



SUBMISSION TOOLKIT

For the Ministerial Forum on Alcohol Advertising and Sponsorship

April, 2014

Prepared by:


Alcohol Healthwatch
Whakatūpato Waipiro

Welcome

This toolkit provides information to help you make a submission to the Ministerial Forum on Alcohol Advertising and Sponsorship.

It consists of information about the review and making submissions, key points and recommendations, a background to this review including the Law Commission's findings and recommendations, evidence of public support for a restriction in alcohol advertising, a summary of the relevant evidence and examples of solutions in other parts of the world.

There are also a number of submission options that accompany this toolkit including a postcard submission, a brief submission template and a link to the Ministry of Health's submission form. We hope that this toolkit is helpful.

Review and submission information

On the 5th of March the Minister of Justice and the Associate Minister of Health announced the appointment of a ministerial forum to review alcohol advertising and sponsorship.

The Forum was set up in response to an agreement by Cabinet in 2011 following the review of our alcohol laws by the New Zealand Law Commission.

The purpose of the Forum is to consider whether further restrictions on alcohol advertising and sponsorship are needed to reduce alcohol-related harm. It will report to the Minister of Justice and the Associate Minister of Health later this year.

The Ministerial Forum is comprised of the following members:

- Graham Lowe ONZM (Chairperson), former rugby league coach and businessman
- Professor Max Abbott, an expert in the field of addiction and alcohol-related harm
- Sandra Aloffivae, a lawyer and district health board member who works in the Auckland Alcohol and Drug Pilot Court
- Dr Farah Palmer, an academic and former Black Ferns captain, who is currently a director on the NZRU Maori Rugby Board
- Tuari Potiki, director of Maori Development at the University of Otago and the current chair of the NZ Drug Foundation, and
- Hilary Souter, chief executive since 2005 of the Advertising Standards Authority.

Making a submission

The Forum is now seeking submissions from affected stakeholders, experts on advertising, sponsorship, alcohol and health, and the public. The Forum also has a focus on populations that suffer greater harm from alcohol (including Māori, Pacific and young people) and it would be particularly interested in hearing submissions from or relating to these groups.

Submissions must be made by **5pm, 28 April 2014**.

Submissions can be made in a number of ways.

We have provided a postcard submission and brief letter style submission. These can be found at www.ahw.org.nz. You can fill in the **submission form provided by the Ministry of Health**, or write your own.

The Ministry of Health have more information on making a submission on their website <http://www.health.govt.nz/publication/consultation-alcohol-advertising-and-sponsorship>. They also have a submission form available on their website also.

Submissions can be emailed to: alcoholadvertisingforum@moh.govt.nz

Or alternatively post your submission to:

Nick Goodwin

Secretariat for Ministerial Forum on Alcohol Advertising and Sponsorship

Ministry of Health

PO Box 5013

Wellington 6145

Key Points

- Alcohol is no ordinary commodity. Its consumption creates a significant burden of harm to all populations who consume it. This harm burden falls disproportionately on the young, indigenous populations and those who experience disparities.
- There are unprecedented levels of exposure to sophisticated alcohol marketing across the world including New Zealand.
- International evidence concludes that exposure to this marketing:
 - Increases the uptake of drinking by young people, and reduces the age of onset of drinking.
 - Increases the likelihood of regular and harmful patterns of drinking
 - Maintains existing norms and promotes positive attitudes to drinking
 - Makes it more difficult for those individuals wishing to quit or cut back their drinking, and for health promotion messages to be effective.
- International evidence also points to the spectacular failure of self-regulatory regimes for controlling alcohol.

Key Recommendations

- **That all alcohol advertising, other than that communicating objective product information, be restricted in all media in New Zealand, including alcohol promotion on social networking sites.** These restrictions could be based on the French law known as Loi Evin.
- **That all permitted alcohol advertising be accompanied by health advisory statements.**
- **That alcohol sponsorship of sporting and cultural events is phased out as soon as possible.** We need to create a media and cultural environment for children in New Zealand that is alcohol-free.
- **That a portion of the government alcohol excise tax be ring-fenced to provide alternative sponsorship for sport and cultural activities.**
- **That industry self-regulation of alcohol marketing ends and an independent body is established to manage this process and monitor and enforce restrictions and.** Allowing the alcohol and advertising industries to draw up their own codes of conduct for business practices from which they profit financially is a clear conflict of interest. Regulation should be independent of alcohol and advertising industries to ensure its integrity and effectiveness.

