuse is dangerous for health. These messages should be required to be proportionate to the size of the advertisement.

3.6.9 Auckland Council officers support the requirement for liquor advertisements to observe a high standard of social responsibility as articulated in principle 2, however agrees with the Law Commission’s view that the principle of social responsibility is too vague and lacks definition. As the Authority has identified the concept of social responsibility as a core aspect of the Codes of Practice, the Council considers that further definition is required.

3.6.10 Council officers recommend that the Code be amended to include a non-exhaustive definition of the term social responsibility that, amongst other matters, requires advertisers to consider vulnerable groups such as minors, people with addiction problems, certain migrant groups (especially those from countries whose alcohol regulation were much stricter) and other sectors of the community. Officers propose that social responsibility be defined in a non-exhaustive manner to ensure that the concept remains flexible and develops over time in response to changing community views.

3.6.11 In addition, Auckland Council officers recommend that the content of the Code be amended to provide more direction, including concrete examples of advertisements and criteria that would contravene the Code.

3.7 Time restrictions

3.7.1 Much of the debate around alcohol advertising concerns the possible effects on children and young people. The Advertising Codes prohibit the specific targeting of minors, but the ambiguity of alcohol advertising ensures that they can hardly miss it.

3.7.2 Young people routinely encounter alcohol promotion and sponsorship as a feature of music and sporting events where it is presented as a normalised part of being healthy and having fun (Dobson, C, 2012).

3.7.3 Officers support the regulation of alcohol advertisements in relation to minors. However, considers that a stricter approach must be applied. An increasing body of research is emerging that shows drinking is associated with exposure to alcohol advertising and promotional activity, particularly among young people. (Dobson, C, 2012; Grenard, J.L., Dent, C.W., Stacy, A.W. 2013; Sargent et al. 2006; Hanewinkel et al. 2007; Hanewinkel et al. 2012).

3.7.4 Data on age, watching times and wider media use is commercially available (please see section on “The changing media environment”). This information should be used to put forward an evidence based theory for advertising restrictions (Roy Morgan, 2013; NZ statistics, 2013).

3.7.5 Council Officers support the use of a specific watershed for alcohol advertising and notes the Law Commission’s recommendations that in order to limit the exposure of alcohol...
advertising to teenagers, a television and radio watershed hour of 10pm is more appropriate.

3.7.6 Council officers recommend that regulation of the content of any alcohol advertising and the volume of marketing and advertising on radio and TV be stricter. Preventing alcohol advertising from standing out from other general advertising.

3.7.7 Council officers recommend that the number of alcohol adverts per commercial break be further limited. Where an event is being advertised that has an alcohol sponsor as the principle sponsor, the sponsorship branding should also be limited and measures be adopted to ensure that alcohol advertising is offset by moderation messages. (i.e. that each commercial break containing alcohol advertising also includes balanced health messages). Additionally the industry should have a requirement and responsibility to state that alcohol abuse is dangerous for health.

3.7.8 Council officers recommend that the ministerial forum consider imposing advertising restrictions in association with sporting and cultural events and areas used by children and young people.

3.7.9 Council officers recommend that the number of alcohol adverts on radio should also be limited and that measures be adopted to ensure that alcohol advertising is offset by moderation messages also.

3.8 Product placement

3.8.1 Council officers suggest a reduction of product placement in New Zealand made and produced television and movies. Product placement is known to normalise alcohol and its associated outcomes, both positive and negative. (Sargent et al. 2006; Hanewinkel et al. 2007; Hanewinkel et al. 2012).

3.9 Signage

3.9.1 Council officers support the introduction of alcohol advertising controls over a wide range of media, including but not limited to, restrictions on advertising of alcohol via billboard advertising, posters, magazine advertisements and window displays. While acknowledging that it is outside of the mandate of this forum to change legislation; we also advocate for central government to introduce provisions that enable Local Authorities to include specific regulations relating to alcohol advertising within signage bylaws and/or that this should be included as a specific matter that may be regulated by territorial authorities (TA) through their local alcohol policies.

3.9.2 Local Authorities should be empowered to restrict the availability and the content of public display advertising (e.g. local bus shelters open to the public, advertising on busses and in public areas, including billboards) and this should include the ability to place restrictions on the language, vocabulary and visual aspects of advertising on billboards and outdoor advertisements (Jones & Magee 2011).

3.9.3 The ASA should also include provisions requiring that all advertisers comply with any Local Authority signage regulations (whether general or specific to alcohol advertising).

3.9.4 Council officers suggest that a health message must be included on each advertisement that is proportionate to the size (determined in the regulation) of the advertisement.

3.10 Other

3.10.1 Council officers support the intent of Principle 3 and agree that it is important that alcohol is not associated with hazardous situations, unsafe practices or day-to-day practices that can become hazardous due to alcohol consumption. Officers consider that this principle should
apply to the full range of hazardous activities and that further examples should be listed in the guidelines, including all activities and sports involving motorised vehicles or tools.

3.10.2 In addition to the restrictions on the types of prizes that may be offered in alcohol advertisements (e.g. motor vehicles or boats), Officers agree with the Law Commission’s suggestion that the Government should consider adopting legislative measures such as prohibiting the use of alcohol as a prize or incentive. Currently alcohol cannot be raffled therefore it should not be allowed to be used as a prize or incentive.

4. Alcohol Sponsorship

4.1 Council officers acknowledge the significant contribution the alcohol industry provides community groups through sponsorship and funding. Officers, however, are concerned about the connection between alcohol and sport that is often reinforced through alcohol advertising and promotion. Officers support the inclusion of principle 5(e) that requires the sponsor and sponsorship items to be featured briefly and in a subordinate manner. Council officers recommend, however, that the Code include a set of criteria to determine whether the sponsorship is ‘brief and subordinate’ or not. For example, the location and size of branding.

4.2 Council officers are concerned with alcohol industry sponsorship of sporting events. Sponsorship provides alcohol companies with a platform to develop positive associations with their brands and enhances the perception that the alcohol industry is “a good corporate citizen,” sponsorship is a powerful means of tapping into youth audiences. (Dobson, C, 2012).

4.3 Embedding alcohol brands in the entertainment or sporting culture communicates a legitimacy and status to alcohol, strengthening the association between alcohol and the positive effects of having a good time. Sports sponsorship further links alcohol with sporting prowess, fitness and masculinity (Alcohol Concern 2011; Jones et al. 2010).

4.4 The Code guidelines for sponsorship are currently weak; stating that Alcohol sponsorship branding may be broadcast at any time except during programming intended for minors. The hours in which restrictions apply should be specified and made to align with the watershed hours for alcohol advertising in general. (See section on “time restrictions”).

5.0 Ongoing and new challenges

5.1 The world of digital marketing is expanding by the day and young people are engaging in new media more frequently. Digital marketing is recognised as advertising through digital platforms including social media, applications, blogs, brand websites, instant messaging, online gaming, photo sharing, pinterest, podcasts, proximity marketing, QQ codes, relationship marketing, RSS feeds, search engine marketing and optimisation, social networking, social news sites, user generated content, video sharing and wikis (ABAC, 2013).

5.2 New, interactive technologies have enabled alcohol marketers to promote their products through the internet, mobile phones and social media, as well as traditional media.

5.3 There currently is little regulation or provision made within the code of practice for the placement of alcohol advertising in the wider digital marketing space.

5.4 Current regulation suggests Age affirmation for some emails and websites, this process is largely flawed due to the ease of inputting a date of birth that is of legal age. Additional measures should be taken for example entering a drivers licence number or PDF ID (Dobson, C, 2012).
5.5. The current Code also does not account for text SMS advertising or newer media avenues.

5.6. The requirement of a nanny tag for websites controlled by alcohol industry would also assist in managing the exposure of children and youth to this form of advertising – a nanny tag describes the sites content in a format that parental control software detects (ABAC, 2013).

5.7. Council officers are concerned with Proximity marketing – used to txt or SMS people in close proximity to a particular bar or off licence, advertising services, specials or products. This type of activity should be regulated and only directed to users who have been verified as legal purchase age. (ABAC, 2013).

5.8. There is also an increasing presence of the alcohol industry on sites such as facebook, where youth can ‘like’ or ‘friend’ branded pages/ sites and bars without age affirmation. By liking or befriending these brands or companies youth are getting updates, notifications and newsfeeds from these brands and companies as they would from other friends. This promotes drinking as well as normalises the alcohol culture. Alcohol companies have leveraged the interactivity of social media sites to create viral marketing campaigns. (Dobson, C; 2012; Lyons, A.C., McCreanor, T., Hutton, F., Goodwin, I., Moewaka Barnes, H., Griffin, C., Vronman, K., O’Carroll, A.D., Niland, P & Samu, L. (2014).

5.9. Buzz marketing is another technique frequently utilised on social media, it involves creating an excitement and anticipation about an alcohol product or related event. To create a positive ‘buzz’, marketers use a range of strategies that create the impression of spontaneous word-of-mouth enthusiasm. They embed the messages or content with influential individuals and opinion leaders, some marketers are using a technique termed ‘astroturfing’. “The term ‘astroturf’ is drawn from a brand of synthetic carpeting designed to look like natural grass. As the name suggests, the goal is to manufacture an impression of widespread grassroots support for a product, using fake identities, blogs and product reviews.” This in turn then creates an army of product endorsers. (Lyons, A.C., et al 2014).

5.10. In a New Zealand study analysing the social networking site, Bebo, it was found that teenagers frequently presented themselves as regular binge drinkers, and were keen to associate themselves with alcohol brands (Griffiths & Caswell 2010).

5.11. Online video websites are another digital medium where alcohol consumption and products feature prominently. YouTube is the most well-known online video website, and hosts user-generated videos and clips from television, movies, sporting events and music. Alcohol is prevalent in the music clips, clips of celebrity drinking, user-generated videos of drinking games, and user-generated remakes of official alcohol advertisements. Many previously-aired alcohol television adverts – including those that breach advertising codes relating to youth appeal - have gained a new lease of life on YouTube reaching a larger audience than when they were originally aired on television, this again shows the breadth of media and advertising and therefore the possible effects on the population. (Lyons, A.C., et al 2014).