Background to the review

In 2008 the New Zealand Law Commission began its review of our alcohol laws. At the conclusion of their process in 2010 they reported that no single issue galvanised the public to such a degree as alcohol advertising and sponsorship.

- **What did the Law Commission conclude?**

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, the Law Commission came to the view that greater controls were needed on advertising, sponsorship and other promotion of alcohol. These controls were in terms of the content of advertising, the levels of

exposure to advertising and sponsorship messages, and inappropriate sales promotions. They also believed that there was a strong argument that a self-regulatory body for alcohol advertising is inappropriate.

- **What did the Law Commission recommend?**

The Law Commission recommended a three stage programme of advertising interventions which would be in place within five year –

- **Stage 1:** Immediate implementation of a new offence relating to the irresponsible promotion of supply and consumption of alcohol (replacing the then existing offence under section 154A of the Sale of Liquor Act). It would become an offence to:
 - In the course of carrying on a business, encourage the consumption of an excessive amount of alcohol, whether on licensed premises or at any other place;
 - Promote or advertise alcohol in a manner that has special appeal to people under the age of 20;
 - Promote or advertise alcohol, except in store or on premises, in a manner that leads the public to believe the price is 25% or more below the price at which the alcohol is ordinarily sold;
 - Promote alcohol that is free; or
 - Offer any goods or services on the condition that alcohol is purchased;
- **Stage 2:** Introduction of legislative measures aimed at reducing exposure to advertising, particularly for young people;
- **Stage 3:** Introduction of measures that aim to restrict the promotion of alcohol, including sponsorship, in all media. Under these measures no alcohol advertising would be allowed in any media other than advertising that communicates objective product information including the characteristics of the beverage, the manner of its production and price.

Stage 1 of the Law Commission’s recommendations has been largely addressed by the inclusion of clause prohibiting the irresponsible promotion of alcohol (clause 237) in the Sale and Supply of Alcohol Act 2012. However no action has happened as yet on any of the other recommendations.

- **What is the level of public support for alcohol advertising restrictions?**

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 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 under-took 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.¹

Alcohol Marketing

Young people are starting to drink at an earlier age, and most drink in ways that put their health at risk.

Marketing efforts are generally concentrated in 4 key areas (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 careful combination to maximise impact.

In the contemporary media and communications setting, 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 in New Zealand spends millions of dollars every year on alcohol advertising. 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 will impact significantly on the sales and therefore the 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 different formats. 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.

¹ Peck, R. (2011). *2010 Health and Lifestyles Survey: Alcohol related attitudes*. Wellington: Health Sponsorship Council.

² Casswell, S. (2012). Current status of alcohol marketing policy. *Addiction*, 107, 478-485.

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 powerful effects on young people. An extensive body of research indicates that alcohol marketing shapes young people's attitudes and behaviours, encouraging them to take up drinking, and to drink more once they do. Findings show that attitudes and assumptions about drinking are not only shaped by the content of advertising, but also by the sheer volume and variety of marketing. Based on the weight of this evidence, several international, systematic reviews conclude that alcohol marketing increases the likelihood that adolescents will start to use alcohol, and will drink more if they are already using alcohol.

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, this freely available but 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. For further details on the ASA codes in New Zealand visit the following website:

http://www.asa.co.nz/code_promo_advert_liquor.php

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 change.

What does the research say?

There is a growing body of research on the impact alcohol advertising is having on young people and also the links between sports sponsorship and hazardous drinking.

- **Summary of the evidence to 2010**

Advertising

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.

Alcohol Advertising Self-regulation

Babor et al (2010) conclude: "...Attempts to control the content of the marketing messages using voluntary codes of content have not decreased their appeal to young people sufficiently to reduce their impact"³.

Overall, there is no evidence to support the effectiveness of industry self-regulatory codes, either as a means of limiting advertisements deemed unacceptable or as a way of limiting alcohol consumption⁴.

Sponsorship

Hill and Casswell (2004) discussed how sponsorship has become an important vehicle for alcohol marketing. Even by the early 1990s, more than half of all advertising expenditure was on other forms of promotion than broadcast advertising. The relationship between effectively marketing alcohol through sports activities that attract young males, and using this relationship to constantly reaffirm the long standing association between national pride, sport and alcohol was highlighted. Sports sponsorship ensures that alcohol companies receive maximum exposure for their brands through the media building a life-long brand allegiance between sports fans and their favourite team's alcohol sponsor.

The links between alcohol–industry sponsorship of sportspeople, in particular, the provision of free or discounted alcoholic beverages, and hazardous drinking had been highlighted in the research. O'Brien and Kypri (2008) found that respondents receiving free or discounted alcohol and respondents who felt they should drink their sponsor's product and/or go to the sponsor's premises after practice, games or events reported higher levels of drinking.

○ **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

³ Babor et al (2010). *Alcohol No Ordinary Commodity*. Research and public policy. 2nd ed. Oxford.

⁴ Babor et al (2010). *Alcohol: No ordinary commodity. Research and Public Policy*. 2nd Ed. World Health Organisation: Oxford University Press.

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 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.⁵

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.⁶ They also found that having established a brand allegiance at age 13-14, was related to drinking patterns including consuming larger quantities.⁷ Another cross sectional study found that exposure to alcohol advertisements among Australian adolescents is strongly associated with drinking patterns.⁸ A recent study by Siegel et al (2014) compared brand specific consumption patterns of underage youth and adults.⁹ 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.¹⁰

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

⁵ Gordon, R., Harris, F., Mackintosh, A. & Moodie, C. (2011). Assessing the cumulative impact of alcohol marketing on young people’s drinking: Cross-sectional data findings. *Addiction Research and Theory*. 19(1): 66-75.

⁶ Lin, E-Y.J., Casswell, S., You, R.Q., Huckle, T. (2012). Engagement with alcohol marketing and early brand allegiance in relation to early years of drinking. *Addiction Research & Theory*. 20(4): p. 329-338.

⁷ Ibid.

⁸ Jones, S.C. & Magee, C.A. (2011). Exposure to alcohol advertising and alcohol consumption among Australian adolescents. *Alcohol and Alcoholism*. 46 (5): p. 630-637.

⁹ Siegel, M., Chen, K., DeJong, W., Naimi, T.S., Ostroff, J., Ross, C.S. & Jernigan, D.H. (2014). Differences in alcohol brand consumption between underage youth and adults – United States, 2012. *Substance Abuse*. Doi: 10.1080/08897077.2014.883344.

¹⁰ Ibid.

vehicles and video terminals. In 2008, out-of-home advertising accounted for 5.6% of total marketing spending by the top twelve alcohol corporations.¹¹ 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 ads. 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 England and Wales.¹² 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.¹³ This is similar findings to those in New Zealand.

Alcohol Advertising Self-regulation

The self-regulation of alcohol marketing has previously been described by the British Medical Association as 'entirely inadequate'.¹⁴

However, there is limited peer-reviewed research on (apparent) compliance with alcohol advertising regulation in New Zealand.¹⁵ 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 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.¹⁶

¹¹ Blakemore, J., Mart, S. & Treffers, R. (2013). *These bus ads don't stop for children: alcohol advertising on public transit*. An Alcohol Justice Report. California:U.S.A.

¹² Alcohol Concern (2013). *Overexposed and overlooked. Young people's views on the regulation of alcohol promotion*. London:UK.

¹³ Ibid.

¹⁴ British Medical Association (2009). *Under the influence: The damaging effect of alcohol marketing on young people*. London: BMA.

¹⁵ Jones, S.C. & Gordon, R. (2013). Regulation of alcohol advertising: Policy options for Australia. *Evidence base*, issue 2, ISSN 1838-9422.

¹⁶ Brand et al. (2007). Cited in above reference.

Research post 2010 has painted the same picture of the ineffectiveness of the self-regulatory system. Professor Thomas Babor even went as far as to label the self-regulatory system of alcohol advertising as “spectacularly ineffective”.¹⁷

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 ads 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.¹⁸

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.¹⁹ 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.²⁰

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.²¹ 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.

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

¹⁷ Babor, T. (2013). Global responses to WHO Alcohol Strategy. Personal Communications. Global Alcohol Policy Conference, Seoul, South Korea. October 8th, 2013.

¹⁸ Babor, T., Xuan, Z. & Noel, J. (2013). An empirical evaluation of the US Beer institute’s self regulation code governing the content of beer advertising. *American Journal of Public Health*. Doi: 10.2105/AJPH.2013.301487.

¹⁹ Jernigan, D. et al (2013). Youth exposure to alcohol advertising on television – 25 markets, United States, 2010. *Morbidity and Mortality Weekly Review*. Vol. 62, No.44.

²⁰ Lyons, A., McNeill, A. & Britton, J. (2013). Alcohol imagery on popularly viewed television in the UK. *Journal of Public Health*. Pp.1-9. Doi:10.1093/pubmed/fdt074.