5.12. Council officers recommend using international best practise examples to develop regulations in the digital marketing and new media space (Lyons, A.C., et al 2014; ABAC, 2013; Dobson, C, 2012). This could include limiting digital marketing to environments which are clearly dominated by adult audiences (for example limiting to sites where 75% of expected audience is of legal age).

6.0 International precedents

6.1 Overseas reviews have concluded that “industry self-regulation of alcohol advertising does not show evidence of efficacy” (Vendrame & Pinsky 2011). Based on the recognised limitations of self-regulation, and given the gravity of the social and health problems posed
by risky drinking behaviours, the most recent draft of the European Action Plan on Alcohol by the World Health Organisation recommends installing a total ban on alcohol advertising.

6.2 Because it can be difficult to specify within a code everything that may be appealing to young people, some countries (e.g. France) have chosen to specify what it can include, since that is much clearer to monitor and enforce. (Van den Broeck, Avalon de Bruijn, 2010)

6.3 Norway has imposed a complete ban on all alcohol advertisements and the Dutch Institute for Alcohol Policy (STAP) has assessed the effectiveness of alcohol marketing regulations in 23 European countries, and has found that the statutory regulations in France and Norway are the most effective (de Bruijn et al. 2010).

6.4 The World Health Organisation has provided a forum for pursuing cooperative efforts, and in recent years there have been increasing calls for an international convention on alcohol and health, similar to the Framework Convention on Tobacco Control (Casswell 2012; Labonte et al. 2011; Sridhar 2012;)

6.5 Options to develop a cross-border international response to alcohol marketing should be pursued. The Framework Convention of Tobacco Control provides an appropriate model for global governance to control alcohol marketing and provides an excellent example of a possible standard setting mechanism. (Dobson, C. 2012)

7. Conclusion

7.1 Auckland Council officers acknowledge the significant contribution the alcohol industry provides community groups through sponsorship and funding, however this landscape needs to change. Officers also acknowledges the issues relating to alcohol advertising, promotion and sponsorship raised by the Law Commission and supports the Commission’s recommendations to prioritise the introduction of controls on alcohol advertising, and implementing the final two stages of the process to bring alcohol promotions, advertising and sponsorship under greater regulation over a period of five years with the view to ban all alcohol advertising over time.

7.2 The imperative to act is clear. The sheer volume and variety of alcohol marketing reaching young and at risk population groups as well as the general population normalising alcohol and encouraging consumption underscores the failures of self-regulation.

7.3 The ongoing transformation of the media and communications landscape has expanded the reach and impact of this marketing.

7.4 It is therefore important to have a comprehensive policy to limit the exposure of children to alcohol ads on television and on other media, such as the Internet, print media, and display ads. Although there are other influences on underage drinking, including those of peers and adults, prevention strategies should address the influence of alcohol ads as part of an overall strategy to prevent early initiation of alcohol use and the development of problems related to consumption.
8.0 Bibliography

10. Alcohol Concern (2011). An unhealthy mix? Alcohol industry sponsorship of sport and cultural events. Alcohol Concern: Cardiff
20. Avalon de Bruijn (2011)  CHAPTER 8. EXPOSURE TO ONLINE ALCOHOL ADVERTISING AND ADOLESCENTS’ BINGE DRINKING: A CROSS-SECTIONAL STUDY IN FOUR EUROPEAN COUNTRIES


89. World Health Organization (2010). Global strategy to reduce the harmful use of alcohol.
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 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

- 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.
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.

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  
   - [x] No

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

   No – we as an industry and business rely on the significant support of alcohol advertising.
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.

Lion Nathan are exclusive partners of the Auckland Racing Club. We require their support in advertising/sponsoring to help promote our venue/business/sport.

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

No, we have strict licencing policies that are policed by the authorities and staff of the Auckland Racing Club. Sponsorship in our strong view doesn't impact on this aspect.

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.

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

Types of possible restrictions (if supported)

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

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

Reduces exposure to the younger generation

12. What evidence is available that your proposal(s) would work?
13. What other interventions could potentially be tried in future?

The continuation of venues/businesses working with Police to improve client conduct.

14. Why should these other interventions be considered?
15. If further restrictions to alcohol sponsorship are necessary, what do you think should be done?

Different advertising times on TV

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

Reduces exposure to the younger generation
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?

Under: age adults limiting exposure by later advertising times
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.

Reduces exposure at popular under age TV times and media outlets

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

Businesses such as the Auckland Racing Club and younger adults
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.

Reduces exposure at popular under age TV times and media outlets

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?

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

Better communication

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?

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

Better communication

Other comments
28. Do you have any other comments?

The issues raised are major contributing factors to our overall business. We can continue to work with authorities to better police alcohol consumption but to reduce alcohol sponsorship or advertising will be hugely detrimental to the Auckland Racing Club and local economy.