²¹ Ross, C.S., Ostroff, J. & Jernigan, D.H. (2014). Evidence of underage targeting of alcohol advertising on television in the United States: Lessons from the Lockyer v. Reynolds decisions. *Journal of Public Health Policy*. Vol.35, 1, 105-118.

suitable for youth audiences.²² 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 magazine advertisements to determine adherence federal and voluntary advertising standards.²³ 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 ads. 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.²⁴

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.²⁵ 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.²⁶ In both studies (2005 & 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.

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

In the UK, a group called the Youth Alcohol Advertising Council (YAAC) consisting of young people aged between 16 and 19 years of age have the remit to scrutinise alcohol advertising against the

²² Lyons, A. & Britton, J. (2013). A content analysis of tobacco and alcohol in popular UK films: an update. *The Lancet*, Vol 82, p.S66. doi:10.1016/S0140-6736(13)62491-5.

²³ Smith, K., Cukier, S. & Jernigan, D. (2013). Regulating Alcohol Advertising: Content analysis of the adequacy of federal and self-regulation of magazine advertisements, 2008-2010. *American Journal of Public Health*. Doi: 10.2105/AJPH.2013.301483.

²⁴ Rhoades, E. & Jernigan, D.H. (2013). Risky messages in alcohol advertising, 2003-2007: Results from content analysis. *Journal of Adolescent Health*. <http://dx.doi.org/10.1016/j.adohealth.2012.04.013>.

²⁵ Jernigan, D.H., et al (2014). Alcohol brand references in U.S popular music, 2009-2011. *Substance Use and Misuse*. Draft article.

²⁶ Sloane, K., Wilson, N. & Imlach Gunasekara, F. (2013). A content analysis of the portrayal of alcohol in televised music videos in New Zealand: Changes over time. *Drug and Alcohol Review*, 32, 47-52.

local codes from a younger person's perspective.²⁷ After reviewing selected advertising, it is the group's task to decide whether to make a complaint to the ASA. The process has highlighted a number of important weaknesses in the regulatory controls of alcohol marketing including: 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.²⁸ 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.²⁹

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 marketing³⁰. 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.

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)³¹ 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. O'Brien et al (2011)³² examined found that consistent with work from the US alcohol-related aggressive and antisocial behaviours were greater in male Australian university sportspeople/athletes than in their female non-sporting counterparts. These findings may represent 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 association between receipt of alcohol industry sponsorship, and attendance at alcohol sponsor's drinking

²⁷ Alcohol Concern (2013). *Alcohol advertising regulation that balances commercial and public interest*. London: UK.

²⁸ Ibid.

²⁹ Ibid.

³⁰ Casswell, S. (2012). Current status of alcohol marketing policy. *Addiction*, 107, 478-485.

³¹ Terry-McElrath & O'Malley (2011). Commentary – Bad Sport – exorcizing harmful substances and other problems. *Addiction*, 106, 1866-1867.

³² O'Brien, K., Kolt, G.S., Martens, M.P., Ruffman, T., Miller, P.G. & Lynott, D. (2011). Alcohol-related aggression and antisocial behaviour in sportspeople/athletes. *Journal of Science and Medicine in Sport*. Doi: 10.1016/j.jsams.2011.10.008.

establishments, and alcohol related aggression and antisocial behaviour in university students who play sport.³³ 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.³⁴

A number of studies in New Zealand have examined alcohol-related promotion during popular sports events.³⁵ 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.³⁶ 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.³⁷

Pettigrew et al (2013) demonstrated for the first time in an Australian study that children are likely to be subconsciously absorbing multi-million dollar sports sponsorship messages.³⁸ 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.

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

³³ O'Brien, K., Lynott, D. & Miller, P.G. (2013). Alcohol industry sponsorship and alcohol-related harms in Australian university sportspeople/athletes. *Drug and Alcohol Review*. 32, 241-247.

³⁴ Ibid.

³⁵ Gee, S. (2013). The culture of alcohol sponsorship during the 2011 Rugby World Cup: an (auto)ethnographic and (con)textual analysis. *Sport in Society*, Vol 16, No 7, 912-930 & Gee, S., Jackson, S. & Sam, M. (2014). Carnivalesque culture and alcohol promotion and consumption at an annual international sports event in New Zealand. *International Review for the Sociology of Sport*. 1-19.

³⁶ Gee, S., Jackson, S., Sam, M. (2013). *The culture of alcohol promotion and consumption at major sports events in New Zealand*. Commissioned by the Health Promotion Agency: Wellington.

³⁷ Ibid.

³⁸ Pettigrew, S., Rosenberg, M., Ferguson, R., Houghton, S. & Wood, L. (2013). Game on: do children absorb sports sponsorship messages? *Public Health Nutrition*. Doi: 10.1017/S1368980012005435.

million in the preceding year³⁹. Accordingly, by 2012, alcohol brands had the highest engagement rate on Facebook.⁴⁰ 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).⁴¹ These activities allow marketers to embed brand-related activities in the routines of social media engagement for large numbers of people, and to use social media to encourage a more routine approach to alcohol consumption.⁴²

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 norms⁴³. A new term has also been coined to describe how alcohol companies are using their consumers to also promote their brands on 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.⁴⁴ 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.⁴⁵ 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.⁴⁶ 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

³⁹ Nicholls, J. (2012). *Everyday, Everywhere: Alcohol Marketing and Social Media – Current Trends*.

⁴⁰ Carranza, A. (2012). Alcohol and automotive industries create the most engagement on Facebook. Accessed from <http://www.examiner.com/article/alcohol-and-automotive-industries-create-the-most-engagement-on-facebook>. Accessed on 13/12/12.

⁴¹ Ibid footnote 5.

⁴² Ibid.

⁴³ Ibid.

⁴⁴ Sthapitanonda, P. (2012). The role of social media in promoting alcohol consumption: Issues and Solutions. Personal Communication. Global Alcohol Policy Conference, Thailand. 13-15 February, 2012.

⁴⁵ McCreanor, T., Lyons, A., Griffin, C., Goodwin, I., Moewaka Barnes, H. & Hutton, F. (2013). Youth drinking cultures, social networking and alcohol marketing: implications for public health. *Critical Public Health*, Vol 23, no.1, 110-120. <http://dx.doi.org/10.1080/09581596.2012.748883>.

⁴⁶ Niland, P., Lyons, A.C., Goodwin, I. & Hutton, F. (2014). "See it doesn't look pretty does it?" Young adults' airbrushed drinking practices on Facebook. *Psychology & Health*. Doi: 10.1080/08870446.2014.893345.

cultures.⁴⁷ 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 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.⁴⁸ 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.⁴⁹ 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 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.⁵⁰ These behaviours are particularly concerning when research such as that described above is documenting the role of social media and other technologies in young people's lives today in New Zealand.

Solutions

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. 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 occur⁵¹. 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:

⁴⁷ Lyons, A. C., McCreanor, T., Hutton, F., Goodwin, I., Moewaka Barnes, H., Griffin, C., Vroman, K., O'Carroll, A.D., Niland, P., & Samu, L. (2014). *Flaunting it on facebook: young adults, drinking cultures and the cult of celebrity*. Research Report, March 2014. Massey University of Psychology: Wellington.

⁴⁸ Ibid.

⁴⁹ Chester, J. (2012). *The digital marketing of alcoholic beverages to youth: how social media, mobile devices, personalised data collection and neuromarketing have transformed the global advertising landscape*. Personal communication. Global Alcohol Policy Conference. Thailand, 13-15 February, 2012.

⁵⁰ Ibid.

⁵¹ Casswell, S. (2012). Current status of alcohol marketing policy. *Addiction*, 107, 478 – 485.

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. The evaluation of the alcohol marketing regulations of 23 European countries showed that Norway and France have the most effective regulations.⁵² 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.
3. Iceland – All alcohol advertising and broadcasting is banned.
4. Sweden - Swedish legislation prohibits advertising of alcohol over 2.25% abv in all media. The law allows only trade magazines to advertise alcohol. Alcohol ads are not permitted on radio or television, including satellite.
5. South Africa – Cabinet approved a draft bill banning all alcohol advertising at the end of 2013.
6. Finland – Prohibit advertising of mild alcoholic beverages in public places in Finland with the aim of reducing the situations where children and youth are exposed to alcohol advertising.
7. 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.
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.

Alcohol Healthwatch encourages you to have your say. We have provided a number of submission options for you on our website – www.ahw.org.nz. If you require any further assistance, please contact us on (09) 520 7038 or email amy@ahw.org.nz.

⁵² Eurocare (2010). Norwegian & French advertising regulations the most effective (FASE project). Accessed from http://www.eurocare.org/media_centre/newsletter/2010/winter_edition_2010/new_research_and_publications/norwegian_and_french_advertising_regulations_the_most_effective_fase_project.